



Legislation Text

File #: O-535-20, Version: 1

ORDINANCE NO. _____ SERIES 2020

AN ORDINANCE APPROVING THE RESOLUTION ADOPTED BY THE BOARD OF THE LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT (HEREINAFTER THE "DISTRICT") EXTENDING THE AUTHORIZED FINAL MATURITY DATE OF THE DISTRICT'S SEWER AND DRAINAGE SYSTEM SUBORDINATED PROGRAM NOTES IN THE MAXIMUM OUTSTANDING PRINCIPAL AMOUNT OF \$500,000,000 FROM JULY 1, 2021 TO JUNE 30, 2023, THE PROCEEDS OF SUCH NOTES BEING USE TO PAY ALL OR A PORTION OF THE COSTS OF THE ACQUISITION OR CONSTRUCTION OF IMPROVEMENTS, ADDITIONS, OR EXTENSIONS TO THE DISTRICT'S SEWER AND DRAINAGE SYSTEM, INCLUDING CAPITAL ASSETS AND FACILITIES INCIDENT AND RELATED TO THEIR OPERATION, MAINTENANCE, AND ADMINISTRATION.

SPONSORED BY: COUNCIL MEMBER BRANDON COAN

WHEREAS, pursuant to Chapter 76 of the Kentucky Revised Statutes, as amended (the "Enabling Act"), the Louisville and Jefferson County Metropolitan Sewer District (the "District" or "MSD") has been created and organized as a public body corporate, and is a valid political subdivision in good standing under the laws of the Commonwealth of Kentucky, having jurisdiction, control, possession, and supervision of the existing sewer and drainage system serving Louisville/Jefferson County Metro Government; to maintain, operate, reconstruct, and improve the sewer and drainage system; to make additions, betterments, and improvements to the sewer and drainage system, with the power and authority to issue its negotiable interest-bearing revenue bonds for any of its corporate purposes; and

WHEREAS, pursuant to the Enabling Act and Chapters 65, 58 and 76 and Section 56.513 of the Kentucky Revised Statutes, as amended (collectively, the "Act") the District has determined that it is necessary and desirable to issue notes from time to time to finance on an interim basis all or a portion of the costs of additions, betterments, and improvements to the District's sewer and drainage

system, including (i) wastewater and drainage system expansion and improvements; (ii) improvements to wastewater treatment facilities; (iii) rehabilitation of combined sewer overflow systems; (iv) improvements to flood control and drainage facilities; (v) drainage and District improvements; (vi) construction of collector sewers (vii) construction and improvements of detention and retention basins, (viii) construction of interceptor sewers; (ix) combined sewer overflow and sanitary overflow abatement projects; (x) construction and improvements to force mains; (xi) repairs and improvements to District pumping stations; (xii) construction of regional storage facilities; and (xiii) miscellaneous improvements and acquisition of equipment and mapping hardware and software (collectively, the “Projects”); and

WHEREAS, on May 29, 2018, the Board of the District adopted a Resolution (the “Original Resolution”) providing for the issuance and sale from time to time by the District of Commercial Paper Notes and Direct Purchase Notes (the “Notes”) in an aggregate principal amount not to exceed \$500,000,000 outstanding at any time in order to provide funds to pay, on an interim basis, all or a portion of the costs of the Projects, pending the issuance of the District’s revenue bonds to provide permanent financing for the Projects; and

WHEREAS, the Original Resolution adopted by the District’s Board extends to the Notes and all outstanding bonds and notes of the District the requirement for the District to fix, establish, maintain, and collect rents, rates, and charges for services of the sewer and drainage system which, together with other revenues, are expected to produce revenues for each fiscal year at least sufficient:

- (a) to pay the sum of principal and interest coming due on all issued and outstanding revenue bonds, notes and other indebtedness of the District for such fiscal year;
- (b) to pay all operating expenses for such fiscal year; and
- (c) to pay and discharge all charges or liens payable out of revenues of the District;

and

WHEREAS, the Original Ordinance required all Notes issued by the District pursuant to the Original Resolution to mature no later than July 1, 2021; and

WHEREAS, on November 16, 2020, the Board of the District adopted a Resolution (the “Amending Resolution”) extending the final permissible maturity date of Notes issued under the Original Resolution to June 30, 2023; and

WHEREAS, the approval of this Ordinance ratifies the Amending Resolution providing for the extension of the final permissible maturity date of the Notes issued under the Original Resolution to June 30, 2023.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: That all statements of fact set forth in the recitals of this Ordinance are true and correct in all respects, and such recitals are incorporated into the body of this Ordinance by reference as if set forth at length herein.

SECTION II: That the Amending Resolution adopted by the Board of the District authorizing the issuance and sale from time to time of its Notes through and including June 30, 2023 in an aggregate amount at any time outstanding not to exceed \$500,000,000 is hereby approved and authorized.

SECTION III: That the District is authorized to construct the Projects.

SECTION IV: That all previous ordinances relating to the District’s Debt Service Adjustments as set forth in the Louisville/Jefferson County Metro Government Code of Ordinances Section 50.24 continue to be in full force and effect and will continue to be a covenant for as long as any revenue bonds or notes of the District are outstanding and this Ordinance ratifies the authorization and procedures concerning the Louisville/Jefferson County Metro Government’s approval of MSD’s

schedule of rates, rental, and charges as approved in Lou. Metro. Am. Ord. No. 275-2007.

SECTION V: That the Notes are limited obligations issued pursuant to the provisions of the Act and shall not constitute an obligation or indebtedness of Louisville/Jefferson County Metro Government within the meaning of any constitutional provision or statutory limitation. Neither the faith and credit nor the taxing power of the Louisville/Jefferson County Metro Government is pledged or committed to the payment of the principal of, premium, if any, or interest on the Notes. Further, no recourse under any obligation shall be had against any officer, elected official, employee, or agent as such, past, present, or future, of the Louisville/Jefferson County Metro Government.

SECTION VI: That this Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By:

O-535-20 Extending Authorized Final Maturity Date for MSD Notes (lf)