

ORDINANCE NO. A-549

AN ORDINANCE CALLING A SPECIAL ELECTION TO VOTE UPON THE QUESTION OF ISSUING BONDS UNDER THE PROVISIONS OF ACT NO. 9 OF THE FIRST EXTRAORDINARY SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, APPROVED JANUARY 21, 1960, AS AMENDED, FOR THE PURPOSE OF FURNISHING THE PERMANENT FINANCING OF THE COST OF SECURING AND DEVELOPING INDUSTRY (THE PARTICULAR INDUSTRIAL PROJECT IS DESCRIBED IN THE ORDINANCE); PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY

WHEREAS FMC Corporation, a Delaware corporation ("FMC"), has proposed a substantial industrial project which will furnish employment and payrolls and otherwise result in public benefits, all in the best interest of the City of Conway, Arkansas (the "City") and its citizens and inhabitants; and

WHEREAS the proposed industrial project will consist of lands, buildings, improvements, machinery, equipment and facilities for an industrial plant which will be utilized for the manufacturing of such products as FMC shall elect to manufacture (the "Project"); and

WHEREAS in order to make the necessary provision for the permanent financing of the Project costs and the expenses of authorizing and issuing bonds, the City proposes to issue not to exceed Five Million Dollars (\$5,000,000) in principal amount of bonds (the "bonds") under the provisions of Act No. 9 of the First Extraordinary Session of the Sixty-Second General Assembly of the State of Arkansas, approved January 21, 1960, as amended ("Act No. 9"); and

WHEREAS the purpose of this Ordinance is to submit the question of the issuance of the bonds to the electors of the City at a special election called for that purpose ;

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

Section 1. That a special election be, and the same is hereby, called to be held in the City on the 18th day of July, 1972, at which election there will be submitted to the electors of the City the question of issuing Industrial Development Revenue Bonds under Act No. 9 in an amount not to exceed Five Million Dollars (\$5,000,000) for the purpose of furnishing permanent financing of the cost of securing and developing industry (the particular industrial project is described above). The bonds will be dated, will bear interest at the rate or rates, the interest will be payable on such dates, the bonds will mature on such date or dates, the bonds will be subject to redemption prior to maturity in such manner and upon such terms, and the bonds will be issued at one time or in series from time to time, all as the City Council shall subsequently determine and specify in the ordinance authorizing the issuance of the bonds.

Section 2. That the question shall be placed on the ballot for the election in substantially the following form:

Vote on measure by placing an "X" in the square above the measure either FOR or AGAINST:

FOR the issuance of Industrial Development Revenue Bonds by the City of Conway, Arkansas in the aggregate principal amount of not to exceed \$5,000,000.

AGAINST the issuance of Industrial Development Revenue Bonds by the City of Conway, Arkansas in the aggregate principal amount of not to exceed \$5,000,000.

It is proposed to issue City of Conway, Arkansas ("City") Industrial Development Revenue Bonds ("bonds") under Act No. 9 of the First Extraordinary Session of the Sixty-Second General assembly of the State of Arkansas, approved January 21, 1960, as amended ("Act No. 9"), in the aggregate principal amount of not to exceed \$5,000,000 for the purpose of furnishing the permanent financing of the costs of securing and developing industry. The bonds will be dated, the bonds will bear interest at such rate or rates, the interest will be payable on such dates, the bonds will mature on such date or dates, the bonds will be subject to redemption prior to maturity in such manner and upon such terms, and the bonds will be issued at one time or in series from time to time, all as the City Council shall subsequently determine and specify in the ordinance authorizing their issuance. The proposed industrial project will consist of lands, buildings, improvements, machinery, equipment and facilities for an industrial plant (the "Project"), and the proceeds of the bonds will be sufficient to pay Project costs and expenses of issuing the bonds. The Project will be leased or sold under an installment purchase agreement to FMC Corporation, a Delaware corporation ("FMC"), or a subsidiary, for lease rentals or installment payments sufficient to provide for the payment of the principal of and interest on the bonds. If the Project is leased or sold to a subsidiary, all obligations of the subsidiary will be unconditionally guaranteed by FMC. The bonds will not be general obligations of the City but will be special obligations payable solely from Project revenues, including particularly lease rentals or installment payments referred to above, which will be specifically pledged to the payment of the principal of and interest on the bonds, and the bonds will be secured by a lien on and security interest in the Project as authorized by Act No. 9,

Section 3. That the election shall be hold and conducted and the vote canvassed and the results declared under the law and in the manner provided for municipal elections, so far as the same may be applicable and the Mayor shall give notice of such election by an advertisement published once a week for four consecutive weeks in a newspaper having a bona fide circulation in the City with the last publication to be not less than ten days prior to the date of the election, and only qualified electors of the City shall have the right to vote at said election on the question.

Section 4. That the results of the election shall :be proclaimed by the Mayor and his proclamation shall be published one time in a newspaper having a bona fide circulation in the City, which proclamation shall advise that the results as proclaimed shall be conclusive unless attacked in the courts within thirty days after the date of such proclamation.

Section 5. That a copy of this Ordinance shall be furnished to the Faulkner County Board of Election Commissioners so that the necessary election officials and supplies may be provided.

Section 6. That there is hereby found and declared to be an immediate need for the securing and developing of industry in order to provide additional employment , increased payrolls , alleviate unemployment and provide other benefits incidental thereto, and the issuance of the bonds referred to in this Ordinance is essential to accomplishing the said public benefits. It is , therefore, declared that an emergency exists and this Ordinance being necessary for the immediate preservation of the public health , safety and welfare shall be in force and take effect immediately upon and after its passage.

PASSED June 13th , 1972.

APPROVED:

BY *Walter D. Mawney*
Mayor

ATTEST:

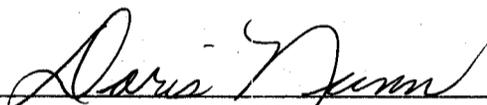
David J. Dunn
City Clerk

(SEAL)

CERTIFICATE

I, the undersigned, City Clerk of Conway, Arkansas, hereby certify that the foregoing pages numbered 1 to 4, inclusive, are a true and compared copy of an ordinance passed at a regular session of the City Council of Conway, Arkansas, held at the regular meeting place of the Council in said City at 7:00 o'clock p.m., on the 18th day of June, 1972, and that said ordinance is of record in Ordinance Book 8, Page 134, now in my possession.

GIVEN under my hand and seal this 14th day of June, 1972.



City Clerk

(SEAL)