

ORDINANCE NO. 15, 2020

AN ORDINANCE AMENDING ORDINANCE NO. 11, 2020 TO INCREASE THE AUTHORIZED LIMITS FOR THE ISSUANCE OF SPECIAL OBLIGATION REVENUE BONDS OF THE CITY OF MONTGOMERY AND DECLARING AN EMERGENCY

WHEREAS, on July 1, 2020, Council did enact Ordinance No. 11, 2020 entitled *An Ordinance Authorizing the Issuance of Not to Exceed \$23,000,000 Special Obligation Revenue Bonds of the City of Montgomery; Providing for the Pledge of Revenues for the Payment of Such Bonds; Authorizing a Trust Agreement Appropriate for the Protection and Disposition of Such Revenues and to Further Secure Such Bonds; Authorizing an Official Statement; Authorizing Other Necessary and Appropriate Documents; and Authorizing Other Actions in Connection with the Issuance of Such Bonds*; and

WHEREAS, such Ordinance became effective July 31, 2020, thirty days after its enactment; and

WHEREAS, the Administration has recommended that City Council increase the limit on the amount of the bonds to be issued to be able to establish from the net proceeds from such bonds a \$19 Million Dollar Fund for the construction of certain public improvements in the Montgomery Quarter Project Site, and to provide reimbursement to the City for engineering and design cost previously incurred; and

WHEREAS, while it is projected that the \$23 Million Dollar ceiling established by Ordinance No. 11, 2020 may be sufficient, to account for potential changes in the interest rates, Council does hereby desire to authorize the ceiling for such bonds to be increased from \$23 Million Dollars to \$25 Million Dollars.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Ordinance No. 11, 2020 entitled *An Ordinance Authorizing the Issuance of Not to Exceed \$23,000,000 Special Obligation Revenue Bonds of the City of Montgomery; Providing for the Pledge of Revenues for the Payment of Such Bonds; Authorizing a Trust Agreement Appropriate for the Protection and Disposition of Such Revenues and to Further Secure Such Bonds; Authorizing an Official Statement; Authorizing Other Necessary and Appropriate Documents; and Authorizing Other Actions in Connection with the Issuance of Such Bonds* is hereby amended to repeal the current Section 3 of Ordinance No. 11, 2020 **which read as follows:**

SECTION 3. Terms of the Bonds. The Bonds of the City shall be issued in the principal sum of not to exceed \$23,000,000, for the purposes aforesaid. The Bonds shall be designated "Special Obligation Revenue Bonds, Series 2020 (Montgomery Quarter Phase I Project)" and may have other distinguishing series or name designations as determined by the Finance Director. The Bonds shall be dated the date of issuance if authenticated prior to the first interest payment date on the Bonds and otherwise will be dated as of the interest payment date next preceding the date the Bonds are authenticated, except that if the Bond is authenticated on an interest payment date, it will be dated as of such date of authentication; provided that if at the time of authentication, interest hereon is in default, the Bond will be dated as of the date to which interest has been paid. The Bonds shall be issued as fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof. However, temporary bonds may be issued pending delivery of bonds in definitive form. The Bonds shall bear interest at the rates, payable semi-annually on each June 1 and December 1, commencing December 1, 2020, or as otherwise set forth in the Bond Purchase Agreement, as hereinafter defined and authorized, until maturity, and shall mature on the 1st day of December, in such years and principal amounts as are agreed upon by the City and the Original Purchaser. Such principal amounts and interest rates as are agreed upon shall be set forth in the Bond Purchase Agreement authorized in Section 5 hereof, and the City's approval shall be evidenced by the signatures of the City Manager and the Finance Director on the Bond Purchase Agreement, without further action by this Council.

The Bonds are subject to redemption prior to maturity at the option of the City in whole or in part, as set forth in the Bond Purchase Agreement.

Notice of the call for redemption of the Bonds, specifying the numbers of the Bonds to be redeemed, shall be sent by the Trustee, as defined herein, by first class mail to the registered holders thereof, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption, upon which date all interest upon the Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Trustee and the City shall direct the Trustee in writing to make any notice of call for redemption, except mandatory sinking fund redemption.

If less than all of the Bonds shall be called for redemption at the option of the City, those Bonds to be called shall be determined by the Trustee by lot, provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or any integral multiple thereof.

The Bonds shall initially be numbered from R-1 upwards; provided, however, that in the event of the exchange or transfer of any Bond, any new Bonds issued by the Trustee as a result of such exchange or transfer shall be numbered in a manner which will assure that such new Bonds retain the same terms with respect to redemption as were possessed by the exchanged or transferred Bonds.

