

AGENDA

UTILITIES SERVICE BOARD MEETING

City of Bloomington Utilities
600 E. Miller Dr.
Bloomington, Indiana 47401

Jean Capler, President
Amanda Burnham, Vice President
Jeff Ehman
Megan Parmenter
Julie Roberts
Jim Sherman
Kirk White
Jim Sims, ex officio
Scott Robinson, ex officio

Monday, November 8, 2021

4:45 PM Finance Subcommittee Meeting

- **Sherman**
- **Parmenter**
- **Burnham**

- I. Call to Order
- II. Sewage Works Refunding Bonds of 2021
- III. Petitions and Communications*
- IV. Adjournment

*Public Comment will be limited to 5 minutes per person

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Monday, November 8, 2021
5:00 PM Regular Meeting

- I. Call to Order
- II. Approval of the Minutes of the Previous Meeting (October 25)
- III. Approval of the Claims
 - a. Standard Invoices
 - b. Utility Bills
 - c. Wire Transfers
 - d. Customer Refunds
- IV. Approval of Consent Agenda – Total: \$5,930.00
 - a. Control Freaks, Consulting, Inc., \$0, First Amendment to extend work completion date
 - b. Heflin Industries, Inc., \$4,400.00, Install power, plumbing, and stand for washer and dryer at Monroe WTP
 - c. Valenti-Held, Inc., dba Heartland Dredging, LLC, \$1,530.00, Conduct bathymetric survey at Miller Showers Park
- V. Request for Approval of Memorandum of Understanding with Bloomington SPCW JV, LLC. for I&I program contribution. NTE: \$143,848.00 – Phil Peden
- VI. Request for Approval of Grant Agreement with Redevelopment Commission to fund stormwater drainage improvements. NTE: \$40,000.00 – Phil Peden
- VII. Request for Approval of Agreement with Milestone Contractors, LP for the Fairview Terrace milling and paving project. NTE: \$130,300.00 – Jay Ramey
- VIII. Old Business
- IX. New Business

- X. Subcommittee Reports
 - a. Finance Subcommittee - Resolution 2021-12: Refunding Sewage Works Bonds
- XI. Staff Reports
- XII. Petitions and Communications*
- XIII. Adjournment

*Public Comment will be limited to 5 minutes per person

UTILITIES SERVICE BOARD MEETING

10/25/2021

Utilities Service Board meetings are recorded and available during regular business hours in the Director of Utilities' office.

CALL TO ORDER

Board President Capler called the regular meeting of the Utilities Service Board to order at 5:00 p.m. The meeting was held electronically via Zoom and Facebook Live.

Board members present: Jean Capler, Megan Parmenter, Julie Roberts, Jim Sherman, Kirk White, Scott Robinson (ex officio), Jim Sims (ex officio).

Board members absent: Amanda Burnham, Jeff Ehman.

Staff present: Tom Axsom, Jane Fleig, Liberty Flora, James Hall, Nolan Hendon, Vic Kelson, Phil Peden, Laura Pettit, Brandon Prince, Jay Ramey, LaTreana Teague, Chris Wheeler.

MINUTES

Board member Roberts moved, and Board Member Parmenter seconded the motion to approve the minutes of the October 12th meeting. The motion received a roll-call vote: White-yes, Roberts-yes, Sherman-yes, Capler-yes. Parmenter-yes. The motion passed.

BID OPENING – FAIRWOOD TERRACE MILLING AND PAVING PROJECT

CBU Engineer Ramey opened and read aloud two quote bids for milling and paving in the Fairwood Terrace neighborhood. They were from Milestone Contractors, LP, and E&B Paving, LLC. Milestone submitted a bid of \$130,300, and E&B Paving submitted a bid of \$163,300. CBU Engineer Fleig said the estimate was \$120,000.

CLAIMS

Roberts moved, and Parmenter seconded the motion to approve the Standard Invoices: Vendor invoices submitted included \$200,721.86 from the Water Utility, \$133,269.28 from the Wastewater Utility, \$664,845.00 from the Wastewater Construction Fund, \$11,109.49 from the Stormwater Utility, and \$40,806.27 from the Stormwater Construction Fund.

The motion received a roll-call vote: Capler-yes, White-yes, Sherman-yes, Parmenter-yes, Roberts-yes. Total claims approved: \$1,050,751.90.

Roberts moved, and Parmenter seconded the motion to approve the Utility Bills:

Utility invoices submitted included \$63,081.36 from the Water Utility and \$65,178.18 from the Wastewater Utility.

The motion received a roll-call vote: Roberts-yes, Sherman-yes, Parmenter-yes, White-yes, Capler-yes. Total claims approved: \$128,259.54.

Roberts moved, and Parmenter seconded the motion to approve the Wire Transfers, Fees, and Payroll in the amount of \$362,771.71. The motion received a roll-call vote: White-yes, Parmenter-yes, Capler-yes, Sherman-yes, Roberts-yes. The motion passed.

CONSENT AGENDA

CBU Director Kelson presented the following items recommended by staff for approval:

- Hoosier Equipment Service, Inc., \$1,725.80, Purchase and installation of fuel tank gauge at Blucher Poole WWTP
- Indiana Door and Hardware Specialties, Inc., \$1,875.00, Replacement of electronic rail for badge door lock at Utilities Service Center
- Potomac Electrical Services, LLC., dba Electrical Maintenance and Testing, \$12,100.00, 460V switchgear testing and automatic switch investigation at Blucher Poole WWTP

As no items were removed from the Consent Agenda by the Board, the agreements were approved. Total contracts approved: \$15,700.80.

Board member White asked what the fuel tank gauges' capacity for the plant's backup generators is and how long they run. CBU staff followed up later that there are two 1000 gallon diesel generators at the Monroe Water Treatment Plant: one at the intake and one in the plant. The intake generator will run any one of the four low-service pumps. The plant generator will power one transfer pump, one high service pump, and all of the electrical components in the plant, which equates to 50% capacity.

CBU fills each generator 85% spring-fall and close to 100% in the winter months. When full, each generator will run for 48 hours without interruption.

Blucher Poole Wastewater Treatment Plant has one generator that holds 3,000 gallons, and the Dillman Road Wastewater Treatment Plant has one generator that holds 1,000 gallons.

When full, the Dillman WWTP backup generator will operate the chemical feed system, non potable water line, and a pump to the EQ basin for approximately 16 hours without interruption. The Blucher Poole WWTP backup generator will operate the entire plant for an unknown period.

Capler announced to the public to leave questions and comments via the CBU Facebook page during the live stream or the Zoom chat to be read later during Petitions and Communications.

OLD BUSINESS: None

NEW BUSINESS: None

SUBCOMMITTEE REPORTS: None

STAFF REPORTS:

Director Kelson announced a new T&D employee, Christian Eberle, Master Equipment Operator.

CBU Staff attended the rate case settlement hearing at the Indiana Utilities Regulatory Commission on Friday, October 22. CBU is now awaiting a ruling from the commission and may enact the tariff on January 1, 2022.

REQUEST FOR APPROVAL OF RESOLUTION 2021-11 - BID ACCEPTANCE AND CONTRACT AWARD FOR FAIRWOOD TERRACE MILLING AND PAVING PROJECT

Fleig requested the resolution for approval. After reviewing the bids earlier in the meeting, CBU staff recommended awarding Milestone Contractors, LP for \$130,300. This project was for a water main replacement that CBU did in Fairwood Terrace. The area has county streets, and they require that we mill and resurface the lanes that we worked on those streets.

Roberts moved, Parmenter seconded to approve Resolution 2021-11. The motion received a roll-call vote: Parmenter-yes, Roberts-yes, White-yes, Sherman-yes, Capler-yes. The motion passed.

PETITIONS AND COMMUNICATIONS: None

Capler thanked board member Ehman for facilitating the October 12th USB meeting.

ADJOURNMENT: Roberts moved to adjourn; the meeting adjourned at 5:14 p.m.

Jean Capler, President

Date

City of Bloomington Utilities
Accounts Payable by G/L Distribution Report
Paydate: 11/12/21

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Sinking	Wastewater O&M	Stormwater O&M	Stormwater Consturction
A&M Graphics (Baugh Fine Print and Mailing)	1576	Window envelopes for water/wastewater bills 3,000 - BC21-025	349.50	139.80		209.70		
Airgas Specialty Products, INC	9118401005	Aqua ammonia - 19,100 @ .133 delivered 10/07/21 - MN	2,639.94	2,639.94				
All-Phase Electric Supply, INC	0740-1004538	Alternating relays for lift station stock (2) - TD21-372	288.60			288.60		
Arctic Glacier USA, INC	3078129204	Ice delivered 10/19/21 - TD21-430	202.51	81.00		111.38	10.13	
Astbury Gabriel Corp (ESG Laboratories)	21019061	Digester sludge, Effluent & Influent comp for Dillman - DR	514.00			514.00		
B L Anderson LLC	I5882	DM21-110 MKIII Knob assembly replacement knob on actuator valve	181.38			181.38		
B&H Electric and Supply, INC	374433	MM21-384 1.5hp 1800rpm Electric motor for Carbon pumps	666.88	666.88				
BBC Pump And Equipment Company, INC	30069320	TD21-407 Impeller 7.75" S4N/S4NX for pump #2 @ Hearthstone LS	911.47			911.47		
BBC Pump And Equipment Company, INC	30069368	TD21-359 20hp 230/3 35' Cord w/9.25" Impeller and 50' Cord Adder	12,771.31			12,771.31		
Bloomington Paint & Wallpaper Co	00452173	Epoxy shield, wooster cover, paint pail, liner, pan - BP21-151	574.61			574.61		
Bloomington Paint & Wallpaper Co	00452977	Epoxy tan 3-gal, epoxy activator 3-gal, wooster covers - BP21-160	385.20			385.20		
Borrow Excavating Inc	991	Stormwater Grant Reimbursement - ENV21-234	4,100.00				4,100.00	
Brenntag Mid-South, INC	BMS989073	Sodium hydroxide - 11.5226 @ 464.00 delivered 10/05/21 - MN	5,346.49	5,346.49				
Brenntag Mid-South, INC	BMS993212	Sodium hydroxide - 11.6060 @ 464.00 delivered 10/18/21 - MN	5,385.18	5,385.18				
Brenntag Mid-South, INC	BMS994329	Robin 120 Polymer - 4,600 @ 1.2090 delivered 10/22/21 - MN21-209	5,561.40	5,561.40				
BSA Environmental Services, INC	COB 21-07	ENV21-227 2 Phytoplankton analyses with biovolume, 2 Cyanotoxin	1,650.00	1,650.00				
Chemical Resources, INC	1141970	Sodium aluminate - 46,260 @ .1878 delivered 10/08/21 - DR	8,687.63			8,687.63		
Cintas First Aid & Safety #2	8405374774	Resotck first aid cabinet @ Blucher Poole - 10/22/21 - BP21-162	72.42			72.42		
Crowe LLP	706-2469040	Water Rate Case 2020 & cost of SVS Study - ACCT21-158	13,930.00	13,930.00				
E&B Paving, INC	30041035	Asphalt - Water @ Estate Dr - 10/01/21 - TD	267.32	267.32				
E&B Paving, INC	30041268	Asphalt - Water @ Coolidge, Water @ Estate Dr 10/06-10/08/21 -TD	546.35	546.35				
E&B Paving, INC	30041391	Asphalt - Water @ Pleasant Ridge - 10/13/21 - TD	166.14	166.14				
E&B Paving, INC	30041432	Asphalt - Water @ Pleasant Ridge - 10/14/21 - TD	328.55	328.55				
E&B Paving, INC	30041498	Asphalt - Water @ 13th & Maple - 10/19/21 - TC	109.16	109.16				
Environmental Laboratories, INC	20342959	Iron & manganese analysis for drinking water 10/01/21 - DL21-097	504.00	504.00				
Eurofins Eaton Analytical, INC	8100000931	Testing - Dissolved & organic carbon, UV, alkalinity-09/08/21-MN	375.00	375.00				

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Eurofins Eaton Analytical, INC	8100001607	Testing - Lead & copper 200.8 - ENV21-205	24.00	24.00				
Eurofins Eaton Analytical, INC	8100001655	Testing - Lead & copper 200.8 LCR 2021 - ENV21-196	840.00	840.00				
First Financial Bank, N.A.	W21-4506 #1	W21-4506 - Retainage - Monroe WTP Chemical Feed to 09/30/21-ENG	1,288.95	1,288.95				
Fisher Scientific Company, LLC	6846270	pH buffer solution 4L, pH buffer solution 20L - MN21-199	718.59	718.59				
Fisher Scientific Company, LLC	7902100	Buffer solution pH 4.00 20L - MN21-199	497.17	497.17				
Freedom Business Solutions, LLC	12312	HP compatible LJ Pro 400MFP black toner for T Blevins - #211770	98.00	39.20		58.80		
George E Booth Co., INC	1040435	ENG21-035 Flow Monitor Testing @ SE Booster Station	600.00	600.00				
Goldstreet Design Agency, INC	2517	ADMIN21-015A CBU Rebrand including logo	2,000.00	800.00		1,200.00		
HACH Company	12666598	MN21-202 Aluminum reagents for lab tests	328.29	328.29				
HACH Company	12670152	MN21-190 1 L Bottle of SPADNS/Fluoride reagent solution	116.89	116.89				
HACH Company	12680398	MN21-194 Ferric Ion Solution 100ml	138.19	138.19				
HD Supply Facilities Maintenance, LTD (USABlueBook	609564	DS21-007 Dipped work gloves 2XL, safety glasses,ear plugs w/cord	261.83			261.83		
HD Supply Facilities Maintenance, LTD (USABlueBook	609603	DS21-007 UVEX Hypershock safety glassed-gray lens	77.94			77.94		
HD Supply Facilities Maintenance, LTD (USABlueBook	643375	BP21-086 3 BOD Nutrient buffer pillows	163.35			163.35		
HD Supply Facilities Maintenance, LTD (USABlueBook	660833	DL21-068 TNT832,Sodium hydroxide,filters,Potassium,pipet	993.83			993.83		
HD Supply Facilities Maintenance, LTD (USABlueBook	661026	DL21-068 10 TNT830 ULR ammonia testing vials 25/pk	621.90			621.90		
HD Supply Facilities Maintenance, LTD (USABlueBook	665294	BP21-098 Autoclave tape	70.84			70.84		
HD Supply Facilities Maintenance, LTD (USABlueBook	666536	DL21-068 Sodium hydroxide, Ammonium Molybdate Tetrahydrate ACS	248.50			248.50		
HD Supply Facilities Maintenance, LTD (USABlueBook	669640	BP21-102 Oxygen sensor, clear & tinted safety glasses	236.78			236.78		

