

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF ENACTMENT

NOTICE IS HEREBY GIVEN, that on September 4, 2024, the Snohomish County Council approved Ordinance No. 24-070.

ORDINANCE NO. 24-070

AUTHORIZING THE ISSUANCE AND SALE OF A TAXABLE LIMITED TAX GENERAL OBLIGATION BOND OF THE COUNTY IN AN ORIGINAL PRINCIPAL AMOUNT OF \$8,951,566 TO OBTAIN FINANCING FOR THE AIRPORT INNER TERMINAL RAMP RECONSTRUCTION PROJECT; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS OF SALE OF THE BOND; ESTABLISHING FUNDS FOR THE RECEIPT AND EXPENDITURE OF BOND PROCEEDS AND FOR THE PAYMENT OF THE BOND; AND PROVIDING FOR THE ANNUAL LEVY OF TAXES TO PAY THE PRINCIPAL THEREOF AND INTEREST THEREON

Section 1. Definitions. Defines terms used in the ordinance.

Section 2. Findings. Makes findings that: (a) the capital project previously undertaken, or underway, to reconstruct an “Inner Terminal Ramp” located airside directly in front of the passenger terminal area at Snohomish County Airport owned by the County (“Airport Inner Terminal Ramp Reconstruction Project” or the “Project”) will contribute to the health, safety and welfare of the citizens of the County; and (b) the issuance and sale of a taxable limited tax general obligation bond of the County (the “Bond”), payable from regular property taxes or other revenues, taxes and money of the County legally available for such purposes, to obtain financing for the Projects are in the best interests of the County and its citizens.

Section 3. Project. Acknowledges (a) that the County owns the Snohomish County Airport, commonly known as “Paine Field;” and (b) that the County Council has previously authorized the undertaking of, and the making of capital expenditures for, the Project. Provides that the Project will include reimbursement of such capital expenditures of the Project, including, as applicable, the purchase of all materials, supplies, appliances, equipment and facilities, and the permits, franchises, property and property rights and administrative costs, necessary, incidental or convenient to effect the implementation of the Project, as well as the incidental costs and costs related to the sale and issuance of the Bond.

Section 4. Purpose, Authorization and Description of Bond. Authorizes issuance of the Bond to obtain financing for the Project. Provides that the Bond will be designated “Snohomish County, Washington, Limited Tax General Obligation Bond, 2024

(Taxable),” will be issued as a single fully registered bond in an original principal amount of \$8,951,566. Provides that the Bond will be dated as of its date, which shall be October 1, 2024, and will mature on September 30, 2029 (the “Maturity Date”), and that, unless prepaid by the County as provided for in the ordinance, principal of the Bond shall be paid on the Maturity Date, that the Bond will bear interest at a fixed rate of 4.25% per annum (computed on the basis of a 360-day year of twelve 30-day months) from its date or the most recent interest payment date to which interest has been paid or provided for, whichever is later, payable on each June 1 and December 1, commencing on June 1, 2025, and that the Bond will be subject to prepayment before maturity at the option of the County, in whole or in part, without penalty or premium, annually on each December 1, commencing December 1, 2025, upon ten (10) days’ prior written notice from the Finance Director, on behalf of the County, to the Owner, which written notice shall include the amount to be prepaid with a minimum of \$500,000, unless the outstanding balance of the Bond is less than \$500,000, in which case the outstanding balance shall be paid in full. Acknowledges that the County, through its Snohomish County Investment Pool (the “Purchaser”), has offered to purchase the Bond pursuant to the terms and conditions provided in the written offer to purchase the Bond attached to the ordinance (the “Purchase Offer”), finds that entering into the Purchase Offer is in the best interests of the County, and provides that the County accepts the Purchase Offer and authorizes and directs the execution of the Purchase Offer on behalf of the County by the Finance Director. Provides for Bond payment procedures, provides for the form of Bond, and provides for the execution and authentication of the Bond.

Section 5. Delivery of the Bond. Provides that following the sale of the Bond, the Finance Director is authorized and directed (a) to approve and/or execute all documents necessary to complete the issuance and delivery of the Bond to the Purchaser; and (b) to do everything necessary for (1) the preparation and delivery of a transcript of proceedings pertaining to the Bond, and (2) the preparation, execution and delivery of the definitive Bond to the Purchaser, each without unreasonable delay.

Section 6. Registration and Transfer of Bond. Provides that the County adopts for the Bonds the system of registration specified and approved by the Washington State Finance Committee. Provides for the registration of ownership of the Bond, and prescribes procedures for transfer of the Bond.

Section 7. Mutilated, Lost, Stolen or Destroyed Bond. Provides procedures for replacement of the Bond if it is mutilated, lost, stolen or destroyed.

