

**ORDINANCE OF THE TOWN OF LONG BEACH, LAPORTE COUNTY,
INDIANA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF
GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES
OF THE TOWN FOR THE PURPOSE OF FUNDING CAPITAL
IMPROVEMENTS**

WHEREAS, the Town of Long Beach, LaPorte County, Indiana (the "Town") is a Town organized and existing under the provisions of Indiana Code 36-5; and

WHEREAS, the Town Council of the Town (the "Town Council") finds that the present facilities of the Town are not adequate to provide the proper services to present and future Town residents utilizing its facilities; and

WHEREAS, the Town Council finds that there are not sufficient funds available or provided for in existing tax levies with which to pay the total cost of capital projects throughout the Town including the beach restoration along stops 21-23, erosion control and shoreline improvement, capitalized interest, if required, and the necessary and incidental costs of issuance (collectively, the "Project"), and that the Town should issue bonds, and, if necessary, bond anticipation notes (the "BANs"), in the amount not to exceed \$1,000,000 for the purpose of providing funds to be applied on the Project, and that bonds or BANs in such amount should now be authorized;

NOW THEREFORE, BE IT ORDAINED by the Town Council that, for the purpose of obtaining funds to be applied on the cost of the Project, or the refunding of the BANs if issued, there shall be issued and sold the negotiable, general obligation bonds of the Town to be designated as "General Obligation Bonds, Series 2020." Said bonds shall be in the principal amount of not to exceed One Million Dollars (\$1,000,000), bearing interest at a rate or rates not exceeding five percent (5.0%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable on December 30 and June 30 in each year beginning December 30, 2020 (or such other dates upon the advice of the Town's financial advisor). The bonds shall be fully registered in the denomination of Five Thousand Dollars (\$5,000) or integral multiples thereof (or such other denominations upon the advice of the Town's municipal advisor), and shall mature or subject to mandatory redemption on June 30 and December 30 over a period ending not later than December 30, 2026, on the dates and in the amounts as determined at the time of sale of the bonds, provided that the maturity schedule shall provide approximately level annual principal payments or level annual debt service over the life of the bonds.

The original date shall be the date of delivery of the bonds or the BANs. The authentication certificate shall be dated when executed by the Registrar and Paying Agent.

Interest shall be paid from the interest payment date to which interest has been paid next preceding the date of authentication unless the bond is authenticated on or before the last day of the month immediately preceding the first interest payment date, in which case interest shall be paid from the original date, or unless the bond is authenticated after the last day of the month immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date.

Interest shall be payable by check mailed one business day prior to the interest payment date to the person in whose name the bonds are registered on the bond register maintained at the office of the Clerk-Treasurer of the Town or the designated corporate trust office of the bank to be selected by the Clerk-Treasurer of the Town (the "Registrar and Paying Agent") or successor registrar and paying agent, as of the last day of the month immediately preceding such interest payment date, or by wire transfer of immediately available funds on the interest payment date to the registered owners. Principal of the bonds shall be payable upon presentation of the bonds at the designated office of the Registrar and Paying Agent in lawful money of the United States of America or by wire transfer of immediately available funds to the registered owners who present the bonds to the Registrar and Paying Agent at least two business days prior to the payment date. The bonds or BANs are transferable by the registered owner at the designated office of the Registrar and Paying Agent upon surrender and cancellation of a bond and on presentation of a duly executed written instrument of transfer, and thereupon a new bond or bonds of the same aggregate principal amount and maturity and in authorized denominations will be issued to the transferee or transferees in exchange therefor. The bonds or BANs may be exchanged upon surrender at the designated office of the Registrar and Paying Agent, duly endorsed by the registered owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

