



Legislation Text

File #: 021776, Version: 1

021776
SUBSTITUTE 1
991863
THE CHAIR

Substitute resolution amending File Number 991863 as relates to revenue bonds of the City of Milwaukee, Wisconsin (the "City") for the purposes of the sewerage system of the City. (Comptroller)

File Number 991863 created the master resolution (the "Resolution") pursuant to which revenue bonds of the Sewerage System of the City are issued. The Resolution contains covenants with respect to the issuance, from time to time, of bonds under that resolution. This resolution amends the Resolution to change the terms under which additional bonds may be issued on parity with bonds under the Resolution. This resolution also deems bonds issued under File Number 021700 to have consented to such change.

Whereas, on August 2, 2001, the Common Council of the City of Milwaukee adopted Common Council File Number 991863 that authorized the issuance of Sewerage System Revenue Bonds under a resolution (the "Resolution") contained therein; and

Whereas, In interpreting the terms of this resolution (the "2003 Supplemental Resolution") amending the terms of the Resolution, all terms which are defined in Section 1.01 of the Resolution shall have the same meanings, respectively, in this 2003 Supplemental Resolution as such terms are given in said Section 1.01 of the Resolution; and

Whereas, The Resolution provides the authority (when utilized in conjunction with separate "Series" resolutions) for the issuance of Sewerage System Revenue Bonds to be payable from the revenues of the Sewerage System; and

Whereas, It is hereby found and determined that it is desirable that the City amend the terms upon which bonds may be issued on a parity basis under the Resolution; and

Whereas, This 2003 Supplemental Resolution is adopted pursuant to Section 10.02 of the Resolution; and

Whereas, Common Council File Number 021700 adopted on March 25, 2003 approved the issuance of Sewerage System Revenue Bonds, Series 2003 S4, and pursuant to which, bonds have not yet been sold and issued; now, therefore, be it

Resolved, By The Common Council of the City of Milwaukee, that Section 3.04(4) of the Resolution that is contained in Common Council File Number 991863 is hereby amended and restated in its entirety as shown in Exhibit A (the "Amendment and Restatement"); and, be it

Further Resolved, that the Amendment and Restatement shall take effect when the bondholder consents required by the Resolution have been obtained; and, be it

Further Resolved, that the City authorizes and directs the appropriate officers and employees of the City to take all action necessary or appropriate to solicit consent for, to provide proper notice of, and to fulfill any and all other requirements under the Resolution to place into effect, the Amendment and Restatement; and, be it

Further Resolved, that the holders of any Bonds issued after the date this Resolution is adopted, including Bonds issued pursuant to File Number 021700, are hereby deemed to consent to the Amendment and Restatement.

Comptroller
RSL
April 1, 2003
PD-6465bW.doc

EXHIBIT A to File Number 021776

Restatement of Section 3.04(4)
of the Resolution Contained in File Number 991863

"(4) Either:

(I) a Written Certificate of an Authorized Officer of the City based:

- (i) on audited figures, provided that such audited figures are for the most recent Fiscal Year for which an audit is available, and are for a period ending within 18 months of the date of the issuance of the proposed Series of Bonds; or
- (ii) on figures taken by an independent certified public accountant from the City's books and records, showing that the Net Revenues for any consecutive twelve (12) months' period out of twenty-four (24) months immediately preceding the month in which such Bonds are issued;

were not less than the greater of:

- (x) the sum of: (1) the maximum Aggregate Debt Service on all Bonds then Outstanding and on the proposed Series of Bonds in any Fiscal Year and the twelve (12) month period selected; and (2) the Required Deposits for such Fiscal Year or the twelve (12) month period selected; and
- (y) 1.20 times the maximum Aggregate Debt Service on all Bonds then Outstanding and on the proposed Series of Bonds in any Fiscal Year and the twelve (12) month period selected, plus 1.20 times the aggregate Support Facility Reimbursement Obligations outstanding as of the date of the Written Certificate of the City;

or (II) a Written Certificate of an Authorized Officer of the City or Certificate of the Consulting Engineer that the Net Revenues to be derived in each of the five (5) Fiscal Years following the earlier of:

- (i) the end of the period during which interest is capitalized or, if no interest is to be capitalized, the Fiscal Year in which the proposed Series of Bonds are issued; and
- (ii) the date on which substantially all Improvements to be financed with the proceeds of the proposed Series of Bonds are expected to commence operations, or, if the proceeds of such Series of Bonds will not be used to fund the Costs of Improvements, the Fiscal Year in which the proposed Series of Bonds are issued;

are estimated to be not less than the greater of:

- (x) the sum of: (1) the maximum Aggregate Debt Service on all Bonds then Outstanding and on the proposed Series of Bonds in any such Fiscal Year; and (2) the Required Deposits for any such Fiscal Year; and
- (y) 1.20 times the maximum Aggregate Debt Service on all Bonds then Outstanding and on the proposed Series of Bonds in any such Fiscal Year, plus 1.20 times the aggregate Support Facility

Reimbursement Obligations outstanding;

as of the date of such Written Certificate of the City or certificate of the Consulting Engineer, as the case may be. Adopted Sewerage Service Charges shall be taken into account at the time, or times, they are scheduled to be effective.

(the "Additional Bonds Requirement"). For purposes of this subsection (4): If any changes have been made and are in effect at the time of the issuance of the proposed Series of Bonds in the Sewerage Service Charges (exclusive of changes in the rates and charges for the privilege of connecting to the Sewerage System) which were not in effect during all or any part of the periods referred to in Section 3.04 (4)(I)(i), or (ii), the Net Revenues for either of such respective periods may be adjusted to reflect the results which would have occurred in the Net Revenues if such changes in the Sewerage Service Charges had been in effect during all of such respective periods."