

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

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. 12-18 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

Jim Ake

Jim Ake

Jim Ake

John Dippel

John Dippel

John Dippel

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy J. Gossard, Clerk-Treasurer

I hereby certify that RESOLUTION NO. 12-110 was delivered to the Mayor of Westfield on the _____ day of _____, 2012, at _____ . m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE Resolution No. 12-110
this _____ day of _____, 2012.

J. Andrew Cook, Mayor

I hereby VETO Resolution No. 12-110
this _____ day of _____, 2012.

J. Andrew Cook, Mayor

ATTEST:

Cindy Gossard, Clerk-Treasurer