

**ORDINANCE No. 2024 - XX**

**AN ORDINANCE AUTHORIZING THE VILLAGE OF WINNEBAGO,  
WINNEBAGO COUNTY, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC  
WATER SUPPLY LOAN PROGRAM**

**WHEREAS**, the Village of Winnebago, Winnebago 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 Winnebago ("the Corporate Authorities") have determined that it is advisable, necessary and in the best interests of public health, safety, and welfare to improve the Water System, including the following: Water Main Replacement, 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 50 years; and,

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$2,200,000 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 by a loan to the Village from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency and the loan will be repaid from operational and debt service revenues of the Water 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 \$2,200,000 to provide funds to pay the costs of the Project; and,

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

***NOW THEREFORE, BE IT ORDAINED*** by the Corporate Authorities of the Village of Winnebago, Winnebago 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 Water 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 \$2,200,000 .

### **SECTION 3. PUBLICATION**

This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A), shall be published once within ten (10) days after passage in *The Gazette*, 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 (i.e., XX) 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 which provide 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 operating and debt service revenues of the Water 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 operating and debt service revenues of the Water 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 PRESIDENT 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 Village has no outstanding bonds that are payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the Village establishes an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) as the senior lien holders in accordance with 35 Ill. Adm. Code 662 *et seq.*

## **SECTION 9. AUTHORIZATION OF VILLAGE PRESIDENT TO EXECUTE LOAN AGREEMENT**

The VILLAGE PRESIDENT 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 PRESIDENT 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.

#### **SECTION 12 EFFECTIVE DATE**

This Amending ordinance shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

#### **APPROVED:**

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Franklin J. Eubank Jr., President of the Board  
of Trustees of the Village of Winnebago, Illinois

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT:

Published in *The Gazette* on December XX, 2024.

Recorded in the Village Records on December XX, 2024.

#### **ATTEST:**

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Sally Jo Huggins, Village Clerk

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

**NOTICE IS HEREBY GIVEN** that, pursuant to **Ordinance Number 2024-**\_\_\_\_\_, adopted on **December** \_\_, **2024**, the Village of Winnebago, Winnebago 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 \$2,200,000 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 improvements 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 **XX or more electors** of the Village (being equal to 10% of the registered voters in the Village), 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 April 1, 2025. A petition form is available from the office of the Village Clerk.

Sally Jo Huggins, Village Clerk  
Village of Winnebago, Winnebago County, Illinois

**Exhibit A**