

RESOLUTION NO. 15-URA9

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF
KETCHUM, IDAHO:

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE URBAN RENEWAL AGENCY OF KETCHUM, IDAHO,
CLARIFYING THE TERMINATION DATE OF THE
AMENDED URBAN RENEWAL PLAN; AND PROVIDING AN
EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Urban Renewal Agency of Ketchum, Idaho, also known as the Ketchum Urban Renewal Agency, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, as amended, Chapter 20, Title 50, Idaho Code, a duly created and functioning urban renewal agency for Ketchum, Idaho, hereinafter the Ketchum Urban Renewal Agency is referred to as the "Agency."

WHEREAS, the Agency, an independent public body, corporate and politic, is an urban renewal agency created by and existing under the authority of and pursuant to the Idaho Urban Renewal Law of 1965, being Idaho Code, Title 50, Chapter 20 (the "Law"), and the Local Economic Development Act, being Idaho Code, Title 50, Chapter 29, as amended and supplemented (the "Act");

WHEREAS, the City of Ketchum (the "City") by adoption of Ordinance No. 992 on November 15, 2006, duly adopted the Ketchum Urban Renewal Plan (the "2006 Plan") to be administered by the Agency;

WHEREAS, the 2006 Plan contains a revenue allocation (tax increment) financing provision, as provided by Section 50-2904, Idaho Code;

WHEREAS, the Agency heretofore, pursuant to Resolution No. 07-URA15, adopted on September 4, 2007, issued, sold, and delivered its Revenue Allocation Note, Series 2007A (the "Series 2007A Note"), in the principal amount of \$1,000,000 to finance an urban renewal project pursuant to the 2006 Plan;

WHEREAS, the Agency heretofore, pursuant to Resolution No. 07-URA22, adopted on November 5, 2007, issued, sold, and delivered its Revenue Allocation Note, Series 2007B (the "Series 2007B Note"), in the principal amount of \$2,560,000 to finance an urban renewal project to the 2006 Plan;

WHEREAS, the Agency heretofore, pursuant to Resolution No. 07-URA21, adopted on November 5, 2007, issued, sold, and delivered its Revenue Allocation Note, Series 2007C (the "Series 2007C Note"), in the principal amount of \$2,000,000 to finance an urban renewal project pursuant to the 2006 Plan;

WHEREAS, pursuant to Resolution No. 07-URA23, adopted by the Board on December 3, 2007, the Agency caused to be filed a petition in the District Court of the Fifth Judicial District of the state of Idaho, in and for the county of Blaine (the "District Court"), seeking judicial confirmation of the validity of the Series 2007A Note, pursuant to the Idaho Judicial Confirmation Law, the same being Title 7, Chapter 13, Idaho Code;

WHEREAS, on March 14, 2008, pursuant to the petition for judicial confirmation, the District Court, in Case No. CV 2008-78, duly entered its Findings of Fact, Conclusions of Law, Judgment and Decree on the petition, determining, among other matters, that the Agency is authorized to issue the 2007 A Note, and that the 2007A Note and the 2006 Plan are valid and enforceable under the Constitution and laws of the state of Idaho;

WHEREAS, pursuant to Resolution No. 10-URA1, adopted by the Board on February 16, 2010, the Agency caused to be filed a petition in the District Court, seeking judicial confirmation of the validity of the Series 2007B and Series 2007C Notes, pursuant to the Idaho Judicial Confirmation Law, the same being Title 7, Chapter 13, Idaho Code;

WHEREAS, on April 6, 2010, pursuant to the petition for judicial confirmation, the District Court, in Case No. CV 2010-121, duly entered its Findings of Fact, Conclusions of Law, Judgment and Decree on the petition, determining, among other matters, that the Agency is authorized to issue the 2007B and 2007C Notes, and that the 2007B and 2007C Notes and the 2006 Plan are valid and enforceable under the Constitution and laws of the state of Idaho;

WHEREAS, prior to July 1, 2011, Idaho Code 50-2904(1) provided that the revenue allocation financing provision for the revenue allocation area can be extended for up to thirty (30) years provided the maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation financing provision;

WHEREAS, by virtue of certain amendments, effective July 1, 2011, the bond term has been reduced to twenty (20) years;

WHEREAS, the Agency has previously sold its 2010 Refunding Bonds as set forth in Resolution No. 10-URA2, adopted on May 17, 2010, as amended by Resolution No. 10-URA3;

WHEREAS, the maturity date of the 2010 Refunding Bonds, which are issued to provide funds for a specific project in the revenue allocation are payable from the revenue allocation financing provision, exceeds the duration of the revenue allocation financing provision;

WHEREAS, the 2010 Refunding Bonds have a maturity which could extend 25 years from the issuance of the Refunding Bonds in 2010;

WHEREAS, as a result of the issuance of the 2010 Refunding Bonds, the Agency and City embarked upon the process to amend the 2006 Plan;

WHEREAS, upon the approval of Ordinance No. 1077 adopted by the City Council on November 15, 2010, and deemed effective on November 24, 2010, the Agency began implementation of the amended Ketchum Urban Renewal Plan (the “Amended Plan”);

WHEREAS, the Amended Plan, Section 8, indicated that the Revenue Allocation Area and Revenue Allocation Financing Provisions would be effective through 2034, extending the original revenue allocation authority by four years;

WHEREAS, the Amended Plan also provided for properties to be added to the revenue allocation and urban renewal areas;

WHEREAS, Idaho Code Section 50-2904, as amended by House Bill 244, as amended and effective July 1, 2009, provided as follows:

. . . provided further no additions to land area of an existing revenue allocation area shall be interpreted to or shall cause an extension of the date of the twenty four (24) year limit that was originally established for the revenue allocation area.

WHEREAS, Idaho Code § 50-2904 does provide for continuing receipt of revenue allocation funds to pay outstanding obligations under certain limited circumstances;

WHEREAS, the Idaho State Tax Commission (the “Commission”) maintains a list of revenue allocation areas and their termination dates;

WHEREAS, the Commission list shows the Ketchum revenue allocation area with a termination date of 2030, twenty-four years from the approval of the 2006 Plan;

WHEREAS, Agency staff in presenting financing overview and scenarios for future funding and redemption of the 2010 Refunding Bonds has shown a termination or close out date in 2030 (recognizing receipt of revenue allocation funds in 2031) or earlier if revenues are sufficient to satisfy all Agency obligations;

WHEREAS, in order to continue the financial planning and in order to provide Agency staff, its attorneys, developers, property owners, and others appropriate direction, the Board deems it prudent and in the best interest of the public and the Agency to provide a statement of policy concerning the Amended Plan termination date.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE KETCHUM URBAN RENEWAL AGENCY OF THE CITY OF KETCHUM, IDAHO, AS FOLLOWS:

Section 1: That the above statements are true and correct.

Section 2. That the Board hereby adopts the following statement of policy concerning the termination date under the Amended Plan:

Agency staff, its attorneys, and Agency Board will adhere to the original termination of 2030 (recognizing receipt of revenue allocation funds in 2031) for completing all projects authorized under the Amended Plan, entering into any development agreement or other obligations, and will take all reasonable steps to fully retire or redeem the 2010 Refunding Bonds prior to 2030.

Section 3. That nothing herein is intended to prevent the Agency from invoking the provisions of Idaho Code § 50-2904 concerning continued receipt of revenue allocation funds for the purposes and limitations set forth in Idaho Code § 50-2904

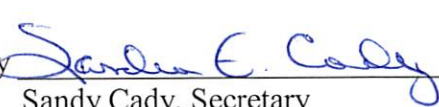
Section 4: That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED By the Urban Renewal Agency of Ketchum, Idaho, on November 16, 2015. Signed by the Chair of the Board of Commissioners, and attested by the Secretary to the Board of Commissioners, on November 16, 2015.

URBAN RENEWAL AGENCY OF KETCHUM

By _____
Baird Gourlay, Chair

ATTEST:

By _____
Sandy Cady, Secretary

4818-9328-2346, v. 1