

1 fixed rate not to exceed 5.5% per annum. The Note shall be repaid in five substantially equal annual
2 amortized installments of principal and interest, commencing one year from the date of the Note and on the
3 same day of each year thereafter, with the final installment due five years from the date of the Note. The
4 Note shall be issued in fully registered form. The Note shall be executed by the Mayor and the City Clerk
5 and the seal of the City shall be affixed to the Note.

6 **Section 3.** The Note shall be issued to the Lender in consideration for the Loan. The Lender shall be
7 selected by the Mayor or the City Manager based upon the commitment or proposal for the Loan that the
8 Mayor or the City Manager determines to have the lowest cost to the City and the best terms. The Treasury
9 Manager is hereby authorized and directed to solicit proposals or commitments for the Loan from at least
10 three banking institutions having offices in the City, in such manner as shall be approved by the Mayor or
11 the City Manager. The Mayor and the City Manager shall have the right to reject any and all proposals and
12 commitments.

13 **Section 4.** As provided in Amendment No. 78, the annual debt service payments on the Note in each
14 Fiscal Year shall be charged against and paid from the general revenues of the City for such Fiscal Year.
15 For the purpose of making the Annual Debt Service Payments, there is hereby, and shall be, appropriated
16 to pay the Note, an amount of general revenues of the City sufficient for such purposes. The Treasury
17 Manager is hereby authorized and directed to withdraw from the General Fund of the City the amounts and
18 at the times necessary to make the Annual Debt Service Payments on the Note.

19 **Section 5.** (a) The City covenants with the owner of the Note (the "Owner") from time to time that it
20 shall not take any action or suffer or permit any action to be taken or condition to exist which causes or
21 may cause the interest payable on the Note to be included in gross income for federal income tax purposes.
22 Without limiting the generality of the foregoing, the City covenants with the Owner that the proceeds of
23 the sale of the Note will not be used directly or indirectly in such manner as to cause the Note to be treated
24 as an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended
25 (the "Code").

26 (b) The City covenants with the Owner that it will not use or permit the use of the Property to be
27 Financed or the proceeds of the Note, in such manner as to cause the Note to be a "private activity bond"
28 within the meaning of Section 141 of the Code.

29 (c) The City covenants with the Owner that it will not reimburse itself from Note proceeds for any
30 costs paid prior to the date the Note is issued except in compliance with United States Treasury Regulation
31 § 1.150-2 (the "Regulation"). This ordinance shall constitute an "official intent" for purposes of the
32 Regulation.

33 (d) The City covenants with the Owner that it will submit to the Secretary of the Treasury of the United
34 States, not later than the 15th day of the second calendar month after the close of the calendar quarter in

1 which the Note is issued, a statement concerning the Note which contains the information required by
2 Section 149(e) of the Code.

3 **Section 6.** The City shall provide such financial information to the Lender as the Lender may
4 reasonably request.

5 **Section 7.** The Mayor, City Manager, Treasury Manager, City Attorney and City Clerk are hereby
6 authorized and directed, for and on behalf of the City, to perform all acts of whatever nature necessary to
7 effect and carry out the authority conferred by this ordinance and to execute all papers, documents,
8 certificates and other instruments that may be required for the carrying out of such authority or to evidence
9 the exercise thereof.

10 **Section 8. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
11 word of this Ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
12 adjudication shall not affect the remaining portions of this ordinance which shall remain in full force and
13 effect as if the portion so declared or adjudged invalid or unconstitutional were not originally part of this
14 ordinance.

15 **Section 9. Repealer.** All laws, ordinances, resolutions, or parts of the same which are inconsistent
16 with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

17 **Section 10. Emergency Clause.** The Board of Directors hereby determines that the acquisition of the
18 Property to be Financed is essential to the public health, safety and welfare of the citizens of the City and
19 must be financed as quickly as possible; an emergency is, therefore, declared to exist and this ordinance
20 shall be in full force and effect from and after the date of its execution.

21 **PASSED: November 15, 2022**

22 **ATTEST:**

APPROVED:

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24 _____
25 **Susan Langley, City Clerk**

_____ **Frank Scott, Jr., Mayor**

26 **APPROVED AS TO LEGAL FORM:**

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29 **Thomas M. Carpenter, City Attorney**

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