Passed 8-0
Satterfield absent

**RESOLUTION 09-06**

**RESOLUTION OF THE CITY OF BLOOMINGTON, INDIANA APPROVING THE CURRENT REFUNDING OF THE BLOOMINGTON MUNICIPAL FACILITIES CORPORATION FIRST MORTGAGE REFUNDING BONDS OF 1998**

WHEREAS, on June 1, 1994, the Bloomington Municipal Facilities Corporation (the "Corporation") issued and delivered its Lease Rental Bonds of 1994 (the "1994 Bonds") in the aggregate principal amount of Eight Million Three Hundred Twenty-Five Thousand Dollars ($8,325,000); and

WHEREAS, the proceeds of the 1994 Bonds financed the construction of the City Hall, commonly known as the Showers Project (the "Project"), which Project is leased by the Corporation to the City of Bloomington, Indiana (the "City"), acting by and through its Board of Public Works (the "BPW"), pursuant to a lease agreement (the "Lease"); and

WHEREAS, prior to the delivery of the 1994 Bonds, the Common Council of the City (the "Council") approved the issuance of the 1994 Bonds and the Lease; and

WHEREAS, on July 23, 1998, the Corporation advance refunded the 1994 Bonds by issuing and delivering its First Mortgage Refunding Bonds of 1998 (the "1998 Bonds") in the aggregate principal amount of Eight Million Six Hundred Sixty Thousand Dollars ($8,660,000), which 1998 Bonds are now outstanding in the aggregate principal amount of Five Million Nine Hundred Forty Thousand Dollars ($5,940,000); and

WHEREAS, on April 14, 2009 and on April 16, 2009, the BPW and the Corporation, respectively, adopted resolutions (collectively, the "Refunding Resolutions") authorizing the issuance of the Corporation's First Mortgage Refunding Bonds, Series 2009 (the "Refunding Bonds"), to accomplish the current refunding and defeasance of the outstanding 1998 Bonds and achieve a net present value savings for the City; and

WHEREAS, the Council has been advised that the current refunding and defeasance of the outstanding 1998 Bonds through the issuance by the Corporation of its Refunding Bonds will create a substantial net present value savings for the City; and

WHEREAS, the Council finds that the refunding and defeasance of the outstanding 1998 Bonds should be approved and that the Corporation and BPW should take all actions necessary to accomplish said refunding and defeasance;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

SECTION 1. The issuance of the Refunding Bonds by the Corporation for the purpose of currently refunding and defeasing the outstanding 1998 Bonds in order to create substantial savings for the City is hereby approved. The Refunding Bonds may be issued in one or more series in an aggregate principal amount not to exceed Six Million Five Hundred Thousand Dollars ($6,500,000) and are hereby authorized to be sold at a price not less than ninety-eight percent (98%) of the par amount thereof, at a per annum interest rate not to exceed six percent (6%), with a first redemption date not later than August 1, 2019, and a redemption premium not to exceed two percent (2%).

SECTION 2. The Mayor, Controller and Clerk, together and/or individually, are hereby authorized and directed to execute such documents, instruments and federal tax certificates, with the advice of bond counsel, as may be necessary in connection with the issuance by the Corporation of the Refunding Bonds and the refunding and defeasance of the outstanding 1998 Bonds.

SECTION 3. The Corporation and BPW are hereby directed to take all actions necessary to accomplish the issuance of the Refunding Bonds and the refunding and defeasance of the outstanding 1998 Bonds, provided such actions are consistent with the terms and provisions of this resolution and the Refunding Resolutions.

SECTION 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby repealed.

SECTION 5. If any sections, sentence or provision of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are declared to be severable.

SECTION 6. This resolution shall be in full force and effect from and after its passage by the Council and approval of the Mayor of the City.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 29th day of April, 2009.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 30th day of April, 2009.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 30th day of April, 2009.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the issuance and sale of refunding bonds by the Bloomington Municipal Facilities Corporation to effect a refunding of its First Mortgage Refunding Bonds of 1998. The purpose is to provide a savings through a reduction in interest payments on the bonds.

Signed copies to:
legal (10)
controller
CA/CA (3)
clerk (2)