

1<sup>ST</sup> READING 4/27/66  
2<sup>ND</sup> READING 4/27/66  
PASSED 4/27/66

ORDINANCE NO. 66-19

An Ordinance to amend Section 4, Section 5 and Section 6 of Ordinance No. 65-33, entitled "An Ordinance of the City of Bloomington, Indiana, concerning the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith," and to amend said Ordinance No. 65-33 by the insertion of a new section designated Section 7A

WHEREAS, the Common Council of the City of Bloomington has heretofore on November 24, 1965, adopted Ordinance No. 65-33 authorizing the issuance of waterworks revenue bonds in the amount of Seven Million Six Hundred Thousand Dollars (\$7,600,000) for the purpose of procuring funds to be applied on the cost of extensions and additions to the municipal waterworks, the issuance of such bonds to be subject to the approval of the Public Service Commission of Indiana; and

WHEREAS, a petition was filed with said Commission requesting approval of said bonds, a hearing thereafter held, and an order of said Commission issued under date of April 25, 1966, in Cause No. 30911, which order approved the issuance of a lesser amount of bonds and changed the amounts of maturities of said bonds to reflect the reduced principal amount; and

WHEREAS, the Common Council now finds that Ordinance No. 65-33 must be amended to conform said issue of bonds to the issue of bonds approved by the Public Service Commission in its order dated April 25, 1966, in Cause No. 30911; and

WHEREAS, since the adoption of said Ordinance No. 65-33, the City of Bloomington has become a second class city, the office of Clerk-Treasurer will be abolished and a City Controller will be appointed to succeed to the financial duties of the office of Clerk-Treasurer, it will be necessary that the bonds be executed in the name of the City by the Mayor, City Controller, and City Clerk, rather than by the Mayor and a Clerk-Treasurer, and the Council now finds that said ordinance should be amended to so provide; now therefore,

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

Section 1. That Section 4 of Ordinance No. 65-33, entitled "An Ordinance of the City of Bloomington, Indiana, concerning the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith," adopted on November 24, 1965, be and the same is hereby amended to read as follows: Sec. 4. For the purpose of procuring funds with which to pay the cost of construction and installation of the extensions and additions to its waterworks, the City shall issue its revenue bonds under and pursuant to the provisions of this ordinance and said Act, which bonds shall be payable only out of the special Bond and Interest Redemption Account herein provided for, and shall be designated as "Waterworks Revenue Bonds of 1966." Said bonds shall be in a principal amount not exceeding Seven Million Two Hundred Thousand Dollars (\$7,200,000), in the denomination of One Thousand Dollars (\$1,000) each or Five Thousand Dollars

(\$5,000) each, the denomination to be at the option of the purchaser, numbered consecutively from 1 up, dated as of the first day of the month in which said bonds are sold, and shall bear interest at a rate or rates not exceeding four and one-half per cent (4-1/2%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semi-annually on January 1 and July 1 of each year, beginning on January 1, 1967, and shall be evidenced by coupons attached to said bonds. Both bonds and interest coupons shall be payable at the option of the holder at The Bloomington National Bank, First National Bank of Bloomington, Bloomington, Indiana, or Monroe County State Bank, all in the City of Bloomington, Indiana, or at the option of the holder at Merchants National Bank & Trust Company of Indianapolis, in the City of Indianapolis, Indiana, Continental Illinois National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or First National City Bank, in the Borough of Manhattan, City and State of New York, in lawful money of the United States of America, and said bonds shall mature serially on January 1 in the years and amounts as follows:

Year	Amount	Year	Amount	Year	Amount
1967	\$120,000	1977	\$170,000	1987	\$260,000
1968	130,000	1978	190,000	1988	270,000
1969	125,000	1979	210,000	1989	280,000
1970	145,000	1980	195,000	1990	290,000
1971	140,000	1981	225,000	1991	300,000
1972	145,000	1982	215,000	1992	310,000
1973	150,000	1983	265,000	1993	325,000
1974	155,000	1984	230,000	1994	495,000
1975	180,000	1985	280,000	1995	515,000
1976	170,000	1986	275,000	1996	440,000

The bonds of this issue maturing on January 1, 1979, and thereafter, shall be redeemable at the option of the City, in whole or in part,

in inverse chronological order of maturity and by lot within a maturity, on July 1, 1978, or any interest payment date thereafter, at face value, together with the following premiums:

- 4% if redeemed on July 1, 1978, or thereafter on or before January 1, 1983;
- 3% if redeemed on July 1, 1983, or thereafter on or before January 1, 1988;
- 2% if redeemed on July 1, 1988, or thereafter on or before January 1, 1993;
- 1% if redeemed on July 1, 1993, or thereafter prior to maturity;

plus in each case accrued interest to the date fixed for redemption.

