

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 10-08-02-41

AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF THE PROPOSITION OF ISSUING GENERAL OBLIGATION BONDS TO THE VOTERS OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AT THE GENERAL ELECTION TO BE HELD ON THE 2ND DAY OF NOVEMBER, 2010.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
2ND DAY OF AUGUST, 2010


PRESENTED: AUGUST 2, 2010
PASSED: AUGUST 2, 2010
APPROVED: AUGUST 2, 2010
RECORDED: AUGUST 2, 2010
PUBLISHED: AUGUST 2, 2010

In Pamphlet Form

Voting "Aye" 8
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)



City Clerk of City of Le Roy

Dated: August 2, 2010

MINUTES of a regular public meeting of the City Council of the City of LeRoy, McLean County, Illinois, held at the City Hall, located at 207 S. East Street, in said City, at 7:00 p.m., on the 2nd day of August, 2010.

* * *

The meeting was called to order by the Mayor Pro Tem and upon the roll being called, Shirley Chancellor, the Mayor Pro Tem, and the following Aldermen were physically present at said location: Dawn Thompson, John Hancy, Julie Duncan, Nancy Bentley, Boyd Denner, Dawn Hanafin and T.A. Whitsitt.

The following Aldermen were allowed by a majority of the members of the City Council in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: _____

No Alderman was not permitted to attend the meeting by video or audio conference.

Mayor Steven M. Dean and the following Aldermen were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

The Mayor Pro Tem announced that the City Council would next consider the adoption of an ordinance providing for and requiring the submission of the proposition of issuing General Obligation Bonds to the voters of the City at the general election to be held on November 2, 2010.

Whereupon Alderman Shirley Chancellor presented and the City Clerk read by title an ordinance as follows, a copy of which was provided to each member of the City Council prior to said meeting and to everyone in attendance at said meeting who requested a copy:

ORDINANCE NO. 10-08-02-41

AN ORDINANCE providing for and requiring the submission of the proposition of issuing General Obligation Bonds to the voters of the City of LeRoy, McLean County, Illinois, at the general election to be held on the 2nd day of November, 2010.

* * *

WHEREAS, the City of LeRoy, McLean County, Illinois (the "*City*"), is a duly incorporated and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, the needs of the City require the expenditure of the amount of \$2,250,000 for the purpose of paying the costs of storm sewer and related drainage improvements (the "*Project*"), all in accordance with the preliminary plans and estimate of costs heretofore approved by the City Council of the City (the "*Council*") and now on file in the office of the City Clerk of the City (the "*City Clerk*"); and

WHEREAS, there are insufficient funds on hand and available to pay the costs of the Project; and

WHEREAS, it is necessary and in the best interests of the City that the Project be constructed and, in order to finance the costs of the Project, it will be necessary for the City to issue not to exceed \$2,250,000 general obligation bonds; and

WHEREAS, before the Council can construct the Project and borrow money and issue bonds for such purpose, a proposition therefor must be submitted to the voters of the City and be approved by a majority of the voters of the City voting on such proposition at an election to be held in and for the City and it is deemed advisable, necessary and in the best interests of the City that a proposition therefor be submitted to the voters of the City at an election to be held and conducted in accordance with the general election law:

NOW, THEREFORE, Be It Ordained by the City Council of the City of LeRoy, McLean County, Illinois, as follows:

Section 1. That the Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. That it is necessary and in the best interests of the City that the Council be authorized to construct the Project, and that it is necessary and in the best interests of the City that money be borrowed and in evidence thereof bonds of the City be issued therefor to the amount of not to exceed \$2,250,000.

Section 3. That the proposition hereinabove referred to be submitted to the voters of the City in accordance with the general election law at the general election to be held on Tuesday, the 2nd day of November, 2010, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "*Election*").

Section 4. That the Election shall be held in the voting precincts and at the polling places established by the County Board (the "*County Board*") of The County of McLean, Illinois (the "*County*"), for voters of the City at the Election.

Section 5. That the County Clerk of the County (the "*County Clerk*") shall give notice of the Election (the "*Notice*") in accordance with the general election law by (i) publishing the Notice once not more than 30 nor less than 10 days prior to the date of the Election in a local, community newspaper having general circulation in the City, and (ii) posting a copy of the Notice at least 10 days before the date of the Election at the principal office of the County Clerk.

Section 6. That the City Clerk shall post a copy of the Notice at the principal office of the City.

Section 7. That it is hereby found and determined that *The LeRoy Journal* is a local, community newspaper having general circulation in the City as required by Section 12-5 of the Election Code of the State of Illinois, as amended (the "*Election Code*").

Section 8. That the Notice shall appear over the name or title of the County Clerk and shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the general election to be held on Tuesday, the 2nd day of November, 2010, the following proposition will be submitted to the voters of the City of LeRoy, McLean County, Illinois:

Shall bonds in an amount of \$2,250,000 be issued by the City of LeRoy, McLean County, Illinois, for the purpose of paying the costs of storm sewer and related drainage improvements, bearing interest at the rate of not to exceed 9%?

The polls at the election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated this ____ day of October, 2010.

/s/

County Clerk, The County of McLean,
Illinois

Section 9. That the ballot to be used at the Election shall be in substantially the following form, with such necessary alterations, changes, deletions and insertions as may be required by Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)
OFFICIAL BALLOT
PROPOSITION TO ISSUE \$2,250,000 GENERAL OBLIGATION BONDS

(INSTRUCTIONS TO VOTERS: Mark a cross
(X) in the space opposite the word
indicating the way you desire to vote.)

