

TOWN OF DANVILLE

Town Council Agenda December 6, 2023 @ 7:00pm

- I. Establish Quorum, Call Meeting to Order**
- II. Pledge of Allegiance**
- III. Approval of Minutes**
- IV. Public Comment – 3 minutes/person**
- V. Public Meeting**
 - A. Center Township Fire Contract – Council President
 - B. 2024 Meeting Schedule – Town Manager
 - C. Ordinance 26-2023: 2024 Salary Ordinance – Clerk/Treasurer
 - D. Ordinance 27-2023: Wastewater Rate Adjustment – Utility Director
 - E. Ordinance 28-2023: Stormwater Rate Adjustment – Utility Director
 - F. Ordinance 29-2023: Utility Bond Ordinance – Clerk/Treasurer
 - G. Ordinance 30-2023: Water Rate Adjustment – Utility Director
 - H. Ordinance 31-2023: CIRDA Membership – Town Planner
 - I. Ordinance 32-2023: Amend Cell Phone Stipend – Clerk/Treasurer
 - J. Resolution 17-2023: Transfer of Funds – Fire
 - K. Resolution 18-2023: Transfer of Funds – Police
 - L. CER: Firearms Replacement – Police Department
 - M. CER: VAC Truck Repair – Wastewater Department
 - N. CER (x3): Host Fund and Request to move funds – Parks Department
 - 1. Pool Slide Feature Paint
 - 2. Splash Pad Feature Change
 - 3. Dirt Fix for Eakin Park
- VI. Staff and Council Comments**
- VII. Claim Docket**
- VIII. Adjournment**

NOTICE: The public meetings of the Danville Town Council conducted within these chambers shall be video recorded. Said recording will be part of the public records of the Town of Danville and shall be published upon the Town of Danville's website for public access. All individuals attending public meetings hereby give, to the Town of Danville, their permission for said publication, which may contain their image or statements.

TOPIC SUMMARY

Approval of Minutes:

11/15/23: Council Meeting. *Will require a Vote.*

- A. **Center Township Fire Contract** – Council President will address the interlocal agreement with Center Township as it applies to Fire Protection, staffing, and ambulance coverage.
- B. **2024 Meeting Schedule** – Town Manager will present the proposed 2024 Meeting Schedule. *Will require a Vote.*
- C. **Ordinance 26-2023: 2024 Salary Ordinance** – Clerk/Treasurer will present the 2024 Salary Ordinance for consideration. This was introduced on 11/15/23 and is up for adoption tonight. *Will require a Vote. Please allow time for signatures if approved.*
- D. **Ordinance 27-2023: Wastewater Rate Adjustment** – Utility Director along with the Financial Advisor and Bond Counsel will present an ordinance to adjust the wastewater rates. This was introduced on 11/15/23 and is up for a Public Hearing and adoption tonight. Requires public hearing to be gaveled open – public comments taken – public hearing to be gaveled closed. *Will require a Vote. Please allow time for signatures if approved.*
- E. **Ordinance 28-2023: Stormwater Rate Adjustment** – Utility Director along with the Financial Advisor and Bond Counsel will present an ordinance to adjust the stormwater rates. This was introduced on 11/15/23 and is up for a Public Hearing and adoption tonight. Requires public hearing to be gaveled open – public comments taken – public hearing to be gaveled closed. *Will require a Vote. Please allow time for signatures if approved.*
- F. **Ordinance 29-2023: Utility Bond Ordinance** – Clerk/Treasurer along with Bond Counsel will present the Utility Bond Ordinance. This was introduced on 11/15/23 and is up for adoption tonight. *Will require a Vote. Please allow time for signatures if approved.*
- G. **Ordinance 30-2023: Water Rate Adjustment** – Utility Director along with the Financial Advisor and Bond Counsel will present an ordinance to adjust the water rates. This was introduced on 11/15/23 and is up for a Public Hearing and adoption tonight. Requires public hearing to be gaveled open – public comments taken – public hearing to be gaveled closed. *Will require a Vote. Please allow time for signatures if approved.*
- H. **Ordinance 31-2023: CIRDA Membership** – Town Planner will present an ordinance to authorize the Town of Danville to become a member of the Central Indiana Regional Development Authority (CIRDA). This is up for introduction only tonight. *Requires no further action.*
- I. **Ordinance 32-2023: Amendment to Cell Phone Stipend Ordinance** – Clerk/Treasurer will present an ordinance to amend Ordinance 21-2022: the Cell Phone Stipend Ordinance. This will allow the removal of the Office Manager and the addition of the Fire Marshall. Staff is requesting to suspend the rules to act on this matter tonight. Will require a unanimous vote of all in attendance to suspend and then 2/3 to pass the ordinance. *Will require a Vote. Please allow time for signatures if approved.*
- J. **Resolution 17-2023: Transfer of Funds** – Fire Chief will present a resolution to transfer funds in an effort to purchase a Fire Truck. *Will require a Vote. Please allow time for signatures if approved.*
- K. **Resolution 18-2023: Transfer of Funds** – Police Chief will present a resolution to transfer funds in an effort to purchase new firearms for the Department. *Will require a Vote. Please allow time for signatures if approved.*
- L. **Capital Expenditure Request: Firearms** – Police Chief will present a request to expend funds to purchase replacement firearms for the Department. *Will require a Vote.*

- M. Capital Expenditure Request: VAC Truck Repair** – Wastewater Superintendent will present a request to expend funds to repair the VAC Truck. *Will require a Vote.*
- N. Capital Expenditure Request (x3) from Host Fund along with Request to adjust funding** – Park Director will be asking the Council to adjust two Host Fund Requests for 2023. He will also be asking for an additional \$1,070.00 to make up the difference on a 3rd CER.
1. Pool Slide Feature Painting. *Will require a Vote.*
 2. Splash Pad Feature Change. *Will require a Vote.*
 3. Dirt Fix for Eakin Park and an additional \$1,070.00 for the project. *Will require 2 votes. 1 for the project CER. 1 for the additional funding.*

Staff and Council Comments

Claim Docket

Motion to Adjourn

-Bold Agenda Item

-Italicized items are for action needed

TOWN OF DANVILLE

Town Council 7:00pm		
Work Study	As	Needed
January	10 th	24 th
February	7 th	21 st
March	6 th	20 th
April	3 rd	17 th
May	1 st	15 th
June	5 th	19 th
July	3 rd	17 th
August	7 th	21 st
September	4 th	18 th
October	2 nd	16 th
November	6 th	20 th
December	4 th	18 th
December (Monday)	30 th	5:30pm

Plan Commission 7:00pm	
January	10 th
February	14 th
March	13 th
April	10 th
May	8 th
June	12 th
July	10 th
August	14 th
September	11 th
October	9 th
November	13 th
December	11 th

Tree Advisory Committee 5:30pm	
February	28 th
May	22 nd
August	28 th
November	20 th

Design Review Committee 4:30pm	
Month	Date
January	3 rd
February	7 th
March	6 th
April	3 rd
May	1 st
June	5 th
July	3 rd
August	7 th
September	4 th
October	2 nd
November	6 th
December	4 th

Redevelopment Commission 5:30pm	
January	10 th
February	14 th
March	13 th
April	10 th
May	8 th
June	12 th
July	10 th
August	14 th
September	11 th
October	9 th
November	13 th
December	11 th

BZA 6:00pm	
January	17 th
February	21 st
March	20 th
April	17 th
May	15 th
June	19 th
July	17 th
August	21 st
September	18 th
October	16 th
November	20 th
December	18 th

Park Board 6:00pm	
January	24 th
February	28 th
March	27 th
April	24 th
May	22 nd
June	26 th
July	24 th
August	28 th
September	25 th
October	23 rd
November	20 th
December	30 th (Monday)

Police Merit Board 6:30pm	
March	27 th
June	26 th
September	25 th
December	30 th (Monday)

Joint EMS Board 5:30pm	
March	20 th
June	19 th
September	18 th
December	18 th

ORDINANCE 26 - 2023

AN ORDINANCE ESTABLISHING 2024 SALARIES AND OTHER COMPENSATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWN OF DANVILLE

WHEREAS, Indiana law requires the legislative body of towns to annually fix the compensation of its own members, the Town Clerk-Treasurer by ordinance, and

WHEREAS, Indiana law also provides the legislative body of towns with the authority to establish the salaries and other compensation for town employees and appointed officials of the town, and

WHEREAS, the Town Council of Danville, acting as the legislative body of the Town of Danville, has determined the salaries and other compensation to be provided to the Town of Danville officials and employees for the year 2024.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT the salaries and other compensation to be provided to the Town of Danville officials and employees for the year 2024 shall be as set forth in this Ordinance.

Section 1: HEALTH INSURANCE (6.2)

The Town will provide full-time employees with medical insurance coverage according to the following policies:

HDHP/HSA (Plan 7):

	Employee pays	Employee Amount	Employee Amt with Completion of Wellness Initiative (65 points)	Employee Amt with Completion of Wellness Initiative (85 points)	Town Pays	Town Amount	Town Amt with Emp Completion of Wellness Initiative (65 points)	Town Amt with Emp Completion of Wellness Initiative (85 points)
Employee Only	8.4%	\$31.50	\$11.50	\$6.50	91.6%	\$341.46	\$361.46	\$366.46
Employee /Spouse	21.1%	\$165.41	\$145.41	\$140.41	78.9%	\$617.80	\$637.80	\$642.80
Employee/Child(ren)	21.1%	\$141.79	\$121.79	\$116.79	78.9%	\$529.54	\$549.54	\$554.54
Family	21.1%	\$228.43	\$208.43	\$203.43	78.9%	\$853.14	\$873.14	\$878.14

ORDINANCE 26 - 2023

HDHP/HSA (Plan 12):

	Employee Pays	Employee Amount	Employee Amt with Completion of Wellness Initiative (65 points)	Employee Amt with Completion of Wellness Initiative (85 points)	Town Pays	Town Amount	Town Amt with Completion of Wellness Initiative (65 points)	Town Amt with Completion of Wellness Initiative (85 points)
Employee Only	11.0%	\$25.33	\$5.33	\$0.33	89.0%	\$205.37	\$225.37	\$230.37
Employee /Spouse	16.9%	\$81.86	\$61.86	\$56.86	83.1%	\$402.61	\$422.61	\$427.61
Employee/Child(ren)	16.9%	\$70.16	\$50.16	\$45.16	83.1%	\$345.09	\$365.09	\$370.09
Family	16.9%	\$113.04	\$93.04	\$88.04	83.1%	\$555.99	\$575.99	\$580.99

Members of the Town Council are authorized to participate in the Town's health plans at their own expense. The Town contributes nothing to these plans for Council members.

Health Savings Account -

- o Distributions will be made in two increments: \$1,000.00 on January 2, 2024, and \$400.00 on July 1, 2024, to all full-time employees that are enrolled in the Group Health Insurance with the Town (HDHP/Health Savings Plan 7) as of January 1, 2024. Distributions will be made in two increments: \$1,500.00 on January 2, 2024, and \$1,500.00 on July 1, 2024, to all full-time employees that are enrolled in the Group Health Insurance with the Town (HDHP/Health Savings Plan 12) as of January 1, 2024
- o If an employee is in need of their next distribution prior to July 1st a "Request for H.S.A. Distribution" form is available from the Clerk-Treasurer.
- o If an employee drops their Group Health Insurance coverage, prior to the annual renewal period and after receiving their first distribution they may be required to pay taxes and/or penalty according to IRS guidelines and a pro-rated portion back to the Town.
- o The Danville Town Council will annually review this at budget time this policy and set the appropriate budget given the financial condition of the Town.
- o Proration of distributions will be done for any new employee joining the Health Insurance.

Section 2: TERM LIFE INSURANCE (6.3)

The Town will provide full-time employees with a \$30,000 term life insurance policy on the employee only. (See your Certificate of Coverage booklet for details)

ORDINANCE 26 - 2023

Section 3: SHORT-TERM DISABILITY (6.1.2)

The Town will provide full-time employees with short-term disability insurance on the employee only. (See your Certificate of Coverage booklet for details)

Section 4: PUBLIC EMPLOYEE RETIREMENT FUND (PERF & PERF 77) (6.7.2 & 6.7.2)

Civilian PERF participants - The town of Danville will pay the required percentage of the Pension portion of the Civilian plan as determined annually by PERF. The Town of Danville will pay the employee's 3% mandatory "annuity" portion of their Civilian PERF on behalf of the employee.

Police & Fire PERF 77 participants - The town of Danville will pay the required percentage of the Pension portion of the PERF 77 plan as determined annually by PERF. The Town of Danville will pay the employee's 6% mandatory "annuity" portion of the pension plan. The town will not contribute to the participant's Social Security Insurance fund.

Section 5: HOOSIER S.T.A.R.T. 401A (6.7.3)

The Town will contribute on behalf of all full-time employees, hired prior to December 31, 2009, and who participate in the Civilian PERF retirement, an amount equal to 3% of their 2009 base salary (no overtime) bi-weekly on a pre-tax basis.

Section 6: EMPLOYEE ASSISTANCE PROGRAM (EAP) (6.5)

The Town will provide all (not including seasonal employees) employees with EAP services.

Section 7: HOLIDAYS (6.6)

The Town will provide paid time off to full-time employees for the observation of Town Holidays according to the established Holiday Schedule, and as adopted in the Employee Policy Handbook.

Section 8: LEAVE BENEFITS (Vacation, Sick, Bereavement, Civic, FMLA, Military, Personal & ETO leave)

The Town will provide leave benefits as adopted in the Employee Policy Handbook.

Section 9: FULL-TIME POLICE OFFICERS UNIFORM ALLOWANCE

The Town will provide each full-time police officer who has completed their one year of probation an annual \$1,000.00 clothing allowance.

Section 10: FULL-TIME FIRE DEPARTMENT DIVERS

The Town will provide each full-time fire department diver an annual \$650 stipend.

Section 11: PART TIME FIRE DEPARTMENT HOLIDAY STIPEND

The Town will provide each part-time firefighter/paramedic/EMT a Holiday Stipend of \$50.00 per 12-hour shift for the following recognized holidays: New Year's Eve, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve and Christmas Day. Center Township Trustee will reimburse this at 100%.

ORDINANCE 26 - 2023

Section 12: FULL-TIME POLICE OFFICER FIELD TRAINING

The Town will provide each Field Training Officer a \$1.25 per hour stipend when training.

Section 13: PUBLIC INFORMATION OFFICER STIPEND

The Town will provide a public information officer (PIO) with 8 hours of compensatory time monthly

Section 14: LONGEVITY PAY

The Town will provide each full-time sworn police officer and full-time firefighter/paramedic/EMT longevity pay. Longevity pay starts at year 6 to year 20 and is \$200.00 per year up to \$3,000.00 max.

This Ordinance shall be effective January 1 – December 31, 2024, upon adoption by the Town.

Adopted by the Town Council on the ____ day of _____, 2023.

TOWN OF DANVILLE

David Winters

Nancy Leavitt

Chris Gearld

Michael Chatham

Greg Irby

Constituting the Majority of the Members
of the Danville Town Council

ATTEST:

Carrie E. Lofton
Danville Clerk-Treasurer

DEPARTMENT	POSITION	EMPLOYMENT STATUS	WAGES	PAY TYPE	PAY METHODS	FUNDING					
						GENERAL	WATER	WWTTP	SWM	MWH	PARK & REC
COUNCIL	PRESIDENT	Elected	9000.00	Annual	Quarterly	35%	30%	30%	5%		
	MEMBERS (4)	Elected	8000.00	Annual	Quarterly	35%	30%	30%	5%		
BOARDS	PLAN COMMISSION (7)	Appointed	79.80	Per meeting	December	100%					
	BOARD OF ZONING APPEALS (5)	Appointed	72.45	Per meeting	December	100%					
	PARK BOARD (5) 1 non-paid	Appointed	72.45	Per meeting	December	100%					
	DESIGN REVIEW COMMITTEE	Appointed	72.45	Per meeting	December	100%					
	POLICE MERIT BOARD (5)	Appointed	75.00	Per meeting	December	100%					
ADMINISTRATION	TOWN MANAGER	Full-Time/Exempt	4121.61	Bi-weekly Salary	Bi-weekly pay	35%	30%	30%	5%		
	ASSISTANT TOWN MANAGER	Full-Time	862.38	Bi-weekly Salary	Bi-weekly pay	35%	30%	30%	5%		
	UTILITIES DIRECTOR	Full-Time	141.35	Bi-weekly Salary	Bi-weekly pay					100%	
	TOWN PLANNER	Full-Time/Exempt	3125.42	Bi-weekly Salary	Bi-weekly pay	35%	30%	30%	5%		
	ADMINISTRATIVE ASSISTANT	Full-Time	23.98	Per hour (70 hrs)	Bi-weekly pay	55%	10%	10%	25%		
	STORMWATER ADMINISTRATOR	Full-Time/Exempt	3125.42	Bi-weekly Salary	Bi-weekly pay	10%			90%		
	STORMWATER FOREMAN/INSPECTOR	Full-Time	34.62	Per hour (70 hrs)	Bi-weekly pay				100%		
	LINE LOCATOR	Full-Time	23.80	Per hour (70 hrs)	Bi-weekly pay	10%	30%	30%	30%		
	GIS MAPPING TECHNICIAN/ENGINEERING INSPECTOR	Full-Time	23.80	Per hour (70 hrs)	Bi-weekly pay	25%	25%	25%	25%		
	CODE ENFORCEMENT OFFICER	Full-Time	23.80	Per hour (70 hrs)	Bi-weekly pay	25%	30%	30%	15%		
	DEPARTMENT FACILITY AIDE	Part-Time	15.75	Per hour (29 hr max per week)	Bi-weekly pay	30%	30%	30%	10%		
	HUMAN RESOURCES DIRECTOR	Full-Time/Exempt	2403.43	Bi-weekly Salary	Bi-weekly pay	25%	30%	30%	15%		
CLERK-TREASURER	CLERK-TREASURER	Elected/Exempt	3125.42	Bi-weekly Salary	Bi-weekly pay	25%	30%	35%	10%		
	CHIEF DEPUTY	Appointed	2423.35	Bi-weekly Salary	Bi-weekly pay	20%	35%	40%	5%		
	ACCOUNTS PAYABLE/UTILITIES MANAGER DEPUTY	Full-Time	23.16	Per hour (70 hrs)	Bi-weekly pay	35%	30%	30%	5%		
	UTILITY DEPUTY (2)	Full-Time	14.94	Per hour (70 hrs)	Bi-weekly pay		40%	45%	15%		
	UTILITY DEPUTY (1)	Part-Time	21.04	Per hour (29 hr max per week)	Bi-weekly pay		40%	45%	15%		

