



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19635

Proposed No. 2023-0181.2

Sponsors McDermott

1 AN ORDINANCE amending Ordinance 19377, adopted by
2 the council on December 14, 2021, which authorized the
3 issuance of sewer revenue bonds of the county, to extend
4 the final maturity date for sewer revenue bonds issued to
5 evidence loans from the U.S. Environmental Protection
6 Agency's Water Infrastructure Finance and Innovation Act
7 (WIFIA) program and to clarify the applicability of
8 ordinance terms to WIFIA loans; and amending Ordinance
9 19377, Section 28, and establishing an effective date.

10 **PREAMBLE:**

11 In accordance with Ordinance 19377 (the "Original Ordinance"), the
12 county is authorized to issue and sell from time to time one or more series
13 of both sewer revenue bonds ("Parity Bonds") and limited tax general
14 obligation bonds, payable from sewer revenues of the county, in an
15 aggregate principal amount not to exceed \$905,000,000 to provide funds
16 for acquiring and constructing improvements to the sewer system.

17 The county's Sewer Revenue Bond, 2018A, authorized by Ordinance
18 18588 and Motion 15115, and the county's Sewer Revenue Bond, 2021,
19 authorized by Ordinance 19112 and Motion 15789, were delivered to the
20 U.S. Environmental Protection Agency (the "EPA") to evidence loans

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21 made to the county under the Water Infrastructure Finance and Innovation
22 Act ("WIFIA") program (the "Existing WIFIA Loans"), which Existing
23 WIFIA Loans may be drawn upon up to a maximum principal amount of
24 \$134,500,000 and \$96,844,510, respectively, as noted in Attachment A to
25 the Original Ordinance.

26 The EPA is willing to enter into a WIFIA Master Agreement with the
27 county to provide common terms and conditions applicable to each
28 prospective WIFIA loan.

29 Under the Original Ordinance, the Finance Director is to determine
30 whether sewer revenue bonds authorized under the Original Ordinance are
31 to be sold by competitive bid or negotiated sale or to the federal
32 government or another purchaser.

33 Under Section 28.D. of the Original Ordinance, if the Finance Director
34 determines that any series of bonds will be sold to the federal government
35 to evidence a loan from that purchaser, the Finance Director is directed to
36 negotiate the sale of the bonds and the terms of any loan or other
37 agreement with the purchaser, within the sale parameters set forth in
38 Section 28.E of the Original Ordinance.

39 The sale parameters include a requirement that the final maturity date for
40 any bonds issued for project, rather than refunding, purposes is not later
41 than 31 years after its date of issuance.

42 The WIFIA program allows the county to enter into a WIFIA Master
43 Agreement, then subsequently enter into one or more WIFIA loan

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44 agreements, and draw on the applicable WIFIA loan agreement when
45 funds are needed to pay or reimburse approved project costs, thereby not
46 incurring a loan repayment obligation until draws are made, and repay
47 draws over a term that can extend thirty-five years after the substantial
48 completion date of the project.

49 In accordance with Section 35.A. of the Original Ordinance, the council
50 from time to time and at any time may adopt an ordinance or ordinances
51 supplemental to the Original Ordinance, without bond owner consent, to
52 add agreements to the Original Ordinance or cure ambiguities in or make
53 corrections to the Original Ordinance so long as supplemental ordinance
54 will not adversely affect the interests of the registered owners of any
55 Parity Bonds or Parity Lien Obligations, as applicable.

56 In accordance with Section 24 of the Original Ordinance, and
57 corresponding provisions of the ordinances authorizing outstanding Parity
58 Bonds, the county has reserved the right to issue Future Parity Bonds upon
59 compliance with specified conditions. The county has not yet issued
60 bonds pursuant to the Original Ordinance and, moreover, amendments to
61 the sale parameters for Parity Bonds that otherwise meet all of the
62 specified conditions for the issuance of Future Parity Bonds does not
63 adversely affect the interests of the registered owners of any Parity Bonds.
64 The county now desires to amend the sale parameters for sewer revenue
65 bonds delivered to evidence loans made through the WIFIA program by
66 extending the maximum loan term to conform with WIFIA program

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67 requirements, provided that the maximum loan term does not exceed forty
68 years as required under RCW 39.46.150.

