

RESOLUTION NO. 2276

Introduced by All Commissioners

AUTHORIZING A LOAN FROM THE SAFE DRINKING WATER REVOLVING LOAN
FUND BY ENTERING INTO A LOAN CONTRACT
WITH THE OREGON BUSINESS DEVELOPMENT DEPARTMENT

The City Commission of the City of Warrenton finds:

- A. The City of Warrenton is a community or nonprofit non-community water system as defined in Oregon Administrative Rule 123-049-0010.
- B. The Safe Drinking Water Act Amendments of 1996, Pub.L. 104-182, as amended (the "Act"), authorize any community or nonprofit non-community water system to file an application with the Oregon Business Development Department ("the Department") to obtain financial assistance from the Safe Drinking Water Revolving Loan Fund.
- C. The City of Warrenton has filed an application with the Department to obtain financial assistance for a "drinking water project" within the meaning of the Act.
- D. The Department has approved the City of Warrenton's application for financial assistance from the Safe Drinking Water Revolving Loan Fund pursuant to the Act.
- E. The City of Warrenton is required, as a prerequisite to the receipt of financial assistance from the Department, to enter into a Financial Assistance Award Contract and a Loan Agreement with the Department in substantially the form attached hereto as Exhibits "A" and "B."
- F. The project described in Exhibit "A" to the Loan Agreement (the "Project") is a "safe drinking water project" within the meaning of the Act which is needed by and is in the public interest of the City of Warrenton.
- G. Notice relating to the City of Warrenton's consideration of the adoption of this Resolution was published in full accordance with the City of Warrenton's charter and laws for public notification.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Warrenton as follows:

1. Loan Authorized. The Governing Body authorizes the Mayor to execute the Financial Assistance Award Contract, Loan Agreement, the Promissory Note attached as Exhibit "G" to the Loan Agreement (the "Financing Documents") and such other documents as may be required to obtain financial assistance including a loan from the Department on the condition that the principal amount of the loan from the Department to the City of Warrenton is not in excess of

\$ 5,399,048 _ and the interest rate on such loan is not in excess of 3.83 percent. The proceeds of the loan from the Department shall be applied solely to the "Costs of the Project" as such term is defined in the Loan Agreement.

2. Security. Amounts payable by the City of Warrenton shall be payable from the sources described in Section 2.05 of the Loan Agreement which include:

a. any sources of funds that are legally available to the City of Warrenton,
b. the revenues, if any, of the Project, including special assessment revenues, if any, and
c. the City of Warrenton's general fund including the general revenues of the City of Warrenton or other funds which may be available. The obligation of the City of Warrenton to make payments pursuant to the Loan Agreement is a full faith and credit obligation of the City of Warrenton that is not subject to annual appropriation.

3. Additional Documents. The Mayor 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 Department for the Project pursuant to the Financial Assistance Award Contract and the Loan Agreement.

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

5. This resolution shall take effect immediately upon its passage.

Adopted by the City Commission of the City of Warrenton this 25th Day of August, 2009.

APPROVED



Gilbert Gramson, Mayor

ATTEST



Linda Engbretson, City Recorder