DEPARTMENT	POSITION	EMPLOYMENT STATUS	WAGES		PAY TYPE	PAY METHODS	FUNDING							
							GENERAL	WATER	WWTP	SWM	MVH	PUBLIC SAFETY LIT	PARK & REC	PARK NON-REV
PARKS & RECREATION	SUPERINTENDENT	Full-Time/Exempt	3125.42		Bi-weekly Salary	Bi-weekly pay							100%	
	ASSISTANT SUPERINTENDENT	Full-Time	2189.38	2423.35	Bi-weekly Salary	Bi-weekly pay							100%	
	AQUATICS & FACILITIES MANAGER	Full-Time	20.83	27.89	Per hour (80 hrs)	Bi-weekly pay							100%	
	LABORER (3)	Full-Time	20.83	27.89	Per hour (80 hrs)	Bi-weekly pay							100%	
	RECREATION & FITNESS MANAGER	Full-Time	20.83	27.89	Per hour (80 hrs)	Bi-weekly pay							100%	
	COMMUNITY ENGAGEMENT COORDINATOR	Full-Time	34.62		Per hour (70 hrs)	Bi-weekly pay		25%	25%	5%			25%	20%
	ADMINISTRATIVE ASSISTANT & CONTENT PROVIDER	Part-Time	15.00	20.00	Per hour (29 hr max per week)	Bi-weekly pay							100%	
	LABORER (4) - 3 season	Part-Time	12.00		Per hour (697 hr max per year)	Bi-weekly pay							100%	
	RECREATION COORDINATOR (3)	Part-Time	10.50	15.75	Per hour (29 hr max per week)	Bi-weekly pay							100%	
	BLANTON HOUSE COORDINATOR (1)	Part-Time	12.50	17.50	Per hour (29 hr max per week)	Bi-weekly pay							100%	
	CAMP DIRECTOR	Seasonal	14.00		Per hour	Bi-weekly pay							100%	
	COUNSELORS (8)	Seasonal	11.00		Per hour	Bi-weekly pay							100%	
	HEAD POOL MANAGER (1)	Seasonal	16.00			Bi-weekly pay							100%	
	AM POOL MANAGER (1)	Seasonal	15.00		Per hour (May 1st - August 31)	Bi-weekly pay							100%	
	PM POOL MANAGER (1)	Seasonal	15.00			Bi-weekly pay							100%	
	CONCESSION STAFF (4)	Seasonal	1st yr = 10.00 2nd yr = 11.00 3rd yr = 12.00		Per hour (May 1st - August 31)	Bi-weekly pay							100%	
	LIFE GUARDS (25 PT seasonal)	Seasonal	Skill Level 1 = 11.00 Skill Level 2 = 12.00 Skill Level 3 = 13.00		Per hour (May 1st - August 31)	Bi-weekly pay							100%	
PUBLIC WORKS	SUPERINTENDENT	Full-Time/Exempt	3125.42		Bi-weekly Salary	Bi-weekly pay	20%	10%	35%	10%	25%			
	FOREMAN	Full-Time	2423.35		Bi-weekly Salary	Bi-weekly pay	75%				25%			
	MECHANIC	Full-Time	2423.35		Bi-weekly Salary	Bi-weekly pay	75%	10%	10%	5%				
	LABORER (8)	Full-Time	20.83	27.89	Per hour (80 hrs)	Bi-weekly pay	100%							
	LABORER (1)	Full-Time	20.83	27.89	Per hour (80 hrs)	Bi-weekly pay					100%			

DEPARTMENT	POSITION	EMPLOYMENT STATUS	WAGES	PAY TYPE	PAY METHODS	FUNDING					
						GENERAL	WATER	WWTP	SWM	MVH	PUBLIC SAFETY LIT
WATER UTILITIES	SUPERINTENDENT	Full-Time/Exempt	3125.42	Bi-weekly Salary	Bi-weekly pay		100%				PARK & REC
	LABORER (5)	Full-Time	20.83	Per hour (80 hrs)	Bi-weekly pay		100%				PARK NON-REV
WWTP UTILITIES	SUPERINTENDENT	Full-Time/Exempt	3125.42	Bi-weekly Salary	Bi-weekly pay			100%			
	FOREMAN	Full-Time	2423.35	Bi-weekly Salary	Bi-weekly pay			100%			
	ADMINISTRATIVE ASSISTANT	Full-Time	23.98	Per hour (70 hrs)	Bi-weekly pay		40%	40%	20%		
	LABORER (3)	Full-Time	20.83	Per hour (80 hrs)	Bi-weekly pay			100%			
POLICE DEPARTMENT	CHIEF OF POLICE (1)	Full-Time/Exempt	3307.70	Bi-weekly Salary	Bi-weekly pay	100%					
	ASSISTANT CHIEF (1)	Full-Time	3,115.39	Bi-weekly Salary	Bi-weekly pay	100%					
	LIEUTENANT (0)	Full-Time	3,000.00	Bi-weekly Salary	Bi-weekly pay	100%					
	SERGEANT (4)	Full-Time	2,884.62	Bi-weekly Salary	Bi-weekly pay	100%					
	OFFICER/DETECTIVE (2)	Full-Time	2,826.93	Bi-weekly Salary	Bi-weekly pay	100%					
	PATROL INVESTIGATOR (1)	Full-Time	2,769.24	Bi-weekly Salary	Bi-weekly pay	100%					
	OFFICER YEAR 3 (6)	Full-Time	2,692.31	Bi-weekly Salary	Bi-weekly pay	100%					
	OFFICER YEAR 2 (1)	Full-Time	2,615.39	Bi-weekly Salary	Bi-weekly pay					100%	
	OFFICER YEAR 2 (4)	Full-Time	2,615.39	Bi-weekly Salary	Bi-weekly pay	100%					
	PROBATIONARY OFFICER (0)	Full-Time	2461.54	Bi-weekly Salary	Bi-weekly pay	100%					
	PART-TIME OFFICER	Part-Time	25.00	Per hour (60 hrs max bi-weekly)	Bi-weekly pay	100%					
	ADMINISTRATIVE SECRETARY	Part-Time	15.00	Per hour (29 hr max per week)	Bi-weekly pay	100%					
	ADMINISTRATIVE SECRETARY (1)	Full-Time	24.55	Per hour (70 hrs)	Bi-weekly pay	100%					
	CSI AGENT	Part-Time	25.00	Per hour (29 hr max per week)	Bi-weekly pay	100%					
	CSI AGENT (1)	Full-Time	22.24	Per hour (70 hrs)	Bi-weekly pay	100%					

DEPARTMENT	POSITION	EMPLOYMENT STATUS	WAGES	PAY TYPE	PAY METHODS	FUNDING					
						GENERAL	WATER	WWT/P	SWM	MVH	PUBLIC SAFETY LIT
FIRE DEPARTMENT Center Township - 50%	CHIEF (1)	Full-Time/Exempt	3307.69	Bi-weekly Salary	Bi-weekly pay	100%					PARK & REC
Center Township - 100%	DEPUTY CHIEF OPERATIONS (0)	Full-Time	3115.38	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	DEPUTY CHIEF ADMINISTRATION (1)	Full-Time	3115.38	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 0%	FIRE MARSHAL (1)	Full-Time	3000.00	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	DIVISION CHIEF TRAINING (1)	Full-Time	3000.00	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	EMS DIVISION CHIEF (1)	Full-Time	3000.00	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	FF/EMT CAPTAIN (1)	Full-Time	2884.62	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	FF/EMT LIEUTENANT (1)	Full-Time	2826.92	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	FF/MEDIC LIEUTENANT (1)	Full-Time	2826.92	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 50%	FF/MEDIC (4)	Full-Time	2769.23	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	FF/EMT (0) - 3 YEAR	Full-Time	2692.31	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	FF/EMT (4) - 2 YEAR	Full-Time	2615.38	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	FF/EMT (7) - PROBATIONARY	Full-Time	2461.54	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	CIVILIAN MEDIC (3)	Full-Time	2615.38	Bi-weekly Salary	Bi-weekly pay	100%					
Center Township - 100%	ADMINISTRATIVE ASSISTANT	Full-Time	23.98	Per hour (70 hrs)	Bi-weekly pay	100%					
Center Township - 100%	FF/MEDIC	Part-Time		Per hour	Bi-weekly pay	100%					
Center Township - 100%	CIVILIAN MEDIC	Part-Time		Per hour	Bi-weekly pay	100%					
Center Township - 100%	FF/EMT	Part-Time		Per hour	Bi-weekly pay	100%					

ORDINANCE NO. 27 – 2023

AN ORDINANCE AMENDING RATES AND CHARGES
FOR THE USE AND SERVICES RENDERED BY THE
TOWN OF DANVILLE SEWAGE WORKS

WHEREAS, the Town Council of Danville ("Town") has previously adopted ordinances, including Ordinance No. 10-2020, to establish and amend the rates and charges for the use and services rendered by the Danville Sewage Works ("Sewage Works") in accordance with IC 36-9-23, and

WHEREAS, the Town arranged for the CPA and municipal consulting firm of O.W. Krohn & Associates, LLP, of Westfield, Indiana ("Consultant") to conduct a review of rates to determine the adequacy of the current Sewage Works rates and charges, and

WHEREAS, the Consultant has determined that the current rates and charges are not sufficient to meet the reasonable financial requirements of the Sewage Works and thus, should be increased to enable the Town to properly operate its Sewage Works, including providing for depreciation, servicing its bonds, and making payments in lieu of taxes to the Town of Danville, and

WHEREAS, the Town has conducted a public hearing on the proposed Sewage Works rates and charges and has determined that they should be established as set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT

Section 1. The rates and charges set forth in the attached Appendix "A" shall be established with those rates and charges becoming effective immediately.

Section 2. The Town may receive payments from the Sewage Works in lieu of taxes.

Section 3. Any provisions of prior Ordinances not amended by, or in conflict with, this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall be effective upon adoption by the Town.

Adopted by the Town Council of Danville on this ____ day of _____, 2023.

TOWN OF DANVILLE

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

Danville Clerk-Treasurer

DANVILLE MUNICIPAL WASTEWATER UTILITY

SCHEDULE OF PROPOSED WASTEWATER RATES AND CHARGES

	- Effective Dates -	Proposed		
		On Passage	7/1/2024	1/1/2025
<u>Metered Flow Rates:</u>				
Metered Flow Rate (per 1,000 gallons)		\$ 7.11	\$ 7.39	\$ 7.69
<u>Monthly Base Charges:</u>				
<u>Meter size:</u>				
5/8-3/4 Inch meter		\$ 31.93	\$ 33.21	\$ 34.54
1 Inch meter		69.80	72.59	75.49
1 1/2 Inch meter		153.36	159.49	165.87
2 Inch meter		259.18	269.55	280.33
3 Inch meter		587.35	610.84	635.27
4 Inch meter		1,016.54	1,057.20	1,099.49
6 Inch meter		2,304.05	2,396.21	2,492.06
8 Inch meter		4,096.31	4,260.16	4,430.57
<u>Unmetered Users:</u>				
Non-metered users (monthly charge)		\$ 70.96	\$ 73.80	\$ 76.75
<u>Excessive Strength Charges (per pound):</u>				
BOD Surcharge (in excess of 250mg/L)		\$ 0.39	\$ 0.41	\$ 0.43
Suspended Solids Surcharge (in excess of 250 mg/L)		0.39	0.41	0.43
Ammonia Surcharge (in excess of 45 mg/L)		0.79	0.82	0.85
Phosphorous Surcharge (in excess of 10mg/L)		1.51	1.57	1.63

ORDINANCE NO. 28 – 2023

AN ORDINANCE AMENDING RATES AND CHARGES
FOR THE USE AND SERVICES RENDERED BY THE
TOWN OF DANVILLE STORMWATER UTILITY

WHEREAS, the Town Council of Danville ("Town") has previously adopted ordinances, including Ordinance No. 12-2020, to establish and amend the rates and charges for the use and services rendered by the Danville Stormwater Utility ("Utility") in accordance with IC 8-1.5-5-7, and

WHEREAS, the Town arranged for the CPA and municipal consulting firm of O.W. Krohn & Associates, LLP, of Westfield, Indiana ("Consultant") to conduct a review of rates to determine the adequacy of the current Utility rates and charges, and

WHEREAS, the Consultant has determined that the current rates and charges are not sufficient to meet the reasonable financial requirements of the Utility and thus, should be increased to enable the Town to properly operate its Utility, including providing for depreciation, servicing its bonds, and making payments in lieu of taxes to the Town of Danville, and

WHEREAS, the Town has conducted a public hearing on the proposed Utility rates and charges and has determined that they should be established as set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT

Section 1. The rates and charges set forth in the attached Appendix "A" shall be established with those rates and charges becoming effective immediately.

Section 2. The Town may receive payments from the Stormwater Utility in lieu of taxes.

Section 3. Any provisions of prior Ordinances not amended by, or in conflict with, this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall be effective upon adoption by the Town.

Adopted by the Town Council of Danville on this ____ day of _____, 2023.

TOWN OF DANVILLE

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

Danville Clerk-Treasurer

APPENDIX A

SCHEDULE OF STORMWATER RATES & CHARGES

(A) There is hereby established a monthly stormwater utility fee for the use of and services provided by the Stormwater Utility of the town. The Stormwater utility fee shall be charged either the owner or tenant of each property in the town with impervious surface area depending on which is being billed by the town for water or sanitary sewer service (i.e., the responsible person or entity shall be the same). In addition to a fixed fee, each bill shall include a variable fee based on the town's determination of the Equivalent Residential Units ("ERUs") for the property. An ERU equals 3,700 square feet of impervious surface area. One ERU shall be attributed to each and every property with impervious surface area and a charge will be imposed for that ERU. Each non-residential property with greater than 3,700 square feet of impervious surface area shall be charged for one ERU plus additional ERUs in increments of one-tenth of an ERU for every 370 square feet of impervious surface area beyond 3,700 square feet. Government, not-for-profit and tax-exempt organizations shall not be exempt from this fee.

(B) The monthly user fee shall consist of two charges: a fixed fee that is the same for all properties with an impervious surface area and a variable fee that is multiplied by the number of ERUs attributed to a property. The monthly charge for each property shall be the sum of the variable fee times the number of ERUs attributed to the property plus the fixed fee. The fees shall be as follows:

FIXED MONTHLY FEE – ALL USERS	\$4.50
VARIABLE MONTHLY FEE – PER ERU	\$3.50

AMENDED AND RESTATED ORDINANCE NO. 29-2023

AN AMENDED AND RESTATED ORDINANCE OF THE DANVILLE TOWN COUNCIL CONCERNING THE CONSTRUCTION OF ADDITIONS AND IMPROVEMENTS TO THE SEWAGE WORKS OF THE TOWN; AUTHORIZING THE ISSUANCE OF REVENUE BONDS IN ONE OR MORE SERIES TO PROVIDE FUNDS FOR THE PAYMENT OF THE COSTS THEREOF; AUTHORIZING THE COLLECTION, SEGREGATION AND DISTRIBUTION OF THE REVENUES OF THE SYSTEM, THE SAFEGUARDING OF THE INTERESTS OF THE OWNERS OF SUCH REVENUE BONDS AND OTHER MATTERS CONNECTED THEREWITH, AND REPEALING ORDINANCES INCONSISTENT HERewith

WHEREAS, the Town Council (the “Town Council”) of the Town of Danville, Indiana (the “Town”), previously adopted its Ordinance No. 25-2020, on September 16, 2020 (the “Original Ordinance”), authorizing the issuance and sale of its sewage works revenue bonds and sewage works bond anticipation notes; and

WHEREAS, on December 15, 2020, pursuant to the Original Ordinance, the Town issued and sold its Sewage Works Bond Anticipation Notes, Series 2020 (the “2020 BANs”), in the aggregate principal amount of \$6,000,000 for payment of preliminary expenses, including architectural fees and construction management fees in connection with the Project (as defined in the Original Ordinance), which 2020 BANs are payable solely from the proceeds of the Bonds (as hereinafter defined) issued hereunder; and

WHEREAS, the Town Council now seeks to amend and restate the Original Ordinance in its entirety to permit the sale of such bonds as hereinafter provided;

NOW, THEREFORE, the Original Ordinance is hereby amended and restated to provide in its entirety hereafter as follows, namely:

WHEREAS, the Town Council of the Town has heretofore established, constructed and financed its sewage works (the “System”), and now owns and operates said System pursuant to INDIANA CODE 36-9-23 *et seq.*, as in effect on the issue date of the bond anticipation notes or the bonds, as applicable, authorized herein (“the “Act”)’ and

