

ORDINANCE NO. 2013-06

AN ORDINANCE ACCEPTING A LOWER INTEREST RATE IN CONNECTION WITH SEWER REVENUE BOND OWNED BY THE ARKANSAS NATURAL RESOURCES COMMISSION; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Elm Springs, Arkansas (the "City") has previously issued its Sewer Revenue Bond, dated September 1, 2005 (the "Bond"), which is owned by the Arkansas Natural Resources Commission (the "Commission") pursuant to a Memorandum of Agreement between the City and the Commission; and

WHEREAS, the Commission desires to lower the interest rate on the Bond, in order to assist the City

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elm Springs, Arkansas:

Section 1. That the City accepts the offer of the Commission to reduce the interest rate on the Bond from 5.40% per annum to 4.00% per annum, effective June 1, 2013.

Section 2. That the Mayor and City Recorder are hereby authorized to execute all documents, certificates and instruments necessary to accomplish the intent of this Ordinance, including particularly, without limitation, any filings with the Internal Revenue Service and any amendments to the Bond.

Section 3. That the Mayor and other representatives of the City are hereby authorized to adopt and implement a post-issuance compliance policy in order to assist the City in complying with federal tax laws if such policy is necessary.

Section 4. That the provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.

Section 5. That all ordinances and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. That it is hereby ascertained and declared that the interest rate on the Bond should be lowered as soon as possible in order to lower the interest cost on obligations of the City's sewer system. It is therefore declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and take effect immediately upon and after its passage.

ADOPTED: May 20, 2013.

APPROVED:

Ben Wall  
Mayor

ATTEST:

Gloria Pettus  
City Recorder

(SEAL)

CERTIFICATE

The undersigned, City Recorder of the City of Elm Springs, Arkansas (the "City"), hereby certifies that the foregoing pages are a true and correct copy of Ordinance No. 2013-06, adopted at a Regular session of the City Council of the City, held at the regular meeting place of the City Council of the City at 6:30 p..m., on the 20 day of May, 2013.

GIVEN under my hand and seal this 20 day of May, 2013.

Diana Peltus  
City Recorder

(SEAL)