

RESOLUTION 2017 - 24

 ORIGINAL

**A RESOLUTION OF THE CITY OF SUNNYSIDE, WASHINGTON,
AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE ON BEHALF
OF THE CITY OF SUNNYSIDE AN AGREEMENT BETWEEN THE WASHINGTON
STATE COMMUNITY ECONOMIC REVITALIZATION BOARD (CERB) AND THE
CITY OF SUNNYSIDE FOR AID IN FINANCING THE COSTS OF PUBLIC FACILITIES
RELATED TO THE PROPOSED SUNNYSIDE COMMUNITY HOSPITAL
LOCATION AT WANETA AND ALEXANDER ROAD**

WHEREAS, to improve the economic vitality of the State, the Washington State Community Economic Revitalization Board (CERB) is authorized to make grants and loans to political subdivisions to fund projects that support tangible or potential investments in public infrastructure; and

WHEREAS, the Sunnyside City Council has determined that there is significant potential for private development, growth and job creation within Sunnyside City limits on Alexander Road; and

WHEREAS, the City Council wishes to authorize the City Manager to execute an agreement between the City and the Washington State Community Economic Revitalization Board for aid in financing the costs of public facilities related to the new proposed Sunnyside Community Hospital Project; and

WHEREAS, the City Council finds and determines that such approval is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF
THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

SECTION 1. That Donald D. Day, City Manager of the City of Sunnyside hereby authorized and directed to execute, on behalf of the City of Sunnyside, a final contract between the Community Economic Revitalization Board and the City of Sunnyside and such other documents

as may be required for securing aid in financing the cost of the above-described public facilities is hereby approved; and the City Manager is hereby authorized to execute and administer such application and agreement for and behalf of the City of Sunnyside.

SECTION 2. The City of Sunnyside has accepted the offer of the loan from the Community Economic Revitalization Board in the amount of **\$2,000,000.00**, said loan bear interest at the rate of **1.88%** per annum.

Repayment of said **\$2,000,000.00** general obligation loan shall be in consistent with the terms provided in the signed Initial Offer of Financial Aid and more particularly as follows:

A copy of said Initial Offer of Financial Aid is attached hereto, designated as Exhibit A, and made a part hereof as though set forth herein in full.

The City of Sunnyside reserves the right to accelerate payments on principal and eliminate the interest on any accelerated principal payments.

This obligation shall be considered as a legal general obligation of the City of Sunnyside and the City of Sunnyside hereby pledges its full faith and credit to the payment thereof.

SECTION 3. The City of Sunnyside shall establish a separate fund to be known as the Community Economic Revitalization Board (CERB) Fund. Establishment of this fund applies to CERB grants and loans. In the case of a loan, there shall be sufficient moneys placed in this fund to meet the above-detailed repayment schedule.

The source of payment will come from the Sunnyside Community Hospital via a repayment agreement between the City of Sunnyside and the Sunnyside Community Hospital.

PASSED this 9th day of October 2017.


DEAN BROERSMA, DEPUTY MAYOR

ATTEST:


DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

KERR LAW GROUP
Attorneys for the City of Sunnyside

Washington State
Community Economic Revitalization Board

Initial Offer of Financial Aid

COPY

City of Sunnyside
Federal Tax Number: 91-6001284
Offer Date: May 18, 2017

The Community Economic Revitalization Board (CERB) is authorized by chapter 43.160 RCW to provide funds to political subdivisions to assist in financing the cost of certain public facilities. This Initial Offer of Financial aid is contingent upon the availability of CERB funds. CERB hereby offers to make funds available to the City of Sunnyside, hereafter referred to as the "Contractor," in order to aid in financing the cost of, or improvements to, public facilities consisting of the Sunnyside Community Hospital Project as described in the application (hereafter collectively referred to as the "Project").

This offer consists of:

- General Obligation loan of \$2,000,000
- Interest rate: 1.88 percent (%) per annum on the outstanding principal balance
- Term: 20 years maximum, including a deferred principal and interest payment until July 31, 2020

This offer is subject to completion of pre-contract conditions, as described in Attachment A.