The Town agrees that on or before the fifth business day immediately preceding any payment date, it will deposit with the Registrar and Paying Agent funds in an amount equal to the principal of and interest on the bonds which shall become due on the next payment date. Funds to pay principal of and interest on the bonds shall come from property taxes levied and collected on taxable property within the Town or from any other revenue source legally available to the Town. Such tax shall be deposited first, before any other deposits of tax revenues by the Town, into a separate bond fund ("Bond Payment Fund") and used to pay the principal of and interest on the Bonds, when due, together with any fiscal agency charges. If the funds deposited into the Bond Payment Fund are then insufficient to meet and pay the principal of and interest on the Bonds as they become due, then the Town covenants to transfer other available funds of the Town to meet and pay the principal and interest then due on the Bonds. Notwithstanding any other provision of this ordinance, the Town may enter into an agreement with the Registrar and Paying Agent in which the Registrar agrees that upon any default or insufficiency in the payment of principal of and interest on the Bonds as provided in this ordinance, the Registrar will immediately, without any direction, security or indemnity, file a claim with the Treasurer of the State of Indiana for an amount equal to principal and interest in default and consents to the filing of any such claim by a bondholder in the name of the Registrar for deposit with the Registrar. If the Clerk-Treasurer is designated as the Registrar and Paying Agent or if the agreement referred to in the preceding paragraph is not in place, the Town covenants, under IC 6-1.1-20.6-10, to determine if the Bond Payment Fund has sufficient funds to pay the principal of and interest on the Bonds at least five (5) days before such payments are due. If the Bond Payment Fund is not sufficient because of the operation of the tax credits granted under the provisions of IC 6-1.1-20.6, the Town agrees to the following:

- (a) The Clerk-Treasurer shall determine or cause to be determined the amount of the deficiency in the Bond Payment Fund ("Deficiency"); and

- (b) The Deficiency shall be immediately reported and a claim filed by the Town with the Treasurer of the State of Indiana for an amount equal to such Deficiency.

The Town has determined that the bonds or BANs may be held by a central depository system pursuant to an agreement between the Town and The Depository Trust Company, and have transfers of the bonds or BANs effected by book-entry on the books of the central depository system. The bonds or BANs may be initially issued in the form of a separate single authenticated fully registered bond for the aggregate principal amount of each separate maturity of the bonds. Upon initial issuance, the ownership of such bonds or BANs may be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company.

With respect to the bonds or BANs registered in the register kept by the Paying Agent in the name of CEDE & CO., as nominee of The Depository Trust Company, the Town and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner (the "Beneficial Owner") of the bonds with respect to (i) the accuracy of the records of The Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any notice with respect to the bonds including any notice of redemption, or (iii) the payment to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the bonds except as otherwise provided herein.

If the central depository system is utilized, no person other than The Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the Town to make payments of the principal of and premium, if any, and interest on the bonds pursuant to this Ordinance. The Town and the Registrar and Paying Agent may treat as and deem The Depository Trust Company or CEDE & CO. to be the absolute Bondholder of each of the bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such bonds; (ii) giving notices of redemption and other notices permitted to be given to Bondholders with respect to such bonds; (iii) registering transfers with respect to such bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by Bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the bonds only to or upon the order of The Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Town's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the bonds to the extent of the sum or sums so paid. Upon delivery by The Depository Trust Company to the Town of written notice to the effect that The Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this Ordinance shall refer to such new nominee of The Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO. as nominee of The Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such bonds and all notices with respect to such bonds shall be made and given, respectively, to The Depository Trust Company as provided in a representation letter from the Town to The Depository Trust Company.

Upon receipt by the Town of written notice from The Depository Trust Company to the effect that The Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of The Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the bonds shall no longer be restricted to being registered in the register of the Town kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company, but may be registered in whatever name or names the Bondholders transferring or exchanging bonds shall designate, in accordance with the provisions of this Ordinance.

If the Town determines that it is in the best interest of the Bondholders that they be able to obtain certificates for the fully registered bonds, the Town may notify The Depository Trust Company and the Registrar, whereupon The Depository Trust Company will notify the Beneficial Owners of the availability through The Depository Trust Company of certificates for the bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the bonds as requested by The Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever The Depository Trust Company requests the Town and the Registrar to do so, the Registrar and the Town will cooperate with The Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the bonds.

If the bonds shall no longer be restricted to being registered in the name of a depository trust company, the Registrar shall cause the bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such bonds printed until it shall have received from the Town indemnification for all costs and expenses associated with such printing.

In connection with any notice or other communication to be provided to Bondholders by the Town or the Registrar with respect to any consent or other action to be taken by Bondholders, the Town or the Registrar, as the case may be, shall establish a record date for such consent or other action and give The Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

So long as the bonds or BANs are registered in the name of The Depository Trust Company or CEDE & CO. or any substitute nominee, the Town and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the bonds or from The Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and The Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the Bondholders for purposes of this Ordinance and the Town and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the Bondholders. Along with any such certificate or representation, the Registrar may request The Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the bonds, together with the dollar

amount of each Beneficial Owner's interest in the bonds and the current addresses of such Beneficial Owners.

