

**CITY OF BROOKINGS
STATE OF OREGON**

RESOLUTION 14 -R-1030

A RESOLUTION OF THE CITY OF BROOKINGS AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A FINANCING CONTRACT WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

WHEREAS, The City Council (the “Governing Body”) of the City of Brookings (the “Recipient”) finds:

A. The Recipient is a “municipality” within the meaning of Oregon Revised Statutes 285B.410(8).

B. Oregon Revised Statutes 285B.410 through 285B.479 (the “Act”) authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (“the IFA”) to obtain financial assistance from the Special Public Works Fund.

C. The Recipient filed a previous application with the IFA for a “development project” within the meaning of the Act and has completed the project.

D. The IFA approved a maximum loan amount of \$4,000,000 in interim financing assistance from the Special Public Works Fund (“Original Contract”).

E. The Recipient has applied to convert the previous interim financing and unpaid accrued interest to a permanent direct loan from Special Public Works Fund and is required, as a prerequisite to the receipt of financial assistance from the IFA, to enter into an Amended and Restated Financing Contract with the IFA, substantially in the form attached hereto as Exhibit A.

F. Notice relating to the Recipient’s consideration of the adoption of this Resolution was published in full accordance with the Recipient’s charter and laws for public notification.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Recipient as follows:

1. Financing Loan Authorized. The Governing Body authorizes the City Manager or the Finance and Human Resources Director to execute the Amended and Restated Financing Contract and the Amended and Restated Promissory Note (the “Financing Documents”) and such other documents as may be required to obtain financial assistance including a loan from the IFA on the condition that the principal amount of the loan from the IFA to the Recipient is not in excess of \$4,471,055 and the interest rate is 4.0% per annum.

2. Security. Amounts payable by the Recipient shall be payable from the sources described in section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:

- (a) The revenues of the project, including special assessment revenues;
- (b) Amounts withheld under ORS 285B.449 (1);
- (c) The general fund of the Recipient; or
- (d) Any other source.

3. Additional Documents. The City Manager or the Finance and Human Resources Director is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain financial assistance from the IFA for the Project pursuant to the Financing Documents.

4. Tax-Exempt Status. The Recipient covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Recipient pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The City Manager or the Finance and Human Resources Director of the Recipient may enter into covenants on behalf of the Recipient to protect the tax-exempt status of the interest paid by the Recipient pursuant to the Financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as shall be required by the IFA or their bond counsel to protect the tax-exempt status of such interest.

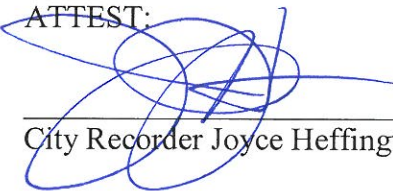
5. Declaration of Emergency. The Governing Body declares than an emergency exists in order that there be no delay in financing the Project as provided in this Resolution. Therefore, this Resolution shall be in force and effect from and after passage by the Governing Body.

DATED this 12th day of May, 2014.

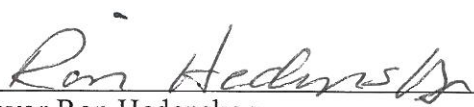
City of Brookings


Finance and Human Resources Director

ATTEST:


City Recorder Joyce Heffington

Passed by the City Council May 12, 2014 ; effective the same date.


Mayor Ron Hedenskog

Attest:


City Recorder Joyce Heffington