

ORDINANCE 2016 – 14 Draft Ordinance 2016-N

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL LOAN AGREEMENT, BOND AND IN CONNECTION WITH THE OUTSTANDING CITY OF VILLA HILLS, KENTUCKY INDUSTRIAL BUILDING REVENUE REFUNDING BONDS, SERIES 2010 (VILLA MADONNA, INC. PROJECT)

WHEREAS, the City of Villa Hills, Kentucky (the “Issuer”), at the request of Villa Madonna Academy, Inc., a Kentucky nonprofit corporation (the “Borrower”) heretofore issued, and there are presently outstanding, City of Villa Hills, Kentucky Industrial Building Revenue Refunding Bonds, Series 2010 (Villa Madonna Academy, Inc. Project) (the “Bonds”), the proceeds of which were loaned to the Borrower pursuant to a Series A Loan Agreement dated as of January 1, 2010 between the Issuer and the Borrower (the “Loan Agreement”); and

WHEREAS, the Borrower and Fifth Third Bank, as original purchaser of the Bonds, have requested that the Issuer authorize amendments to the Bonds and a First Supplemental Loan Agreement (the “Supplemental Agreement”) between the Issuer and the Borrower amending the Loan Agreement to allow for the establishment of a new interest rate mechanism for the Bonds.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VILLA HILLS, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION 1. The Mayor and City Clerk, for and on behalf of the Issuer, are each hereby authorized, empowered and directed to effect the execution and delivery of the Supplemental Loan Agreement and the amendments to the Bonds, the performance of all obligations of the Issuer under and pursuant to the Supplemental Loan Agreement, and the performance of all other actions of whatever nature necessary to effect and carry out the authority conferred by this Ordinance and by the Supplemental Loan Agreement. The Mayor and City Clerk are hereby further authorized, empowered and directed for and on behalf of the Issuer to execute all customary papers, letters, documents, certificates, forms or other instruments that may be required for the carrying out and effectuation of the authority conferred by this Ordinance and the Supplemental Loan Agreement.

SECTION 2. No Personal Liability. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this Ordinance, or in the Bonds or in the supplemental loan Agreement, or under any judgment obtained against the Issuer or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, shall be had against any officer as such, past, present, or future, of the Issuer, either directly or through the Issuer, or otherwise, for the payment for or to the Issuer or any receiver thereof, or for or to any holder of any Bond, or otherwise, of any sum that may be due and unpaid by the Issuer upon any of the Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such officer, as such, to respond by reason of any act or omission on his or her part, or otherwise, for, directly or indirectly, the payment for or to the Issuer or any receiver thereof, or for or to the owner or any holder of any Bond, or otherwise, of any sum that may remain due and unpaid upon any Bond, shall be deemed to be expressly waived and released as a condition of and consideration for the execution and delivery of the Supplemental Loan Agreement and the amendments to the Bonds.

SECTION 3. No Debt or Tax Pledge. The Bonds do not constitute an indebtedness of the Issuer within the meaning of the Constitution of the Commonwealth of Kentucky. The Bonds shall be payable solely from the revenues and security interests pledged for their payment as provided in the Bonds, and neither moneys raised by taxation nor any other general or special revenues of the Issuer shall be obligated or pledged for the payment of principal of, premium (if any) or interest on the Bonds.

SECTION 4. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5. Open Meetings Law. This City Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Council, and that all deliberations of this Issuing Authority and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, attestation and publication of a summary hereof.

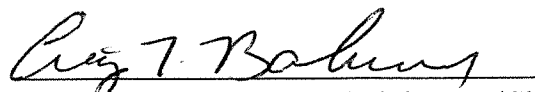
INTRODUCED AND GIVEN FIRST-READING AT A DULY CONVENED MEETING OF THE CITY COUNCIL OF THE CITY OF VILLA HILLS, KENTUCKY, held on December 14, 2016.

GIVEN SECOND READING AND ADOPTED AT A DULY CONVENED MEETING OF THE CITY COUNCIL OF THE CITY OF VILLA HILLS, KENTUCKY, held on December 21, 2016 on the same occasion signed by the Mayor as evidence of his approval, attested by the City Clerk, ordered and published and filed as required by law, and declared to be in full force and effect from and after its adoption and approval according to law.

City of Villa Hills, Kentucky
A Municipal Corporation of the Home Rule Class


Irvin T. "Butch" Callery, Mayor

ATTEST:


Craig T. Bohman, City Administrator/Clerk

Sponsor: Ringo

Ayes: 6

Absent: None

First Reading: Dec. 14, 2016

Nays: 0

Second Reading: Dec. 21, 2016

Abstentions: none

Published: 01/18/2017