(passed 8-0)
Cole Absent

ORDINANCE 03-11

AMENDING ORDINANCE 02-42 WHICH AUTHORIZED THE ISSUANCE OF THE SEWAGE REFUNDING REVENUE BONDS OF 2003

WHEREAS, the Common Council of the City of Bloomington, Indiana ("City") adopted Ordinance 02-42 ("Ordinance") on December 11, 2002 authorizing the issuance of Sewage Works Refunding Revenue Bonds of 2003 ("Refunding Bonds"); and

WHEREAS, the Refunding Bonds were issued on March 27, 2003 on a parity with the 1999 Bonds, the 2000A Bonds, the 2000B Bonds and the 2000C Bonds (each as defined in the Ordinance); and

WHEREAS, the Ordinance continues the Reserve Account as a reserve for the Refunding Bonds, the 2000C Bonds, the 2000B Bonds, the 2000A Bonds and the 1999 Bonds; and

WHEREAS, debt service reserve surety bonds have been acquired and deposited in the Reserve Account ("Suretys") to fund the reserve for the 1999 Bonds, the 2000A Bonds, the 2000B Bonds and the Refunding Bonds (collectively, "Surety Secured Bonds") and cash has been deposited in the Reserve Account ("2000C Cash Reserve") to fund the reserve for the 2000C Bonds; and

WHEREAS, the Suretys are held in the Reserve Account exclusively for the payment of debt service on the respective Surety Secured Bonds for which each was purchased and the 2000C Cash Reserve is held in the Reserve Account exclusively for the payment of debt service on the 2000C Bonds; and

WHEREAS, the SRF Program (as defined in the Ordinance), the holder of the 2000C Bonds, has requested that the City amend the Ordinance to specifically provide that the 2000C Cash Reserve is held in the Reserve Account exclusively for the payment of debt service on the 2000C Bonds; and

WHEREAS, the Common Council finds that such amendment will not adversely affect the holders of the Surety Secured Bonds or the providers of the Suretys and that the Ordinance should be so amended;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA:

Section 1. Section 15(c) of the Ordinance is hereby amended to include the following sentence to be inserted immediately after the end of the third sentence in the second paragraph of Section 15(c):

"Notwithstanding the foregoing sentence, the cash held in the Reserve Account as a reserve for the 2000C Bonds shall be drawn down exclusively for the payment of principal and interest on the 2000C Bonds."

Section 2. All other provisions of the Ordinance shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 7th day of May, 2003.

Chris Gaal

CHRIS GAAL, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8th day of May, 2003.

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 8 day of May, 2003.

JOHN FERNANDEZ, Mayor
City of Bloomington

Synopsis

This ordinance amends Ordinance 02-42 at the request the counsel of the State Revolving Fund (SRF) program. It adds a sentence to Section 15(c) which is intended to assure repayment of the SRF bonds.

signed copies to:
legal (5)
controller
CA/CA (2)

file