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HD Supply Facilities Maintenance, LTD (USABlueBook	693844	BP21-119 3 5ML Disposable pipets	186.75			186.75		
HD Supply Facilities Maintenance, LTD (USABlueBook	696502	BP21-121 Sensor cap for BOD probe oxygen measurements	295.09			295.09		
HD Supply Facilities Maintenance, LTD (USABlueBook	703651	BP21-086 Honda 2" Centrifugal pump	560.78			560.78		
HD Supply Facilities Maintenance, LTD (USABlueBook	707047	DS21-007 S20-COVID Nitrile gloves 2XL	87.30			87.30		
HD Supply Facilities Maintenance, LTD (USABlueBook	739038	ENV21-204 3' Hydrant meter w/gate valve	1,225.42	1,225.42				
HD Supply Facilities Maintenance, LTD (USABlueBook	742356	ENV21-204 Hydrant nozzle saver 2 1/2 NST	281.47	281.47				
HD Supply Facilities Maintenance, LTD (USABlueBook	754511	BP21-153 3 mTEC Agar Plates 15/pk	109.48			109.48		
HD Supply Facilities Maintenance, LTD (USABlueBook	9196216460	ENV21-221 Woodford Single-check valve integral Vacuum Breaker	73.41	73.41				
Honey Pots, LLC	585	W20-4411-Portable toilet rental-Nov 2020 - Sept 2021 - TD21-428	880.00	880.00				
IDEXX Laboratories, INC	3093108540	DL21-098 Colilert media 24 hr 200/box	2,013.35	2,013.35				
Indiana Underground Plant Protection Service, INC	92994	Monthly per ticket fee - 2,251 @ .95 - September 2021 - TD	2,138.45	855.38		1,283.07		
Industrial Service & Supply, INC	69101	Gaskets, hose fittings & discharge hoses - TD21-412	1,574.49	1,574.49				
Industrial Service & Supply, INC	69162	Cam & Groove gaskets - TD21-412	29.84	29.84				
Irving Materials, INC	11076996	Concrete - Water @ 3819 S Linda Way - 10/12/21 - TD	530.00	530.00				
Irving Materials, INC	11080500	Concrete - Water @ N Smith Pike & Woodyard - 10/20/21 - TD	325.50	325.50				
IU Health OCC Health Services	00122551-00	DS DOT 5 Panel E Screen for 1 T&D employee - 09/14/21 - TD21-427	47.00	18.80		25.85	2.35	
IU Health OCC Health Services	00122555-00	DS DOT 5 Panel E Screen for 1 T&D employee - 09/14/21 - TD21-427	47.00	18.80		25.85	2.35	
IU Health OCC Health Services	00122557-00	Admin toxoid,Vaccine Hep B- 1 Dillman employee 9/10 - DR21-079	121.00			121.00		
IU Health OCC Health Services	00123511-00	DS DOT 5 Panel E Screen for 1 TD employee 10/07/21 - TD21-439	47.00	18.80		25.85	2.35	

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IU Health OCC Health Services	00123512-00	DS DOT 5 Panel E Screen for 1 TD employee 10/07/21 - TD21-439	47.00	18.80		25.85	2.35	
IU Health OCC Health Services	00123513-00	DS DOT 5 Panel E Screen for 1 TD employee 10/07/21 - TD21-439	47.00	18.80		25.85	2.35	
Jacobi Carbons, INC	CI-I-5067826	Carbon (AquaSorb) - 25,100 @ 1.00 delivered 10/08/21 - MN	25,100.00	25,100.00				
Jacobi Carbons, INC	CI-I-5067896	Carbon AquaSorb CPI - 25,02 @ 1.00 delivered 10/20/21 MN	25,020.00	25,020.00				
Jane A Fleig	ENG21-061	"Handling Ethical Issues in Constr Contracting" Course ENG21-061	75.00	30.00		45.00		
JCI Jones Chemicals, INC	869804	Sodium hypochlorite - 4,346 @ .7680 delivered 10/13/21 MN	3,337.73	3,337.73				
JCI Jones Chemicals, INC	870437	Sodium hypochlorite - 4,364 @ .7680 delivered 10/21/21 MN	3,351.55	3,351.55				
JJ's Concrete Construction, LLC	73659	Concrete - Water @ 905 E Hunter - 10/18/21 - TD	709.50	709.50				
JJ's Concrete Construction, LLC	73758	Concrete - Water @ Morton St - 10/20/21 - TD	1,080.00	1,080.00				
John Deere Financial (Rural King)	15784	Garden hose, ratchet strap, cleaning bucket, nozzle - ENV21-235	88.96				88.96	
John Deere Financial (Rural King)	18263	Rubber boots for B Elkins - TD21-421	149.95			149.95		
John Deere Financial (Rural King)	21017	Flood light, battery, headlamp for truck #612 - TD21-437	367.99	147.20		202.39	18.40	
Katherine Zaiger	ENV21-232	IWEA Membership Reimbursement - ENV21-232	35.00				35.00	
Kirby Risk Corp	S111719097.001	Phillips light bulbs for admin building - DR21-081	249.60			249.60		
Lawson Products, INC	9308834795	Misc fittings, washers, drill bits, plugs, couplings - BP21-139	642.37			642.37		
MacAllister Machinery Co, INC	R67383940814	Monthly fork truck rental @ Dillman - 09/30-10/28/21 - DM20-219	1,611.00			1,611.00		
MacAllister Machinery Co, INC	R67434927101	Keys made for caterpillars (10) - PUR21-238	21.00	8.40		12.60		
Milestone Contractors, LP	D21-117 - 4	D21-117 - 7th St Bike Lane Stormwater Green - 08/01-08/31/21-ENG	12,505.95				12,505.95	
Milestone Contractors, LP	D21-117 #5	D21-117 - 7th St Bike Lane Stormwater Green - 09/01-09/30/21-ENG	55,747.50				55,747.50	
Mitchell & Stark Construction Co., INC	W21-4506 #1	W21-4506 - Monroe WTP Chemical Feed Improvements to 09/30/21-ENG	24,490.05	24,490.05				
Nolan Hunt Hendon	ADMIN21-045	Reimbursement for AEE Membership Renewal - ADMIN21-045	95.00	38.00		57.00		
Northern Safety Co., INC	904465274	MM21-324C - Credit memo for 2 gasalertmax XT 4 gas monitors	(1,672.20)	(1,672.20)				
Northern Safety Co., INC	904567718	MM21-383 Gas alert Max XT 4 gas monitor	836.10	836.10				
Northern Safety Co., INC	904571165	MM21-383 Deluxe Confined space kit w/monitor & gas	1,279.70	1,279.70				

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Nugent, INC (Utility Supply Company)	1378337	TD21-415 Fire hydrant meter used for stock MS	846.15	846.15				
Nugent, INC (Utility Supply Company)	1378338	TD21-416 2LLB Brass FLGS, Gaskets, Bolts, Nuts for MS	1,153.60	461.44		692.16		
Nugent, INC (Utility Supply Company)	1379338	TD21-170 25 11 Vestal recessed lid only 1 R900 hole MS	1,000.00	400.00		600.00		
Office Depot, INC	202282904001	Pens, duster, notebooks, gel pens - ENG21-062C	9.52	3.81		5.71		
Office Depot, INC	203737011001	Wall calendar - ACCT21-153	15.99	6.40		9.59		
Office Depot, INC	203835782001	Desk calendar for 2020 - ADMIN21-044	5.99	2.40		3.59		
Office Depot, INC	204250580001	Heavy duty packing tape - PUR21-25C	59.19	23.68		35.51		
Office Depot, INC	204609610001	Env moistener, post-its, tape, paper roll, clips - BC21-024	41.67	16.67		25.00		
Office Depot, INC	205275746001	Reinforcement labels - TD21-429	22.08	8.83		12.14	1.11	
Office Depot, INC	206442010001	Legal size manila folders (4 boxes) - TD21-431	21.36	8.54		11.75	1.07	
Pace Analytical Services, INC	2150176365	Tested 4 transformers @ Dillman for PCB's - ENV21-188	275.00			275.00		
Pace Analytical Services, INC	2150176381	Cyanide, Ammonia & misc testing @ Catalent 11/18/20 - ENV21-198	4,950.00			4,950.00		
Pace Analytical Services, INC	2150176818	Metals, cyanide, PCB's, Pesticides @ Dillman - ENV21-219	1,518.00			1,518.00		
Paragon Micro, INC	S3343567	Fujitsu document scanner for K Trotter in MS - #211769	498.99	199.60		299.39		
Peacetree, INC (PEI Maintenance)	3659	DM21-142 Replace RUL nozzle on fuel pump	194.19			194.19		
Performance Health Supply INC (Rolyan Buoy)	3686032	ENG21-055 Buoy 9", Cable permafex, anchor 200lbs&shackle,Swivel	3,788.34	3,788.34				
Rachael Zeiher Kean	ENV21-229	Stormwater Grant Reimbursement - Repair work - ENV21-229	4,995.11				4,995.11	
Regions Bank	93595	Admin fees for Waterworks Revenue Bonds 2020B - ACCT21-157	750.00		750.00			
Republic Services, INC	0694-002819221	Trash removal @ Dillman & Serv Cntr - 11/01-11/30/21 - DR, PUR	361.70	24.68		337.02		
Republic Services, INC	0694-002820468	Trash removal @ Monroe WTP - 10/01-10/31/21 - MN	130.21	130.21				
Republic Services, INC	0694-002820469	Trash removal @ Blucher WWTP - 10/01-10/31/21 - BP	128.57			128.57		
Richard's Small Engine, INC	450181	Air filters & fuel filters for truck #639 - TD21-434	107.96	43.18		59.38	5.40	
Rogers Group, INC	0071184943	Stone - #11 & #53 - Water & stock - 10/04-10/07/21 - TD	768.31	472.09		296.22		
Rumpke Of Indiana, LLC	13796	D21-116 - Soil/Rock disposal @ 3rd & Lincoln 10/2-10/11/21- ENV	23,129.24				23,129.24	
Schmidt Associates, INC	2018-142.RP2 - 10	S19-20702 - Roof replacement at plants - 10/01-10/31/21 - ENG	1,751.96			1,751.96		
Shredding and Storage Unlimited, LLC	57438	On-site document destruction - 09/14-09/28/21 - PUR	472.50	189.00		283.50		

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Staples Contract & Commercial, INC	3488297451	HP 72 Matte black/yellow printhead - ENG21-058	84.53	33.81		50.72		
Staples Contract & Commercial, INC	3490023220	File sorters, small binder clips, blue pilot pens - ACCT21-156	40.06	16.02		24.04		
State Of Indiana	TD21-424 Breton	DSL Exam Fee for Sean Breton - TD21-424	30.00	30.00				
State Of Indiana	TD21-425 Christy	DSL Exam Fee for Alan Christy - TD21-425	30.00	30.00				
Synchrony Bank	454389367637	PUR21-227 iPhone car chargers, wall charger dual ports, USB	269.85	107.94		161.91		
Synchrony Bank	464466743747	TD21-417 Dewalt 20V MAX XR 20 V Battery, 5.0-AH 2-pack for #551	189.73				189.73	
Synchrony Bank	648895856535	TD21-410 Cooper tire premium waterproof car seat, armrest covers	55.98				55.98	
Synchrony Bank	694669595387	TD21-419 12-Volt Ultra safe lithium jump start box, booster pack	299.95	119.98		164.97	15.00	
Synchrony Bank	754538485487	TD21-404 Husky liner heavy duty bed mat for truck #575	109.99	44.00		65.99		
Synchrony Bank	844359549369	DL21-092 Galanz 10.0 cu ft refrigerator, 2 door with freezer Lab	305.00	305.00				
Terminix International	412931907	Pest control @ Blucher Poole - 10/06/21 - BP	75.00			75.00		
Tri-State Bearing Co, INC	1251860-00	Wide slot takeup bearing (4) for bar screen - DM21-143	2,099.01			2,099.01		
Tri-State Bearing Co, INC	1253198-00	Coupling sleeve for polymer set-up - MM21-394	21.84	21.84				
UniFirst Corporation	1630121281	PUR21-207-MN4 Summer Wear for 2021 Dennis Dooley	42.47	42.47				
United Parcel Service, INC	0000430948421-C	Shipping charges for lead & copper sampling-10/08/21 ENV21-201	105.59	105.59				
Van Ausdall & Farrar, INC	495698	PUR21-253 Over charges on copiers in ACCT, DIR, ENG 7/1-9/30/21	2,345.41	938.16		1,407.25		
Vectren	ICNP202114690 8WG	Damage to gas line @ 1309 E Prairie Dr - PUR21-232	210.87	210.87				
VET Environmental Engineering, LLC	5421	D21-115 - Soil delineation & waste disposal 09/30-10/11/21 - ENV	59,578.37					59,578.37
Virtuoso Sourcing Group, LLC	28983	Collection Agency Fee - 10/08-10/06/21 - AR, ACCT	33.60	13.44		20.16		
Virtuoso Sourcing Group, LLC	28984	Collection Agency Fee - 10/06-10/07/21 - AR, ACCT	224.60	89.84		134.76		
Water Solutions Unlimited, INC	46221	Sodium Thiosulfate - 300 @ 3.95 delivered 10/12/21 - MN	1,185.00	1,185.00				
Water Solutions Unlimited, INC	46222	MS 635-T300 Mainstream copper sulfate-delivere 10/12/21 MN21-214	3,030.00	3,030.00				
Water Solutions Unlimited, INC	46360	Copper sulfate-MS635-T300-260@ 10.10 delivered 10/21/21-MN21-214	2,626.10	2,626.10				
Wessler Engineering, INC	37975	W21-4500 - Monroe Intake Chemical Feed System to 9/30/21 - ENG	4,139.45	4,139.45				

