

MUNICIPALITY OF MONROEVILLE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. 1608

AN ORDINANCE OF THE MUNICIPALITY OF MONROEVILLE, ALLEGHENY COUNTY, PENNSYLVANIA, AUTHORIZING A BORROWING DURING THE FISCAL YEAR 1988 IN ANTICIPATION OF CURRENT TAXES AND CURRENT REVENUES AND THE ISSUANCE OF A TAX AND REVENUE ANTICIPATION NOTE; IN THE AMOUNT OF EIGHT HUNDRED THOUSAND (\$800,000.00) DOLLARS; ESTABLISHING THE FORM OF SUCH NOTE; APPROVING AND ACCEPTING A PROPOSAL OF DOLPHIN & BRADBURY TO PURCHASE THE NOTE; AWARDED AND AUTHORIZING THE NEGOTIATED SALE THEREOF TO SAID DOLPHIN & BRADBURY; PROVIDING SECURITY FOR SUCH NOTE; AUTHORIZING AND DIRECTING CERTAIN OFFICIALS TO DELIVER A CERTIFICATE AS TO TAXES AND REVENUES TO BE COLLECTED, TO CAUSE TO BE MADE THE FILINGS REQUIRED BY LAW, TO EXECUTE AND DELIVER THE NOTE, AND TO TAKE SUCH OTHER ACTIONS AS MAY BE NECESSARY OR DESIRABLE.

WHEREAS, the Local Government Unit Debt Act of the Commonwealth of Pennsylvania (the "Act") empowers and authorizes a local government unit to borrow money from time to time in any fiscal year in anticipation of the receipt of current taxes or current revenues or both and to evidence said indebtedness by tax and revenue anticipation notes; and

WHEREAS, Dolphin & Bradbury, Inc., of Philadelphia, Pennsylvania, has submitted to the Municipality of Monroeville (the "Municipality") a proposal to purchase Tax and Revenue Anticipation Notes of the Municipality and the Municipality desires, by the adoption of this Ordinance by the affirmative vote of a majority of the members of the Municipal Council now holding office, to accept such Proposal and award and authorize the issue and sale of its Tax and Revenue Anticipation Notes.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Municipality of Monroeville, and it is hereby ordained and enacted by the Authority of the same as follows:

SECTION 1. The Council of the Municipality of Monroeville hereby authorizes the issuance of a Note in the principal sum of \$800,000.00 in anticipation of the receipt of current taxes and current revenues, said borrowing to be evidenced by a Tax and Revenue Anticipation Note of the Municipality (the "Note") in the aforesaid principal sum, such Note to be dated the date of the issuance thereof, to mature December 31, 1988, to bear interest from the date thereof on the unpaid balance of the principal at 5.77 percent calculated on a 366 day basis.

After maturity, whether by declaration, acceleration or otherwise, the Note shall bear interest until fully paid at 5.77 percent calculated on a 366 day basis.

The principal of and interest on the Note shall be payable in any coin or currency of the United States of America which, at the respective times of payment, is legal tender for the payment of public and private debts.

The Note shall be in substantially the form provided and annexed hereto.

SECTION 2. The Municipality hereby finds that a private sale of the Note by negotiation is in the best financial interest of the Municipality. The Proposal of Dolphin & Bradbury dated January 12, 1988 and submitted to the Municipality is hereby approved and accepted. The Note is approved and shall be awarded, issued and sold upon a negotiated sale to Dolphin & Bradbury at the principal amount thereof in accordance with said Proposal.

SECTION 3. The Note shall be equally and ratably secured by the pledge of, security interest in, and a first lien and charge on, the taxes and revenues of the Municipality to be received during the period when the Note will be outstanding. Such pledge, lien and charge shall be fully perfected as against the Municipality, all its creditors and all third parties from and after the filing of a financing statement or statements with the Secretary of the Commonwealth and the Office of the Prothonotary of Allegheny County.

