

ORDINANCE NO. 1- 1968

AN ORDINANCE AMENDING ORDINANCE NO.1-1964 OF THE PORT OF NEWPORT, NEWPORT, OREGON WHEREIN REVENUE BONDS IN THE AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00) WERE AUTHORIZED AND SOLD TO PROVIDE FUNDS TO CONSTRUCT A SMALL BOAT MOORAGE FACILITY FOR THE PORT.

THE PORT OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. The Port of Newport desires to amend, and does by this Ordinance amend, Ordinance No. 1, 1964 as set forth in Section 2 herein and to secure the consent of the bond holder to the amendment in order that parity bonds may be issued for the purpose of constructing additional small boat moorage facilities and pledging the net revenues of the existing facilities as pledged and the new facilities in addition thereto.

Section 2. Section 2 of Ordinance No. 1, 1964 is hereby amended by adding thereto the following:

"(i) The borrower reserves the right to issue future parity revenue bonds for the purpose of providing funds to construct small boat moorage facilities and to improve sites therefor, and to pledge that payments for the principal of and interest on the future parity revenue bonds will be made out of the net revenues deposited to the 1963 Marina Revenue Bond and Interest Sinking Fund Account. The principal and interest on such future parity revenue bonds shall be on a parity with the payments required herein to be made out of such net revenues only upon compliance with the following conditions:

1. That at the time of the issuance of such future parity revenue bonds there is no deficiency in the Revenue Bond and Interest Sinking Fund Account.

2. That the ordinance authorizing the issuance of the future revenue parity bonds will contain covenants for the establishment of a further reserve account in the Revenue Bond and Interest Sinking Fund Account which will be maintained generally in the manner set forth in this ordinance in an amount equal to the maximum annual debt service requirements of such parity bonds.

3. That the ordinance authorizing the issuance of the future parity revenue bonds will contain covenants that the Port will at all times establish, maintain and collect fees for the use of the small boat moorage facilities for as long as any bonds payable out of the Revenue Bond and Interest Sinking Fund Account, including the future parity revenue bonds being issued, are outstanding that will produce net revenue equal to not less than 1.5 times the maximum amount required in any calendar year thereafter to pay the principal of and the interest on all of such outstanding bonds.

4. Prior to the issuance of such parity bonds the Port shall have on file a certificate from a certified public accountant to the effect that the annual net revenues of the pledged facilities for the then preceding fiscal year were equal to not less than 1.5 times the annual maximum amount required thereafter for the payment of principal and interest on the outstanding bonds authorized by this ordinance and the future parity revenue bonds being issued; that the estimated future annual net revenues of the pledged facilities shall be equal to not less than 1.5 times the average annual requirements for principal and interest on the outstanding bonds authorized by this ordinance and the future parity revenue bonds being issued.

5. The definitions of gross revenues and net revenues and the basis for the estimate above provided for of future annual net revenues shall be as set forth in subparagraph (g) of Section 2 of this ordinance.

6. That the borrower is then in compliance with all covenants and undertakings in connection with the outstanding revenue bonds."

ADOPTED on roll call vote this 8th day of April, 1968.

PORT OF NEWPORT

By *Lyle Hasselbink*
President

By *Stanley O'Leary*
Secretary