City of Bloomington Utilities
Accounts Payable by G/L Distribution Report
Paydate: 11/12/21

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Water Sinking	Wastewater O&M	Stormwater O&M	Stormwater Consturction
West Side Tractor Sales CO.	B42702	Keys made for John Deers (10) - PUR21-237	86.74	34.70		52.04		
Wood Environment & Infrastructure Solutions	N12375514	D20-113 - Stormwater Master Plan through 08/27/21 - ENV	16,321.00				16,321.00	
Young Plumbing & Mechanical, INC	53112	Check all supply lines & replace faucet@ 2115 S High St TD21-435	277.50	277.50				
Young Plumbing & Mechanical, INC	53120	Leak in water meter @ 405 E Woodridge Dr - TD21-436	95.00	95.00				
Young Trucking, INC	113841	Hauling sludge from Blucher Poole - 10/05-10/07/21 - BP, OP	1,373.25			1,373.25		
Young Trucking, INC	114021	Hauling sludge from Blucher Poole - 10/13/21 - BP, OP	689.30			689.30		
Grand total:			<u>384,599.99</u>	<u>154,849.11</u>	<u>750.00</u>	<u>52,191.18</u>	<u>117,231.33</u>	<u>59,578.37</u>

City of Bloomington Utilities
Accounts Payable by G/L Distribution Report
Paydate: 11/04/21

Utility Bills

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Wastewater O&M
AT&T	849469661 10/21	849469661 Long Distance charges - All Depts (excluding plants)	43.65	17.46	26.19
AT&T	8123311353 10/21	812-331-1353 Service - S Washington St Storage 10/22-11/21/21	665.78	266.31	399.47
AT&T	8123315400 10/21	812-331-5400 - Service - Centrex main line - 10/22-11/21/21	2,750.06	1,100.02	1,650.04
AT&T	812R959257 10/21	White pages listing for Dillman, Blucher & Monroe	18.25	6.08	12.17
AT&T Mobility II, LLC	8122725499 10/21	AT&T - 287302159878 -Engineering - 09/12-10/11/21	43.30	17.32	25.98
AT&T Mobility II, LLC	2872991166581-B	Cell phone service for all utilities depts - 09/12-10/11/21	3,308.16	1,262.99	2,045.17
DirecTV, LLC	012965850 11/21	012965850 Service - Monroe WTP - 10/12-11/11/21	81.24	81.24	
DirecTV, LLC	012965923 10/21	012965923 Service - Blucher WWTP - 10/10-11/09/21	74.99		74.99
DirecTV, LLC	019972085 10/21	019972085 Service -Dillman WWTP - 10/12-11/11/21	81.24		81.24
Duke Energy	0130279401010/21	Service - Azelea Lane Lift Station (Walnut Creek) 09/16-10/15/21	87.52		87.52
Duke Energy	0150283701610/21	Service - Winston Thomas Lift Station - Lighting 08/09-10/07/21	136.50		136.50
Duke Energy	0330279501010/21	Service - Griffy Plant Outdoor Lighting - 09/16-10/15/21	31.32	31.32	
Duke Energy	0690279201310/21	Service - Park Ridge Lift Station - 09/15-10/14/21	11.61		11.61
Duke Energy	0830283801210/21	Service - Hyde Park Edward Lift Station - 09/10-10/11/21	54.32		54.32
Duke Energy	1730267301210/21	Service - Hyde Park / Olcott Lift Station - 09/10-10/11/21	55.27		55.27
Duke Energy	1950280901910/21	Service - Barge Lane SW Tank - 09/10-10/11/21	200.66	200.66	
Duke Energy	2130375401310/21	Service - Knightridge Lift Station - 09/14-10/13/21	56.03		56.03
Duke Energy	3050267301310/15	Service - Gentry Booster Station - 09/15-10/14/21	2,244.91	2,244.91	
Duke Energy	3780392501211/21	Service - Bulk Water Station @ 3230 S Walnut St 09/10-10/11/21	35.52	35.52	
Duke Energy	3830279001610/21	Service - Park 37 Lift Station - 09/10-10/11/21	35.37		35.37
Duke Energy	3840267301710/21	Service - Morningside Drive Lift Station - 09/14-10/13/21	145.35		145.35
Duke Energy	4100353801810/21	Service - 08/13-10/07/21 - BS, LS, TD	6,108.46	5,843.03	265.43
Duke Energy	4140279501610/21	Service - Rusgan Drive Lift Station 09/16-10/15/21	68.06		68.06
Duke Energy	4600280201510/21	Service - Arlington Park Lift Station - 09/21-10/20/21	199.74		199.74
Duke Energy	5140283501310/21	Service - South Tank @ E Miller Drive - 08/08-09/07/21	134.00	134.00	
Duke Energy	5380370501810/21	Service - Prow Road Lift Station - 09/13-10/12/21	33.74		33.74
Duke Energy	5880280101510/21	Service - Oolitic Lift Station - 09/21-10/20/21	99.20		99.20
Duke Energy	6400279001510/21	Service - Basswood Circle Lift Station - 09/14-10/13/21	146.60		146.60
Duke Energy	6430267303710/21	Service - Truck Charging Station @ Service Center 09/08-10/07/21	5.30	5.30	
Duke Energy	6430267303710/21	Service - Truck Charging Station @ Service Center 09/08-10/07/21	7.95		7.95
Duke Energy	6930279901610/21	Service - Stonelake Drive Lift Station - 09/20-10/19/21	40.06		40.06
Duke Energy	6970278901010/21	Service - Cory Lane Lift Station - 09/14-10/13/21	29.92		29.92
Duke Energy	7360280901010/21	Service - Karst Park Lift Station/Fairgrounds 09/09-10/08/21	115.69		115.69
Duke Energy	7720279901110/21	Service - W 17th Street Lift Station - 09/20-10/19/21	167.61		167.61
Duke Energy	8330356402310/21	Service - Adams Street Lift Station - 09/10-10/11/21	76.55		76.55
Duke Energy	8550278601110/21	Service - Red Bud Tower Tank - 09/10-10/11/21	97.69	97.69	
Duke Energy	8740283701010/21	Service - Winston Thomas Lagoon (lighting) 09/09-10/08/21	20.88		20.88
Duke Energy	9190361402710/21	Service - Fullerton Pike Lift Station - 09/22-10/21/21	57.78		57.78
Duke Energy	9560394301610/21	Service - IU Hospital Lift Station - 09/20-10/19/21	150.32		150.32
EDF, INC (EDF Energy Services)	125100ES 5187659	Energy Services for Vectren #5187659 - Tamarron Lift Station	1.42		1.42
EDF, INC (EDF Energy Services)	125100ES 5187802	Energy Services for Vectren #5187802 - Monroe WTP	31.76	31.76	
EDF, INC (EDF Energy Services)	125100ES 5352776	Energy Services for Vectren #5352776 - SC Booster Station	.42	.42	
EDF, INC (EDF Energy Services)	125100ES 5463700	Energy Services for Vectren #5463700 - Service Center	47.91	19.16	28.75

City of Bloomington Utilities
 Accounts Payable by G/L Distribution Report
 Paydate: 11/04/21

Utility Bills

Vendor	Invoice No.	Invoice Description	Invoice Amount	Water O&M	Wastewater O&M
EDF, INC (EDF Energy Services)	125100ES 5463945	Energy Services for Vectren #5463945 - Washington Storage	3.48	1.39	2.09
EDF, INC (EDF Energy Services)	125100ES 5464376	Energy Services for Vectren #5464376 - Blucher Poole WWTP	68.86		68.86
EDF, INC (EDF Energy Services)	125100ES 5520392	Energy Services for Vectren #5520392 - Dillman WWTP	73.89		73.89
Smithville Telephone Co Inc	824-1616 10/21	Service - 812-824-1616 SE Pumping Station - 09/20-10/19/21	96.41	96.41	
Verizon Wireless	9890862228	Service - Cradlepoint booster for WIFI - Engineering 09/18-10/17	152.35	60.94	91.41
Grand total:			<u>18,197.10</u>	<u>11,553.93</u>	<u>6,643.17</u>

WIRE TRANSFERS, FEES & PAYROLL FOR THE MONTH OF NOVEMBER, 2021

INDIANA DEPARTMENT OF REVENUE \$74,454.51
(SALES TAX)

INDIANA DEPARTMENT OF REVENUE - RECEIPTS TAX
(UTILITY RECEIPTS TAX)

NPC \$42,049.22
(CHARGE CARD FEES)

FIRST FINANCIAL \$1,722.92
(ACCOUNT ANALYSIS FEES)

GROSS PAYROLL \$340,767.88

FICA TAX \$20,079.93

TOTAL \$479,074.46

City of Bloomington Utilities
 Accounts Payable by Fund Distribution Report
 Paydate: 11/12/21

CUSTOMER REFUNDS

Vendor	Invoice No.	Invoice Description	Invoice Amount	Check No.	Reason for refund	Water Funds	Wastewater Funds	Stormwater Funds	Sanitation
F A Wilhelm	6598-009	Customer refund	\$62.52	27919	Credit balance on closed account due to billing adjustment.	\$2.42		\$60.10	
L and W Supply Corporation	11362-005	Customer refund	\$1,837.87	27922	Credit balance on account due to leak adjustment.		\$1,837.87		
Public Investment Corp	11419-018	Customer refund	\$23.86	27924	Credit balance on closed account.		\$23.86		
Christopher Green	10992-010	Customer refund	\$141.78	27920	Credit balance after final bill process.		\$141.78		
Michael Neuhaus	24410-028	Customer refund	\$322.48	27923	Credit balance on closed account. Duplicate payment		\$322.48		
Patricia Knight	26977-006	Customer refund	\$1.30	27921	Credit balance after final bill process.		\$1.30		
Brandon Courter	40789-030	Customer refund	\$87.56	27918	Credit balance after final bill process.		\$87.56		
Natalie Clark	8913-017	Customer refund	\$12.83	27917	Credit balance after final bill process.	\$12.83			
			<u>\$2,490.20</u>			<u>\$15.25</u>	<u>\$2,414.85</u>	<u>\$60.10</u>	<u>\$0.00</u>



CONTRACT COVER MEMORANDUM

TO: Controller, Mayor & USB
FROM: Cindy Shaw
DATE: 10/29/2021
RE: REQUEST APPROVAL OF FIRST AMENDMENT TO AGREEMENT FOR SERVICES WITH CONTROL FREAKS CONSULTING, LLC

Contract Recipient/Vendor Name:	Control Freaks Consulting, LLC
Department Head Initials of Approval:	/VK/
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Cindy Shaw and Elise Boruvka
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	3/2032
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	21-527 (amending #21-342)
Due Date For Signature:	11/3/2021
Expiration Date of Contract:	2/28/2022
Renewal Date for Contract:	None
Total Dollar Amount of Contract:	\$5,000.00
Funding Source:	009-61-900008-U63600
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A

Summary of Contract: Amendment extends work completion date to 12/31/21 and contract expiration to 2/28/22 to account for supply delays. The work will be to mount and configure iClient HMI in Filter Gallery at Monroe Water Treatment Plant



CONTRACT COVER MEMORANDUM

TO: Controller, Mayor & USB
FROM: Cindy Shaw
DATE: 10/29/2021
RE: REQUEST APPROVAL OF AGREEMENT FOR SERVICES WITH HEFLIN INDUSTRIES, INC.

Contract Recipient/Vendor Name:	Heflin Industries, Inc.
Department Head Initials of Approval:	/VK/
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Cindy Shaw and Elise Boruvka
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	5/2032
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	21-526
Due Date For Signature:	11/3/2021
Expiration Date of Contract:	4/30/2022
Renewal Date for Contract:	None
Total Dollar Amount of Contract:	\$4,400.00
Funding Source:	009-61-900004-U62024
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	Yes

Summary of Contract: Install power, plumbing, and stand for washer and dryer at Monroe Water Treatment Plant



CONTRACT COVER MEMORANDUM

TO: Controller, Mayor, USB
FROM: Cindy Shaw
DATE: 11/4/2021
RE: REQUEST APPROVAL FOR AGREEMENT FOR SERVICES
WITH VALENTI-HELD CONTRACTOR/DEVELOPER, INC., DBA
HEARTLAND DREDGING, LLC

Contract Recipient/Vendor Name:	Valenti-Held Contractor/Developer, Inc., dba Heartland Dredging, LLC
Department Head Initials of Approval:	
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Cindy Shaw and Elise Boruvka
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	
Due Date For Signature:	11/4/2021
Expiration Date of Contract:	4/30/2022
Renewal Date for Contract:	None
Total Dollar Amount of Contract:	\$1,530.00
Funding Source:	011-57-950008-U63600
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	N/A
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	Yes

Summary of Contract: Conduct bathymetric survey at Miller Showers



CONTRACT COVER MEMORANDUM

TO: Controller, Mayor & USB
FROM: Phil Peden/Christopher J. Wheeler
DATE: November 1, 2021
RE: Requesting Approval of MOU Re: clear water infiltration reduction program contribution

Contract Recipient/Vendor Name:	Bloomington SPCW JV, LLC
Department Head Initials of Approval:	/VK/
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Brad Schroeder/Phil Peden
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	none
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	21-529
Due Date For Signature:	asap
Expiration Date of Contract:	n/a
Renewal Date for Contract:	none
Total Dollar Amount of Contract:	\$143,848.00 (paid to CBU)
Funding Source:	010-U13121
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a

Summary of Contract: Bloomington SPCW JV, LLC will make a one-time contribution to CBU for the clear water infiltration reduction program. This contribution is in lieu of expanding/upgrading current CBU infrastructure to increase capacity for the new development at 105 S. Pete Ellis Drive. CBU models show plenty of capacity to handle the new development during dry weather, but not during wet weather (due to rain water infiltration). Reducing the clear water infiltration into the sanitary sewer system in this area will increase wet weather capacity which will reduce overflows during wet weather events.



