

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY'S GENERAL OBLIGATION BOND (PFAS REMOVAL PROJECT), SERIES B OF 2024-DWSRF, IN ORDER TO PROVIDE THE FUNDS NECESSARY FOR REMOVING PFAS FROM THE CITY'S TREATMENT FACILITIES; PROVIDING FOR THE SALE OF THE 2024B BOND TO THE DELAWARE DRINKING WATER STATE REVOLVING FUND; AND AUTHORIZING OTHER NECESSARY ACTION

#0386

Sponsor:

Council
Member
Johnson

WHEREAS, the City of Wilmington (the "City") has determined to undertake a project in the City consisting of implementing the most cost efficient means of removing Per- and Polyfluorinated Substances (PFAS) from the City's drinking water to gain compliance with impending changes to the Safe Drinking Water Act Water Quality Regulations and adding UV to elevate the log removal capabilities at the Porter Filter Plant to match the log removal capabilities at the Brandywine Membrane Plant, all as specified in the City's capital budget for its Fiscal Year ending June 30, 2024 (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 2024B Bond (as defined herein), the City has determined to issue its General Obligation Bond (PFAS Removal Project), Series B of 2024-DWSRF (the "2024B Bond"), in a principal amount not to exceed \$1,500,000; 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 2024B 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 2024B Bond. The City hereby authorizes the issuance of its General Obligation Bond (PFAS Removal Project), Series B of 2024-DWSRF, or such other series designation as the Bond Committee (as defined herein) shall determine, in a principal amount not to exceed \$1,500,000 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 2024B Bond shall be sold to the Delaware Drinking Water State Revolving Fund.

The 2024B Bond shall be in such principal amount (not exceeding \$1,500,000), 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's Bond Committee (the "Bond Committee") pursuant to a resolution of said committee (the "Bond Committee Resolution"). It is expected that after the Project has been completed, up to \$1,500,000 of principal forgiveness will be applied.

SECTION 3. Execution of the 2024B Bond. The 2024B 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 2024B Bond in definitive form may be printed, typewritten, or lithographed without steel engraved borders.

SECTION 4. Security for the 2024B 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 2024B Bond. The 2024B 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 2024B 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 2024B Bond, or any term or condition contained in any agreement relating to the 2024B Bond, shall be inconsistent with any of the provisions of the General Ordinance, the provision of the 2024B Bond, this Ordinance, and such agreement shall be controlling with respect to the 2024B 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 2024B 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 18, 2024
Second Reading January 18, 2024
Third Reading

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2024.

Mayor

SYNOPSIS: This Ordinance authorizes the issuance of a General Obligation Bond (PFAS Removal Project), Series B of 2024-DWSRF, in an amount not to exceed \$1,500,000 (the “2024B Bond”), which will be sold to the Delaware Drinking Water State Revolving Fund, in order to finance projects to implement the most cost-efficient means of removing Per- and Polyfluorinated Substances (PFAS) from the City’s drinking water to gain compliance with impending changes to the Safe Drinking Water Act Water Quality Regulations and to add UV to elevate the log removal capabilities at the Porter Filter Plant to match the log removal capabilities at the Brandywine Membrane Plant, as set forth in the City’s capital budget for its Fiscal Year ending June 30, 2024, (ii) pay administrative costs relating to such capital projects, and (iii) pay the costs of issuing the 2024B Bond.

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