

**TOWN OF PLAINFIELD**

**ORDINANCE NO. 12-2013**

**AN ORDINANCE AMENDING ORDINANCES NO. 33-2009 AND NO. 19-2010 TO REVISE CERTAIN REQUIREMENTS OF THE BOND AND INTEREST ACCOUNT AND CERTAIN REQUIREMENTS FOR ISSUING ADDITIONAL BANS AND BONDS**

WHEREAS, the Town of Plainfield, Indiana (the "Town") has heretofore established and constructed and currently owns and operates a sewage works (the "Sewage Works") by and through its Town Council (the "Town Council") for the collection and treatment of sewage and other wastes for the Town and its inhabitants, in accordance with the provisions of Indiana Code 36-9-23 et seq., as amended (the "Act"); and

WHEREAS, the Town Council did adopt Ordinance No. 33-2009 on December 7, 2009 (the "2009 Ordinance"), authorizing the acquisition, construction, installation and equipping of certain improvements to the Sewage Works, and for the issuance of revenue bonds and bond anticipation notes; and

WHEREAS, the Town Council did adopt Ordinance No. 19-2010 on December 1, 2010 (the "2011 Ordinance", and with the 2009 Ordinance, the "Prior Ordinances") authorizing the construction, installation and equipping of certain improvements to the Sewage Works, and for the issuance of revenue bonds and bond anticipation notes; and

WHEREAS, all of the Series 2009B Bonds issued pursuant to the 2009 Ordinance and all of the bonds issued pursuant to the 2011 Ordinance are owned by the Indiana Finance Authority; and

WHEREAS, it is deemed necessary to amend the Prior Ordinances and, pursuant to the terms of the Prior Ordinances, such amendments may be made with the consent of the holders of 100% of such Bonds.

BE IT ORDAINED BY THE Town Council of the Town of Plainfield, Indiana:

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall have the same meaning as provided in the applicable Prior Ordinance.

Section 2. The third sentence of Section 12(b) of the 2009 Ordinance is hereby deleted in its entirety and shall hereafter read as follows:

"In addition, until the 1999 Bonds and the 2003 Bonds have been redeemed, refunded or defeased in whole, there shall be credited on the last day of each calendar month to the Bond and Interest Account as a margin of safety and for the payment of premiums upon the Prior Bonds, the Bonds and any Parity Bonds redeemed by call or purchase which margin, together with any unused surplus of such margin carried forward from the preceding year, and amount equal to not less than 10 percent (10%) of all other amounts so required to be paid into the Sewage Works Sinking Fund, however, once the 1999 Bonds and the 2003 Bonds have been redeemed or defeased in whole, such requirements shall no longer apply."

Section 3. The third sentence of Section 12(b) of the 2011 Ordinance is hereby deleted in its entirety and shall hereafter read as follows:

“In addition, until the 1999 Bonds and the 2003 Bonds have been redeemed, refunded or defeased in whole, there shall be credited on the last day of each calendar month to the Bond and Interest Account as a margin of safety and for the payment of premiums upon the Prior Bonds, the Bonds and any Parity Bonds redeemed by call or purchase which margin, together with any unused surplus of such margin carried forward from the preceding year, and amount equal to not less than 10 percent (10%) of all other amounts so required to be paid into the Sewage Works Sinking Fund, however, once the 1999 Bonds and the 2003 Bonds have been redeemed or defeased in whole, such requirements shall no longer apply.”

Section 4. Section 18(d) of the 2009 Ordinance is hereby deleted in its entirety and shall hereafter reads as follows:

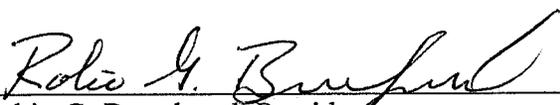
"(d) The principal of said additional parity bonds shall be payable on January 1 and the interest on said additional parity bonds shall be payable semiannually on January 1 and July 1 in the years in which such principal and interest are payable."

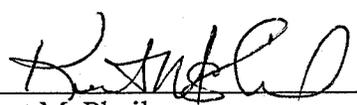
Section 5. The invalidity of any section, clause, sentence for provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

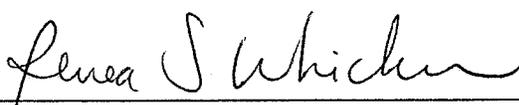
Section 6. All other terms and provisions of the Prior Ordinances are hereby ratified and confirmed.

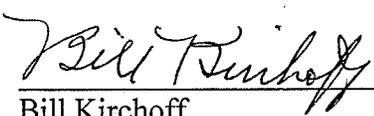
Section 7. This Ordinance shall be in full force and effect upon its adoption and any publication required by law.

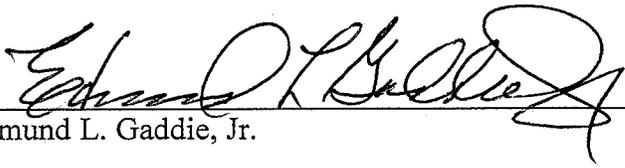
Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on the 25<sup>th</sup>  
day of March, 2013.

  
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Robin G. Brandgard, President

  
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Kent McPhail

  
\_\_\_\_\_  
Renea Whicker

  
\_\_\_\_\_  
Bill Kirchoff

  
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Edmund L. Gaddie, Jr.

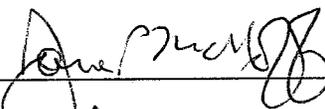
ATTEST:

  
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Wesley R. Bennett, Clerk-Treasurer

**CONSENT TO AMENDMENTS TO TOWN OF PLAINFIELD TOWN COUNCIL  
ORDINANCES NO. 33-2009 AND NO. 19-2010**

The Indiana Finance Authority ("IFA"), as holder of all of the 2009B Bonds and 2011 Bonds issued pursuant to Ordinance No. 33-2009 and No. 19-2010, respectively, hereby consents to the amendments made in the attached Ordinance No. 12-2013.

INDIANA FINANCE AUTHORITY

By:   
Title: Dir. of Env. Programs