Notice of such redemption shall be published at least thirty (30) days prior to the date fixed for redemption at least one time in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a newspaper or financial journal of general circulation published in the City of New York, New York, and a like notice shall be sent by mail to the holders of such bonds as are then registered. The notice shall specify the date and place of redemption and the serial numbers of the bonds called for redemption. Interest on the bonds so called for redemption shall cease on the date fixed in said notice, if funds are available at the place of redemption to redeem the bonds when presented.

Sec. 2. That Section 5 of said Ordinance No. 65-33 be and the same is hereby amended to read as follows: Sec. 5. Said bonds shall be signed in the name of the City by the Mayor, countersigned by the City Controller, and attested by the City Clerk, who shall affix the seal of the City to each of said bonds. The interest coupons attached to said bonds shall be executed by placing thereon the facsimile signatures of the Mayor and City Controller, and said officials, by the sign-

ing of said bonds, shall adopt as and for their own proper signatures their facsimile signatures appearing on said coupons. In case any officer whose signature appears on the bonds and coupons shall cease to be such officer before the delivery of such bonds, his signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

Said bonds shall be negotiable by delivery unless registered. Upon presentation of the bonds at the office of the City Controller in the City of Bloomington, said City Controller shall register said bonds without charge or expense to the holder, as to the principal thereof. Such registry shall be noted on the bond, after which no transfer thereof will be valid unless made by the registered owner in person or by his attorney duly authorized and similarly noted on the bond, but said bond may be discharged from registry by being in like manner retransferred to bearer, after which it shall be transferable by delivery but may be again registered as before. The registration of any bond shall not affect the negotiability of the interest coupons attached thereto, but such coupons shall continue to pass by delivery only and shall remain payable to bearer.

Sec. 3. That Section 6 of said Ordinance No. 65-33 be and the same is hereby amended to read as follows: Sec. 6. The form and tenor of said bonds, the interest coupons to be attached thereto, and the form of registry endorsement thereon shall be substantially as follows, to-wit:



and matters connected therewith, " as amended by an ordinance adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 1966, and in strict compliance with the provisions of the governing statutes, particularly Chapter 155 of the Acts of the General Assembly of the State of Indiana for the year 1929, and all acts amendatory thereof or supplemental thereto.

The principal and interest of this bond and all other bonds of the issue of which it is a part, and any bonds hereafter issued on a parity therewith, are equally and ratably secured by and constitute a charge upon fifty and five-tenths per cent (50.5%) of the gross income and revenues of the municipally owned waterworks of the City as the same now exists or may hereafter be improved and extended, which percentage of such income and revenues is to be deposited in a special fund designated as the "Bond and Interest Redemption Account" heretofore duly created; all subject, however, to the prior payment, in accordance with the terms thereof, of the interest on and principal of the revenue bonds payable out of the revenues of the City's waterworks heretofore issued pursuant to Ordinance No. 3, 1951, under date of October 1, 1951, now outstanding in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), and maturing in semi-annual installments over a period ending on July 1, 1993, and the payment of the interest on and principal of the revenue bonds payable out of the revenues of the City's waterworks heretofore issued pursuant to Ordinance No. 23, 1953, under date of March 1, 1954, now outstanding in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), and maturing in semi-annual installments over a period ending on July 1, 1993. The City shall not be obligated to pay this bond or the interest thereon except from said special fund, and neither this bond nor the issue of which it is a part shall in any respect constitute a corporate indebtedness of the City within the provisions and limitations of the constitution of the State of Indiana.

