

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 421

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$145,000
SEWERAGE REVENUE BONDS OF THE CITY OF LE ROY, FOR THE
PURPOSE OF DEGRAYING THE COST OF ACQUIRING CONSTRUCTING
AND INSTALLING IMPROVEMENTS TO ITS SEWERAGE SYSTEM

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LeROY THIS 6th DAY OF January, 1992

PRESENTED: January 6, 1992

PASSED: January 6, 1992

APPROVED: January 6, 1992

RECORDED: January 6, 1992

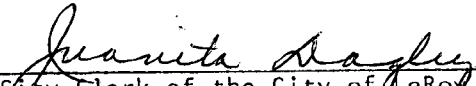
PUBLISHED: January 6, 1992

In ~~Printed~~ Pamphlet Form/In Newspaper

Voting "Aye" 6

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.


City Clerk of the City of LeRoy,
McLean County, Illinois

(SEAL)

Dated: January 6, 1992

MEMO FROM
HUNT HENDERSON
ATTORNEY AT LAW
112 EAST CENTER STREET
LEROY, ILLINOIS 61752
(309) 962-2791

DATE 1/3/92 SUBJECT LeRoy - IEPA loan
TO Mayor Davis and Aldermen

Enclosed is a copy of an ordinance prepared by Kurt Froelich and myself for approval of the IEPA loan and commitment to repaying the same. I will be talking with Kurt Monday (he was gone out of town to meeting today) to see if there is any reason why we can't pass this ordinance. We still need one or two legal opinions to send to EPA and probably a final ordinance saying "approve the loan contract EPA sends us" but those things can't come until we get started. Hunt

AN ORDINANCE authorizing the issuance of up to \$145,000 sewerage revenue bonds of the City of LeRoy, McLean County, Illinois, for the purpose of defraying the cost of acquiring, constructing and installing improvements to its sewerage system.

PREAMBLES

WHEREAS, the City of LeRoy, McLean County, Illinois (the "Municipality"), operates a municipally-owned sewerage system (the "System") in accordance with the provisions of Division 141 of Article 11 of the Illinois Municipal Code [Paragraph 11-141-1 et seq. of Chapter 24 of the Illinois Revised Statutes (as supplemented and amended, including by the Local Government Debt Reform Act, the Intergovernmental Cooperation Act, Section 10 of Article VII of the constitution of Illinois and applicable Illinois and federal laws in connection with the IEPA Water Pollution control Revolving Loan Payment Fund (the "Loan Fund")), collectively, the "Act"]]; and

WHEREAS, the City Council of the Municipality (the "Corporate Authorities") has determined that it is advisable, necessary and in the best interests of the Municipality's public health, safety and welfare to undertake a project providing for the acquisition, construction and installation of improvements to the sewage treatment plant, including removal of the existing filter media and trough distribution system, new filter media having an effective size of 0.3 mm to 1.0 mm, a uniform coefficient, not to exceed 3.5, will be placed to a depth of 24 inches, a new distribution system consisting of 6" P.V.C. pipe placed in the exact location of the existing wood trough system and 4" P.V.C. crosses in the 6" line at 38 ft. and 40 ft. interval, with 4" 90 degree elbows all at the same elevation, and related facilities (together with all required structures, equipment, appurtenances and fixtures, all electrical, mechanical or other work and the acquisition of land or rights in land necessary, useful or advisable in connection with such work, and as such work may progress in one or more phases, and other related costs, the "Project"), substantially in accordance with the related plans, specifications and cost estimate therefor prepared by the Municipality's Project engineers therefor now on file in the office of the Clerk and available for public inspection; and

WHEREAS, the estimated cost of acquiring, constructing and installing the Project, and necessary interest during acquisition, construction and installation, reserves, engineering, legal, financial, discount, printing and publication costs and other expenses preliminary to and in connection with the Project and its financing is anticipated to be approximately \$145,000, which is to be paid from the hereinafter described obligations; and

WHEREAS, costs of the Project, for which the Municipality has insufficient funds, are expected to be paid from funds on hand or already advanced therefor, available grant proceeds, if any, and from obligations payable from the revenues of the System and issued pursuant to the Act, this ordinance and ordinances supplemental to this ordinance authorizing and providing for the issuance of such obligations, prescribing the details of such obligations and providing for the collection, segregation and distribution of the revenues of the sewerage system of the City of LeRoy, Illinois, which obligations are expected to be purchased by the Illinois Environmental Protection Agency (the "IEPA") from funds available therefor in connection with the Loan Fund,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEROY, MCLEAN COUNTY, ILLINOIS, as follows:

