

ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS

WHEREAS, the bonds hereinafter authorized were duly and favorably voted, as required by the Constitution and laws of the State of Texas, at elections held in said City on the 16th day of December, 1961, and the 7th day of February, 1970; and

WHEREAS, out of the Waterworks and Sewer System revenue bonds voted at the election held on December 16, 1961, the following previously have been issued and delivered:

\$1,720,000 out of a voted total of \$2,670,000, for the purpose of improving and extending the City's Waterworks System, represented by part of the bonds of Series 1963, Series 1964, Series 1965, Series 1966, and Series 1971;

\$1,555,000 out of a voted total of \$1,750,000, for the purpose of improving and extending the City's Sewer System, represented by part of the bonds of Series 1963, Series 1964, Series 1965, Series 1966, and Series 1971; and

WHEREAS, none of the Sewer System revenue bonds voted at the election held on February 7, 1970, has been authorized, issued, or delivered; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to Vernon's Articles 1111 through 1118; and

WHEREAS, it is hereby found and determined that the improvements and extensions of the City's Waterworks and Sewer System, to be made with the proceeds from the sale of the bonds hereinafter authorized, are necessary and economically feasible.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

Section 1. That said City's coupon bonds to be designated the "CITY OF MESQUITE WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 1973", are hereby authorized to be issued and delivered in accordance with the Constitution and laws of the State of Texas in the principal amount of \$1,000,000 for the purpose of providing \$200,000 FOR IMPROVING AND EXTENDING THE CITY'S WATERWORKS SYSTEM, and providing \$800,000 FOR IMPROVING AND EXTENDING THE CITY'S SEWER SYSTEM.

Section 2. That said bonds shall be dated JUNE 1, 1973, shall be numbered consecutively from 1 THROUGH 200, shall be in the denomination of \$5,000 EACH, and shall mature and become due and payable serially on MARCH 1 in each of the years, and in the amounts, respectively, as set

forth in the following schedule:

<u>YEARS</u>	<u>AMOUNTS</u>	<u>YEARS</u>	<u>AMOUNTS</u>
1975	\$50,000	1984	\$ 50,000
1976	50,000	1985	50,000
1977	50,000	1986	50,000
1978	50,000	1987	50,000
1979	50,000	1988	50,000
1980	50,000	1989	100,000
1981	50,000	1990	100,000
1982	50,000	1991	100,000
1983	50,000		

Said bonds may be redeemed prior to their scheduled maturities, at the option of said City, on the dates stated, and in the manner provided, in the FORM OF BOND set forth in this Ordinance.

Section 3. That the bonds scheduled to mature during the years, respectively, set forth below shall bear interest from their date, until maturity, at the following rates per annum:

- maturities 1975 through 1980, 5.00%
- maturities 1981 through 1983, 4.75%
- maturities 1984 through 1985, 4.80%
- maturities 1986 through 1987, 4.90%
- maturities 1988 through 1989, 5.00%
- maturities 1990 through 1991, 5.10%

Said interest shall be evidenced by interest coupons which shall appertain to said bonds, and which shall be payable on the dates stated in the FORM OF BOND set forth in this Ordinance.

Section 4. That said bonds and interest coupons shall be payable, shall have the characteristics, and shall be signed and executed (and said bonds shall be sealed), all as provided, and in the manner indicated, in the FORM OF BOND set forth in this Ordinance.

Section 5. That the form of said bonds, including the form of Registration Certificate of the Comptroller of Public Accounts of the State of Texas to be printed and endorsed on each of said bonds, and the form of the aforesaid interest coupons which shall appertain and be attached initially to each of said bonds, shall be, respectively, substantially as follows:

FORM OF BOND:

NO. _____

\$5,000

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTY OF DALLAS
CITY OF MESQUITE WATERWORKS AND SEWER SYSTEM REVENUE BOND
SERIES 1973

ON MARCH 1, 19 , the CITY OF MESQUITE, in the County of Dallas, State of Texas, promises to pay to bearer the principal amount of

FIVE THOUSAND DOLLARS

and to pay interest thereon, from the date hereof, at the rate of % per annum, evidenced by interest coupons payable MARCH 1, 1974, and semi-annually thereafter on each SEPTEMBER 1 and MARCH 1 while this bond is outstanding. The principal of this bond and the interest coupons appertaining hereto shall be payable to bearer, in lawful money of the United States of America, without exchange or collection charges to the bearer, upon presentation and surrender of this bond or proper interest coupon, at the MERCANTILE NATIONAL BANK AT DALLAS, DALLAS, TEXAS, which place shall be the paying agent for this Series of bonds.

