

03/16/2021 TABLED

1st Reading: 04/06/2021

2nd Reading: 05/04/2021

Received electronically 3/9/2021

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA, APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF ECONOMIC DEVELOPMENT LOCAL INCOME TAX REVENUE REFUNDING AND IMPROVEMENT BONDS OF 2021 (TAX-BACKED) OF THE CITY AND ALL MATTERS RELATED THERETO

SUMMARY

This Ordinance calls for the Common Council of the City of Auburn, Indiana to approve the appropriation of the proceeds of the City’s Local Income Tax Refunding and Improvement Revenue Bonds by the City for the purpose of paying the cost of (i) refunding the City’s presently outstanding Economic Development Income Tax Revenue Bonds of 2011 and (ii) the acquisition, construction and installation of certain public improvements in the City, and (iii) issuing such bonds.

_____ Recorder’s Office

_____ Publish Public Hearing

_____ Auditor’s Office

_____ Clerk’s Office

_____ Publish O/R after adoption

_____ Other:

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APPROPRIATING THE PROCEEDS DERIVED FROM THE SALE OF ECONOMIC
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BONDS OF 2021 (TAX-BACKED) OF THE CITY AND ALL MATTERS RELATED
THERE TO

WHEREAS, pursuant to an ordinance adopted by the Common Council (the “Common Council”) of the City of Auburn, Indiana (the “City”) on April 6, 2020 (the “Bond Ordinance”), the Common Council authorized the issuance of the City of Auburn, Indiana Economic Development Local Income Tax Revenue Refunding and Improvement Bonds of 2021 (Tax-Backed) (the “Bonds”) to be issued in an aggregate principal amount not to exceed Four Million Three Hundred Ten Thousand Dollars (\$4,310,000), for the purpose of financing the costs of refunding all or any portion of the City’s outstanding Economic Development Income Tax Revenue Bonds of 2011 presently outstanding in an aggregate principal amount of Two Million Two Hundred Forty-five Thousand Dollars (\$2,245,000) (the “2011 Bonds”) and the costs of (a) acquiring certain parcels of real property consisting of all or any portion of (i) available downtown building(s); (ii) various parcels needed for a public parking lot; (iii) the DeKalb County Highway Garage property; (iv) parcels for a temporary parking lot in the downtown area; (v) pond/acreage along I-69 and State Road 8; and (vi) parcels for a City Street Department campus (collectively, the “Acquisition Parcels”) and (b) acquiring, constructing and equipping certain various public improvements consisting of all or any portion of renovations related to the City Hall and Street Department projects and street improvement projects in the City, and any and all projects related to any of the projects described in the foregoing (collectively, the “Improvements” and collectively with the Acquisition Parcels, the “Projects”), and costs of the issuance of bonds therefor; and

WHEREAS, the Common Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of refunding the 2011 Bonds and reimbursing the Projects and such related expenses and has authorized the issuance of the Bonds to procure such funds and that an extraordinary emergency exists for the making of the additional appropriation hereafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA, AS FOLLOWS:

SECTION 1. Appropriation. There is hereby appropriated a sum not to exceed Four Million Three Hundred Ten Thousand Dollars (\$4,310,000) out of the proceeds of the Bonds, together with all investment earnings thereon, for the purpose of providing funds to pay the costs of refunding the 2011 Bonds and reimbursing the costs of the Projects, and paying related expenses including the costs of issuing the Bonds, as provided in the Bond Ordinance. Such appropriation

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shall be in addition to all appropriations provided for in the existing budget and shall continue in effect until the completion of the described purposes.

SECTION 2. General. The Mayor and the Clerk-Treasurer of the City and other appropriate Officers of the City are hereby authorized to take all such actions and execute all such instruments as are necessary or desirable to effectuate this Ordinance, including the filing of a report of this appropriation with the Indiana Department of Local Government Finance.

SECTION 3. Effective Date. This Ordinance shall be in full force and effect, from and after its passage.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana this 4 day of May, 2021.



JAMES FINCHUM, Councilmember

ATTEST:




Patricia Miller, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 4 day of May, 2021.



PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 4 day of May, 2021.



