

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2005-33

No. 341

AN ORDINANCE

IN AMENDMENT OF ORDINANCE CHAPTER 2005-3

NO. 44, AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF SPECIAL OBLIGATION TAX INCREMENT REFUNDING BONDS OF THE CITY OF PROVIDENCE TO REFUND THE OUTSTANDING PORTION OF ITS \$13,260,000 SPECIAL OBLIGATION TAX INCREMENT BONDS, SERIES A DATED FEBRUARY 15, 1995, \$10,435,000 SPECIAL OBLIGATION TAX INCREMENT BONDS, SERIES B (TAXABLE) DATED MARCH 8, 1995, \$2,805,000 SPECIAL OBLIGATION TAX INCREMENT BONDS, SERIES C (AMT) DATED MARCH 8, 1995 AND \$11,000,000 SPECIAL OBLIGATION TAX INCREMENT BONDS, SERIES D DATED APRIL 1, 1996 *Approved* July 27, 2005

Be it ordained by the City of Providence:

Ordinance Chapter 2005-3, No. 44 adopted by the City Council on February 17, 2005 and approved by the Mayor on February 28, 2005 is amended and restated to read as follows:

SECTION 1. The City of Providence (the "City") has previously issued its \$13,260,000 Special Obligation Tax Increment Bonds, Series A dated February 15, 1995, \$10,435,000 Special Obligation Tax Increment Bonds, Series B (Taxable) dated March 8, 1995, \$2,805,000 Special Obligation Tax Increment Bonds, Series C (AMT) dated March 8, 1995, and \$11,000,000 Special Obligation Tax Increment Bonds, Series D dated April 1, 1996 (the "Prior Bonds").

SECTION 2. The City desires to issue special obligation tax increment refunding bonds (the "Refunding Bonds") to refund the Prior Bonds in order to take advantage of the lower interest rates which currently are prevailing.

SECTION 3. The City is authorized pursuant to Section 10 of Chapter 33.2 of Title 45 of the General Laws of Rhode Island, as amended, to issue its Refunding Bonds to pay all or any designated part of an issue of bonds then outstanding, including principal, redemption premium, if any, interest on the outstanding bonds coming due on or prior to the date on which those bonds are to be redeemed, and the cost of issuing the Refunding Bonds.

SECTION 4. The City has determined that refunding some or all of the outstanding Prior Bonds in order to obtain debt service savings would result in financial benefits to the City.

SECTION 5. It is hereby declared that the Refunding Bonds authorized hereby will be within all debt and other limitations prescribed by the Constitution and laws of the State of Rhode Island.

SECTION 6. The City is hereby authorized to issue its Special Obligation Tax Increment Refunding Bonds in an amount necessary to refund some or all of the outstanding Prior Bonds and to provide for any principal, redemption premium, and interest on the outstanding Prior Bonds coming due on or prior to the date on which those Prior Bonds are to be redeemed, and the costs of issuance.

SECTION 7. The manner of sale, denominations, maturities, interest rates and other terms, conditions and details of the Refunding Bonds shall be determined by the City Treasurer and the Mayor.

No.

CHAPTER

AN ORDINANCE

IN CITY COUNCIL

APR 25, 2005

FIRST READING

REFERRED TO COMMITTEE ON

FINANCE

Michael R. Clement
CLERK

THE COMMITTEE ON
FINANCE

Approves Passage of
The Within Ordinance, *as amended*

John M. Stetson
Clerk

7-14-05

Councilman Aponte, By Request

7/13/05 (TIF)

SECTION 8. The City Council hereby authorizes the City Treasurer, with approval of the Mayor, to issue the Refunding Bonds for the purposes set forth herein and to take all actions as he deems necessary to effect the issuance of the Refunding Bonds. The Refunding Bonds shall be issued by the City under its corporate name and seal or a facsimile of such seal. The Refunding Bonds shall be signed by the manual or facsimile signature of the City Treasurer and the Mayor.

SECTION 9. The City Treasurer and the Mayor are hereby authorized to issue the Refunding Bonds and deliver them to the purchaser and, if applicable, said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Refunding Bonds will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Refunding Bonds to become subject to federal income taxes.

SECTION 10. The proceeds arising from the sale of such Refunding Bonds, exclusive of any premium, accrued interest and costs of issuance, shall, upon the receipt be paid immediately to the paying agent, paying agents, trustee or trustees for the Prior Bonds, and such paying agents shall hold the proceeds in trust until they are applied to pay or refund the Prior Bonds. While such proceeds are held in trust, they may be invested as permitted by applicable law.

SECTION 11. The City's Finance Director is authorized to execute and deliver a continuing disclosure certificate in connection with the Refunding Bonds issued by the City, in such form as shall be deemed advisable by the City's Finance Director. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the continuing disclosure certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Refunding Bonds, failure of the City to comply with the continuing disclosure certificate shall not be considered an event of default; however, any bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Ordinance and under the continuing disclosure certificate.

SECTION 12. In order to enhance the marketability of the Bonds, the City Treasurer and the Mayor are authorized to enter into an agreement which provides that in the event that the debt service reserve fund for the Bonds is below the debt service reserve fund requirement for the Bonds, that the Mayor shall submit a request to the City Council to fund the amount of any shortfall. Any such agreement shall provide that such payment shall be subject to appropriation by the City Council.

SECTION 13. This Ordinance shall take effect upon its approval by the Mayor after its passage.

\\PFDesktop\ODMA\MHODMA\TSLDMS.TLS\LA.W.COM\imanager;401690;3

IN CITY COUNCIL

JUL 21 2005
FIRST READING
READ AND PASSED

Chris E. Betteridge
CLERK

APPROVED

[Signature] 7/27/05

MAYOR

IN CITY COUNCIL

JUL 25 2005
FINAL READING
READ AND PASSED

[Signature]
PRESIDENT
Chris E. Betteridge
CLERK

7/13/05 (TIF)

IN CITY
COUNCIL
OFFICE

RECEIVED

CLERK

IN CITY COUNCIL

READ AND VOTED
OFFICIALS

CLERK