WHEREAS, the Town Council of the Town (“Town Council”) hereby finds that certain improvements and extensions to the System are necessary; the engineers employed by the Town (the “Engineers”), have or will prepare and file plans, specifications, detailed descriptions and

estimates of the costs of the necessary improvements and extensions to the System, which together with the equipment to be acquired are more fully set forth in Exhibit A hereto and made a part hereof (the "Project"), which plans and specifications, to the extent required by law, have been or will be duly submitted to and approved by the Town and all governmental authorities having jurisdiction thereover, particularly the Indiana Department of Environmental Management; and

WHEREAS, the Town has or will advertise for and receive bids for the construction for the Project, and such bids will be subject to the Town's determination to acquire, construct and install the Project and the Town obtaining funds for the Project; and

WHEREAS, the Town Council further finds that the estimates prepared and delivered by the Engineers with respect to the costs of the Project and for the redemption of the 2020 Bonds, including all authorized expenses relating thereto and the costs of issuance of bonds on account thereof, will be in the estimated amount not to exceed \$18,000,000, to be partially financed by the issuance of revenue bonds of the Town, in one or more series, under the provisions of the Act, with the balance to be funded with READI grant proceeds and other funds currently maintained by the Town; and

WHEREAS, the Town Council finds that there are not sufficient funds of the System available to apply to the costs of the Project and the redemption of the 2020 BANs and that it is necessary to issue sewage works revenue bonds in one or more series (the "Bonds"), and that the Bonds shall be issued to pay such costs of the Project and redemption of the 2020 BANs, including incidental expenses; and

WHEREAS, the Town has heretofore issued certain Sewage Works Refunding Revenue Bonds of 2015 dated March 26, 2015 (the "Prior Bonds"); and

WHEREAS, the ordinances authorizing the issuance of the Prior Bonds permit the issuance of additional bonds ranking on a parity with the Prior Bonds provided that certain conditions can be met, and the Town finds that the finances of the sewage works will enable the Town to meet the conditions for the issuance of additional parity bonds and that, accordingly the Bonds authorized herein shall constitute a first charge on the Net Revenues of the sewage works, on a parity with the outstanding Prior Bonds; and

WHEREAS, the Bonds issued pursuant to this Ordinance will constitute a first charge against the Net Revenues (as hereinafter defined) of the System on a parity basis with the Town's outstanding Prior Bonds, and are to be issued subject to the provisions of the Act and the terms and restrictions of this Ordinance; and

WHEREAS, the Town Council now finds that all conditions precedent to the issuance of the Bonds have been or will be met; and

WHEREAS, this Town Council now finds that all conditions precedent to the adoption of an ordinance authorizing the issuance of the Bonds to provide the necessary funds to be applied to the cost of the Project and redemption of the 2020 BANs have been complied with in accordance with the provisions of the Act; and

WHEREAS, it is anticipated that the Town may advance all or a portion of the costs of the Project prior to the issuance of the Bonds, with such advances to be repaid from proceeds of the Bonds upon the issuance thereof; and

WHEREAS, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the Town intends by this Ordinance to qualify amounts advanced by the Town on the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, HENDRICKS COUNTY, INDIANA:

Section 1. Acquisition and Construction of the Project; Redemption of 2020 BANs. The Town, as the owner and operator of the System, hereby orders, authorizes and directs the acquisition of any and all necessary property for and the construction of improvements and extensions to the System, pursuant to the Act and in accordance with the plans and specifications heretofore prepared and filed with the Town by the Engineers, which plans and specifications are hereby adopted and approved and, by reference, incorporated fully into this Ordinance, and two (2) copies of which are now on file in the office of the Clerk-Treasurer of the Town (the "Clerk-Treasurer") and are open for public inspection pursuant to INDIANA CODE 36-1-5-4; provided, that any and all costs of property acquisition for and construction of improvements and extensions to

the System in connection with the Project, together with the redemption of the 2020 BANs all other expenses relating thereto including the expenses of issuing bonds on account of the financing of a portion thereof, shall be limited to and shall not exceed the estimated sum of \$18,000,000 unless otherwise authorized by this Town Council. The actions of the Town in connection with the acquisition of any and all necessary property for and the construction and financing of such improvements and extensions to the System are hereby authorized, approved, ratified and confirmed. Where used in this Ordinance, the term "Town" shall be construed also to include any department, board, commission or officer or officers of the Town or of any Town department, board or commission. The terms "Sewage Works", "works", "system" and similar terms used in this Ordinance shall be construed to mean the Town's existing Treatment Works 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. The Project shall be constructed in accordance with the plans and specifications heretofore mentioned, which plans and specifications are hereby approved. The Project will be constructed and the Bonds will be issued pursuant to the provisions of this Ordinance and the Act. The Town may also use cash on hand or grant funding to pay for the Project. The Town reasonably expects to reimburse expenditures for the Project with proceeds of the Bonds, and this Ordinance constitutes a declaration of official intent pursuant to Treasury Regulation 1.150-2(e) and INDIANA CODE 5-1-14-6(c).

Section 2. Issuance of Bonds.

(a) The Town shall issue the revenue bonds in an aggregate principal amount not to exceed \$16,000,000 to be designated "Sewage Works Revenue Bonds, Series 2023" (the "Bonds") for the purpose of procuring funds to partially pay the cost of the Project, the refunding of the 2020 BANs, and the issuance costs of the Bonds, as determined by the Clerk-Treasurer, with the advice of O.W. Krohn & Associates, LLP, the municipal advisor to the Town for financing purposes (the "Municipal Advisor"). The Bonds shall be issued, in one or more series, and sold at a price not less than ninety-nine percent (99.0%) of the principal amount thereof. The Bonds shall be sold by the Clerk-Treasurer pursuant to INDIANA CODE 5-1-11, as amended. The Bonds shall be issued in fully registered form in authorized denominations of \$5,000 or any integral multiple

thereof, or, in the event of a negotiated sale or private placement of the Bonds, in denominations of \$100,000 with integral multiples of \$1,000 in excess thereof. The Bonds shall be lettered and numbered consecutively from R-1 and upward, and originally dated the date of delivery. The Bonds shall bear interest at a rate or rates not exceeding 6.5% per annum if sold to any purchaser (the exact rate or rates to be determined by bidding or through negotiation).

(b) Interest is payable semiannually on May 1 and November 1 in each year, commencing on the May 1 or November 1 following the issuance of the Bonds, all as determined by the Clerk-Treasurer, with the advice of the Municipal Advisor, and as set forth in the bond sale notice if the Bonds are sold competitively pursuant to INDIANA CODE 5-1-11, as amended. The Bonds shall mature annually on November 1 of each year over a period ending no later than November 1, 2048, and in such amounts as is deemed appropriate by the Clerk-Treasurer, with the advice of the Municipal Advisor. The first principal payment shall be as determined by the Clerk-Treasurer, with the advice of the Municipal Advisor. The Bonds will be payable solely out of and constitute a first charge against the Net Revenues (herein defined as the gross revenues of the 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 any time hereafter constructed or acquired remaining after the payment of the reasonable expense of operation, repair and maintenance of the System excluding transfers for payment in lieu of property taxes).

The Town may, upon the advice of the Municipal Advisor, obtain bond insurance for the Bonds.

(c) Interest on the Bonds shall be calculated according to 360-day calendar year containing twelve 30-day months.

(d) The Clerk-Treasurer is authorized to serve or select and appoint a qualified financial institution to serve as the Registrar and the Paying Agent for the Bonds, which registrar is hereby charged with the responsibility of authenticating the Bonds (the "Registrar" or the "Paying Agent"). The Clerk-Treasurer is hereby authorized to enter into such agreements or understandings with such institution as will enable the institution to perform the services required of the Registrar and the Paying Agent. The Clerk-Treasurer is further authorized to pay such fees

as the institution may charge for the services it provides as the Registrar and the Paying Agent, and such fees may be paid from the Sinking Fund.

(e) The Bonds shall be registered in the name of the purchaser. The principal thereof and interest thereon may be paid by wire transfer to such financial institution if and as directed by the purchaser on the due date of such payment or, if such due date is a day when financial institutions are not open for business, on the business day immediately after such due date. If wire transfer payment is not required, the principal of the Bonds shall be payable at the designated office of the Paying Agent, and all payments of interest on the Bonds shall be paid by check mailed one business day prior to the interest payment date to the registered owners thereof, as of the fifteenth day preceding each interest payment date (the "Record Date"), at the addresses of the registered owners as they appear on the registration books kept by the Registrar. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds shall be made in any coin or currency of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

(f) Each Bond shall be transferable or exchangeable only upon the books of the Town kept for that purpose at the designated office of the Registrar, by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner or its attorney duly authorized in writing, and thereupon a new fully registered Bond or 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. The costs of such transfer or exchange shall be borne by the Town; provided, however, that the Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition

precedent to the exercise of the privilege of making such exchange or transfer. Except as otherwise provided in the Continuing Disclosure Agreement described in Section 24, the Town, the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name the Bonds are registered as the absolute owner thereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal thereof, the premium, if any, and interest due thereon.

(g) Interest on the Bonds, which are authenticated on or before the Record Date, which precedes the first interest payment date, shall be paid from their original issue date. Interest on the Bonds authenticated subsequent to the Record Date which precedes the first interest payment date thereon shall be paid from the interest payment date to which interest has been paid as of the date on which such Bonds are authenticated, unless a Bond is authenticated between the Record Date and the interest payment date, in which case the interest shall be paid from such interest payment date.

(h) The Bonds may be issued in book-entry-only form as one fully registered Bond per maturity registered in the name of Cede & Co., as nominee for The Depository Trust Company (“DTC”), New York, New York, and DTC may act as securities depository for the Bonds. In that event, the purchase of beneficial interests in the Bonds will be made in book-entry-only form in the denomination of \$5,000 or more or in the denomination of any multiple thereof. Purchasers of beneficial interests will not receive certificates representing their interests in the Bonds purchased. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of principal, premium, if any, and interest will be made when due directly to such registered owner in same-day funds wired by the Paying Agent in accordance with the procedures set forth in the Blanket Issuer Letter of Representations made by the Town to DTC.

Section 3. Redemption of Bonds.

(a) The Bonds are redeemable at the option of the Town on any date, as determined by the Clerk-Treasurer with the advice of the Municipal Advisor, on 30 days’ notice, in whole or in part, in any order of maturity and by lot within a maturity, at the par amount thereof, together with a premium not greater than 2%, plus, in each case, accrued interest, if any, to the date fixed for redemption. The exact redemption dates and premiums shall be established by the Clerk-Treasurer with the advice of the Municipal Advisor.

(b) If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the Town, any Bonds maturing as term bonds maturing on the same date 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 Bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at one hundred percent (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 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 Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

(c) If less than an entire maturity is called for redemption, the Bonds to be called for redemption shall be selected by lot by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for mandatory sinking fund redemption before selecting the Bonds by lot for optional redemption.

(d) Notice of redemption shall be given not less than thirty (30) days prior to the date fixed for redemption for Bonds that are sold to any other purchaser, unless such redemption notice is waived by the owner of the Bond or Bonds to be redeemed. Such notice shall be mailed to the address of the registered owner as shown on the registration record of the Town as of the date which is forty-five (45) days prior to such redemption date. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the Town. Interest on the Bonds so 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.

(e) The Bonds shall be called for redemption in multiples of their minimum authorized denomination. The Bonds in denominations of more than the minimum authorized denomination shall be treated as representing the number of Bonds, respectively, obtained by dividing the denomination of the Bond by the minimum authorized denomination within a maturity. The Bonds may be redeemed in part. In the event of redemption of Bonds in part, upon surrender of the Bond to be redeemed, a new Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the Bond surrendered shall be issued to the registered owner thereof.

Section 4. Execution and Authentication of the Bonds; Pledge of Net Revenues to the Bonds. The Bonds shall be executed in the name of the Town by the manual or facsimile signature of the President of the Town Council (the "President") and attested by the manual or facsimile signature of the Clerk-Treasurer, who shall affix the seal of the Town to each of the Bonds manually or shall have the seal imprinted or impressed thereon by facsimile. These officials, by the signing of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures their facsimile signatures appearing on the Bonds. The Bonds must be authenticated by an authorized officer of the Registrar or by the Clerk-Treasurer if the Clerk-Treasurer is acting as the Registrar. The Bonds, together with the outstanding Prior Bonds and any additional bonds issued on a parity with the Bonds in accordance with the restrictions imposed by this Ordinance (the "Future Parity Bonds"), as to both principal and interest, shall be payable from and secured by an irrevocable pledge of and shall constitute a first charge upon the Net Revenues of the System. The Town shall not be obligated to pay the principal of and interest on the Bonds, except from the Net Revenues of the System (except to the extent payable from the proceeds of the Bonds), and the Bonds shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State.

Section 5. Form of Bonds. The form and tenor of the Bonds shall be substantially as set forth in Exhibit B, with all blanks to be filled in properly and all necessary additions and deletions to be made prior to delivery thereof.

Section 6. Preparation and Sale of the Bonds. The Clerk-Treasurer is hereby authorized and directed to have the Bonds prepared, and the President, and the Clerk-Treasurer are hereby authorized and directed to execute the Bonds in the form and manner herein provided. The Clerk-Treasurer is hereby authorized and directed to deliver the Bonds to the purchasers thereof after the sale made in accordance with the provisions of this Ordinance, provided that at the time of such delivery, the Clerk-Treasurer shall collect the full amount which the purchasers have agreed to pay therefor, which amount shall not be less than the applicable minimum percentage of the par value of the Bonds set forth in Section 2 of this Ordinance. The Town may receive payment for the Bonds in installments. The Bonds, as and to the extent paid for and delivered to the purchaser, shall be the binding special revenue obligations of the Town, payable out of the Net Revenues of the System to be set aside into the Sinking Fund as provided herein. The proceeds derived from the sale of the Bonds shall be and are hereby set aside to pay the costs of the Project, the refunding of the 2020 BANs, and the expenses necessarily incurred in connection with the issuance of the Bonds. The proper officers of the Town are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this Ordinance.

Section 7. Bond Sale Notice; Official Statement.

(a) If the Bonds will be sold at a competitive sale, the Clerk-Treasurer shall cause to be published either (i) a notice of such sale in the authorized newspaper(s) published in the Town, two (2) times, at least one week apart, with the first publication being made at least fifteen (15) days before the date of the sale and the second publication being made at least three days before the date of the sale or (ii) a notice of intent to sell bonds in the authorized newspaper(s) and the *Indianapolis Business Journal*, all in accordance with INDIANA CODE 5-1-11, as amended, and INDIANA CODE 5-3-1, as amended. The notice shall state the character, the amount and the authorized denominations of the Bonds, the maximum rate or rates of interest thereon, the terms and conditions upon which bids will be received and the sale made, and such other information as the Clerk-Treasurer and the attorneys employed by the Town shall deem advisable. Any summary notice may contain any information deemed so advisable. The notice may provide, among other things, that the purchaser is required to submit to the Town a certified or cashier's check (or wire

transfer such amount as instructed by the Town) not later than a time determined by the Municipal Advisor on the next business day following the award. In the event the successful bidder shall fail or refuse to accept delivery of the Bonds and pay for the same as soon as the Bonds are ready for delivery, or at the time fixed in the notice of sale, then such good faith deposit and the proceeds thereof shall be the property of the Town and shall be considered as its liquidated damages on account of such default. Bidders for the Bonds will be required to name the rate or rates of interest which the Bonds are to bear, not exceeding the maximum rate hereinbefore fixed, and that such interest rate or rates shall be in multiples of one-one hundredth ($1/100$) of one percent (1%). The rate bid on a maturity shall be equal to or greater than the rate bid on the immediately preceding maturity. No conditional bid or bid for less than the applicable minimum percentage of the par value of the Bonds set forth in Section 2 of this Ordinance will be considered. The opinion of Bond Counsel approving the legality of the Bonds will be furnished to the purchaser at the expense of the Town.

(b) The Bonds shall be awarded by the Clerk-Treasurer to the best bidder who has submitted its bid in accordance with the terms of this Ordinance, INDIANA CODE 5-1-11, as amended, and the notice. The best bidder will be the one who offers the lowest interest cost to the Town, to be determined by computing the total interest on all of the Bonds to their maturities and deducting the premium bid, if any, or adding thereto the discount bid, if any. The right to reject any and all bids shall be reserved. If an acceptable bid is not received on the date of sale, the sale may be continued from day to day thereafter without further advertisement for a period of thirty (30) days, during which time, no bid which provides a higher net interest cost to the Town than the best bid received at the time of the advertised sale will be considered.

(c) As an alternative to a competitive sale, the Town is also authorized to sell the Bonds by a negotiated sale to an underwriter, bank or purchaser chosen by the Town upon the advice of the Town's Municipal Advisor (collectively, "Purchaser") at a price not less than 99% of par, plus accrued interest to the date of delivery, if any. The Council President and Clerk-Treasurer are hereby authorized to execute a bond purchase agreement, bond placement agreement and/or term sheet (collectively, the "Purchase Agreement") with the Purchaser with terms consistent with this Ordinance setting forth the terms of the sale. The Purchase Agreement shall establish a final principal

amount, denominations, interest rates, maturity schedule, purchase price and term bond mandatory redemption, if any. The Purchase Agreement will also state that the Purchaser will agree to assist the Town with establishing the issue price of the Bonds under Treasury Regulations Section 1.148-1(f) (the "Issue Price Regulations").

(d) Distribution of an Official Statement (preliminary and final) when and if prepared by the Municipal Advisor, on behalf of the Town, is hereby authorized and approved and the Council President is authorized and directed to execute the Official Statement on behalf of the Town in a form consistent with this Ordinance. The Council President or the Clerk-Treasurer is authorized to deem the Preliminary Official Statement as "final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

Section 8. Use of Proceeds.

