

TEMPORARY ORDINANCE NO. 20-21

PERMANENT ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REDEMPTION OF ALL OF THE CITY'S OUTSTANDING WASTEWATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012, AND TO DECLARE AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 7-12, passed by the Council of the City on April 23, 2012, the related final terms certificate dated May 29, 2012 (collectively, the "Original Bond Legislation") and the Trust Agreement dated as of September 1, 2004, as amended by the First Supplemental Trust Agreement dated as of September 1, 2008 and the Second Supplemental Trust Agreement dated as of June 1, 2012 (collectively, the "Trust Agreement") between the City and The Bank of New York Mellon Trust Company, N.A. (as successor to J.P. Morgan Trust Company, National Association), as trustee (the "Trustee"), the City issued its \$3,680,000 Wastewater System Revenue Refunding Bonds, Series 2012 (the "Original Bonds"); and

WHEREAS, this Council finds that \$2,425,000 of the Original Bonds remain outstanding and are scheduled to mature on December 1 in each of the years 2021, 2025 and 2029; and

WHEREAS, this Council has determined that it would be in the best interest of the City to, on the earliest date as is practicable, redeem those Original Bonds maturing on December 1 in each of the years 2025 and 2029 (collectively, the "Redeemed Bonds") and presently outstanding in the aggregate principal amount of \$2,190,000; and

WHEREAS, this Council finds and determines that the City should take such steps as are required to redeem the Redeemed Bonds on the earliest practicable date as determined by the Auditor (the "Redemption Date"), and transfer to the existing Trustee for the Redeemed Bonds sufficient monies to provide for the redemption of the Redeemed Bonds on that date;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lancaster, Ohio, that:

SECTION 1. Defeasance and Redemption. This Council determines that it is necessary and in the best interest of the City to optionally redeem the Redeemed Bonds on the Redemption Date, at a redemption price of 100% of the principal amount thereof, plus accrued interest to the Redemption Date. The Auditor is authorized and directed to promptly give to the Trustee written (a) notice that the City has determined to optionally redeem the Redeemed Bonds on the Redemption Date and (b) direction to notify the registered holders of the Redeemed Bonds that the City has determined to redeem the Redeemed Bonds on the Redemption Date, all in accordance with the Original Bond Legislation. The City covenants for the benefit of the registered holders of the Redeemed Bonds that it will at no time on or after the provision of notice to the Trustee take any actions to modify or rescind the call for prior redemption of the Redeemed Bonds, and will cause the Trustee to take, all steps required by the terms of the Redeemed Bonds, the Trust Agreement and the Original Bond Legislation to make and perfect that call for prior redemption.

SECTION 2. Notice of Redemption. Upon delivering written notice and direction to the Trustee pursuant to Section 1, the Trustee shall be directed to deliver notice to the

registered owners of the Redeemed Bonds in the following manner. The notice of the call for redemption shall identify (a) by designation, letters, numbers, or other distinguishing marks, the Redeemed Bonds to be redeemed, (b) the amount to be redeemed, (c) the date fixed for the redemption, and (d) the places where the amounts due upon redemption are payable. A copy of the notice to the Registered Owner of each Redeemed Bond shall be mailed by the Trustee on the City's behalf to that Registered Owner's address as shown on the register as of the close of business on the fifteenth day preceding that mailing, and to any securities depository holding Redeemed Bonds of which the Trustee has notice, not less than 30 days prior to the Redemption Date. Failure to receive notice by mail or any defect in that notice regarding the Redeemed Bonds, however, shall not affect the validity of the proceedings for the redemption of the Redeemed Bonds.

SECTION 3. Payment of Redeemed Bonds. The Auditor is hereby authorized and directed to deposit with the Trustee an amount sufficient to effect the redemption of the Redeemed Bonds. The funds to be deposited with the Trustee have been authorized, and shall be applied to pay principal of and interest on the Redeemed Bonds, all pursuant to the Original Bond Legislation.

SECTION 4. Authorizations. The Mayor, the Auditor, the Director of Law, the Clerk of Council, and other City officials, as appropriate, each and all, are authorized and directed to sign any certificates, statements and other documents and instruments and to take such actions as are necessary or appropriate to effect the redemption of the Redeemed Bonds.

SECTION 5. Discharge of Lien of Trust Agreement as to the Redeemed Bonds. Upon the redemption of the Redeemed Bonds on the Redemption Date, the Auditor is directed to take all necessary actions to effectuate the discharge by the Trustee of the lien of the Trust Agreement as to the Redeemed Bonds.

SECTION 6. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 7. Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that this Ordinance is required to be immediately effective to enable the City to redeem the Redeemed Bonds; wherefore, this Ordinance shall be in full force and effect immediately upon its passage provided it receives the affirmative vote of five Council members; otherwise, it shall take effect and be in force at the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Attest: _____

Mayor

The foregoing is a true and correct copy of Ordinance ____-21 as adopted by the Council of the City of Lancaster, Ohio at its meeting on _____, 2021.
Offered by: _____

Second by: _____

Requested by Finance Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2021 and _____, 2021, the Lancaster Eagle Gazette published the summary of this Ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

