

member of the general public. No person or entity other than the City will own property financed by bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, an arrangement such as take-or-pay or other type of output contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large of such property.

(b) No bond proceeds will be loaned to any entity or person. No bond proceeds will be transferred directly, or indirectly transferred or deemed transferred to a person other than a government unit in a fashion that would in substance constitute a loan of said bond proceeds.

(c) The City will, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes, rebate all the required arbitrage profits on bond proceeds or other monies treated as bond proceeds to the federal government and will set aside such monies in a rebate account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The City will not take any action nor fail to take any action with respect to the bonds that would result in the purposes of interest on the bonds pursuant to the Internal Revenue Code of 1986.

(e) It shall not be an event of default under this Ordinance if the interest on any bond is not excludable from gross income for federal tax purposes or otherwise pursuant to any provisions of the Code which is not currently in effect and in existence on the date of the issuance of the bonds.

(f) The City represents that it has issued, or intends to issue, during calendar year 1987, less than \$5,000,000 principal amount of tax-exempt bonds which are not private activities bonds. The City hereby designates the bonds as bonds that qualify for the \$10,000,000 exception from the provisions of Section 265(d) of the Code relating to the tax allowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired by financial institutions after August 7, 1986.

Section 10. Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance ("Tax Section") which are designed to preserve the exclusion of interest on the bonds from gross income under federal law ("Tax Exemption") need not be complied with if the City receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 11. This Ordinance shall be in full force and effect immediately