

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	twh	3/23/10	<p>RECEIVED</p> <p>MAR 24 2010</p> <p>WHATCOM COUNTY COUNCIL</p>	3/30/10	Finance/Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:	<i>DK</i>	3-23-10			

TITLE OF DOCUMENT: Resolution designating Whatcom County as a Recovery Zone for the purposes of issuing recovery zone economic development bonds under Section 1400U-2 of the Code ("Recovery Zone Economic Development Bonds")

ATTACHMENTS: Resolution

SEPA review required?	() Yes	(x) NO	Should Clerk schedule a hearing?	() Yes	(x) NO
SEPA review completed?	() Yes	() NO	Requested Date:		

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Resolution of the County Council of Whatcom County, Washington designating a recovery zone for purposes of sections 1400U-1 and 1400U-2 of the Internal Revenue code of 1986, 12 amended, and the American Recovery and Reinvestment act of 2009.

COMMITTEE ACTION:
3/30/2010: Forwarded to Council for approval

COUNCIL ACTION:
3/30/2010: Council Approved 7-0
Res. 2010-012

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

Res. 2010-012

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

RESOLUTION NO. 2010-012

A RESOLUTION OF THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON DESIGNATING A RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U-1 AND 1400U-2 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, AND THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

WHEREAS Section 1400U-1 of the Internal Revenue Code of 1986, as amended (the “Code”) authorizes Whatcom County, Washington (the “County”) to designate a “recovery zone” for the purpose of issuing recovery zone economic development bonds under Section 1400U-2 of the Code (“Recovery Zone Economic Development Bonds”); and

WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009 (“ARRA”) and Internal Revenue Service Notice No. 2009-50 (“Notice 2009-50”), the County has received a volume cap allocation of Recovery Zone Economic Development Bonds in the amount of \$1,825,000; and

WHEREAS, proceeds of Recovery Zone Economic Development Bonds must be used to finance capital expenditures paid or incurred with respect to property located in a recovery zone, expenditures for public infrastructure and construction of public facilities, and expenditures for job training and educational programs, all of which are designed to promote economic development or other economic activity in a recovery zone; and

WHEREAS, a recovery zone is (1) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress, (2) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, or

(3) any area for which a designation as an empowerment zone or a renewal community is in effect; and

WHEREAS as set forth herein, the County, as a whole, has experienced a significant increase in the rate of unemployment, a high rate of home foreclosures and general economic distress; and

WHEREAS as a result, the County Council (the "Council") now desires to designate the geographic boundaries of the County as a recovery zone under ARRA in order to issue Recovery Zone Economic Development Bonds to finance certain components of capital projects that qualify for financing under ARRA;

NOW THEREFORE BE IT RESOLVED that the County Council of Whatcom County, Washington:

Section 1. Findings. For purposes of ARRA, as shown in the following data, the County has experienced a significant increase in the rate of unemployment, a high rate of home foreclosures and general economic distress within the geographic boundaries of the County:

A. Unemployment rates in the County rose from a low of 4% in October, 2007 to a high of 10% in February, 2010. The unemployment rate in the County as of February, 2010, the latest data available, was 10%.

B. In February, 2010 Whatcom County experienced the 50th consecutive month of year-over-year increases in foreclosure filings. In January, 2010 Whatcom County's delinquency rate was 3.96%, up from 3.73% in December, 2009.

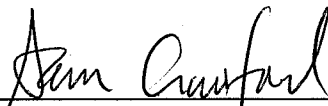
Section 2. Designation of Recovery Zone. For the foregoing reasons, the Council hereby designates the geographic boundaries of the County as a “recovery zone” for purposes of issuing Recovery Zone Economic Development Bonds. Issuance of such bonds will be at the discretion of the Council based on project qualifications meeting the requirements of the Code.

Section 3. Severability. If any one or more of the covenants or agreements provided in this resolution to be performed on the part of the County shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this resolution and shall in no way affect the validity of the other provisions of this resolution.

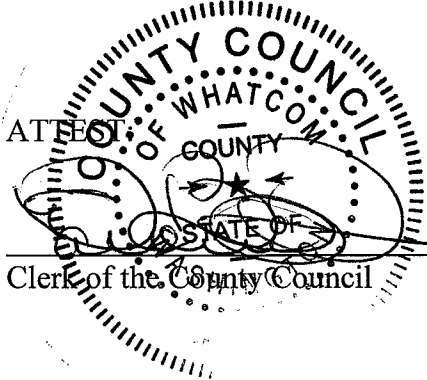
Section 4. Effective Date. This resolution shall be effective after its passage as provided by law.

ADOPTED this 30 day of March, 2010.

COUNTY COUNCIL OF
WHATCOM COUNTY, WASHINGTON



Chair and Councilmember

ATTEST:


Clerk of the County Council

CERTIFICATE

I, the undersigned, Clerk of the County Council of Whatcom County (the "County"), do
HEREBY CERTIFY:

1. That the attached Resolution No. ^{Res. 2010-012} _____ (herein called the "Resolution") is a true and correct copy of a resolution of the County as adopted at a meeting of the County Council held on March 30, 2010 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 meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption 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 1st day of April, 2010.



Dana Brown-Davis, Clerk of the Council

