

AN ORDINANCE NO. 87-146 - 138

ADOPTED JUN 22 1987

To amend and reordain Ordinance No. 83-93-114, adopted June 20, 1983, which authorized the issuance of \$21,528,200 public utility revenue bonds of the City of Richmond to finance the cost of capital improvement projects of the gas, electric, water and wastewater utilities of the City of Richmond, or any of them, and authorized the issuance of notes of the City of Richmond in anticipation of the issuance of the bonds to defray the cost of the utility capital improvement projects, to reflect the actual public utility costs financed from the issuance of the bonds.

Patron - City Manager

Approved as to form and legality
by City Attorney

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the City of Richmond shall issue its public utility revenue bonds of the aggregate principal amount of \$21,528,200 pursuant to Section 7.13 and other applicable provisions of Chapter 7 of the Charter of the City of Richmond (Chapter 116 of the Acts of the General Assembly of Virginia of 1948, as amended by Chapter 658, Acts of the General Assembly of 1982) in order to finance the cost of the several utility capital improvement projects hereinafter described, or otherwise identified for the fiscal year 1983-1984; said bonds shall be designated "Public Utility Revenue Bonds."

§ 2. Said bonds shall conform to the provisions of Section 7.13 of the Charter of the City of Richmond (Chapter

658, Acts of 1982) and shall bear such date or dates, shall mature at such time or times, shall bear interest at such rate or rates, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium, be paid at such place or places, and shall be subject to such terms of redemption as may be provided in an ordinance or ordinances or a resolution or resolutions as may be adopted by the Council of the City of Richmond subsequent to the adoption of this ordinance. Bonds and any notes issued in anticipation of the sale of bonds may be sold by the Director of Finance at either public or private sale at such prices as the Director of Finance may determine, and the Director of Finance shall report the result of any such sale to Council.

Council, subsequent to the adoption and effective date of this ordinance, shall adopt an ordinance or a resolution which may contain provisions, which shall be a part of the contract with holders of the bonds, and notes issued in anticipation of the sale of bonds, as to:

(a) Pledging all or part of the moneys or revenues derived by the City from the ownership or operation of, or otherwise in connection with, any project or projects or any part or parts thereof to secure the payment of bonds or

notes or any issue thereof, subject to such agreements with bondholders or noteholders as may then exist;

(b) The amount, use and disposition of the rates, rentals, fees and other charges to be fixed and collected by the City;

(c) The setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(d) Limitations on the right of the City to restrict and regulate the use of the properties in connection with which such bonds or notes are issued;

(e) Limitations on the purpose to which the proceeds of sale of bonds or notes may be applied;

(f) Limitations on the issuance of additional bonds or notes, the terms upon which additional bonds or notes may be issued and secured; the refunding of outstanding or other bonds or notes;

(g) The procedure, if any, by which the terms of any contract with bondholders or noteholders may be amended or abrogated, the amount of bonds or notes the holders of which must consent hereto, and the manner in which such consent may be given;

(h) The creation of special funds into which any moneys or revenues of the City may be deposited;

(i) The terms and provisions of any mortgage or

trust deed or indenture securing the bonds or notes or under which the bonds or notes may be issued;

(j) Vesting in a trustee or trustees such property, rights, powers and duties in trust as the City may determine which may include any or all of the rights, powers and duties of the trustee appointed by the bondholders or noteholders pursuant to Section 7.13 of the Charter of the City of Richmond and limiting or abrogating the right of the bondholders or noteholders to appoint a trustee under Section 7.13 of the Charter or limiting the rights, powers and duties of such trustee;

(k) Defining the acts or omissions to act which shall constitute a default in the obligations and duties of the City to the bondholders or noteholders and providing the rights and remedies of the bondholders or noteholders in the event of such default, including as a matter of right the appointment of a receiver;

(l) Limitations on the power of the City to sell or otherwise dispose of its properties;

(m) Limitations on the amount of money derived from the properties to be expended for operating, administrative or other expenses of the City;

(n) The protection and enforcement of the rights and remedies of the bondholders or noteholders;

(o) The obligations of the City in relation to the construction, maintenance, operation, repairs and insurance of the properties of the City, the safeguarding and application of all moneys and the requirements for the supervision and approval of consulting engineers or architects in connection with the construction, maintenance and operation of such properties;

(p) The payment of the proceeds of bonds and notes and other moneys and revenues of the City to a trustee or other depository, and for the method of reimbursement thereof with such safeguards and restrictions as the City may determine; and

(q) Any other matters, of like or different character, which in any way affect the security or protection of the bonds and notes.

§ 3. The Council has ascertained, and hereby determines and states, that the average of the periods of usefulness of the projects hereinafter described, taking into consideration the amount of bonds to be issued on account of each such utility capital improvement project, is thirty years, computed from the date of said bonds.

§ 4. The utility capital improvement projects which shall be financed by the issuance of the bonds authorized by this ordinance, and the cost of each such utility capital

improvement project as estimated by the Council are as follows:

- (1) GAS UTILITY (Item 14, Capital Improvement Project Budget Ordinance for fiscal year 1983-1984) Enlarging, extending, replacing, improving and equipping the gas plant and transmission lines at an estimated cost of [~~\$11,940,900~~] \$13,440,900 to be financed from the proceeds of the sale of public utility revenue bonds to be issued by the City . . [~~\$11,940,900~~] \$13,440,900

- (2) WATER UTILITY (Item 15, Capital Improvement Project Budget Ordinance for fiscal year 1983-1984) Enlarging, extending, replacing, improving and equipping the water works plant and transmission lines at an estimated cost of [~~\$8,995,900~~] \$7,495,900 to be financed from the proceeds of the sale of public utility revenue bonds to be issued by the City [~~\$8,995,900~~] \$ 7,495,900

- (3) ELECTRIC UTILITY (Item 16, Capital Improve- Project Budget Ordinance for fiscal year 1983-1984) Enlarging, extending, replacing, improving and equipping the electric plant, street lighting system and transmission lines at an estimated cost of \$591,400

to be financed from the proceeds of the sale
of public utility revenue bonds to be issued
by the City \$ 591,400

The entire cost of each of said utility capital improvement projects shall be defrayed from moneys raised by the issuance of bonds authorized by this ordinance except as otherwise indicated in this section. The Council may, in its discretion, and to the extent permitted by law, direct that any funds raised by the issuance of the bonds for any one or more of said utility capital improvement projects remaining after the completion thereof, shall be used for the purpose of financing the whole or any part of the cost of any other utility capital improvement project or projects described in this ordinance, including the acquisition of any property, real or personal, incident thereto.

ORDINANCE OR RESOLUTION SUMMARY
CITY OF RICHMOND, VIRGINIA

Resolution Ordinance No. 87-146 Requested by City Manager Received City Manager's Office Summarized June 15, 1987	Subject To amend Ordinance No. 83-93-114 which authorized the issuance of Public Utility Revenue Bonds/ \$21,528,200
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SUMMARY

This Ordinance would amend and reordain Ordinance No. 83-93-114 adopted June 20, 1983 which authorized the issuance of \$21,528,200 public utility revenue bonds to finance the cost of capital improvement projects of the gas, electric, water and wastewater utilities. This amendment is to reflect the actual public utility costs financed from the issuance of the bonds.

	<u>PROPOSED</u>	<u>ACTUAL</u>
Gas Utility	\$11,940,900	\$13,440,900
Water Utility	8,995,900	7,495,900
Electric Utility	591,400	591,400
	<u>\$21,528,200</u>	<u>\$21,528,200</u>

COUNCIL ACTION

	On Docket6/22/87.....
	Amended
	Adopted
	Rejected