A final contract shall be developed by CERB prior to disbursement of funds. No project costs incurred prior to this offer date will be reimbursed by CERB. In the event a final contract is not executed, no CERB funds will be disbursed.

If accepted, this Initial Offer of Financial Aid must be signed and returned to CERB by July 5, 2017.

ACCEPTANCE

FOR CERB

FOR THE CONTRACTOR

David Rhoden, Chair
Community Economic Revitalization Board

Name: Don D. Day

Title: City Manager

Date: _____

Date: June 30, 2017

CITY CONTRACT NO: A-2017-42
RESOLUTION NO: 2017-09
COUNCIL MTG: 3/13/17

EXHIBIT A



COPY

INVESTING IN WASHINGTON'S ECONOMIC FUTURE
Community Economic Revitalization Board

1011 Plum St SE • PO Box 42525 • Olympia, Washington 98504-2525 • (360) 725-4052

June 2, 2017

Shane Fisher
Public Works Director
City of Sunnyside
818 East Edison Avenue
Sunnyside, WA 98944

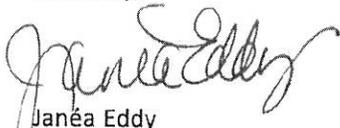
Dear Mr. Fisher:

Congratulations! The Community Economic Revitalization Board (CERB) has awarded funding to your public facilities project. Enclosed is a list of pre-contract conditions, which must be satisfied no later than **November 16, 2017**, in order to execute a final contract with CERB.

Once the conditions have been met, a final contract will be developed by CERB prior to disbursement of funds. Please note that no project costs incurred prior to the Initial Offer of Financial Aid date will be reimbursed by CERB. After contract execution, a signed copy will be forwarded for the City of Sunnyside's records. The execution date of the final contract will be based on the date of the CERB Chair's final signature. A sample of the contract document is enclosed for your records.

I will be your primary contact during this contracting process. If you have any questions, please don't hesitate to contact me at 360.725.3151 or Janea.Eddy@commerce.wa.gov.

Sincerely,



Janéa Eddy
CERB Program Director & Tribal Liaison

Enclosures:

- Initial Offer of Financial Aid (IOFA)
- Repayment Resolution/Ordinance (sample)
- Environmental Protection Act Certification (sample)
- Statement regarding permits and clearances (sample)
- EO 05/05 Overview
- CERB EZ-1 Form
- Sample Contract
- Estimated loan repayment schedule

CERB Pre-Contract Requirements

Initial Offer of Financial Aid

If you wish to accept CERB's offer, please sign and return two original copies of the enclosed Initial Offer of Financial Aid by July 5, 2017. A copy of the executed Initial Offer will be forwarded for the City's records.

If the terms and conditions of this offer are not acceptable, you may request in writing that CERB reconsider, amend or modify its offer.

Pre-Contract Requirements

Please complete the conditions below and submit the appropriate documentation to CERB.

If all conditions are not completed by **November 16, 2017**, you have the option to request an extension from the Board. If the Board does not approve an extension of the initial offer, the offer will expire. Please see the enclosed policy on extension requests for details.

1. Repayment Resolution or Ordinance
2. National and/or State Environmental Protection Act Certification
3. Evidence that land/Right-of-Way Acquisition is complete.
4. Statement regarding permits and clearances (*Note: This statement pertains only to the public project, and not intended to extend to the requirements, which must be met by the private development.*)
 - a. Highway Utility Crossing
 - b. Building Permit
 - c. Crossing Permit
5. Governor's Executive Order 05-05: Cultural Resource Review & Tribal Consultation
6. Evidence that the following matching funds for the public project have been secured from the following or alternate sources:

a. Yakima Community Development Association SIED	\$1,000,000	CASH
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7. Evidence that the private investment is secured:

a. Sunnyside Community Hospital	\$120,000,000	CASH
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EXHIBIT A

