

**ORDINANCE NO. 22, 2019**

AN ORDINANCE CONCERNING THE ACQUISITION BY THE CITY OF VALPARAISO, INDIANA, OF THE SEWAGE WORKS SYSTEM OF THE DAMON RUN CONSERVANCY DISTRICT AND THE CONSTRUCTION OF SEWAGE WORKS ADDITIONS AND IMPROVEMENTS IN CONNECTION THEREWITH

WHEREAS, the City of Valparaiso, Indiana (the "City"), has heretofore established, constructed, and financed its sewage works, and now owns and operates said sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), and other applicable laws; and

WHEREAS, the Common Council of the City (the "Common Council") has been advised that the sewage works system of the Damon Run Conservancy District (the "District") may be acquired by the City to become a part of the sewage works system of the City and that such an acquisition would be of public benefit to (i) the current customers of the sewage works of the District through a long term reduction in sewage works expenses and insured continuity of safe, reliable and effective service, and (ii) the City through an expansion of the City's sewage works system and increased potential for future growth and development of the system thereby enabling the provision of safe, reliable, and effective sewage works services to inhabitants located in and around the City; and

WHEREAS, the Common Council finds that in connection with the acquisition of the sewage works system of the District, certain additions and improvements to such sewage works are necessary and that plans, specifications and estimates have been prepared and filed by the engineers employed by the City for the acquisition and construction of said sewage works and improvements thereto; and

WHEREAS, the sewage works system to be acquired by the City from the District and the additions and improvements thereto are herein collectively referred to as the "Project"; and

WHEREAS, the costs of the Project is estimated not to exceed Six Million Dollars (\$6,000,000) and shall be financed by the issuance of sewage works revenue bonds ("Bonds") and, if necessary, bond anticipation notes ("BANs") of the City in an aggregate principal amount not to exceed Six Million Dollars (\$6,000,000); now, therefore

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, THAT:

Section 1. Authorization of Project and Financing Thereof. The City proceed with the acquisition and improvement of the sewage works system of the District in the estimated amount not to exceed Six Million Dollars (\$6,000,000). The City proceed with the issuance of Bonds and, if necessary, BANs in an aggregate principal amount not to exceed Six Million Dollars (\$6,000,000) to finance the costs of the Project. The users of the sewage works served by the

Project shall be charged rates under the terms of the City's sewer rate ordinance, as the same may be amended from time to time.

Section 2. Bond Ordinance. Prior to the issuance of the Bonds and, if necessary, BANs referenced in Section 1 of this ordinance, the Common Council shall adopt a bond ordinance specifically setting forth the terms of such Bonds and, if necessary, BANs, including, but not limited to, principal and interest payment dates, redemption features, flow of funds requirements, maximum interest rates, maximum discounts, tax covenants, and other necessary features thereof to effectuate the sale of such Bonds and, if necessary, BANs.

Section 3. Notice of Adoption. The Clerk-Treasurer is hereby directed to cause notice of the adoption and purport of this ordinance to be published in accordance with Section 10 of the Act.

Section 4. Effective Date. This ordinance shall be in full force and effect from and after its passage and execution by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, upon this 14<sup>th</sup> day of October, 2019.

By: \_\_\_\_\_  
Presiding Officer  
Valparaiso Common Council

ATTEST:

\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer  
City of Valparaiso

PRESENTED by me to the Mayor of the City of Valparaiso, Porter County, Indiana, upon this \_\_\_\_ day of October, 2019.

\_\_\_\_\_  
Sharon Swihart, Clerk-Treasurer  
City of Valparaiso

SIGNED and APPROVED by me upon this \_\_\_\_ day of October, 2019.

\_\_\_\_\_  
Jon Costas, Mayor  
City of Valparaiso