

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 13-02-01-42

**AN ORDINANCE AUTHORIZING THE CITY OF LE ROY OF MCLEAN
COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER
SUPPLY LOAN PROGRAM FUND**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
18th Day of January, 2013

PRESENTED: February 18, 2013

PASSED: February 18, 2013

APPROVED: February 18, 2013

RECORDED: February 18, 2013

PUBLISHED: February 18, 2013

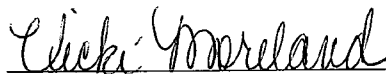
In Pamphlet Form

Voting "Aye" 7

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland

Deputy City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: February 18, 2013

ORDINANCE NO. 13-02-01-42

AN ORDINANCE AUTHORIZING THE CITY OF LE ROY OF MCLEAN COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM FUND

WHEREAS the CITY OF LE ROY, MCLEAN COUNTY, Illinois (“the CITY”) operates its public water supply system (“the System”) and in accordance with the provisions of 65 ILCS 5/11-129-1 et seq. and the Local Government Debt Reform Act, 30ILCS 350/1 (collectively, “the Act”); and

WHEREAS the MAYOR and CITY COUNCIL of the CITY (“the Corporate Authorities”) have determined that it is advisable, necessary and in the best interests of public health, safety and welfare to improve the System, including the following:

Rehabilitation of the existing elevated storage tank together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the rehabilitation (“the Project”), all in accordance with the plans and specifications prepared by consulting engineers to the CITY, which Project has a useful life in excess of 21 years; and

WHEREAS the estimated cost of rehabilitation of the Project, including engineering, legal, financial, and other related expenses, is \$300,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 et seq., at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the CITY from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenue derived from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the CITY is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$300,000 to provide funds to pay the costs of the Project;

WHEREAS, the loan to the CITY shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the CITY and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the CITY OF LE ROY, McLean County, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the CITY to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provision of the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the CITY in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$300,000.

SECTION 3. PUBLICATION

This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A), shall be published once within ten days after passage in the Le Roy Leader, a newspaper published and of general circulation in the CITY, and if no petition, signed by electors numbering 10% or more of the registered voters in the CITY (i.e., 229) asking that the question of improving the System as provided in this Ordinance and entering into the Loan Agreement therefore be submitted to the electors of the CITY, is filed with the CITY Clerk within 30 days after the date of publication of this Ordinance and notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the CITY Clerk to any individual requesting one.

SECTION 4. ADDITIONAL ORDINANCES

If no petition meeting the requirements of the Act and other applicable laws is filed during the 30-day petition period, then the Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the CITY may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the CITY to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 5. LOAN NOT INDEBTEDNESS OF CITY

Repayment of the loan to the Illinois Environmental Protection Agency by the CITY pursuant to this Ordinance is to be solely from the revenue derived from the revenues of the system and the loan does not constitute an indebtedness of the CITY within the meaning of any constitutional or statutory limitation.

SECTION 6. APPLICATION FOR LOAN

The MAYOR is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662.

SECTION 7. ACCEPTANCE OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Public Water Supply Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 8. RESERVE ACCOUNTS

As long as the CITY OF LE ROY has outstanding revenue bonds payable from revenues of the System, and that are senior to the revenue bond authorized by this Ordinance, the CITY OF LE ROY shall maintain a system, fund, accounts, coverage and reserves identical to the account, coverage and reserves required by the outstanding ordinances.

SECTION 9. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT

The CITY MAYOR is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the MAYOR for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

SECTION 10. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 10. REPEALER

All ordinances, resolutions, orders, or parts thereof, in conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Dawn Hanafin, and seconded by Matt Shivers by roll call vote on the 18th day of February, 2013 as follows

Aldermen elected 8

Aldermen Present 7

Voting Aye:

Dawn Hanafin, T.A. Whitsitt, Rae Ann Ahlers, Mike Bailey, Monti Albert, Anne Anderson, Matt Shivers

Voting Nay:

None

Absent:

James Bratcher

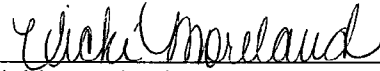
Abstain:

None

Other:

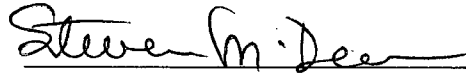
None

And deposited and filed in the office of the City Clerk in said municipality on the 18th day of February, 2013.



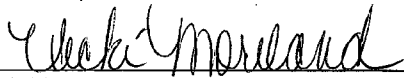
Vicki Moreland, Deputy City Clerk
of the City of Le Roy, McLean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 18th day of February, 2013



Steve Dean Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, Deputy City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting Deputy Municipal Clerk of the City of Le Roy, McLean County, Illinois.

I further certify that on **February 18, 2013** the Corporate Authorities of such municipality passed and approved **Ordinance No. 13-02-01-42** entitled:

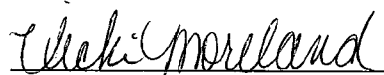
AN ORDINANCE AUTHORIZING THE CITY OF LE ROY OF MCLEAN COUNTY, ILLINOIS TO BORROW FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM FUND

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **13-02-01-42**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **February 18, 2013** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 18th day of February, 2013.

(SEAL)


Vicki Moreland, Deputy City Clerk
of the City of Le Roy, McLean
County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland do hereby certify that I am the duly qualified and acting Deputy City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF LE ROY OF MCLEAN COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM FUND

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 18th day of February, 2013 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 18th day of February, 2013

(SEAL)

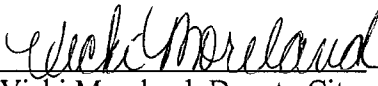
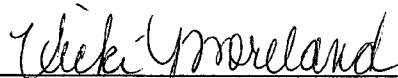

Vicki Moreland, Deputy City
Clerk of the City of Le Roy,
McLean County, Illinois

EXHIBIT A
NOTICE OF INTENT TO BORROW FUNDS
AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number _____, adopted on February 18, 2013, the CITY OF LEROY, McLean County, Illinois (the "ENTITY") intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$300,000 and bearing annual interest at an amount not to exceed the maximum rate authorized by law at the time of execution of the Loan Agreement, for the purpose of paying the cost of certain improvements to the water system of the CITY. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 229 or more electors of the CITY (being equal to 10% of the active registered voters in the CITY), requesting that the question of improving the public water system and entering into the Loan Agreement therefore is submitted to the CITY Clerk within 30 days after publication of this Notice, the question of improving the public water system of the CITY as provided in the Ordinance and the Loan Agreement shall be submitted to the electors of the CITY at the General Election to be held on March 18, 2014. A petition form is available from the office of the CITY Clerk.



Vicki Moreland, Deputy City Clerk
of the City of Le Roy, McLean County, Illinois