

ORDINANCE NO. 2017-04

AN ORDINANCE OF POLK CITY, FLORIDA, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$9,500,000 WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2017, TO REFUND THE WATER AND SEWER SYSTEM CAPITAL IMPROVEMENT AND REFUNDING REVENUE BONDS, SERIES 2011A ; 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; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY OF POLK COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR THIS ORDINANCE. This Ordinance is enacted pursuant to the provisions of the Constitution of Florida; the Charter of Polk City, Florida (the "Issuer"); Chapter 166, Part II, Florida Statutes; and other applicable provisions of law (collectively, the "Act").

SECTION 2. FINDINGS. The Polk City Commission hereby determines and finds that:

(1) The Issuer issued Water and Sewer System Capital Improvement and Refunding Revenue Bonds, Series 2011A (the "Series 2011A Bonds") and its Water and Sewer System Refunding Revenue Bonds, Taxable Series 2011B (the "Series 2011B Bonds," and, together with the Series 2011A Bonds, collectively, the "Series 2011 Bonds").

(2) The Series 2011A Bonds were issued to (i) finance and/or reimburse the costs of certain improvements (collectively, the "Series 2011 Project") to the City's combined water and sewer system (the "System" or the "Utility System"), (ii) currently refund all of the City's Sewer Revenue Bonds, Series 1999, the City's Water System Revenue Bonds, Series 2004, the City's Capital Improvement Revenue Note, Series 2005, and the Polk County Sprayfield Loan (as defined herein) (collectively, the "Refunded Obligations"), (iii) fund a portion of the reserve subaccount for the Series 2011 Bonds, and (iv) pay the costs of issuance of the Series 2011A Bonds, including the municipal bond insurance premium.

(3) The Series 2011B Bonds were issued to (i) refund the Polk County Payment Obligation (as defined herein), (ii) fund a portion of the reserve subaccount for the Series 2011 Bonds, and (iii) pay the costs of issuance of the Series 2011B Bonds, including the municipal bond insurance premium.

(4) The Series 2001B Bonds have been repaid in full.

(5) The Series 2011 Bonds were issued pursuant to the Constitution and laws of the State of Florida, including Chapter 166, Part II, Florida Statutes, and other applicable provisions of law (the "Act"), and pursuant and subject to the terms and conditions of Ordinance No. 2011-1278 enacted by the City Council of the City on July 11, 2011, as amended and restated in its entirety by Ordinance No. 2011-1282 enacted on August 8, 2011 (collectively, the "Ordinance") and Resolution No. 2011-06 adopted by the City Council of the City on August 8, 2011, as supplemented by Resolution No. 2011-07 adopted by the City Council of the City on August 8, 2011 (collectively, the "Bond Resolution").

(6) The City now has the opportunity to recognize substantial annual savings through the refunding of the Series 2011A Bonds.

(7) Section C-13.D (6) of the City Charter requires that to authorize the borrowing of money, the City Commission must do so by ordinance.

(8) For the benefit of its inhabitants, 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 refund certain outstanding obligations hereinafter referred to as the "Refunded Obligations," which will be refunded by the 2017 Refunding Bonds herein authorized.

(9) It is deemed necessary and desirable for the Issuer to issue its Water and Sewer Revenue Bonds and, particularly its Water and Sewer System Refunding Revenue Bonds, Series 2017 in an aggregate principal amount not exceeding \$9,500,000 (the "2017 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.

(10) 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 2017 Bonds hereinafter authorized. The 2017 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.

SECTION 3. AUTHORIZATION OF REVENUE BONDS. Subject and pursuant to the provisions of this Ordinance, obligations of the Issuer to be known as " Polk City, Florida, Water and Sewer System Refunding Revenue Bonds, Series 2017" (hereinafter the "2017 Bonds") are hereby authorized to be issued from time to time as designated for System purposes by subsequent ordinance or resolution of the Issuer. . Obligations of the Issuer to be known as " Polk City, Florida, Water and Sewer System Refunding Revenue Bonds, Series 2017" are hereby authorized to be issued in an aggregate principal amount not exceeding Nine Million Five Hundred Thousand Dollars

(\$9,500,000) for the purpose of providing funds to refund all or a portion of the costs of 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 2017 Bonds, to pay costs of issuance thereof, and other uses relating to the foregoing.

SECTION 4. 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.

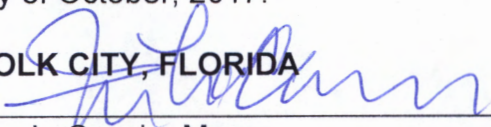
SECTION 5. CONFLICTS WITH PRIOR ORDINANCES AND RESOLUTIONS. To the extent any prior City resolutions or ordinances are in conflict or inconsistent with this Ordinance, including specifically Ordinance Numbers 2011-1278 and 2011-1282, then, to the extent of such conflict or inconsistency, they are hereby superseded

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its enactment.

PASSED ON FIRST READING this 16th day of October, 2017.


PASSED ON SECOND READING this 30th day of October, 2017.

FOLK CITY, FLORIDA



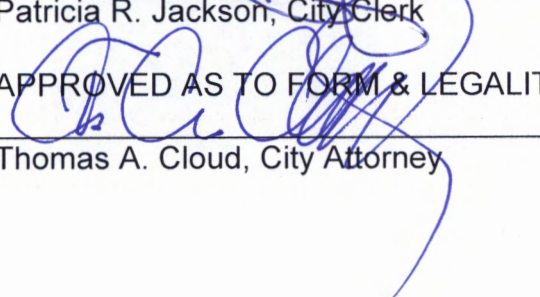
Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Clerk

APPROVED AS TO FORM & LEGALITY:



Thomas A. Cloud, City Attorney