The bonds shall not be subject to optional redemption prior to maturity.

The bonds may be subject to mandatory sinking fund redemption at the election of the successful bidder if the bonds are priced as term bonds. In such case, the amount to be called for mandatory sinking fund redemption shall be the amount the Town would have paid on each principal payment date had the bonds been sold as serial bonds. The redemption price shall be par plus accrued interest to the date of redemption.

Official notice of such redemption shall be mailed by the Town or Registrar and Paying Agent to the registered owners of all bonds to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption. Said notice shall, with substantial accuracy:

- (a) Designate the date and place of redemption, said place to be the offices of the Registrar and Paying Agent; and

- (a) Designate the bonds to be redeemed; and

- (b) State that on the designated date fixed for said redemption said bonds shall be redeemed by the payment of the applicable redemption price hereinbefore set forth, and that from and after the date so fixed for such redemption interest on the bonds so called for redemption shall cease.

The cost and expenses of the preparation and mailing of said notices of redemption shall be paid by the Town.

Such notice having been mailed as above provided, the bonds designated for redemption shall, on the date specified in such notice, become due and payable at the then applicable redemption price, and on presentation and surrender of such bonds in accordance with such notice, at the place at which the same are expressed in such notice to be redeemable, such bonds shall be redeemed by the Registrar and Paying Agent on behalf of the Town by the payment of such redemption price to registered owners out of funds held by the Registrar and Paying Agent for that purpose. From and after the date of redemption so designated, unless default shall be made in the redemption of the bonds upon presentation, interest on bonds designated for redemption shall cease. If not so paid on presentation thereof, the bonds shall continue to bear interest at the rate therein specified. All bonds so redeemed shall be cancelled and destroyed. Bonds so redeemed shall not be reissued, nor shall any bonds be issued in lieu thereof.

If, when the bonds authorized hereby shall have become due and payable in accordance with their terms, the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the bonds then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America the principal of and interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of

and interest on which when due will provide sufficient moneys, shall be held by the Registrar and Paying Agent for such purpose under the provisions of this Ordinance, and provision shall also be made for paying all Registrar and Paying Agent's fees and expenses and other sums payable hereunder by the Town, then all moneys, obligations and time certificates of deposit held by the Registrar and Paying Agent pursuant to this paragraph shall be held in trust and said moneys and the principal and interest of said obligations and time certificates of deposit when received, applied to the payment, when due, of the principal and the interest, and registered owners of bonds shall not be entitled to payment of any principal and/or interest from Town. The Registrar and Paying Agent shall within thirty (30) days after such obligations or time certificates of deposits shall have been deposited with it, cause a notice signed by the Registrar and Paying Agent to be mailed to the registered owners of all outstanding bonds and published once in a newspaper or financial journal published in Indianapolis, Indiana, setting forth (a) a description of the obligations so held by it, and (b) that the registered owners shall be entitled to be paid principal and/or interest from such funds and income of such securities held by Registrar and Paying Agent and not from Town.

Said bonds shall be executed in the name of Town by the manual or facsimile signature of the President of its Town Council, and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town, who shall cause the seal of the Town to be imprinted or impressed on each of said bonds. In case any official whose signature or facsimile of whose signature shall appear on the bonds shall cease to be such officer before the issuance, authentication or delivery of such bonds, such signature or such facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

No bond shall be valid or obligatory for any purpose, unless and until authenticated by the Registrar and Paying Agent. Such authentication may be executed by an authorized representative of the Registrar and Paying Agent, but it shall not be necessary that the same person authenticate all of the bonds issued. Town and the Registrar and Paying Agent may deem and treat the person in whose name a bond is registered on the bond register as the absolute owner thereof for all purposes, notwithstanding any notice to the contrary.

In order to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes and as an inducement to purchasers of the bonds, the Town represents, covenants and agrees that:

(a) No person or entity, other than the Town or another governmental unit, will use proceeds of the bonds or property financed by the bond proceeds other than as a member of the general public. No person or entity, other than the Town or another governmental unit, will own property financed by bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a management or incentive payment contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(b) No bond proceeds will be loaned to any entity or person. No 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.