The bonds of this issue maturing on January 1, 1979, and thereafter, are redeemable at the option of the City, in whole or in part, in inverse chronological order of maturity and by lot within a maturity, on July 1, 1978, or any interest payment date thereafter, at face value, together with the following premiums: four per cent (4%) if redeemed on July 1, 1978, or thereafter on or before January 1, 1983; three per cent (3%) if redeemed on July 1, 1983, or thereafter on or before January 1, 1988; two per cent (2%) if redeemed on July 1, 1988, or thereafter on or before January 1, 1993; one per cent (1%) if redeemed on July 1, 1993, or thereafter prior to maturity; plus in each case accrued interest to the date fixed for redemption; provided notice of such redemption shall be given at least thirty (30) days prior to the date fixed therefor by one publication in a newspaper or financial journal of general circulation published in the City of Indianapolis, Indiana, and a newspaper or financial journal of gen-

eral circulation published in the City of New York, New York, and a like notice be sent by mail to the holders of such bonds as are then registered. Interest on the bonds so called for redemption shall cease on the redemption date fixed in said notice, if sufficient funds are available at the place of redemption to redeem the bonds when presented in accordance with the terms thereof. The bonds so redeemed prior to maturity shall be surrendered for cancellation, together with all unmatured interest coupons appurtenant thereto.

The City covenants that it will, to the fullest extent permitted by law, fix, maintain and collect an aggregate of rates and charges for the services rendered by the City's waterworks system which will be sufficient to pay all costs of operation and maintenance of said system, to provide a proper and adequate depreciation account, and to create and maintain the sinking fund required for the payment of the interest on and principal of this issue of bonds and all other bonds payable from the revenues of the City's waterworks system, in accordance with the terms thereof, and that it will in all other respects faithfully comply with all other provisions of the ordinance and statute pursuant to which this bond is issued. In the event the City shall make any default in the payment of the principal of or interest on this bond, the holder hereof shall have all of the rights and remedies provided by the governing statutes, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest thereon in accordance with the terms hereof.

This bond may be registered in the name of the owner in the manner and with the effect provided in the ordinance hereinbefore referred to, but unless registered this bond shall pass by delivery only. The registration of this bond shall not affect the negotiability of the interest coupons attached thereto, but said coupons shall continue to pass by delivery merely and shall remain payable to bearer.

It is hereby certified and recited that all acts, conditions and things required to be done or to exist precedent to and in the execution, issuance and delivery of this bond have been done and performed and exist in regular and due form as provided by law.

IN WITNESS WHEREOF, the City of Bloomington, in Monroe County, State of Indiana, has caused this bond to be signed in its corporate name by its duly elected, qualified and acting Mayor, countersigned by its duly appointed, qualified and acting City Controller, its corporate seal to be hereunto affixed and attested by its duly elected, qualified and acting City Clerk, and the interest coupons hereto attached to be

executed by placing thereon the facsimile signatures of said Mayor and City Controller, all as of the first day of \_\_\_\_\_, 1966.

CITY OF BLOOMINGTON

By \_\_\_\_\_  
Mayor

Countersigned:

\_\_\_\_\_  
City Controller

Attest:

\_\_\_\_\_  
City Clerk

(Interest Coupon)

Coupon No. \_\_\_\_\_ \$ \_\_\_\_\_

On \_\_\_\_\_ 1, 19 \_\_\_\_\_

(unless the bond herein mentioned shall be subject to and shall have been called for previous redemption), the City of Bloomington, Indiana, will pay to bearer at the option of the holder at The Bloomington National Bank, First National Bank of Bloomington, Bloomington, Indiana, or Monroe County State Bank, all in the City of Bloomington, Indiana, or at the option of the holder at Merchants National Bank & Trust Company of Indianapolis, in the City of Indianapolis, Indiana, Continental Illinois National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or First National City Bank, in the Borough of Manhattan, City and State of New York, out of its waterworks Bond and Interest Redemption Account,

\_\_\_\_\_ Dollars, in lawful money of the United States of America, being the interest then due on its Waterworks Revenue Bond of 1966, dated \_\_\_\_\_ 1, 1966, No. \_\_\_\_\_.

CITY OF BLOOMINGTON

By \_\_\_\_\_ (Facsimile)  
Mayor

\_\_\_\_\_  
(Facsimile)  
City Controller

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the City Controller in the City of Bloomington, Indiana. No writing hereon except by the City Controller.