69 The county further desires to clarify the applicability of the Original
70 Ordinance's terms to a WIFIA Master Agreement and to WIFIA loans
71 made thereunder.

72 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

73 SECTION 1. Definitions. Capitalized terms used in this ordinance have the
74 meaning given those terms in the Ordinance 19377. In addition, the following words and
75 terms as used in this ordinance have the following meanings for all purposes of this
76 ordinance, unless some other meaning is plainly intended.

77 "EPA" means the United States Environmental Protection Agency.

78 "WIFIA" means the Water Infrastructure Finance and Innovation Act, § 5021 *et*
79 *seq.* of Public Law 113-121, codified as 33 U.S.C. §§ 3901-3914, as amended from time
80 to time.

81 SECTION 2. Findings: The council finds that it is in the best interest of the
82 county and the ratepayers of the System to amend Ordinance 19377 to extend the final
83 maturity date for Parity Bonds issued to evidence WIFIA loans and to clarify the
84 applicability of the ~~Original Ordinance's~~ terms in Ordinance 19377 to a WIFIA Master
85 Agreement and to WIFIA loan agreements made thereunder.

86 SECTION 3. Ordinance 19377, Section 28, is hereby amended to read as follows:

87 **Sale of Bonds.** The county hereby authorizes the sale of the Bonds in one or
88 more Series. The Finance Director is authorized to proceed with the sale of any Series of
89 the Bonds pursuant to subsections B., C. or D. of this section to refund any of the

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90 Refunding Candidates, and/or finance the costs of any project that has been approved by
91 the county council or will have been approved by the county council prior to the sale date
92 for such Bonds. The Finance Director is further authorized to proceed under this
93 ordinance with the sale of the Project Bonds for any such project and with the sale of the
94 Refunding Bonds to refund any Refunding Candidate pursuant to the sale provisions set
95 forth in this section and without regard to the requirements of any prior bond ordinance
96 that authorized the financing of the project or the refunding of such Refunding Candidate.

97 The Bonds will be sold in one or more Series, any of which may be sold in a
98 combined offering with other bonds and/or notes of the county, at the option of the
99 Finance Director. The Finance Director will determine, in consultation with the county's
100 financial advisors, the principal amount of each Series of the Project Bonds, which of the
101 Refunding Candidates will be refunded, whether any Series of Project Bonds or
102 Refunding Bonds will be sold separately or in one or more combined Series, whether
103 each Series of Bonds will be sold by competitive bid or negotiated sale, or to the federal
104 government or another purchaser, and for current or future delivery, and whether such
105 Series of Bonds will be issued and sold as Tax-Advantaged Obligations, Tax-Exempt
106 Obligations or Taxable Obligations.

107 A. **Satisfaction of Additional Bonds Tests.** The Finance Director will
108 provide or cause to be provided by a Professional Utility Consultant any certifications
109 required to comply with the tests established in prior ordinances of the county for the
110 issuance of additional Parity Bonds and additional Parity Lien Obligations, as applicable.

111 B. **Negotiated Sale.** If the Finance Director determines that any Series of the
112 Bonds will be sold by negotiated sale, the Finance Director shall, in accordance with

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113 applicable county procurement procedures, solicit one or more underwriting firms or
114 other financial institutions with which to negotiate the sale of such Bonds. Subject to the
115 parameters set forth in subsection E. of this section, the bond purchase agreement for
116 each Series of the Bonds will specify whether the Bonds of such Series are being issued
117 and sold as Tax-Advantaged Obligations, Tax-Exempt Obligations or Taxable
118 Obligations, and whether any Series of Bonds are designated as "green bonds" or social
119 impact bonds, and will also identify any Term Bonds and the year and any applicable
120 Series designation, date, principal amounts and maturity dates, interest rates and interest
121 payment dates, redemption and/or purchase provisions and delivery date for such Series
122 of Bonds.

