

## Legislation Text

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Amending the Seventeenth Supplemental Ordinance to the Amended and Restated General Airport Revenue Bond Ordinance (Bill No. 190432) of the Council of The City of Philadelphia, approved by the Mayor on June 26, 2019, to authorize an increase in the aggregate principal amount of Airport Revenue bonds or notes to be issued under the Seventeenth Supplemental Ordinance from Three Hundred Fifty Million Dollars (\$350,000,000) to Five Hundred Million Dollars (\$500,000,000) (exclusive of costs of issuance (including underwriters' discount), original issue discount, capitalized interest, funding of deposits to the Sinking Fund Reserve Account, if necessary, and similar items); further amending said Ordinance (Bill No. 190432) to authorize the pledge for the security and payment of some or all of the Obligations a lien and security interest in Passenger Facility Charges, to the extent available; and authorizing certain other actions.

### *THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

**SECTION 1. Authorization, Scope and Purpose.** The Seventeenth Supplemental Ordinance to the Amended and Restated General Airport Revenue Bond Ordinance (Bill No. 190432) of the Council of The City of Philadelphia, approved by the Mayor on June 26, 2019 (the "Seventeenth Supplemental Ordinance"), is hereby amended to increase the aggregate principal amount of Airport Revenue bonds or notes to be issued under the Seventeenth Supplemental Ordinance from Three Hundred Fifty Million Dollars (\$350,000,000) to Five Hundred Million Dollars (\$500,000,000) (exclusive of costs of issuance (including underwriters' discount), original issue discount, capitalized interest, funding of deposits to the Sinking Fund Reserve Account, if necessary, and similar items. All capitalized terms used in this amendatory Ordinance and not defined shall have the meaning ascribed to such terms in the Seventeenth Supplemental Ordinance.

**SECTION 2. Finding Required by Act.** Based on the report of the Director of Finance of the City to be filed with the Council pursuant to Section 8 of the Act, it is hereby determined that the pledged Amounts Available for Debt Service, will be sufficient to comply with the rate covenant contained in Section 5.01(a) of the Amended and Restated Ordinance and also to pay all costs, expenses and payments required to be paid therefrom, in the order and priority stated in Section 4.06 of the Amended and Restated Ordinance.

Prior to the approval of this Ordinance by City Council, the City shall cause to be delivered to the Chief Clerk of City Council an opinion of the City Solicitor, a form of which is attached hereto as **Exhibit A** to the effect, *inter alia*, that the holders of the bonds or notes financed by the additional bond or note authorization in this amendatory Ordinance (the "Additional Obligations") will have no claim upon the taxing power or general revenues of the City nor any lien upon any of the property of the City other than the Pledged Amounts pledged for the Additional Obligations pursuant to Section 8 of the Act.

Any exhibits mentioned in this Ordinance shall be kept on file in the office of the Chief Clerk of City Council.

**SECTION 3. Pledge of Passenger Facility Charges.** The Seventeenth Supplemental Ordinance is further amended to provide that the City may pledge for the security and payment of some or all of the Obligations a lien and security interest in Passenger Facility Charges ("PFCs"), to the extent available. The terms of the PFCs pledged to the Obligations, if any, shall be determined by the Bond Committee in the Bond Committee Determination(s).

**SECTION 4. Effect of Ordinance.** This amendatory Ordinance is an amendment to the Seventeenth Supplemental Ordinance and all sections of the Seventeenth Supplemental Ordinance not inconsistent herewith remain in full force and effect.

**EXHIBIT A**  
**FORM OF OPINION OF CITY SOLICITOR**

Re: General Airport Revenue Obligations, Amendatory  
Ordinance (Bill No. \_\_\_\_\_) Amending The Seventeenth  
Supplemental Ordinance

Dear Council President:

The office of the City Solicitor has reviewed The First Class City Revenue Bond Act, the Amended and Restated General Airport Revenue Bond Ordinance of 1995 (Bill No. 1099), approved June 16, 1995, as supplemented and amended (the “Existing General Ordinance”), including as supplemented by the Seventeenth Supplemental Ordinance to the Amended and Restated General Airport Revenue Bond Ordinance (Bill No. 190432), approved June 26, 2019 (the “Seventeenth Supplemental Ordinance,” and together with the Existing General Ordinance,” the “General Ordinance”) and the proposed amendatory Ordinance to the Seventeenth Supplemental Ordinance, Bill No. \_\_\_\_\_ (the “Amendatory Ordinance”).

The Amendatory Ordinance amends the Seventeenth Supplemental Ordinance to increase the aggregate principal amount of Obligations to be issued under the Seventeenth Supplemental Ordinance from Three Hundred Fifty Million Dollars (\$350,000,000) to Five Hundred Million Dollars (\$500,000,000) (the “Additional Obligations”) (exclusive of costs of issuance (including underwriters' discount), original issue discount, capitalized interest, funding of deposits to the Sinking Fund Reserve Account, if necessary, and similar items.

Based on that review, it is my opinion that under the Existing General Ordinance and the Amendatory Ordinance, as introduced in City Council, the registered owners of any series or subseries of the Additional Obligations will have no claim upon the taxing power or general revenues of the City of Philadelphia, nor will they have any lien upon any property of the City of Philadelphia other than the Project Revenues (as defined in the General Ordinance) and the funds properly pledged to such registered owners pursuant to the terms and conditions of the General Ordinance and the Amendatory Ordinance.

Sincerely,

City Solicitor