

ORDINANCE NO. 2016 - 23

AUTHORIZING THE EXECUTION OF AN ESCROW DEPOSIT AGREEMENT, AND AUTHORIZING THE PURCHASE OF SECURITIES TO FUND AN ESCROW FUND FOR THE PARTIAL ADVANCE FUNDING OF THE SERIES 2008 VARIOUS PURPOSE LIMITED TAX GENERAL OBLIGATION BONDS.

WHEREAS, the City of Mason, Ohio (the "City"), has previously issued is \$17,570,000 Various Purpose Limited Tax General Obligation Bonds, Series 2008 (the "Prior Bonds"), of which \$13,050,000 remains outstanding and the City has determined it will be economically advantageous to advance refund a portion of the Prior Bonds in an amount not to exceed \$9,750,000; and

WHEREAS, Mason City Council previously authorized Ordinance No. 2015-80 providing for the issuance of not to exceed \$9,750,000 of refunding bonds by the City of Mason, Ohio, to advance refund a portion of the series 2008 bonds issued for various purposes in the City; and

WHEREAS, the City intends to proceed with the partial advance refunding of the series 2008 bonds issued for various purposes in the City; and

WHEREAS, the City previously authorized by Ordinance No. 2015-80 the engagement of Peck, Shaffer & Williams a division of Dinsmore & Shohl LLP, as Bond Counsel to the City; and

WHEREAS, an escrow agent, verification agent, and authorization to purchase appropriate investments for the defeasance portion of the advance refunding is required to complete the advance refunding; and

NOW, THEREFORE, the City of Mason (hereinafter called the "City"), County of Warren, Ohio, hereby ordains:

SECTION 1. That the Finance Director is hereby authorized and directed to deposit an amount required to purchase U.S. Treasury Securities – State and Local Government Series ("SLGS") or other securities acceptable to Peck, Shaffer & Williams a Division of Dinsmore & Shohl LLP, as Bond Counsel, necessary to fully fund the escrow account from bond proceeds into an Escrow Deposit Account established with U.S. Bank National Association, as Escrow Agent, ("Escrow Agent") to be used by the Escrow Agent to pay principal and interest, as it comes due, on that portion of the advance refunding.

SECTION 2. That the City Manager is further authorized and directed to enter into an Escrow Deposit Agreement with U.S. Bank National Association to provide for the defeasance of a portion of the refunded bonds in substantially the form as is currently on file with the Finance Director with only such changes as are approved by legal counsel.

SECTION 3. Peck, Shaffer & Williams a division of Dinsmore & Shohl LLP, RBC Capital Markets, LLC and/or U.S. Bank National Association are hereby authorized to

subscribe for the SLGS or other open market securities on behalf of the City to fund the required escrow.

SECTION 4. That the City Manager is further authorized and directed to enter into an agreement with a qualified firm as verification agent for the advance refunding.


SECTION 5. That if SLGS are not available and no existing investments of the City are suitable or it is determined to be economically advantageous to the City to purchase open market securities rather than SLGS, the City Manager may further authorize an agreement for a qualified firm to take bids for open market securities on behalf of the City to fund the required escrow.

SECTION 6. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this council, and that all deliberations of this council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.


SECTION 7. That this Ordinance shall take effect at the earliest date permitted by law.

Passed the 8th day of February, 2016.

Attest:



Clerk of Council



Mayor

CERTIFICATE

The undersigned hereby certifies that the foregoing is a true and correct copy of Ordinance No. _____.