123 C. **Sale by Competitive Bid.** If the Finance Director determines that any
124 Series of Bonds will be sold by competitive bid, bids for the purchase of such Series of
125 Bonds will be received at such time and place and by such means as the Finance Director
126 will direct. The Finance Director is authorized to prepare an Official Notice of Bond Sale
127 for each Series of Bonds to be sold pursuant to competitive bid, which notice will be filed
128 with the clerk of the county council. The Official Notice of Bond Sale will specify
129 whether the Bonds of such Series are being issued and sold as Tax-Advantaged
130 Obligations, Tax-Exempt Obligations or Taxable Obligations, and whether any Series
131 will be designated as "green bonds" or social impact bonds, and will identify the year and
132 any applicable Series designation, date, principal amounts and maturity dates, interest
133 payment dates, redemption and/or purchase provisions and delivery date for such Series
134 of Bonds.

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135 Upon the date and time established for the receipt of bids for a Series of the
136 Bonds, the Finance Director or the Finance Director's designee will review the bids
137 received, cause the bids to be mathematically verified, and accept the winning bid by
138 executing the Certificate of Award, which shall designate any Term Bonds, subject to the
139 parameters set forth in subsection E. of this section. The county, acting through the
140 Finance Director, reserves the right to reject any and all bids for such Bonds.

141 D. **Other Sales.** If the Finance Director determines that any Series of Bonds
142 will be sold to the federal government or other purchaser to evidence a loan from that
143 purchaser, the Finance Director, in consultation with the county financial advisors, will
144 negotiate the sale of such Bonds and the terms of any loan or other agreement with the
145 purchaser, including any Master WIFIA Agreement to be supplemented by WIFIA loan
146 agreements for each WIFIA loan made thereunder. The terms of any Master WIFIA
147 Agreement or any WIFIA loan agreements may include additional disbursement or other
148 conditions, covenants, events of default, remedies and other provisions generally
149 consistent with such provisions of the existing WIFIA loans, the forms of which were
150 approved by Motion 15115 and 15789, respectively, or current WIFIA program terms.
151 The loan agreement or other agreement or closing certificates for such Series of Bonds
152 will specify whether the Bonds of such Series are being issued and sold as Tax-
153 Advantaged Obligations, Tax-Exempt Obligations or Taxable Obligations, and whether
154 any Series of Bonds are designated as "green bonds" or social impact bonds, and will also
155 identify any Term Bonds and the year and any applicable Series designation, date,
156 principal amounts and maturity dates, interest rates and interest payment dates,
157 redemption and/or purchase provisions and delivery date for such Series of Bonds.

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158 E. **Sale Parameters.** Subject to the terms and conditions set forth in this
159 subsection, the Finance Director is hereby authorized to approve the issuance and sale of
160 any Series of the Bonds upon the Finance Director's approval of the final interest rates,
161 maturity dates, aggregate principal amounts, principal maturities and redemption rights
162 for the Series of the Bonds in accordance with the authority granted by this section so
163 long as:

164 1. The aggregate principal amount for the Series of Project Bonds
165 does not cause the aggregate principal amount for all Project Bonds issued under this
166 ordinance to exceed \$905,000,000;

167 2. The aggregate principal amount of the Series of Refunding
168 Bonds to be issued does not exceed the aggregate principal amount of the Refunded
169 Bonds to be refunded with such Series of Refunding Bonds, plus the amount deemed by
170 the Finance Director as reasonably required to effect such refunding as described in RCW
171 39.53.050, including amounts reasonably required to pay the redemption price of the
172 Refunded Bonds and costs of issuance and the refunding;

173 3. Except for Project Bonds delivered to evidence one or more
174 WIFIA loans from the EPA, ((F))the final maturity date for the Series of the Project
175 Bonds to be issued is not later than 31 years after its date of issuance. The final maturity
176 date for any Series of Project Bonds to be delivered to evidence one or more WIFIA
177 loans from the EPA is not later than the earlier of: (a) the date that is thirty-five years
178 following substantial completion of the financed project as such terms are defined in the
179 WIFIA loan agreement for that Series of Project Bonds; and (b) the date that is forty

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180 years after the date the county draws on the WIFIA loan evidenced by that Series of
181 Parity Bonds;

182 4. The final maturity date for the Series of the Refunding Bonds to
183 be issued is not later than the end of the fiscal year that includes the final maturity date
184 for the Refunded Bonds to be refunded with such Series of Bonds;

185 5. The Series of the Bonds to be issued are sold (in the aggregate) at
186 a price not less than 95 percent;

187 6. The true interest cost for the Series of Bonds does not exceed
188 5.0% if the Series of Bonds are issued as Tax-Exempt Obligations;

189 7. The true interest cost for the Series of Bonds does not exceed
190 7.0% if the Series of Bonds are issued as Taxable or Tax-Advantaged Obligations; and

191 8. The Series of Bonds conforms to all other terms of this
192 ordinance.