Section 1. Incorporation of Preambles and Determination to Issue Bonds. The Corporate Authorities hereby find that all of the recitals contained in the preambles to this ordinance are true, complete and correct and hereby incorporate them into this Section 1 of this ordinance by this reference thereto. It is necessary and in the best interests of the Municipality to acquire, construct and install the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described above, that the System shall be operated as a separate sewerage system in accordance with the provisions of the Act, and that for the purpose of acquiring, constructing and installing the Project, there are hereby authorized to be issued and sold sewerage revenue bonds or other obligations of the Municipality in an aggregate principal amount up to but in any event not to exceed \$145,000 (howsoever styled, the "bonds").

Section 2. Publication and Notice. Within ten (10) days after the adoption of this ordinance by the Corporate Authorities, this ordinance, preceded by a notice conforming to the requirements of the Act (in substantially the form thereof presented at the meeting of the Corporate Authorities at which this ordinance is adopted), shall be published in the *LeRoy Journal*, published in LeRoy, Illinois, the same being a newspaper (as described in AN ACT to revise the law in relation to notices, R.S.1874, p. 723), and of general circulation within the Municipality, and if no petition, signed by not less than the number of electors of the Municipality being equal to fifteen percent (15%) of the number of electors actually having voted for the Mayor at the last preceding general Municipal election at which the Mayor was elected, asking that the question of so acquiring, constructing and installing the Project and issuing the bonds to pay the cost thereof be submitted to the electors of the Municipality, is filed with the Clerk of the Municipality within ten (10) days after the date of the publication of this ordinance and such notice, then this ordinance shall be in full force and effect. If such petition is filed, an election on the

question shall be held as set forth in such notice at the general primary election to be held on March 17, 1992, if such election is held and such question is presented, and otherwise at the next election at which such question could be presented. The Clerk shall have available and provide a form of petition (in substantially the form as presented before the meeting of the Corporate Authorities at which this ordinance is adopted) to any person requesting one.

Section 3. Additional Ordinances. If no petition meeting the requirements of applicable law is filed as provided above in Section 2, and there is no material change in the Project and the purposes herein described, then the Corporate Authorities in accordance with and pursuant to the Act may adopt additional ordinances or other proceedings supplemental to or amending this ordinance, providing for the sale of up to but in any event not to exceed \$145,000 of its sewerage revenue bonds, prescribing the details of such bonds, and providing for the collection, segregation, application and distribution of the revenues of the System. Such additional or supplemental ordinances or other proceedings shall in all instances become effective in accordance with applicable law; and this ordinance, together with such additional ordinances or other proceedings, shall constitute complete authority for the issuance of the bonds under applicable law. The bonds shall not constitute an indebtedness of the Municipality within the meaning of any constitutional or statutory provision or limitation, such obligations being payable solely from revenues of the System.

Section 4. Severability and Repealer. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

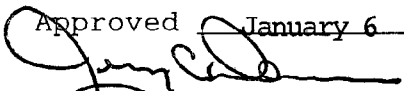
Adopted and recorded in the Municipality's records this 6th day of January, 1992.

AYES: [Names] David Spratt, Robert D. Johnson, Randy Zimmerman, Gary Bulta, William Swindle, Jerry Davis

NAYS: [Names] None

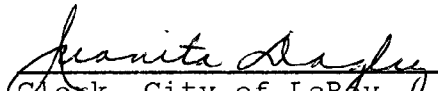
ABSENT: [Names] none

ABSTAIN: [Names] none

Approved January 6, 1992:


Mayor, City of LeRoy,
McLean County, Illinois

Attest:


Clerk, City of LeRoy,
McLean County, Illinois

STATE OF ILLINOIS)
COUNTY OF MCLEAN) SS
CITY OF LEROY)

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Clerk of the City of LeRoy, McLean County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of the Issuer and of its City Council (the "Corporate Authorities").


I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the 6th day of January, 1992, insofar as same relates to the adoption of Ordinance No. 421, entitled:

AN ORDINANCE authorizing the issuance of up to \$145,000 sewerage revenue bonds of the City of LeRoy, McLean County, Illinois, for the purpose of defraying the cost of acquiring, constructing and installing improvements to its sewerage system,

a true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting and is hereto attached. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the open meeting laws of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such open meeting laws and such Code and their procedural rules in the adoption of such ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City of LeRoy, Illinois, this 6th day of January, 1992.


