

RESOLUTION NO. 3144

A RESOLUTION AUTHORIZING A LETTER OF CREDIT AND RELATED DOCUMENTS WITH FIRST INTERSTATE BANK

Findings:

- A. On June 20, 2018 Council authorized the City Attorney's Office to appeal the Deschutes County Circuit Court decision in Case Number 17CV41968 on City of Bend Ordinance NS-2291 regarding the City's allocation of room tax revenues.
- B. When the City filed the appeal, it also filed a motion with the trial court to stay the judgment. Plaintiffs opposed the request for discretionary stay. On October 25, 2018, the trial court granted the City's request for a discretionary stay, but also required the City to post a financial guarantee of \$350,566.66 pending the outcome of the appeal.
- C. The financial guarantee was secured through a Letter of Credit obtained from First Interstate Bank. The bank required an assignment on the City's general operating account and a promissory note.
- D. Section 9 of the Debt Management policy in the City's adopted fiscal policies via Appendix A, Exhibit 5 of Resolution No. 2783 provides that all bond issuances and promissory notes will be authorized by resolution of the City Council. Since a promissory note was required by First Interstate Bank in order to issue the Letter of Credit and meet the court's deadline, the Finance Director entered in to a promissory note on November 21, 2018.
- E. Approval from City Council is required in order to comply with the City's fiscal policies.

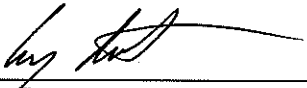
Based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. The City Council approves the execution of the Promissory Note and all additional documents that were required for the City to issue the Letter of Credit required in this matter. The Finance Director is also authorized to execute any amendments required thereafter.

Adopted by the City Council the 19th day of December, 2018.

YES: Casey Roats, Mayor NO: none
Sally Russell
Bruce Abernethy
Bill Moseley
Nathan Boddie
Justin Livingston
Barb Campbell



Casey Roats, Mayor

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:


Mary A. Winters, City Attorney