

ORDINANCE NO. 2018-017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING ISSUANCE OF A CAPITAL IMPROVEMENT REVENUE NOTE OF THE CITY AND THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT IN THE AGGREGATE AMOUNT NOT TO EXCEED \$10,000,000 TO FINANCE VARIOUS CAPITAL IMPROVEMENTS; ACCEPTING THE PROPOSAL OF LENDER; APPROVING THE FORM OF LOAN AGREEMENT AND NOTE; PROVIDING FOR THE PAYMENT OF SUCH NOTE FROM THE NON-AD VALOREM FUNDS OF THE CITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek, Florida (the “City”) has a five-year capital improvement plan, as adopted from time to time (the “CIP”), which provides for the acquisition, construction, improvement and equipping of various public improvements (the “CIP Improvements”); and

WHEREAS, the City Commission hereby determines that it is necessary and appropriate for the City to undertake the implementation, acquisition, construction, improvement, equipping and repair of a portion of the CIP Improvements (the “Series 2018 Project”); and

WHEREAS, the City Commission hereby declares and determines that the Series 2018 Project serves a valid paramount public and municipal purpose of the City; and

WHEREAS, the City is authorized by Chapter 166, Florida Statutes, the Home Rule Charter of the City of Coconut Creek approved at a referendum on March 12, 1985, as amended, and other applicable provisions of law (collectively, the “Act”) to incur indebtedness of the City for the purpose of financing the cost of the Series 2018 Project; and

WHEREAS, the City Commission hereby finds it necessary and in the best interest of the City to authorize the issuance of its City of Coconut Creek, Florida Capital Improvement Revenue Note, Series 2018 (the “Series 2018 Note”) for the purpose of providing funds, together with other available funds, to finance the cost of the Series 2018 Project and to pay the costs of issuance of the Series 2018 Note.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

Section 2: Authority for this Ordinance. That this Ordinance is enacted pursuant to the provisions of the Act.

Section 3: Findings. That it is hereby ascertained, determined and declared that:

- (a) The City requested proposals for the financing of the Series 2018 Project from banks and other financial institutions and has received the proposal from Florida Community Bank, N.A. (the “Lender”) attached hereto as Exhibit A (the “Proposal”).
- (b) PFM Financial Advisors LLC, the Financial Advisor to the City (the “Financial Advisor”) has advised the City that due to the limited activity of the City in the public financial markets and the timing of the issuance of the Series 2018 Note it would have been impracticable to engage in the competitive bidding process, and solicitation of bank proposals and negotiation with the proposing banks is the recommended method to ensure the City receives the best value, and the Financial Advisor has advised the City that, to the best of its knowledge and belief, similar loans in the municipal bond market are usually negotiated.
- (c) It is hereby determined to be in the best interest of the City to accept the Proposal from the Lender and it is in the best interest of the City that the Series 2018 Note be sold at a negotiated sale pursuant to the Proposal.
- (d) It is necessary and desirable to provide for the execution and delivery of a Loan Agreement with respect to the Series 2018 Note and the issuance of the Series 2018 Note of the City to implement the financing of the Series 2018 Project. Amounts due under the Loan Agreement and the Series 2018 Note shall be payable from the legally available non-ad valorem revenues of the City, and shall be secured by the City’s covenant to budget and appropriate from legally available

non-ad valorem funds each year monies sufficient to pay the principal and interest thereon and other amounts due thereunder.

Section 4: Authorizing the Note. That the issuance by the City of not exceeding \$10,000,000 Capital Improvement Revenue Note, Series 2018 of the City, for the purpose above; to be dated, to bear interest at a rate or rates not exceeding the maximum legal rate per annum, to be payable, to mature, to be subject to redemption and to have such other characteristics as shall be provided in the form of the loan agreement attached and in the Proposal and to be secured by the covenant of the City to budget and appropriate from legally available non-ad valorem funds each year monies sufficient to pay the principal and interest on such Series 2018 Note and other amounts due thereunder, is hereby authorized.

Section 5: Authorization to Accept Proposal. That the City Manager is hereby authorized to accept the Proposal of the Lender.

Section 6: Approval of Form of Loan Agreement and Note. That the forms of the Loan Agreement and Series 2018 Note attached thereto are hereby approved. The City Manager, City Clerk, and City Attorney are hereby authorized to execute and deliver such instruments, with such additions, deletions, and other changes as may be necessitated by applicable law, this Ordinance or the Proposal as the City Manager and the City Attorney may approve (such approval to be conclusively evidenced by the execution of such documents), and to take such other actions as shall be necessary to implement the issuance of the Series 2018 Note.

Section 7: Conflicts. All ordinances or parts of ordinances, all City Code sections, or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 8: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 9: Effective Date. That this Ordinance shall become effective upon its passage on the second and final reading.

PASSED FIRST READING THIS 12TH DAY OF JULY, 2018.

PASSED SECOND READING THIS 26TH DAY OF JULY, 2018.

Joshua Rydell, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>