(c) The Town will, to the extent necessary to preserve the exclusion of interest on the bonds from gross income for federal income tax purposes, rebate all required arbitrage profits on bond proceeds or other moneys treated as bond proceeds to the federal government as provided in Section 148 of the Internal Revenue Code of 1986, and will set aside such moneys in a Rebate Account to be held by the Clerk-Treasurer in trust for such purpose.

(d) The Town will file an information report form 8038-G with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

(e) 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 exclusion from gross income for federal income tax purposes of interest on the bonds pursuant to Section 103 of the Internal Revenue Code of 1986, as existing on the date of issuance of the bonds, nor will the Town act in any other manner which would adversely affect such exclusion.

The Town represents that it reasonably expects that tax-exempt bonds, warrants and other evidences of indebtedness issued by or on behalf of it or any subordinate entity, during the calendar year in which the bonds will be issued will be less than \$10,000,000 principal amount. This amount includes all obligations issued by, or on behalf of the Town and subordinate entities, including building corporation bonds. At least 95% of the net proceeds of the bonds shall be used for governmental activities of Town. The Town hereby designates the bonds as qualified tax exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, relating to the disallowance of 100% of the deduction for interest expense allocable to tax-exempt obligations acquired after August 7, 1986.

The bonds shall be issued in substantially the following form, all blanks to be filled in properly prior to delivery:

Registered

Registered

No. _____

\$ _____

UNITED STATES OF AMERICA
State of Indiana County of LaPorte

TOWN OF LONG BEACH
GENERAL OBLIGATION BOND, SERIES 2020

Interest <u>Rate</u>	Maturity <u>Date</u>	Original <u>Date</u>	Authentication <u>Date</u>	<u>CUSIP</u>
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Registered Owner:

Principal Sum:

Town of Long Beach, LaPorte County, Indiana (the "Town"), a town organized and existing under the laws of the State of Indiana, in LaPorte County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner (named above) or to registered assigns, the Principal Sum set forth above on the Maturity Dates set forth above and to pay interest thereon at the Interest Rate per annum set forth above from the interest payment date to which interest has been paid next preceding the date of authentication hereof unless this bond is authenticated on or before November 30, 2020, in which case interest shall be paid from the Original Date, or unless this bond is authenticated after the last day of the month immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date, which interest is payable on December 30, 2020, and each June 30 and December 30 thereafter until the principal has been paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Interest shall be payable by check mailed one business day prior to the interest payment date to registered owner or by wire transfer of immediately available funds on the interest payment date to the registered owner. Payment shall be made to the person or depository in whose name this bond is registered as of the last day of the month immediately preceding such interest payment date. Principal of this bond shall be payable upon presentation of this bond at the designated office of the [Clerk-Treasurer of the Town, Long Beach, Indiana][or _____, _____, Indiana] (the "Registrar and Paying Agent") or by wire transfer of immediately available funds to registered owner who presents the bonds to the Registrar and Paying Agent at least two business days prior to the payment date in lawful money of the United States of America. 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 Registrar and Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the registered owner by 2:30 p.m. (New York City time).

This bond is one of an issue of bonds aggregating One Million Dollars (\$1,000,000), of like tenor and effect, except as to numbering, authentication date, denomination, interest rate, and date of maturity, issued by Town pursuant to an ordinance adopted by the Town Council of said Town on _____, 2020 (the "Ordinance"), and in strict accordance with the governing statutes of the State of Indiana, particularly Indiana Code 36-5, for the purpose of providing funds to be applied on the cost of capital projects throughout the Town including the beach restoration along stops 21-23, erosion control and shoreline improvement, capitalized interest, if required, and the necessary and incidental costs of issuance.

The bonds of this issue are not subject to optional redemption prior to maturity.

[The bonds maturing on _____ are subject to mandatory sinking fund redemption in accordance with the Certificate of Delivery and Payment executed by the Clerk-Treasurer of the Town.]

Notice of redemption identifying the bonds to be redeemed will be mailed to the registered owners of bonds to be redeemed.

If this bond is called for redemption, and payment is made to the Registrar and Paying Agent in accordance with the terms of the Ordinance, this bond shall cease to bear interest from and after the date fixed for the redemption in the call.]

This bond shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the Town and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.

