

TOWN OF GEORGETOWN, INDIANA

ORDINANCE NO. G-17-3

AN ORDINANCE TO ESTABLISH A NONREVERTING TRUST FUND FOR THE RECEIPT AND INVESTMENT OF PROCEEDS FROM THE SALE OF THE WATERWORKS

WHEREAS, the Town of Georgetown, Indiana (“Town”) established and currently owns a municipal waterworks pursuant to IC 8-1.5, et seq.; and

WHEREAS, the Town Council has approved the sale of the waterworks assets to Indiana American Water Company (“Company”) pursuant to an Asset Purchase Agreement dated February 16, 2017 (“Agreement”); and

WHEREAS, Town Council desires to establish a nonreverting trust fund for the proceeds of the sale of the waterworks (the “Waterworks Proceeds Trust Fund”); and

WHEREAS, the proceeds from the sale of the waterworks by execution of the Agreement (the “Proceeds”) shall be received at closing as anticipated within the next thirty (30) days; and

WHEREAS, The Town Council desires to protect and restrict the use of the Proceeds as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF GEORGETOWN, INDIANA, THAT:

Section 1. Nonreverting Trust Fund. There is hereby created a nonreverting trust fund, entitled the Waterworks Proceeds Trust Fund. The moneys deposited in the Waterworks Proceeds Trust Fund shall not be commingled with, nor shall they be a part of the general funds of the Town. The Waterworks Proceeds Trust Fund shall be a nonreverting fund used solely for the purposes described herein.

Section 2. Deposit of Waterworks Proceeds. The Clerk-Treasurer shall deposit the Waterworks Proceeds into the Waterworks Proceeds Trust Fund upon receipt of the proceeds from the Company.

Section 3. Use of Funds. The funds deposited to the Waterworks Proceeds Trust Fund may be used for any capital cost or expense for the benefit of the Town, including but not limited to equipment, machinery, police cars, trucks, economic development projects, and other similar or such other purposes as approved by the Town Council. The funds shall not be moved, spent, or allocated without the approval of a majority of the Town Council.

Section 4. Appropriation. Funds on deposit in the Waterworks Proceeds Trust Fund shall be appropriated as provided by statute.

Section 5. Investment Restrictions. The funds deposited to the Waterworks Proceeds Trust Fund may be invested in accordance with IC 5-13 *et seq.*

Section 6. Investment Income. Investment income shall be deposited to the Waterworks Proceeds Trust Fund unless otherwise directed by the Town Council.

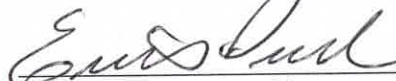
Section 7. No Reversion of Moneys to the General Fund. There shall be no reversions of the Waterworks Proceeds Trust Fund or any moneys placed into the Waterworks Proceeds Trust Fund to the general fund of the Town. Except as provided herein, Waterworks Proceeds may accumulate in the Waterworks Proceeds Trust Fund.

Section 8. Amendment. This Ordinance shall not be revoked or amended in a manner that is inconsistent with Indiana statutes.

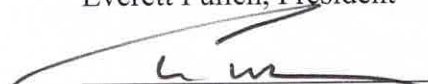
Section 9. Effective Date. This Ordinance shall take effect upon adoption.

ADOPTED AND PASSED this 16th day of October, 2017.


TOWN COUNCIL GEORGETOWN, INDIANA



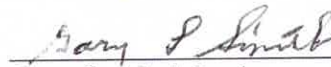
Everett Pullen, President



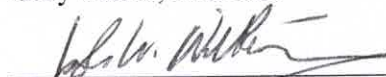
Chris Loop, Vice President



Kathy Haller, Member



Gary Smith, Member



Josh Williams, Member

Attest:



Brent Fender, Clerk-Treasurer