

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2017-4

AN ORDINANCE OF THE VILLAGE OF MT. ZION AUTHORIZING A LOAN AGREEMENT WITH THE
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY TO BORROW FUNDS FROM THE
PUBLIC WATER SUPPLY LOAN PROGRAM

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2017-4, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on February 6, 2017.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 6th day of February, 2017.



Dawn Reynolds

Dawn Reynolds, Village Clerk

**AN ORDINANCE OF THE VILLAGE OF MT. ZION AUTHORIZING
A LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY TO BORROW FUNDS FROM THE PUBLIC
WATER SUPPLY LOAN PROGRAM**

WHEREAS, the Village of Mt. Zion, Macon County, Illinois operates its public water supply system (“the System”) and in accordance with the provisions of 65 ILCS 5/11-139-1, et. Seq., and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, the “Act”), and

WHEREAS, the Village President and Board of Trustees of the Village of Mt. Zion (“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:

water system improvements including construction of a new 1,000,000 gallon composite storage tank along with extensions of a 12” water main to the new tower and improvements to the existing booster station,

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (“the Project”), all in accordance with the plans and specifications prepared by consulting engineers of the Village; which Project has a useful life of at least twenty-one years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$4,000,863, 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 Village from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid 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 Village is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of Three Million Six Hundred Twenty-Two Thousand Eight Hundred Sixty-Three 00/100 Dollars (\$3,622,862) to provide funds to pay the costs of the Project;

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the Village of Mt. Zion, Macon 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 Village 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 Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Village in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed Three Million Six Hundred Twenty-Two Thousand Eight Hundred Sixty-Three 00/100 Dollars (\$3,622,862).

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 Mt. Zion Region News, a newspaper published and of general circulation in the Village, and if no petition, signed by electors numbering 10% or more of the registered voters in the Village (438 registered voters as of October 20, 2016) 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 Village, is filed with the Village 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 Village 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 law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the Village 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 Village 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 VILLAGE

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

SECTION 6. APPLICATION FOR LOAN

The Village Administrator 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. AUTHORIZATION OF VILLAGE ADMINISTRATOR TO EXECUTE LOAN AGREEMENT

The Village Administrator 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 Village Administrator 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 9. 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 or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

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PASSED by the Corporate Authorities

on February 6th, 2017 .

Approved February 6th, 2017 .



Village President

Village of Mt. Zion

Macon, County, Illinois

AYES: 6

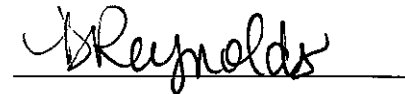
NAYS: 0

ABSENT: 0

PUBLISHED in the Mt. Zion Region News on February 15th, 2017.

RECORDED in the Village Records on February 6th, 2017 .

ATTEST:



Village Clerk


Village of Mt. Zion

Macon County, Illinois

**NOTICE OF INTENT TO BORROW FUNDS
AND RIGHT TO FILE PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 2017-4 adopted on Feb. 6th, 2017, the Village of Mt. Zion, Macon County, Illinois (the "VILLAGE"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed Three Million Six Hundred Twenty-Two Thousand Eight Hundred Sixty-Three 00/100 Dollars (\$3,622,862) 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 improvement to the public water supply system of the Village. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 438 or more electors of the Village (being more than 10% of the registered voters in the Village as of October 20, 2016), requesting that the question of improving the public water supply system and entering into the Loan Agreement is submitted to the Village Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the Village as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the Village at the next election to be held under general election law on March 20, 2018. A petition form is available from the office of the Village Clerk.



Village Clerk

Village of Mt. Zion

Macon County, Illinois

NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting Village Clerk of the Village of Mt. Zion, Macon County, Illinois (the "Village"), and as such officer I am the keeper of the books, records, files and journal of proceedings of the Village and of the Village President and Board of Trustees of the Village.

I do further certify that Ordinance Number 2017-4, being the Ordinance entitled: **AN ORDINANCE OF THE VILLAGE OF MT. ZION AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY UNDER THE PUBLIC WATER SUPPLY LOAN PROGRAM** (the "Ordinance") was presented to and passed by the Village President and Board of Trustees of the Village at its legally convened meeting held on the 6th day of FEBRUARY 2017 and signed by the Village President on said day.


I do further certify that the Ordinance was duly and properly published in the MT. ZION REGION NEWS a newspaper published and of general circulation within the Village, on the 15th day of FEBRUARY, 2017, being a date within ten days from the date of passage of this Ordinance.

I do further certify that publication of the Ordinance was accompanied by a separate publication of notice of (1) the specific number of voters required to sign the petition requesting the question of constructing improvements to the public water supply system as provided in the Ordinance; (2) the time in which such petition must have been filed; and (3) the date of the prospective referendum.

I do further certify that I did make available and provide to any individual so requesting a petition form, which petition form provided for submission to the electors of the Village of the question as set forth therein. Such petition forms were available from FEBRUARY, 6th, 2017, up to and including MARCH, 16th, 2017.

I do further certify that no Petition has been filed in my office within 30 days after the publication of the Ordinance or as of the time of the signing hereof as provided by statute asking that the question of improving the public water supply system as provided in the Ordinance and the Loan Agreement therefore be submitted to the electors of the Village.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the Village of Mt. Zion, Macon County, Illinois this 16th day of MARCH, 2017.



Village Clerk
Village of Mt. Zion
Macon County, Illinois

(SEAL)

LEGAL NOTICE

ORDINANCE NUMBER 2017-4

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WHEREAS, the Village President and Board of Trustees of the Village of Mt. Zion (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: water system improvements including construction of a new 1,000,000 gallon composite storage tank along with extensions of a 12" water main to the new tower and improvements to the existing booster station,

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (the Project), all in accordance with the plans and specifications prepared by consulting engineers of the Village; which Project has a useful life of at least twenty-one years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$4,000,863, 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 652, 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 Village from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid 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 Village is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of Three Million Six Hundred Twenty-Two Thousand Eight Hundred Sixty-Three 00/100 Dollars (\$3,622,862) to provide funds to pay the costs of the Project.

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However, notwithstanding the above, the Village 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 Village to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

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SECTION 9. 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 or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

PASSED BY THE CORPORATE AUTHORITIES on February 6, 2017.
Approved February 6, 2017.

Mark Wells, Village President
Village of Mt. Zion
Macon County, Illinois

AYES: 6
NAYS: 0
ABSENT: 0

PUBLISHED in the Mt. Zion Region News on February 15, 2017
RECORDED in the Village Records on February 6, 2017.

ATTEST:
Dawn Reynolds, Village Clerk
Village of Mt. Zion
Macon County, Illinois

Exhibit A

NOTICE OF INTENT TO BORROW FUNDS AND RIGHT TO FILE PETITION

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Dawn Reynolds, Village Clerk
Village of Mt. Zion
Macon County, Illinois
published 02/15/17