

EXTRACTS FROM MINUTES OF CITY COUNCIL

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A Regular Meeting of the City Council of the City of Charlotte, North Carolina was duly held in the Meeting Chamber at the Charlotte-Mecklenburg Government Center in Charlotte, North Carolina, the regular place of meeting, at 7:00 p.m. on February 12, 2018:

Members Present:

Members Absent:

* * * * *
* * *

Councilmember _____ introduced the following resolution, a summary of which had been provided to each Councilmember, copy of which was available with the City Clerk and which was read by title:

**RESOLUTION INTRODUCING AND ADOPTING THE BOND ORDER AUTHORIZING THE
ISSUANCE OF STORM WATER FEE REVENUE BOND ANTICIPATION NOTE OF THE
CITY OF CHARLOTTE, NORTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT
NOT TO EXCEED \$115,000,000**

BOND ORDER

WHEREAS, the City of Charlotte, North Carolina (the “City”) is authorized by The State and Local Government Revenue Bond Act, General Statutes of North Carolina, Section 159-80 *et seq.* (the “Act”) to issue, subject to the approval of the Local Government Commission of North Carolina (the “LGC”), at one time or from time to time, revenue bond anticipation notes of the City for the purposes as specified in the Act; and

WHEREAS, the City has previously issued Storm Water Fee Revenue Bonds under the terms of a General Trust Indenture dated as of May 15, 2000 (the “General Indenture”) between the City and First Union National Bank of North Carolina, the successor to which is U.S. Bank National Association, as trustee, (the “Trustee”) (the “General Indenture”);

WHEREAS, the City has determined to issue its Storm Water Fee Revenue Bond Anticipation Note, Series 2018 (the “Bond Anticipation Note”) in an aggregate principal amount not to exceed \$115,000,000 to finance the costs of additions and capital improvements to, or the acquisition, renewal or replacement of capital assets of, or purchasing and installing new equipment relating to the operation and maintenance of the storm water facilities located within the jurisdiction of the City (the “Projects”);

WHEREAS, the City will issue the Bond Anticipation Note under the General Indenture and Series Indenture, Number 8 (the “Series Indenture”) between the City and the Trustee; and

WHEREAS, the City and the LGC have arranged for JPMORGAN Chase Bank N.A.(the “Lender”) to purchase the Bond Anticipation Note and advance the funds to finance the Projects under

the terms of a Note Purchase and Advance Agreement (the “*Purchase Agreement*”) among the City, the Lender and the LGC; and

WHEREAS, an application has been filed with the LGC requesting approval of the Bond Anticipation Note as required by the Act;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Charlotte, North Carolina, as follows:

Section 1. In order to raise the money required to finance the Projects, in addition to any funds which may be made available for such purpose from any other source, the Bond Anticipation Note is hereby authorized and shall be issued pursuant to the Act.

Section 2. The aggregate principal amount of the Bond Anticipation Note authorized by this order shall not exceed \$115,000,000. The Bond Anticipation Note hereby authorized will be a special obligation of the City, secured by and paid solely from the proceeds thereof or from Net Revenues (as defined in the General Indenture).

Section 3. The issuance of the Bond Anticipation Note by the City, in substantially the form to be set forth in the Series Indenture, be and the same hereby is in all respects approved and confirmed. The form and content of the Bond Anticipation Note and the provisions of the Series Indenture and the Purchase Agreement with respect to the Bond Anticipation Note (including without limitation the maturities and rate setting mechanisms) shall be approved and confirmed in a resolution of the City Council.

The principal of, premium, if any, and interest on the Bond Anticipation Note shall not be payable from the general funds of the City, nor shall they constitute a legal or equitable pledge, charge, lien or encumbrance upon any of its property or upon any of its income, receipts or revenues except the funds which are pledged under the General Indenture. Neither the credit nor the taxing power of the State of North Carolina or the City are pledged for the payment of the principal of, premium, if any, or interest on the Bond Anticipation Note, and no holder of the Bond Anticipation Note has the right to compel the exercise of the taxing power by the State of North Carolina or the City or the forfeiture of any of its property in connection with any default thereon.

Section 4. The Bond Anticipation Note shall be purchased by the Lender under the terms of the Purchase Agreement as shall be approved in a subsequent resolution of the City Council.

Section 5. The proceeds from the sale of the Bond Anticipation Note shall be deposited in accordance with the Series Indenture.

Section 6. If any one or more of the agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Bond Anticipation Note authorized hereunder.

Section 7. All resolutions or parts thereof of the City Council in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 8. This Bond Order shall take effect immediately on its adoption and pursuant to §159-88 of the General Statutes of North Carolina, as amended, need not be published or subjected to any

procedural requirements governing the adoption of ordinances or resolutions by the City Council other than the procedures set out in the Act.

STATE OF NORTH CAROLINA)
) ss:
CITY OF CHARLOTTE)

I, _____, the _____ of the City of Charlotte, North Carolina, ***DO HEREBY CERTIFY*** that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION INTRODUCING AND ADOPTING THE BOND ORDER AUTHORIZING THE ISSUANCE OF STORM WATER FEE REVENUE BOND ANTICIPATION NOTE OF THE CITY OF CHARLOTTE, NORTH CAROLINA IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$115,000,000”** adopted by the City Council of the City of Charlotte, North Carolina, at a meeting held on the 12th day of February, 2018, the reference having been made in Minute Book _____, and recorded in full in Resolution Book _____, Page(s) _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the ____ day of _____, 2018.

City Clerk
City of Charlotte, North Carolina