

ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (LED STREET LIGHTING PROJECT), SERIES OF 2020B-SEPRLF IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR CAPITAL PROJECTS OF THE CITY OF WILMINGTON RELATING TO THE LED STREET LIGHTING PROJECT; PROVIDING FOR THE SALE OF THE BOND TO THE DELAWARE STATE ENERGY PROGRAM REVOLVING LOAN FUND; AND AUTHORIZING OTHER NECESSARY ACTION.

#4800

Sponsor:

**Council
Member
Freel**

WHEREAS, the City of Wilmington (the “City”) has determined to undertake various capital projects of the City including the replacement of 1,732 lighting fixtures owned and maintained by the City with LED lamps to provide energy savings to the City, all as specified in the City’s capital budget for its Fiscal Year ending June 30, 2020 (collectively, the “Project”); and

WHEREAS, in order to finance the Project and pay certain administrative costs relating to the Project, the City has determined to issue its General Obligation Bond (LED Street Lighting Project), Series of 2020B-SEPRLF (the “Bond”), in a principal amount not to exceed \$2,120,708; and

WHEREAS, the City has heretofore adopted the General Obligation Bond Ordinance, 83-019, Division 4 of Article VI of Chapter 2 of the Wilmington City Code (the “General Ordinance”), authorizing the City to issue general obligation bonds or notes secured by a pledge of the City's full faith, credit and taxing power, for the purpose of, among other things, paying the costs of capital projects; and

WHEREAS, this Ordinance is a Supplemental Ordinance adopted pursuant to the General Ordinance and provides for the issuance and sale of the Bond.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

Section 1. Defined Terms. Terms used in this Ordinance and not otherwise defined shall have the meaning specified in the General Ordinance.

Section 2. Authorization of the Bond. The City hereby authorizes the issuance of its General Obligation Bond (LED Street Lighting Project), Series of 2020B-

SEPRLF, or such other series designation as the Bond Committee (as defined herein) shall determine, in a principal amount not to exceed \$2,120,708 pursuant to and in accordance with the General Ordinance, as supplemented by this Ordinance and the Bond Committee Resolution (as defined herein) for the purpose of financing the Project. The Bond shall be sold at private negotiated sale to the Delaware State Energy Program Revolving Loan Fund (the “Fund”), acting by and through the Delaware Department of Natural Resources and Environmental Control (“DNREC”), all as determined by such Resolution of the Bond Committee.

The Bond shall be in such principal amount (not exceeding \$2,120,708), shall bear such rate or rates of interest, shall mature in such principal amounts and on such dates, shall be subject to redemption, shall be sold at such price and in such manner, and shall be in such form and contain or be subject to such other terms and conditions, as shall be determined in the Resolution (the “Bond Committee Resolution”) adopted by the City of Wilmington Bond Committee (the “Bond Committee”).

Section 3. Execution of the Bond. The Bond shall be executed by the manual or facsimile signatures of the Mayor, the City Treasurer and the City Auditor, and by the manual or facsimile impression of the City seal, both attested by the manual or facsimile signature of the City Clerk or Deputy City Clerk.

Section 4. Security for the Bond. The full faith, credit and taxing power of the City is hereby pledged to the prompt payment of the principal of, premium, if any, and the interest on the Bond. The Bond shall be the direct and unlimited obligation of the City, and unless paid from other sources, the City shall levy *ad valorem* taxes upon all taxable property in the City for the payment of the Bond subject to the limitation contained in applicable law.

Section 5. Further Action. The appropriate officers of the City are hereby authorized and directed to take all such action, execute, deliver, file and record all such documents, publish all notices and otherwise carry out the intent of the General Ordinance and this Ordinance in the name of and on behalf of the City.

Section 6. Inconsistent Provisions. In the event that any provision of the Bond, or any term or condition contained in any agreement relating to the Bond, shall be

inconsistent with any of the provisions of the General Ordinance, the provision of the Bond, this Ordinance and such agreement shall be controlling with respect to the Bond and such agreement.

Section 7. Relation to General Ordinance. This Ordinance is supplemental to the General Ordinance and all sections of the General Ordinance, except as modified herein in accordance therewith, are applicable to the Bond authorized hereunder. This Ordinance shall take effect immediately upon its passage by City Council and approval of the Mayor.

Section 8. Effective Date. This Ordinance shall become effective upon its passage by Council and approval by the Mayor.

First Reading.....May 7, 2020
Second Reading.....May 7, 2020
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2020

Mayor

SYNOPSIS: This Ordinance authorizes the issuance of a General Obligation Bond (LED Street Lighting Project), Series of 2020B-SEPRLF, in an amount not to exceed \$2,120,708, which will be sold to the Delaware State Energy Program Revolving Loan Fund in order to (i) finance capital projects of the City, specifically, the replacement of 1,732 lighting fixtures owned and maintained by the City with LED lamps to provide energy savings to the City as set forth in the City’s capital budget for its Fiscal Year ending June 30, 2020; (ii) pay administrative costs relating to such capital project; and (iii) pay the costs of issuing the Bond.