The principal of, and interest on, the Bonds shall be payable to the registered holders thereof by check or draft of the Trustee, as paying agent, and such payment shall be made without deduction for the services of such paying agent. At the written request of the registered owner of at least \$100,000 aggregate principal amount of the Bonds received by the Trustee at least one business day prior to the corresponding record date, interest accrued on the Bonds will be payable by wire transfer within the continental United States in immediately available funds to the bank account number of such owner specified in such request and entered by the Trustee on the registration records; provided that interest payable at maturity or upon redemption shall be paid only upon presentation and surrender of such owner's Bonds.

is hereby amended to read as follows:

***SECTION 3. Terms of the Bonds.** The Bonds of the City shall be issued in the principal sum of not to exceed \$25,000,000, for the purposes aforesaid. The Bonds shall be designated "Special Obligation Revenue Bonds, Series 2020 (Montgomery Quarter Phase I Project)" and may have other distinguishing series or name designations as determined by the Finance Director. The Bonds shall be dated the date of issuance if authenticated prior to the first interest payment date on the Bonds and otherwise will be dated as of the interest payment date next preceding the date the Bonds are authenticated, except that if the Bond is authenticated on an interest payment date, it will be dated as of such date of authentication; provided that if at the time of authentication, interest hereon is in default, the Bond will be dated as of the date to which interest has been paid. The Bonds shall be issued as fully registered bonds in the denomination of \$5,000 each*

or any integral multiple thereof. However, temporary bonds may be issued pending delivery of bonds in definitive form. The Bonds shall bear interest at the rates, payable semi-annually on each June 1 and December 1, commencing December 1, 2020, or as otherwise set forth in the Bond Purchase Agreement, as hereinafter defined and authorized, until maturity, and shall mature on the 1st day of December, in such years and principal amounts as are agreed upon by the City and the Original Purchaser. Such principal amounts and interest rates as are agreed upon shall be set forth in the Bond Purchase Agreement authorized in Section 5 hereof, and the City's approval shall be evidenced by the signatures of the City Manager and the Finance Director on the Bond Purchase Agreement, without further action by this Council.

The Bonds are subject to redemption prior to maturity at the option of the City in whole or in part, as set forth in the Bond Purchase Agreement.

Notice of the call for redemption of the Bonds, specifying the numbers of the Bonds to be redeemed, shall be sent by the Trustee, as defined herein, by first class mail to the registered holders thereof, not less than thirty (30) days nor more than sixty (60) days prior to the date of redemption, upon which date all interest upon the Bonds or portions thereof so called shall cease except those as to which default shall be made, upon presentation, in the payment of the redemption price. Prior to any notice of call for redemption funds for such redemption shall be on deposit with the Trustee and the City shall direct the Trustee in writing to make any notice of call for redemption, except mandatory sinking fund redemption.

If less than all of the Bonds shall be called for redemption at the option of the City, those Bonds to be called shall be determined by the Trustee by lot, provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or any integral multiple thereof.

The Bonds shall initially be numbered from R-1 upwards; provided, however, that in the event of the exchange or transfer of any Bond, any new Bonds issued by the Trustee as a result of such exchange or transfer shall be numbered in a manner which will assure that such new Bonds retain the same terms with respect to redemption as were possessed by the exchanged or transferred Bonds.

The principal of, and interest on, the Bonds shall be payable to the registered holders thereof by check or draft of the Trustee, as paying agent, and such payment shall be made without deduction for the services of such paying agent. At the written request of the registered owner of at least \$100,000 aggregate principal amount of the Bonds received by the Trustee at least one business day prior to the corresponding record date, interest accrued on the Bonds will be payable by wire transfer within the continental United States in immediately available funds to the bank account number of such owner specified in such request and entered by the Trustee on the registration records; provided that interest payable at maturity or upon redemption shall be paid only upon presentation and surrender of such owner's Bonds.

SECTION 2. All other terms and provisions of Ordinance No. 11, 2020 are hereby ratified and reaffirmed as if fully set forth herein.

SECTION 3. In order to timely issue such bonds to be able to fund anticipated construction for public improvements in the Montgomery Quarter Project Phase 1, this Ordinance is hereby declared to be an emergency necessary for the preservation of the public health, safety and welfare, and it shall take effect immediately upon passage.

PASSED: October 7, 2020

ATTEST: Connie M. Gaylor
Connie M. Gaylor, Clerk of Council

Christopher P. Dobrozi
Christopher P. Dobrozi, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director