

Introduced by: Mayor  
Date: 05/05/20  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2020-033**

**A RESOLUTION APPROVING THE KENAI PENINSULA BOROUGH'S PARTICIPATION IN A PROPOSED REFINANCING BY THE ALASKA MUNICIPAL BOND BANK OF ITS GENERAL OBLIGATION BONDS THAT PROVIDED FUNDS TO PURCHASE THE GENERAL OBLIGATION SCHOOL BOND, SERIES 2010B (TAXABLE RECOVERY ZONE ECONOMIC DEVELOPMENT DIRECT PAYMENT) OF THE KENAI PENINSULA BOROUGH, UNDER A LOAN AGREEMENT BETWEEN THE KENAI PENINSULA BOROUGH AND THE ALASKA MUNICIPAL BOND BANK; AND AUTHORIZING THE KENAI PENINSULA BOROUGH'S MAYOR OR DESIGNEE TO APPROVE A REVISED SCHEDULE OF PRINCIPAL AND INTEREST PAYMENTS ON THE KENAI PENINSULA BOROUGH'S 2010B BOND, IN ACCORDANCE WITH THE LOAN AGREEMENT, IF THE ALASKA MUNICIPAL BOND BANK SUCCESSFULLY REFINANCES ITS BONDS**

**WHEREAS,** the Kenai Peninsula Borough, Alaska (the "Borough"), to finance a portion of the cost of certain school capital improvements, issued and sold its General Obligation School Bond, Series 2010B (Taxable Recovery Zone Economic Development Direct Payment), in the original principal amount of \$16,410,000 (the "2010B Bond") to the Alaska Municipal Bond Bank (the "Bond Bank"), as authorized by Resolution Nos. 2010-086 and 2010-088 of the Borough adopted October 26, 2010 (together, the "Bond Resolution"), on the terms and conditions set forth in the Bond Resolution and in a loan agreement between the Borough and the Bond Bank dated as of December 1, 2010 (the "Loan Agreement"); and

**WHEREAS,** the Bond Bank issued and sold its General Obligation Bonds, 2010 Series Four (the "Bond Bank Bonds"), to provide funds to purchase the 2010B Bond, as provided in the Loan Agreement; and

**WHEREAS,** Section 6 of the Loan Agreement provides that payments of principal of and interest on the 2010B Bond may be adjusted to reduce debt service on the 2010B Bond if the Bond Bank is able to achieve debt service savings by refunding the Bond Bank Bonds; and

**WHEREAS,** the Bond Bank now intends to issue a series of its general obligation refunding bonds (the "Bond Bank Refunding Bonds") for the purpose, among others, of refunding the Bond Bank Bonds and achieving debt service savings; and

**WHEREAS**, the Assembly wishes to approve the Borough's participation in this refinancing and to authorize the Borough Mayor or his designee to accept a revised debt service schedule for the 2010B Bond if the Bond Bank successfully refinances the Bond Bank Bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH, ALASKA:**

**SECTION 1. Approval of Refinancing.** The Assembly hereby approves the Borough's participation in the Bond Bank's refinancing of the Bond Bank Bonds and authorizes the Borough Mayor or his designee to approve a revised schedule of principal payment amounts and interest rates for the 2010B Bond, in accordance with Section 6 of the Loan Agreement, so long as the revised debt service schedule is financially advantageous to the Borough. The revised schedule of debt service on the 2010B Bond and other provisions as may be required by the Bond Bank will be set forth in an Amendatory Loan Agreement and a refunding bond (the "2020 Bond") to be issued in exchange for the 2010B Bond. The Borough Mayor or Finance Director is hereby authorized to execute and deliver the Amendatory Loan Agreement on behalf of the Borough and to deliver the 2020 Bond, executed in accordance with the provisions of the Bond Resolution and this resolution, to the Bond Bank in exchange for the 2010B Bond. The Borough Mayor, Finance Director and other appropriate officers and employees of Borough are also hereby authorized to provide financial information about the Borough that the Bond Bank may require for the official statement for the Bond Bank Refunding Bonds.

**SECTION 2. Tax Matters.** The 2010B Bonds were issued as taxable "Recovery Zone Economic Development Bonds" as described in former Section 1400U-2(b)(1) of the Internal Revenue Code of 1986, as amended (the "Code"). The Assembly hereby authorizes and approves that the 2020 Bond may be issued on a tax-exempt basis under, and subject to, current federal laws and that the Borough covenants to undertake all actions required to maintain the tax-exempt status of interest on the 2020 Bond under Section 103 of the Internal Revenue Code of 1986, as amended.

**SECTION 3. General Authorization.** The Mayor, Finance Director, Borough Clerk, Borough Attorney, and any other appropriate officers, agents, attorneys and employees of the Borough are each hereby authorized and directed to cooperate with the Bond Bank and to take such steps, do such other acts and things, and execute such letters, certificates, agreements, papers, financing statements, assignments or instruments as in their judgment may be necessary, appropriate or desirable to carry out the terms and provisions of, and complete the transactions contemplated by, this Resolution.

**SECTION 4. Prior Acts.** Any and all acts heretofore taken by officers, agents, attorneys and employees of the Borough in connection with refinancing the 2010B Bond are hereby ratified and confirmed.

**SECTION 5. Recitals.** The recitals to this resolution are hereby incorporated into this resolution as if fully set forth herein.

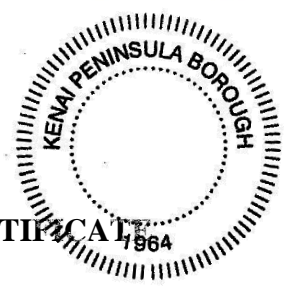
**SECTION 6. Effective Date.** That this resolution shall become effective immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF MAY, 2020**

  
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Kelly Cooper, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, MMC, Borough Clerk




**CERTIFICATE**

I, the undersigned, Clerk of the Kenai Peninsula Borough, Alaska (the "Borough"), Do HEREBY CERTIFY:

1. That the attached resolution is a true and correct copy of Resolution No. 2020-033 (the "Resolution") of the Borough as approved at a regular meeting of the Assembly of the Kenai Peninsula Borough, Alaska (the "Assembly") held on the 5th day of May, 2020, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such regular meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Assembly voted in the proper manner for the approval of the Resolution; that all other requirements and proceedings incident to the proper approval of the Resolution have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand, this 5th day of May, 2020.

  
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Johni Blankenship, MMC, Borough Clerk  
Kenai Peninsula Borough

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper  
No: None  
Absent: None