

MINUTES of a regular public meeting of the Council of the City of Rochelle, Ogle and Lee Counties, Illinois, held in the Council Chambers at City Hall in said City, located at 420 North 6th Street, Rochelle, Illinois, at 6:30 p.m., on the 13th day of March, 2023.

* * *

The meeting was called to order by the Mayor, and upon the roll being called, John Bearrows, the Mayor, and the following Council Members were physically present at said location: _____

The following Council Members were allowed by a majority of the Council Members in accordance with and to the extent allowed by rules adopted by the Council to attend the meeting by video or audio conference: _____

No Council Member was not permitted to attend the meeting by video or audio conference.

The following Council Members were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

The Mayor announced that in order pay the costs of improving the electric system and related expenses, it would be necessary for the City to issue revenue bonds or, in lieu thereof, alternate bonds and that the Council would consider the adoption of an ordinance authorizing the issuance of such bonds.

The City Clerk presented the following ordinance, copies of which were made available to all in attendance at said meeting who requested a copy:

**NOTICE OF INTENT TO ISSUE BONDS
AND RIGHT TO FILE A PETITION**

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. _____, duly adopted by the Council of the City of Rochelle, Ogle and Lee Counties, Illinois (the “City”), on March 13, 2023, the City intends to issue its Electric Revenue Bonds or, in lieu thereof, its General Obligation Bonds (Electric System Alternate Revenue Source) (the “*Alternate Bonds*”) in an aggregate principal amount not to exceed \$5,200,000, and bearing interest per annum at not to exceed the maximum rate authorized by law at the time of the sale thereof, for the purpose of improving the electric system of the City (the “*Electric System*”). The revenue source that will be pledged to the payment of the principal of and interest on the Alternate Bonds will be the net revenues of the Electric System. If such revenue source is insufficient to pay the principal of and interest on the Alternate Bonds, ad valorem property taxes upon all taxable property in the City without limitation as to rate or amount are authorized to be extended to pay the principal of and interest on the Alternate Bonds. A complete copy of the Ordinance follows this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 374 or more electors of the City (being equal to the greater of (i) 7.5% of the registered voters in the City or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) asking that the issuance of the Alternate Bonds be submitted to referendum is filed with the City Clerk within thirty (30) days after the date of publication of this notice, an election on the proposition to issue the Bonds shall be held on the 24th day of March, 2024. The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A-1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the City shall thereafter be authorized to issue the Alternate Bonds for the purposes hereinabove provided.

The forms of petition are available to any individual requesting one from the office of the City Clerk.

By order of the Council of the City.

Dated this 13th day of March, 2023.

/s/ Rose Huéramo

City Clerk,
City of Rochelle,
Ogle and Lee Counties, Illinois

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of Electric Revenue Bonds of the City of Rochelle, Ogle and Lee Counties, Illinois, in an aggregate principal amount not to exceed \$5,200,000, or in lieu thereof, General Obligation Bonds (Electric System Alternate Revenue Source) in an aggregate principal amount not to exceed \$5,200,000 for the purpose of paying the costs of improving the electric system of the City.

* * *

WHEREAS, the City of Rochelle, Ogle and Lee Counties, Illinois (the “*City*”), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, as amended (the “*Code*”), and for many years has owned and operated a municipally-owned electric system (the “*Electric System*”) pursuant to the provisions of Division 117 of Article 11 of the Code as set forth in Division 119 of Article 11 of the Code; and

WHEREAS, the Council of the City (the “*Council*”) has heretofore determined and does hereby determine that it is advisable, necessary and in the best interests of the public health, safety and welfare to improve the Electric System of the City, and including, in connection with said improvements, all land or rights in land, mechanical, electrical and other services necessary, useful or advisable to the improvements, and, incidental to such improvements, to pay bond discount, bond interest, bond reserve account funding, legal, financing, and administrative expense (all of which may be referred to as the “*Project*”), all in accordance with the plans and specifications and estimates of costs heretofore approved by the Council and now on file in the office of the City Clerk; and

WHEREAS, the total estimated costs of the Project, as defined, will not exceed \$5,200,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, it is necessary and for the best interests of the City that the Project be undertaken and, in order to finance the cost of the Project it will be necessary for the City to issue up to \$5,200,000 bonds payable from the revenues derived from the operation of the Electric System as authorized to be issued at this time pursuant to Division 119 of Article 11 of the Code (the “*Revenue Bonds*”), or in lieu thereof, up to \$5,200,000 alternate bonds (the “*Alternate Bonds*”) being bonds payable from the net revenues of the Electric System (the “*Pledged Revenues*”) as authorized to be issued at this time pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended (the “*Act*”); and

WHEREAS, if the above-mentioned revenue source is insufficient to pay the Alternate Bonds, ad valorem property taxes upon all taxable property in the City without limitation as to rate or amount are authorized to be extended to pay the principal of and interest on the Alternate Bonds:

NOW THEREFORE It Is Hereby Ordained by the Council of the City of Rochelle, Ogle and Lee Counties, Illinois, as follows:

Section 1. Incorporation of Preambles. The Council hereby finds that all of the recitals contained in the preambles to this ordinance are true, correct and complete and does incorporate them into this ordinance by this reference.

