

1 April 6, 1988

INTRODUCED BY: PAUL BARDEN

2 PROPOSED NO.: 88 - 297

3 ORDINANCE NO. 8482

4 AN ORDINANCE authorizing the issuance of King County Road
5 Improvement District No. 102 bond anticipation notes in
6 the principal amount of \$1,595,000; providing the terms,
date, maturity and form thereof; and providing for the
sale thereof.

7 PREAMBLE:

8 By Ordinance No. 7642, King County (the "county") established Road
9 Improvement District No. 102 ("RID 102"), created the King County Road
10 Improvement District No. 102 Construction Fund, ordered certain street
11 improvements and authorized and directed the office of finance [now, the
12 finance division of the office of financial management] to obtain
13 interim financing for the costs of such improvements.

14 By chapter 39.50 RCW, the county is authorized to borrow money in antici-
15 pation of the sale of bonds for road improvement districts, and RCW
16 39.50.030 requires approval of such borrowing by ordinance.

17 The King County Council (the "council") has determined that it is in the
18 best interests of the county that bond anticipation notes in the aggre-
19 gate principal amount of \$1,595,000 (the "Notes") be issued to provide
20 such interim financing.

21 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

22 SECTION 1. Authorization of Bonds. For the purpose of paying the cost
23 and expense of the improvements to be constructed in RID 102, the county
24 shall issue and sell bonds of RID 102 in such principal amount and with such
25 date, interest rates, maturities, provisions for redemption, and other terms
26 and conditions as shall hereafter be determined by the council after comple-
27 tion of the improvements and confirmation of the assessment roll in the manner
28 provided by law. The proceeds of such bonds shall be paid into the King
29 County Road Improvement District No. 102 Construction Fund (the "Construction
30 Fund") and shall be applied, together with other available monies therein, to
31 pay costs of the improvements, costs of issuance of such bonds and the
32 principal of and unpaid interest on the Notes.

SECTION 2. Authorization of Notes. For the purpose of providing interim
financing for the improvements in RID 102, the county shall issue and sell its
King County Road Improvement District No. 102 Bond Anticipation Notes in the

1 principal amount of \$1,595,000 (the "Notes"). The Notes shall be dated May 1,
2 1988, shall be fully registered, shall be in denominations of \$5,000 or any
3 integral multiple of \$5,000, shall mature on November 1, 1990 and shall bear
4 interest from their date, payable semiannually on each May 1 and November 1,
5 commencing November 1, 1988, to the registered owner thereof, with full obli-
6 gation on the part of the county to pay interest at a rate to be hereafter
7 determined by the county executive in the manner provided in this ordinance
8 until maturity and thereafter until such Notes, both principal and interest,
9 are paid in full or funds are available in the Construction Fund sufficient to
10 make such payment in full.

11 Principal of the Notes shall be payable upon presentation and surrender
12 of the Notes by the registered owner or nominee of such owner at the office of
13 either of the fiscal agencies of the State of Washington in the cities of
14 Seattle, Washington, and New York, New York (the "Bond Registrar"). Interest
15 on the Notes shall be paid by check or draft mailed to the registered owner
16 thereof or nominee of such owner at the address appearing on the registry
17 books of the Bond Registrar on the 15th day of the month preceding the
18 interest payment date.

19 SECTION 3. Redemption. The county has reserved the right to redeem the
20 Notes on November 1, 1989, and on the first day of each month thereafter.
21 Notice of any such intended redemption shall be given not less than 30 nor more
22 than 60 days prior to the date fixed for redemption by first class mail,
23 postage prepaid, to the registered owner hereof. The requirements of this
24 paragraph shall be deemed to be complied with when notice is mailed as herein
25 provided, regardless of whether or not it is actually received. Interest on
26 the Notes so called for redemption shall cease to accrue on the date fixed for
27 redemption unless such Notes are not paid upon presentation made pursuant to
28 such call. In addition, such notice shall be mailed to the original purchaser
29 of the Notes, but such mailing shall not be a condition precedent to the
30 redemption of the Notes.

1 Sections 36.88.240 and 39.50.050 of the Revised Code of Washington pro-
 2 vide, in part, as follows:

3 The owner of any bond or [short term obligation] issued
 4 under the provisions of [chapter 36.88 RCW] shall not have
 5 any claim therefor against the county by which the same is
 6 issued, except for payment from the special assessments
 7 made for the improvement for which said bond or [short
 8 term obligation] was issued and except as against the
 9 improvement guaranty fund of such county, and the county
 shall not be liable to any owner of such bond or [short
 term obligation] for any loss to the guaranty fund occur-
 ring in the lawful operation thereof by the county. The
 remedy of the owner of a bond, or [short term obligation,]
 in case of nonpayment shall be confined to the enforcement
 of any assessments made in such road improvement district
 and to the guaranty fund.

