

ORDINANCE NO. 6, 2020

**AN ORDINANCE OF THE COMMON COUNCIL OF
THE CITY OF VALPARAISO, INDIANA, TO REESTABLISH A UNIFORM
RATE FOR THE VALPARAISO FIRE PROTECTION TERRITORY
EQUIPMENT REPLACEMENT FUND**

WHEREAS, the Common Council (the "Council") of the City of Valparaiso, Indiana (the "City") and the Township Board (the "Board") of Center Township, Porter County, Indiana (the "Township") have determined that it is reasonable and necessary to reestablish a uniform tax rate (the "Rate") for the Valparaiso Fire Protection Territory Equipment Replacement Fund (the "Equipment Replacement Fund");

WHEREAS, on March 28, 2012, the City, as the Provider Unit, and the Township, as the Participating Unit, entered into an Interlocal Cooperation Agreement (the "Agreement") for the establishment of the Valparaiso Fire Protection Territory (the "Territory");

WHEREAS, the Agreement authorized and provided for the establishment of the Equipment Replacement Fund to be used to purchase fire protection equipment used to serve the entire Territory pursuant to I.C. 36-8-19-8.5;

WHEREAS, the City and the Township have previously established the Equipment Replacement Fund for the Territory pursuant to I.C. 36-8-19-8.5; and

WHEREAS, the City and Township desire and believe there is a need to reestablish the Equipment Replacement Fund with a new Rate uniformly at three and thirty-three hundredths cents (\$0.0333) per one hundred dollars (\$100.00) of assessed value on taxable real and personal property within the Territory's taxing district beginning with taxes due and payable in 2021 under the authority granted pursuant to I.C. 36-8-19-8.5 and for the purposes outlined therein.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Valparaiso, Indiana, as follows:

SECTION 1: That a need exists to reestablish the Equipment Replacement Fund for the Territory for the purposes outlined in I.C. 36-8-19-8.5 and it hereby reestablishes the Rate for the Equipment Replacement Fund uniformly at three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100.00) of taxable real and personal property within the Territory's taxing district, subject to review and approval by the Indiana Department of Local Government Finance (the "DLGF").

SECTION 2: That the reestablishment of the Equipment Replacement Fund with the new Rate set forth herein shall not impact the collection of the existing Rate for the Equipment Replacement Fund until the new Rate set forth herein takes effect, and in the event the Rate is not reestablished in accordance with the terms of this Ordinance the existing Rate for the Equipment Replacement Fund previously established for the Territory shall remain in full force and effect.

SECTION 3: That the approval of this Ordinance is subject to and conditioned upon the approval of a Resolution by the Township Board with substantially identical terms and conditions set forth herein.

SECTION 4: That upon the approval and final adoption of this Ordinance along with the Resolution of the Township Board, the City, as the Provider Unit of the Territory, shall submit to the DLGF on or before April 30, 2020 in accordance with Indiana law, the proofs of publication of the public hearing held on Monday, March 30, 2020, an executed copy of this Ordinance and the Resolution adopted by the Township Board, and the proofs of publication for the related Notice of Adoption.

SECTION 5: That the Fire Chief of the Territory shall be authorized and empowered to take any and all action necessary, including, but not limited to, the filing of this Ordinance and any and all other documents necessary with the DLGF, to effectuate the reestablishment of the Equipment Replacement Fund at the new Rate set forth herein.

SECTION 6: That if any portion of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this Ordinance.

SECTION 7: That all ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency. It is provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinances or parts of ordinances are hereby ratified, reestablished and confirmed.

SECTION 8: That this Ordinance shall be in full force and effect from and after its adoption and the procedures required by law.

[SIGNATURE PAGE FOLLOWS]

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, by a _____ vote of all members present and voting, this _____ day of March, 2020.

Matthew R. Murphy, Mayor

ATTEST:

Holly Taylor, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana this _____ day of March 2020.

Holly Taylor, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of March, 2020 at _____ o'clock PM.

Matthew R. Murphy, Mayor