Clerk

(SEAL)

NOTICE OF INTENT TO ISSUE BONDS
AND RIGHT TO FILE PETITION

Notice is hereby given that pursuant to Ordinance No. 421, adopted January 6, 1992, the City of LeRoy, McLean County, Illinois (the "City"), has preliminarily authorized the issuance of sewerage revenue bonds or other revenue obligations at one time or from time to time as funds are needed up to the amount of but in any event not to exceed \$145,000 (howsoever styled, the "bonds") for the purpose of paying the costs of the acquisition, construction and installation improvements to the sewage treatment plant, including removal of the existing filter media and trough distribution system, new filter media having an effective size of 0.3 mm to 1.0 mm, a uniform coefficient, not to exceed 3.5, will be placed to a depth of 24 inches, a new distribution system consisting of 6" P.V.C. pipe placed in the exact location of the existing wood trough system and 4" P.V.C. crosses in the 6" line at 38 ft. and 40 ft. interval, with 4" 90 degree elbows all at the same elevation, and related facilities (the "Project"). In addition, notice is hereby given that if a petition signed by not less than 58 electors of the City requesting that the question of so acquiring, constructing and installing the Project and the issuance of revenue bonds therefor be submitted to the Clerk within ten (10) days of the date of publication hereof and of the above ordinance, the question of so acquiring, constructing and installing such Project and the issuance of such bonds therefor shall be submitted to the electors of the City at the general primary election to be held on March 17, 1992, if such election is held and such question is presented, and otherwise at the next election at which such question could be presented. A form of petition is available in the Clerk's office.

/s/ Juanita Daugherty
Clerk, City of LeRoy,
McLean County, Illinois

Note to publisher: The full text of the ordinance is to follow the above notice. Please check with the City as to any blanks in the ordinance. Send your publication statement to City of LeRoy, 111 E. Center, LeRoy, Illinois 61752-1717 Attention: Mayor, and send two certificates of publication to Evans & Froehlich, 44 Main Street, P.O. Box 737, Champaign, Illinois, 61820.

To: City Clerk, City of LeRoy, Illinois.

PETITION

In accordance with and pursuant to Section 2 of Ordinance No. 421 of the City of LeRoy, McLean County, Illinois (the "City"), adopted _____, 1992, and entitled:

AN ORDINANCE authorizing and providing for the issuance of up to \$145,000 sewerage revenue bonds of the City of LeRoy, McLean County, Illinois, for the purpose of defraying the cost of acquiring, constructing and installing improvements to its sewerage system,

each of the undersigned hereby certifies, as applicable to each, that each is an elector (a registered voter) of the City, and hereby petitions and asks that the question of acquiring, constructing and installing improvements to its sewerage system, and related facilities, constituting a part of the City's sewerage system and the issuing of revenue bonds or other revenue obligations to pay a part of the costs thereof, and related costs, as set forth in the above ordinance, be submitted to the electors of the City at the general primary election to be held on March 17, 1992, if such election is held and such question is presented, and otherwise at the next election at which such question could be presented:

| | <u>Print Name</u> | <u>Address</u> | <u>LeRoy, IL</u> | <u>Signature</u> |
|-----|-------------------|----------------|------------------|------------------|
| 1. | _____ | _____ | LeRoy, IL | _____ |
| 2. | _____ | _____ | LeRoy, IL | _____ |
| 3. | _____ | _____ | LeRoy, IL | _____ |
| 4. | _____ | _____ | LeRoy, IL | _____ |
| 5. | _____ | _____ | LeRoy, IL | _____ |
| 6. | _____ | _____ | LeRoy, IL | _____ |
| 7. | _____ | _____ | LeRoy, IL | _____ |
| 8. | _____ | _____ | LeRoy, IL | _____ |
| 9. | _____ | _____ | LeRoy, IL | _____ |
| 10. | _____ | _____ | LeRoy, IL | _____ |

Statement: I, _____ [Name], of _____ [Address], LeRoy, Illinois, hereby state that I am a registered voter of LeRoy, Illinois, that the above signatures on this sheet were signed in my presence in LeRoy, Illinois, and are genuine, and to the best of my knowledge and belief each of the persons so signing were at the time of signing registered voters of the City of LeRoy, Illinois, and their addresses are correctly stated.

Signature

State of Illinois) The above Statement was subscribed and sworn to
County of McLean) before me this _____ day of _____, 1992.

(SEAL)

Notary Public

My Commission Expires: _____
Sheet _____ of _____.