(a) The premium, if any, received at the time of the delivery of the Bonds shall be deposited in the Bond and Interest Account of the Sinking Fund. The remaining proceeds from the sale of the Bonds shall be deposited in a bank or banks which are legally designated depositories for the funds of the Town, in a special account or accounts to be designated as "Town of Danville, Hendricks County, Indiana, 2023 Sewage Works Construction Fund Series 2023" (with a fund being identified for each series of bonds, and collectively, the "Construction Fund"). All funds deposited to the credit of the Sinking Fund or the Construction Fund shall be deposited, held, secured or invested in accordance with the laws of the State relating to the depositing, holding, securing or investing of public funds, including particularly INDIANA CODE 5-13, INDIANA CODE 5-1.2-1 through INDIANA CODE 5-1.2-4, and INDIANA CODE 5-1.2-10, and the acts amendatory thereof and supplemental thereto. The funds in the Construction Fund shall be expended only for the purpose of paying the costs of issuance of the Bonds, the cost of the Project, refunding all of the 2020 BANs, or as otherwise required by the Act.

(b) The Town hereby declares that it reasonably expects to reimburse the Town's advances to the Project from proceeds of the Bonds, as anticipated by this Ordinance.

(c) Any balance or balances remaining unexpended in the Construction Fund after completion of the Project and redemption of the 2020 BANs, which are not required to meet

unpaid obligations incurred in connection with the Project, shall either (1) be paid into the Bond and Interest Account of the Sinking Fund and used solely for the purpose of paying the interest on the Bonds when due until depleted or (2) be used for the same purpose or type of project for which the Bonds were originally issued, all in accordance with INDIANA CODE 5-1-13, as amended and supplemented.

Section 9. Revenues. All income and revenues of the System (and any System Development Charges that are not considered Net Revenues) shall be deposited upon receipt in the Revenue Fund (the "Revenue Fund"), which fund is hereby continued. The Revenue Fund shall be maintained separate and apart from all other accounts of the Town. All moneys deposited in the Revenue Fund may be invested in accordance with INDIANA CODE 5-13, INDIANA CODE 5-1.2-1 through INDIANA CODE 5-1.2-4 and INDIANA CODE 5-1.2-10, as amended, and other applicable laws. No moneys derived from the revenues of the System shall be transferred to the general fund of the Town or be used for any purpose not connected with the System (other than transfers for payment in lieu of property taxes "PILOTs" as provided in Section 12). For purposes of this Ordinance, "System Development Charges" shall mean the proceeds and balances from any non-recurring charges such as tap fees, subsequent connector fees, capacity or contribution fees, and other similar one-time charges that are available for deposit under this ordinance including System Development Charges enacted under INDIANA CODE 36-9-23-29.

Section 10. Operation and Maintenance Fund. There shall be transferred from the Revenue Fund and credited to the Operation and Maintenance Fund (the "Operation and Maintenance Fund"), which fund is hereby continued, on or before the last day of each calendar month a sufficient amount of the revenues of the System so that the balance in the Operation and Maintenance Fund shall be sufficient to pay the expenses of operation, repair and maintenance of the System for the then next succeeding two (2) calendar months. The moneys credited to the Operation and Maintenance Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the System on a day-to-day basis, but none of the monies in such fund shall be used for transfers for payment in lieu of property taxes, depreciation, replacements or improvements. Any monies in the Operation and Maintenance Fund in excess of the expected expenses of operation, repair and maintenance for the next succeeding month may be

transferred to the Sinking Fund if necessary to prevent a default in the payment of the principal of or interest on the Bonds and any Prior Bonds.

Section 11. Sinking Fund.

(a) General. After meeting the requirements of the Operation and Maintenance Fund set forth above, there shall be set aside and deposited in the Sinking Fund (which fund is hereby continued), as available, and as provided below, a sufficient amount of the Net Revenues of the System (including any System Development Charges that are considered Net Revenues) to meet the requirements of the Bond and Interest Account (the "Bond and Interest Account") and the Reserve Account (the "Reserve Account"), which accounts are hereby continued. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Reserve Account, equal the amount necessary to redeem all of the Bonds.

(b) Bond and Interest Account. There is hereby continued the Bond and Interest Account. There shall be transferred, on or before the last day of each calendar month beginning after the Bonds have been issued, from the Revenue Fund and credited to the Bond and Interest Account an amount equal to the sum of at one-sixth (1/6) of the total amount of the principal of and interest on the Bonds and Prior Bonds coming due on the next succeeding principal and interest payment date whether by maturity or mandatory sinking fund redemption until the amount of principal and interest payable on the next succeeding principal and interest payment date shall have been so credited. There shall similarly be credited to the Bond and Interest Account any amount necessary to pay the charges of the Paying Agent, if other than the Clerk-Treasurer, for paying the principal of, premium, if any, and interest on the Bonds and any outstanding Prior Bonds as the same become payable. The Town 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 principal, premium, if any, and interest on their due dates, together with the amount of the charges of the Paying Agent, if other than the Clerk-Treasurer.

(c) Reserve Account. There is hereby continued within the Sinking Fund a Reserve Account designated the "Reserve Account."

(1) On the date of delivery of the Bonds, the Town may deposit Bond proceeds, funds on hand or a combination thereof, into the Reserve Account. The balance to be

maintained in the Reserve Account shall equal but not exceed the least of (i) the maximum annual debt service on the Bonds issued hereunder, any outstanding Prior Bonds, and any Future Parity Bonds, (ii) 125% of average annual debt service on the Bonds issued hereunder, any outstanding Prior Bonds, and any Future Parity Bonds, or (iii) 10% of the proceeds of the Bonds issued hereunder, any outstanding Prior Bonds, and any Future Parity Bonds (the "Reserve Requirement"). If the initial deposit into the Reserve Account does not cause the balance therein to equal the Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be credited to the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits of Net Revenues shall be equal in amount and sufficient to accumulate the Reserve Requirement within five (5) years of the date of delivery of the Bonds. The balance in the Reserve Account, allocable to the Bonds, the Prior Bonds and the Future Parity Bonds, shall never exceed the Reserve Requirement.

(2) The Reserve Account shall constitute a margin for safety and a protection against default in the payment of the principal of, premium, if any, and interest on the Bonds, the Prior Bonds and any Future Parity Bonds, and the moneys in the Reserve Account shall be used to pay the principal of and interest on the Bonds, the Prior Bonds and any Future 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 after the required deposits into the Bond and Interest Account. In the event moneys in the Reserve Account are transferred to the Bond and Interest Account to pay the principal of and interest on the Bonds, the Prior Bonds and any Future Parity Bonds then that depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the required deposits into the Bond and Interest Account. Investments in the Reserve Account shall be valued at least annually at their fair market value and marked to market. If, after such valuation, it is determined that the amount on deposit in the Reserve Account is in excess of the Reserve Requirement, such excess shall either be transferred to the Sewage Works Improvement Fund (the "Improvement Fund"), which fund is hereby continued, or

be used for the purchase of Bonds or installments of principal of Bonds at a price not exceeding par and accrued interest.

(3) Any portion of the Reserve Requirement shall be deemed to be satisfied if there is on deposit in the Reserve Account any surety bond, insurance policy, guaranty, letter of credit or other credit enhancement in an amount equal to such portion, the issuer of which credit enhancement is rated at least "A" by Standard & Poor's Ratings Group and "A2" by Moody's Investors Service.

(d) The Sinking Fund (containing the Bond and Interest Account and the Reserve Account), or any portion thereof, and the Construction Fund, may be held by one or more financial institutions selected by the Town. If the Sinking Fund and the accounts therein, or any portion thereof, are so held in trust, the Town shall transfer the monthly required amounts of Net Revenues to the Bond and Interest Account and the Reserve Account in accordance with Section 11 of this Ordinance, and the financial institution holding such funds in trust shall be instructed to pay the required payments in accordance with the payment schedules applicable to the Town's outstanding Bonds, any outstanding Prior Bonds and any Future Parity Bonds. If the Construction Fund is so held in trust, the Town shall deposit the proceeds of the Bonds therein until such proceeds are applied consistent with this Ordinance. The financial institution selected to serve in this role may also serve as the Registrar and the Paying Agent for the Bonds. The President of the Town Council and Clerk-Treasurer are hereby authorized to execute and deliver an agreement in the usual and customary form with a financial institution to reflect this trust arrangement for all or a part of the Sinking Fund and the Construction Fund in the form of trust agreement as approved by the President of the Town Council and Clerk-Treasurer, consistent with the terms and provisions of this Ordinance, and such approval evidenced by the execution of any such agreement.

Section 12. Improvement Fund. After meeting the requirements of the Operation and Maintenance Fund and the Sinking Fund set forth above, the Town shall transfer to the Improvement Fund from the Revenue Fund on or before the last day of each calendar month a sufficient amount of Net Revenues to be used for improvements to, replacements of, additions to and extensions of the System, and to make payments representing PILOTs. The Town reserves the right to transfer PILOTs from the Improvement Fund no more frequently than semiannually in

May and November of each year, in accordance with the Act, and only if all required transfers have been made to the Sinking Fund and the Operation and Maintenance Fund and the Accounts of the Sinking Fund contain the required balances as of the date the PILOTs are paid. Moneys in the Improvement Fund shall be transferred to the Bond and Interest Account if and to the extent necessary to prevent a default in the payment of the principal of, premium, if any, or interest on any Bonds, any outstanding Prior Bonds or Future Parity Bonds payable from Net Revenues, or, if necessary, to eliminate any deficiencies in the deposits or the minimum balance in the Reserve Account as required by Section 11(c) of this Ordinance. At any other time, moneys in the Improvement Fund may be transferred to the Operation and Maintenance Fund to meet unforeseen contingencies in the operation, repair and maintenance of the System.

Section 13. Maintenance of Accounts: Investments. The Sinking Fund shall be maintained as a separate account or accounts from all other accounts of the Town. The Operation and Maintenance Fund and the Improvement Fund may be maintained in a single account or separate accounts, but such account or accounts, shall likewise be maintained separate and apart from all other accounts of the Town and apart from the Sinking Fund account or accounts. All moneys deposited in the Funds and Accounts continued by this Ordinance shall be deposited, held and secured as public funds in accordance with the public depository laws of the State; provided that moneys therein may be invested in obligations in accordance with applicable laws, including INDIANA CODE 5-13, INDIANA CODE 5-1.2-1 through INDIANA CODE 5-1.2-4 and INDIANA CODE 5-1.2-10, as amended or supplemented, and in the event of such investment, the income therefrom shall become a part of the funds invested and shall be used only as provided in this Ordinance. Nothing in this Section or elsewhere in this Ordinance shall be construed to require that separate bank accounts be established and maintained for the Funds and Accounts continued by this Ordinance except that (a) the Sinking Fund and Construction Fund shall be maintained as a separate bank account from the other Funds and Accounts of the Sewage Works and (b) the other Funds and Accounts of the Sewage Works shall be maintained as a separate bank account from the other funds and accounts of the Town.

Section 14. Maintenance of Books and Records. The Town shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all revenues collected from the System, all disbursements made on account of the System and all other transactions relating to the System. Copies of all such statements and reports shall be kept on file in the office of the Clerk-Treasurer.

Section 15. Rate Covenant. The Town covenants and agrees that it will establish and maintain just and equitable rates and charges for the use of and the service rendered by the System, to be paid by the owner of each and every lot, parcel of real estate or building that is connected with and uses the System, or that in any way uses or is served by the System, at a level adequate to produce and maintain sufficient revenue (including user and other charges, fees, income or revenues available to the Town) of the System, to comply with and satisfy all covenants contained in this Ordinance and to pay all obligations of the System and of the Town with respect to the System. 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 and Maintenance of the System and the requirements of the Sinking Fund. The rates and charges so established shall apply to any and all use of the System by and service rendered to the Town and shall be paid by the Town as the charges accrue.

Section 16. Defeasance of Bonds. If: (i) any of the Bonds 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 Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal, the premium, if any, and the interest, so due and payable upon all of the Bonds or any designated portion thereof then outstanding shall be paid; or (ii) the Town shall cause to be held in trust for the purpose of paying when due the principal of, premium, if any, and interest on the Bonds or any designated portion thereof, money, together with direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America, the principal of and the interest on which when due, will be sufficient, without reinvestment, to make such payments, and provision shall also be made for

paying all fees and expenses for the redemption of such Bonds; then and in that case, such Bonds shall no longer be deemed outstanding or entitled to the pledge of the Net Revenues of the System.

Section 17. Additional Bonds. The Town reserves the right to authorize and issue Future Parity Bonds for the purpose of financing the cost of future additions to, extensions of and improvements to the System, or to refund obligations, subject to the following conditions:

(a) The principal of and interest on all bonds payable from the Net Revenues of the System shall have been paid in accordance with the terms thereof, and the amounts required to be paid into the Sinking Fund shall have been made to date in accordance with the provisions of this Ordinance.

(b) The Net Revenues of the System in the fiscal year immediately preceding the issuance of any such Future Parity Bonds shall be not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of the then outstanding bonds payable from the Net Revenues and the additional Future Parity Bonds proposed to be issued; or, prior to the issuance of such Future Parity Bonds, the utility rates and charges shall be increased sufficiently so that such increased rates and charges applied to the previous year's operations would have produced Net Revenues for such year equal to not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of the then outstanding bonds payable from the Net Revenues and the additional Future Parity Bonds proposed to be issued. For purposes of this subsection, the records of the System shall be analyzed and all showings shall be prepared by a certified public accountant employed by the Town for that purpose.

(c) The principal of, or mandatory sinking fund redemption dates for, and interest on the additional Future Parity Bonds shall be payable annually on November 1.

(d) The Reserve Requirement shall be satisfied for the additional Future Parity Bonds either at the time of delivery of the additional Future Parity Bonds or over a five (5) year or shorter period, in a manner which is commensurate with the requirements established in Section 11(c) of this Ordinance.

Section 18. Further Covenants. For the purpose of further safeguarding the interests of the owners of the Bonds, it is specifically provided as follows:

(a) All contracts let by the Town in connection with the construction of the Project shall be let after due advertisement as required by the laws of the State, and all contractors shall be required to furnish surety bonds in an amount equal to one hundred percent (100%) of the amount of such contracts, to insure the completion of such contracts in accordance with their terms, and such contractors shall also be required to carry such employer's liability and public liability insurance as are required under the laws of the State in the case of public contracts and shall be governed in all respects by the laws of the State relating to public contracts.

(b) The Project shall be constructed under the supervision and subject to the approval of the Engineers. All estimates for work done or material furnished shall first be checked by the Engineers and approved by the Town.

(c) So long as any of the Bonds are outstanding, the Town shall at all times maintain the System in good condition and operate the same in an efficient manner and at a reasonable cost.

(d) So long as any of the Bonds are outstanding, the Town shall acquire and maintain insurance on the insurable parts of the system, of a kind and in an amount such as is usually carried by private corporations 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. All insurance proceeds or condemnation proceeds shall be used in replacing or restoring the System or may be deposited in the Sinking Fund.

(e) So long as any of the Bonds are outstanding, the Town shall not mortgage, pledge or otherwise encumber the property and plant of the System, or any portion thereof, or any interest therein. The Town shall not sell, lease or otherwise dispose of any part of the System, except for such machinery, equipment or other property as may be replaced or shall no longer be necessary for use in connection with said utility.

(f) Except as otherwise specifically provided in Section 17 hereof, so long as any of the Bonds are outstanding, no additional bonds or other obligations pledging any portion of the revenues of the System shall be authorized, executed, or issued by the Town, except those as shall be made subordinate and junior in all respects to the Bonds herein authorized, unless the

Bonds are redeemed or defeased pursuant to Section 16 hereof coincidentally with the delivery of such additional bonds or other obligations.

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

(h) The provisions of this Ordinance shall constitute a contract by and between the Town and the owners of the Bonds, all the terms of which shall be enforceable by any holder of the Bonds by any and all appropriate proceedings in law or in equity. After the issuance of the Bonds, this Ordinance shall not be repealed, amended or modified in any respect which will adversely affect the rights or interests of the owners of the Bonds or 2020 BANs nor shall the Town Council or any other body of the Town adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds or 2020 BANs remain outstanding. Except for the changes set forth in Section 21(a)(1)-(7) of this Ordinance, this Ordinance may be amended, however, without the consent of the 2020 BAN owners or Bond owners, if the Town Council determines, in its sole discretion, that such amendment would not adversely affect the rights of any of the owners of the 2020 BANs or the Bond.

(i) The provisions of this Ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds for the uses and purposes set forth herein, and the owners of the Bonds shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this Ordinance and the Act. The provisions of this Ordinance shall also be construed to create a trust in the portion of the Net Revenues herein directed to be set apart and paid into the Sinking Fund or the Improvement Fund for the uses and purposes of such Funds as set forth in this Ordinance. The owners of the Bonds shall have all of the rights, remedies and privileges set forth in the provisions of the Act, including the right to have a receiver appointed to administer the System, in the event the Town shall fail or refuse to fix and collect sufficient rates and charges, or shall fail or refuse to operate and maintain said System and to apply the revenues derived from the operation thereof, or in the event of default in the payment of the principal of or interest on any of the Bonds or in the event of default in respect to any of the provisions of this Ordinance or the Act.

Upon the appointment of such receiver, the receiver may: (i) charge and collect rates sufficient to provide for the payment of the expenses of the operation, repair and maintenance of the System and debt service as provided in the next following clause; (ii) pay the principal of, premium, if any, and interest on any bonds payable from Net Revenues; and (iii) apply the revenues of the System in conformity with the Act and this Ordinance. In addition, any owner of the Bonds may, by civil action, protect and enforce rights granted by the Act or under this Ordinance in connection with any action or duty to be performed by the Town, the Town Council or any officer of the Town, including the making and collecting of reasonable and sufficient charges and rates for services provided by the System.

In addition, any owner of the Bonds may, by civil action, protect and enforce rights granted by the Act or under this Ordinance in connection with any action or duty to be performed by the Town, the Town Council or any officer of the Town, including the making and collecting of reasonable and sufficient charges and rates for services provided by the System as described in this Ordinance.