Shall bonds in an amount of \$2,250,000 be issued by the City of LeRoy, McLean County, Illinois, for the purpose of paying the costs of storm sewer and related drainage improvements, bearing interest at the rate of not to exceed 9%?	YES	
	NO	

(Back of Paper Ballot)
OFFICIAL BALLOT

Official ballot for voting on the proposition to issue General Obligation Bonds of the City of LeRoy, McLean County, Illinois, at the general election held on November 2, 2010.

Precinct Number: _____

Polling Place: _____

(Facsimile Signature)

County Clerk, The County of McLean,
Illinois

Section 10. That the Election shall be conducted by the election judges appointed by the County Board to act in the precincts at which said proposition will be submitted to the voters of the City.

Section 11. That after the adoption hereof and not less than 61 days prior to the date of the Election, the City Clerk shall certify a copy hereof to the County Clerk in order that the proposition set forth herein may be submitted to the voters of the City at the Election.

Section 12. That the Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law.


Section 13. The Council hereby declares its intention to retain First Midstate Inc., Bloomington, Illinois, as underwriter and Chapman and Cutler LLP, Chicago, Illinois, as bond counsel with respect to the proposed issuance of said bonds.

Section 14. That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 15. That all ordinances and resolutions and parts thereof in conflict herewith be and the same are hereby repealed, and that this Ordinance be in full force and effect forthwith upon its adoption.

Passed by the City Council on August 2, 2010.

Approved by the Mayor on August 2, 2010.



Mayor

AYES: Dawn Thompson, John Haney, Shirley Chancellor, Julie Duncan, Nancy Bentley,
Boyd Denner, Dawn Hanafin and T.A. Whitsitt

NAYS: None

ABSENT: None

RECORDED in the City Records on August 2, 2010.

Attest:



City Clerk

Alderman John Haney moved and Alderman Dawn Thompson seconded the motion that said ordinance as presented and read by title by the City Clerk be adopted.


After a full discussion thereof, the Mayor Pro Tem directed that the roll be called for a vote upon the motion to adopt said ordinance as read.

Upon the roll being called, the following Aldermen voted AYE: Dawn Thompson, John Haney, Shirley Chancellor, Julie Duncan, Nancy Bentley, Boyd Denner, Dawn Hanafin and T.A. Whitsitt and the following Aldermen voted NAY: _____

Whereupon the Mayor Pro Tem declared the motion carried and the ordinance adopted and did direct the City Clerk to record the same in the records of the City Council of the City of LeRoy, McLean County, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.



City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF McLEAN)

CERTIFICATION OF MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois (the "City"), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the City and of the City Council thereof (the "Council").

I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Council held on the 2nd day of August, 2010, insofar as the same relates to the adoption of **Ordinance No. 10-08-02-41** entitled:

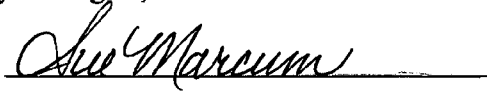
AN ORDINANCE providing for and requiring the submission of the proposition of issuing General Obligation Bonds to the voters of the City of LeRoy, McLean County, Illinois, at the general election to be held on the 2nd day of November, 2010.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Council on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Council at least 72 hours in advance of the holding of said meeting, that said agenda contained a separate specific item concerning the proposed adoption of the ordinance, a true, correct and complete copy of said agenda as so posted being attached to this certificate as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, the Illinois Municipal Code, as amended, and the Election Code of the State of Illinois, as amended, and that the Council has complied with all of the provisions of said Act and said Codes and with all of the procedural rules of the Council.

There is hereby certified to the County Clerk of The County of McLean, Illinois, for submitting to the voters of the City at the general election to be held on the 2nd day of November, 2010, the proposition set forth in said ordinance, which said ordinance was duly adopted by the Council on the 2nd day of August, 2010.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City, this
2nd day of August, 2010.



City Clerk

(SEAL)

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by John Haney, and seconded by Dawn Thompson by roll call vote on the 2nd day of August, 2010 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

T.A. Whitsitt, John Haney, Shirley Chancellor, Dawn Hanafin, Dawn Thompson, Nancy Bentley, Boyd Denner and Julie Duncan

Voting Nay:

None

Absent:

None

Abstain:

None

Other:

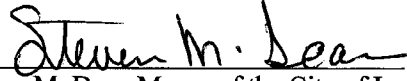
None

And deposited and filed in the office of the City Clerk in said municipality on the 2nd day of August, 2010.



Sue Marcum, City Clerk of the City of Le Roy
McLean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 2nd day of August, 2010



Steven M. Dean Mayor of the City of Le Roy,
McLean County, Illinois

ATTEST: (SEAL)



Sue Marcum, City Clerk of the City of Le Roy
McLean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **August 2, 2010** the Corporate Authorities of such municipality passed and approved **Ordinance No. 10-08-02-41** entitled:

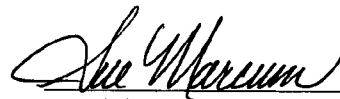
AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF THE PROPOSITION OF ISSUING GENERAL OBLIGATION BONDS TO THE VOTERS OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AT THE GENERAL ELECTION TO BE HELD ON THE 2ND DAY OF NOVEMBER, 2010.

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

The pamphlet form of Ordinance No. **10-08-02-41**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **August 2, 2010** 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 2nd day of August, 2010

(SEAL)



Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting 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 PROVIDING FOR AND REQUIRING THE SUBMISSION OF THE PROPOSITION OF ISSUING GENERAL OBLIGATION BONDS TO THE VOTERS OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AT THE GENERAL ELECTION TO BE HELD ON THE 2ND DAY OF NOVEMBER, 2010.

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 2nd day of August, 2010 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 2nd day of August, 2010

(SEAL)



City Clerk