

ORDINANCE NUMBER 2018-45

AN ORDINANCE authorizing the City of Streator, LaSalle and Livingston, Counties, Illinois, to borrow funds from the Water Pollution Control Loan Program

**WHEREAS**, the City of Streator, LaSalle and Livingston Counties, Illinois, operates its sewerage system ("the System") and in accordance with the provisions of Division 139 Article 11 of the Illinois Municipal Code and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, "the Act"), and

**WHEREAS**, the City Council of the City (the "Council") 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:

**Center Street Area Sewer Project (L174985)**

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 Streator; which Project has a useful life of 80 years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$1,800,000, 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 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 20 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 Streator from the Water Pollution Control 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 Streator is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$1,800,000 to provide funds to pay the costs of the Project;

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Streator of LaSalle and Livingston Counties, 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 Streator 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 Streator in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$1,800,000.

### **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 Times, a newspaper published and of general circulation in the City of Streator, and if no petition, signed by 690 electors, being equal to 10% of the registered voters in the City of Streator 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 Streator is filed with the City 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 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 Streator 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 Streator 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 5. LOAN NOT INDEBTEDNESS OF THE CITY**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Streator pursuant to this Ordinance is to be solely from the revenue derived from sewer system revenues, and the loan does not constitute an indebtedness of the City of Streator within the meaning of any constitutional or statutory limitation.

#### **SECTION 6. APPLICATION FOR LOAN**

The Mayor is hereby authorized to make application to 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 7. 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 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. RESERVE ACCOUNTS**

As long as the City of Streator has outstanding senior bonds that are payable from revenues of the system, the City of Streator shall maintain an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) required by the outstanding ordinance(s).

**SECTION 9. AUTHORIZATION OF MAYOR TO EXECUTE  
LOAN AGREEMENT**

The Mayor 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 Mayor 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 Sept 19, 2018.  
Approved Sept 19, 2018.

Jimmie D. Lansford  
[PRESIDENT/MAYOR]  
[ENTITY]  
LaSalle, County, Illinois

AYES: 5  
NAYS: 0  
ABSENT: 0

PUBLISHED in the The Times on SEPTEMBER 22, 192018.  
RECORDED in the [ENTITY] Records on SEPTEMBER 24, 192018.  
ATTEST: CITY 2018

Tara Bedei  
[ENTITY] Clerk  
[ENTITY] of City of Streator  
LaSalle County, Illinois

RECORD OF THE VOTE	Yes	No	Abstain	Absent
Mayor Jimmie D. Lansford	<input checked="" type="checkbox"/>			
Councilwoman Tara Bedei	<input checked="" type="checkbox"/>			
Councilman Ed Brozak	<input checked="" type="checkbox"/>			
Councilman Brian Crouch	<input checked="" type="checkbox"/>			
Councilman Joe Scarbeary	<input checked="" type="checkbox"/>			

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

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 2018-45, adopted on September 19, 2018, the City of Streator, LaSalle and Livingston Counties, Illinois (the "ENTITY"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$1,800,000 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 sewerage system of the City of Streator. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 690 or more electors of the city of Streator (being equal to 10% of the registered voters in the City) is filed with the City Clerk of the City (the "City Clerk") within thirty (30) days after the date of the publication of this Notice requesting that the question of improving the sewerage system and entering into the Loan Agreement (the "Proposition") be submitted to referendum, then the Proposition shall be submitted to the electors of the City at the consolidated primary to be held on the 26th day of February, 2019, unless there are no voters scheduled to cast votes for any candidates for nomination for, election to or retention in public office, in which case the Proposition shall be submitted to the electors of the City at the consolidated general election to be held on the 2nd day of April, 2019. If no petition is filed with the City Clerk within said 30-day period, then the improvements and execution of the Loan Agreement shall be authorized. A petition form shall be provided by the City Clerk to any individual requesting one at the principal office of the City, located at 204 South Bloomington Street, Streator, Illinois.



City Clerk

City of Streator

LaSalle and Livingston Counties, Illinois

*Patricia A. Newhouse*

**CERTIFICATION**

I, Patricia A. Newhouse, do hereby certify that I am the duly appointed, qualified and ~~acting~~ Clerk of the City of Streator. I do further certify that the above and foregoing, identified as Ordinance Number 2018-45, is a true, complete and correct copy of an ordinance otherwise identified as AN ORDINANCE authorizing the City of Streator, LaSalle and Livingston, Counties, Illinois, to borrow funds from the Water Pollution Control Loan Program, passed by the City Council of the City of Streator on the 19th day of September, 2018, and approved by the Mayor of the City of Streator 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 Streator.

Dated this 19<sup>th</sup> day of Sept, 2018.



## NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting City Clerk of the City of Streator, LaSalle and Livingston Counties, Illinois. and as such officer I am the keeper of the books, records, files and journal of proceedings of the City and of the Mayor and City Council of the City.

I do further certify that Ordinance Number 2018-45, being the Ordinance entitled: AN ORDINANCE authorizing the City of Streator, LaSalle and Livingston, Counties, Illinois, to borrow funds from the Water Pollution Control Loan Program (the Ordinance) was presented to and passed by the Mayor and the City Council of the City at its legally convened meeting held on the 19th day of September, 2018 and signed by the Mayor of the City of Streator on said day.

I do further certify that the Ordinance was duly and properly published in The Times, a newspaper published and of general circulation within the City of Streator, on the 22nd day of SEPTEMBER, 2018, 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 sewerage 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 the question as set forth therein. Such petition forms were available from me continuously from SEPTEMBER, 22, 2018, up to and including OCTOBER, 22, 2018.

I do further certify that no Petition has been filed in my office within 30 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 sewerage system as provided in the Ordinance and the Loan Agreement therefore be submitted to the electors of the City of Streator.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the City of Streator, LaSalle and Livingston Counties, Illinois this 23 day of October, 2018.



City Clerk  
City of Streator  
LaSalle and Livingston Counties, Illinois

(SEAL)