Section 8. Pledge of Taxation and Credit. Provides the County’s irrevocable covenant and agreement that, unless the principal of and interest on the Bond are paid from other sources, for as long as the Bond is outstanding and unpaid, each year it will include in its budget and levy an *ad valorem* tax upon all the property within the County subject to taxation in an amount that will be sufficient, together with all other revenues and money of the County legally available for such purposes, to pay the principal of and interest on the Bonds as the same will become due. Provides the irrevocable pledge of the County that the annual tax provided for in the ordinance to be levied for the payment

of such principal and interest will be within and as a part of the tax levy permitted to counties without a vote of the people, and that a sufficient portion of the taxes to be levied and collected annually by the County prior to the full payment of the principal of and interest on the Bond will be irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bond. Provides the irrevocable pledge of the full faith, credit and resources of the County for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bond as the same will become due.

Section 9. Other Covenants and Warranties. Provides the following additional covenants and warranties of the County to the owner of the Bond: (a) that the County has full legal right, power and authority to enact the ordinance and, as of the date of issue of the Bond, will have full legal right, power and authority to sell, issue and deliver the Bond and to carry out and consummate all other transactions contemplated by the ordinance; (b) that, as of the date of issue of the Bond, the County will have taken all necessary official action to duly authorize and approve the execution and delivery of, and the performance by the County of its obligations contained in, the Bond and the ordinance and the consummation by it of all other transactions necessary to effectuate the ordinance in connection with the issuance of the Bond, and those authorizations and approvals will be in full force and effect and will not have been amended, modified or supplemented in any material respect; (c) that the ordinance, when effective, will be a legal, valid and binding obligation of the County; (d) that the Bond, when issued, sold, authenticated and delivered, will be legal, valid and binding general obligations of the County; (e) that the County will maintain or cause to be maintained a system of registration of the Bond until the Bond has been surrendered and canceled; (f) that the County's enactment of and compliance with the ordinance will not conflict with, constitute a breach of, or constitute a default under, any constitutional provisions, law, administrative regulation, judgment, decree, loan agreement, indenture, bond, note, resolution, ordinance, motion, agreement or other instrument to which the County is a party or to which the County or any of its property or assets are otherwise subject; (g) and that the Bond will be issued within all statutory and constitutional debt limitations applicable to the County.

Section 10. Sources of Payment. Acknowledges that the County has created its "Airport Operations and Maintenance Fund" to be used to account for the operations, capital improvements, and debt services of the county airport. Provides that the Finance Director is authorized to create within that fund a special account for the Bond to be known as the "Bond Redemption Account, 2024" (the "Bond Fund"), to be drawn upon solely for the purpose of paying principal of and interest on the Bond. Provides that the County will segregate funds in the Bond Fund no later than the date funds are required for the payment of principal of and interest on the Bond. Provides that in the event that the funds segregated in the Bond Fund are insufficient for the payment of principal of or interest on the Bond when due, the County will make up the difference using any funds of the County available for that purpose.

Section 11. Deposit of Bond Proceeds. Provides that the proceeds from the sale of the Bond are to be deposited into the Airport Operations and Maintenance Fund to finance the Project.

Section 12. Investment of and Accounting for Funds. Provides for the investment of funds deposited in the funds and accounts described in sections 10 and 11 of the ordinance as permitted by law for the sole benefit of the respective funds; and permits the County to deposit money other than proceeds of the Bond in the fund described in section 11 of the ordinance.

Section 13. General Authorization. Authorizes and directs the Finance Director and other appropriate County officials, agents and representatives to do everything necessary for the prompt sale, issuance, execution and delivery of the Bond, and for the proper use and application of the proceeds of the sale thereof.

Section 14. Refunding or Defeasance of the Bond. Establishes that the County may issue refunding obligations or use other money available to redeem and retire, refund or defease part or all of the Bond, and provides a defeasance method by which such the Bond may be considered no longer outstanding and no longer entitled to any lien, benefit or security of the ordinance except the right to receive the money and “government obligations” (as defined in chapter 39.53 RCW) set aside in trust and pledged to provide for the payment of such Bonds.

Section 15. Contract; Severability. Provides that the covenants contained in the ordinance constitute a contract between the County and the owner of the Bond, and that, if any provision of the ordinance is held invalid, the remainder of the ordinance is not affected.

For More Information: Copies of the ordinance and related documents are available upon request by calling the Council Office at (425) 388-3494, 1(800) 562-4367 x3494, TDD 1(800) 877-8339, or by e-mailing Contact.Council@snoco.org. The ordinance is also available on the Council’s website at <https://snohomish.legistar.com/Default.aspx> (File # 2024-1841) or <https://snohomishcountywa.gov/2134/Council-Hearings-Calendar>.

Dated this 18th day of September, 2024.



Deputy Clerk of the Council

Publish: September 25, 2024

SUBMIT AFFIDAVIT TO: Council
SUBMIT INVOICE TO: 21200 – Budget & Finance

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Michael Gates being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH1002824 ORDINANCE 24-070 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/25/2024 and ending on 09/25/2024 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$310.00.

[Signature]

Subscribed and sworn before me on this 25th day of September 2024.

[Signature]

Notary Public in and for the State of Washington.

Snohomish County Budget & Finance | 4104473
ELENA LAO



SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

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Dated this 18th day of September, 2024.
s/ Elena Lao, CMC
Deputy Clerk of the Council
21200
Published: September 25, 2024. EDH1002824