This bond is transferable in accordance with the Book Entry System or, if no such system is in effect, by the Registered Owner hereof at the designated corporate trust office of the Registrar and Paying Agent, upon surrender and cancellation of this bond and on presentation of a duly executed written instrument of transfer and thereupon a new bond or bonds of the same aggregate principal amount and maturity and in authorized denominations will be issued to the transferee or transferees in exchange therefor. This bond may be exchanged upon surrender hereof at the designated corporate trust office of the Registrar and Paying Agent, duly endorsed by the Registered Owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

The Town and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof.

It is hereby certified and recited that all acts, conditions and things required by the laws and constitution of the State of Indiana to be done precedent to and in the issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as provided by law, and that the bonds of this issue do not exceed any constitutional or statutory limitation of indebtedness. The full faith and credit of Town is hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms and the Town will levy a tax and appropriate funds to pay such principal and interest.

This bond is a general obligation of the Town. The Town covenants that it will cause a property tax for the payment of the principal of and interest on this bond to be levied, collected, appropriated and applied for that purpose as set forth in IC 6-1.1-18.5-8. The bonds are subject to IC 6-1.1-20.6 regarding certain tax

credits and the State of Indiana intercept of funds to pay debt service on the bonds.

This bond shall not be valid or become obligatory for any purpose until authenticated by the Registrar and Paying Agent.

The Town has designated this bond a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

IN WITNESS WHEREOF, Town has caused this bond to be executed in its name by the manual or facsimile signature of the President of its Town Council and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town.

TOWN OF LONG BEACH, LAPORTE
COUNTY, INDIANA

By: _____
President, Town Council

Attest:

Clerk-Treasurer

AUTHENTICATION CERTIFICATE

This bond is one of the bonds referred to in the within mentioned Ordinance.

_____, Registrar and
Paying Agent

By: _____
Authorized Representative

[End of Bond Form]

BE IT FURTHER ORDAINED that prior to the sale of said bonds at public sale, notice of such sale shall be published once each week for two (2) weeks in *LaPorte Herald-Argus* and the *News Dispatch* (or such other newspapers in accordance with Indiana law), the first of said publications to be at least fifteen (15) days prior to the date fixed for the sale of said bonds and the last at least three (3) days prior, and may be published in the *Court and Commercial Record*, a newspaper published in the City of Indianapolis, Indiana. At the time fixed for the opening of bids, the Clerk-Treasurer shall be present, all bids shall be opened in the presence of the Clerk-Treasurer, and the award shall be made by the Clerk-Treasurer.

The bond sale notice, when published, shall provide that each bid shall be in a sealed envelope marked "Bid for General Obligation Bonds, Series 2020," and the successful bidder shall provide a certified or cashier's check in the amount of Ten Thousand Dollars (\$10,000),

payable to Town, to insure the good faith of the bidder. In the event the successful bidder shall fail or refuse to accept delivery of the bonds when ready for delivery, said check and the proceeds thereof shall be retained by the Town as its liquidated damages. Said notice shall also provide that bidders for said bonds shall name the purchase price for the bonds, not less than 99.0% of par and the rate or rates of interest which the bonds are to bear, not exceeding five percent (5.0%) per annum; that said interest rate or rates shall be in multiples of one-eighth or one-twentieth (1/20) of one percent (1.0%) (or such other multiples upon the advice of the municipal advisor); that the interest rate named for any maturity shall be equal to or greater than the immediately preceding maturity; and that the highest bidder shall be the one who offers the lowest net interest cost to the Town, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any, or adding the discount bid, if any. The notice will also state that the winning bidder will agree to assist the Town in establishing the issue price of the Bonds under Treas. Reg. Section 1.148-1(f) ("Issue Price Regulation"). The criteria for establishing the issue price under the Issue Price Regulation shall be set forth in the preliminary Official Statement and/or the bid form. The notice may provide, among other things, that electronic bidding will be permitted and that the successful bidder shall be required to submit a certified or cashier's check or a wire transfer to guarantee performance on the part of the bidder by 3:30 p.m. (EDT) on the next business day following the award. The bond sale notice shall state that the opinion of Taft Stettinius & Hollister LLP, bond counsel of Chicago, Illinois, approving the legality of said bonds, will be furnished to the purchaser at the expense of the Town, so that the Town will receive due credit therefor in the bidding. Said notice may contain such other terms and conditions, or modifications to sale parameters, as the attorney for the Town or the municipal advisor of the Town shall deem advisable.

