

ORDINANCE NO. 1-1993

**ORDINANCE OF THE PORT OF NEWPORT AUTHORIZING
A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY
ENTERING INTO A LOAN CONTRACT WITH THE
OREGON ECONOMIC DEVELOPMENT DEPARTMENT
AND DECLARING AN EMERGENCY**

The Board of Commissioners (the "Governing Body") of the Port of Newport (the "Port") finds:

A. The Port is a "Port District" within the meaning of Oregon Revised Statutes 777.

B. Oregon Revised Statutes 285.700 through 285.753 (the "Act") authorizes any municipality to file an application with the Oregon Economic Development Department ("the Department") to obtain financial assistance from the Special Public Works Fund.

C. The Port has previously filed three applications with the Department to obtain financial assistance for "infrastructure projects" within the meaning of the Act.

D. The Department has previously approved the Port's applications for financial assistance from the Special Public Works Fund pursuant to the Act.

E. The Port was required, as a prerequisite to the receipt of financial assistance from the Department, to enter into Financial Assistance Award Contracts and Loan Agreements with the Department.

F. The Port has requested from the Department a restructuring of these previous loan agreements in substantially the form attached hereto.

G. Notice relating to the Port's consideration of the adopting of this Ordinance was published at least once in a newspaper of general circulation within the Port of Newport district. Such notice was published at least 14 days in advance of the adoption of this Ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Port as follows:

1. Loan Authorized. The Governing Body authorizes the President to execute the Loan Agreement, the Promissory Note attached as Exhibit

"B" to the Loan Agreement, and such other documents as may be required to obtain debt service restructuring for financial assistance previously awarded on the condition that the principal amount of the loan from the Department to the Port is not in excess of \$787,440.

2. Security. To the extent permitted by law, amounts payable by the Port shall be payable from the sources described in Section 3.06 of the Loan Agreement and Oregon Revised Statutes 285.723(2) which include:

- a. any sources of funds that are legally available to the Port.
- b. the revenues, if any, of the Property which is subject to a security interest in favor of the State of Oregon, including special assessment revenues, if any, and
- c. the Port's general fund including the general revenues of the Port, other funds which may be available for such purpose and a pledge of the Port's taxing power within the restrictions of Article XI, Section 11 of the Constitution of the State of Oregon. The obligation of the Port to make payments pursuant to the Loan Agreement is a full faith and credit obligation of the Port and is not subject to annual appropriation.

3. Additional Documents. The President is hereby authorized to enter into any agreements and to execute any documents or certificates which may be required to obtain debt service restructuring from the Department for three prior loans, L88005, L89001 and L90012, pursuant to the Loan Agreement.

5. Declaration of Emergency. The Governing Body declares that an emergency exists in order that there be no delay in debt service restructuring as provided in this Ordinance. Therefore, this Ordinance shall be in force and effect immediately from and after passage by the Governing Body.

DATED this 10th day of March, 1993.

PORT OF NEWPORT



President

ATTEST:



Asst Secretary - TRENDS