



**AGENDA
CITY OF LAKE WORTH BEACH
REGULAR CITY COMMISSION MEETING – ADDITION
CASINO BALLROOM
TUESDAY, JUNE 07, 2022 - 6:00 PM**

The following item was added to the agenda:

CONSENT AGENDA:

- B. Resolution No. 35-2022 – modifying the definition of annual debt service associated with the Combined Utility Bonds

The City Commission has adopted Rules of Decorum for Citizen Participation (See Resolution No. 25-2021). The Rules of Decorum are posted within the City Hall Chambers, City Hall Conference Room, posted online at: <https://lakeworthbeachfl.gov/government/virtual-meetings/>, and available through the City Clerk's office. Compliance with the Rules of Decorum is expected and appreciated.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: June 7, 2022

DEPARTMENT: Financial Services

TITLE:

Resolution No. 35-2022 modifying the definition of annual debt service associated with the Combined Utility Bonds

SUMMARY:

The purpose of this resolution is to amend language that will allow the City to match payment dates with the fiscal year in which payments are made.

BACKGROUND AND JUSTIFICATION:

On October 6, 2020, the City Commission of the City of Lake Worth Beach duly adopted Resolution No. 45-2020, authorizing the issuance \$88,930,000 in Combined Utility Revenue Bonds. The language in the bond agreements stipulates the dates and manner in which debt payments are to be presented, including a provision that "[n]otwithstanding the foregoing, any interest payments or principal payments or Sinking Fund Installments with respect to any Outstanding Bonds or proposed Additional Bonds that are due and payable on October 1, shall be considered to be due and payable on the immediately preceding September 30 for purposes of determining Annual Debt Service for such Bonds hereunder." This resolution amends the language of the original resolution to delete this phrase for the purpose of aligning payment due dates with the fiscal year in which the payment will be posted internally to the General Ledger.

MOTION:

Move to approve/disapprove Resolution No. 35-2022 modifying the definition of annual debt service associated with the Combined Utility Bonds.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Resolution No. 35-2022

RESOLUTION NO. 35-2022 OF THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING RESOLUTION NO. 45-2020; MODIFYING THE DEFINITION OF "ANNUAL DEBT SERVICE" AS PROVIDED THEREIN; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on October 6, 2020, the City Commission of the City of Lake Worth Beach, Florida (the "City" or "Issuer") duly adopted Resolution No. 45-2020 (the "Original Resolution"); and

WHEREAS, the term "Annual Debt Service" as used in the Original Resolution contains the following provision: "Notwithstanding the foregoing, any interest payments or principal payments or Sinking Fund Installments with respect to any Outstanding Bonds or proposed Additional Bonds that are due and payable on October 1, shall be considered to be due and payable on the immediately preceding September 30 for purposes of determining Annual Debt Service for such Bonds hereunder;" and

WHEREAS, to provide continuity with the manner in which annual debt service is calculated for purposes of the City's financial statements and otherwise, the City prefers to delete said provision; and

WHEREAS, Section 8.01(I) of the Original Resolution permits the Issuer to amend the Original Resolution "To make any other change that, in the opinion of the Issuer, would not materially adversely affect the interests of the Holders of the Bonds. In making such determination, the Issuer shall not take into consideration any Bond Insurance Policy;" and

WHEREAS, the change provided for herein has been deemed by the Issuer to not materially affect the interests of the Holders of the Bonds, within the meaning of said Section 8.01(I), and without taking into consideration any Bond Insurance Policy.

WHEREAS, the City Commission finds that adoption of this Resolution is in the best interests of the citizens of the City and serves a public purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. FINDINGS. It is hereby found and determined that:

- (A) All capitalized terms not otherwise defined herein shall have the meanings set forth in the Original Resolution.
- (B) The Whereas clauses set forth above are true and correct and incorporated herein by reference.
- (C) The change provided for herein has been deemed by the Issuer to not materially affect the interests of the Holders of the Bonds, within the

meaning of said Section 8.01(I), and without taking into consideration any Bond Insurance Policy.

Section 2. The definition of "Annual Debt Service" in the Original Resolution is hereby amended to read as follows: "Annual Debt Service" shall mean the aggregate amount of Debt Service on the Bonds for each applicable Fiscal Year."

Section 3. Except as amended hereby, the Original Resolution and all the terms and provisions thereof, including the covenants contained therein, are and shall remain in full force and effect.

Section 4. If any one or more of the covenants, agreements or provisions herein contained shall be held contrary to any express provision of law or contrary to the policy of express law, even 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 covenants, agreements or provisions and shall in no way affect the validity of any of the other covenants, agreements or provisions hereof or the Bonds issued under the Original Resolution.

Section 5. This resolution shall become effective immediately upon passage.

The passage of this resolution was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Mayor Betty Resch
Vice Mayor Christopher McVoy
Commissioner Sarah Malega
Commissioner Kimberly Stokes
Commissioner Reinaldo Diaz

The Mayor thereupon declared this resolution duly passed and adopted on the 7th day of June 2022.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk