

ORDINANCE NO. 2011-1282

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA AMENDING AND RESTATING ORDINANCE NO. 2011-1278 IN ITS ENTIRETY FOR THE PURPOSE OF INCREASING THE AUTHORIZED PRINCIPAL AMOUNT OF BONDS TO \$10,500,000; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$10,500,000 WATER AND SEWER SYSTEM CAPITAL IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2011A AND WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, TAXABLE SERIES 2011B TO FINANCE THE COSTS OF CERTAIN IMPROVEMENTS TO THE SYSTEM AND TO REFUND CERTAIN OUTSTANDING OBLIGATIONS; PLEDGING A LIEN ON THE NET REVENUES OF THE COMBINED WATER AND SEWER SYSTEM TO SECURE THE PAYMENT THEREOF; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF SUCH BONDS; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA, as follows:

SECTION 1. AMENDMENT AND RESTATEMENT OF ORDINANCE NO. 2011-1278 IN ITS ENTIRETY. Ordinance No. 2011-1278 is hereby amended and restated to read in its entirety as follows:

ARTICLE I

GENERAL

1.01 Authority for this Ordinance. This Ordinance is enacted pursuant to the provisions of the Constitution of Florida; the Charter of the City of Polk City, Florida (the "Issuer"); Chapter 166, Part II, Florida Statutes; and other applicable provisions of law (collectively, the "Act").

1.02 Findings. It is hereby found and determined that:

(A) For the benefit of its inhabitants, the City of Polk City, Florida (hereinafter sometimes called the "Issuer") finds, determines and declares that it is necessary for the continued preservation of the health, welfare, convenience and safety of the Issuer and its inhabitants to finance certain improvements (the "Project") to the Issuer's combined water and sewer system (hereinafter, the "System") and to refund certain outstanding obligations hereinafter referred to as the "Refunded Obligations," which will be refunded by the 2011 Bonds herein authorized.

(B) It is deemed necessary and desirable for the Issuer to issue its Water and Sewer Revenue Bonds in one or more series, from time to time (the "Bonds") and, particularly its Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A and Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B in an aggregate principal amount not exceeding \$10,500,000 (collectively, the "2011 Bonds"). It is further deemed necessary and desirable to pledge the net revenues of the Issuer's combined water and sewer system and the public service tax on water purchases to the payment of the principal of, a redemption premium, if any, and the interest on the Bonds herein authorized.

(C) The Issuer shall not be obligated to levy any taxes on any real or personal property to pay the principal of or interest on the Bonds hereinafter authorized. The Bonds issued pursuant to this Ordinance shall not constitute a lien upon the System or any other property of the Issuer or situated within its corporate limits, except the non-ad valorem revenues pledged as security therefore.

ARTICLE II

AUTHORIZATION OF REVENUE BONDS

2.01 Authorization of Revenue Bonds. Subject and pursuant to the provisions of this Ordinance, obligations of the Issuer to be known as "City of Polk City, Florida, Water and Sewer System Revenue Bonds" (hereinafter sometimes referred to as the "Bonds") are hereby authorized to be issued from time to time as designated for System purposes by subsequent ordinance or resolution of the Issuer. The words "Capital Improvement," "Refunding," or "Taxable" may be added or subtracted as appropriate to the particular series of Bonds, as well as appropriate series designations. Obligations of the Issuer to be known as "City of Polk City, Florida, Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A" and "City of Polk City, Florida, Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B" (hereinafter collectively referred to as the "2011 Bonds") are hereby authorized to be issued in an aggregate principal amount not exceeding Ten Million Five Hundred Thousand Dollars (\$10,500,000) for the purpose of providing funds to pay all or a portion of the costs of the Project as described by subsequent ordinance or resolution of the Issuer, to refund the Refunded Obligations identified by subsequent ordinance or resolution, to fund a reserve for the 2011 Bonds, to pay costs of issuance thereof, and other uses relating to the foregoing.

2.02 Details of Bonds. The Issuer shall, by subsequent resolution or resolutions, determine, or provide for the forms of and determination of, the terms and conditions of such Bonds not inconsistent with the provisions hereof and of the Act, including, without limitation, the manner of execution of the Bonds, the authorized denominations of the Bonds and the place of payment thereof, the principal amount of each such series, principal and interest payment

dates, the dated and delivery dates, the terms relating to the payment of interest thereon (provided that the interest rate or rates thereon shall not exceed the maximum rate permitted by applicable law), the conditions to the issuance of additional indebtedness on a parity or subordinated basis as to security and source of payment with the Bonds, terms with respect to optional or mandatory redemption or tender for purchase, terms with respect to any credit enhancement or liquidity facilities with respect to the Bonds, the pledge of net revenues of the System and the public service tax levied on water purchases to secure such indebtedness and any payment obligations with respect to credit enhancement or liquidity facilities, operations and financial covenants with respect to the System and such other matters relating thereto as shall not be inconsistent with the terms hereof and of the Act.

ARTICLE III

AMENDMENTS AND EFFECTIVE DATE

3.01 Conflicts Repealed. All resolutions or ordinances of the Issuer which are in conflict or inconsistent with this Ordinance are, to the extent of such conflict or inconsistency, hereby repealed.

SECTION 2. AMENDMENT AND RESTATEMENT; EFFECTIVE DATE. This Ordinance amends and restates Ordinance No. 2011-1278 in its entirety and shall take effect immediately upon its enactment.

Passed on First Reading this ____ day of _____, 2011.

Passed on Second Reading this ____ day of _____, 2011.

CITY OF POLK CITY, FLORIDA

By: _____
Joseph La Cascia, Mayor

ATTEST:

By: _____
Patricia Jackson, City Clerk

APPROVED AS TO FORM AND
LEGALITY

Thomas A. Cloud, City Attorney

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