Section 2. Declaration of Intent. The Council hereby declares its intention to avail of the provisions of the Code and the Act and to issue Alternate Bonds in the aggregate amount of not to exceed \$5,200,000 for the purpose of paying the costs of the Project.

Section 3. Determination to Issue Bonds. It is necessary and in the best interests of the City to construct the Project for the public health, safety and welfare, in accordance with the estimate of costs as hereinabove described, and that for such purpose, there are hereby authorized to be issued and sold the Revenue Bonds in an aggregate principal amount not to exceed

\$5,200,000 or in lieu thereof, the Alternate Bonds in an aggregate principal amount not to exceed \$5,200,000.

Section 4. Publication. This Ordinance, together with a notice in the statutory form (the “*Notice*”), shall be published once within ten (10) days after passage hereof by the Council in the *Rochelle News-Leader*, being a newspaper of general circulation in the City, and if not petition signed by 374 electors of the City (being equal to the greater of (i) 7.5% of the registered voters in the City or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) asking that the issuance of the Alternate Bonds be submitted to referendum is filed with the City Clerk within thirty (30) days after the date of the publication of this Ordinance and the Notice, then the Alternate Bonds shall be authorized to be issued.

Section 5. Additional Ordinances. If no petition with respect to the issue of the Alternate Bonds and meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Council may adopt additional ordinances or proceedings supplementing or amending this ordinance providing for the issuance and sale of the Alternate Bonds, and prescribing all the details of such Alternate Bonds, so long as the maximum aggregate principal amount of the Alternate Bonds as set forth in this ordinance is not exceeded, and there is no material change in the Project. Such additional ordinances or proceedings shall in all instances become effective in accordance with applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the City to issue the Revenue Bonds, or, in lieu thereof, the Alternate Bonds, under applicable law.

Section 6. Reimbursement. None of the proceeds of the Revenue Bonds or the Alternate Bonds issued in lieu thereof will be used to pay, directly or indirectly, in whole or in part, for an expenditure that has been paid by the City prior to the date hereof except architectural or engineering costs incurred prior to commencement of the Project or expenditures for which an

intent to reimburse it as properly declared under Treasury Regulations Section 1.103-18. This Ordinance is in itself a declaration of official intent under Treasury Regulations Section 1.103-18 as to all costs of the Project paid within 60 days prior to the date hereof or on any date after the date hereof and prior to issuance of the Revenue Bonds or, in lieu thereof, the Alternate Bonds.

Section 7. Severability. 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.

Section 8. Superseder and Effective Date. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby superseded, and this Ordinance shall be in full force and effect forthwith upon its adoption and approval, as provided by law.

Passed by the Council on March 13, 2023.

Adopted and Approved March 13, 2023.

Mayor

ATTEST:

City Clerk

[SEAL]

AYES: _____

NAYS: _____

ABSENT: _____

RECORDED in the City Records on March 13, 2023.

Council Member _____ moved and Council Member _____ seconded the motion that said ordinance as presented and read by title by the City Clerk be adopted.

After a full and complete discussion thereof, the Mayor directed that the roll be called for a vote upon the motion to adopt the ordinance as read by title.

Upon the roll being called, the following Council Members voted AYE: _____
_____.
NAY: _____

Whereupon the Mayor declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the City Clerk to record the same in full in the records of the Council of the City of Rochelle, Ogle and Lee Counties, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made and seconded, the meeting was adjourned.

City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

CERTIFICATION OF ORDINANCE AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Rochelle, Ogle and Lee Counties, Illinois (the “*City*”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the City and of the Council thereof (the “*Council*”).

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Council held on the 13th day of March, 2023, insofar as same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE authorizing the issuance of Electric Revenue Bonds of the City of Rochelle, Ogle and Lee Counties, Illinois, in an aggregate principal amount not to exceed \$5,200,000, or in lieu thereof, General Obligation Bonds (Electric System Alternate Revenue Source) in an aggregate principal amount not to exceed \$5,200,000 for the purpose of paying the costs of improving the electric system of the City.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Council on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was conducted openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Council at least 72 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 72-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted being attached hereto as *Exhibit A*, that said meeting was called and held in strict accordance with the provisions of the Illinois Municipal Code, as amended, the Open Meetings Act of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, as amended, and that the Council has complied with all of the applicable provisions of said Code and said Acts and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City, this
13th day of March, 2023.

[SEAL]

City Clerk, City of Rochelle, Ogle and
Lee Counties, Illinois

PETITION

To the City Clerk of the City of Rochelle, Ogle and Lee Counties, Illinois:

We, the undersigned, being electors of the City of Rochelle, Ogle and Lee Counties, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of The County of _____, Illinois, and submitted to the electors of said City at the General Primary Election to be held on the 24th day of March, 2024:

“Shall the City of Rochelle, Ogle and Lee Counties, Illinois, pay the costs of improving the electric system within said City, as provided for by Ordinance No. _____, and issue its general obligation alternate bonds to the amount of not to exceed \$5,200,000 (said bonds being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from the net revenues of the electric system of said City) for the purpose of paying the costs thereof?”

NAME	ADDRESS
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois
_____	_____, Rochelle, _____ County, Illinois

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____ (Street Address), _____ (City, Village or Town), _____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said City and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____ day of _____, 2023.

Illinois Notary Public

My commission expires _____
(NOTARY SEAL)