

ORDINANCE 2020 – 79

AUTHORIZING TO PREPAY LEASE PAYMENTS AND DIRECT THE TRUSTEE TO CALL AND PAY OUTSTANDING CERTIFICATES OF PARTICIPATION (CITY OF MASON MUNICIPAL FACILITIES REFUNDING PROJECT) DATED NOVEMBER 17, 2010.

WHEREAS, the City previously entered into a Lease Agreement (the “Lease”) with PS&W Holding Company, Inc. (the “Lessor”), dated November 17, 2010, pursuant to which the city administration building was financed; and

WHEREAS, Lessor assigned all of its rights under the Lease to U.S. Bank National Association, as Trustee, under the Trust Indenture (“Indenture”) entered into between the Lessor and U.S. Bank National Association (“Trustee”), dated November 17, 2010; and

WHEREAS, pursuant to the Indenture, the Trustee heretofore authorized, sold and delivered tax-exempt \$18,325,000 Certificates of Participation (City of Mason Municipal Facilities Refunding Project), dated November 17, 2010 (the “Certificates”), the proceeds of which were used to refinance prior certificates the proceeds of which were used to finance the construction of the city administration building; and

WHEREAS, Certificates in the amount of \$2,510,000 were previously defeased and will be called and prepaid on December 1, 2020; and

WHEREAS, outstanding Certificates in the amount of \$1,175,000 mature on December 1, 2020, and the remaining outstanding Certificates in the amount of \$5,765,000 may be called for prepayment prior to maturity on December 1, 2020; and

WHEREAS, the City can save \$708,890 of interest on the Lease Payments, as defined in the Lease, coming due in fiscal years 2021 through 2025 by prepaying the Lease Payments on December 1, 2020; and

NOW, THEREFORE, by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

SECTION 1. That the Finance Director is hereby authorized and directed to exercise the purchase option in Section 24 of the Lease, prepay the Lease Payments coming due June 1, 2021 through and including December 1, 2025, and direct the Trustee to call and pay the \$5,765,000 outstanding Certificates of Participation dated November 17, 2010, maturing December 1, 2021 through and including December 1, 2025.

SECTION 2. That up to \$4,750,000 be transferred from the General Capital Improvement Fund to the Government Center Reserve Fund.

SECTION 3. That there is hereby appropriated from the Government Center Reserve Fund an amount of \$5,765,000 to prepay on or before December 1, 2020, the Lease Payments due in fiscal years 2021 through and including 2025.

SECTION 4. That all appropriate officers of the City are further authorized to make, execute, acknowledge and deliver such documents, certificates, financing statements and other instruments or agreements as are, in the opinion of bond counsel, necessary to carry out the purposes of this ordinance.

SECTION 5. That the Council of the City of Mason, Ohio, hereby finds and determines that all formal actions relative to the adoption of this ordinance were taken in an open meeting of the council of the City and that all deliberations of the council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 6. That this Ordinance shall take effect at the earliest date permitted by law.

Passed the 14th day of September, 2020.

Mayor

Attest: _____
Clerk of Council