



# City of Tukwila

Washington

## Cover page to Resolution 1739

The full text of the ordinance follows this cover page.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING A LOAN OR LOANS FROM THE GENERAL FUND AND/OR OTHER FUNDS TO THE ARTERIAL STREET FUND FOR UP TO A 15-MONTH PERIOD OF TIME.

See following reference in relation to Resolution 1739.

### REFERENCE

Reference Resolution No. 1791, adopted March 4, 2013, which provides for clarification of the terms of an interfund loan to fund the Tukwila Urban Center Access Project in LID No. 33.



# City of Tukwila

Washington

Resolution No. 1739

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AUTHORIZING THE TRANSFER OF FUNDS FOR THE PURPOSE OF MAKING A LOAN OR LOANS FROM THE GENERAL FUND AND/OR OTHER FUNDS TO THE ARTERIAL STREET FUND FOR UP TO A 15-MONTH PERIOD OF TIME.**

**WHEREAS**, there may be insufficient funds available from time to time during the period April 2011 to June 2012 in the Arterial Street Fund to cover authorized expenditures while the City waits for reimbursement of federal, state and local grant monies that have been approved for allocation to the City for which contracts have been executed; and

**WHEREAS**, the General Fund and/or other funds have sufficient funds from which to transfer funds in an amount not to exceed twelve million dollars (\$12,000,000) for the purpose of making loans to cover authorized expenditures from the Arterial Street Fund; and

**WHEREAS**, in the event a loan is made from the General Fund and/or other funds to the Arterial Street Fund as provided above, the loans shall be at the current market rate of interest for comparable investments of similar maturity; and

**WHEREAS**, the City Council intends to replace any funds loaned to the Arterial Street Fund with long term Local Improvement District bonds upon completion of the Tukwila Urban Center Access Project (Project No. 98410419), also known as the Klickitat project, upon completion of construction and completion of the final assessment roll;

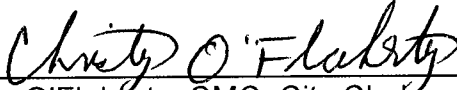
**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

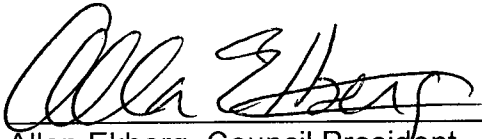
**Section 1. Purpose.** Authorization is hereby given during the time period April 2011 to June 2012 for the transfer of funds to the Arterial Street Fund, when there are insufficient funds available therein to cover authorized expenditures for which contracts have been executed, in an amount not to exceed twelve million dollars (\$12,000,000) from the General Fund and/or other funds for the purpose of making a loan at the current market rate of interest.

**Section 2. Implementation.** The Finance Director is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

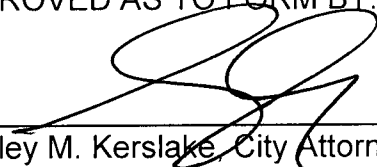
PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 2nd day of May, 2011.

ATTEST/AUTHENTICATED:

  
Christy O'Flaherty, CMC, City Clerk

  
Allan Ekberg, Council President

APPROVED AS TO FORM BY:

  
Shelley M. Kerslake, City Attorney

Filed with the City Clerk: 4-27-11  
Passed by the City Council: 5-2-11  
Resolution Number: 1739



# City of Tukwila

Washington

Resolution No. 1740

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, EXPRESSING OFFICIAL INTENT, PURSUANT TO TREASURY REGULATION SECTION 1.150-2, TO REIMBURSE THE CITY FROM THE PROCEEDS OF BONDS FOR CERTAIN ORIGINAL EXPENDITURES PAID IN CONNECTION WITH CERTAIN ARTERIAL STREET FUND PROJECTS; AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO MAKE DECLARATIONS OF OFFICIAL INTENT ON BEHALF OF THE CITY.**

**WHEREAS**, the City of Tukwila, Washington (the "City") intends to make expenditures for the Project (identified below) from funds that are available but that are not, and are not reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside for those expenditures, and reasonably expects to be reimbursed for those expenditures from proceeds of local improvement district bonds or other obligations issued to finance those expenditures; and

**WHEREAS**, it is the intent of the City to pay certain capital expenditures incident to the acquisition and construction of the Project to be financed by the proceeds of the bonds from other funds of the City pending the sale and delivery of the bonds and the receipt of the proceeds thereof, and the City reasonably expects to reimburse the funds of the City from the proceeds of such bonds;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1. Description of Project for Which Expenditures are to be Made.** The City intends to make, and/or not more than 60 days before the date of this declaration has made, expenditures and reasonably expects to reimburse itself for those expenditures from the proceeds of local improvement district bonds for the Tukwila Urban Center Access Project, Project No. 98410419 (the "Project"), also known as the Klickitat project.

**Section 2. Maximum Principal Amount of Obligations Expected to be Issued for the Project.** The City expects that the maximum principal amount of bonds that will be issued to finance the Project will be twelve million dollars (\$12,000,000).

**Section 3. Declaration Reasonable.** The City Council has reviewed its existing and reasonably foreseeable budgetary and financial circumstances and has determined the City reasonably expects to reimburse itself for expenditures for the Project from proceeds of bonds because the City has no funds available that already are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the City for those expenditures on the Project.

