

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (AERATION PROCESS PHASES 1 & 2 PROJECT), SERIES OF 2023-WPCRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR THE CITY OF WILMINGTON'S AERATION PROCESS UPGRADES (PHASES 1 & 2) AT THE WILMINGTON WASTEWATER TREATMENT PLANT; PROVIDING FOR THE SALE OF THE 2023 BOND TO THE DELAWARE WATER POLLUTION CONTROL REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

#0265

Sponsor:

Council
Member
Johnson

WHEREAS, the City of Wilmington (the "City") has determined to undertake a project in the City consisting of the replacement of aeration equipment, valving, instrumentation, and controls and the rehabilitation and structural repairs of the tanks and walkways in the secondary treatment process at the Wilmington Wastewater Treatment Plant, all as specified in the City's capital budgets for its Fiscal Years ending June 30, 2020 and June 30, 2022 (collectively, the "Project"); and

WHEREAS, in order to finance the Project and pay certain administrative costs relating to the Project and the costs of issuing the 2023 Bond (as defined herein), the City has determined to issue its General Obligation Bond (Aeration Process Phases 1 & 2 Project), Series of 2023-WPCRF (the "2023 Bond"), in a principal amount not to exceed \$16,590,000; and

WHEREAS, the City has heretofore adopted the General Obligation Bond Ordinance, No. 83-019, Division 7 of Article VI of Chapter 2 of the Wilmington City Code (the "General Ordinance"), authorizing the City to issue general obligation bonds 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 2023 Bond.

NOW, THEREFORE, 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 2023 Bond. The City hereby authorizes the issuance of its General Obligation Bond (Aeration Process Phases 1 & 2 Project), Series of 2023-WPCRF, or such other series designation as the Bond Committee (as defined herein) shall determine, in a principal amount not to exceed \$16,590,000 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 2023 Bond shall be sold to the Delaware Water Pollution Control Revolving Fund.

The 2023 Bond shall be in such principal amount (not exceeding \$16,590,000), 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 by the City of Wilmington’s Bond Committee (the “Bond Committee”) pursuant to a resolution of said committee (the “Bond Committee Resolution”).

SECTION 3. Execution of the 2023 Bond. The 2023 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. The 2023 Bond in definitive form may be printed, typewritten, or lithographed without steel engraved borders.

SECTION 4. Security for the 2023 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 2023 Bond. The 2023 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 2023 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 2023 Bond, or any term or condition contained in any agreement relating to the 2023 Bond, shall be inconsistent with any of the provisions of the General Ordinance, the provision of the 2023 Bond, this Ordinance, and such agreement shall be controlling with respect to the 2023 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 2023 Bond authorized hereunder.

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

First Reading..... January 5, 2023
Second Reading..... January 5, 2023
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2023.

Mayor

SYNOPSIS: This Ordinance authorizes the issuance of a General Obligation Bond (Aeration Process Phases 1 & 2 Project), Series of 2023-WPCRF, in an amount not to exceed \$16,590,000 (the “2023 Bond”), which will be sold to the Delaware Water Pollution Control Revolving Fund in order to (i) finance the replacement of aeration equipment, valving, instrumentation, and controls and the rehabilitation and structural repairs of the tanks and walkways in the secondary treatment process at the Wilmington Wastewater Treatment Plant, as set forth in the City’s capital budgets for its Fiscal Years ending June 30, 2020 and June 30, 2022, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2023 Bond.

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