

## RESOLUTION NO. 12-110

### A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WESTFIELD, INDIANA, DETERMINING TO UNDERTAKE THE PROCESS TO DISPOSE OF THE CITY'S WATER AND WASTEWATER UTILITIES

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**WHEREAS**, the City of Westfield, Indiana (the "City"), has heretofore established and currently owns and operates (i) a sewage works for the collection and treatment of sewage and other waste (the "Wastewater Utility") pursuant to the provisions of IND. CODE § 36-9-23, as amended, and (ii) a waterworks furnishing the public water supply to the City and its inhabitants (the "Waterworks Utility" and collectively with the Wastewater Utility, the "Utilities"), pursuant to the provisions of IND. CODE § 8-1.5, as amended; and

**WHEREAS**, the City has been exploring the possible disposition of the Utilities in order to continue to provide safe drinking water to the residents of the City and to provide wastewater and trash services and related billing and infrastructure services in the most efficient and cost effective manner, while reducing the need for rate increases affecting its residents; and

**WHEREAS**, IND. CODE § 8-1.5-2 generally provides for a process that a municipality must adhere to when undertaking the sale of any non-surplus utility property; and

**WHEREAS**, the Common Council of the City (the "Common Council") has previously adopted Ordinance No. \_\_\_\_\_ on June 25, 2012, pursuant to which the Common Council has determined to exercise the powers available to it under IND. CODE § 8-1.5-2 with respect to the disposition of the Wastewater Utility, all as authorized by IND. CODE §36-1-3; and

**WHEREAS**, IND. CODE § 8-1.5-2-4 provides that whenever a municipal legislative body determines to sell or otherwise dispose of non-surplus municipally owned utility property, it must appoint three disinterested persons to serve as appraisers for the purpose of appraising the value of the assets of the utility or utilities to be disposed by the City; and

**WHEREAS**, the Common Council desires to initiate the proceedings to provide for the disposition of the Utilities and therefore desires to appoint three disinterested persons to provide an appraisal of the assets of the Utilities as required by IND. CODE §§ 8-1.5-2-4;

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Westfield, Indiana, as follows:

**Section 1.** The Common Council of the City hereby evidences its determination to proceed with the initial actions required to dispose of the Utilities. As such, the Common

Council hereby appoints the following residents of Indiana, none of whom are residents or taxpayers of the City, to serve as appraisers:

(i) Burgess & Niple, Inc., an engineer licensed under IND. CODE § 25-31-1;

(ii) Integra Realty Resources, an appraiser licensed under IND. CODE § 25-34.1;

and

(iii) SAIC Energy, Environmental and Infrastructure, LLC, also an engineer licensed under IND. CODE § 25-31-1 (collectively the “Appraisers”)

**Section 2.** The Appraisers are hereby authorized to conduct an appraisal of the Utilities for the purpose of providing information to the Common Council regarding the possible disposition of the Utilities. The Appraisers are authorized to prepare an appraisal report and to provide said report to this Common Council by September 24, 2012.

**Section 3.** This Resolution shall be in full force and effect from and upon compliance with the procedures required by law.

\* \* \* \* \*

ALL OF WHICH IS HEREBY RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

WESTFIELD COMMON COUNCIL

Voting For

Voting Against

Abstain

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Jim Ake

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Jim Ake

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Jim Ake

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John Dippel

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John Dippel

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John Dippel

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Steven Hoover

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Steven Hoover

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Steven Hoover

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Robert L. Horkay

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Robert L. Horkay

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Robert L. Horkay

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Robert J. Smith

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Robert J. Smith

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Robert J. Smith

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Cindy Spoljaric

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Cindy Spoljaric

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Cindy Spoljaric

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Robert W. Stokes

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Robert W. Stokes

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Robert W. Stokes

ATTEST:

\_\_\_\_\_  
Cindy J. Gossard, Clerk-Treasurer

I hereby certify that RESOLUTION NO. 12-\_\_\_\_ was delivered to the Mayor of Westfield on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_\_ . m.

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution No. 12-\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

I hereby VETO Resolution No. 12-\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
J. Andrew Cook, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Gossard, Clerk-Treasurer