

RESOLUTION NO. 2023-6

AMENDING RESOLUTIONS 2018-5 AND 2022-5

WHEREAS, the Town of New Richmond, Indiana (“Town”) owns, operates and maintains a municipal waterworks pursuant to IC 8-1.5 (“Waterworks”); and

WHEREAS, the Town Council of the Town (the “Town Council”) previously determined that it was necessary to obtain an unsecured loan from Hoosier Heartland State Bank (the “Bank”) for new water meters and rings with lids; and

WHEREAS, the Town Council passed Resolution 2018-5 as amended by Resolution 2022-5 (as amended, the “Prior Resolution”), which authorized the Town to enter into such loan in an original principal amount of \$39,935.00 (the “2018 Loan”), and in connection therewith the Town issued its Promissory Note, dated August 14, 2018 and maturing August 14, 2025, to the Bank to evidence the 2018 Loan;

WHEREAS, pursuant to the Prior Resolution, the Town Council determined that the 2018 Loan would be paid out of Waterworks revenues and agreed to create a Waterworks sinking fund to where money would be transferred out of the operating fund into the sinking fund to make such payments;

WHEREAS, the Town is anticipating issuing its Waterworks Revenue Bonds, in one or more series, in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) (“Waterworks Revenue Bonds”), all of which are anticipated to be purchased and held by the Indiana Finance Authority (the “Authority”); and

WHEREAS, in order to make it clear that payment of the 2018 Loan will be junior and subordinate to payment of the Waterworks Revenue Bonds, the Town desires to revise the Prior Resolution as to what fund will be utilized to make payments on the 2018 Loan (“2018 Loan Payments”);

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NEW RICHMOND, THAT:

1. The 2018 Loan Payments may only be paid from the Waterworks Improvement Fund (as described in the Waterworks Bond Ordinance hereinafter defined) and shall be subject to and limited by the requirements of such Fund as set forth in the Ordinance adopted or to be adopted in connection with the issuance of the Waterworks Revenue Bonds (“Waterworks Bond Ordinance”), including the requirement that the Operation and Maintenance Fund and the Waterworks Sinking Fund (each as described in the Waterworks Bond Ordinance) be fully funded in accordance with their respective requirements under the Waterworks Bond Ordinance prior to any amounts being made available to and for the purposes of the Waterworks Improvement Fund.

2. So long as the Authority shall hold any Waterworks Revenue Bonds or bond anticipation notes of the Waterworks, the Town Council shall not permit any amendment, repeal or modification to this resolution unless consented to in advance and in writing by the Authority.

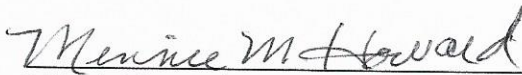
3. So long as the Authority shall hold any Waterworks Revenue Bonds, the Town shall not (and the Town Council shall not permit) the Waterworks to (i) enter into any lease, contract or agreement or incur any other liabilities in connection with the Waterworks other than for normal operating expenditures or (ii) borrow any money (including without limitation any loan from other utilities operated by the Town) in connection with the Waterworks, unless consented to in advance and in writing by the Authority.

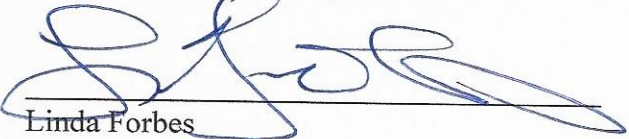
4. All resolutions or parts thereof in conflict herewith are hereby repealed, including the Prior Resolution.


5. This resolution shall be in full force and effect upon adoption.

Passed and adopted by the Town Council of the Town of New Richmond, Indiana on the 5th day of July, 2023.

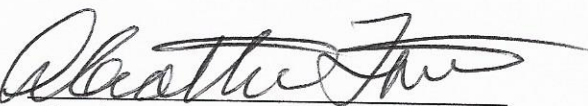
TOWN COUNCIL OF THE TOWN OF NEW
RICHMOND, INDIANA


Minnie Howard, President


Linda Forbes


Rachelle Cowherd

ATTEST:


Alaathea Foust, Clerk-Treasurer