CONTRACT COVER MEMORANDUM

TO: Controller & USB
FROM: Phil Peden/Christopher J. Wheeler
DATE: November 1, 2021
RE: Requesting Approval of MOU Re: clear water infiltration reduction program contribution

Contract Recipient/Vendor Name:	HAND
Department Head Initials of Approval:	/VK/
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Brad Schroeder/Phil Peden
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	1/2033
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	21-529
Due Date For Signature:	asap
Expiration Date of Contract:	12/30/2022
Renewal Date for Contract:	none
Total Dollar Amount of Contract:	\$40,000.00 (CDBG funds paid to CBU)
Funding Source:	250-15-150000-53960
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	n/a

Summary of Contract: Funding to improve the drainage in the Evergreen Village neighborhood near Rockport and Countryside Lane.



CONTRACT COVER MEMORANDUM

TO: Controller, Mayor & Utility Service Board
FROM: Jay Ramey, Engineering Tech for Jane Fleig, CBU Engineer
DATE: 11/02/2021
RE: REQUEST APPROVAL OF AGREEMENT WITH MILESTONE CONTRACTORS, L.P.

Contract Recipient/Vendor Name:	Milestone Contractors, L.P.
Department Head Initials of Approval:	/VK/
Responsible Department Staff: <i>(Return signed copy to responsible staff)</i>	Jay Ramey
Responsible Attorney: <i>(Return signed copy to responsible attorney)</i>	Christopher J. Wheeler
Record Destruction Date: <i>(Legal to fill in)</i>	11/8/2032
Legal Department Internal Tracking #: <i>(Legal to fill in)</i>	21-528
Due Date For Signature:	11/08/2021
Expiration Date of Contract:	11/08/2022
Renewal Date for Contract:	none
Total Dollar Amount of Contract:	\$130,300.00 Milestone Contractors, L.P.
Funding Source:	009-410500
W9/EFT Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	Yes
Affirmative Action Plan Complete (if applicable): <i>(Staff Member of Responsible Dept. to fill in)</i>	Yes
Procurement Summary Complete: <i>(Staff Member of Responsible Dept. to fill in)</i>	Yes

Summary of Contract: Work includes Milling and Paving for the half side of the streets in Fairwood Terrace where an 8" water line was installed. This was a condition of the Monroe County Highway Department Right of Way Permit

**UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA
RESOLUTION NO. 2021-12**

**RE: THE REFUNDING OF CERTAIN OUTSTANDING SEWAGE WORKS
REVENUE BONDS OF THE CITY; AUTHORIZING THE ISSUANCE OF THE CITY
OF BLOOMINGTON, INDIANA SEWAGE WORKS REFUNDING REVENUE
BONDS OF 2021 TO PROVIDE FUNDS FOR SUCH REFUNDING AND THE
PAYMENT OF THE COSTS THEREOF; AND ADDRESSING OTHER MATTERS
CONNECTED THEREWITH**

WHEREAS, the City of Bloomington, Indiana (the “City”), has previously established and constructed and now owns and operates, through its Utility Service Board (the “Board”), a sewage works system for the collection, treatment and disposal of sewage and other wastes from inhabitants and entities in and around the City (the “Sewage Works”), in accordance with the provisions of Indiana Code 36-9-23, as amended, through the City of Bloomington Utilities Department; and

WHEREAS, the Board hereby finds that certain hereinafter described outstanding bonds secured by, and payable from, the net revenues of the Sewage Works should be refunded to obtain a reduction in interest payments and effect a savings to the City; that the refunding of those outstanding bonds, together with any redemption premiums and accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the Sewage Works now on hand; and that the refunding should be accomplished by the issuance of revenue bonds of the Sewage Works; and

WHEREAS, the City has previously issued its (a) Sewage Works Refunding Revenue Bonds, Series 2012A, dated April 10, 2012, currently outstanding in the aggregate principal amount of \$3,505,000 (the “2012A Bonds”), pursuant to Ordinance No. 11-14 (the “2012 Ordinance”) and (b) Sewage Works Revenue Bonds, Series 2012C, dated May 15, 2012, currently outstanding in the aggregate principal amount of \$3,395,000 (the “2012C Bonds” and, together with the 2012A Bonds, the “Refunded Bonds”), pursuant to the 2012 Ordinance, which Refunded Bonds constitute a first charge on the Net Revenues (as hereinafter defined) of the Sewage Works; and

WHEREAS, the Refunded Bonds may be redeemed, at the option of the City, in whole or in part at a redemption price of 100% of the principal amount to be redeemed, plus accrued interest to the date of redemption; and

WHEREAS, pursuant to separate prior bond ordinances adopted by the Common Council (collectively, the “Prior Ordinances”), the City has previously issued its (a) Amended Sewage Works Revenue of 2006, Series A-1, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$2,891,000, (b) Sewage Works Refunding Revenue Bonds, Series 2013, dated May 17, 2013, currently outstanding in the aggregate principal

amount of \$4,535,000, (c) Sewage Works Revenue Bonds of 2017, dated August 8, 2017, currently outstanding in the aggregate principal amount of \$5,955,000, (d) Sewage Works Refunding Revenue Bonds, Series 2019, dated November 6, 2019, currently outstanding in the aggregate principal amount of \$5,090,000, and (e) Sewage Works Revenue Bonds of 2020, dated December 23, 2020, currently outstanding in the aggregate principal amount of \$24,445,000 (clauses (a) through (e), collectively, the “Outstanding Parity Bonds”), which Outstanding Parity Bonds constitute a first charge upon the Net Revenues of the sewage works; and

WHEREAS, each of the Prior Ordinances allow for the issuance of additional bonds payable from the Net Revenues of the City’s Sewage Works ranking on parity with the pledge thereof to the Outstanding Parity Bonds provided certain financial conditions can be met (such financial conditions, the “Parity Tests”); and

WHEREAS, this Board finds that it is beneficial to refund all of the outstanding Refunded Bonds pursuant to the provisions of Indiana Code 5-1-5, as amended, to enable the City to obtain a reduction in interest payments and effect a savings to the City and hereby approves the same through the issuance of refunding revenue bonds (the “Refunding Bonds”); and

WHEREAS, based on information presented to the Board at this meeting, this Board finds that the Parity Tests can be met with respect to the Refunding Bonds, and, accordingly, such Refunding Bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the Outstanding Parity Bonds and are to be issued subject to the provisions of the Act (as hereinafter defined) and the terms and restrictions of the Ordinance (as defined herein); and

WHEREAS, this Board finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Refunding Bonds have been complied with in accordance with the provisions of Indiana Code 36-9-23 and Indiana Code 5-1-5, each as in effect on the date of delivery of the Refunding Bonds authorized herein (collectively, the “Act”); and

WHEREAS, this Board now desires to recommend to the Bloomington Common Council that it adopt an ordinance authorizing the issuance of the proposed Refunding Bonds in substantially the form attached as Exhibit A hereto and incorporated herein (the “Ordinance”).

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Board hereby recommends and requests that the Bloomington Common Council adopt the Ordinance authorizing the issuance of the Refunding Bonds, in one or more series, in a maximum aggregate principal amount not to exceed \$8,500,000 with a maximum interest rate of 5.00% and with a final maturity date no later than January 1, 2033, for the purpose of providing funds to (i) effect a current refunding of the Refunded Bonds in order to produce an interest cost savings, (ii) fund a debt service reserve fund or pay the premium

for a debt service reserve surety policy, if necessary, and (iii) pay the costs incurred on account of the issuance and sale of the Bonds, including any premiums for any municipal bond insurance policies, if any.

2. The Secretary of the Board is hereby authorized and directed to present a copy of this Resolution to the Bloomington City Clerk for presentation to the Bloomington Common Council as soon as maybe done.
3. This Resolution shall be in full force and effect after its adoption by the Board.

PASSED AND ADOPTED THIS 8th DAY OF NOVEMBER, 2021.

CITY OF BLOOMINGTON, INDIANA

By and Through its Utility Service Board

Jean Capler, President

Julie Roberts, Member

Amanda Burnham, Vice President

Jim Sherman, Member

Jeff Ehman, Member

Kirk White, Member

Megan Parmenter, Member

ATTEST:

LaTreana Teague, Secretary

EXHIBIT A

FORM OF BOND ORDINANCE

[attach]

ORDINANCE NO. 21-41

**AN ORDINANCE AUTHORIZING THE REFUNDING OF CERTAIN
OUTSTANDING SEWAGE WORKS REVENUE BONDS OF THE CITY;
AUTHORIZING THE ISSUANCE OF THE CITY OF BLOOMINGTON,
INDIANA SEWAGE WORKS REFUNDING REVENUE BONDS OF 2021
TO PROVIDE FUNDS FOR SUCH REFUNDING AND THE PAYMENT
OF THE COSTS THEREOF; AND ADDRESSING OTHER MATTERS
CONNECTED THEREWITH**

WHEREAS, the City of Bloomington, Indiana (the “City”), has heretofore established, acquired, constructed and financed its sewage works and currently owns and operates such sewage works (the “Sewage Works”) pursuant to the provisions of Indiana Code 36-9-23, as amended; and

WHEREAS, the Common Council of the City (the “Common Council”) hereby finds that certain hereinafter described outstanding bonds of the Sewage Works should be refunded to obtain a reduction in interest payments and effect a savings to the City, that the refunding of those outstanding bonds, together with any redemption premiums and accrued interest thereon and including all costs related to the refunding cannot be provided for out of funds of the Sewage Works now on hand and the refunding should be accomplished by the issuance of refunding revenue bonds of the Sewage Works; and

WHEREAS, the City has previously issued its (a) Sewage Works Refunding Revenue Bonds, Series 2012A, dated April 10, 2012, currently outstanding in the aggregate principal amount of \$3,505,000 (the “2012A Bonds”), pursuant to Ordinance No. 11-14 (the “2012 Ordinance”) and (b) Sewage Works Revenue Bonds, Series 2012C, dated May 15, 2012, currently outstanding in the aggregate principal amount of \$3,395,000 (the “2012C Bonds” and, together with the 2012A Bonds, the “Refunded Bonds”), pursuant to the 2012 Ordinance, which Refunded Bonds constitute a first charge on the Net Revenues (as hereinafter defined) of the Sewage Works; and

WHEREAS, the Refunded Bonds may be redeemed, at the option of the City, in whole or in part at a redemption price of 100% of the principal amount to be redeemed, plus accrued interest to the date of redemption; and

WHEREAS, pursuant to separate prior bond ordinances adopted by the Common Council (collectively, the “Prior Ordinances”), the City has previously issued its (a) Amended Sewage Works Revenue of 2006, Series A-1, originally dated May 4, 2006 and amended on March 26, 2015, currently outstanding in the aggregate principal amount of \$2,891,000, (b) Sewage Works Refunding Revenue Bonds, Series 2013, dated May 17, 2013, currently outstanding in the aggregate principal amount of \$4,535,000, (c) Sewage Works Revenue Bonds of 2017, dated August 8, 2017, currently outstanding in the aggregate principal amount of \$5,955,000, (d) Sewage Works Refunding Revenue Bonds, Series 2019, dated November 6, 2019, currently

outstanding in the aggregate principal amount of \$5,090,000, and (e) Sewage Works Revenue Bonds of 2020, dated December 23, 2020, currently outstanding in the aggregate principal amount of \$24,445,000 (clauses (a) through (e), collectively, the “Outstanding Parity Bonds”), which Outstanding Parity Bonds constitute a first charge upon the Net Revenues of the sewage works; and

WHEREAS, each of the Prior Ordinances allow for the issuance of additional bonds payable from the Net Revenues of the City’s Sewage Works ranking on parity with the pledge thereof to the Outstanding Parity Bonds provided certain financial conditions can be met (such financial conditions, the “Parity Tests”); and

WHEREAS, the Common Council has found that it is beneficial to refund all of the outstanding Refunded Bonds pursuant to the provisions of Indiana Code 5-1-5 to enable the City to obtain a reduction in interest payments and effect a savings to the City and hereby authorizes the same by issuance of refunding revenue bonds (the “Refunding Bonds”); and

WHEREAS, the Common Council finds that the Parity Tests can be met with respect to the Refunding Bonds, and, accordingly, such Refunding Bonds will constitute a first charge against the Net Revenues (as hereinafter defined) of the Sewage Works on a parity with the Outstanding Parity Bonds and are to be issued subject to the provisions of the Act (as hereinafter defined), and the terms and restrictions of this Ordinance; and

WHEREAS, this Common Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Refunding Bonds have been complied with in accordance with the provisions of Indiana Code 36-9-23 and Indiana Code 5-1-5, each as in effect on the date of delivery of the Refunding Bonds authorized herein (collectively, the “Act”).

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

SECTION 1. Authorization of Refunding the Refunded Bonds. The City, being the owner of and engaged in operating an unencumbered Sewage Works supplying the City, its inhabitants, and the residents adjacent thereto, with sewage treatment and collection services, now finds it necessary to provide funds for refunding the Refunded Bonds thereby reducing its interest payments and effecting a savings, as will be reported after the sale of the Refunding Bonds issued hereunder by the City’s municipal advisor, O.W. Krohn & Associates, LLP (the “Municipal Advisor”). Where used in this Ordinance, the term “City” shall be construed also to include any department, board, commission or officer or officers of the City or of any City department, board or commission. The terms “Sewage Works”, “sewage works”, “works”, “system” and similar terms used in this Ordinance shall be construed to mean the City’s existing sewage works system together with all the real estate, equipment and appurtenances thereto used in connection therewith, and all improvements, extensions and additions thereto, and replacements thereof, now or subsequently constructed or acquired as well as the drainage of storm and surface water to relieve the sewage works system of such water.

SECTION 2. The Refunding Bonds. In accordance with the Act, the City shall issue, in one or more series, its sewage works refunding revenue bonds designated “City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2021”, with any such further or different series designation as determined by the Controller (as defined herein) to be necessary or appropriate, in the aggregate principal amount not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000) (the “Refunding Bonds”), for the purpose of providing funds to (i) effect a current refunding of the Refunded Bonds for the purpose of achieving interest cost savings, (ii) fund a debt service reserve fund or pay the premium for a debt service reserve surety policy, if necessary, and (iii) pay the costs incurred on account of the issuance and sale of the Refunding Bonds, including any premiums for any municipal bond insurance policies, if any. The principal of, redemption premium, if any, and interest on the Refunding Bonds shall be payable solely out of the Net Revenues deposited into the Sinking Fund, as defined and described herein. The Refunding Bonds shall rank on parity with the Outstanding Parity Bonds.

