

CITY OF BELVIDERE, ILLINOIS

ORDINANCE #738H

AN ORDINANCE AUTHORIZING AN INTRA FUND LOAN FROM THE CITY OF BELVIDERE GENERAL FUND TO THE WATER & SEWER FUND FOR DESIGN ENGINEERING OF THE WWTP UPGRADES TO MEET ELIGIBILITY REQUIREMENTS OF THE WATER POLLUTION CONTROL LOAN PROGRAM.

PASSED AND ADOPTED

BY THE CITY COUNCIL

OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 6TH DAY OF OCTOBER 2025.

APPROVED BY THE

MAYOR OF THE CITY OF

BELVIDERE, ILLINOIS

ON THE 7TH DAY OF OCTOBER 2025.

Published in Pamphlet Form this 7th day of October 2025.

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WHEREAS, the City of Belvidere (the City) operates a Waste Water Treatment Plant (the WWTP) for the benefit of its residents; and

WHEREAS, the City operates a combined water and sewer system (the Combined System) within the meaning of Division 139 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-139-1 et seq.); and

WHEREAS, it is necessary for the City to perform extensive upgrades (the Improvements) to the WWTP to ensure continued efficient operation of the WWTP for its residents and to comply with unfunded mandated upgrades required by the Illinois Environmental Protection Agency (IEPA) and the Federal EPA; and

WHEREAS, the City of Belvidere intends to receive a low interest loan under the Illinois Water Pollution Control Loan Program (WPCLP) administered by IEPA to assist with the costs of Improvements; and

WHEREAS, as a condition precedent to receiving the funding approval under the WPCLP the City must first engage in Design Engineering of the required Improvements; and

WHEREAS, the City desires to engage in two phases of Design Engineering with Phase I being Preliminary Design Engineering which is estimated to require \$1,900,000.00; and

WHEREAS, there currently is insufficient funds in the City's Water and Sewer Fund to finance the Preliminary Design Engineering; and

WHEREAS, the Corporate Authorities of the City of Belvidere wish to provide a no interest loan from the City's General Fund to the Water and Sewer Fund to finance the cost of the Preliminary Design Engineering; and

WHEREAS, the City is a home rule unit of government within the meaning of Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

WHEREAS, the City elects to utilize its home rule authority to loan \$1,900,000.00 from the City's General Fund to the City's Water and Sewer Fund for a period of greater than the current fiscal year, in contravention of Section 8-1-3.1 of the Illinois Municipal Code (65 ILCS 5/8-1-3.1) and for that purpose declares the limitation of any intra fund loan to be of no force and effect; and

WHEREAS, the City's General Fund contains sufficient monies to fund the loan without the need of borrowing money from a bank or lending institution and paying a higher rate of interest to such bank or lending institution.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as if fully set forth.

SECTION 2: The City is hereby authorized to transfer and loan \$1,900,000.00 from the General Fund to the City's Water and Sewer fund for purposes of obtaining Preliminary Design Engineering for the Improvements.

SECTION 3: The \$1,900,000.00 (the Principal) of General Fund monies shall constitute a loan (the Loan) from the General Fund to the Water and Sewer Fund for purposes of financing the Preliminary Design Engineering for the Improvements. The loan shall mature on the date, which is ten (10) years after the date that the City the City transfers the Principal to the Water and Sewer Fund (the Due Date) and any remaining unpaid principal shall be paid upon the earlier of the Due Date or upon receipt of sufficient loan revenue pursuant to the WPCLP.

SECTION 4: The City may prepay the Loan in whole or in part at any time. Any partial prepayment shall be applied against the principal amount owed.

SECTION 5: The Obligation to reimburse the General Fund for the Principal and interest is a limited and special obligation of the Water and Sewer Fund payable solely from revenues from the operation of the Combined System and any loan funds received under the WPCLP. As the Loan and this Ordinance are solely for purposes of internally funding a City Water and Sewer capital improvement, the Loan and this Ordinance may be forgiven and/or repealed in whole or in part by a simple majority of the City's Corporate Authorities. Further, neither the Loan, nor this Ordinance, may be hypothecated or transferred to any other person or entity either in whole nor in part. The Loan and this Ordinance do not constitute an indebtedness of the City or a loan of credit thereof within the meaning of any statutory or constitutional limitation upon indebtedness.

SECTION 6: If a court of competent jurisdiction holds that the loan contemplated herein is beyond the City's authority or otherwise unlawful, the sole remedy shall be the repayment of all monies transferred from the General Fund to the Water and Sewer Fund.

SECTION 7: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Ayes: Hoiness, McGee, Peterson, Stevens, Albertini, Brereton, Fleury, Frank and Gramkowski.
Nays: None.
Absent: Montalbano.
Passed: October 6, 2025
Approved: October 7, 2025
Published: October 7, 2025



Mayor Clinton Morris

ATTEST: 
City Clerk Erica Bluege

(SEAL)

AFFIDAVIT

STATE OF ILLINOIS)
)
COUNTY OF BOONE)

Erica Bluege, 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 #738H of the City of Belvidere, Illinois, in pamphlet form on October 7, 2025 and as a convenience for the public; I posted the pamphlet form of Ordinance #738H 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.



Erica Bluege
City Clerk

SUBSCRIBED AND SWORN TO BEFORE ME
this 7th day of October, 2025.



Notary Public