(j) None of the provisions of this Ordinance shall be construed as requiring the expenditure of any funds of the Town derived from any source other than the proceeds of the Bonds or the operations of the System.

(k) For the purpose this Section 18, the term "lease" shall include any lease, contract, or other instrument conferring a right upon the Town to use property in exchange for a periodic payments made from the revenues of the sewage works, whether the Town desires to cause such to be, or by its terms (or its intended effects) is to be, (i) payable as rent, (ii) booked as an expense or an expenditure, or (iii) classified for accounting or other purposes as a capital lease, financing lease, operating lease, non-appropriation leases, installment purchase agreement or lease, or otherwise (including any combination thereof)

Section 19. Investment of Funds.

(a) The Clerk-Treasurer is hereby authorized pursuant to INDIANA CODE 5-1-14-3, as amended, to invest moneys pursuant to the provisions of this Ordinance (subject to applicable requirements of federal law to insure the yields on such investments are equal to the

then current market rates) to the extent necessary or advisable to preserve the exclusion from gross income of interest on the Bonds under federal law.

(b) The Clerk-Treasurer shall keep full and accurate records of investment earnings and income from moneys held in the Funds and Accounts continued by this Ordinance. In order to comply with the provisions of the Ordinance, the Clerk-Treasurer is hereby authorized and directed to employ consultants or attorneys from time to time to advise the Town as to requirements of federal law to preserve the tax exclusion described above. The Clerk-Treasurer may pay the fees of such consultants or attorneys as operation expenses of the System.

Section 20. Tax Covenants. In order to preserve the exclusion of interest on the 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 Bonds, as the case may be (the "Code"), and as an inducement to the Purchasers of the Bonds, the Town represents, covenants and agrees that:

(a) The use of the System will be based upon arrangements providing for use that is available to the general public on the basis of rates that are generally applicable and uniformly applied, and, to the extent so used, such use shall constitute general public use. No person or entity, other than the Town or another state or local governmental unit, will use more than 10% of the proceeds of the Bonds or the property financed by the Bond proceeds, other than in a manner constituting general public use. No person or entity, other than the Town or another state or local governmental unit, will own property financed by the Bond proceeds or will have actual or beneficial use of such property pursuant to a lease, management, service or incentive payment contract, 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 general public use, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds. If the Town enters into a management contract for all or a portion of the System, the terms of the contract will comply with the Treasury Regulations issued by the United States Department of the Treasury (the "Regulations") and IRS Revenue Procedure 2017-13, and as such may hereafter be further amended, supplemented or superseded from 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 the aggregate will not relate to more than ten percent (10%) of the proceeds of the Bonds.

(b) No more than ten percent (10%) of the principal of or interest on the Bonds is (under the terms of the Bonds, this Ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for private business use or payments in respect of such property, or to be derived from payments (whether or not to the Town) in respect of property or borrowed money used or to be used for a private business use.

(c) No more than five percent (5%) of the Bond proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than five percent (5%) of the 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 Bond proceeds.

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

(e) No more than five percent (5%) of the proceeds of the Bonds will be attributable to private business use as described in paragraph (a) above and private security or payments described in paragraph (b) above 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 issues and use that is related but disproportionate to any governmental use of those proceeds.

(f) The Town will not take any action nor fail to take any action with respect to the Bonds that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the 2020 BANs or the Bonds pursuant to Section 103 of the Code, nor will the Town act in any other manner which would adversely affect such exclusion.

(g) It shall not be an event of default under this Ordinance if the interest on any Bonds 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 Bonds.

(h) The Town represents that it will rebate any arbitrage profits to the United States of America to the extent required by the Code and the Regulations.

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

(j) Notwithstanding any other provisions of this Ordinance, the covenants and authorizations contained in this Ordinance (the "Tax Sections"), which are designed to preserve the exclusion of interest on the Bonds from gross income under federal law (the "Tax Exemption"), need not be complied with if the Town receives an opinion of nationally recognized bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Section 21. Amendments with Consent of Bondholders.

(a) Subject to the terms and provisions contained in this Section and Section 18(j) of this Ordinance, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds 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 Town Council of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the Town Council 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 any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

(1) An extension of the maturity of the principal of or the due date of interest on any Bond; or

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

(3) The creation of a lien upon or a pledge of the revenues or Net Revenues of the System ranking prior to the pledge thereof created by this Ordinance; or

(4) A preference or priority of any Bond or Bonds over any other Bond or Bonds; or

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

- (6) A reduction in the Reserve Requirement; or
- (7) The extension of mandatory sinking fund redemption dates for the Bonds, if any.

(b) If the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the 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 Clerk-Treasurer, no owner of any Bond 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 Town Council 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 Town and all owners of Bonds 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 Town and the owners of the Bonds, and the terms and provisions of the Bonds and this Ordinance, or any supplemental ordinance, may be modified or altered in any respect with the consent of the Town and the owners of all the Bonds then outstanding.

Section 22. Redemption of 2020 BANs. The Council President and the Clerk-Treasurer are hereby authorized and directed to execute and deliver a Notice of Redemption to the holders of the 2020 BANs in such form or substance as they shall approve, acting upon the advice of Bond Counsel. The Council President and the Clerk-Treasurer may take such other actions or execute and deliver such payments and certificates as are necessary or desirable in connection with the redemption of the 2020 BANs and the other documents needed for the redemption of the 2020 BANs as any one of them deem necessary or desirable in connection therewith.

Section 23. Rate Ordinance. The Town Council has adopted or will adopt its Rate Ordinance, which sets forth the rates and charges applicable to the System prior to the issuance of the Bonds.

Section 24. Continuing Disclosure. If necessary in order for the Purchaser of the Bonds to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended (the "Rule"), the Council President and the Clerk-Treasurer are hereby authorized to execute and deliver, in the name and on behalf of the Town, (i) an agreement by the Town to comply with the requirements for a continuing disclosure undertaking of the Town pursuant to subsection (b)(5) or (d)(2) of the Rule, and (ii) amendments to such agreement from time to time in accordance with the terms of such agreement (the agreement and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Agreement"). The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Agreement. The remedies for any failure of the Town to comply with and carry out the provisions of the Continuing Disclosure Agreement shall be as set forth therein.

Section 25. Professional Services. O.W. Krohn & Associates, LLP, is hereby retained as Municipal Advisor and Taft Stettinius & Hollister LLP is hereby retained as Bond Counsel, and the Town is authorized and directed to execute any engagement letter submitted by each of those firms with respect to the issuance of the Bonds.

Section 26. Conflicting Ordinances. All prior ordinances and parts of prior ordinances, insofar as they are in conflict herewith, are hereby repealed.

Section 27. Effective Date. This Ordinance shall be in full force and effect from and after its passage and execution by the Council President.

Adopted this ____ day of December, 2023.

TOWN COUNCIL OF THE TOWN OF DANVILLE, HENDRICKS COUNTY, INDIANA

FOR:

AGAINST:

_____	David Winters	_____
_____	Nancy Leavitt	_____
_____	Greg Irby	_____
_____	Michael Chatham	_____
_____	Chris Gearld	_____

ATTEST:

Carrie Lofton, Clerk-Treasurer

SCHEDULE OF EXHIBITS

EXHIBIT A - PROJECT DESCRIPTION

EXHIBIT B - FORM OF BOND

EXHIBIT A

PROJECT DESCRIPTION

The Project encompasses several individual projects to eliminate “sewage overflows” and to mitigate Infiltration & Inflow (“I/I”) in particular areas of the Town. The Project is more specifically noted in the Town’s Sewer Master Plan. Included in the Project are (i) improvements to the eastside interceptor, (ii) main extension to 200 E and 75 S, (iii) southside interceptor improvements, (iv) improvements to the Park Ridge lift station, and (v) improvements to the County Homes lift station.

EXHIBIT B
FORM OF BOND

No. R-____

[Unless this 2023 Bond (as defined below) is presented by an authorized representative of The Depository Trust Company, a New York Corporation (“DTC”), to the Town of Danville, Hendricks County, Indiana, or its agent for registration of transfer, exchange or payment, and any 2023 Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.]

UNITED STATES OF AMERICA

STATE OF INDIANA

COUNTY OF HENDRICKS

TOWN OF DANVILLE

SEWAGE WORKS REVENUE BOND, SERIES 2023

Maturity	Interest	Original	Authentication	
<u>Date</u>	<u>Rate</u>	Issue Date	<u>Date</u>	[CUSIP]
[See <u>Exhibit A</u>]	_____%	_____, 202__	_____	_____

Registered Owner:

Principal Sum:

The Town of Danville, Hendricks County, Indiana (the “Town”), for value received, hereby promises to pay to the Registered Owner specified above or registered assigns, solely out of the special revenue fund hereinafter referred to, the Principal Sum specified above[, or so much thereof as may be advanced from time to time and be outstanding as evidenced by the records of the Registered Owner making payment for this 2023 Bond (as defined below), or its assigns,] on [the Maturity Date set forth above] or [November 1 in the years and in the amounts set forth in Exhibit A attached hereto] [(unless this 2023 Bond is subject to and shall have been duly called for redemption and payment as provided for herein)], and to pay interest hereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above from the interest payment

date to which interest has been paid next preceding the Authentication Date of this 2023 Bond, unless this 2023 Bond is authenticated after the fifteenth day preceding an interest payment date and on or before such interest payment date, in which case it shall bear interest from such interest payment date, or unless this 2023 Bond is authenticated on or before [April] [October] 15, 202__, in which case it shall bear interest from the Original Issue Date, which interest is payable semiannually on May 1 and November 1 of each year, beginning on [May 1] [November 1, 20__]. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months.

[The principal of and premium, if any, on this 2023 Bond is payable at the designated office of _____ (the "Registrar" or the "Paying Agent"), in the _____ of _____ Indiana.] All payments of [principal of, premium, if any, and] interest on this 202__ Bond shall be paid by [check mailed one business day prior to the interest payment date] to the Registered Owner hereof, as of the fifteenth day of the month preceding such payment, at the address as it appears on the registration books kept by the [Clerk-Treasurer of the Town (the "Registrar" or the "Paying Agent") in the Town] [Registrar]. [If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments so such payments are received at the depository by 2:30 p.m. (New York City time).] All payments on the Town's Sewage Works Revenue Bonds, Series 202__ (the "202__ Bonds"), 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.

This 2023 Bond shall not constitute an indebtedness of the Town within the meaning of the provisions and limitations of the constitution of the State, and the Town shall not be obligated to pay this 2023 Bond or the interest hereon except from the special fund provided from the Net Revenues (herein defined as the gross revenues, inclusive of System Development Charges (as defined in the Ordinance) of the System (herein defined as the Town's Treatment Works, 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 any time hereafter constructed or acquired) remaining after the payment of the reasonable expense of operation, repair and maintenance of the System excluding transfers for payments in lieu of property taxes).

This 2023 Bond is one of an authorized series of 2023 Bonds of like tenor and effect, except as to numbering, interest rates per annum and dates of maturity, in the total amount of _____ Dollars (\$_____) lettered and numbered consecutively from R-1 and upward, issued for the purpose of providing funds to pay the cost of the acquisition of, and the construction and installation of certain improvements to, the System, including, without limitation, the acquisition and installation of necessary equipment therefor and the making of other site improvements related thereto (the "Project"), to refund the Town's Sewage Works Bond Anticipation Note, Series 2020 issued in anticipation of the 2023 Bonds (the "2020 BANs") and to pay the costs of issuance of the 2023 Bonds and the 2020 BANs, as authorized by: an ordinance adopted by the Town Council of the Town on December 6, 2023 (the "Ordinance"), and in strict compliance with the provisions of INDIANA CODE 36-9-23 *et seq.*, as in effect on the issue date of this 2023 Bond (the "Act"). Capitalized terms not otherwise defined herein have the same meanings as ascribed to them in the Ordinance. The bonds of this series are issued on a parity

with the Town's outstanding Sewage Works Refunding Revenue Bonds of 2015 (the "2015 Bonds").

Pursuant to the provisions of the Ordinance and the Act, the principal of and interest on this 2023 Bond, all other 2023 Bonds, and the 2015 Bonds and any bonds hereafter issued ranking on a parity therewith (collectively, the "Bonds"), are payable solely from the Sewage Works Sinking Fund (the "Sinking Fund") to be funded from the Net Revenues of the System, except to the extent payable from the proceeds of the Bonds.

The Town irrevocably pledges, the entire Net Revenues of the System to the prompt payment of the principal of and interest on the Bonds and covenants that it will cause to be fixed, maintained and collected such rates and charges for service rendered by the System as are sufficient in each year for the payment of the Operation and Maintenance (as defined in the Ordinance) and for the payment of the sums required to be paid into the Sinking Fund under the provisions of the Act and the Ordinance. The Town has covenanted to maintain rates and charges, to the extent permitted by law, to produce Net Revenues sufficient to pay the annual debt service on the Bonds. If the Town or the proper officers of the Town 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 principal of or interest on the Bonds when due, the owner of this 2023 Bond shall have all of the rights and remedies provided for in the Act and the Ordinance, including the right to have a receiver appointed to administer the System (but only in the event of a default in the payment of the principal of or the interest on the Bonds when due or in the event of default in respect to any of the provisions of this Ordinance or the Act), and, by civil action, to protect and enforce rights granted by the Act or under the Ordinance in connection with any action or duty to be performed by the Town, the Town Council or any officer of the Town, including the making and collecting of reasonable and sufficient charges and rates for services provided by the System.

The Town further covenants that it will set aside and pay into the Sinking Fund a sufficient amount of the Net Revenues to pay: (a) the principal of and interest on all Bonds, as such principal and interest shall come due; (b) the necessary fiscal agency charges for paying the principal of and interest on the Bonds; and (c) an additional amount to create and maintain the debt service reserve required by the Ordinance. Such required payments shall constitute a first charge upon all the Net Revenues of the System on a parity with the Prior Bonds.

The 2023 Bonds maturing on and after _____, are redeemable at the option of the Town on _____ 1, 20____, or any date thereafter, on [sixty (60)] [thirty (30)] days' notice, in whole or in part, in inverse order of maturity and by lot within a maturity, at face value plus in each case accrued interest to the date fixed for redemption, together with the following premiums:

____% if redeemed on _____ 1, 20____ or thereafter
on or before _____, 20____;
1% if redeemed on _____ 1, 20____ or thereafter
on or before _____, 20____;
0% if redeemed on _____ 1, 20____ or thereafter
prior to maturity.

[The 2023 Bonds maturing on _____, are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof, plus accrued interest, on January 1 and July 1 in the years and in the amounts set forth below:

<u>Year</u>	<u>Amount</u>
-------------	---------------

*

*Final Maturity.]

[In the event the 2023 Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the 2023 Bonds for mandatory sinking fund redemption before selecting the 2023 Bonds by lot for optional redemption.]

Notice of redemption shall be mailed to the address of the Registered Owner as shown on the registration record of the Town, as of the date which is [forty-five (45)] days prior to such redemption date, not less than [thirty (30)] days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and sufficient identification of the 2023 Bonds called for redemption. The place of redemption may be determined by the Town. Interest on the 2023 Bonds so 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.

[The 2023 Bonds shall be called for redemption in multiples of [\$5,000]. The 2023 Bonds in denominations of more than \$1.00 shall be treated as representing the number of 2023 Bonds obtained by dividing the denomination of the 2023 Bond by [\$5,000] within a maturity.] The 2023 Bonds may be redeemed in part. In the event of the redemption of the 2023 Bonds in part, upon surrender of the 2023 Bond to be redeemed, a 2023 Bond or Bonds in an aggregate principal amount equal to the unredeemed portion of the 2023 Bond surrendered shall be issued to the Registered Owner.

If this 2023 Bond shall not be presented for payment or redemption on the date fixed therefor, and the Town shall have deposited in trust with [the Paying Agent] [its depository bank], an amount sufficient to pay this 2023 Bond or the redemption price, as the case may be, then the Registered Owner shall thereafter look only to the funds so deposited in trust with [the Paying Agent] [such depository bank] for payment and the Town shall have no further obligation or liability with respect thereto.

This 2023 Bond is transferable or exchangeable only upon the books of the Town kept for that purpose at the office of the Registrar, by the Registered Owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this 2023 Bond, together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the Registered Owner or its attorney duly authorized in writing, and thereupon a fully registered 2023 Bond or 2023 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 to the Registered Owner, as the case may be, in exchange therefor. [Except as otherwise provided in the Disclosure Agreement described below, the] [The] Town, the Registrar and the Paying Agent may treat and consider the person in whose name this 2023 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, premium, if any, and interest due hereon.

The 2023 Bonds maturing in any one year are issuable only in fully registered form in the denomination of [\$5,000] or any integral multiple thereof not exceeding the aggregate principal amount of the 2023 Bonds maturing in such year.

THE REGISTERED OWNER, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. This 2023 Bond is subject to defeasance prior to redemption or payment as provided in the Ordinance. The Ordinance may be amended without the consent of the owners of the 2023 Bonds as provided in the Ordinance if the Town Council determines, in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the 2023 Bonds.

[A Continuing Disclosure Agreement dated as of the Original Issue Date (the "Disclosure Agreement") has been executed by the Town for the benefit of each registered or beneficial owner of any 2023 Bond. A copy of the Disclosure Agreement is available from the Town and its terms are incorporated herein by reference. The Disclosure Agreement contains certain covenants of the Town to each registered or beneficial owner of any 2023 Bond, including a covenant to provide continuing disclosure of certain annual financial information and notices of the occurrence of certain events, if material. By its payment for and acceptance of this 2023 Bond, the Registered Owner and any beneficial owner of this 2023 Bond assents to the Disclosure Agreement and to the exchange of such payment and acceptance for such covenants.]