Estimated Repayment Schedule - Level Annual Payments

Name of Borrower: City of Sunnyside
 CERB Project Number: C2017-237

Enter Original Principal Amount 2,000,000.00
 Enter Annual Interest Rate 1.88%
 Enter the term of contract 20 (Note: Contract term in years)
 APPROVAL DATE 5/18/2017 (Note: Date of project approval)
 Enter # periods per year 1 (Note: Number of payments per year.)
 DATE of est. FIRST Payment 7/31/2020 (Note: Date of first payment)
 Enter first disbursement date 1/1/2018 (Note: Date the first disbursement was made)
 Annual Payment \$120,901.59

Pmt No	Payment Due Date	Beginning Balance	Interest Paid	Principal Paid	Ending Principal Balance	Total Payment
1	7/31/2020	2,000,000.00	37,600.00	\$83,301.59	1,916,698.41	\$120,901.59
2	7/31/2021	1,916,698.41	36,033.93	\$84,867.66	1,831,830.75	\$120,901.59
3	7/31/2022	1,831,830.75	34,438.42	\$86,463.17	1,745,367.58	\$120,901.59
4	7/31/2023	1,745,367.58	32,812.91	\$88,088.68	1,657,278.90	\$120,901.59
5	7/31/2024	1,657,278.90	31,156.84	\$89,744.75	1,567,534.15	\$120,901.59
6	7/31/2025	1,567,534.15	29,469.64	91,431.95	1,476,102.20	120,901.59
7	7/31/2026	1,476,102.20	27,750.72	93,150.87	1,382,951.33	120,901.59
8	7/31/2027	1,382,951.33	25,999.49	94,902.10	1,288,049.23	120,901.59
9	7/31/2028	1,288,049.23	24,215.33	96,686.26	1,191,362.97	120,901.59
10	7/31/2029	1,191,362.97	22,397.62	98,503.97	1,092,859.00	120,901.59
11	7/31/2030	1,092,859.00	20,545.75	100,355.84	992,503.16	120,901.59
12	7/31/2031	992,503.16	18,659.06	102,242.53	890,260.63	120,901.59
13	7/31/2032	890,260.63	16,736.90	104,164.69	786,095.94	120,901.59
14	7/31/2033	786,095.94	14,778.60	106,122.99	679,972.95	120,901.59
15	7/31/2034	679,972.95	12,783.49	108,118.10	571,854.85	120,901.59
16	7/31/2035	571,854.85	10,750.87	110,150.72	461,704.13	120,901.59
17	7/31/2036	461,704.13	8,680.04	112,221.55	349,482.58	120,901.59
18	7/31/2037	349,482.58	6,570.27	114,331.32	235,151.26	120,901.59
19	7/31/2038	235,151.26	4,420.84	116,480.75	118,670.51	120,901.59
20	7/31/2039	118,670.51	2,231.01	118,670.51	-	120,901.52
		Totals	418,031.73	2,000,000.00		2,418,031.73

Pmt Due Date Note: Payment Date is determined by date of first draw.

If first disbursement is between Jan 1 and June 30, payment is due July 31 the year following the first disbursement. If first disbursement is between July 1 and Dec 31, payment is due Jan 31 of the year following the first disbursement.

Interest calculation method is by simple interest.