THIS BOND is one of a Series of Coupon bonds dated JUNE 1, 1973, issued in the principal amount of \$1,000,000 for the purpose of providing \$200,000 FOR IMPROVING AND EXTENDING THE CITY'S WATERWORKS SYSTEM, and providing \$800,000 FOR IMPROVING AND EXTENDING THE CITY'S SEWER SYSTEM.

ON MARCH 1, 1938, OR ON ANY INTEREST PAYMENT DATE THEREAFTER, any outstanding bonds of this Series may be redeemed prior to their scheduled maturity, at the option of said City, IN WHOLE, OR IN PART, for the principal amount thereof and accrued interest thereon to the date fixed for redemption. At least thirty days prior to the date fixed for any such redemption said City shall cause a written notice of such redemption to be published at least once in a financial publication published in the City of New York, New York. By the date fixed for any such redemption due provision shall be made with the paying agent for the payment of the principal amount of the bonds which are to be so redeemed and accrued interest thereon to the date fixed for redemption. If such written notice of redemption is published and if due provision for such payment is made, all as provided above, the bonds which are to be so redeemed thereby automatically shall be redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the bearer to receive the redemption price from the paying agent out of the funds provided for such payment.

IT IS HEREBY certified, recited, and covenanted that this bond has been duly and validly voted, authorized, issued, and delivered; that all acts,

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conditions, and things required or proper to be performed, exist, and be done precedent to or in the voting, authorization, issuance, and delivery of this bond have been performed, existed, and been done in accordance with law; and that the interest on and principal of this bond, and the Series of which it is a part, together with other outstanding waterworks and sewer system revenue bonds of said City, are secured by and payable from a first lien on and pledge of the Net Revenues of said City's Waterworks and Sewer System.

SAID CITY has reserved the right, subject to the restrictions stated, or adopted by reference, in the Ordinance authorizing this Series of bonds, to issue additional parity revenue bonds which also may be secured by and made payable from a first lien on and pledge of said City's Waterworks and Sewer System.

THE HOLDER HEREOF shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

IN WITNESS WHEREOF, this bond and the interest coupons appertaining hereto have been signed with the facsimile signature of the Mayor of said City and countersigned with the facsimile signature of the City Secretary of said City, and the official seal of said City has been duly impressed, or placed in facsimile, on this bond.

XXXXXXXXX

City Secretary, City of Mesquite

XXXXXXXXX

Mayor, City of Mesquite

FORM OF REGISTRATION CERTIFICATE:

COMPTROLLER'S REGISTRATION CERTIFICATE: REGISTER NO.

I hereby certify that this bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Comptroller of Public Accounts of the
State of Texas

FORM OF INTEREST COUPON:

NO. _____ \$ _____
ON _____ 1, 19__

THE CITY OF MESQUITE, in the County of Dallas, State of Texas, promises to pay to bearer the amount shown on this interest coupon, in

lawful money of the United States of America, without exchange or collection charges to the bearer, unless due provision has been made for the redemption prior to maturity of the bond to which this interest coupon appertains, upon presentation and surrender of this interest coupon, at the MERCANTILE NATIONAL BANK AT DALLAS, DALLAS, TEXAS, said amount being interest due that day on the bond, bearing the number hereinafter designated, of that issue of CITY OF MESQUITE WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 1973, DATED JUNE 1, 1973. The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation. Bond No. _____

XXXXXXXXXX

City Secretary

XXXXXXXXXX

Mayor

Section 6. That the term "Outstanding Bonds," as used herein, shall mean the outstanding bonds of the following issues of said City:

Waterworks and Sewer Refunding and Improvement Revenue Bonds, Series 1957, authorized by ordinance dated March 5, 1957;

Waterworks and Sewer System Revenue Bonds, Series 1959, authorized by ordinance dated March 3, 1959;

Waterworks and Sewer System Revenue Bonds, Series 1960, authorized by ordinance dated February 10, 1960;

Waterworks and Sewer System Revenue Bonds, Series 1961, authorized by ordinance dated October 2, 1961;

Waterworks and Sewer System Revenue Bonds, Series 1963, authorized by ordinance dated March 18, 1963;

Waterworks and Sewer System Revenue Bonds, Series 1964, authorized by ordinance dated March 16, 1964;

Waterworks and Sewer System Revenue Bonds, Series 1965, authorized by ordinance dated May 3, 1965;

Waterworks and Sewer System Revenue Bonds, Series 1966, authorized by ordinance dated April 4, 1966;

Waterworks and Sewer System Revenue Bonds, Series 1971, authorized by ordinance dated April 19, 1971.

