ORDINANCE NO. 3626

AN ORDINANCE of the city council of the city of Kent, Washington, authorizing the execution of a revised Second Supply Project Partnership Agreement and Repayment Agreement, both of which address reallocation of a portion of the Tacoma Second Supply Project water capacity previously allocated to the City of Seattle.

WHEREAS, the city of Kent along with the cities of Tacoma and Seattle, the Covington Water District, and the Lakehaven Utility District ("participants"), have previously entered into an agreement for allocation and use of the water to be delivered from the Tacoma Second Supply Project, and

WHEREAS, the city has previously approved the execution of the Agreement for the Second Supply Project, and

WHEREAS, the city of Seattle has elected to withdraw its participation from the Tacoma Second Supply Project arrangement, and

WHEREAS, the remaining participants have negotiated the terms of a revised Second Supply Project Agreement and have negotiated a Repayment Agreement relating to Tacoma's issuance of project bonds, both of which address reallocation of the city of Seattle's original share among the remaining four participants, and

Tacoma Second Supply Project Authorization to Execute Agreements
WHEREAS, the city wishes to formally approve and authorize the execution of both agreements, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS

SECTION 1. – Authorization – Agreement for Second Supply Project
The city council hereby approves the city's participation in the Second Supply Project and authorizes the mayor to execute the Agreement for the Second Supply Project, subject to approval of final terms and conditions by the public works director and the city attorney.

SECTION 2. – Authorization – Repayment Agreement
The city council also approves the Repayment Agreement among the participants in the Second Supply Project and authorizes the mayor to execute and deliver the Repayment Agreement on behalf of the city, subject to approval of final terms and conditions by the public works director and the city attorney. The mayor is further authorized to execute additional certificates and agreements to facilitate marketing the bonds, including certifying the information on the city in the official statement for the bonds, making necessary tax certificates, entering into agreements in connection with bond insurance, and executing closing certifications.

SECTION 3. – Severability
If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Tacoma Second Supply Project
Authorization to Execute Agreements
SECTION 4. - Effective Date  This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

PASSED  19 day of November, 2002
APPROVED  19 day of November, 2002
PUBLISHED  23 day of November, 2002

I hereby certify that this is a true copy of Ordinance No. 3626 passed by the city council of the city of Kent, Washington, and approved by the mayor of the city of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK