

ORDINANCE NO. 2011-2

AN ORDINANCE AMENDING ORDINANCE NO. 2008-40 OF THE CITY OF BRYANT, ARKANSAS AUTHORIZING THE ISSUANCE AND SALE OF CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2008; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Bryant, Arkansas (the "City"), by Ordinance No. 2008-40, adopted November 20, 2008 ("Ordinance No. 2008-40"), authorized the issuance of \$4,545,000 in aggregate principal amount of City of Bryant, Arkansas Capital Improvement Revenue Bonds, Series 2008 (the "bonds"); and

WHEREAS, Bank of the Ozarks in Little Rock, Arkansas is serving as trustee in connection with the bonds (the "Trustee"); and

WHEREAS, Ordinance No. 2008-40 created the "2008 Capital Improvement Revenue Bond Fund" (the "Bond Fund") and a Debt Service Reserve (the "Reserve Fund") as an account therein; and

WHEREAS, the Bond Fund and the Reserve Fund, pursuant to Ordinance No. 2008-40, are held in such depository or depositories as designated by the City; and

WHEREAS, the City Council desires to amend Ordinance No. 2008-40 to name the Trustee as the depository for the Bond Fund and the Reserve Fund;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bryant, Arkansas:

Section 1. The first paragraph of Section 9 of Ordinance No. 2008-40 is amended to read as follows:

"Section 9. There shall be transferred from the Franchise Fee Fund into a special fund hereby created with the Trustee and designated "2008 Capital Improvement Revenue Bond Fund" (the "Bond Fund"), the sums in the amounts and at the times described below for the purpose of providing funds for the payment of the principal of and interest on the bonds, as due."

Section 2. The last paragraph of Section 9 of Ordinance No. 2008-40 is amended to read as follows:

"The Trustee is hereby authorized and directed to withdraw from the Bond Fund on the due date for the principal and/or interest on any bond,

at maturity or redemption prior to maturity, an amount equal to the amount of such bond and interest due thereon for the sole purpose of paying the same, together with the Trustee's fee. There shall also be withdrawn and paid to the United States Treasury any arbitrage rebate due at the time and in the amounts in accordance with Section 148(f) of the Code. No withdrawal of funds from the Bond Fund shall be made for any other purpose except as otherwise authorized in this Ordinance."

Section 3. Subsection (a) of Section 19 of Ordinance No. 2008-40 is amended to read as follows:

"(a) Moneys held for the credit of the Bond Fund shall be continuously invested and reinvested by the Trustee, at the direction of the City or in the discretion of the Trustee in the absence of such discretion, in Permitted Investments (as hereinafter defined), all of which shall mature, or which shall be subject to redemption by the holder thereof, at the option of such holder, (i) not later than (A) ten years after the date of investment or (B) the final maturity date of the bonds, whichever is earlier, in the case of moneys in the Debt Service Reserve and (ii) not later than the payment date for interest or principal and interest in the case of other Bond Fund moneys."

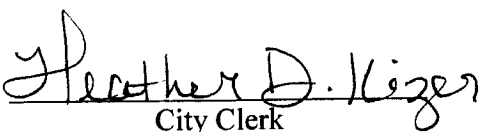
Section 4. The provisions of this Ordinance are hereby declared to be separable, and if any provision shall for any reason be held illegal or invalid, it shall not affect the validity of the remainder of this Ordinance.


Section 5. Ordinance No. 2008-40, as amended hereby, shall continue in full force and effect.

PASSED: January 13, 2011

APPROVED:

ATTEST:


  
City Clerk

  
Mayor

CERTIFICATE

The undersigned, City Clerk of the City of Bryant, Arkansas, hereby certifies that the foregoing pages are a true and perfect copy of Ordinance No. 2011-2, adopted at a regular session of the City Council of the City of Bryant, Arkansas, held at the regular meeting place in said City at 7 o'clock p.m., on the 13 day of January, 2011, and that the Ordinance is of record in Ordinance Record Book No. 2011, Page 14, now in my possession.

GIVEN under my hand and seal on this 18 day of January, 2011.

  
City Clerk

(SEAL)