SECTION 4. The Certification as to taxes and Revenue to be collected dated _____ prepared by the Municipal Manager and submitted to the Municipal Council in accordance with the Act is hereby approved, and the said official is hereby authorized, empowered and directed to deliver a signed counterpart of such certificate (or of a revised subsequently dated certificate as may be necessary to comply with the Act) to Dolphin & Bradbury in connection with the issuance and delivery of the Note.

SECTION 5. Continental Bank, Norristown, Pennsylvania is hereby designated as the Sinking Fund Depository for the note and there is hereby created a Sinking Fund for the payment of principal and the interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same shall become due and payable. The Municipal Manager shall deposit into the Fund sufficient amount for payment of principal and interest on the note no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, without further action by the Municipality, withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the Note.

SECTION 6. The Mayor of the Municipality of Monroeville and the Municipal Manager are hereby authorized,

empowered and directed (i) to cause certified copies of the proceedings and documents in connection with the authorization, issuance and sale of the note to be filed with the Pennsylvania Department of Community Affairs as required by the Act, (ii) to execute and deliver the Note to Dolphin & Bradbury against receipt of the proceeds thereof, and (iii) to take all such other actions and execute all such other documents as may be necessary or desirable to effect the issue and sale of the Note in conformity with the aforesaid Proposal and the Act.

SECTION 7. The Municipality hereby covenants with the holder of the Note that it will make no use of the proceeds of the Note which will cause the Note to be an "arbitrage bond" within the meaning of Section 103 of the Internal Revenue Code of 1954, as amended, and the Regulations thereunder, and that it will comply with the requirements of said Section and Regulations through out the term of the Note.

SECTION 8. All Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

EXAMINED AND APPROVED this 12th day of
JANUARY, 19 88.

ATTEST:

Washington C. Alston
Washington C. Alston
Municipal Manager

MUNICIPALITY OF MONROEVILLE

By Michael P. Lynch
Michael P. Lynch
Mayor

Pennsylvania, the Paying Agent and Sinking Fund Depository, in lawful money of the United States of America.

The Note(s) is/are secured by a pledge of and the perfection of a security interest in and a lien and charge on the taxes or revenues or both of the Local Government Unit to be received during the period when this/these Note(s) will be outstanding.

From all moneys collected or received by the Local Government Unit from and after the first day of January, 1988 until principal and interest are paid in full, the Local Government Unit shall on or before December 30, 1988 make a payment or payments to the Sinking Fund Depository totaling the full amount of this/these Note(s).

Additionally, in the event of default in any payment of principal, all tax moneys and revenues thereafter received or to be received by the Local Government Unit shall be deposited into the aforementioned Sinking Fund until funds equal to the principal and interest due for any and all Local Government Unit Tax Anticipation Note(s) have/has been paid in full. All Federal, state and local public officials in possession in any taxes and revenues, grants or appropriations otherwise payable to the Local Government Unit shall make payment against receipt thereof directly to the Sinking Fund Depository for the holder of this Note, such payment to be made upon written notice to any public official by the Sinking Fund Depository that the Local Government Unit has defaulted in payment of principal upon the Due Date. Payment by such public official shall discharge such official from any further liability or responsibility for such taxes and revenues so paid over to the Sinking Fund Depository.

This/these Note(s) is/are issued under the authority of the Pennsylvania Local Government Unit Debt Act, Act 52 of 1978, and pursuant to an Ordinance duly adopted on _____ by the Governing body of the Local Government Unit. Proceedings with respect to the issuance of this Note were filed with the Department of Community Affairs and notice of the security interest in the taxes and revenues of the Local Government Unit was filed in the proper offices on _____, and it is

hereby certified and recited that all condition, act and things required by law to exist, to have been performed and to have happened precedent to and in connection with the issuance of this/these Note(s) do exist, have been performed and have happened, and that this/these Note(s) is/are within every debt and other limitation prescribed by law.

IN WITNESS WHEREOF, the Local Government Unit has caused this/these Note(s) to be properly executed by the proper officers of the Local Government Unit and its corporate seal to be hereto affixed, attested to by the Municipal Manager of the Local Government Unit as of the _____ day of _____, 1988.

By Wahing C. Alton
Municipal Manager

By Michael R. Lynch
Mayor

(SEAL)