

ORDINANCE NO. 2019-04
OF THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF SWATARA
DAUPHIN COUNTY, PENNSYLVANIA

TO AMEND THE DEFINITION OF CAPITAL PROJECT IN ORDINANCE NO. 2014-6 (ENACTED ON DECEMBER 10, 2014) WHICH AUTHORIZED THE INCURRING OF NON-ELECTORAL DEBT BY THE TOWNSHIP OF SWATARA, DAUPHIN COUNTY, PENNSYLVANIA THROUGH THE ISSUANCE OF ITS GENERAL OBLIGATION BONDS, SERIES OF 2015, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$12,500,000, DESCRIBING NEW PROJECTS TO BE FINANCED WITH PROCEEDS OF THE BONDS; SETTING FORTH ESTIMATED REALISTIC USEFUL LIVES OF SUCH NEW PROJECTS; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO FILE THIS ORDINANCE WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT IN ACCORDANCE WITH THE LOCAL GOVERNMENT UNIT DEBT ACT; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THE TOWNSHIP TO DO ALL THINGS NECESSARY TO CARRY OUT THE ORDINANCE; AUTHORIZING INCIDENTAL ACTIONS; APPOINTING SPECIAL COUNSEL; RESCINDING INCONSISTENT ORDINANCES; AND STATING THE EFFECTIVE DATE

WHEREAS, the Township of Swatara, Dauphin County, Pennsylvania (the “*Township*”) is a political subdivision of the Commonwealth of Pennsylvania, is governed by the Board of Commissioners (the “*Governing Body*”), and is a “township” within the meaning of the Pennsylvania Local Government Unit Debt Act, 53 Pa. Cons. Stat. §8001 *et seq.*, as amended (the “*Act*”); and

WHEREAS, the Governing Body of the Township enacted Ordinance No. 2014-6 on December 10, 2014 (the “*Prior Ordinance*”); and

WHEREAS, under the Prior Ordinance, the Township authorized the issuance of its General Obligation Bonds, Series of 2015 in the maximum aggregate principal amount of \$12,500,000 (the “*Bonds*”) with the proceeds to be applied for and toward, *inter alia*, certain new money projects; and

WHEREAS, the issuance of the Bonds was approved by the Pennsylvania Department of Community and Economic Development under Approval No. GOB-150106-01 (January 6, 2015); and

WHEREAS, the new money projects were defined in the Prior Ordinance as the “Capital Project”, and consisted of the undertaking of various capital projects including the purchase of vehicles and HVAC equipment to be used by the Township; and

WHEREAS, the Governing Body desires to amend the definition of Capital Project in the Prior Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF SWATARA, DAUPHIN COUNTY, PENNSYLVANIA, AS FOLLOWS:

Section 1. Amendment of Definition of Capital Project in Prior Ordinance; Estimated Costs, Useful Lives and Completion Dates of New Projects. The Governing Body of the Township hereby amends the definition of “Capital Project” in the Prior Ordinance by amending and restating the fifth paragraph of the recitals contained in the Prior Ordinance to read in its entirety as follows:

WHEREAS, the Governing Body of the Township has determined to issue its General Obligation Bonds, Series of 2015, in the maximum aggregate principal amount of \$12,500,000 (the “**Bonds**”), with the proceeds to be applied for and toward a project, consisting of (i) the current refunding of the 2010 Bonds (the “**Current Refunding**”), (ii) the termination of the 2010 Swap Transaction; (iii) the termination of the 2012 Swap Transaction; (iv) the undertaking of various capital projects including (A) the purchase of vehicles and HVAC equipment to be used by the Township; (B) the designing, planning, opening, widening, straightening, vacating, grading, regrading, curbing, laying, relaying, paving or otherwise improving streets, roads, lanes and alleys of the Township; (C) the designing, planning, constructing, and/or improving of storm water drainage facilities of the Township (collectively, the “Capital Project”); and (v) the payment of the costs of issuance of the Bonds or any or all of the same ((i) through (v) collectively, the “**Project**”); and

Realistic cost estimates have been obtained for the Capital Project through estimates made by qualified persons, as required by Section 8006 of the Act.

It is hereby confirmed that the estimated completion date of the Capital Project, as such phrase is amended by this Ordinance, is December 1, 2019, and the realistic estimated useful life of the Capital Project is estimated to be in excess of ten (10) years.

It is hereby is hereby redetermined and restated that the Bonds are scheduled to mature in accordance with the limitations set forth in Section 8142(a)(2) of the Act taking into account the useful lives of the Capital Project.

Section 2. Filing of Proceedings. The Secretary or Assistant Secretary of the Township is hereby authorized and directed to certify to and file with the Pennsylvania Department of Community and Economic Development, in accordance with the Act, a complete and accurate copy of the proceedings taken in connection with the amendment authorized hereunder.

Section 3. Incidental Actions. The proper officers of the Township are hereby authorized, directed and empowered on behalf of the Township to execute any and all agreements, instruments and documents and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the provisions of this Ordinance.

Section 4. Appointment of Special Counsel. The Township hereby ratifies and confirms the appointment of McNees Wallace & Nurick LLC, Harrisburg, Pennsylvania, as Special Counsel to the Township with respect to the actions as outlined herein.

Section 5. Rescinding Inconsistent Ordinances. All ordinances or parts of ordinances inconsistent herewith be and the same hereby are rescinded, cancelled and annulled. Except as amended hereby, the Prior Ordinance remains in full force and effect.

Section 6. Severability. In the case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance and this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein.

Section 7. Effective Date. This Ordinance shall become effective on the earliest date permitted by the Act.

DULY ENACTED, by the Board of Commissioners, in lawful session duly assembled, this 7th day of August, 2019.

TOWNSHIP OF SWATARA,
Dauphin County, Pennsylvania

By: Tom Connolly
(Vice) President of the Board of Commissioners

ATTEST:

Karen Allen
(Asst.) Secretary of the Township

(SEAL)

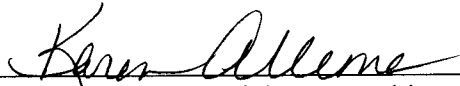
I HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance duly enacted by the affirmative vote of a majority of the members of the Board of Commissioners of the Township, at a public meeting held the 7th day of August, 2019; that proper notice of such meeting was duly given as required by law; that said Ordinance has been duly entered upon the Minutes of said Governing Body, showing how each member voted thereon; a notice with respect to the intent to adopt said Ordinance has been published as required by law; said Ordinance was available for inspection by any interested citizen requesting the same in accordance with the requirements of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania; and said Ordinance has not been amended, altered, modified or repealed as of the date of this Certificate.

I FURTHER CERTIFY that the Board of Commissioners of the Township met the advance notice and public comment requirements of the Sunshine Act, 65 Pa. Cons. Stat. §701 *et seq.*, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the principal office of the Township or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at such meeting prior to adoption of said Ordinance, all as required by such Act.

I FURTHER CERTIFY that: the total number of members of the Board of Commissioners of the Township is five (5); the vote of the members of the Board of Commissioners of the Township upon said Ordinance was called and duly was recorded upon the minutes of said meeting; and the members of the Board of Commissioners of the Township voted upon said Ordinance in the following manner:

Thomas Connolly	- <i>Yea</i>
Edward Troxell	- <i>Yea</i>
Richard Boudier	- <i>Yea</i>
Jeff Varner	- <i>Yea</i>
Christine Zubeck	- <i>Yea</i>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Township this 7th day of August, 2019.



(Asst.) Secretary of the Township

(SEAL)