

COUNCIL'S AMENDING ORDINANCE

AN ORDINANCE AMENDING VARIOUS ORDINANCES APPROPRIATING FUNDS FOR VARIOUS PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS TO MEET SAID APPROPRIATIONS TO REMOVE CERTAIN BOND SALE REQUIREMENTS FROM SUCH ORDINANCES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORWICH:

WHEREAS, the City Council adopted an ordinance on June 21, 2004 entitled, "AN ORDINANCE APPROPRIATING \$200,000 FOR IMPROVEMENTS TO NEW LONDON TURNPIKE AND PLEASANT STREET BRIDGES AND AUTHORIZING THE ISSUE OF \$200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" (Ordinance #1514), which was amended by an ordinance adopted by the City Council on January 16, 2007 entitled, "AN ORDINANCE AMENDING AN ORDINANCE APPROPRIATING \$200,000 FOR IMPROVEMENTS TO NEW LONDON TURNPIKE AND PLEASANT STREET BRIDGES AND AUTHORIZING THE ISSUE OF \$200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" ("Ordinance #1562");

WHEREAS, the City Council adopted an ordinance on August 6, 2007 entitled, "AN ORDINANCE APPROPRIATING \$40,250,000 FOR THE RENOVATION AND EXPANSION OF KELLY MIDDLE SCHOOL AND AUTHORIZING THE ISSUE OF \$40,250,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" which was approved by Referendum on November 6, 2007 ("Ordinance #1570");

WHEREAS, the City Council adopted an ordinance on August 16, 2010 entitled, "AN ORDINANCE APPROPRIATING \$3,380,000 FOR THE CITY OF NORWICH DOWNTOWN REVITALIZATION INITIATIVE TO SPUR ECONOMIC DEVELOPMENT AND AUTHORIZING THE ISSUE OF \$3,380,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" which was approved by Referendum on November 2, 2010 ("Ordinance #1641");

WHEREAS, the City Council adopted an ordinance on August 19, 2013 entitled, "AN ORDINANCE APPROPRIATING \$5,000,000 FOR THE CITY OF NORWICH INFRASTRUCTURE IMPROVEMENT PROGRAM (2013) AND AUTHORIZING THE ISSUE OF \$5,000,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE" which was approved by Referendum on November 5, 2013 ("Ordinance #1690");

WHEREAS, the City Council adopted an ordinance on July 7, 2014 entitled, “AN ORDINANCE APPROPRIATING \$9,500,000 FOR IMPROVEMENTS TO THE CITY’S NATURAL GAS SYSTEM WITHIN THE CITY’S SERVICE FRANCHISE AND AUTHORIZING THE ISSUE OF \$9,500,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE” which was approved by Referendum on November 4, 2014 (“Ordinance #1704,” and collectively with Ordinance #1514, 1570, 1641 and 1690, the “Prior Ordinances”);

WHEREAS, Section 5 of the Prior Ordinances required that “[a] notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds”;

WHEREAS, the cost of publishing such notice of sale or summary thereof relating to the City’s bonds in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds is prohibitively expensive and not necessary for the successful sale of the City’s bonds;

WHEREAS, Section 5 of Ordinances #1514, #1570 and #1641 required that “[i]f the bonds are sold by negotiation the purchase contract shall be approved by the City Council”; and

WHEREAS, since 2013, the City Council has authorized the City Manager and the Comptroller to enter into and sign the purchase contract relating to bonds.

BE IT ORDAINED BY THE COUNCIL OF THE CITY:

Section 1. Section 5 of Ordinance #1514 is amended and restated to read as follow:

“Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, or at auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost of the City, or comparable method. ~~A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds, If the bonds are sold by negotiation the purchase contract shall be approved by the City Council.~~ With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Manager and Comptroller are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount applied.”

Section 2. Section 5 of Ordinance #1570 is amended and restated to read as follow:

“Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, or at auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost of the City. ~~A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the City Council.~~”

Section 3. Section 5 of Ordinance #1641 is amended and restated to read as follow:

“Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, or at auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost of the City, ~~or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the City Council.~~”

Section 4. Section 5 of Ordinance #1690 is amended and restated to read as follow:

“Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, or at auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost of the City. ~~A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds.~~

Section 5. Section 5 of Ordinance #1704 is amended and restated to read as follow:

“Section 5. Said bonds shall be sold by the City Manager and Comptroller in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be sold upon sealed proposals, or at auction, at not less than par and accrued interest on the basis of the lowest net or true interest cost of the City. ~~A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in~~

~~advance of the sale in a recognized publication carrying the municipal bond notices and devoted primarily to financial news and the subject of state and local municipal bonds.~~ With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Manager and Comptroller are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount applied.

Section 6. The City Clerk shall cause amended versions of each of the Prior Ordinances incorporating the amended Section 5 language to be prepared, labeled “As Amended” at the top, and filed within minutes of the meeting at which these Amended Ordinances are adopted.

Section 7. These Amended Ordinances shall be effective upon adoption by the City Council.

City Manager John Salomone