

**ORDINANCE NO. 9887-26**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA; AUTHORIZING THE ISSUANCE OF BONDS IN ONE OR MORE SERIES IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$592,000,000 TO FINANCE ALL OR A PORTION OF THE COSTS OF ACQUISITION, EQUIPPING AND/OR CONSTRUCTION OF CERTAIN ELECTRIC SYSTEM DISTRIBUTION FACILITIES AND IMPROVEMENTS IN ACCORDANCE WITH THE CITY CODE OF ORDINANCES; RATIFYING THE ADOPTION ON EVEN DATE HERewith OF A RESOLUTION RELATED TO SUCH BONDS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater, Florida (the "Issuer") has the authority under its municipal charter, including specifically Part I, Subpart B, Article II, to issue revenue bonds payable from the revenues derived from the electric system; and

WHEREAS, the Issuer deems it necessary, desirable and in the best interests of the Issuer and its citizens and to serve a paramount public purpose that the City acquire, equip and/or construct certain electric system distribution facilities and improvements (the "System"); and

WHEREAS, the acquisition and improvement of the System (the "Project") shall be financed and/or reimbursed with the proceeds of debt instruments, together with certain other legally available funds of the Issuer, if any; and

WHEREAS, in order to create local control and governance, to promote and pass through cost efficiencies, such as minimizing taxes and the inclusion of affordability to assist in achieving customer rate relief and rate stability, to provide for more transparency, better community engagement and improved coordination with economic development activities, to improve the quality of decision making and accountability to its customers, to assist in a more secure, reliable and resilient distribution of electricity, and reduced power outages, to improve customer service and satisfaction, and to better align with the Issuer's public safety responsibilities and emergency preparedness and recovery efforts, all in a manner that promotes the health, prosperity, welfare and safety of inhabitants of the Issuer, it is necessary and desirable that the Project be completed; and

WHEREAS, in furtherance thereof, the Issuer adopted a resolution on an even date herewith (the "Bond Resolution") authorizing the issuance of bonds or other debt instruments (collectively, the "Bonds") to finance and/or reimburse the costs of the Project, and in accordance with the Issuer's Code of Ordinances, Chapter 2, Article VI, Section 2.522, the Issuer wants to ratify the adoption of the Bond Resolution and approve the issuance of such Bonds in accordance with the Issuer's Code of Ordinances; and

WHEREAS, the principal of and interest on the Bonds and all other payments provided for in the Bond Resolution, will be paid solely from the Pledged Revenues, consisting primarily of Net Revenues of the System; the estimated Pledged Revenues will be sufficient to pay the principal of and interest on the Bonds, as the same become due, and to make all other payments provided for in the Bond Resolution; and

WHEREAS, the Bonds shall not be or constitute general obligations or indebtedness of the Issuer as "bonds" within the meaning of the Constitution of the State of Florida, but shall be payable from and secured solely by a first lien upon and a pledge of the Pledged Revenues as provided in the Bond Resolution, and no holder of any Bonds issued thereunder shall ever have the right to compel the exercise of the ad valorem taxing power of the Issuer or taxation in any form of any real or personal property therein, or to compel the Issuer to pay such principal and interest from any other funds of the Issuer; and

WHEREAS, the Issuer intends on adopting one or more Supplemental Resolutions to provide for the manner of sale and terms of the Bonds to be issued in one or more series after it has completed the validation of the Bonds authorized in the Bond Resolution; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. Unless otherwise defined herein, all capitalized undefined terms shall have the same meanings as set forth in the Bond Resolution.

Section 2. The adoption of the Bond Resolution on even date herewith is hereby ratified and confirmed and the issuance of the Bonds in an aggregate principal amount of not to exceed \$592,000,000 in one or more series is hereby approved, subject to and in conformity with the provisions set forth in the Bond Resolution as the same may be modified or supplemented prior to the issuance of the Bonds as contemplated by the Bond Resolution.

Section 3. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING \_\_\_\_\_

PASSED ON SECOND AND FINAL  
READING AND ADOPTED \_\_\_\_\_

\_\_\_\_\_  
Bruce Rector  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Owen Kohler  
Interim City Attorney

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Rosemarie Call  
City Clerk