The Refunding Bonds shall be issued in one or more series as fully registered bonds in denominations of: (i) Five Thousand Dollars (\$5,000) or any integral multiple thereof, or (ii) if sold through a private placement, in denominations of One Hundred Thousand Dollars (\$100,000), plus any integral multiple of Five Thousand Dollars (\$5,000) in excess thereof, or the aggregate principal amount of such Refunding Bonds maturing in any year if less than \$100,000; in either case not exceeding the aggregate principal amount of the Refunding Bonds maturing in any one year. The Refunding Bonds shall be numbered consecutively from R-1 upward, and shall bear interest at a rate not to exceed five percent (5.0%) per annum (the exact rate or rates to be determined by bidding or through negotiations, as determined by the Controller). Interest on the Refunding Bonds shall be payable semiannually on January 1 and July 1 of each year (each an “Interest Payment Date”), commencing not earlier than January 1, 2022. The principal of the Refunding Bonds shall mature annually on January 1 of each year, or be subject to mandatory sinking fund redemption on January 1 of each year, commencing not earlier than January 1, 2022, and ending no later than January 1, 2033, until the principal is fully paid. Interest on the Refunding Bonds shall be calculated according to a 360-day calendar year containing twelve 30-day months. Subject to the terms and conditions herein, the Refunding Bonds shall mature on such dates and amounts as determined by the Controller prior to the sale of the Refunding Bonds with the advice of the Municipal Advisor.

The Refunding Bonds shall bear an original issue date which shall be the date of delivery and each Refunding Bond shall also bear the date of its authentication. Any Refunding Bond authenticated on or before the fifteenth (15th) day of the month immediately preceding the first Interest Payment Date, shall pay interest from its original date. Any Refunding Bond authenticated thereafter shall pay interest from the Interest Payment Date next preceding the date of authentication of such Refunding Bond to which interest thereon has been paid or duly provided for, unless such Refunding Bond is authenticated after the fifteenth (15th) day of the month immediately preceding an Interest Payment Date and on or before such Interest Payment Date, in which case interest thereon shall be paid from such Interest Payment Date.

The Controller of the City (the “Controller”) is authorized to serve as, or the Mayor of the City (the “Mayor”) and Controller are authorized to appoint a qualified financial institution to serve as, the Registrar and Paying Agent for the Refunding Bonds (the “Registrar and Paying Agent”) as will enable and facilitate the performance of its duties and responsibilities, and are

authorized and directed to pay such fees as the Registrar and Paying Agent may reasonably charge for its services in such capacity, with such fees to be paid from the Sinking Fund as described in this Ordinance. The Registrar and Paying Agent is hereby charged with the performance of all of the duties and responsibilities customarily associated with each such position, including without limitation the authentication of the Refunding Bonds.

If wire transfer payment for the Refunding Bonds is not required, the principal of and any redemption premium on the Refunding Bonds shall be payable at the designated corporate trust operations office of the Paying Agent. Interest on the Refunding Bonds shall be paid by check or draft mailed or delivered by the Paying Agent to the registered owner thereof at the address as it appears on the registration books kept by the Registrar as of the fifteenth (15th) day of the month immediately preceding an the Interest Payment Date or at such other address as may be provided to the Paying Agent in writing by such registered owner. All payments on the Refunding Bonds shall be made in any coin or currency of the United States of America which, on the dates of such payments, shall be legal tender for the payment of public or private debt.

Each Refunding Bond shall be transferable or exchangeable only on the books of the City maintained for such purpose at the designated corporate trust operations office of the Registrar, by the registered owner thereof in person, or by his or her attorney duly authorized in writing, upon surrender of such Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or his or her attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. Each Refunding Bond may be transferred or exchanged without cost to the registered owner or his or her attorney duly authorized in writing, except for any tax or other governmental charge which may be required to be paid with respect to such transfer or exchange. The Registrar shall not be obligated to make any transfer or exchange of any Refunding Bond (i) during the fifteen (15) days immediately preceding an Interest Payment Date or (ii) after the mailing of notice calling such Refunding Bond for redemption. The City, the Registrar and the Paying Agent may treat and consider the person in whose name any Refunding Bond is registered as the absolute owner thereof for all purposes including the purpose of receiving payment of, or on account of, the principal thereof and redemption premium, if any, and interest thereon.

In the event any Refunding Bond is mutilated, lost, stolen or destroyed, the City may cause to be executed and the Registrar may authenticate a new Refunding Bond of like date, maturity and denomination as the mutilated, lost, stolen or destroyed Refunding Bond, which new Refunding Bond shall be marked in a manner to distinguish it from the Refunding Bond for which it was issued; provided, that in the case of any mutilated Refunding Bond, such mutilated Refunding Bond shall first be surrendered to the Registrar, and in the case of any lost, stolen or destroyed Refunding Bond there shall be first furnished to the Registrar evidence of such loss, theft or destruction satisfactory to the City and the Registrar, together with indemnity satisfactory to them. In the event that any such mutilated, lost, stolen or destroyed Refunding Bond shall have matured or been called for redemption, instead of causing to be issued a duplicate Refunding Bond, the Registrar and Paying Agent may pay the same upon surrender of the mutilated Refunding Bond or satisfactory indemnity and proof of loss, theft or destruction in the case of a lost, stolen or destroyed Refunding Bond. The City and the Registrar and Paying Agent may charge the owner

of any such Refunding Bond with their reasonable fees and expenses in connection with the above. Every substitute Refunding Bond issued by reason of any Refunding Bond being lost, stolen or destroyed shall, with respect to such Refunding Bond, constitute a substitute contractual obligation of the City pursuant to this Ordinance, whether or not the lost, stolen or destroyed Refunding Bond shall be found at any time, and shall be entitled to all the benefits of this Ordinance, equally and proportionately with any and all other Refunding Bonds duly issued hereunder.

In the event that any Refunding Bond is not presented for payment or redemption on the date established therefor, the City may deposit in trust with the Paying Agent an amount sufficient to pay such Refunding Bond or the redemption price thereof, as appropriate, and thereafter the owner of such Refunding Bond shall look only to the funds so deposited in trust with the Paying Agent for payment and the City shall have no further obligation or liability with respect thereto.

SECTION 3. Redemption of Refunding Bonds. The Mayor and the Controller, upon consultation with the Municipal Advisor, may designate maturities of Refunding Bonds (or portion thereof in integral multiples of \$5,000 principal amount each) that shall be subject to optional redemption and/or maturity sinking fund redemption, and the corresponding redemption dates, amounts and prices (including premium, if any). Except as otherwise set forth in this Ordinance, the Mayor and the Controller, upon consultation with the Municipal Advisor, are hereby authorized and directed to determine the terms governing any such redemption, as evidenced by the delivery of the Refunding Bonds.

If any Refunding Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Refunding Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Refunding Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each Refunding Bond maturing as a term bond so delivered or cancelled shall be credited by the Paying Agent at 100% of the principal amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Refunding Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Refunding Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Refunding Bonds to be called shall be selected by lot by the Registrar.

Notice of such redemption shall be mailed by certified or registered mail at least thirty (30) days and not more than sixty (60) days prior to the scheduled redemption date to each of the registered owners of the Refunding Bonds called for redemption (unless waived by such registered owner), at the address shown on the books of the Registrar. The notice shall specify date and place of redemption, the registration numbers of the Refunding Bonds called for redemption, and any conditions precedent to such redemption. The place of redemption may be at the designated

corporate trust operations office of the Paying Agent or as otherwise determined by the City. Interest on the Refunding Bonds so called for redemption shall cease to accrue on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the redemption date and when such Refunding Bonds are presented for payment.

In addition to the foregoing notice, the City may also direct that further notice of redemption of the Refunding Bonds be given, including without limitation and at the option of the City, notice described in paragraph (a) below given by the Registrar to the parties described in paragraph (b) below. No defect in any such further notice and no failure to give all or any portion of any such further notice shall in any manner defeat the effectiveness of any call for redemption of Refunding Bonds so long as notice thereof is mailed as prescribed above.

(a) If so directed by the City, each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Refunding Bonds being redeemed; (ii) the date of issue of the Refunding Bonds as originally issued; (iii) the rate of interest borne by each Refunding Bond being redeemed; (iv) the maturity date of each Refunding Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Refunding Bond being redeemed.

(b) If so directed by the City, each further notice of redemption shall be sent at least thirty (30) days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Refunding Bonds (such depositories as the Depository Trust Company of New York, New York) and to one or more national information services that disseminate notices of redemption of obligations such as the Refunding Bonds.

Upon the payment of the redemption price of the Refunding Bonds being redeemed and if so directed by the City, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Refunding Bonds being redeemed with the proceeds of such check or other transfer.

SECTION 4. Authorization for Book-Entry System. The Refunding Bonds may, in compliance with all applicable laws and as determined by the Controller based upon the advice of the Municipal Advisor, initially be issued and held in book-entry form on the books of the central depository system, The Depository Trust Company, its successors, or any successor central depository system appointed by the City from time to time (the "Clearing Agency"), without physical distribution of bonds to the purchasers. The following provisions of this Section apply in such event.

One definitive Refunding Bond of each maturity shall be delivered to the Clearing Agency (or its agent) and held in its custody. The City and Registrar may, in connection herewith, do or perform or cause to be done or performed any acts or things not adverse to the rights of the holders of the Refunding Bonds as are necessary or appropriate to accomplish or recognize such book-entry form Refunding Bonds.

During any time that the Refunding Bonds are held in book-entry form on the books of a Clearing Agency, (1) any such Refunding Bond may be registered upon Registration Record in the name of such Clearing Agency, or any nominee thereof, including Cede & Co.; (2) the Clearing Agency in whose name such Refunding Bond is so registered shall be, and the City and the Registrar and Paying Agent may deem and treat such Clearing Agency as, the absolute owner and holder of such Refunding Bond for all purposes of this Ordinance, including, without limitation, the receiving of payment of the principal of and interest and premium, if any, on such Refunding Bond, the receiving of notice and the giving of consent; (3) neither the City nor the Registrar or Paying Agent shall have any responsibility or obligation hereunder to any direct or indirect participant, within the meaning of Section 17A of the Securities Exchange Act of 1934, as amended, of such Clearing Agency, or any person on behalf of which, or otherwise in respect of which, any such participant holds any interest in any Refunding Bond, including, without limitation, any responsibility or obligation hereunder to maintain accurate records of any interest in any Refunding Bond or any responsibility or obligation hereunder with respect to the receiving of payment of principal of or interest or premium, if any, on any Refunding Bond, the receiving of notice or the giving of consent; and (4) the Clearing Agency is not required to present any Refunding Bond called for partial redemption, if any, prior to receiving payment so long as the Registrar and Paying Agent and the Clearing Agency have agreed to the method for noting such partial redemption.

If either the City receives notice from the Clearing Agency which is currently the registered owner of the Refunding Bonds to the effect that such Clearing Agency is unable or unwilling to discharge its responsibility as a Clearing Agency for the Refunding Bonds, or the City elects to discontinue its use of such Clearing Agency as a Clearing Agency for the Refunding Bonds, then the City and the Registrar and Paying Agent each shall do or perform or cause to be done or performed all acts or things, not adverse to the rights of the holders of the Refunding Bonds, as are necessary or appropriate to discontinue use of such Clearing Agency as a Clearing Agency for the Refunding Bonds and to transfer the ownership of each of the Refunding Bonds to such person or persons, including any other Clearing Agency, as the holder of the Refunding Bonds may direct in accordance with this Ordinance. Any expenses of such discontinuance and transfer, including expenses of printing new certificates to evidence the Refunding Bonds, shall be paid by the City.

During any time that the Refunding Bonds are held in book-entry form on the books of a Clearing Agency, the Registrar shall be entitled to request and rely upon a certificate or other written representation from the Clearing Agency or any participant or indirect participant with respect to the identity of any beneficial owner of the Refunding Bonds as of a record date selected by the Registrar. For purposes of determining whether the consent, advice, direction or demand of a registered owner of a Refunding Bond has been obtained, the Registrar shall be entitled to treat the beneficial owners of the Refunding Bonds as the bondholders and any consent, request, direction, approval, objection or other instrument of such beneficial owner may be obtained in the fashion described in this Ordinance.

During any time that the Refunding Bonds are held in book-entry form on the books of a Clearing Agency, the Mayor, the Controller and/or the Registrar are authorized to execute and deliver a Letter of Representations agreement with the Clearing Agency, or a Blanket Issuer Letter of Representations, and the provisions of any such Letter of Representations or any successor agreement shall control on the matters set forth therein. The Registrar, by accepting the duties of

Registrar under this Ordinance, agrees that it will (i) undertake the duties of agent required thereby and that those duties to be undertaken by either the agent or the issuer shall be the responsibility of the Registrar, and (ii) comply with all requirements of the Clearing Agency, including without limitation same day funds settlement payment procedures. Further, during any time that the Refunding Bonds are held in book-entry form, the provisions of this Section 4 of this Ordinance shall control over conflicting provisions in any other section of this Ordinance.

SECTION 5. Execution and Authentication of the Refunding Bonds. In accordance with the terms hereof and the provisions of Indiana Code 5-1-3 and Indiana Code 5-1-14-18, the Refunding Bonds shall be executed in the name of the City by the manual, facsimile or electronic signature (as defined in Indiana Code 26-2-8-102(10), as amended) of the Mayor, and attested by the manual, facsimile or electronic signature of the Controller, with the seal of the City, if any, or a facsimile thereof to be affixed to each of the Refunding Bonds. The Refunding Bonds shall be authenticated by the manual, facsimile or electronic signature of the Registrar, and no Refunding Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed. In case any official whose signature appears on any Refunding Bond shall cease to be such official before the delivery of such Refunding Bond, the signature of such official shall nevertheless be valid and sufficient for all purposes, the same as if such official had been in office at the time of such delivery. Subject to the provisions of this Ordinance regarding the registration of the Refunding Bonds, the Refunding Bonds shall be fully negotiable instruments under the laws of the State of Indiana.

