



Legislation Text

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Clerk 03/21/2016

AN ORDINANCE modifying the Green River Flood Mitigation Project to be financed, in part, with proceeds of the county's Limited Tax General Obligation Bonds, 2011, Series C (Taxable) authorized by Ordinance 16681 to include the NDMSC Demolition Project as an additional project to be financed with proceeds of such bonds; and amending Ordinance 16681, Section 1.

PREAMBLE:

Pursuant to Ordinance 16681, the county authorized the issuance of one or more series of its limited tax general obligation bonds in an outstanding aggregate principal amount not to exceed \$29,000,000 to provide long-term financing for the Green River Flood Mitigation Project described therein.

Ordinance 16681 provides that the Green River Flood Mitigation Project may be modified where deemed advisable or necessary in the judgment of the county council.

Ordinance 16681 further provides that if the Green River Flood Mitigation Project has been completed, or its completion duly provided for, the county may apply any remaining proceeds of the Bonds, or any portion thereof, to the acquisition or improvement of other county capital projects as the county council in its discretion may determine.

Pursuant to Motion 13587, the county authorized the sale of (a) the 2011B Bonds as a series of Tax-Exempt Obligations pursuant to Ordinance 16681 in the original aggregate amount of \$5,725,000 to provide long-term financing for such portion of the Green River Flood Mitigation

Project as qualified for tax-exempt financing under the Code, and (b) the 2011C Bonds as a series of Taxable Obligations pursuant to Ordinance 16681 in the original aggregate amount of \$15,530,000 to provide long-term financing for such portion of the Green River Flood Mitigation Project as did not qualify for tax-exempt financing under the Code.

The 2011B Bonds and the 2011C Bonds were issued on December 1, 2011.

The Green River Flood Mitigation Project as originally defined in Ordinance 16681 has been completed and the county has determined that there remain unspent proceeds of the 2011C Bonds, but not the 2011B Bonds.

To allow the county to use the unspent proceeds of the 2011C Bonds for a purpose other than those provided for in the original definition of the Green River Flood Mitigation Project, it is therefore necessary to amend Ordinance 16681 to modify the Green River Flood Mitigation Project to include the NDMSC Demolition Project as an additional project to be financed with proceeds of the 2011C Bonds.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The county council hereby finds that the Green River Flood Mitigation Project as originally defined in Ordinance 16681 has been completed and there remain unspent proceeds of the 2011C Bonds, but not the 2011B Bonds. The county hereby deems it necessary to amend the Green River Flood Mitigation Project to include the NDMSC Demolition Project as an additional project to be financed with proceeds of the 2011C Bonds.

SECTION 2. Ordinance 16681, Section 1, is hereby amended to read as follows:

The following words and terms as used in this ordinance shall have the following meanings for all purposes of this ordinance, unless some other meaning is plainly intended:

"BABs" means "Build America Bonds" authorized under the federal American Recovery and Reinvestment Act of 2009.

"Bond Fund" means, with respect to each series of the Bonds, the bond redemption account established therefor pursuant to Section 12 hereof.

"Bond Sale Motion" means a motion of the council adopted at the time of sale of each series of the Bonds that establishes, with respect thereto, the following, among other things: the year and, if applicable, a series designation, dates, principal amounts and maturity dates, the interest rates and interest payment dates, and the redemption provisions therefor.

"Bonds" means the limited tax general obligation bonds of the county in an outstanding aggregate principal amount not to exceed \$29,000,000, authorized to be issued in one or more series by this ordinance to provide long-term financing for the Green River Flood Mitigation Project. Each series of Bonds may be issued as either Tax-Exempt Obligations or Taxable Obligations, as provided in Section 4.E of this ordinance.

"Code" means the federal Internal Revenue Code of 1986, as amended, together with corresponding and applicable final, temporary or proposed regulations and revenue rulings issued or amended with respect thereto by the United States Treasury Department or the Internal Revenue Service.

"DTC" means The Depository Trust Company, New York, New York.

"Federal Tax Certification" means, with respect to each series of Notes or Bonds, the certificate executed by the Finance Director pertaining to the county's expectations in connection with the federal tax treatment of interest on such series of Notes or Bonds.

"Finance Director" means the director of the finance and business operations division of the department of executive services of the county or any other county officer who succeeds to the duties now delegated to that office or the designee of such officer.

"Government Obligations" means "government obligations," as defined in chapter 39.53 RCW, as now in existence or hereafter amended.

"Green River Flood Mitigation Project" means the costs of flood planning and mitigation measures intended to prevent damage to facilities owned, and disruption of services provided, by the County at locations

in the Green River valley that might result from possible flooding due to structural damage to the Howard Hanson Dam, and if such flood planning and mitigation measures have been completed or their completion duly provided for, the NDMSC Demolition Project may be financed with the remaining proceeds of the 2011C Bonds.

"NDMSC Demolition Project" means the demolition and removal of the county's former North District Multi-Service Center, and design and construction of a parking lot on the same site.

"Note Fund" means, with respect to each series of the Notes, the note redemption account established therefor pursuant to Section 12 hereof.

"Note Sale Motion" means a motion of the council adopted at the time of sale of each series of the Notes that establishes, with respect thereto, the following, among other things: the year and, if applicable, a series designation, dates, principal amounts and maturity dates, the interest rates and interest payment dates, and the redemption provisions therefor.

"Notes" means the limited tax general obligation bond anticipation notes of the county in an outstanding aggregate principal amount not to exceed \$29,000,000, authorized to be issued in one or more series by this ordinance to provide interim financing for the Green River Flood Mitigation Project. Each series of Notes may be issued as either Tax-Exempt Obligations or Taxable Obligations, as provided in Section 5.E of this ordinance.

"Official Notice of Bond Sale" means, with respect to each series of the Bonds that is sold by competitive bid, the official notice of sale therefor prepared pursuant to Section 4.E hereof.

"Official Notice of Note Sale" means, with respect to each series of the Notes that is sold by competitive bid, the official notice of sale therefor prepared pursuant to Section 5.E hereof.

"Rebate Amount" means the amount, if any, determined to be payable with respect to the Notes or the Bonds, as applicable, by the county to the United States of America in accordance with Section 148(f) of the Code.

"Register" means the registration books maintained by the Registrar for purposes of identifying ownership of the Notes and the Bonds.

"Registrar" means the fiscal agency of the State of Washington appointed from time to time by the Washington State Finance Committee pursuant to chapter 43.80 RCW.

"Rule" means Securities and Exchange Commission Rule 15c2-12 under the Securities and Exchange Act of 1934, as the same may be amended from time to time.

"Taxable Obligations" means the Notes or Bonds, as applicable, of any series determined to be issued on a taxable basis (including, but not limited to, any BABs) pursuant to Section 5.E or Section 4.E of this ordinance, as applicable.

"Tax-Exempt Obligations" means the Notes or Bonds, as applicable, of any series determined to be issued on a tax-exempt basis pursuant to Section 5.E or Section 4.E of this ordinance, as applicable.

"2011B Bonds" means the county's Limited Tax General Obligation Bonds, 2011, Series B (Federally Tax-Exempt).

"2011C Bonds" means the county's Limited Tax General Obligation Bonds, 2011, Series C (Taxable).