

ORDINANCE NO. 528

ORDINANCE OF THE CITY OF WILSONVILLE AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A LOAN CONTRACT WITH THE OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT FOR THE WILLAMETTE WATER TREATMENT PLANT, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council (the "Governing Body") of the City of Wilsonville (the "Municipality") finds;

WHEREAS the Municipality is a "municipality" within the meaning of Oregon Revised Statutes 285B.410(1); and

WHEREAS Oregon Revised Statutes 285B.410 through 285B.479 (the "Act") authorize any municipality to file an application with the Oregon Economic and Community 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" (Willamette Water Treatment Plant) 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 Wilsonville. Such notice was published at least 14 days in advance of the adoption of this Ordinance.

NOW THEREFORE, THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

1. Loan Authorized. The Governing Body authorizes the Finance Director 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 \$10,000,000 and the interest rate on such loan is not in excess of the interest rate on the series of Oregon Bond Bank Revenue Bonds issued by the State of Oregon to fund all or any portion of such loan. 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 Municipality shall be payable from the sources described in Section 2.05 of the Loan Agreement and the Oregon Revised Statutes Section 285B.443(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.

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

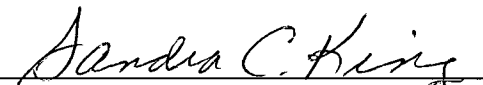
4. Tax-Exempt Status. The Municipality covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the Municipality pursuant to the Loan Agreement not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The City Manager or designee 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.

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 the 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.

6. Declaration of Emergency. The Governing Body 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 Governing Body.

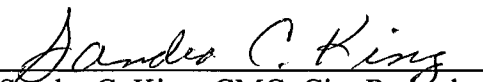
SUBMITTED to the Wilsonville City Council and read for the first and second time at a regular meeting thereof on the 21st day of August, 2000, commencing at the hour of 7 p.m. in the Wilsonville Community Center.


Sandra C. King, CMC, City Recorder

ENACTED by the City Council on the 21st day of August, 2000, by the following votes:

Yes: -5-

No: -0-


Sandra C. King, CMC, City Recorder

DATED and signed by the Mayor this 21st day of August 2000.


CHARLOTTE LEHAN, Mayor

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Helser	Yes
Councilor Barton	Yes
Councilor Kirk	Yes
Councilor Holt	Yes

**CERTIFICATE OF REGULAR MEETINGS,
QUORUM COMPLIANCE, ORDINANCE ENACTMENT PROCEDURE COMPLIANCE;
AND POLICY IMPLEMENTED IN ACCORDANCE WITH ORS 192.640.**

OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
OREGON BOND BANK

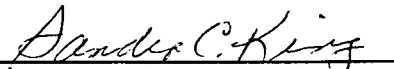
STATE OF OREGON)
)ss.
County Of Clackamas)

I, Sandra C. King, being duly sworn on oath depose and say that:

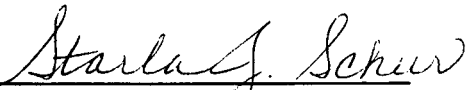
I am the duly appointed, qualified and acting City Recorder of the City of Wilsonville, Oregon, a municipal corporation and political subdivision of the State of Oregon ("the Municipality"). In my capacity as City Recorder, I have the care, custody and control of the official records of the Municipality.

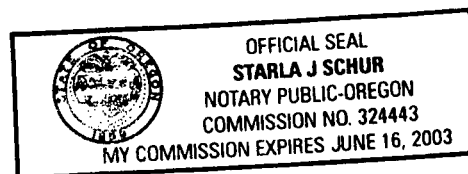
I state as follows from the records of the Municipality:

- A. The governing body of the Municipality meets in regular session on the first and third Mondays of each month at the hour of 7 p.m. The meetings have been established in due and proper form pursuant to the Municipal Code of the City.
- B. A quorum, as defined by the City Charter was present throughout each of the following regular meeting of the governing body of the Municipality: August 21, 2000
- C. The governing body has adopted the following policy to implement the provisions of ORS 192.640; Agendas for Council meetings are posted at five public locations around the City, five days prior to the date of the meeting. The City complies with all requirements of public meeting law as prescribed in ORS 192.640.
- D. Notice relating to the Municipality's consideration of the adoption of Ordinance No. 528 was published at least once in a newspaper of general circulation within the City of Wilsonville. Such notice was published at least 14 days in advance of the adoption of this Ordinance.


Sandra C. King, CMC, City Recorder
City of Wilsonville

SUBSCRIBED AND SWORN to before me on this 20th day of August 2000.


Notary Public for Oregon
My commission expires: June 16, 2003



CERTIFICATE AS TO INCUMBENCY

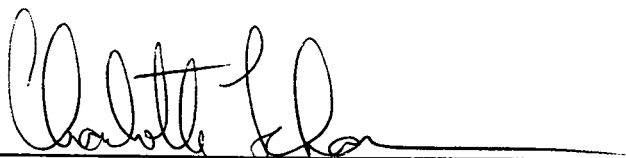
**OREGON ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT
OREGON BOND BANK**

I, Charlotte Lehan, the Mayor for the City of Wilsonville, Oregon (the "Municipality"), do hereby certify as follows:

The names of the officers of said Municipality, their respective positions, and the dates of expiration of their terms of office are as follows:

<u>Name of Officer</u>	<u>Position</u>	<u>Expiration Date of Current Term</u>
Charlotte Lehan	Mayor	December 31, 2000
John Helser	Council President	December 31, 2000
Alan Kirk	Councilor	December 31, 2002
Bruce Barton	Councilor	December 31, 2002
Bennett Holt	Councilor	December 31, 2000

Dated this 21st day of August, 2000.



Charlotte Lehan, Mayor