SECTION 6. Security and Sources of Payment; Pledge of Net Revenues. The Refunding Bonds, together with the Outstanding Parity Bonds, and any bonds hereafter issued on a parity therewith, as to both principal and interest, shall be payable from and secured by, and shall constitute a first charge upon, all of the Net Revenues (herein defined as gross revenues of the Sewage Works after deduction only for the payment of the reasonable expenses of operation, repair and maintenance) derived from the Sewage Works, including all such Net Revenues from the existing works and all additions and improvements thereto and replacements thereof subsequently constructed or acquired, to be set aside in the Sinking Fund, which are hereby irrevocably pledged to the payment of the Refunding Bonds, to the extent necessary for that purpose. The City shall not be obligated to pay the Refunding Bonds or the interest thereon except from the Net Revenues of the Sewage Works, and the Refunding Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana. The Refunding Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

SECTION 7. Form of the Refunding Bonds. The form and tenor of the Refunding Bonds shall be substantially as set forth in Exhibit A, attached hereto and incorporated herein as if set forth at this place (with all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof).

SECTION 8. Issuance, Sale and Delivery of the Refunding Bonds. The Controller is hereby authorized and directed to have the Refunding Bonds prepared, and the Mayor and the Controller are hereby authorized and directed to execute or to cause the execution of the Refunding Bonds in the form and manner herein provided. The Controller is hereby authorized and directed to deliver the Refunding Bonds to the purchaser or purchasers thereof upon compliance with the

requirements established hereunder and under the Act for the sale thereof, and to collect the full amount which the purchaser or respective purchasers have agreed to pay therefor, which shall not be less than 99.0% of the par amount of the Refunding Bonds, plus accrued interest thereon to the date of delivery. The Refunding Bonds, when fully paid for and delivered to the purchaser or purchasers shall be the binding special revenue obligations of the City, payable out of the Net Revenues of the Sewage Works to be set aside and paid into the Sinking Fund as herein provided, and the proceeds derived from the sale of the Refunding Bonds shall be and are hereby set aside for the application to the costs of refunding the Refunded Bonds and the expenses necessarily incurred in connection therewith including the expenses incurred in the issuance of the Refunding Bonds on account of the financing thereof. The authorized officers of the City are hereby authorized and directed to draw all proper and necessary warrants and to do whatever other acts and things that may be necessary or appropriate to carry out the provisions of this Ordinance.

If the Refunding Bonds are sold by competitive bid, the Controller shall cause to be published either (i) a notice of such sale two (2) times, at least one (1) week apart, with the first publication made at least fifteen (15) days before the date of such sale and the second publication at least three (3) days before the date of the sale in accordance with Indiana Code 5-3-1-2 in one (1) newspaper, as defined in and in accordance with Indiana Code 5-3-1-4, or (ii) a notice of intent to sell bonds once each week for two (2) weeks in accordance with Indiana Code 5-1-11-2 and Indiana Code 5-3-1-4 and in a newspaper of general circulation published in the State capital, in which case bids may not be received more than ninety (90) days after the first publication. Such notice, or a summary thereof, may also be published in any other publications deemed appropriate in the discretion of the Controller. The bond sale notice shall state the time and place of sale, the purpose for which the Refunding Bonds are being issued, the total amount and maturities thereof, the maximum rate of interest thereon and any limitations as to the number of interest rates and the setting of such rates, the terms and conditions upon which bids will be received and the sale made, and such other information as the Controller and the attorneys employed by the City shall deem necessary or advisable. Such notice shall provide, among other things, that each bid shall be accompanied by a certified or cashier's check or wire transfer in the amount of one percent of the par amount of the Refunding Bonds to guarantee performance on the part of the bidder, and that in the event the successful bidder shall fail or refuse to accept delivery of and pay for the Refunding Bonds as soon as the Refunding Bonds are ready for delivery, or at the time fixed in the notice of sale, then such check and the proceeds thereof shall become the property of the City and shall be considered as the City's liquidated damages on account of such default.

All bids for the Refunding Bonds shall be sealed and shall be presented to the Controller or his or designee at the physical or electronic address identified in the notice. Bidders for the Refunding Bonds shall be required to name the rate or rates of interest which the Refunding Bonds are to bear, not exceeding five percent (5.0%) per annum. Such interest rate or rates shall be in multiples of one-eighth (1/8) or one-hundredth (1/100) of one percent. Bids specifying more than one interest rate shall also specify the amount and maturities of the Refunding Bonds bearing each rate, and all Refunding Bonds maturing on the same date shall bear the same rate. The rate on any maturity shall be equal to or greater than the rate on the immediately preceding maturity. The Refunding Bonds shall be awarded by the Controller to the best bidder who has submitted a bid in accordance with the terms of this Ordinance and the notice of sale. The best bidder will be the bidder who offers the lowest net interest cost to the City, to be determined by computing the total interest on all of the Refunding Bonds from the date thereof to their respective maturities and

deducting therefrom the premium bid, if any. No bid for less than all of the Refunding Bonds, plus accrued interest to the date of delivery, shall be considered. The City shall have the right to reject any and all bids. In the event an acceptable bid is not received on the date fixed in the notice, the Controller shall be authorized to continue the sale from day to day for a period of not to exceed thirty (30) days without readvertising. During the continuation of the sale, no bid shall be accepted which offers an interest cost which is equal to or higher than the best bid received at the time originally fixed for the sale of the Refunding Bonds in the bond sale notice.

As an alternative to competitive bid, the Controller may negotiate the sale of said Refunding Bonds at an interest rate or rates not exceeding five percent (5.0%) per annum. The Mayor and the Controller are hereby authorized to (i) execute a purchase agreement with the purchaser, and (ii) sell such Refunding Bonds upon such terms as are acceptable to the Mayor and the Controller consistent with the terms of this Ordinance. The final form of the purchase agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and Municipal Advisor, and the Mayor and Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with the Ordinance.

The Controller is hereby authorized to appoint a financial institution to serve as escrow agent (the "Escrow Agent") for the Refunded Bonds in accordance with the terms of an Escrow Agreement between the City and the Escrow Agent (the "Escrow Agreement"). The final form of the Escrow Agreement shall be approved by the Mayor and Controller, upon the advice of the City's bond counsel and Municipal Advisor, and the Mayor and the Controller are hereby authorized and directed to complete, execute and attest the same on behalf of the City so long as its provisions are consistent with this Ordinance and the purchase agreement.

The execution, by either the Mayor, Controller, or the purchaser of the Refunding Bonds of a subscription for investments of proceeds of the Refunding Bonds to be held under the Escrow Agreement in a manner consistent with this Ordinance is hereby authorized and approved.

Prior to the delivery of the Refunding Bonds, the Controller (i) shall be authorized, but not required, to investigate and to obtain insurance, surety bonds and/or credit ratings on the Refunding Bonds and (ii) shall obtain a legal opinion as to the validity of the Refunding Bonds from Barnes & Thornburg LLP, Indianapolis, Indiana, bond counsel for the City, and such opinion shall be furnished to the purchasers of the Refunding Bonds at the expense of the City. The costs of obtaining any such insurance, surety bonds and/or credit ratings, together with bond counsel's fee in preparing and delivering such opinion and in the performance of related services in connection with the issuance, sale and delivery of the Refunding Bonds, shall be considered as a part of the cost of issuance of the Refunding Bonds and shall be paid out of the proceeds of the sale of the Refunding Bonds.

SECTION 9. Official Statement. Any series of the Refunding Bonds may be offered and sold pursuant to an Official Statement (preliminary and final) or other offering document with respect to such Refunding Bonds (collectively, the "Official Statement"), to be made available and distributed in such manner, at such times, for such periods and in such number of copies as may be required pursuant to Rule 15c2-12, as amended, promulgated by the United States Securities and Exchange Commission (the "Rule") and any and all applicable rules and regulations of the

Municipal Securities Rulemaking Board, to the extent applicable to the Refunding Bonds. The City hereby authorizes the Mayor or Controller (a) to authorize and approve a Preliminary Official Statement, as the same may be appropriately confirmed, modified and amended for distribution as the Preliminary Official Statement of the City with respect to the Refunding Bonds, (b) on behalf of the City, to designate the Preliminary Official Statement a “final” Official Statement of the City with respect to the Refunding Bonds, and (c) to authorize and approve the Preliminary Official Statement to be placed into final form and enter into such agreements or arrangements as may be necessary or advisable in order to provide for the distribution of a sufficient number of copies of the Official Statement under the Rule.

SECTION 10. Continuing Disclosure. If required under the Rule, the Common Council hereby approves, and authorizes and directs the Mayor and the Controller, for and on behalf of the City, to execute and deliver, and to perform the obligations of the City under, a Continuing Disclosure Contract from the City to each registered owner or holder of any Refunding Bond (the “Continuing Disclosure Contract”). The Mayor and the Controller are authorized to approve the form of the Continuing Disclosure Contract, upon the advice of the City’s bond counsel, with such determination to be conclusively evidenced by such Mayor’s and such Controller’s execution thereof.

SECTION 11. Use of Proceeds of Refunding Bonds. Proceeds of the Refunding Bonds shall be applied as follows and in the following order of priority:

(a) *First*, concurrently with the delivery of the Refunding Bonds, the Controller may acquire (subject to the terms of the 2012 Ordinance), with the proceeds of the Refunding Bonds and cash on hand, direct obligations of, or obligations the principal and interest on which are unconditionally guaranteed by, the United States of America (the “Government Obligations”), to be used, together with certain cash from the proceeds of the Refunding Bonds and cash on hand, if any, as set forth in the Escrow Agreement, to refund and legally defease the Refunded Bonds all as set forth in the Escrow Agreement. In order to refund the Refunded Bonds, the Controller shall deposit the Government Obligations and certain cash, if any, with the Escrow Agent under the Escrow Agreement in an amount sufficient to provide moneys for the payment of the principal of and interest and redemption premium, if any, on the Refunded Bonds until the earliest date upon which the Refunded Bonds may be called for redemption. As an alternative to purchasing Government Obligations, the Controller, with the advice of the Municipal Advisor, may deposit proceeds of the Refunding Bonds and cash on hand with the Escrow Agent in an amount sufficient to currently refund and legally defease the Refunded Bonds. If required for the legal defeasance of the Refunded Bonds, the Controller shall obtain a verification of an accountant as to the sufficiency of the Government Obligations (if any) and funds deposited in the irrevocable escrow account created under the Escrow Agreement (the “Escrow Account”) to accomplish said refunding and legal defeasance of the Refunded Bonds.

(b) *Second*, if proceeds of the Refunding Bonds will be used to fund all or a portion of the Reserve Account (as defined herein), the Controller shall transfer such proceeds to the Reserve Account of the Sinking Fund, as hereinafter described.

(c) *Third*, the remaining proceeds of the Refunding Bonds shall be applied by the Controller to the cost of issuance of the Refunding Bonds not otherwise paid. When all the costs

of issuance of the Refunding Bonds have been paid, the Controller shall then transfer any amount then remaining from the proceeds of the Refunding Bonds to the hereinafter described Sinking Fund.

SECTION 12. Segregation and Application of Sewage Works Revenues. The City shall segregate, deposit and keep in a special fund, separate and apart from all other funds of the City, all gross revenues received on account of the rates and charges of the Sewage Works, which special fund was established and designated as the “City of Bloomington, Sewage Works General Account” (the “General Account”) and is continued hereby. Out of said revenues, the proper and reasonable expenses of operation, repair and maintenance of the sewage works shall be paid, the principal and interest of all bonds and fiscal agency charges of bank paying agents shall be paid, reserves shall be funded, and the costs of replacements, extensions, additions and improvements shall be paid as hereinafter provided.

The balance maintained in the General Account shall be sufficient to pay the expenses of operation, repair and maintenance of the Sewage Works for the then next succeeding two (2) calendar months. The moneys credited to the General Account shall be used for the payment of the reasonable and proper expenses of operation, repair and maintenance of the Sewage Works on a day-to-day basis, including the reasonable legal and professional expenses not taken into account in the definition of Net Revenues, but none of the moneys in the General Account shall be used for depreciation, payments in lieu of taxes, replacements, improvements, extensions or additions. Any moneys in the General Account may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of and interest on the outstanding bonds of the Sewage Works, or if necessary to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account, as defined and described below.

Moneys in the General Account shall be transferred from time to time to meet the requirements of the Sinking Fund. Moneys in excess of those transferred to the Sinking Fund may be transferred to the Improvement Fund or may be retained in the General Account, in the discretion of Utility Services Board of the City (the “Board”), and in a manner consistent with the requirements of this Ordinance. Moneys in excess of those required to be in the General Account and the Sinking Fund may also be used, in the discretion of the Board, for any other lawful purpose related to the Sewage Works. Notwithstanding the foregoing, in the event that any amounts are due to any providers (including their successors and assigns) of any municipal bond insurance policies or debt service reserve surety policies acquired by the City in connection with the Refunding Bonds or any of the Outstanding Parity Bonds, any excess moneys in the General Account after making all required transfers to the Sinking Fund shall be first used to pay any amounts owed under such policies.

SECTION 13. Sewage Works Sinking Fund. (a) There is hereby continued a fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the Sewage Works and the payment of any fiscal agency charges in connection with the payment of the bonds and interest, which fund has been previously designated as the Sewage Works Sinking Fund (“Sinking Fund”). There shall be set aside, transferred and deposited into the Sinking Fund from the General Account, as available and as hereinafter provided, a sufficient amount of the Net Revenues of the Sewage Works to meet the requirements of the Bond and Interest Account and the Reserve Account hereby continued in the Sinking Fund. Such

payments shall continue until the balances in the Bond and Interest Account and the Reserve Account equal the principal of and interest on all of the then outstanding bonds of the Sewage Works to their final maturity and provide for payment of all fiscal agency charges.