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the preparation and completion of the execution, issuance and delivery of this 2023 Bond have been done and performed in regular and due form as provided by law.

This 2023 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 Town has caused this 2023 Bond to be executed in its corporate name and on its behalf by the manual or facsimile signature of its President, have its corporate seal affixed hereunto, imprinted or impressed by any means, and be attested manually or by facsimile by its Clerk- Treasurer.

TOWN OF DANVILLE, HENDRICKS
COUNTY, INDIANA

[SEAL]

By: _____
President, Town Council

Attest:

Clerk-Treasurer

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

It is hereby certified that this Bond is one of the Bonds described in the within-mentioned Ordinance duly authenticated by the Registrar.

[_____,
as Registrar

By _____
Authorized Representative]

EXHIBIT A TO BOND
TOWN OF DANVILLE
SEWAGE WORKS REVENUE BOND, SERIES 2023

Maturity
Date

Principal
Due

ORDINANCE NO. 30 – 2023

AN ORDINANCE AMENDING RATES AND CHARGES
FOR THE USE AND SERVICES RENDERED BY THE
TOWN OF DANVILLE WATER UTILITY

WHEREAS, the Town Council of Danville ("Town") has previously adopted ordinances, including Water Rate Ordinance No. 12 – 2022, to establish and amend the rates and charges for the use and services rendered by the Danville Water Utility ("Utility") in accordance with IC 8-1.5-3-8, and

WHEREAS, the Town arranged for the CPA and municipal consulting firm of O.W. Krohn & Associates, LLP, of Westfield, Indiana ("Consultant") to conduct a review of rates to determine the adequacy of the current Utility rates and charges, and

WHEREAS, the Consultant has determined that the current rates and charges are not sufficient to meet the reasonable financial requirements of the Utility and thus, should be increased to enable the Town to properly operate its Utility, including providing for depreciation, servicing its bonds, and making payments in lieu of taxes to the Town of Danville, and

WHEREAS, the Town has conducted a public hearing on the proposed new Utility rates and charges and has determined that they should be established as set forth in this Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE, INDIANA, THAT

Section 1. The rates and charges set forth in the attached "Appendix A" shall be established with Phase I becoming effective September 1, 2023; Phase II becoming effective July 1, 2024; and Phase III becoming effective July 1, 2025.

Section 2. When a Utility customer is ten (10) days or more delinquent, that customer shall be disconnected from Danville water distribution system until the water bill in arrears is paid in full. The reconnection fee charged shall be fifty (\$50.00) dollars.

Section 3. Any provisions of prior Ordinances not amended by, or in conflict with, this Ordinance shall remain in full force and effect.

Section 4. This Ordinance shall be effective upon adoption by the Town.

Adopted by the Town Council of Danville on this ____ day of _____, 2023.

TOWN OF DANVILLE

Council Member

Council Member

Council Member

Council Member

Council Member

ATTEST:

Danville Clerk-Treasurer

APPENDIX A

SCHEDULE OF WATER RATES AND CHARGES

			<u>Effective Date</u>	<u>Current</u>	<u>Proposed</u>
			<i>Effective Increase</i>	<i>7/1/2022</i>	<i>On passage</i>
				<i>Current</i>	<i>0%</i>
<u>Monthly Metered Rates (per 1,000 gallons):</u>					
<u>Residential Customers:</u>					
First	2,000	Gallons		\$ 9.12	\$ 9.12
Next	7,000	Gallons		7.89	7.89
Over	9,000	Gallons	<i>Conservation Rate</i>	10.06	10.06
<u>Non-Residential Customers:</u>					
First	2,000	Gallons		\$ 9.12	\$ 9.12
Next	7,000	Gallons		7.89	7.89
Next	91,000	Gallons		6.31	6.31
Over	100,000	Gallons		4.73	4.73
<u>Monthly Minimum Charges:</u>	<u>Gallons</u>	<u>Class</u>			
<u>Meter size:</u>					
5/8-3/4 Inch meter	2,000	Res		\$ 18.24	\$ 18.24
1 Inch meter	5,000	Res		41.91	41.91
1 1/2 Inch meter	11,600	Non-Res		89.88	89.88
2 Inch meter	20,000	Non-Res		142.88	142.88
3 Inch meter	46,000	Non-Res		306.94	306.94
4 Inch meter	80,000	Non-Res		521.48	521.48
6 Inch meter	182,000	Non-Res		1,035.54	1,035.54
8 Inch meter	323,800	Non-Res		1,706.25	1,706.25
<u>Public Fire Protection:</u>					
<u>Meter size:</u>					
5/8-3/4 Inch meter				\$ 5.39	\$ 5.39
1 Inch meter				13.47	13.47
1 1/2 Inch meter				31.19	31.19
2 Inch meter				53.76	53.76
3 Inch meter				123.61	123.61
4 Inch meter				214.94	214.94
6 Inch meter				214.94	214.94
8 Inch meter				214.94	214.94
<u>Private Fire Protection:</u>					
Hydrant Service Charge		<i>per Hydrant per Annum</i>		\$ 493.02	\$ 493.02
<u>Hydrant Rental Fees:</u>					
Daily Rental Fee				N/A	\$ 21.25
Water Usage Charges				N/A	3" meter usage charges applied on monthly

ORDINANCE NO. 31 - 2023

**AN ORDINANCE AUTHORIZING THE TOWN OF DANVILLE, INDIANA TO
BECOME A MEMBER OF THE CENTRAL INDIANA REGIONAL
DEVELOPMENT AUTHORITY PURSUANT TO INDIANA CODE § 36.7.7 et. seq.**

WHEREAS, on or around March 18, 2020, Governor Holcomb signed Public Law 83- 2020 (SEA 350) (the "Act"), which allows eligible political subdivisions located in the Indianapolis-Carmel-Anderson Metropolitan Statistical Area to create the Central Indiana Regional Development Authority (the "Development Authority") and to carry out its powers as more particularly described in the Act;

WHEREAS, the Development Authority is a separate body corporate and politic that shall carry out the purposes of the Act by (i) acquiring, constructing, equipping, owning, and financing projects and facilities to or for the benefit of members of the Development Authority; and (ii) funding and developing: (A) airport authority projects; (B) commuter transportation district and other rail projects and services; (C) regional transportation authority projects and services; (D) economic development projects; (E) intermodal transportation projects; (F) regional trail or greenway projects; (G) regional transportation infrastructure projects under IC 36-9-43; and (H) any other capital infrastructure project that enhances the region with the goal of attracting people or business; that are of regional importance;

WHEREAS, the Development Authority has the power to, among other items, (i) finance, improve, construct, reconstruct, renovate, purchase, acquire, and equip land and projects that are of regional importance; (ii) finance and construct additional improvements to projects or other capital improvements owned by the development authority; (iii) construct or reconstruct highways, roads, and bridges; (iv) acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase; (v) provide funding for intermodal transportation projects and facilities; (vi) provide funding for regional trails and greenways; (vii) provide funding for economic development projects; (viii) provide funding for regional transportation infrastructure projects under IC 36-9-43; and all other powers as prescribed by the Act;

WHEREAS, the Development Authority may be established by (i) one or more counties and one more adjacent counties, (ii) one more counties and one or more municipalities in adjacent counties, or (iii) one or more municipalities and one or more municipalities in adjacent counties;

WHEREAS, the Act permits the City of Westfield, the City of Carmel, the City of Greenwood, and Marion County to immediately withdraw from the development authority to which they belong in order to join the Development Authority;

WHEREAS, the Development Authority shall be governed by a strategy committee whose composition and structure will be established by a preliminary development plan (the "Plan"), which in accordance with the Act, is to be adopted by separate resolution of the participating member; and

WHEREAS, the Town Council ("Council") for the Town of Danville, Hendricks County, Indiana ("Town") now desires to authorize the Town to become a member of the Development Authority, pursuant to Ind. Code §36-7.7.7-3-9.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council for the Town of Danville, Hendricks County, Indiana, meeting in regular session as follows:

Section 1. The Council hereby authorizes the Town to become a member of the Development Authority pursuant to the Act. The Town shall be a member of the development authority for not less than five years.

Section 2. The Council shall adopt the Plan by separate resolution, which resolution shall be substantially similar to the resolutions of other participating members of the Development Authority.

Section 3. The Town shall notify the Indiana Economic Development Commission of its membership in the Development Authority.

Section 4. This Ordinance shall be of full force and effect from and upon its adoption and in accordance with Indiana law. SO ORDAINED, by the Council for the Town of Danville meeting this _____ day of December.

ADOPTED by the Town Council of the Town of Danville, Indiana, on this
_____ day of _____, 2023.

TOWN OF DANVILLE

David Winters

Nancy Leavitt

Chris Gearld

Michael Chatham

Greg Irby

ATTEST:

Carrie E. Lofton
Danville Clerk-Treasurer

AMEND ORDINANCE 21 - 2022
AN ORDINANCE OF THE DANVILLE TOWN COUNCIL
ESTABLISHING A CELLULAR TELEPHONE ALLOWANCE

WHEREAS, the Town of Danville, Hendricks County, Indiana, Town Council deems it necessary for certain Town employees to have cellular telephones for the purpose of improved communications between the Town and the Town employees; and

NOW, THEREFORE, BE IT RESOLVED by the Danville Town Council as follows:

SECTION ONE. Employees holding a position requiring cellular telephone availability will receive a monthly Cellular Telephone Allowance according to the following:

Allowance Levels	Basic phone	Text Messaging	Data Service	Equipment	Monthly Totals	Bi-weekly Totals
Administration	35.00	5.00	25.00	10.00	75.00	34.62
Level I	35.00	5.00	25.00	5.00	70.00	32.31
Level II	35.00	5.00		2.50	42.50	19.62
Level III	35.00			2.50	37.50	17.31

Position	# of Phones	Level	Monthly Totals	Bi-weekly Totals
Town Manager	1	Admin	\$75.00	\$34.62
Town Planner	1	Admin	\$75.00	\$34.62
Code Enforcement Officer	1	Level II	\$42.50	\$19.62
Clerk-Treasurer	1	Admin	\$75.00	\$34.62
Chief Deputy, Clerk-Treasurer	1	Level I	\$70.00	\$32.31
Stormwater Superintendent	1	Admin	\$75.00	\$34.62
Stormwater Foreman/Inspector	1	Level II	\$42.50	\$19.62
Fire Chief	1	Admin	\$75.00	\$34.62
Assistant Fire Chief	1	Admin	\$75.00	\$34.62
EMS Division Chief	1	Admin	\$75.00	\$34.62
Training Division Chief	1	Admin	\$75.00	\$34.62
Fire Marshall	1	Admin	\$75.00	\$34.62
Water Superintendent	1	Admin	\$75.00	\$34.62
Water Laborer	4	Level I	\$70.00	\$32.31
Utility Deputies	2	Level III	\$37.50	\$17.31
AP Deputy/Utility Manager Deputy	1	Level I	\$70.00	\$32.31
Wastewater Superintendent	1	Admin	\$75.00	\$34.62

Wastewater Foreman	1	Level I	\$70.00	\$32.31
Wastewater Laborer	3	Level I	\$70.00	\$32.31
Parks Superintendent	1	Admin	\$75.00	\$34.62
Assistant Park Superintendent	1	Level I	\$70.00	\$32.31
Public Works Superintendent	1	Admin	\$75.00	\$34.62
Town Mechanic	1	Level I	\$70.00	\$32.31
Public Works Foreman	1	Level I	\$70.00	\$32.31
Line Locate Employee	1	Level III	\$37.50	\$17.31
Police Chief	1	Admin	\$75.00	\$34.62
Assistant Police Chief	1	Level I	\$70.00	\$32.31
Police Patrolmen / Officers (FT)	16	Level II	\$42.50	\$19.62
Temp. Replacement Patrolmen				\$1.00 per shift worked
Parking Admin	1	Level III	\$37.50	\$17.31

Allowance levels for those employees requiring a phone will be determined through discussions held by and between Department Administrators and the Town Manager.

SECTION TWO. Town employees receiving a Cellular Phone Allowance will maintain an active cellular telephone at all times and are required to provide the telephone number of that cellular telephone to the Town. Town employees are also required to maintain features on their plan according to the Allowance Level that they are receiving compensation for.

SECTION THREE. The Cellular Telephone Allowance cannot be used for a track phone.

SECTION FOUR. Cellular telephones and accessories owned by the Town at the time this policy is adopted can be retained by the employee for use with the employee's cellular telephone contract. Required taxes for any telephone and/or equipment retained by the employee will be deducted from the employee's paycheck and reported on their Form W-2. All future cellular telephone equipment needs are the responsibility of the employee.

SECTION FIVE. In the event an employee terminates his or her employment with the Town, the Cellular Telephone Allowance will be prorated by the number of days employed during the month and any allowance that might be required to be reimbursed to the Town, will be withheld from the employee's last paycheck

SECTION SIX. Employees will not be eligible for Cellular Telephone Allowance during disability leave or any other extended leave of absence from work.

SECTION SEVEN. This Ordinance shall be in full force and effect upon passage.

PASSED AND ADOPTED by the Council of the Town of Danville, Indiana, this 6th day of December 2023.

TOWN COUNCIL

David Winters

Nancy Leavitt

Chris Gearld

Michael Chatham

Greg Irby

ATTEST:

Carrie E. Lofton
CLERK-TREASURER

RESOLUTION 17-2023

A Resolution providing for the transfer of appropriations between Major Budget Classifications

WHEREAS, Certain conditions have developed since the adoption of the 2023 budget and it is now necessary to transfer appropriations into different Major Budget Classifications than was appropriated in the annual budget for the various functions of the Town of Danville.

NOW, THEREFORE, BE IT RESOLVED by the Danville Town Council that:

SECTION 1. For that expense of the Town of Danville, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such funds herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have obligated balances which will be available for transferring as follows:

AMOUNT	FUND:	FROM:	FUND:	TO:	REASON:
\$85,000.00	1101	5-515-41100 (Salary/Wages Reg FD)	1101	5-514-44000 (New Equipment FD)	To Purchase a Quint Fire Truck

Adopted this 6th day of December 2023.

Danville Town Council

David Winters

Nancy Leavitt

Chris Gearld

Michael Chatham

Greg Irby

Attested to:

Carrie Lofton: Clerk/Treasurer

RESOLUTION 18-2023

A Resolution providing for the transfer of appropriations between Major Budget Classifications

WHEREAS, Certain conditions have developed since the adoption of the 2023 budget and it is now necessary to transfer appropriations into different Major Budget Classifications than was appropriated in the annual budget for the various functions of the Town of Danville.

NOW, THEREFORE, BE IT RESOLVED by the Danville Town Council that:

SECTION 1. For that expense of the Town of Danville, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such funds herein transferred unless otherwise stipulated by law.

SECTION 2. Where it has been shown that certain existing appropriations have obligated balances which will be available for transferring as follows:

AMOUNT	FUND:	FROM:	FUND:	TO:	REASON:
\$35,000.00	1101	5-511-41100 (Salary/Wages Reg PD)	1101	5-511-43105 (Other Services & Charges PD)	To purchase new weapons to replace old ones.

Adopted this 6th day of December 2023.

Danville Town Council

David Winters

Nancy Leavitt

Chris Gearld

Michael Chatham

Greg Irby

Attested to:

Carrie Lofton: Clerk/Treasurer

REQUESTING DEPARTMENT: Police Department**FUNCTION OR NEED OF REQUESTED PURCHASE:**

Update and purchase 21 new patrol rifles. Current patrol rifles are from the US Government on a lease program. Most of the current Government guns are from the Vietnam era. Also, the current arsenal of patrol rifles utilize two different calibers of ammunition.

FINANCIAL ANALYSIS:

COST PER ITEM	\$ 1,653.00
# OF ITEMS REQUESTED	21
TOTAL AMOUNT REQUESTED	\$ 34,713.00

PURPOSE OF REQUEST NEW / Replacement**REVENUE IMPACTS:**IS THIS A REVENUE PRODUCING ITEM? Yes / NoIF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A**COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):**

No additional staff. No additional insurance. End lease contract with Government and fees.

OTHER CONSIDERATIONS:

IS RENOVATION REQUIRED Yes / No
 IS ADDITIONAL SPACE NEEDED Yes / No
 EXPECTED LIFE 15 YEARS

Replacement of OLD

FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

AMOUNT

HOST (709)	
RAINY DAY (510)	
EDIT (102)	
GENERAL (1101-5-511-43105)	\$ 34,713.00
OTHER ()	\$ -

HAVE YOU EXPENDED ALL OF YOUR DONATION, GRANT AND/OR
 APPROPRIATIONS FOR THIS FUNDING FIRST: Yes / No

IMPORTANT:

All requests must be submitted to the Town Manager and Clerk-Treasurer at least 7 days prior to the next Council meeting to be included on the agenda for Council consideration.

Budget Review Recommendation:
 Town Manager & Clerk-Treasurer
 Approve, Disapprove, Further Review
 Comments:

Carrie E. Hoffer

Mark R. Morgan

COUNCIL NOTES:

REQUESTED BY: Jim Hilton - Police ChiefDATE 11/27/2023

REQUESTING DEPARTMENT: Wasterater**FUNCTION OR NEED OF REQUESTED PURCHASE:**

High pressure water pupm blew up and is needind a replacement

FINANCIAL ANALYSIS:

COST PER ITEM	\$ 26,991.70
# OF ITEMS REQUESTED	0
TOTAL AMOUNT REQUESTED	\$ 26,991.70

PURPOSE OF REQUEST Replacement**REVENUE IMPACTS:**IS THIS A REVENUE PRODUCING ITEM? NoIF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A**COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):****OTHER CONSIDERATIONS:**

IS RENOVATION REQUIRED No
 IS ADDITIONAL SPACE NEEDED Yes / No
 EXPECTED LIFE 0 YEARS

Replacement of OLD

FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

	AMOUNT
HOST (709)	
RAINY DAY (510)	
EDIT (102)	
GENERAL ()	
6201-5-500-71060 OTHER ()	\$ 26,991.70

6201-5-500-71060
 \$ 8997.23

6101-5-500-63620
 \$ 8997.23

6501-5-500-44950

\$ 8997.23 REQUESTED BY: Tony Kuyatlik**IMPORTANT:**

All requests must
be submitted to the
Town Manager
and Clerk-
Treasurer at least
7 days prior to the
next Council
meeting to be
included on the
agenda for Council
consideration.