10 CUSIP NO.

11 SEE REVERSE SIDE FOR
 12 CERTAIN DEFINITIONS

13 REGISTERED OWNER:

14 PRINCIPAL AMOUNT:

DOLLARS

15 King County, Washington, (the "County"), for value received hereby
 16 promises to pay to the Registered Owner identified above, or registered
 17 assigns, on November 1, 1990, the Principal Amount indicated above and to pay
 18 interest thereon from the date of this note or the most recent date to which
 19 interest has been paid or duly provided for at the rate per annum of _____%,
 payable on November 1, 1988, and semiannually thereafter on the first days of
 each May and November until this note with interest is paid in full, or funds
 are available in the "King County Road Improvement District No. 102 Construc-
 tion Fund" for payment in full. Both principal of and interest on this note
 are payable in lawful money of the United States of America. Principal of and
 interest due at maturity on this note shall be payable upon presentation and
 surrender of this certificate at the office of either of the fiscal agencies
 of the State of Washington in the cities of Seattle, Washington, and New York,
 New York (the "Bond Registrar"). Interest due prior to maturity is payable by
 check or draft mailed to the Registered Owner or assigns at the address
 appearing on the registry books of the Bond Registrar on the 15th day of the
 month preceding the interest payment date.

23 The County has reserved the right to redeem this note on November 1,
 24 1989, and on the first day of any month thereafter. Notice of any such
 25 intended redemption shall be given not less than 30 nor more than 60 days prior
 26 to the date fixed for redemption by first class mail, postage prepaid, to the
 27 Registered Owner hereof. The requirements of this paragraph shall be deemed
 28 to be complied with when notice is mailed as herein provided, regardless of
 whether or not it is actually received. Interest on this note shall cease to
 accrue on the date fixed for redemption unless the note is not paid upon
 presentation made pursuant to such call. In addition, such notice shall be
 mailed to _____,
 29 Attention: _____, but such mailing shall not be a condition
 precedent to the redemption of this note.

1 This note is one of an issue of \$1,595,000 of notes of like date,
2 maturity, interest rate, tenor and effect, except as to number and denomina-
3 tion, and is issued pursuant to Ordinance No. _____ of the County (the "Note
4 Ordinance") for the purpose of paying costs of the improvements to be con-
5 structed in King County Road Improvement District No. 102. The principal of
6 and interest on this note are payable solely from the King County Road
7 Improvement District No. 102 Construction Fund created by Ordinance No. 7642
8 (the "Construction Fund") and the King County Road Improvement Guaranty Fund
9 created by Resolution No. 13558.

6 By the Note Ordinance, the County has covenanted that it will, in good
7 faith, make every reasonable effort to issue and sell a sufficient amount of
8 its Road Improvement District No. 102 bonds, together with other monies
9 legally available therefor, to pay principal of and interest due at maturity
10 on this note. Reference is made to the Note Ordinance for a complete state-
11 ment of the terms and conditions upon which this note is issued.

10 It is hereby certified and declared that the notes' of this issue are
11 issued pursuant to and in strict compliance with the constitution and laws of
12 the State of Washington and ordinances of the County and that all acts,
13 conditions and things required to be done, to happen or to be performed
14 precedent to the issuance of this note have been done, have happened and have
15 been performed.

13 IN WITNESS WHEREOF, the County has caused this note to be signed by the
14 manual or facsimile signature of the County Executive and attested by the
15 manual or facsimile signature of the Clerk of the Council and its corporate
16 seal to be impressed or a facsimile imprinted hereon this 1st day of May,
17 1988.

16 KING COUNTY, WASHINGTON

18 By _____ (facsimile signature)
19 County Executive

20 Attest:

21 _____
22 (facsimile signature)
23 Clerk of the Council

23 Date of Authentication:

24 CERTIFICATE OF AUTHENTICATION

25 This note is one of the fully registered King County, Washington, Road
26 Improvement District No. 102 Bond Anticipation Notes described in the within
27 mentioned Note Ordinance.

28 WASHINGTON STATE FISCAL AGENCY
29 Bond Registrar

30 By _____ (manual)
31 Authorized Officer

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The following abbreviations, when used in the inscription on the face of the within Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM-as tenants in common
TEN ENT-as tenants by the entireties
JT TEN -as joint tenants with right of survivorship
and not as tenants in common

UNIF GIFT MIN ACT- _____ Custodian _____ under Uniform Gift
(Cust) (Minor)
to Minors Act _____
(State)

Additional abbreviations may also be used though not in list above.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers
unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER
IDENTIFICATION NUMBER OF TRANSFERREE / _____

(Please print or typewrite name and address, including zip code of Transferee)

the within note and does hereby irrevocably constitute and appoint _____
_____, or its successor,
as Bond Registrar to transfer said note on the books kept for registration
thereof with full power of substitution in the premises.

DATED: _____

SIGNATURE GUARANTEED:

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within note in every particular, without alteration or enlargement or any change whatever.

SECTION 7. Transfer; Ownership. The Notes may be transferred only on the Bond Register upon the surrender thereof to the Registrar by the registered owner or duly authorized agent and only if endorsed in the manner

1 tered owner or duly authorized agent and only if endorsed in the manner
2 provided thereon. Such transfer shall be without cost to the owner or
3 transferee.

