

ORDINANCE NO. 960-A
INTRODUCED BY COMMISSIONER: RICHARD CARRUTHERS
ORDINANCE OF THE CITY OF WARRENTON

AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND
BY ENTERING INTO A LOAN CONTRACT
WITH THE OREGON ECONOMIC DEVELOPMENT DEPARTMENT

The City of Warrenton Ordains as Follows:

WHEREAS, The City of Warrenton is a "Municipality" within the meaning of Oregon Revised Statutes 285.700(1); and

WHEREAS, Oregon Revised Statutes 285.700 through 285.750 (the "Act") authorizes any municipality to file an application with the Oregon Economic Development Department ("the Department") to obtain financial assistance from the Special Public Works Fund; and

WHEREAS, The Municipality has filed an application with the Department to obtain financial assistance for an "infrastructure project" within the meaning of the Act; and

WHEREAS, The Department has approved the Municipality's application for financial assistance from the Special Public Works Fund pursuant to the Act; and

WHEREAS, The Municipality 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"; and

WHEREAS, The project described in Exhibit "A" to the Loan Agreement (the "Project") is an "infrastructure project" within the meaning of the Act which is needed by and is in the public interest of the Municipality; and

WHEREAS, Notice relating to the Municipality's consideration of the adoption of this Ordinance was published at least once in a newspaper of general circulation within the City of Warrenton. Such notice was published at least 14 days in advance of the adoption of this Ordinance.

NOW, THEREFORE, THE WARRENTON CITY COMMISSION ORDAINS AS FOLLOWS:

SECTION 1: Loan Authorized The Warrenton City Commission hereby authorizes the Mayor to execute the Financial Assistance Award Contract, Loan Agreement, the Promissory note attached as Exhibit "F" 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 Municipality is not in excess of \$210,000 and the interest rate on such loan is not in excess of 6%. 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.

SECTION 2: Security Amount payable by the Municipality shall be payable from the sources described in Section 3.09 of the Loan Agreement and Oregon Revised Statutes 285.723(2) which include:

- a. any sources of funds that are legally available to the Municipality,
- b. the revenues, if any, of the Project, including special assessment revenues, if any, and

- c. the Municipality's general fund including the general revenues of the Municipality, other funds which may be available for such purpose and a pledge of the Municipality's taxing power within the restrictions of Article XI, Section 11 and 11b of the Constitution of the State of Oregon. The obligation of the Municipality to make payments pursuant to the Loan Agreement is a full faith and credit obligation of the Municipality that is not subject to annual appropriation.

SECTION 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.

SECTION 4: Tax-Exempt Status The Municipality covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Municipality 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 Municipality may enter into covenants on behalf of the Municipality to protect the tax-exempt status of the interest paid by the Municipality 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.

SECTION 5: Reimbursement Bonds The Municipality may reimburse expenditures for the Project with amounts received from the Department pursuant to the Financing Documents. Additionally, the Municipality understands that the Department may fund or reimburse itself for the funding of amounts paid to the Municipality pursuant to the Financing Documents with the proceeds of bonds issued by the State of Oregon pursuant to the Act. This Ordinance shall constitute "official intent" within the meaning of Section 1.150-2 of the Income Tax regulations promulgated by the United States Department of the Treasury with respect to the funding or the reimbursement for the funding of costs of the Project with the proceeds of the Municipality's loan pursuant to the Financing Documents and with the proceeds of any bonds issued by the State of Oregon pursuant to the Act.

SECTION 6: Declaration of Emergency The City Commission of the City of Warrenton declares that an emergency exists in order that there be no delay in financing the Project as provided in this Ordinance. Therefore, this Ordinance shall be in force and effect from and after passage by the Warrenton City Commission.

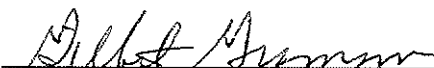
PASSED by the City Commission of the City of Warrenton, Oregon, this 20th day of March, 1996.

APPROVED by the Mayor of the City of Warrenton, this 20th day of March, 1996.



Barbara Balensifer, Mayor

ATTEST:



Gilbert G. Gramson
City Manager/Auditor