

**ORDINANCE NO. 452
BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH COUNCIL OF THIS BOROUGH AMENDING ORDINANCE NO. 438 OF THE BOROUGH TO AUTHORIZE A PORTION OF THE PROCEEDS OF THE BOROUGH'S GENERAL OBLIGATION BONDS, SERIES OF 2020, TOGETHER WITH INTEREST EARNED THEREON, TO BE USED TO FUND THE DESIGN, ACQUISITION, CONSTRUCTION, FURNISHING AND EQUIPPING OF ALTERATIONS, ADDITIONS, RENOVATIONS AND IMPROVEMENTS TO THE PUBLIC WATER SYSTEM OF THE BOROUGH; PROVIDING FOR ALL OTHER NECESSARY AND APPROPRIATE ACTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INsofar AS THE SAME SHALL BE INCONSISTENT HERewith AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the Borough of Orwigsburg, Schuylkill County, Pennsylvania (the "Borough"), is a Borough existing under laws of the Commonwealth of Pennsylvania (the "Commonwealth") and is a Local Government Unit, as defined in the Local Government Unit Debt Act, Act No. 185 of 1972, as reenacted, amended and revised by Act No. 177 of 1996, approved December 19, 1996, 53 Pa.C.S.A. Section 8001 et seq., as amended, of the Commonwealth (the "Act"); and

WHEREAS, this Borough, pursuant to powers vested in it by the Act has determined to undertake the Project (hereinafter defined); and

WHEREAS, the Borough Council of the Borough previously adopted Ordinance No. 438 which authorized issuance of not to exceed \$15,000,000.00 aggregate principal amount of bonds in one or more series (the "2020 Bonds"), the proceeds of which are to be used as follows: (1) to fund the design, acquisition, construction, furnishing and equipping of alterations, additions, renovations and improvements to the public sewer system of the Borough, (2) to currently refund the Borough's General Obligation Bonds, Series of 2015, in the original principal amount of \$7,485,000.00 (the "2015 Bonds"), and (3) to pay certain costs and expenses related to the issuance of the Bonds (collectively referred to herein as the "Project"); and

WHEREAS, this Borough has determined that the proceeds of the 2020 Bonds shall also be used to fund the design, acquisition, construction, furnishing and equipping of alterations, additions, renovations and improvements to the public water system of the Borough.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of Borough, as follows:

1. The Borough Council originally determined that the proceeds of the Bonds, together with interest earned thereon, were to be used as follows: (1) to fund the design, acquisition, construction, furnishing and equipping of alterations, additions, renovations and improvements to public sewer system of the Borough, (2) to currently refund the 2015 Bonds, and (3) to pay certain costs and expenses related to the issuance of the Bonds (collectively referred to herein as the "Project"). The Borough Council hereby determines and Ordinance 438 is hereby amended and modified to provide that the proceeds of the Bonds, together with interest earned thereon, shall also be used to fund the design, acquisition, construction, furnishing and equipping of alterations, additions, renovations and improvements to public water system of the Borough (the "Water Project") and that the Water Project is and shall be considered part of the Project as that term is defined and construed in the Ordinance No. 438.

2. With respect to the Project, including the Water Project, the Borough Council has obtained realistic cost estimates through professional estimates from registered architects, professional engineers and other persons qualified by experience. The period of useful life of the Project, including the Water Project, improvements for which the Bonds were issued is estimated to be in excess of thirty (30) years. It is hereby certified that an aggregate principal amount of the Bonds at least equal to the realistic estimated cost of the Capital Project shall mature prior to the end of the useful life of the Capital Project.

3. The appropriate officers of this Borough are authorized and directed to proceed promptly with the undertakings herein contemplated and deemed to be necessary or appropriate and to take any and all actions necessary or desirable to effect, among other things: the completion of the Water Project.

4. The appropriate officers of this Borough are authorized and directed to execute and to deliver such other documents, agreements, instruments and certificates, and take other required, necessary and/or appropriate action to comply with the requirements of the Internal Revenue Code, and any regulations applicable thereto, and the Act.

5. This Ordinance is adopted pursuant to the Act, The Borough Code, Act No. 581 of 1966, approved February 1, 1966, and reenacted by Act No. 43 of 2012, approved May 17, 2012, 53 P.S. Section 45101 *et seq.*, as amended, of the Commonwealth (the "Borough Code"), and the laws and the Constitution of the Commonwealth of Pennsylvania and all of the mandatory provisions of the Act, the Borough Code and said laws and Constitution applicable to the Bonds and these proceedings shall apply hereunder whether or not explicitly stated herein and are specifically incorporated herein by reference. The Borough hereby determines and declares that each and every matter and thing provided for herein is necessary and desirable to carry out and effect the public purposes of this Borough in accordance with such laws.

6. The appropriate officers of this Borough are authorized to take all other necessary and appropriate action consistent herewith.

7. For purposes of interpretation of this Ordinance, the phrase "appropriate officers of this Borough" includes, without limitation, the President, Vice-President, Secretary and Treasurer of Borough Council and the Borough Manager of the Borough.

8. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of this Borough that such remainder shall be and shall remain in full force and effect.

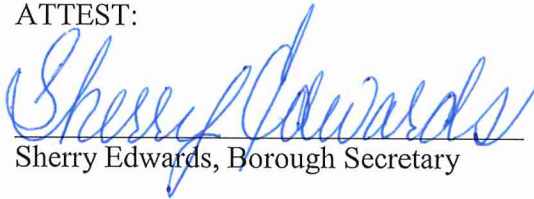
9. All ordinances or parts of ordinances inconsistent herewith expressly are repealed.

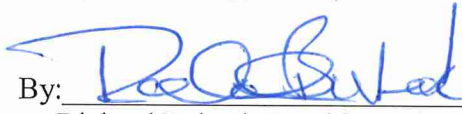
10. This Ordinance shall become effective upon enactment.

ENACTED and ORDAINED into an ordinance this 8th day of June, 2022, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

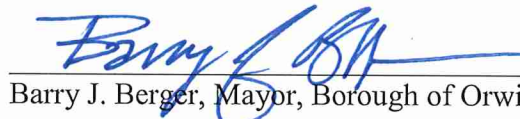
BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:


Sherry Edwards, Borough Secretary

By: 
Richard Bubeck, President of Borough Council

EXAMINED and APPROVED this 8th day of June, 2022.


Barry J. Berger, Mayor, Borough of Orwigsburg