

ORDINANCE NO. 21-032

AN ORDINANCE AUTHORIZING THE CITY OF MONMOUTH OF WARREN COUNTY, ILLINOIS, TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM.

WHEREAS, the city of Monmouth, Warren County, Illinois, operates its sewerage system “the System” and in accordance with the provisions of the Illinois Constitution related to Home Rule Municipalities and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq.; (collectively “the Act”) and

WHEREAS, the MAYOR and CITY COUNCIL of the City of Monmouth, Warren County, Illinois, 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:

CONSOLIDATED WASTE WATER TREATMENT PLANT PROJECT – DISINFECTION FACILITY

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 Monmouth, which Project has a useful life of twenty (20) years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is Three Million Five Hundred Thousand and No/100ths Dollars (\$3,500,000.00), 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 (20) years, which is within the period of useful life of the Project; and

WHEREAS, the cost are expected to be paid for with a loan to the City of Monmouth, Warren County, Illinois, from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from Water and Sewer Rates 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 Monmouth, Warren County, Illinois, is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregated principal amount of \$ Three Million Five Hundred Thousand and No/100ths Dollars (\$3,500,000.00) to provide funds to pay the costs of the Project; and

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Monmouth, Warren 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 Monmouth 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 Monmouth in the aggregate principal amount (which can include construction period interest financed over the term of the loan); not to exceed \$ Three Million Five Hundred Thousand and No/100ths Dollars (\$3,500,000.00).

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 Water and Sewer Rates 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 of 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 Monmouth, Warren County, Illinois, 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 this Ordinance, or otherwise alter or impair the obligation of the City of Monmouth, Warren County, Illinois, 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 CITY OF MONMOUTH, WARREN COUNTY, ILLINOIS

Repayment of the loan to the Illinois environmental protection agency by the City of Monmouth, Warren County, Illinois pursuant to this Ordinance is to be solely from the revenue derived from Water and Sewer Rates, and the loan does not constitute an indebtedness of the City of Monmouth ,Warren County, Illinois, within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

The City Administrator and/or Mayor is hereby authorized to make application o 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 Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained herein 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. OUTSTANDING BONDS

The City of Monmouth, Warren County, Illinois, has outstanding bonds that are payable from revenues of system but the outstanding bonds are not senior to, but on parity with, the loan authorized by this Ordinance.

SECTION 8. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval thereof.

PASSED this _____ day of _____, 2021.

APPROVED this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

Ayes: _____

Nays: _____

Absent or not voting: _____