Date of Registry	In Whose Name Registered	City Controller
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sec. 4. That Section 7 of said Ordinance No. 65-33 be and the same is hereby amended to read as follows: Sec. 7. The Clerk-Treasurer or City Controller (as the case may be) is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The Clerk-Treasurer or City Controller (as the case may be) shall sell said bonds at public sale. Prior to the sale of the bonds, the Clerk-Treasurer or City Controller (as the case may be) shall cause to be published a notice of sale once each week for two weeks in The Star-Courier and the Daily Herald-Telephone, published in the City of Bloomington, and at least one time in a newspaper published in the City of Indianapolis. The Clerk-Treasurer or City Controller (as the case may be) shall be authorized to publish said notice or a summary thereof in The Bond Buyer published in the City and State of New York. The date fixed for the sale shall not be earlier than seven days after the last of said publications. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions upon which bids will be received and the sale made, and shall set out such other information as the Clerk-Treasurer or City Controller (as the case may be), acting on the advice of the City Attorney and bond counsel, shall deem necessary.

All bids for said bonds shall be sealed and shall be presented to the Clerk-Treasurer or City Controller (as the case may be) at his

office. Bidders shall be required to bid for all the bonds and to name the rate or rates of interest which the bonds are to bear, not exceeding four and one-half per cent (4-1/2%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-tenth (1/10) of one per cent (1%), and not more than four (4) different interest rates shall be named by each bidder. A rate may be repeated without constituting a different rate. Bids specifying two or more interest rates shall also specify the amount and maturities of the bonds bearing each rate, but all bonds maturing on the same date shall bear the same rate. Each bid shall be accompanied by a certified or cashier's check payable to the City of Bloomington in the amount of Seventy-five Thousand Dollars (\$75,000), as a guarantee of good faith. In the event the successful bidder shall fail or refuse to accept delivery of said bonds in accordance with his bid and the notice of sale, then said check and the proceeds thereof shall be the property of the City as its agreed liquidated damages. The Clerk-Treasurer or City Controller (as the case may be) shall award the bonds to the highest qualified bidder. The highest bidder shall be the one who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any. No bid for less than the par value of said bonds, including interest accrued to the date of delivery, shall be considered. The Clerk-Treasurer or City Controller (as the case may be) shall have the right to reject any and all bids. In the event no acceptable bid is received at the time fixed in said notice for the sale of said bonds, the Clerk-Treasurer or City Controller (as the case may be) shall be authorized

to continue to receive bids from day to day thereafter for a period of not to exceed thirty (30) days without readvertisement; provided, however, that if said sale be continued no bid shall be accepted which is lower than the highest bid received at the time fixed for said sale in the bond sale notice.

Prior to the delivery of said bonds the City Controller shall obtain a legal opinion as to the validity of the bonds from Ice Miller Donadio & Ryan, bond counsel of Indianapolis, acting as bond counsel for the City, and shall furnish such opinion to the purchaser of the bonds. The fee of such bond counsel and all other incidental expenses incurred in connection with the issuance of the bonds authorized by this ordinance shall be paid out of funds derived from the operation of the City's waterworks.

Sec. 5. That said Ordinance No. 65-33 be and the same is hereby amended by the insertion of a new section to be numbered Sec. 7A, reading as follows: Sec. 7A. Wherever in this ordinance the title "Clerk-Treasurer" is used, such title shall be construed to mean and include the title "City Controller" from and after the date upon which a City Controller is duly appointed and qualified to hold said office, and wherever in this ordinance the title "City Controller" is used, such title shall be construed to mean and include the title "Clerk-Treasurer" prior to the date upon which a City Controller is duly appointed and qualified to hold said office.

Sec. 6. This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Common Council of the City of  
Bloomington on the 27<sup>th</sup> day of April, 1966.

John H. Stork  
Presiding Officer

Attest:

Howard A. Young  
Clerk-Treasurer

Presented by me to the Mayor of the City of Bloomington on  
the 27<sup>th</sup> day of April, 1966, at the hour of 5:45 P. M.

Howard A. Young  
Clerk-Treasurer

This ordinance approved and signed by me on the 27<sup>th</sup> day  
of April, 1966, at the hour of 5:30 P. M.

John H. Stork  
Mayor