

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2009 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT TO REFUNDING SERIES 2009 BOND ISSUE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

An ordinance has been prepared by bond counsel to amend Ordinance 1101 for the General Obligation Various Purpose Refund Bonds, Series 2009.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

The City Council approved Ordinance 1101 on September 15, 2009 which authorized the Refunding of the 2003 \$3,300,000 G.O. Bond Issue, the 2003 \$3,570,000 Various Purpose Refunding Bond Issue, the 2004 \$2,000,000 Refunding Bond Issue and the 2004 \$2,200,000 G.O. Various Purpose Bond Issue. The closing of this refunding will not be until November 2, 2009 so the amendment moves the first interest payment on the refunding bond issue from November 15, 2009 to May 15, 2010.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 2 OF ORDINANCE NO. 1101 TO MAKE CORRECTION TO THE FIRST INTEREST PAYMENT DATE FOR THE GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, OF THE CITY OF LA VISTA; REPEALING ORIGINAL SECTION 2 OF ORDINANCE NO. 1101; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Mayor and Council hereby determine that it is necessary and appropriate to amend Section 2 of Ordinance No. 1101 in order to correct the first interest payment date for the City's General Obligation Various Purpose Refunding Bonds, Series 2009, (the Bonds") being issued to refund certain of the City's outstanding obligations as described in Ordinance No. 1101.

Section 2. Section 2 of Ordinance No. 1101 is hereby amended to read as follows:

Section 2. To provide for the issuance of refunding bonds as authorized under Sections 10-142, 10-415 and 10-416 as described in Section 1 hereof, there shall be and there are hereby ordered issued as further authorized under Sections 18-1801 and 18-1802, R.R.S. Neb. 2007, the City's General Obligation Various Purpose Bonds, Series 2009, of the City of La Vista, Nebraska, in the principal amount of not to exceed Eight Million Three Hundred Twenty Thousand Dollars (\$8,320,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on November 15 of each year as indicated below:

<u>Principal Amount</u>	<u>Maturing November 15 of Year</u>	<u>Interest Rate</u>
\$635,000	2010	5.10%
645,000	2011	5.10%
655,000	2012	5.10%
675,000	2013	5.10%
585,000	2014	5.10%
605,000	2015	5.10%
620,000	2016	5.10%
635,000	2017	5.10%
650,000	2018	5.10%
660,000	2019	5.10%
520,000	2020	5.10%
545,000	2021	5.10%
570,000	2022	5.10%
320,000	2023	5.10%

provided that the Bonds may bear interest at any such lower interest rate per annum for each maturity (the principal amount for each maturity of which, mandatory redemption provisions (if any), and pricing terms as set forth in Section 8 below, may also be modified and/or determined, but in no event may the aggregate stated principal amount of the Bonds exceed \$8,320,000) as the Mayor and/or City Clerk (each an "Authorized Officer") of the City may determine in a written designation (the "Designation") on signed by an Authorized Officer on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), provided that:

- (a) *the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of one percent (1.00%) of the stated principal amount of the Bonds;*

- (b) the longest maturity of the Bonds may not be later than November 15, 2023;
- (c) the debt service payable on the Bonds must provide at least a net present value savings to the City over the debt service payable on the Called Outstanding Bonds; and
- (d) two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).

The Authorized Officers (or any one of them) are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the City without further action of the Mayor and City Council.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on May 15 and November 15 of each year beginning May 15, 2010 (each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a

discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Original Section 2 of Ordinance No. 1101 is hereby repealed.

Section 4. The officers of the City or any one or more of them are hereby authorized to take any and all actions deemed necessary or appropriate to carry out this Ordinance. Ordinance No. 1101, as amended hereby, is confirmed in all respects. This Ordinance is hereby determined to be a measure necessary to carry out the City's contractual obligations relating to the issuance of bonds and shall be published in pamphlet form and shall be in force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

The undersigned City Clerk of the City of La Vista, Nebraska, does hereby certify that the above and foregoing is a true and correct extract from the minutes of the City Council of the City of La Vista for the meeting indicated therein; that the subjects shown as considered in said minutes were contained in the agenda for said meeting, which agenda, kept continually current, was available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, publicly announced and posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances, resolutions or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the minutes of the City Council of the City of La Vista, Nebraska from which the annexed and foregoing transcript of proceedings has been extracted, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of the City Council of the City of La Vista were provided the advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk

[SEAL]

Ordinance No. _____

NOTICE OF PUBLICATION
OF ORDINANCE NO. _____
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of La Vista, Nebraska, held on Tuesday, September 15, 2009, there was passed and adopted Ordinance No. _____ entitled:

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 2 OF ORDINANCE NO. 1101 TO MAKE CORRECTION TO THE FIRST INTEREST PAYMENT DATE FOR THE GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, OF THE CITY OF LA VISTA; REPEALING ORIGINAL SECTION 2 OF ORDINANCE NO. 1101; DETERMINING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT CONTRACTUAL OBLIGATIONS AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on _____, 2009. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of La Vista, Nebraska.

City Clerk

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