The Series 1973 Bonds authorized hereby are parity "Additional Bonds" as defined and permitted in the aforesaid ordinance dated March 5, 1957, and Sections 12 through 20 of said ordinance are adopted by reference

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and shall be applicable to said Series 1973 Bonds for all purposes, except to the extent hereinafter specifically modified and supplemented. The Series 1973 Bonds and the Outstanding Bonds are and shall be secured by and payable from a first lien on and pledge of the Net Revenues of said City's Waterworks and Sewer System, and all of said obligations shall be on a parity and of equal dignity in all respects.

Section 7. That, in addition to all other amounts required by the ordinances, respectively, authorizing the Outstanding Bonds, there shall be deposited into the Interest and Redemption Fund, created for the benefit of said Outstanding Bonds and all Additional Bonds, the following:

- (a) such amounts, in equal monthly installments, made on or before the 10th day of each month hereafter, as will be sufficient to pay the interest scheduled to come due on said Series 1973 Bonds on the next interest payment date; and
- (b) such amounts, in equal monthly installments, made on or before the 10th day of each month hereafter, as will be sufficient to pay the next maturing principal of said Series 1973 Bonds.

Section 8. That, in addition to all other amounts required by the ordinances, respectively, authorizing the Outstanding Bonds, there shall be deposited into the Reserve Fund, created for the benefit of said Outstanding Bonds and all Additional Bonds, on June 10, 1973, and on or before the 10th day of each month thereafter, the sum of at least \$1,410.25 until the aggregate amount of \$429,279 shall have been accumulated in said Reserve Fund. Thereafter said aggregate amount shall be maintained therein, for the benefit of the Outstanding Bonds, the Series 1971 Bonds, and all Additional Bonds, in accordance with the procedures, as herein modified and supplemented, set forth in the ordinances authorizing the Outstanding Bonds.

Section 9. That said bonds are and shall be special obligations of said City, and the holder or holders thereof shall never have the right to demand payment of said obligations out of any funds raised or to be raised by taxation.

Section 10. That the Mayor of said City is hereby authorized to have control of said bonds and all necessary records and proceedings pertaining to said bonds pending their delivery and their investigation, examination, and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of said bonds, said Comptroller of Public Accounts (or a deputy designated in writing to act for said Comptroller) shall manually sign the Comptroller's Registration Certificate printed and endorsed on each of said bonds, and the seal of said Comptroller shall be impressed, or placed in facsimile on each of said bonds.

Section 11. That the City covenants to and with the purchaser of the bonds that it will make no use of the proceeds of the bonds at any time throughout the term of this issue of bonds which, if such use had been reasonably expected on the date of delivery of the bonds to and payment for the bonds by the purchasers, would have caused the bonds to be arbitrage bonds within the meaning of Section 103(d) of the Internal Revenue Code of 1954, as amended, or any regulations or rulings pertaining thereto; and by this covenant the City is obligated to comply with the requirements of the aforesaid Section 103(d) and all applicable and pertinent Department of the Treasury regulations relating to arbitrage bonds. The City further covenants that the proceeds of the bonds will not otherwise be used directly or indirectly so as to cause all or any part of the bonds to be or become arbitrage bonds within the meaning of the aforesaid Section 103(d), or any regulations or rulings pertaining thereto.

Section 12. That it is hereby officially found and determined: that a case of emergency or urgent public necessity exists which requires the holding of the meeting at which this Ordinance is passed, such emergency or urgent public necessity being that the proceeds from the bonds are required as soon as possible and without delay for necessary and urgently needed public improvements; and that said meeting was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Vernon's Ann. Civ. St. Article 6252-17.

Section 13. That said bonds have been and are hereby sold and shall be delivered to Texas Commerce Bank, Houston, Texas for cash for the par value thereof and accrued interest thereon to the date of delivery, plus a premium of \$-0-.

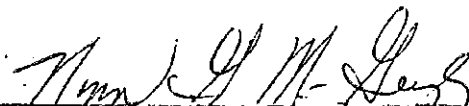
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 21 day of May, 1973.



Bob R. Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney