

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2020

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 2.97.050 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED "DEBT REVIEW COMMITTEE" REDEFINING PRINCIPAL AMOUNT OUTSTANDING TO INCLUDE UNAMORTIZED PREMIUM

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets with a line drawn through said words.

SECTION II. Section 2.97.050, of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

2.97.090 - Credit worthiness for conduit issues.

The county will not act as an issuer on behalf of any third party unless the following credit worthiness is established:

- A. Governmental entities must have a bond rating from a national rating agency of "A" or higher;
- B. Private entities must have a bond rating from a national rating agency of investment grade or higher or must provide credit enhancement in the form of a direct pay letter of credit (LOC) or bond insurance in a form acceptable to the county. Any LOC guarantee must be issued by a bank authorized to do business in the state of Utah with a rating on no less than "A". Bond insurance shall be by a national insurer acceptable to the county.
- C. Private entities proposing a direct private placement of the debt issue must provide a letter from the purchaser describing the direct purchaser as a sophisticated "accredited investor" within the meaning of Section 2(15) of the Securities Act of 1933.

(Ord. 1562 § 1, 2005; Ord. 1527 § 1 (part), 2004)

Attachment A

MUNICIPAL AND CONDUIT FINANCING FEE SCHEDULE

- A. Application Fee. Any party requesting the county to act as an issuer on its behalf shall submit an initial application containing such information as is required by the county and pay a nonrefundable application fee of two thousand five hundred dollars for a new issue and five hundred dollars for a refunding issue. This fee, when received, shall be applied as a credit against the issuance fee.
- B. Issuance Fee—New and Refunding Issues. \$7,500.00 plus:

1. 0.15% per first \$5,000,000.00 in principal;
2. 0.10% per second \$5,000,000.00 in principal;
3. 0.075% per third \$5,000,000.00 in principal; and
4. 0.05% for all amounts in excess of \$15,000,000.00.

The minimum fee for any issue shall be fifteen thousand dollars. All issuance fees shall be payable at closing. For purposes of calculating the Issuance Fee, principal shall include any premium paid at issuance.

- C. Annual Maintenance Fee. In addition to the application and issuance fees, a conduit borrower shall be subject to an annual maintenance fee to be paid to the county. Calculation and payment of the fee to the county shall be provided for in the bond documents, made annually on the anniversary date of the issuance, and shall be a duty of the trustee. The fee shall be calculated at an annual rate equal to four basis points (four one-hundredths of one percent) of the principal amount, including any unamortized premium, of the bonds then outstanding. The minimum annual maintenance fee for any issue shall be one thousand dollars and the maximum annual maintenance fee for any issue shall be ten thousand dollars.

SECTION III. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

[Signature Page to Follow]

APPROVED and ADOPTED this _____ day of _____, 2020.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

Council Member Bradley voting _____
Council Member Bradshaw voting _____
Council Member Burdick voting _____
Council Member DeBry voting _____
Council Member Granato voting _____
Council Member Ghorbani voting _____
Council Member Jensen voting _____
Council Member Snelgrove voting _____
Council Member Winder Newton voting _____

Vetoed and dated this ___ day of _____, 2020.

By: _____
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes ___ No ___ Date _____

Ordinance published in the newspaper: Date _____

Effective date of ordinance: _____

Approved As to Form

Craig Wangsgard
Deputy District Attorney
February ___, 2020

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the ____ day of _____, 2020 the County Council of Salt Lake County adopted Ordinance No. _____, Amending Chapter 2.97.050 of the Salt Lake County Code of Ordinances, 2001, Debt Review Committee, redefining principal outstanding to include unamortized premium.

SALT LAKE COUNTY COUNCIL

By: _____
Max Burdick, Chair

ATTEST:

Sherrie Swensen
Salt Lake County Clerk

- Council Member Bradley voting _____
- Council Member Bradshaw voting _____
- Council Member Burdick voting _____
- Council Member DeBry voting _____
- Council Member Granato voting _____
- Council Member Ghorbani voting _____
- Council Member Jensen voting _____
- Council Member Snelgrove voting _____
- Council Member Winder Newton voting _____

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-100A, Salt Lake City, Utah.