**Section 4. Limitations on Uses of Reimbursement Amounts.** For one year after the allocation of proceeds, the City will not use amounts corresponding to proceeds received from bonds issued in the future to reimburse the City for previously paid expenditures for the Project in any manner that results in those amounts being treated as replacement proceeds of any tax exempt bonds, i.e., as a result of being deposited in a reserve fund, pledged fund, sinking fund or similar fund other than a bona fide debt service fund that is expected to be used to pay principal of or interest on tax exempt bonds. The City will not use said amounts in any manner that employs an abusive arbitrage device to avoid arbitrage restrictions.


**Section 5. Designation of Authorized Representative.** The Finance Director is hereby designated as the authorized representative of the City to declare in writing, in such form as may be approved by the City Council, the official intent of the City to reimburse original expenditures for the Project from proceeds of debt to be issued for purposes of and in accordance with Treasury Regulation Section 1.150-2.

**Section 6. Implementation.** The Finance Director is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 2nd day of May, 2011.

ATTEST/AUTHENTICATED:

  
Christy O'Flaherty, CMC, City Clerk

  
Allan Ekberg, Council President

APPROVED AS TO FORM BY:

  
Shelley M. Kerslake, City Attorney

Filed with the City Clerk: 4-27-11  
Passed by the City Council: 5-2-11  
Resolution Number: 1740



# City of Tukwila

Washington

## Cover page to Resolution 1791

The full text of the ordinance follows this cover page.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, PROVIDING FOR CLARIFICATION OF THE TERMS OF AN INTERFUND LOAN TO FUND THE TUKWILA URBAN CENTER ACCESS PROJECT IN LOCAL IMPROVEMENT DISTRICT NO. 33, AND OTHER MATTERS PROPERLY RELATED THERETO.

See following reference in relation to Resolution 1791.

### REFERENCE

Reference Resolution No. 1739, adopted May 2, 2011, authorizing the transfer of funds for the purpose of making a loan or loans from the General Fund and/or other Funds during the time period April 2011 to June 2012.



# City of Tukwila

Washington

Resolution No. 1791

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, PROVIDING FOR CLARIFICATION OF THE TERMS OF AN INTERFUND LOAN TO FUND THE TUKWILA URBAN CENTER ACCESS PROJECT IN LOCAL IMPROVEMENT DISTRICT NO. 33, AND OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS**, the City Council, by Ordinance No. 2260 passed on November 16, 2009, formed Local Improvement District No. 33 ("LID No. 33"); ordered the City to undertake the Urban Center Access Project (Project 98410419) (the "Project"); established the Local Improvement Fund, District No. 33 (the "LID Project Fund"), to pay the costs of the Project; and authorized the use of interfund loans or other short-term borrowings to pay the costs of the Project on an interim basis pending the receipt of the revenues from the issuance of Local Improvement District Bonds (the "LID Bonds"), grants and other resources; and

**WHEREAS**, the City Council, by Resolution No. 1739 adopted on May 2, 2011, directed that up to \$12,000,000 of funds be loaned on a temporary basis at a market rate for the purpose of paying costs of the Project; and

**WHEREAS**, the Project is nearing completion and it is now expected that the LID Bonds will be issued in mid-2013, and it is now necessary to clarify and restate the terms of that interfund loan;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** In order to meet the continuing cash flow needs of the Project, the City Council now finds that the terms of the previously-authorized interfund loan must be revised and updated as follows:

1. The loan amount authorized to be loaned from the Arterial Street Fund to the LID Project Fund is revised to a maximum amount not to exceed \$9,500,000.

2. The loan amount authorized to be loaned from the General Fund or other funds to the Arterial Street Fund is revised to a maximum amount not to exceed \$2,500,000. The internal service Equipment Rental and Replacement Fund 501 shall serve as the lending fund for this loan.

3. Loan advances to meet Project cash flow needs shall be authorized until the loans are repaid from the LID Bond proceeds or other resources.

4. The loans shall be repaid from the LID Bond proceeds or other resources no later than December 31, 2014.

5. Interest shall accrue, beginning on the date of each expenditure (each of which shall be deemed a loan draw) until repaid, on the principal amount of each loan draw outstanding at the rate of 1.80 percent per annum, computed on the basis of a 360-day year for the actual number of days the principal amount of the loan draw is outstanding. Such rate is determined to be a market rate, after receiving quotes from three banks accustomed to making similar loans to municipal government entities, and approximating the average rate of interest that would likely have been charged had the City borrowed through those sources to provide interim funding for the Project.

**Section 2.** The Finance Director shall keep a record of the principal amount so borrowed, the amount of interest accruing and the repayment of all such principal and interest.

**Section 3.** The Finance Director and all other appropriate officials of the City are authorized to take such action as may be necessary to carry out this resolution including, without limitation, taking such action as may be necessary to amend the budgets for the affected years to reflect the transfers and interfund loans described in this resolution, and including bringing forth budget amendments or reconciliations to Council, if Council approval in addition to this resolution is determined to be necessary under state law. All actions previously taken and consistent with the provisions of this resolution are ratified and confirmed.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this 4<sup>TH</sup> day of March, 2013.

ATTEST/AUTHENTICATED:

Christy O'Flaherty  
Christy O'Flaherty, MMC, City Clerk

Kathy Hougardy  
Kathy Hougardy, Council President

APPROVED AS TO FORM BY:

Shelley M. Kerslake  
for Shelley M. Kerslake, City Attorney

Filed with the City Clerk: 2-27-13  
Passed by the City Council: 3-4-13  
Resolution Number: 1791