

ORDINANCE OF THE CITY OF BECKLEY

ORDINANCE AUTHORIZING THE ACQUISITION, PLANNING, ESTABLISHMENT, EQUIPPING AND CONSTRUCTION OF A NEW FIRE STATION #3 BY THE BECKLEY BUILDING COMMISSION; AUTHORIZING THE LEASING OF SUCH FACILITIES BY THE BUILDING COMMISSION TO THE CITY OF BECKLEY; APPROVING THE SALE, ISSUANCE AND DELIVERY OF NOT TO EXCEED \$5,000,000 BECKLEY BUILDING COMMISSION LEASE REVENUE BONDS (CITY OF BECKLEY FIRE STATION PROJECT) SERIES 2019 A (BANK QUALIFIED TAX-EXEMPT) TO PROVIDE FUNDS, ALONG WITH OTHER FUNDS AVAILABLE THEREFROM, TO FINANCE THE COSTS IN CONNECTION WITH THE PLANNING, ACQUISITION, DESIGN, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS, AND PAY COSTS OF ISSUANCE THEREOF; AND PRESCRIBING THE FORMS AND AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTRACT OF LEASE PURCHASE AND OTHER INSTRUMENTS AND AUTHORIZING AND APPROVING OTHER DOCUMENTS AND MATTERS RELATING TO THE TERMS AND SECURITY OF SUCH BONDS; RECOGNIZING THE REASONABLE EXPECTATION OF THE CITY TO REIMBURSE THE CITY FOR CAPITAL EXPENDITURES MADE PRIOR TO THE ISSUANCE OF BANK QUALIFIED TAX-EXEMPT BONDS, AND PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

WHEREAS, pursuant to the authority of Chapter 8, Article 33 of the Code of West Virginia of 1931, as amended and Beckley City Code Chapter 2, Article VI (collectively the "Enabling Act"), the City of Beckley, of Raleigh County, West Virginia (the "City") created on January 24, 1989 the Beckley Building Commission (the "Issuer"), a public corporation with perpetual existence and a municipal building commission within the meaning of the Enabling Act; and

WHEREAS, under the Enabling Act, the Issuer has plenary power and authority to contract and be contracted with, acquire, purchase, own and hold any property, real or personal, and acquire, construct, equip, maintain and operate public buildings, structures, projects and appurtenant facilities of the type or types for which the City may expend public funds, and to sell, encumber or dispose of any property, real or personal, and lease its property or any part thereof, for public purposes, to such persons and under such terms as the Issuer deems proper; and

WHEREAS, the City, pursuant to Chapter 8, Article 15 of the Code of West Virginia of 1931, as amended, is authorized to provide for the prevention and extinguishment of fires, and provide for, establish and maintain the equipment and government of a paid fire department; and