BE IT FURTHER ORDAINED, that the Town shall issue, if necessary, the BANs for the purpose of procuring interim financing to pay the cost of the Project and, if deemed appropriate, the costs of issuance of the BANs. The Town may issue the BANs in one or more series, in an aggregate amount outstanding at any one time not to exceed \$1,000,000 to be designated "Bond Anticipation Notes, Series 202_," to be completed with the appropriate year of issuance and an alphabetical designation, if necessary. The BANs shall be lettered and numbered consecutively from R-1 and upward, shall be in authorized denominations of \$1,000 or more, and shall be dated as of the date of delivery.

The BANs shall bear interest at a rate not to exceed 5.00% per annum (the exact rate or rates to be determined through negotiations with the purchasers of the BANs) payable either upon maturity or semiannually on June 30 and December 30, as designated by the Clerk-Treasurer the Town's municipal advisor.

Each series of BANs will mature no later than five years after their date of delivery, the exact maturity determined by the Clerk-Treasurer, with the advice of the municipal advisor and Taft Stettinius & Hollister LLP, bond counsel to the Town. The BANs are subject to renewal or extension at an interest rate or rates not to exceed the rate set forth above (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of any renewal BANs may not exceed five (5) years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

The BANs shall be issued pursuant to INDIANA CODE 5-1-14-5, as amended, if sold to a financial institution or any other purchaser. The BANs shall be sold at a price not less than ninety-nine percent (99.0%) of the principal amount thereof. The Town shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of the Bonds pursuant to and in the manner prescribed by the Act

BE IT FURTHER ORDAINED that the Clerk-Treasurer is hereby authorized and directed to deposit capitalized interest into the Bond Fund and the balance of the proceeds of the Bonds or BANs in a separate fund (the "2020 Project Fund") to pay for: (1) the cost of the Project and all other costs and expenses incurred in connection with the Project; and (2) costs of issuance of the Bonds or BANs. Except as described in this Section, the 2020 Project Fund may not be used for any other purpose. The 2020 Project Fund shall be deposited, at interest, with the depository or depositories of other public funds of the Town, and all interest collected on it belongs to the fund. Any surplus remaining from the proceeds of the Bonds or BANs after all Project costs and expenses are fully paid shall, in accordance with IC 5-1-13, be paid into and become a part of the Town's hereinafter defined 2020 Project Fund for the Bonds or BANs or used to reduce the rate or amount of ad valorem property taxes imposed by the Town.

BE IT FURTHER ORDAINED that the matter of appropriating the proceeds of the bonds or BANs authorized at this meeting be taken up for consideration as soon as notice of the hearing on said appropriation can be given as provided by law, and that the Clerk-Treasurer of the Town be and he hereby is directed to give notice of the public hearing to be held prior to the final action on such appropriation, which notice shall be published twice, one week apart, in *LaPorte Herald-Argus* and the *News Dispatch* (or such other newspapers in accordance with Indiana law); also, that said notice shall be posted in three (3) public places in the Town, and that such first publication and posting shall be made at least ten (10) days prior to the date set for such public hearing.

BE IT FURTHER ORDAINED that distribution of an Official Statement or other such offering material (preliminary and final) for the Bonds or BANs prepared by the Town's municipal advisor, on behalf of the Town, is hereby authorized and approved and the President of the Council or the Clerk-Treasurer is authorized and directed to execute the Official Statement on behalf of the Town in a form consistent with this ordinance. The President of the Council or the Clerk-Treasurer is hereby authorized to designate the preliminary Official Statement as "nearly final" for purposes of Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC Rule"). In the alternative, the Town may obtain an investment letter from the purchaser of the Bonds or BANs in a form which satisfies state and federal securities laws.

BE IT FURTHER ORDAINED that the form of the Continuing Disclosure Undertaking (the "Undertaking") is hereby approved and the officers are authorized and directed to execute such Undertaking and any and all documents necessary to issue and deliver the Bonds.

Passed and Adopted this ___ day of _____, 2020.

ATTEST:

President, Town Council
Town of Long Beach
LaPorte County, Indiana

Clerk-Treasurer
Town of Long Beach
LaPorte County, Indiana