Budget Review
Recommendation:
Town Manager &
Clerk-Treasurer
Approve, Disapprove,
Further Review
Comments:

Carrie E. Koster
Mark R. May
 COUNCIL NOTES:

DATE 11/28/2023



Brown Equipment Company
2501 S Kentucky Ave
Evansville IN 47714
Ph:800-747-2312
www.brownequipment.net

Service Order

#SO24061
10/5/2023

Bill To

DANVILLE STREET DEPT.
1010 E. BROADWAY ST.
DANVILLE IN 46122
United States

TOTAL

\$26,991.70

VIN	PO #	Unit#	MODEL	IN MILEAGE	Chassis Hours
1HIWGAZ136J319035	TBD	ST-52		12,747	2,948
			Quantity	Price	Extended Price
LABOR-COMBO-IND			34	\$187.00	\$6,358.00
Labor Equipment Sewer Truck per Hour					
SHOP SUPPLIES ITEM			1	\$350.00	\$350.00
SERVICE SHOP SUPPLIES					
SEC-41485-00-X			1	\$19,563.03	\$19,563.03
PUMP, WATER,GENERAL,83/20,RH					
LUB-ISO220			3	\$78.15	\$234.45
ISO 220 LUBRICANT					
BEC-SPECIAL ORDER PART 2			2	\$15.14	\$30.28
1501-16-16 FITTING					
ASP-AT130920			1	\$174.53	\$174.53
BALL VALVE, 1" 3-WAY 4500 PSI					
BEC-SPECIAL ORDER PART 2			1	\$17.86	\$17.86
5502-16-16 FITTING					
BEC-SPECIAL ORDER PART 2			2	\$2.80	\$5.60
BK 7335324 - EXHAUST CLAMPS					

OK to Pay
Projects - 670-500-400 \$8997.23
63
B. W. F. H.

Subtotal	\$26,733.75
Tax (0%)	\$0.00
Shipping Cost	\$248.00
Handling Cost	\$9.95
Total	\$26,991.70

11-27-2023

6101-5-500-63620
Cost. Services
MPT \$8997.23

OK to Pay 6201-5-500-72660
Toy Kit
\$8997.24



SO24061

CER's

Mark below is my CER request mess

For TC

1. Request to move money for CER's.
Approved 2023
-Pool Slide & Feature paint \$65,000
-Splash Pad Feature change \$30,000
2. Requesting today
-Pool Slide & Feature paint \$10,000
-Splash Pad Feature change \$39,322
-Dirt Fix \$46,748
Additional dirtwork caused by repurposing the new water plant dirt that was saturated in water.
-\$1,070 for the difference of the dirt work

Requesting to use the savings for the dirt fix plus requesting the remainder.

-Approved Projects Request \$95,000
-Approved Projects Actual \$49,322
Remainder left \$45,678
-Dirt extra Request \$46,748
Remainder 1,070
-Additional Request \$1,070

REQUESTING DEPARTMENT: Danville Parks & Recreation**FUNCTION OR NEED OF REQUESTED PURCHASE:**

Painting the slide towers and SCS features. Paint and Labor separate. Initial quote was \$65,000. Negotiated

FINANCIAL ANALYSIS:

COST PER ITEM	\$ 10,000.00
# OF ITEMS REQUESTED	1
TOTAL AMOUNT REQUESTED	\$ 10,000.00

PURPOSE OF REQUEST Remodel NEW / Replacement

REVENUE IMPACTS:

IS THIS A REVENUE PRODUCING ITEM? ☒ Yes / ☐ No

IF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A

COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):

Approved in 2023 Host budget.

OTHER CONSIDERATIONS:

IS RENOVATION REQUIRED Yes / ☒ No
 IS ADDITIONAL SPACE NEEDED Yes / ☒ No
 EXPECTED LIFE 0 YEARS

Replacement of OLD

FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

	AMOUNT
HOST (709)	2500-5-500-44910
RAINY DAY (510)	
EDIT (102)	
GENERAL ()	
OTHER ()	\$ -

HAVE YOU EXPENDED ALL OF YOUR DONATION, GRANT AND/OR APPROPRIATIONS FOR THIS FUNDING FIRST: ☒ Yes / ☐ No

IMPORTANT:

All requests must be submitted to the Town Manager and Clerk-Treasurer at least 7 days prior to the next Council meeting to be included on the agenda for Council consideration.

Budget Review Recommendation: Town Manager & Clerk-Treasurer Approve, Disapprove, Further Review
Comments:

Carrie E. Lofton
Michelle M. Mays

COUNCIL NOTES:

REQUESTED BY: *Wm. C. Mays*

DATE 11/29/23

INVOICE

1st Place Construction

INVOICE # 23-101
DATE: NOVEMBER 29, 2023

Address: 436 S. Kentucky St, Danville, IN 46122
Phone 317-745-4180
Website:

TO Danville Parks and Recreation
49 N Wayne St
Danville, IN 46122

Please forward this information to the
necessary personnel for the organization.

CONTACT	ISSUE DATE	PAYMENT TERMS	DUE DATE
Will Lacey	11/28/23	N30	ASAP

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Painting of the Slide Tower and SCS feature		\$7,000.00
SUBTOTAL			\$7,000.00
SALES TAX			\$0.00
TOTAL			\$7,000.00

Make all checks payable to 1st Place Construction
THANK YOU FOR YOUR BUSINESS!

REQUESTING DEPARTMENT: Danville Parks & Recreation**FUNCTION OR NEED OF REQUESTED PURCHASE:**

New Features for the splash pad.

FINANCIAL ANALYSIS:

COST PER ITEM	\$ 39,322.00
# OF ITEMS REQUESTED	1
TOTAL AMOUNT REQUESTED	\$ 39,322.00

PURPOSE OF REQUEST NEW / Replacement**REVENUE IMPACTS:**IS THIS A REVENUE PRODUCING ITEM? Yes / NoIF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A**COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):**

Approved in 2023 Host budget.

OTHER CONSIDERATIONS:

IS RENOVATION REQUIRED Yes / No
 IS ADDITIONAL SPACE NEEDED Yes / No
 EXPECTED LIFE 20 YEARS

Replacement of OLD

FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

	AMOUNT
HOST (709)	2500-5-500-44910
RAINY DAY (510)	
EDIT (102)	
GENERAL ()	
OTHER ()	\$ -

HAVE YOU EXPENDED ALL OF YOUR DONATION, GRANT AND/OR APPROPRIATIONS FOR THIS FUNDING FIRST:

Yes / No**IMPORTANT:**

All requests must be submitted to the Town Manager and Clerk-Treasurer at least 7 days prior to the next Council meeting to be included on the agenda for Council consideration.

Budget Review Recommendation: Town Manager & Clerk-Treasurer Approve, Disapprove, Further Review Comments:

Carrie E. Keeton

Mark R. Wray

COUNCIL NOTES:

REQUESTED BY: W. M. WrayDATE 11/29/23



900417-01
Gill Family Aquatic Center
Splash Pad Proposal, RevC

November 6, 2023 by Nirbo Aquatic Inc.



SPLASH PADS MADE EASY



Message from the President



Dear Evaluation Committee,

Thank you for giving us the opportunity to submit the following splash pad proposal for your community. We have experienced many years of successful projects. You can feel confident dealing with us as a well qualified and reliable manufacturer.

Nirbo has designed thousands of splash pads and built hundreds of them over US, Canada, Asia and Europe. Our products meet following standards; ASTM F-1487, ASTM F2461, CSA, Z-614-14 and are also ADA compliant.

We have created a unique splash pad design for your community and believe it fits well with your park environment. We believe we have created a fun, safe and interactive play environment for your children and community.

We appreciate you taking time considering Nirbo for your project and looking forward to further discussing the project details and refine it for your specific needs.

Thanks,

Mehmet Sokmen, P. Eng.
President
Nirbo Aquatic Inc.
Tel: 1-905-766-2461
sal@nirbo.com



Nirbo Aquatic Inc.

39-2400 Lucknow Drive, Mississauga, ON L5S 1T9, Canada
Toll Free: 1.888.68.NIRBO (64726) | Tel: 1.905.766.4474 | Fax: 1.905.766.4467
Website: www.nirbo.com | Email: info@nirbo.com

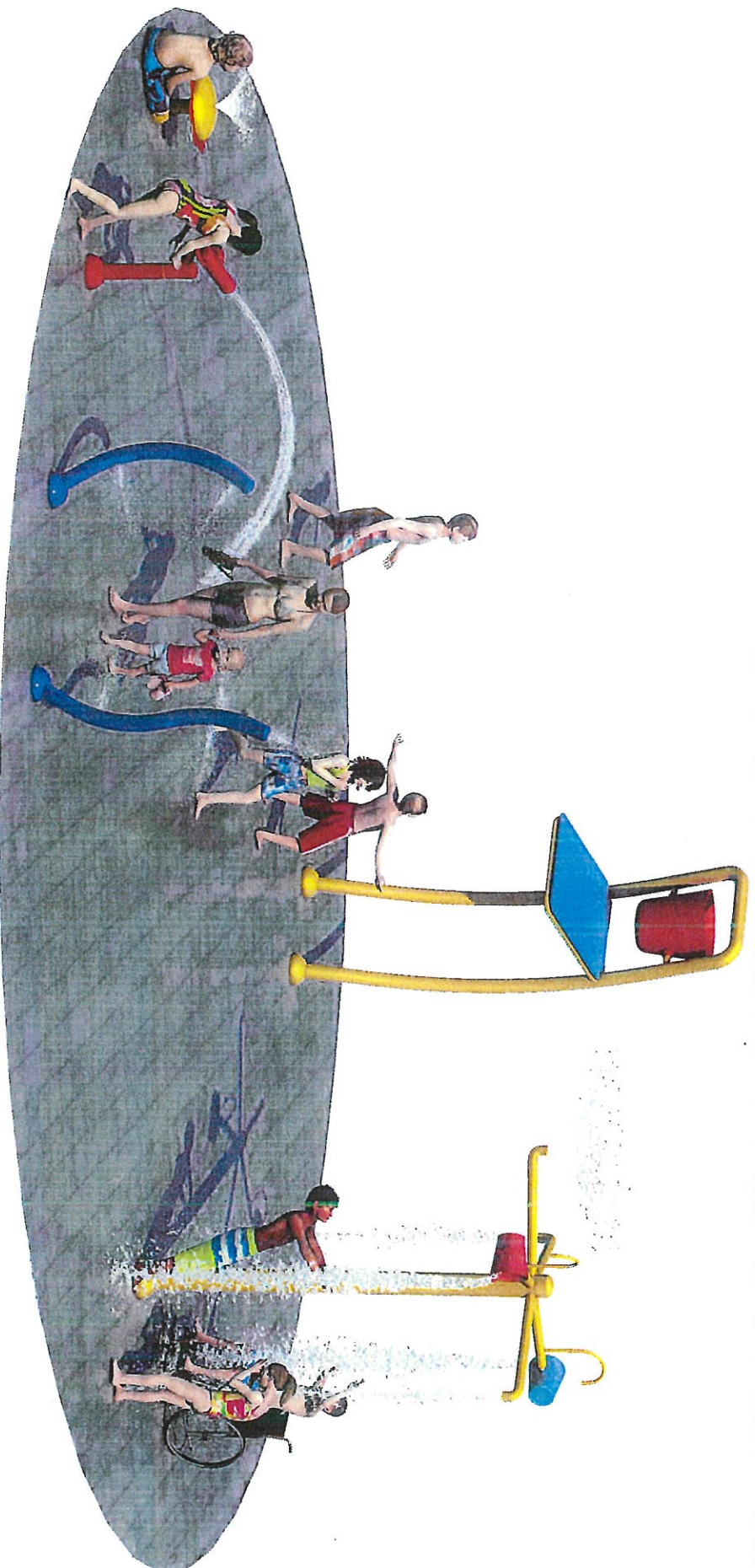


900417-01 Gill Family Aquatic Splash Pad Proposal Rev C Rendering-01





900417-01 Gill Family Aquatic Splash Pad Proposal Rev C Rendering-02





900417-01 Gill Family Aquatic Splash Pad Proposal Rev C Rendering-03





INVOICE NO
900417-01-RevC
Date: November 13, 2023

Nirbo Aquatic Inc.
2400 Lucknow Dr, Unit 39
Mississauga, ON, L5S 1T9, CANADA
Tel: 1-905-766-4474, Fax: 1-905-766-4467
info@nirbo.com, www.nirbo.com
GST/HST No: 834212128

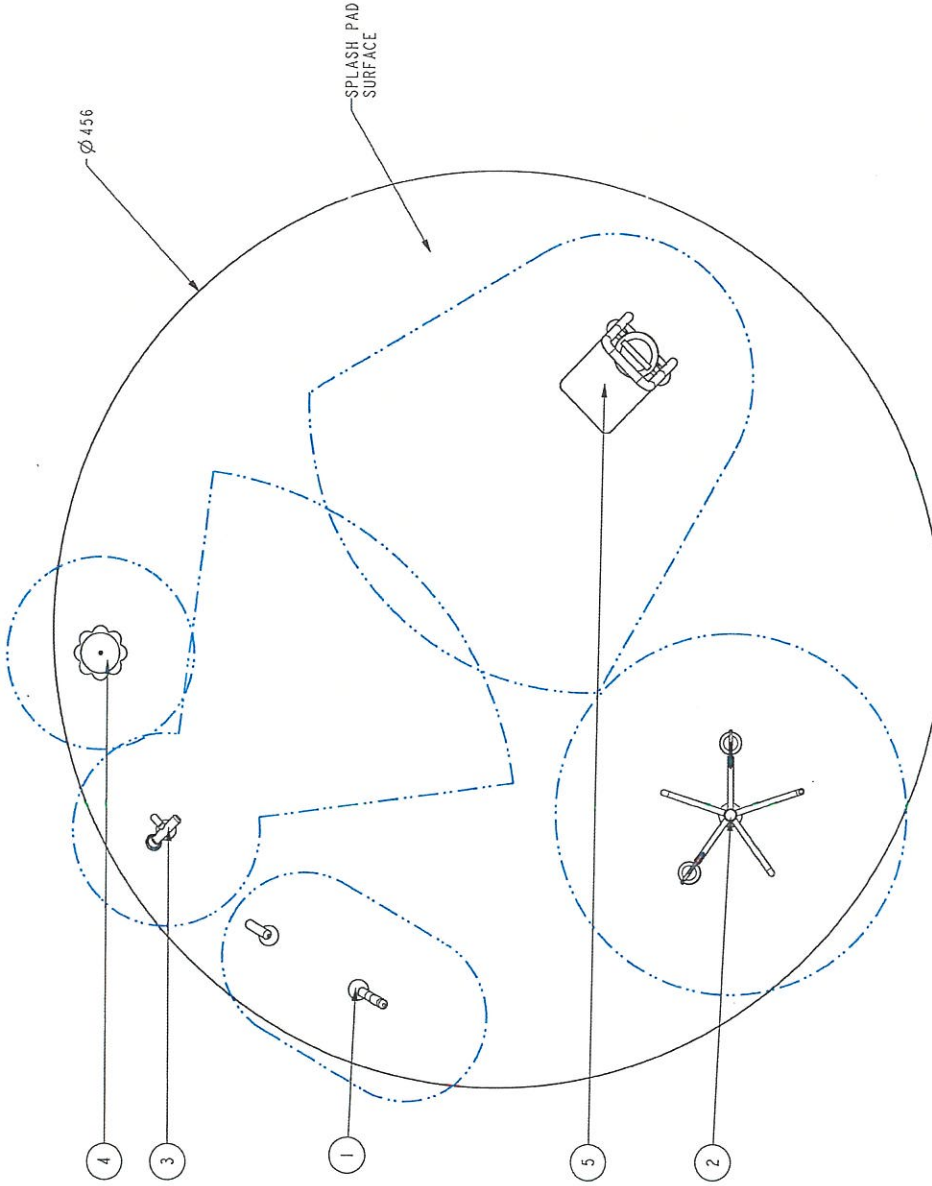
Sold by: Nirbo Aquatic Inc. 2400 Lucknow Dr, Unit 39 Mississauga, ON, L5S 1T9, CANADA Tel: 1-905-766-4474, Fax: 1-905-766-4467	Pickup Location Nirbo Aquatic Inc. 2400 Lucknow Dr, Unit 39 Mississauga, ON, L5S 1T9, CANADA Tel: 1-905-766-4474, Fax: 1-905-766-4467	FOR CUSTOMS CLEARANCE
Sold to: Town of Danville 49 North Wayne Street Danville, IN 46122 USA Tel: 317-745-4180	Shipped to: Town of Danville 49 North Wayne Street Danville, IN 46122 USA Tel: 317-745-4180 x5201	
Country of Origin: CANADA		Weight: TBD

Terms of Sale: FOB Plant. Please contact us if you have any question or concerns.

