

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #638H

AN ORDINANCE AUTHORIZING THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS TO BORROW FUNDS
FROM THE ILLINOIS PUBLIC WATER SUPPLY LOAN PROGRAM

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 18TH DAY OF SEPTEMBER 2023.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 19TH DAY OF SEPTEMBER, 2023.

Published in Pamphlet Form this 20th day of September 2023.

ORDINANCE NUMBER #638H

AN ORDINANCE AUTHORIZING THE CITY OF BELVIDERE, BOONE COUNTY, ILLINOIS TO BORROW FUNDS FROM THE ILLINOIS PUBLIC WATER SUPPLY LOAN PROGRAM

WHEREAS, the City of Belvidere, Boone County, Illinois, operates its sewerage system (“the System”) and in accordance with the provisions of Section 6 of Article VII of the 1970 Constitution of the State of Illinois and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively “the Act”); and

WHEREAS, the City adopts this ordinance and approves the loan contemplated herein pursuant to its home rule authority as opposed to any authority granted pursuant to the Illinois Municipal Code, including but not limited to division 139 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-139 et seq.).

WHEREAS, the Mayor and City Council of the City of Belvidere (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

Drilling and construction of a new potable water well, Well 11.

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 the consulting engineers of the City of Belvidere, which Project has a useful life of greater than twenty years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$1,800,000.00, 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 365, 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 twenty 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 of Belvidere from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid solely 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 of Belvidere is authorized to borrow funds, pursuant to its home rule authority and without regard to the Illinois Municipal Code, from the Public Water Supply Loan Program in the aggregate principal amount of \$1,800,000.00 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City of Belvidere shall be made pursuant to a Loan Agreement in substantially the same form as the Loan Agreement attached hereto as Exhibit A, including certain terms and conditions between the City of Belvidere and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Belvidere, Boone 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 of Belvidere 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 provisions 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 of Belvidere in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$1,800,000.00.

SECTION 3. ADDITIONAL ORDINANCES

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 entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Belvidere 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 of Belvidere to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF THE CITY OF BELVIDERE

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Belvidere 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 City of Belvidere within the meaning of any constitutional or statutory limitation and is non-recourse to other funds or sources of revenue for the City of Belvidere.

SECTION 5. APPLICATION FOR LOAN

The Director of Public Works is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 6. 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 7. RESERVE ACCOUNTS

As long as the City of Belvidere has outstanding senior bonds that are payable from revenues of the system, the City of Belvidere shall maintain an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) required by the outstanding ordinance(s).

**SECTION 8. AUTHORIZATION OF MAYOR TO EXECUTE
LOAN AGREEMENT**

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

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PASSED by the Corporate Authorities on
September 18, 2023.

APPROVED September 19, 2023.



Mayor
City of Belvidere
Boone County, Illinois

Ayes: Gramkowski, McGee, Snow, Albertini, Fleury and Frank.

Nays: None.

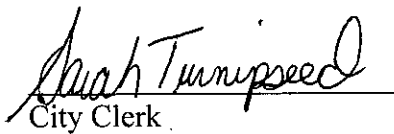
Absent: Brereton, Freeman, Mulhall and Porter.

Date Passed: September 18, 2023

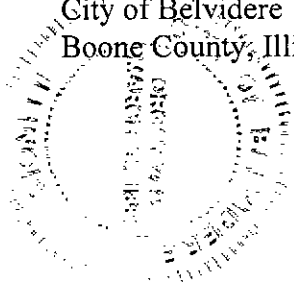
Date Approved: September 19, 2023

Date Published: September 20, 2023

ATTEST:



City Clerk
City of Belvidere
Boone County, Illinois




AFFIDAVIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #638H of the City of Belvidere, Illinois, in pamphlet form on September 20, 2023, and as a convenience for the public; I posted the pamphlet form of Ordinance #638H on the bulletin board in the lobby of Belvidere City Hall at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's office.


Sarah Turnipseed
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 20th day of Sept, 2023.



Notary Public

