

## AN ORDINANCE NO. 87-94-119

ADOPTED MAY 28 1987

To authorize the issuance of \$53,631,500 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 and utility stores of the City of Richmond, or any of them, and authorize 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.

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Patron - City Manager

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Approved as to form and legality  
by City Attorney

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1. THE CITY OF RICHMOND HEREBY ORDAINS:
2.           § 1. That the City of Richmond shall issue its
3. public utility revenue bonds of the aggregate principal
4. amount of \$53,631,500 pursuant to Section 7.13 and other
5. applicable provisions of Chapter 7 of the Charter of the
6. City of Richmond (Chapter 116 of the Acts of the General
7. Assembly of Virginia of 1948, as amended by Chapter 658,
8. Acts of the General Assembly of 1982) in order to finance
9. the cost of the several utility capital improvement projects
10. hereinafter described, or otherwise identified for the
11. fiscal year 1987-1988; said bonds shall be designated
12. "Public Utility Revenue Bonds."
13.           § 2. Said bonds shall conform to the provisions of
14. Section 7.13 of the Charter of the City of Richmond (Chapter

1. 658, Acts of 1982) and shall bear such date or dates, shall  
2. mature at such time or times, shall bear interest at such  
3. rate or rates, be in such denominations, be in such form,  
4. either coupon or registered, carry such registration  
5. privileges, be executed in such manner, be payable in such  
6. medium, be paid at such place or places, and shall be  
7. subject to such terms of redemption as may be provided in an  
8. ordinance or ordinances or a resolution or resolutions as  
9. may be adopted by the Council of the City of Richmond sub-  
10. sequent to the adoption of this ordinance. Bonds and any  
11. notes issued in anticipation of the sale of bonds may be  
12. sold by the Director of Finance at either public or private  
13. sale at such prices as the Director of Finance may  
14. determine, and the Director of Finance shall report the  
15. result of any such sale to Council.

16. Council, subsequent to the adoption and effective  
17. date of this ordinance, shall adopt a resolution supple-  
18. menting Resolution No. 83-R46-47, adopted February 28, 1983,  
19. which may contain provisions and which with said Resolution  
20. No. 83-R46-47 shall be a part of the contract with holders  
21. of the bonds, and of notes issued in anticipation of the  
22. sale of bonds, as to:

23. (a) Pledging all or part of the moneys or revenues  
24. derived by the City from the ownership or operation of, or

1. otherwise in connection with, any project or projects or any  
2. part or parts thereof to secure the payment of bonds or  
3. notes or any issue thereof, subject to such agreements with  
4. bondholders or noteholders as may then exist;

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

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

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

13. (e) Limitations on the prupose to which the  
14. proceeds of sale of bonds or notes may be applied;

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

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

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

1. (i) The terms and provisions of any mortgage or  
2. trust deed or indenture securing the bonds or notes or under  
3. which the bonds or notes may be issued;

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

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

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

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

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

1. (o) The obligations of the City in relation to the  
2. construction, maintenance, operation, repairs and insurance  
3. of the properties of the City, the safeguarding and appli-  
4. cation of all moneys and the requirements for the super-  
5. vision and approval of consulting engineers or architects in  
6. connection with the construction, maintenace and operation  
7. of such properties;

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

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

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

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

1. improvement project as estimated by the Council are as
2. follows:
3. (1) GAS UTILITY
4.       Enlarging, extending, replacing, improving
5.       and equipping the gas plant and transmission
6.       lines at an estimated cost of \$8,173,000 to
7.       be financed from the proceeds of the sale
8.       of public utility revenue bonds to be
9.       issued by the City . . . . . \$    8,173,000
10. (2) WATER UTILITY
11.       Enlarging, extending, replacing, improving
12.       and equipping the water works plant and
13.       transmission lines at an estimated cost
14.       of \$2,465,000 to be financed from the
15.       proceeds of the sale of public utility
16.       revenue bonds to be issued by the City . . \$   2,465,000
17. (3) ELECTRIC UTILITY
18.       Enlarging, extending, replacing, improving
19.       and equipping the electric plant and trans-
20.       mission lines at an estimated cost of
21.       \$1,095,500 to be financed from the proceeds
22.       of the sale of public utility revenue
23.       bonds to be issued by the City . . . . . \$   1,095,500
24. (4) WASTEWATER UTILITY
25.       Enlarging, extending, replacing, improving

1. and equipping the wastewater plant and  
2. intercepting lines at an estimated cost  
3. of \$40,922,000 to be financed from the  
4. proceeds of the sale of public utility  
5. revenue bonds to be issued by the City . . \$ 40,922,000

6. (5) UTILITY STORES

7. Acquisition of real property for and the  
8. construction and installation of public  
9. utility buildings and facilities therefor  
10. at an estimated cost of \$976,000 to be  
11. financed from the proceeds of the sale  
12. of public utility revenue bonds to be  
13. issued by the City . . . . . \$ 976,000

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