ITEM	PART NO	QTY	DESCRIPTION	Unit Cost	Extended Cost
				USD	USD
1	03591-02	1	FLOWER-02	\$5,359	\$5,359
2	03206-02	1	FIVE MIX	\$9,481	\$9,481
3	03102-02	1	WATER WORM	\$4,371	\$4,371
4	03260-02	1	BLASTER DOUBLE AXIS	\$5,121	\$5,121
5	03602-02	1	MINI BUCKET	\$12,490	\$12,490
-	N/A	1	SHIPPING	\$2,500	\$2,500
				TOTAL	\$39,322
				Initial Deposit (50%)	\$19,661

NOTES:

- 1- THIS DOCUMENT IS CREATED FOR REFERENCE PURPOSES ONLY. IT IS NOT CREATED FOR CONSTRUCTION PURPOSES.
- 2- OVER SPRAY ZONE: 5'-10' (CONSIDER NOZZLE DIRECTION, HEIGHT AND WIND CONDITIONS).
- 3- OVER SPRAY ZONE SHALL BE GRADED TO PROVIDE DRAINAGE TOWARDS SPLASH PAD.
- 4- SURROUNDING LANDSCAPE SHALL BE GRADED TO PROVIDE DRAINAGE AWAY FROM SPLASH PAD.
- 5- NIRBO RECOMMENDS 1.5%-3% GRADING FOR WATER PARK SURFACE TO PROVIDE PROPER DRAINAGE TO DRAINS.
- 6- RECOMMENDED LIGHT BROOM CONCRETE FINISH TO INCREASE SLIP RESISTANCE.
- 7- REFER TO THE INSTALLATION DETAILS OF EACH PRODUCT FOR SPECIFIC INSTALLATION INSTRUCTIONS.
- 8- ALL COMPONENTS SHALL BE BONDED PER LOCAL ELECTRICAL CODES.
- 9- ALL PIPING BETWEEN WATER FEATURES & MANIFOLD RECOMMENDED TO BE SCH. 80 PVC OR POLYETHYLENE PIPE, 100 PSI RATED.



SCALE 1:60

NOTES:
1- TOTAL SPLASH PAD AREA: 1134 SQR FT

ITEM	QTY	PART NO	DESCRIPTION	FLOW (GPM)	EXTENDED FLOW (GPM)
1	1	03102-02-D02	WATER WORM	15	15
2	1	03206-02-D02	FIVE MIX	30	30
3	1	03260-02-D02	BLASTER DOUBLE AXIS	10	10
4	1	03591-02-D02	FLOWER-02	10	10
5	1	03602-02-D02	MINI BUCKET	30	30

TOTAL FLOW				95
------------	--	--	--	----

NIRBO		DATE (yyyy.mm.dd)	WATER PARK	
ALL INFORMATION CONTAINED IN THIS DOCUMENT IS PROPERTY OF NIRBO AND MAY NOT BE REPRODUCED OR COMMUNICATED WITHOUT PERMISSION IN WRITING FROM NIRBO		2023.11.06		
		UNIT	SHEET	REV
		INCH	1/1	01



About Our Products

Construction

Tubular Structures: 304 Stainless Steel

Nozzles: Stainless Steel or Brass

Rotational Bearings: Bronze

Paint: Super durable Powder Coating

Translucent Parts: UV Resistant Cast Acrylic

Top Mounting System

Depending on your requirements, all Nirbo products can be manufactured with a bolt on flange (Top Mounting System). This flange assembly allows for the flexibility of component removal, swapping and off site maintenance.

If the park closes in the winter, or you wish to re-arrange components or introduce new features later, Top Mounting System is recommended.



Nozzles

Nirbo offers nozzles with many different water effects and flow rates that are suitable for spray parks. Our nozzles are easily configured to suit your needs. If water consumption is an issue our low flow nozzle option might be the solution. Depending on your needs, we are capable of manufacturing nozzles from several different materials. Our standard nozzle material is brass.



Nirbo Aquatic Inc.

39-2400 Lucknow Drive, Mississauga, ON L5S 1T9, Canada
Toll Free: 1.888.68.NIRBO (64726) | Tel: 1.905.766.4474 | Fax: 1.905.766.4467
Website: www.nirbo.com | Email: info@nirbo.com



Product Warranty

Warranty period starts from the receipt of goods. Warranty excludes normal wear and tear, abuse, vandalism, or improper installation & maintenance. The warranty with respect to failure due to material or production defects on painted metal components products will either be repaired or replaced.

Duration of warranty for specific products and components are as follows;

Spray Features	25 Years.
Stainless Steel Structures	
Nozzles	2 Years
Plastic Parts	2 Years
Bearings	2 Years
Controller	2 Years
Motor Starter	2 Years
Paint	2 Years
Water Filtration and	2 Years
Recirculation System	5 Years
Water Tank	
All Other Products	2 Years

Limited Warranty and Coverage of Defective Parts

Warranty commences upon receipt of goods by the purchaser and is limited to parts covered by the warranty only. Warranty coverage does not apply for wear, tear, misuse or vandalism. The warranty does not cover surface corrosion in metal parts, discolored surfaces and other cosmetic failures or issues due to misuse or vandalism.

Nirbo Aquatic Inc. warrants that the parts and components comprising the Nirbo Aquatic playground sold under the attached Purchase Agreement will be free from defects in material and workmanship for the period covered in the Warranty from the date of delivery to Purchaser, or to Purchaser's customer, whichever is later, and this warranty will be limited to the repair and replacement of parts and components which Purchaser can show were defective upon delivery to Purchaser.

Modification of, or damage to, any of the parts or components the Nirbo Aquatic Inc. parts and components (as delivered to Purchaser), during final assembly (by or under the direction of Purchaser or Purchaser's customer or any third party performing such final assembly on behalf of Purchaser or Purchaser's retail customer), will void any warranty by Nirbo Aquatic Inc., whether expressed or implied. It is expressly agreed that this warranty will be in lieu of all warranties of fitness and in lieu of the warranty of merchant ability.

Proper documentation as reasonably required by Nirbo Aquatic Inc. is required to support and verify all warranty claims. Failure to provide such documentation could result in a warranty claim being denied.

Purchaser's Remedy

The sole remedy under this warranty shall be the repair, replacement or credit for defective parts as stated above. The warranty is in lieu of any other warranties either expressed or implied, including the merchantability and fitness for a particular purpose.

The foregoing warranties are exclusive and in lieu of all other warranties, including any other warranty of quality, express or implied, and including any warranty or merchantability, or any warranty of fitness for any particular purpose. There shall be no liability for incidental or consequential damages under the foregoing warranties.

Nirbo Aquatic Inc.

39-2400 Lucknow Drive, Mississauga, ON L5S 1T9, Canada
Toll Free: 1.888.68.NIRBO (64726) | Tel: 1.905.766.4474 | Fax: 1.905.766.4467
Website: www.nirbo.com | Email: info@nirbo.com

Colours

COLOUR OPTIONS

Nirbo uses oven cured, lead-free, UV resistant polyester powder coating for a durable protective finish on all metal surfaces. Our stainless products are sand blasted before they are powder coated. Most products can also be purchased with a polished stainless steel finish.

Structure Colours



Red



Yellow



Green



Blue



Light Blue



Pink



Orange



Purple



Brown



White



Black



Polished
Stainless
(5% Extra Cost)

Fiberglass Colours



Red



Yellow



Green



Light Blue



Pink



Orange

Fluorescent Colours



Red



Orange



Yellow- Green



Blue



Deck and Panel Colours



Red



Yellow



Green



Blue



References

- 1. City of Whitehouse, TX**
Contact: **Kevin Huckabee**
Phone: (903) 839-4914
Email: khuckabee@whitehousetx.org
- 2. City of Centerville, TX**
Contact: **Lindsie F. Wood**, City Secretary
Phone: (903) 536-2515
Email: centerville@valornet.com
- 3. Elk City Holiday Inn Express**
Elk City, Oklahoma
Contact: **Teresa Garcia**
Phone: 1-580-303-4556
Email: teresa.garcia@championhotels.com
- 4. Western Recreation & Development Inc.**
191 Eagle DR, Winnipeg
Manitoba R2R 1V4
Contact: **Jeff McCarron**
Phone: (204) 633-7209
E-mail: jeff@waterparks.ca
Website: www.waterparks.ca
- 5. Campark Resorts**
9387 Lundy's Lane RR#2, Niagara Falls
Ontario, Canada L2E 6S4
Contact: **Peter Van Kleef**
Phone: (905) 358-3873
Toll Free: 1-877-CAMPARK
Cell: (905) 658-3873
Fax: (905) 354-7484
E-mail: peter@campark.com
Website: www.campark.com
- 6. Highland Campground & RV Sales**
Ontario, Canada N0B 1J0
Contact: **Don Vallery**
R.R. #1 Belwood
Phone: (519) 843-2537
Cell: (519) 400-6681
Fax: (519) 843-4151
E-mail: dvallery@everus.ca
Website: www.highlandpines.com
- 7. Superior Pool Spa & Leisure Ltd.**
24 Martin Ross Avenue, Toronto
Ontario, Canada M3J 2K8
Contact: **Rick Bemister**
Phone: (416) 665-0410
Cell: (416) 999-3650
Fax: (416) 665-6877
E-mail: rickbemister@pools-world.com
Website: www.superiorpool.com
- 8. Town of Williamstown/ Township of South Glengarry**
*Scheduled and completed in spring in 2014,
with a recirculation system supplied by Nirbo,
Project budget exceeded 100,000.*
18244 Street Rd., South Glengarry, ON K6K 5R6
Contact: **Heather Grant**
Phone: (613) 931-2646
E-mail: heatherwara@hotmail.com
Website: www.southglengarry.com
- 9. Conestoga Family Camp**
*Scheduled and completed in spring in 2011,
with a recirculation system supplied by Nirbo,
Project budget exceeded 250,000.*
Moorefield Arthur RR 1, Arthur, ON N0G 1A0
Contact: **Phil Barrett**
Phone: (519) 848-3640
E-mail: pbarrett@conestogacamp.com
Website: www.conestogacamp.com
- 10. City of Cornelius, NC, Smithville Park**
*Scheduled and completed in the summer of 2016,
with a recirculation system supplied by Nirbo.
Project budget exceeded \$100,000.*
19710 S Ferry St, Cornelius, NC 28031, United States
Contact: **Kevin W Harding**
Phone: (704) 931-1081
Email: kevin@kphstrategy.com
Website: www.playworldpreferred.com

Nirbo Aquatic Inc.

39-2400 Lucknow Drive, Mississauga, ON L5S 1T9, Canada
Toll Free: 1.888.68.NIRBO (64726) | Tel: 1.905.766.4474 | Fax: 1.905.766.4467
Website: www.nirbo.com | Email: info@nirbo.com



INVOICE NO
900417-01-RevC
Date: November 13, 2023

Nirbo Aquatic Inc.
2400 Lucknow Dr, Unit 39
Mississauga, ON, L5S 1T9, CANADA
Tel: 1-905-766-4474, Fax: 1-905-766-4467
info@nirbo.com, www.nirbo.com
GST/HST No: 834212128

Payment Schedule:

- Fifty Percent (50%) of Invoice Total ("Initial Deposit") upon Nirbo Aquatic Inc.'s receipt of Purchase Order, signed by Purchaser.
- Balance, including delivery charges due upon completion of order.
- Above goods remain property of Nirbo aquatic Inc. until this invoice is paid in full.

Terms & Conditions of Sale

- Before signing this *Purchase Order*, and *initialing pages*, please read Nirbo Aquatic Inc.'s terms and conditions of sale. The Customer's acceptance and understanding of these terms and conditions is evidenced by signing of this *Purchase Order Form*.
- Payment terms are listed above under *Payment Schedule* and you are in agreement with them. Any overdue balances are subject to interest charges of 2% per month and any associated warehousing fees. There are no holdbacks.
- In order to facilitate an 8-week production schedule, the Initial deposit required must be received by Nirbo. Nirbo will start manufacturing when Initial Deposit received with signed copy of this order form.
- Purchaser will be in breach of the Purchase Order if any Deposit is not received by Nirbo Aquatic Inc. within the required 15-day period following receipt of any applicable Written Notice.
- Nirbo Aquatic Inc. is responsible to coordinate with the Purchaser the actual delivery date to enable the purchaser to make preparations for the material unloading and handling.
- Nirbo Aquatic Inc. will offer installation instructions and operational manuals to ensure the proper installation and operation of the Nirbo Aquatic playground system. Free technical support is also provided.
- Delivery shall be either *FCA Origin* for all truck deliveries, or *FOB Origin* for all marine shipments, for all required Nirbo Aquatic Inc. playground products. All Nirbo Aquatic Inc. products are thoroughly wrapped to ensure protection. All shipments must be inspected upon delivery and any errors or omissions on parts must be reported to Nirbo Aquatic Inc. or the transport company within 48 hours of receipt of goods.
- You have read, understood and are in acceptance of Nirbo Aquatic Inc.'s Warranty Document as provided under separate cover.
- Nirbo Aquatic Inc. has a no return policy and requests customers to determine their product and color selections carefully.
- Cancellation: Orders placed for equipment covered by Nirbo Aquatic Inc.'s quotation are not subject to cancellation or modification, in whole or in part, after Purchaser's acceptance, except with Nirbo Aquatic Inc.'s express written consent, and upon Purchaser's payment of a cancellation charge which will cover all costs incurred by Nirbo Aquatic Inc. to the time of cancellation. If Purchaser cancels the order without Nirbo Aquatic Inc.'s express written consent, the Purchaser agrees to pay all to date costs incurred by Nirbo Aquatic Inc., in addition to compensation for any loss of profits that it may suffer in the event that Nirbo Aquatic Inc. is unable to resell the material and equipment and/or component parts thereof at the contract price. Material purchased by Purchaser's payment of cancellation fee will be shipped upon request. Customized material is the property of the Purchaser when purchased by Nirbo Aquatic Inc. for production and will be sent to Purchaser upon payment of cancellation charges.
- All State and local taxes are for the account of the buyer.
- Force Majeure. If the performance by a Party of any of its obligations under this Agreement (other than payment obligations) shall be interfered with by reason of any circumstances unforeseeable, irresistible and beyond the reasonable control of that Party, then that Party shall be excused from such performance while such circumstances exist and such additional period as may be reasonably necessary to allow that Party to resume its performance
- "Any Party Asserting Force Majeure as an excuse shall have the burden of proving that reasonable steps were taken (under the circumstances) to minimize delay or damages caused by foreseeable events, that all non-excused obligations were substantially fulfilled, and that the other Party was timely notified of the likelihood or actual occurrence which would justify such an assertion, so that other prudent precautions could be contemplated."
- You have read and are in acceptance of all the specifications of the Nirbo Aquatic Inc. components and equipment that are included in this order.

If you are in acceptance and agreement to these terms and conditions, please initial all pages and sign below, and fax to Nirbo Aquatic Inc.

Please forward signed original documents to Nirbo Aquatic Inc. Or you may mail both copies of this agreement to Nirbo Aquatic Inc. See address on top of this page. Your copy of the executed agreement will be returned to you. This agreement must be signed before any components or equipment will be shipped.

Account Payable Department	Approved By
Name of Contact:	Printed Name & Title:
Phone No:	Signature:

REQUESTING DEPARTMENT: Danville Parks & Recreation**FUNCTION OR NEED OF REQUESTED PURCHASE:**

Expenditure for ADA and dirt extra work for fields.

FINANCIAL ANALYSIS:

COST PER ITEM	\$ 46,748.00
# OF ITEMS REQUESTED	1
TOTAL AMOUNT REQUESTED	\$ 46,748.00

PURPOSE OF REQUEST NEW / Replacement**REVENUE IMPACTS:**IS THIS A REVENUE PRODUCING ITEM? Yes / NoIF YES, AVERAGE EXPECTED ANNUAL CHANGE N/A**COST IMPACTS (ADDITIONAL STAFF, INSURANCE, FEES, CONTRACTS):**

Requesting to use the saved dollars from the host painting project.

OTHER CONSIDERATIONS:IS RENOVATION REQUIRED Yes / NoIS ADDITIONAL SPACE NEEDED Yes / NoEXPECTED LIFE 0 YEARS

Replacement of OLD

FUND/APPROPRIATION REQUESTED TO EXPENSE FROM:

AMOUNT

HOST (709)	2500-5-500-44910
RAINY DAY (510)	
EDIT (102)	
GENERAL ()	
OTHER ()	\$ -

HAVE YOU EXPENDED ALL OF YOUR DONATION, GRANT AND/OR APPROPRIATIONS FOR THIS FUNDING FIRST: Yes / No**IMPORTANT:**

All requests must be submitted to the Town Manager and Clerk-Treasurer at least 7 days prior to the next Council meeting to be included on the agenda for Council consideration.

Budget Review Recommendation: Town Manager & Clerk-Treasurer Approve, Disapprove, Further Review
Comments:

Carrie S. Lipton
Mark W. Morgan

COUNCIL NOTES:

REQUESTED BY: *W. Morgan*DATE 11/29/23

Invoice



2400 Commerce Way
Pittsboro, IN 46167
317-858-9105
fleeceexcavating.com

Invoice #: INV-FLEX10014
Invoice Date: 10/21/2023
Terms : Due on receipt
Due Date : 10/21/2023
PO# :

Bill To:
Danville Parks Department
251 Gibson St
Danville IN 46122
United States

Description	Qty	U/M	Unit Price	Amount
General Excavating and Grading Services	1	Each	\$46,748.00	\$46,748.00
<i>Eakin Park DJFL football fields Price for extra dirt work due to elevation changes</i>				

Subtotal	\$46,748.00
Tax Total	\$0.00
Total	\$46,748.00
Balance Due	\$46,748.00

Remittance Slip

Payment Address:
Fleece Excavating, Inc.
2400 Commerce Way
Pittsboro, IN 46167

Customer: Danville Parks Department
Invoice #: INV-FLEX10014
Amount Due: \$46,748.00
Amount Paid: \$0.00