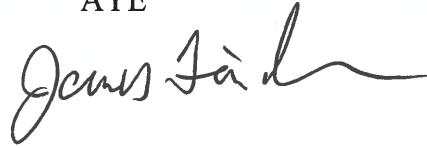
MICHAEL D. LEY, Mayor

VOTING:

AYE

NAY

James Finchum



David Bundy

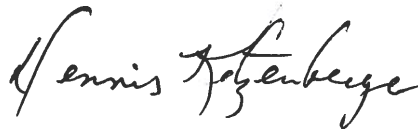
Dennis K. Kruse II




Natalie DeWitt



Dennis Ketzenberger



Kevin Webb



Michael Walter



NOTICE OF PUBLIC HEARING CONCERNING AN
ADDITIONAL APPROPRIATION OF THE CITY OF AUBURN, INDIANA

The residents and taxpayers of the City of Auburn, Indiana (the “City”), are hereby notified that the Common Council of the City (the “Common Council”) will hold a public hearing at 6:00 p.m. on Tuesday, April 6, 2021, in the Council Chambers at Auburn City Hall, 206 East Ninth Street, Auburn, Indiana, on the matter of appropriating the proceeds of Economic Development Local Income Tax Refunding and Improvement Revenue Bonds of 2021 (Tax-Backed) (the “Bonds”) proposed to be issued by the City in an amount not to exceed \$4,310,000, together with any interest earnings thereon. Such additional appropriation shall be for the purpose of financing the costs related to (a) acquiring certain parcels of real property consisting of all or any portion of (i) available downtown building(s); (ii) various parcels needed for a public parking lot; (iii) the DeKalb County Highway Garage property; (iv) parcels for a temporary parking lot in the downtown area; (v) pond/acreage along I-69 and State Road 8; and (vi) parcels for a City Street Department campus and (b) acquiring, constructing and equipping certain various public improvements consisting of all or any portion of renovations related to the City Hall and Street Department projects and street improvement projects in the City, and any and all projects related to any of the projects described in the foregoing, and costs of the issuance of the Bonds.

The Common Council may impose reasonable restrictions on the number of attendees to control audience density in consideration of the existing COVID-19 national emergency. Please check the City’s website at www.ci.auburn.in.us/government/public-meetings-calendar and review the Common Council’s meeting agenda under “Common Council Meeting – Meeting Documents – Common Council – 2021 -- Agendas” prior to the scheduled meeting to receive current information about participating in person or virtually.

Due to the COVID-19 emergency, the Governor has issued Executive Orders allowing governmental agencies to conduct meetings virtually during the course of the public health emergency. As the Governor’s Executive Orders are amended from time to time, it is important to review the agenda prior to the meeting regarding the ability to participate in the public meeting remotely. If a virtual meeting format is allowed per the Governor’s Executive Orders, information on how to participate will be contained on the meeting agenda that will be posted at City Hall and on the City’s website as described above.

Said appropriation is in addition to any appropriations provided for in the existing budget and tax levy. Funds to cover the appropriation are to be provided from the proceeds of the Bonds in an amount not to exceed that set forth in this Notice, plus all investment earnings thereon. At said public hearing, all persons shall have the right to appear and be heard on the necessity of said appropriation.

CITY OF AUBURN, INDIANA

Prescribed by State Board of Accounts

To: **KPC Media Group Inc**
P.O. Box 39, KENDALLVILLE, IN 46755

BARNES & THORNBURG (LEGALS)

To: THE STAR

DEKALB, Indiana

Order #: 2067314

PUBLISHER'S CLAIM

LINE COUNT

Display Master) must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) -- number of equivalent lines

Head -- number of lines	-----	<u>1</u>
Body -- number of lines	-----	<u>89</u>
Tail -- number of lines	-----	<u>1</u>
Total number of lines in notice	-----	<u>91.0</u>

COMPUTATION OF CHARGES

91.0 lines, 1.0 columns wide equals 91.0 equivalent lines at 0.4988 cents per line.	-----	<u>\$45.39</u>
Additional charges for notices containing rule or tabular work (50 per cent) of above amount	-----	<u>\$</u>
Charge for extra proofs of publication (\$1.00 for each proof in excess of 2)	-----	<u>\$</u>
TOTAL AMOUNT OF CLAIM	-----	<u>\$45.39</u>

DATA FOR COMPUTING COST:

Width of single column in picas - 9.9
Number of insertions: 1 Size of type - 7 point

Pursuant to the provisions and penalties of IC 5-11-10-1, I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

I also certify that the printed matter attached hereto is a true copy, of the same column width and type size, which was duly published in said paper THE STAR 1. The dates of publication being as follows:
03/26/2021

Additionally, the statement checked below is true and correct:

- Newspaper does not have a Web site.
- Newspaper has a Web site and this public notice was posted on the same day as it was published in the newspaper
- Newspaper does a Web site, but due to technical problem or error, public notice as posted on _____
- Newspaper has a Web site, but refuses to post the public notice.

LANETTE MCGUIRE

Date: 03/26/2021

Title: Legal Clerk

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**CITY OF AUBURN, INDIANA
TS.20673 14.3.26.hspaxp**