EXHIBIT A

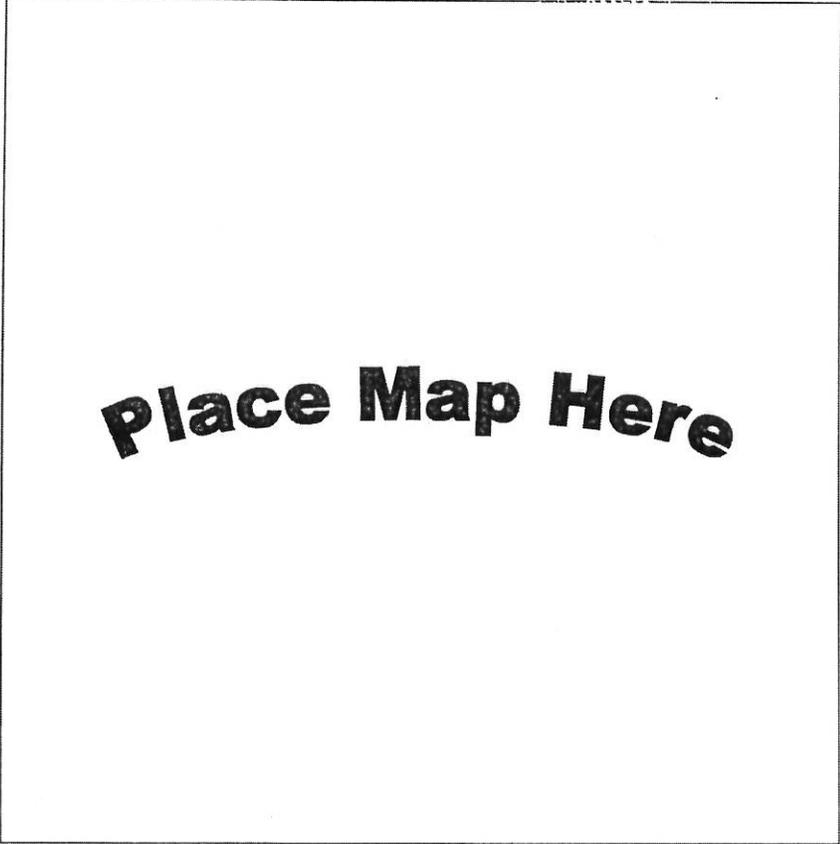
PLEASE ATTACH A COPY OF THE RELEVANT PORTION OF A 7.5 SERIES USGS QUAD MAP AND OUTLINE THE AREA OF POTENTIAL EFFECTS (APE).
USGS Quad maps are available on-line at <http://www.mytopo.com/maps/index.cfm>

- Attach a USGS map identify the APE (Include any staging areas)
- Attach a vicinity map

-
- Explain how the APE was developed and how it encompasses potential direct and indirect effects.
-

Project Location

Township: _____ Range: _____ Section: _____
Address: _____ City: _____ County: _____



E-Mail this form to: [Janea Eddy, CERB Program Director & Tribal Liaison](mailto:Janea.Eddy@commerce.wa.gov)
Janea.Eddy@commerce.wa.gov

EXHIBIT A

PROJECT REVIEW SHEET – EZ1
HISTORIC & CULTURAL RESOURCES REVIEW

PROPERTY / CLIENT NAME: _____

FUNDING AGENCY: Community Economic Revitalization Board (CERB)

Project Applicant:	_____		
Contact Person:	_____		
Address:	_____		
City, State:	_____	Zip: _____	County: _____
Phone/ FAX:	_____		
E-Mail:	_____		

Funding Agency:

Organization: Community Economic Revitalization Board (CERB)
Address: PO Box 42525
City, State: Olympia Zip: 98504
Phone: 360-725-3151
Contact: Janea Eddy, Program Director & Tribal Liaison

PLEASE DESCRIBE THE TYPE OF WORK TO BE COMPLETED
(Be as detailed as possible to avoid having to provide additional information)

Provide a detailed description of the proposed project. Include the dimensions of the area to be disturbed.

Describe the existing project site conditions.

Describe in detail the proposed ground disturbing activities (length, width, and depth of proposed ground disturbance).

Check if building(s) will be altered or demolished. Are the buildings 45 years or older? If so please, submit a photo of the building. CERB staff will complete a DAHP Determination of Eligibility "EZ2 form" using DAHP's on-line Historic Property Inventory Database for each building, 45 years or older, effected by the proposed project.