(b) Bond and Interest Account. The Bond and Interest Account is hereby continued. Any moneys heretofore accumulated in the Bond and Interest Account to pay principal of and interest on the Refunded Bonds shall be either (i) credited to and become a part of the Escrow Account and shall be applied on the earliest payments made from the Escrow Account, or (ii) if applicable, applied to the immediate payment of the Refunded Bonds on the date of issuance of the Refunding Bonds. There shall be credited, on the last day of each calendar month from the General Account to the Bond and Interest Account an amount of the Net Revenues equal to at least one-sixth (1/6) of the principal of and interest on all then outstanding bonds of the Sewage Works payable on the then next succeeding Interest Payment Date and at least one-twelfth (1/12) of the principal on all then outstanding bonds of the Sewage Works payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then next succeeding interest and principal payment dates shall have been so credited; provided, that such fractional amounts shall be appropriately increased, if necessary, to provide for the first interest and principal payments on the Refunding Bonds. There shall similarly be credited to the account any amount necessary to pay the paying agent or other fiscal agency charges, if any, for paying principal and interest on the bonds as the same become payable. The City shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the paying agent sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of any paying agent or other fiscal agency charges.

(c) Reserve Account. The Reserve Account is hereby continued. On the date of delivery of the Refunding Bonds, the City shall cause funds on hand of the Sewage Works, proceeds of the Refunding Bonds or such other bonds, or a combination thereof to be deposited into the Reserve Account so that the balance therein shall equal, but not exceed, the Reserve Requirement. For purposes hereof, the term “*Reserve Requirement*” shall mean the least of (i) ten percent (10%) of the proceeds of the Refunding Bonds and any bonds ranking on a parity therewith, (ii) the maximum annual debt service on the Refunding Bonds and any bonds ranking on a parity therewith, or (iii) 125% of the average annual debt service on the Refunding Bonds and any bonds ranking on a parity therewith; *provided, however*, so long as any of the Outstanding Parity Bonds remain outstanding, the Reserve Requirement shall mean the maximum annual debt service requirements on the Outstanding Parity Bonds, the Refunding Bonds and any Additional Parity Bonds (as defined herein).

If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, the City shall deposit a sum of Net Revenues into the Reserve Account on the last day of each calendar month, beginning with the first month after the Refunding Bonds are delivered, until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Refunding Bonds.

The Reserve Account shall constitute the margin for safety and protection against default in the payment of principal of and interest on the Outstanding Parity Bonds, the Refunding Bonds and any Additional Parity Bonds, and the moneys in the Reserve Account shall be used to pay

current principal and interest on the Outstanding Parity Bonds, the Refunding Bonds and any Additional Parity Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. If moneys in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on outstanding bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall, at the direction of the Board, either be transferred to the General Account or be used for the purchase of outstanding bonds or installments of principal of fully registered bonds at a price not exceeding the par plus accrued interest and redemption premium, if any.

Notwithstanding anything herein to the contrary, but subject to the terms of the Prior Ordinances, the City reserves the right to satisfy the Reserve Account at any time with funds on hand of the Sewage Works, proceeds of the Refunding Bonds or other bonds, a debt service reserve surety bond or a combination thereof. Any such surety bond must be issued by an insurance company rated at the time of issuance of such instrument in one of the two highest rating categories by Standard & Poor's Global Ratings Services, Moody's Investors Service, Fitch Ratings, Inc., or Kroll Bond Rating Agency, LLC. If such surety bond is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the surety bond to the extent necessary to comply with the terms of such surety bond and the commitment to issue such surety. Such agreement shall be deemed a part of this Ordinance for all purposes and is hereby incorporated herein by reference.

SECTION 14. Sewage Works Improvement Fund. After meeting the requirements of the Sinking Fund, any excess Net Revenues may be transferred or credited to the fund previously designated as the "Sewage Works Improvement Fund" (the "Improvement Fund"), hereby continued. The Improvement Fund shall be used for improvements, replacements, additions and extensions of the sewage works, and payments in lieu of taxes. Moneys in the Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to, or minimum balance in, the Reserve Account of the Sinking Fund or may be transferred to the General Account to meet unforeseen contingencies in the operation and maintenance of the Sewage Works.

SECTION 15. Maintenance of Funds; Investments. The proceeds from the sale of the Refunding Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the City, in a special account or accounts. The Sinking Fund shall be deposited in and maintained as a separate account or accounts from all other accounts of the City. The General Account and the Improvement Fund may be maintained in a single account, or accounts, but such account, or accounts, shall likewise be maintained separate and apart from all other accounts of the City and apart from the Sinking Fund account or accounts. All of the funds and accounts of the Sewage Works created or continued by this Ordinance, and all moneys deposited therein, shall be continuously maintained, deposited, held, secured and invested as public funds in accordance with the laws of the State of Indiana relating to the depositing, holding, securing or investing of public funds, including, particularly, applicable provisions of Indiana Code 5-13 and the acts amendatory thereof and supplemental thereto. Any interest or income derived from any such

investments shall become a part of the moneys in the fund or account so invested and shall be used only as provided in this Ordinance and the Prior Ordinances. In no event shall any of the Net Revenues of the Sewage Works be transferred or used for any purpose not authorized by this Ordinance or the Prior Ordinances, so long as any of the bonds secured by and payable from the Net Revenues shall be outstanding. Upon issuance of the Refunding Bonds, moneys held and on deposit in the existing funds and accounts established under the Prior Ordinances shall remain on deposit therein.

SECTION 16. Books of Records and Accounts. The City shall keep proper record books of account, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected on account of the operation of the Sewage Works and all disbursements made therefrom and all transactions relating to the Sewage Works. Copies of all such statements and reports shall be kept on file in the office of the Controller. There shall be prepared and furnished, upon the written request, to any owner of the Refunding Bonds then outstanding, not more than ninety (90) days after the close of each fiscal year, complete financial statements of the Sewage Works, covering the preceding fiscal year. Copies of all such statements and reports shall be kept on file in the office of the Assistant Director of Finance of the Sewage Works. Any owner of the Refunding Bonds then outstanding shall have the right at all reasonable times to inspect the Sewage Works and all records, accounts and data of the City relating thereto. Such inspections may be made by representatives duly authorized by written instrument.

SECTION 17. Rate Covenant. The Common Council has previously adopted Ordinance No. 19-16 (the "Rate Ordinance"), imposing fees and charges for the several classes of users or property to be served by the Sewage Works utility, which Rate Ordinance (as the same may be subsequently amended or modified from time to time) is incorporated herein by reference as if fully included and set forth in this Ordinance. The City covenants and agrees that it will establish and maintain just and equitable rates or charges for the use of and the service rendered by the Sewage Works, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses said Sewage Works by or through any part of the sewage system of the City, or that in any way uses or is served by such works, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the City), to provide for the proper operation, repair and maintenance of the Sewage Works, to comply with and satisfy all covenants contained in this Ordinance and to pay all obligations of the Sewage Works and of the City with respect to the Sewage Works. Such rates and charges shall, if necessary, be changed and readjusted from time to time so that the revenues therefrom shall always be sufficient to meet the expenses of operation, repair and maintenance of the Sewage Works and the requirements of the Sinking Fund. The rates or charges so established shall apply to any and all use of such Sewage Works by and service rendered to the City and all departments thereof, and shall be paid by the City or the various departments thereof as the charges accrue.

SECTION 18. Defeasance. If, when any of the Refunding Bonds issued hereunder shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Refunding Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Refunding Bonds or any portion thereof and coupons then outstanding shall be paid; or (i) sufficient moneys, (ii) direct obligations of, or

obligations the principal and interest on which are unconditionally guaranteed by, the United States of America, the principal of and the interest on which when due will provide sufficient moneys, or (iii) any combination thereof, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Refunding Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the City's sewage works.

SECTION 19. Additional Bond Provisions. The City reserves the right to authorize and issue additional parity bonds, payable out of the Net Revenues of its sewage works, ranking on a parity with the pledge thereof to the Refunding Bonds and the Outstanding Parity Bonds (such bonds, the "Additional Parity Bonds"), for the purpose of financing the cost of future extensions, betterments or improvements to the Sewage Works, or to refund obligations, subject to the following conditions:

(a) All required payments into the Sinking Fund and the accounts thereof shall have been made in accordance with the provisions of this Ordinance, and the interest on and principal of all bonds payable from the Net Revenues of the sewage works shall have been paid to date in accordance with their terms.

(b) (i) The Net Revenues of the sewage works in the fiscal year immediately preceding the issuance of any such proposed Additional Parity Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all of then outstanding bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued; or (ii) prior to the issuance of the proposed Additional Parity Bonds, the sewage rates and charges shall be increased sufficiently so that the increased rates and charges, if realized and when applied to the previous fiscal year's operations, would have produced Net Revenues for said year equal to an amount not less than one hundred twenty-five percent (125%) of the maximum annual interest and principal requirements of all bonds payable from the Net Revenues of the Sewage Works and the Additional Parity Bonds proposed to be issued. For purposes of this subsection, the records of the Sewage Works shall be analyzed and all showings shall be prepared by an independent certified public accountant or nationally recognized firm of professional consultants experienced in analyzing financial records of municipal utilities employed by the City for that purpose who shall certify the satisfaction of the foregoing conditions for the issuance of parity bonds.

(c) The interest on any Additional Parity Bonds shall be payable semiannually on the first days of January and July and the principal of, or the mandatory sinking fund redemption dates for, any Additional Parity Bonds shall be payable annually on the first day of January.

(d) The Reserve Requirement shall be satisfied for the Additional Parity Bonds either as of the date of delivery of said Additional Parity Bonds or through equal monthly deposits of Net Revenues sufficient to accumulate the reserve in a manner commensurate with and proportional to the provisions established by Section 13(c) of this Ordinance.

SECTION 20. Additional Covenants of the City. For the purpose of further safeguarding the interests of the owners of the Refunding Bonds, it is hereby specifically provided as follows:

(a) So long as any of the Refunding Bonds are outstanding, the City shall at all times maintain its sewage works system in good condition and operate the same in an efficient manner and at a reasonable cost.

(b) So long as any of the Refunding Bonds are outstanding, the City shall acquire and maintain insurance coverage, including fidelity bonds, to protect the sewage works and its operations of a kind and in an amount such as is automatically carried by private companies engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana. All insurance proceeds and condemnation awards shall be used to replace or repair the property destroyed or damaged.

(c) So long as any of the Refunding Bonds are outstanding, the City shall not mortgage, pledge or otherwise encumber the property and plant of its sewage works system, or any part thereof, and shall not sell, lease or otherwise dispose of any part of the same, except to replace equipment which may become worn out or obsolete.

(d) Except as hereinbefore provided in Section 19 hereof, so long as any of the Refunding Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of said sewage works shall be authorized, executed, or issued by the City except such as shall be made subordinate and junior in all respects to the Refunding Bonds, unless all of the Refunding Bonds are redeemed, retired or defeased coincidentally with the delivery of such additional bonds or other obligations or, as provided in Section 18 hereof, funds sufficient to effect such redemption are available and set aside for such purpose at the time of issuance of such additional bonds or obligations.

(e) The City shall take all action or proceedings necessary and proper, to the extent permitted by law, to require connection of all property where liquid and solid waste, sewage night soil or industrial waste is produced with available sanitary sewers. The City shall, insofar as possible, and to the extent permitted by law, cause all such sanitary sewers to be connected with said sewage works.

(f) The provisions of this Ordinance shall constitute a contract by and between the City and the owners of the Refunding Bonds herein authorized, all the terms of which shall be enforceable by any bondholder by any and all appropriate proceedings in law or in equity. After the issuance of the Refunding Bonds, this Ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of the Refunding Bonds, nor shall the Common Council or any other body of the City adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Refunding Bonds, the interest thereon remain outstanding or unpaid. Except for the changes set forth in Section 24(a)-(g), this Ordinance may be amended, however, without the consent of Refunding Bond owners, if the Common Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Refunding Bonds.

(g) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Refunding Bonds herein authorized for the uses and purposes herein set forth, and the owners of the Refunding Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and of the governing Act. The

provisions of this Ordinance shall also be construed to create a trust in the Net Revenues herein directed to be set apart and paid into the Sinking Fund for the uses and purposes of said fund as in this Ordinance set forth. The owners of the Refunding Bonds shall have all the rights, remedies and privileges set forth in the provisions of the governing Act, including the right to have a receiver appointed to administer the sewage works in the event the City shall fail or refuse to fix and collect sufficient rates and charges for those purposes, or shall fail or refuse to operate and maintain said system and to apply properly the revenues derived from the operation thereof, or if there be a default in the payment of the interest on or principal of the Refunding Bonds.

SECTION 21. Investment of Funds. (a) The Controller is hereby authorized pursuant to Indiana Code 5-1-14-3 and the provisions of this Ordinance to invest moneys (subject to applicable requirements of federal law to insure such yield is the then current market rate) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Refunding Bonds under federal law.

(b) The Controller shall keep full and accurate records of investment earnings and income from moneys held in the funds and accounts referenced herein. In order to comply with the provisions of the ordinance, the Controller is hereby authorized and directed to employ consultants or attorneys from time to time to advise the City as to requirements of federal law to preserve the tax exclusion. The Controller may pay any fees as operation expenses of the sewage works.

SECTION 22. Tax Covenants. In order to preserve the excludability of interest on the Refunding Bonds from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the Refunding Bonds, as the case may be (“Code”) and as an inducement to purchasers of the Refunding Bonds, the City represents, covenants and agrees that:

(a) The sewage works will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Refunding Bonds or property financed or refinanced by the proceeds of the Refunding Bonds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed or refinanced by proceeds of the Refunding Bonds or will have any actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract, arrangements such as take-or-pay or output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person’s or entity’s use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Refunding Bonds. If the City enters into a management contract for the sewage works, the terms of the contract will comply with IRS Revenue Procedure 2017-13, as it may be amended, supplemented or superseded for time to time, so that the contract will not give rise to private business use under the Code and the Regulations, unless such use in aggregate relates to no more than 10% of the proceeds of the Refunding Bonds, as the case may be.

