

**PUBLIC WATER SUPPLY LOAN PROGRAM ORDINANCE AUTHORIZING
LOAN AGREEMENT NON-HOME RULE CITY OF ROCHELLE – CITY OF
ROCHELLE**

ORDINANCE NUMBER _____

**AN ORDINANCE AUTHORIZING THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS
TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM**

WHEREAS, the City of Rochelle, Ogle County, Illinois operates its public water supply system (“the System”) and in accordance with the provisions of the Public Water Supply Operations Act, 415 ILCS 45/0.01 et. seq. and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, “the Act”), and

WHEREAS, the MAYOR AND CITY COUNCIL of the City of Rochelle (“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:

Construct iron removal plant at Well No. 8

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 City of Rochelle; which Project has a useful life of 30 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is nearly \$7,500,00 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 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 30 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 Rochelle 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 City of Rochelle is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$7,420,500 to provide funds to pay the costs of the Project;

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Rochelle, Ogle 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 Rochelle 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 City of Rochelle in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$10,000,000.

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 Rochelle News Leader, a newspaper published and of general circulation in the City of Rochelle, and if no petition, signed by electors numbering 10% or more of the registered voters in the City of Rochelle (505 electors) 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 City of Rochelle, is filed with the City of Rochelle 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 City of Rochelle 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 City of Rochelle 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 Rochelle 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 CITY OF ROCHELLE

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Rochelle 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 Rochelle within the meaning of any constitutional or statutory limitation.

SECTION 6. APPLICATION FOR LOAN

The City Manager 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. OUTSTANDING BONDS

The City of Rochelle has no outstanding bonds that are payable from revenues of the system.

SECTION 9. AUTHORIZATION OF CITY MANAGER TO EXECUTE LOAN AGREEMENT

The City Manager 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 City Manager 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 10. 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 11. 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 May 13, 2024.

Approved _____, 2024.

City Manager
City of Rochelle
Ogle County, Illinois

AYES: _____

NAYS: _____

ABSENT: _____

PUBLISHED in the _____ on _____, 2024.

RECORDED in the CITY OF ROCHELLE Records on _____, 2024.

ATTEST:

City Clerk
City of Rochelle
Ogle County, Illinois

Exhibit A

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

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number_____, adopted on May 13, 2024, the City of Rochelle, Ogle County, Illinois (the “CITY OF ROCHELLE”), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$10,000,000 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 City of Rochelle. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by [**505**] or more electors of the City (being equal to 10% of the registered voters in the City), requesting that the question of improving the public water supply system and entering into the Loan Agreement is submitted to the City Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the City of Rochelle as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the City of Rochelle at the next election to be held under general election law on November 5, 2024. A petition form is available from the office of the City Clerk.

City Clerk
City of Rochelle
Ogle County, Illinois

CERTIFICATION

I, Rose Huéramo, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Rochelle. I do further certify that the above and foregoing, identified as Ordinance Number _____, is a true, complete and correct copy of an ordinance otherwise identified as AN ORDINANCE AUTHORIZING THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM, passed by the City Council of the CITY OF ROCHELLE of 13th day of May, 2024 and approved by the Mayor of the CITY OF ROCHELLE on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Rochelle.

Dated this 13th day of May, 2024.

NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting CITY OF ROCHELLE Clerk of the CITY OF ROCHELLE of Ogle County, Illinois and as such officer I am the keeper of the books, records, files and journal of proceedings of the CITY OF ROCHELLE and of the MAYOR and CITY COUNCIL of the CITY OF ROCHELLE.

I do further certify that Ordinance Number_____, being the Ordinance entitled: AN ORDINANCE AUTHORIZING THE CITY OF ROCHELLE, OGLE COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (the Ordinance) was presented to and passed by the Mayor and City Council of the CITY OF ROCHELLE at its legally convened meeting held on the 13th day of May, 2024 and signed by the Mayor of the CITY OF ROCHELLE on said day.

I do further certify that the Ordinance was duly and properly published in the Rochelle News Leader, a newspaper published and of general circulation within the CITY OF ROCHELLE, on the____ day May 2024, being a date within ten days from the date of passage of the 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 CITY OF ROCHELLE of the question as set forth therein. Such petition forms were available from me continuously from_____,_____, 2024, up to and including_____,_____, 2024.

I do further certify that no Petition has been filed in my office within____days after 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 CITY OF ROCHELLE.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the CITY OF ROCHELLE of Ogle County, Illinois, this_____day of _____2024.

CITY OF ROCHELLE Clerk
CITY OF ROCHELLE
Ogle County, Illinois

(SEAL)