AN ORDINANCE of the City of Kent, Washington, providing for the submission to the voters of the City at a special election to be held therein on November 7, 1989, in conjunction with the State general election to be held on the same date, of a proposition authorizing the City to incur indebtedness by issuing its general obligation bonds in a par amount not to exceed $6,700,000, payable by annual property tax levies to be made in excess of regular property tax levies, for the purpose of paying all or a part of the cost of providing housing and related facilities for low-income senior citizens in the City and to levy those excess property taxes.

WHEREAS, there exists a severe shortage of safe, sanitary and affordable housing and related facilities in the City of Kent, Washington (the "City"), for low-income senior citizens; and

WHEREAS, to provide that housing and those related facilities, it is deemed necessary and advisable that the City issue its unlimited tax general obligation bonds in the principal amount of not to exceed $6,700,000; and

WHEREAS, the Constitution and laws of the State of Washington require that the question of whether or not the City may issue unlimited tax general obligation bonds for that purpose must be submitted to the qualified electors of the City for their ratification or rejection; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO ORDAIN as follows:

Section 1. Definitions. As used herein, the following words shall have the following meanings:

"Bond" or "Bonds" means any or all of the general obligation bonds of the City issued pursuant to this ordinance, or any series of those bonds.

"City" means the City of Kent, Washington.
"Housing Law" means RCW 35.21.685, Chapter 35.82 RCW, Chapter 35.83 RCW, RCW 36.39.060, as now exist or are hereafter amended, and such other laws as now or hereafter authorize the City to provide or to participate in the provision of funds for capital expenditures for housing and related facilities for Low-Income Senior Citizens.

"Legislative Authority" means the Mayor and City Council of the City.

"Low-Income" means an income equal to or less than 80% of the median income of persons in King County, or shall mean such other income level as shall be set by subsequent ordinance of the City.

"Project" means that project described in Section 3 of this ordinance, as it may be amended by subsequent ordinance of the City.

"Senior Citizens" means persons over the age of 62 years.

Section 2. Findings and Determinations. The City Council finds that there exists a critical shortage of housing and related facilities in the City for Low-Income Senior Citizens. Existing sources of funds to make capital expenditures to provide that housing and those related facilities, including funds from the Housing Authority of King County, federal grants and housing assistance programs, are insufficient to meet fully the existing and projected need for that housing and those related facilities.

Financial resources in an amount not exceeding $6,700,000, to be used by the City, by the Kent Housing Authority (in the event that it is subsequently empowered by the City to do so), by the Housing Authority of King County or by any other public or private developer or owner of housing and related facilities for Low-Income Senior Citizens, would make it possible to provide 92 or more additional units of housing and related facilities to serve Low-Income Senior Citizens within the City.

Based upon the foregoing facts and findings, the City Council further finds that the public interest requires that the
City provide funds for the capital costs of acquiring and constructing such housing and related facilities. That assistance shall be provided in the manner hereinafter set forth and at the time or times deemed most necessary and advisable by the Legislative Authority of the City. The City Council further finds and declares that the expenditure of public funds and the acquisition of property or property rights necessary for the design, development, acquisition, construction, rehabilitation and equipping of housing and related facilities for Low-Income Senior Citizens pursuant to this ordinance is for a public use and a public and strictly municipal purpose.

Section 3. Description of Project. The City shall itself plan, design, acquire land for, develop, construct, rehabilitate, acquire and equip housing, together with related facilities, for Low-Income Senior Citizens within the City. In lieu of undertaking these activities itself, the City may aid and cooperate with the Kent Housing Authority (in the event that it is subsequently empowered by the City to do so), the Housing Authority of King County or any other public or private developer or owner of housing and related facilities for Low-Income Senior Citizens, to undertake these activities.