4 The county and the Bond Registrar may deem the person in whose name
5 such Note or Notes are registered to be the absolute owner thereof for the
6 purpose of receiving payment of the principal of and interest on the Notes and
7 for any and all other purposes whatsoever.

8 SECTION 8. Execution of Notes. The Notes shall be signed on behalf of
9 the county with the facsimile or manual signature of the county executive,
10 shall be attested by the facsimile or manual signature of the clerk of the
11 council and shall have the corporate seal of the county impressed or a fac-
12 simile thereof imprinted thereon.

13 The Notes shall not be valid or obligatory for any purpose or entitled to
14 the benefits of this ordinance unless it shall bear thereon a certificate of
15 authentication in the form hereinbefore recited, manually executed by the Bond
16 Registrar. Such certificate of authentication shall be conclusive evidence
17 that the Notes so authenticated have been duly executed, authenticated and
18 delivered hereunder and are entitled to the benefits of this ordinance.

19 In case either of the officers who shall have executed the Notes or any
20 Note which may be hereafter issued in substitution for any Note shall cease to
21 be such officer or officers of the county before the Note so signed shall
22 have been authenticated or delivered by the Bond Registrar, or issued by the
23 county, such Note may nevertheless be authenticated, delivered and issued
24 and upon such authentication, delivery and issuance, shall be as binding upon
25 the county as though those who signed the same had continued to be such
26 officers of the county. The Notes or any substitute Note may also be signed
27 and attested on behalf of the county by such persons as at the actual date
28 of execution of such Note shall be the proper officers of the county
29 although at the original date of such Note any such person shall not have been
30 such officer of the county.

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1 SECTION 9. Lost or Destroyed Notes. In case any Note shall be lost,
2 stolen or destroyed, the Bond Registrar may authenticate and deliver a new
3 Note of like amount, date, principal amount, maturity, interest rate, tenor
4 and effect to the registered owner or nominee thereof upon payment to the
5 county for the expenses and charges in connection therewith and upon its
6 filing with the Bond Registrar evidence satisfactory to said Bond Registrar
7 that such Note was actually lost, stolen or destroyed and of its ownership
8 thereof, and upon furnishing the county with indemnity satisfactory to them
9 both.

10 SECTION 10. Application and Use of Note Proceeds. The principal
11 proceeds and accrued interest received from the sale of the Notes shall be
12 deposited in the Construction Fund and shall be used to pay costs of the
13 improvements to be made in RID 102 and to pay the costs of issuance of the
14 Notes and may be used for any other authorized expenses of RID 102, including
15 the payment of interest on the Notes.

16 Pending the expenditure of the principal proceeds, the county may tem-
17 porarily invest such proceeds in any investments permitted by laws of the
18 State of Washington. The investment earnings shall be retained in the
19 Construction Fund and expended for the purposes of such Fund.

20 From and after the deposit of Note proceeds in the Construction Fund,
21 expenditures from such Fund shall be deemed to have been expended as follows:
22 First, earnings from investment of Note proceeds; second, all proceeds of the
23 Notes; and third, any other monies then on deposit or thereafter deposited in
24 the Construction Fund.

25 Provided that:

26 The accrued interest, if any, received upon delivery of the Notes shall
27 be deemed to be applied to payment of interest on the Notes first coming due.

28 SECTION 11. Sale of the Notes. The manager of the finance division of
29 the office of financial management is hereby authorized and directed to
30 solicit proposals for purchase of the Notes from such national banking asso-
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1 ciations and banks chartered by the State of Washington and in such manner as
2 he deems appropriate and in the best interests of the county, and the county
3 executive is authorized to approve and accept on behalf of the county the one
4 of such proposals at such price and such fixed interest rate as shall result
5 in the lowest net effective interest cost to the county.

6 Provided that:

7 If he shall deem it to be in the best interests of the county, the county
8 executive may reject all proposals and solicit or cause the manager of the
9 finance division to solicit new proposals from such financial institutions
10 and/or investment banking firms and in such manner as the county executive
11 shall deem appropriate.

12 SECTION 12. Severability. Should any section, subsection, paragraph,
13 sentence, clause or phrase of this ordinance be declared unconstitutional or
14 invalid for any reason, such decision shall not affect the validity of the
15 remaining portions of this ordinance.

16 SECTION 13. Effective Date. This ordinance shall take effect ten days
17 after signature by the county executive as provided by King County Charter.

18 INTRODUCED AND READ for the first time this 11th day of April, 1988.

19 PASSED this 18th day of April, 1988.

20 KING COUNTY COUNCIL
21 KING COUNTY, WASHINGTON

22 Gary Grant
23 Chairman

24 ATTEST:

25 Bonnie M. Owens
26 Clerk of the Council

27 APPROVED this 22nd day of April, 1988.

28 Jim Hill
29 King County Executive