

ORDINANCE NO. 2001-OR-26

AN ORDINANCE TO AMEND ORDINANCE NO. 2001-OR-25 CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF CHARLESTOWN; THE REFUNDING OF CERTAIN OUTSTANDING SEWAGE WORKS REVENUE BONDS; AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REVENUE BONDS OF 2001 FOR SUCH PURPOSE; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SEWAGE WORKS AND THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF THE SEWAGE WORKS REVENUE BONDS, SERIES _____, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH

WHEREAS, the Common Council of the City of Charlestown (the "Common Council") has adopted Ordinance No. 2001-OR-25, dated October 1, 2001 (the "Ordinance") for the purpose of issuing the BANs or bonds for refunding certain outstanding Bonds and paying the cost of certain improvements; and

WHEREAS, the financial advisor has recommended certain amendments to assist the City of Charlestown in the marketing of its Sewage Works Bond Anticipation Note of 2001; and

WHEREAS, the Common Council finds that such amendments are appropriate and desirable in order to obtain the most favorable financing terms available;

NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CHARLESTOWN, that:

Section 1. That the heading of Ordinance No. 2001-OR-25 be amended to read as follows:

"AN ORDINANCE TO AMEND ORDINANCE NO. 2001-OR-25 CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE CITY OF CHARLESTOWN; THE REFUNDING OF CERTAIN OUTSTANDING SEWAGE WORKS REVENUE BONDS; AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REVENUE BONDS OF 2001 FOR SUCH PURPOSE; PROVIDING FOR THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SEWAGE WORKS AND THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF THE SEWAGE WORKS REVENUE BONDS OF 2001, OTHER MATTERS CONNECTED THEREWITH, INCLUDING THE ISSUANCE OF NOTES IN ANTICIPATION OF BONDS, AND REPEALING ORDINANCES INCONSISTENT HEREWITH."

Section 2. That Section 2(a) of the Ordinance, "Issuance of Bonds" be amended to reflect the payment of semiannual interest and the payment of interest from net revenues of the utility, to read as follows:

"Sec. 2.(a) The City shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply to the cost of said Project. The City shall issue its BANs in an amount not to exceed Three Million Dollars (\$3,000,000) to be designated "Sewage Works Bond Anticipation Notes." Said BANs shall be numbered consecutively from 1 upward, shall be in multiples of \$1,000, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed six percent (6%) per annum (the exact rate or rates to be determined through negotiations with the purchaser of the BANs) payable semiannually or upon maturity. The BANs will mature one (1) year after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed six percent (6%) per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to IC 5-1.5-8-6.1 if sold to the Indiana Bond Bank or pursuant to IC 5-1-14-5 if sold to a financial institution. The principal on the BANs shall be payable solely from the issuance of revenue bonds pursuant to and in the manner prescribed by the Act. The revenue bonds and interest on the BAN, if any, will be payable solely out of and constitute a charge against the Net Revenues (herein defined as gross revenues of the sewage works of the City remaining after the payment of the reasonable expenses of operation, repair and maintenance) of the sewage works of the City, including the works herein authorized to be acquired and constructed and all additions and improvements thereto and replacements thereof subsequently constructed or acquired."

Section 3. That Section 2(b) of the Ordinance be amended to reflect the additional maturities authorized out to but not later than 2028, to read as follows:

"Sec. 2.(b) The City shall issue its "Sewage Works Revenue and Refunding Bonds, Series _____," (the "Bonds") in an amount not to exceed \$3,100,000 for the purpose of procuring funds to be applied on the cost of the Project, to the refunding of the Refunded Bonds, to the refunding of the BANs, if issued, the payment of costs of issuance, and all other costs related to the refunding and the Project. The Bonds shall rank on a parity for all purposes. The City may issue its Bonds in one or more Series. The City shall apply excess moneys currently held for the payment of debt service on the Refunded Bonds to the refunding as provided in Section 10.


The Bonds shall be issued in the denomination of Five Thousand Dollars (\$5,000) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the first day of the month in which they are sold or the date of delivery if sold to the Indiana Bond Bank and interest shall be payable semiannually on January 1 and July 1 in each year, beginning on the first interest payment date following the original date of the Bonds. The Bonds shall be sold at a price of not less

than 98% of the par value thereof. The Bonds shall be payable in lawful money of the United States of America, at the principal office of the Paying Agent (as hereinafter defined) and such Bonds shall bear interest at a rate or rates not exceeding 7% per annum (the exact rate or rates to be determined by bidding or through negotiation) and shall mature annually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on July 1 of each year commencing on July 1, 2003 over a period ending not later than July 1, 2028 and the Bonds shall mature in such amounts as will result in as level annual debt service as practicable with \$5,000 denominations.”

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

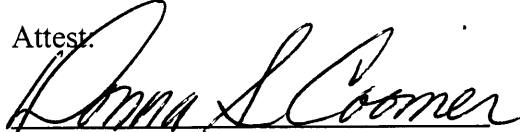
Passed and adopted by the Common Council of the City of Charlestown this 5th day of November, 2001.

COMMON COUNCIL



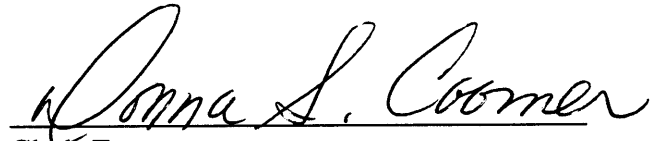
Presiding Officer

Attest:



Clerk-Treasurer

Presented by me to the Mayor of the City of Charlestown this 5th day of November, 2001,
at 7:05 Pm



Clerk-Treasurer

Signed and approved by me, the Mayor of the City of Charlestown, this 5th day of November, 2001, at 7:05 pm



Mayor