In the latter event, the expenditure of the proceeds of the Bonds and the development, construction, rehabilitation, acquisition, equipping and operation of the housing and related facilities for Low-Income Senior Citizens shall be administered pursuant to an agreement or agreements entered into pursuant to the Housing Law to fund as necessary the capital costs of one or more housing projects for Low-Income Senior Citizens within the City. The Legislative Authority of the City must approve any agreement or agreements, if any, by ordinance. If the Project is undertaken by other than the City, such agreement or agreements shall contain criteria for projects to be developed, constructed, acquired, rehabilitated and equipped by the public or private developer or owner. The agreement or agreements also shall establish a procedure for City review of proposed projects.
in accordance with such criteria and for disbursement of Bond proceeds by the City Finance Director, and shall contain such other provisions as the Legislative Authority of the City and the public or private developer or owner agree are necessary and appropriate to carry out the purposes of this ordinance.

Section 4. Authorization of Borrowing. The City shall borrow not to exceed $6,700,000 on the credit of the City and issue and sell its general obligation bonds in that par amount for strictly municipal capital purposes, other than the replacement of equipment, to provide the funds to provide housing and related facilities for Low-Income Senior Citizens within the City through the accomplishment of the Project. Costs of engineering, planning, financial, legal and other services lawfully incurred incident to the Project shall be appropriate capital costs to be paid from the proceeds of the Bonds.

Section 5. Description of Bonds. The Bonds shall be issued as a single issue, as a part of a combined issue with other authorized bonds, or in more than one series. The Bonds shall be fully registered; shall bear interest payable as permitted by law; shall mature within twenty years from their date or within any shorter period fixed by the City Council; shall be paid by annual property tax levies sufficient in amount to pay both principal and interest when due, which annual property tax levies shall be made in excess of regular property tax levies without limitation as to rate or amount but only in amounts sufficient to pay both principal and interest when due; and shall be issued and sold in the manner, at the times and in the amounts as shall be required for the Project. The exact date, form, terms, option of prior redemption, price, interest rate or rates and maturities of the Bonds shall be fixed hereafter by ordinance of the City Council. Pending the issuance of the Bonds and receipt of their proceeds, the City Council may authorize the issuance of short-term obligations pursuant to Chapter 39.50 RCW, and the costs of those short-term
obligations shall be included in the cost of the Project for which the Bonds are issued.

Section 6. Submission to Electors. The City Council finds that an emergency exists which requires constructing the facilities comprising the Project, and the Director of Records and Elections of King County, Washington, is requested to concur in that finding and to call and conduct a special election to be held in the City on November 7, 1989, in conjunction with the State general election to be held on the same date, for the purpose of submitting to the qualified electors of the City for their approval the question of whether or not the City shall borrow not to exceed $6,700,000, issue its general obligation bonds in that par amount for capital purposes only, other than replacement of equipment, and levy excess taxes necessary to redeem the Bonds as herein set forth.

Section 7. Certification to Director of Records and Elections. The City Clerk is directed to certify to the Director of Records and Elections of King County, Washington, at least 45 days prior to the November 7, 1989, special election date a copy of this ordinance and the proposition to be submitted at that special election in the form of a ballot title as follows:

PROPOSITION
LOW-INCOME SENIOR CITIZEN HOUSING BONDS - $6,700,000

Shall the City of Kent, Washington, borrow $6,700,000 to pay costs of designing, acquiring, developing, constructing, rehabilitating and equipping low-income senior citizen housing and related facilities in the City by selling general obligation bonds therefor maturing within 20 years and levy annual excess property taxes necessary to pay and retire the bonds, as provided in Ordinance No. ___?

BONDS . . YES [ ] BONDS . . NO [ ]
Section 8. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of final passage.

ATTEST:

JIM WHITE, Mayor Pro Tem

MARIE JENSEN, City Clerk

APPROVED AS TO FORM:

FOSTER PEPPER & SHEFELMAN

Joni H. Ottinger
Special City Attorney

Passed the 22 day of August, 1989.
Approved the 25 day of August, 1989.
Published the 25 day of August, 1989.

I certify that this is a true copy of Ordinance No. 3869 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, City Clerk

(SEAL)