EXHIBIT A

No response received from Tribe after at least 60 days

- CERB Program Director & Tribal Liaison will follow-up with a phone call and email
- Tribal consultation complete

Step 2b:

Tribe issues "No Impact" letter

- Tribal consultation complete

Step 2c:

Tribe requests further information (may occur several times)

- Provide requested information to the CERB Program Manager
- Tribal consultation complete

Step 3:

Tribe issues final concurrence letter

- Tribal consultation complete

3. Cultural Resource Review Process Completion

Funding recipient has completed:

- Section 106 or

CERB has completed:

- DAHP Consultation, and
- Tribal Consultation

4. Next Steps

CERB Program Director & Tribal Liaison has confirmed that the Cultural Resource Review Process has been completed.

- Funding recipient may begin construction.

Funds cannot be reimbursed* until:

- All other pre-contract conditions have been met.
- A CERB contract has been executed.

**Funds cannot be reimbursed for costs incurred prior to the initial offer date.*

If you have any questions, please contact:

Community Economic Revitalization Board (CERB)
PO Box 42525
Olympia, WA 98504-2525

Janea Eddy, CERB Program Director & Tribal Liaison
360-725-3151 or Janea.Eddy@commerce.wa.gov

EXHIBIT A



Governor's Executive Order 05-05
Historic and Cultural Review Process & Checklist

1a. Section 106 of the National Historic Preservation Act (Federal Funding)

The project is subject to Section 106 of the National Historic Preservation Act

- Provide CERB Program Director & Tribal Liaison with letter certifying Section 106 requirements have been completed.
- The CERB Program Director & Tribal Liaison reviews submitted documentation, and concurs that no other steps need to be taken.
- Process Complete

1b. Executive Order 05-05 (State Funding)

Department of Archaeology and Historic Preservation (DAHP) Consultation

Step 1:

- Client submits, by email, Form EZ1 to CERB Program Director & Tribal Liaison
- If a historic property is involved, Client complete online inventory
 - Notify CERB Program Director & Tribal Liaison that the online inventory was completed
- CERB Program Director & Tribal Liaison will initiate consultation with DAHP

Step 2a:

DAHP issues a "No Effect upon Cultural/Historic Properties" letter

- DAHP consultation complete

Step 2b:

DAHP requires further information (may occur several times)

- Provide requested information to DAHP and the CERB Program Director & Tribal Liaison

Step 3:

DAHP issues final concurrence letter

- DAHP consultation complete

2. Federally-recognized Indian Tribes consultation (may involve multiple Tribes)*

Step 1:

- CERB Program Director & Tribal Liaison will initiate consultation with the Tribe(s) and will send notification to:
 - Tribal Cultural Resource Contact
 - Tribal Historic Preservation Officer
 - Tribal Chair
 - Applicant

Step 2a:

No response received from Tribe after at least 30 days

- CERB Program Director & Tribal Liaison will follow-up with a phone call and email

EXHIBIT A

CERTIFICATION

National and State Environmental Protection Act

I hereby certify that the (city, county or port) of _____ has complied with the provisions of the National Environmental Protection Act (NEPA), to the extent that the same is applicable, and with provisions of the State Environmental Protection Act (SEPA, chapter 43.21C) including, particularly, wetlands protection for the public facilities project described as follows:

(Brief description of the project)

Specifically:

(This paragraph should describe that an environmental assessment or environmental checklist has been completed or that the project is otherwise exempted from the provisions of SEPA, with appropriate reference to the provisions of law exempting the project. Otherwise, there should be a brief summary indicating either that a declaration of non-significance was filed with appropriate reference to the date, or that an environmental impact statement has been undertaken with a report on its progress, i.e., dates of filing of draft and final environmental impact statements or other statement of progress.)

At the date of this certification, there has been no challenge to the actions taken by the (city, county or port district) pursuant to NEPA or SEPA, or by any other agency in relation to the above-described project and no challenge is anticipated. (Describe any reasonably anticipated challenge giving analysis of the possible outcome.)

Name of Official

Title

Date of Certification