(b) No more than 10% of the principal of or interest on the Refunding Bonds is (under the terms of the Refunding Bonds, this Ordinance or any underlying arrangement), directly or

indirectly, secured by an interest in property used or to be used for any private business use or payments in respect of any private business use or payments in respect of such property or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

(c) No more than 5% of the Refunding Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Refunding Bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Refunding Bond proceeds.

(d) The City reasonably expects, as of the date hereof, that the Refunding Bonds will not meet either the private business use test described in paragraph (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Refunding Bonds.

(e) No more than 5% of the proceeds of the Refunding Bonds will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

(f) The City will not take any action nor fail to take any action with respect to the Refunding Bonds that would result in the loss of the exclusion from gross income for federal tax purposes on the Refunding Bonds pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion. The City covenants and agrees not to enter into any contracts or arrangements which would cause the Refunding Bonds to be treated as private activity bonds under Section 141 of the Code.

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

(h) These covenants are based solely on current law in effect and in existence on the date of delivery of such Refunding Bonds.

(i) The City represents that it will rebate any arbitrage profits to the United States in accordance with the Code.

(j) The Common Council hereby authorizes the Mayor and the Controller to determine whether any series of Refunding Bonds qualify for the exception in the Code from the disallowance of 100% of the deduction by financial institutions of interest expense allocable to newly acquired tax-exempt obligations. Such designation, if made, will be set forth in the arbitrage certificate delivered by the City in connection with the Refunding Bonds.

SECTION 23. Waiver of Tax Covenants. Notwithstanding any other provision of this Ordinance, any of the covenants and authorizations contained in Section 22 of this Ordinance (the "Tax Covenants"), which are designed to preserve the exclusion of interest on the Refunding

Bonds from gross income for purposes of federal income taxation, need not be complied with if the City receives an opinion of nationally recognized bond counsel to the effect that compliance with such Tax Covenant is unnecessary to preserve such exclusion of interest.

SECTION 24. Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this Section and Section 20(f), and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds issued pursuant to this Ordinance and then outstanding shall have the right, from time to time, anything contained in this Ordinance to the contrary notwithstanding, to consent to and approve the adoption by the City of such ordinance or ordinances supplemental hereto as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this Ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any Refunding Bond issued pursuant to this Ordinance; or

(b) A reduction in the principal amount of any Refunding Bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the sewage works ranking prior to the pledge thereof created by this Ordinance; or

(d) A preference or priority of any Refunding Bond or Refunding Bonds issued pursuant to this Ordinance over any other Refunding Bond or Refunding Bonds issued pursuant to the provisions of this Ordinance; or

(e) A reduction in the aggregate principal amount of the Refunding Bonds required for consent to such supplemental ordinance; or

(f) A reduction in the required balance to be held as a reserve for the Refunding Bonds;
or

(g) The extension of mandatory sinking fund redemption dates, if any.

If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Refunding Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Controller of the City, no owner of any Refunding Bond issued pursuant to this Ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the City or its officers from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this Ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this Ordinance of the City and all owners of Refunding Bonds issued pursuant to the provisions of this Ordinance then

outstanding, shall thereafter be determined exercised and enforced in accordance with this Ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this Ordinance, the rights and obligations of the City and of the owners of the Refunding Bonds authorized by this Ordinance, and the terms and provisions of the Refunding Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Refunding Bonds issued pursuant to this Ordinance then outstanding.

SECTION 25. Non-Business Days. If the date for making any payment or the last date for performance of any act or the exercising of any right, as provided in this Ordinance, is a legal holiday or a day on which banking institutions in the area are typically closed, such payment may be made or act performed or right exercised on the next succeeding day not a legal holiday or a day on which such banking institutions are typically closed, with the same force and effect as if done on the nominal date provided in this Ordinance, and no interest shall accrue for the period after such nominal day.

SECTION 26. Other Actions. Each of the Mayor and the Controller is hereby authorized and directed, for an on behalf of the City, to execute and deliver any agreement, certificate or other instrument or take any other action which such officer determines to be necessary or desirable to carry out the transactions contemplated by this Ordinance, which determination shall be conclusively evidenced by such officer's having executed such agreement, certificate or other instrument or having taken such other action, and any such agreement, certificate or other instrument heretofore executed and delivered and any such other action heretofore taken are hereby ratified and approved. Pursuant to Indiana Code 5-1-14-18, in connection with the issuance of the Refunding Bonds, the execution of the Refunding Bonds and any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Refunding Bonds, is authorized to be executed and delivered using electronic signatures (as defined in Indiana Code 26-2-8-102(10), as amended), rather than manual signatures, and any such Refunding Bonds or any other contract, certificate or other document executed and delivered by or on behalf of the City in connection with the issuance of the Refunding Bonds using electronic signatures shall be considered fully legal and valid for all purposes and with the same force and effect as if the execution were performed with manual signatures.

SECTION 27. Construction with Other Ordinances. All ordinances, except for the Prior Ordinance, in conflict with this Ordinance are hereby repealed.

SECTION 28. Captions. The captions in this Ordinance are inserted only as a matter of convenience and reference, and such captions are not intended and shall not be construed to define, limit, establish, interpret or describe the scope, intent or effect of any provision of this Ordinance.

SECTION 29. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Indiana, this ____ day of _____, 2021.

JIM SIMS, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Indiana, this ____ day of _____, 2021.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED this ____ day of _____, 2021.

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This ordinance authorizes the City of Bloomington to issue its Sewage Works Refunding Revenue Bonds of 2021, in one or more series, in the aggregate principal amount not to exceed \$8,500,000. The 2021 bonds will be issued to refund the City's currently outstanding Sewage Works Refunding Revenue Bonds, Series 2012A and its currently outstanding Sewage Works Revenue Bonds, Series 2012C, all for the purpose of obtaining lower interest costs and a reduction of debt service payments on such outstanding bonds, thereby achieving significant savings for the City.

EXHIBIT A

R-__

[FORM OF REGISTERED BOND]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF MONROE

CITY OF BLOOMINGTON, INDIANA
SEWAGE WORKS REFUNDING REVENUE BOND OF 2021

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Date of Authentication</u>	<u>[CUSIP]</u>
__%	January 1, 20__	_____, 20__	_____, 20__	[_____]

REGISTERED
OWNER: _____

PRINCIPAL AMOUNT: _____ Dollars (\$_____)

The City of Bloomington, in Monroe County, State of Indiana, (the "City") for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, upon surrender hereof, solely out of the special revenue fund hereinafter referred to, the Principal Amount stated above as evidenced by the records of the registered owner making payments for this bond, or its assigns, on the Maturity Date specified above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Amount is paid upon redemption or at maturity, at the Interest Rate per annum specified above and from the interest payment date to which interest has been paid or duly provided for next preceding the Date of Authentication of this bond as shown above (unless this bond is authenticated after the fifteenth day of the month immediately preceding an interest payment date (the "Record Date") and on or before the next such interest payment date, in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before [December/June] 1, 20__, in which case it shall bear interest from the Original Date specified above), with such interest payable semiannually on January 1 and July 1 of each year, commencing [January/July] 1, 20__. Interest shall be calculated on the basis of a 360-day year comprised of twelve 30-day months.

The principal of and premium, if any, on this Refunding Bond are payable upon the surrender thereof at the principal office of _____ (the "Registrar" or the "Paying

Agent”) in the _____, _____. All payments of interest on this Refunding Bond shall be paid by check mailed one business day prior to the interest payment date to the Registered Owner as of the Record Date at the address as it appears on the registrations books kept by the Registrar. Each Registered Owner of \$1,000,000 or more in principal amount of the Refunding Bonds shall be entitled to receive interest payments by wire transfer by providing written wire instructions to the Paying Agent before the Record Date for any payment. All payments of principal of, and premium, if any, on the Refunding Bonds (as hereinafter defined) shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THE CITY SHALL NOT BE OBLIGATED TO PAY THIS BOND OR THE INTEREST HEREON EXCEPT FROM THE HEREINAFTER DESCRIBED 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.

This bond is one of an authorized series of bonds of like date, tenor and effect, except as to denomination, numbering, rates of interest, redemption terms and dates of maturity, aggregating _____ Dollars (\$ _____), numbered and lettered consecutively from R-1 upward (the “Refunding Bonds”), issued for the purpose of providing funds to effect a current refunding of the Refunded Bonds (as defined in the Ordinance), [fund a debt service reserve fund] and pay the costs of issuance of the Refunding Bonds. This Refunding Bond is issued pursuant to an ordinance adopted by the Common Council of the City on the ____ day of _____, 2021, entitled “An Ordinance Authorizing the Refunding of Certain Outstanding Sewage Works Revenue Bonds of the City; Authorizing the Issuance of the City of Bloomington, Indiana Sewage Works Refunding Revenue Bonds of 2021 to Provide Funds for Such Refunding and the Payment of the Costs Thereof; and Addressing Other Matters Connected Therewith” (the “Ordinance”), and in accordance with the provisions of Indiana law, including, without limitation, Indiana Code 36-9-23 and Indiana Code 5-1-5, as amended (the “Act”).

Pursuant to the provisions of the Act and the Ordinance, the principal of and interest on this Refunding Bond, the Outstanding Parity Bonds (as defined in the Ordinance), and any bonds hereafter issued on a parity therewith are payable solely from the Sewage Works Sinking Fund (the “Sinking Fund”) maintained under the Ordinance to be funded from the Net Revenues (herein defined as the gross revenues of the Sewage Works (defined as the City’s Sewage Works system, including all real estate, equipment and appurtenances thereto used in connection therewith, and all extensions, additions and improvements thereto and replacements thereof, now or at anytime hereafter constructed or acquired, after deduction only for the payment of the reasonable expenses of operation, repair and maintenance of the System).

The City irrevocably pledges the entire Net Revenues of the Sewage Works deposited into the Sinking Fund to the prompt payment of the principal of and interest on the Refunding Bonds, the Outstanding Parity Bonds and any bonds ranking on a parity therewith to the extent necessary for such purposes, and covenants that it will cause to be fixed, maintained and collected such rates and charges for services rendered by the Sewage Works as are sufficient in each year for the payment of the proper and reasonable expenses of operation and maintenance of the Sewage Works

and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. If the City or the proper officers thereof shall fail or refuse to so fix, maintain and collect such rates or charges, or if there shall be a default in the payment of the interest on or principal of this bond, the owner of this bond shall have all of the rights and remedies provided for in the Act, including the right to have a receiver appointed to administer the System and to charge and collect rates sufficient to provide for the payment of this bond and the interest hereon.

The City further covenants that for so long as the Refunding Bonds, the Outstanding Parity Bonds and any bonds hereafter issued on a parity therewith (the "Additional Parity Bonds") remain outstanding, it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues of the Sewage Works for the payment of (a) the interest on all bonds payable from the revenues of the Sewage Works, as such interest shall fall due, (b) the necessary fiscal agency charges for paying such bonds and interest, (c) the principal of all bonds payable from the revenues of the Sewage Works, and (d) an additional amount as a margin of safety to create the reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the System. Reference is made to the Ordinance for a more complete statement of the revenues from which and conditions under which this bond is payable, a statement of the conditions on which obligations may hereafter be issued on a parity with this bond, the manner in which the Ordinance may be amended and the general covenants and provisions pursuant to which this bond has been issued.

[Insert optional redemption terms, if applicable].

[The bonds maturing on _____ 1, ___ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on the dates and in the amounts set forth below:

<u>Date</u>	<u>Amount</u>
-------------	---------------

*

*Final Maturity]

[Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of mandatory redemption. If less than an entire maturity is called for redemption, the bonds to be redeemed shall be selected by lot by the Registrar.]

Notice of such redemption shall be mailed to the address of the registered owners of the Refunding Bonds to be redeemed as shown on the registration records of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) and not more than sixty (60) days prior to the date fixed for redemption, unless the notice is waived by the registered owner of the Refunding Bonds to be redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Refunding Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Refunding Bonds called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named, and

thereafter, such bonds shall no longer be protected by the Ordinance and shall not be deemed to be outstanding thereunder.

If this bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with the Paying Agent, an amount sufficient to pay such Refunding Bond or the redemption price, as the case may be, and thereafter the Registered Owner shall look only to the funds so deposited in trust for payment and the City shall have no further obligation or liability with respect thereto.

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the designated corporate trust operations office of the Registrar by the Registered Owner in person, or by his attorney duly authorized in writing, upon surrender of this Refunding Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner, or his attorney duly authorized in writing, and thereupon a new fully registered Refunding Bond or Refunding Bonds in the same aggregate principal amount and of the same maturity shall be executed and delivered in the name of the transferee or to the Registered Owner, as the case may be, in exchange therefor. This bond may be transferred without cost to the Registered Owner except for any tax or governmental charge required to be paid with respect to the transfer. The City, the Registrar and the Paying Agent may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest and premium, if any, due hereon.

This bond is subject to defeasance prior to redemption or payment as provided in the Ordinance referred to herein. **THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE.** The Ordinance may be amended without the consent of the owners of the Bonds as provided in the Ordinance if the Common Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds.

The Refunding Bonds are issuable only in fully registered form in the denomination of [\$5,000] or any integral multiple thereof.

[A Continuing Disclosure Contract from the City to each registered owner or holder of any Refunding Bond, dated as of the date of initial issuance of the Refunding Bonds (the "Contract"), has been executed by the City, a copy of which is available from the City and the terms of which are incorporated herein by this reference. The Contract contains certain promises of the City to each registered owner or holder of any Refunding Bond, including a promise to provide certain continuing disclosure. By its payment for and acceptance of this bond, the registered owner or holder of this bond assents to the Contract and to the exchange of such payment and acceptance for such promises.]

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

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Bloomington, in Monroe County, Indiana, has caused this bond to be executed in its corporate name by the manual or facsimile signature of the Mayor of the City, its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Controller.

CITY OF BLOOMINGTON

Mayor

(Seal)

ATTEST:

Controller

CERTIFICATE OF AUTHENTICATION

This bond is one of the Refunding Bonds issued and delivered pursuant to the provisions of the within-mentioned Ordinance.

By _____
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (insert name and address) the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints attorney to transfer the within bond on the books kept for the registration thereof with full power of substitution in the premises.
Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guarantee:

NOTICE: Signature(s) must be guaranteed by a broker-dealer or a commercial bank or trust company.