193 Subject to the terms and conditions set forth in this section, the Finance Director
194 is hereby authorized to execute each Sale Document to be dated the date of sale of the
195 applicable Series of Bonds. The signature of the Finance Director shall be sufficient to
196 bind the county.

197 The Finance Director shall provide an annual report to the Executive Finance
198 Committee and county council describing the Bonds approved pursuant to the authority
199 delegated in this section. The report must be transmitted by March 31 of each year. The
200 annual report shall be filed in the form of a paper original and an electronic copy with the
201 clerk of the council, who shall retain the original and provide an electronic copy to all

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202 councilmembers. The requirement for an annual report provided by this subsection
203 expires three years after the effective date of this ordinance.

204 The authority granted to the Finance Director by this subsection E. to execute Sale
205 Documents shall expire December 31, 2024; provided that an amendment to a Sale
206 Document may be executed, and performance pursuant to any Sale Document may be
207 completed, at any time. In the case of a Sale Document in the form of a WIFIA Master
208 Agreement, the authority granted to the Finance Director by this subsection E. to execute
209 such WIFIA Master Agreement shall expire December 31, 2024; provided that an
210 amendment or supplement to such Sale Document, including any supplement in the form
211 of a WIFIA loan agreement subject to the WIFIA Master Agreement, may be executed at
212 any time, issuance and delivery of one or more Series of Parity Bonds to evidence the
213 county's obligations under such Sale Document as supplemented may be completed at
214 any time, and performance pursuant to the Sale Document may be completed at any time.

215 All other provisions of this ordinance will remain in full force and effect. If a Sale
216 Document for a Series of the Bonds has not been executed by December 31, 2024, the
217 authorization for the issuance of the Bonds shall be rescinded and the Bonds shall not be
218 issued nor their sale approved unless such Bonds shall have been reauthorized by
219 ordinance of the council. The ordinance reauthorizing the issuance and sale of such
220 Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part
221 or may be in the form of an amendatory ordinance approving a bond purchase agreement,
222 certificate of award or loan agreement or establishing terms and conditions for the
223 authority delegated under this section. The authority of the county to sell bonds (e.g.,
224 enter into a bond purchase agreement, accept a bid to sell any bonds or enter into a loan

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225 or other agreement for the sale of the bonds), as defined in and pursuant to Ordinance
226 19112, as amended by Ordinance 19216, will terminate on the effective date of this
227 ordinance, but all other provisions of Ordinance 19112, as amended by Ordinance 19216,
228 will remain in full force and effect.

229 SECTION 4. Ordinance 19377 as Amended by this Ordinance Remains in
230 **Effect.** Ordinance 19377, as amended by this ordinance, is and remains in full force and
231 effect.


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232 **SECTION 5. Effective Date.** This ordinance shall be effective 10 days after its
233 enactment, in accordance with Article II of the county charter.

Ordinance 19635 was introduced on 5/16/2023 and passed by the Metropolitan King County Council on 6/27/2023, by the following vote:


Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

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Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 7/7/2023, _____.

DocuSigned by:

4FBCAB8196AE4C6...

Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Subject: Complete with DocuSign: Ordinance 19635.docx	
Source Envelope:	
Document Pages: 12	Signatures: 3
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Envelopeld Stamping: Enabled	Gavin Muller
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5TH AVE
	SEATTLE, WA 98104
	gavin.muller@kingcounty.gov
	IP Address: 198.49.222.20

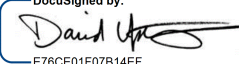
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Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
Chair
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Signature

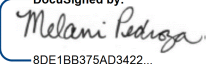
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Melani Pedroza
melani.pedroza@kingcounty.gov
Clerk of the Council
King County Council
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King County Executive
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Kaitlyn Wiggins kwiggins@kingcounty.gov Executive Legislative Coordinator King County Executive Office Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 6/30/2023 9:33:10 AM Viewed: 6/30/2023 12:26:49 PM
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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