



Ordinance No. 3289

FILED

NOV 30 2022

**An Ordinance authorizing the City of Greenville,
a municipal corporation, Bond County, Illinois,
to borrow funds from the Illinois Environmental Protection Agency
Public Water Supply Loan Program**

Meg A. Sylbert
BOND COUNTY CLERK & RECORDER

WHEREAS, the City of Greenville, a municipal corporation of Bond County, Illinois (the "Corporate Authorities"), operates its water system (the "System") 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 et seq. (collectively, the "Act"); and,

WHEREAS, the City of Greenville (the "Corporate Authorities") has determined that it is advisable, necessary and in the best interest of public health, safety and welfare to improve the System, including the following:

Construction of the City of Greenville Water Plant Treatment Updates;

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 therefore prepared by consulting engineers to the Corporate Authorities, which Project has a useful life of not less than 30 years; and,

WHEREAS, the estimated cost of constructing and installing the Project, including engineering, legal, financial and other related expenses is \$19,123,050.66, 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 30 years, which is within the useful life of the Project; and

WHEREAS, the costs for the Project are expected to be paid for with a loan to the Corporate Authorities, 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 Corporate Authorities are authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$15,873,050.00 to provide funds to pay the costs of the Project; and,

WHEREAS, the loan to the City shall be made pursuant to a Public Water Supply Loan Agreement, including certain terms and conditions, between the City and the Illinois Environmental Protection Agency.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GREENVILLE, BOND COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1. Incorporation of Preambles. The Corporate Authorities hereby find that the recitals contained in the preambles to this ordinance 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 to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continue to be operated in accordance with the provisions of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$15,873,050.00.

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 hereof by the Corporate Authorities in the *Advocate*, a newspaper published and of general circulation in the City limits, and if no petition, signed by electors numbering 10% or more of the registered voters of the City of Greenville, (i.e., 482 electors) asking that the question of improving the System as provided in this Ordinance, and entering into the Public Water Supply Loan Agreement therefore be submitted to the electors of the City, is filed with the City Clerk within 30 days after the date of publication of this Ordinance, and said 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 law is filed during the 30 day petition period, then the Corporate Authorities may adopt additional ordinances or proceedings supplementing this Ordinance providing for entering into said Public Water Supply 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 debt service on said 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 said Loan Agreement under applicable law.

However, notwithstanding the above, the Corporate Authorities 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 loan with this loan, or otherwise alter or impair the obligation of the Corporate Authorities to pay the principal and interest due to the Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 5. Loan Not Indebtedness of District. Repayment of the Loan to the Illinois Environmental Protection Agency by the City pursuant to this Ordinance is to be solely from the revenues of the System, anticipated to be derived from an increased collection of connection fees, user charges, and from interest earned by the Corporate Authorities on its construction and debt service funds,

supplemented by additional user charges if the amount collected from fees and interest are insufficient in any year to pay the principal and interest scheduled to be paid to the Illinois Environmental Protection Agency on the loan, and the loan does not constitute an indebtedness of the Corporate Authorities within the meaning of any constitutional or statutory limitation. This loan is not a general obligation of the City, but is a limited obligation as herein described.

SECTION 6. Application for Loan. The Mayor of the City Council 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 365.

SECTION 7. Outstanding Bonds. The City of Greenville has outstanding bonds, payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the City of Greenville 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 365.350(a)(10)(C).


SECTION 8. 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 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. Upon execution of the Loan Agreement, a certified copy thereof and all related loan documentation shall be filed in the office of the City Clerk with the official records of the City of Greenville.

SECTION 9. Authorization of the Mayor of the City Council to Execute the Loan Agreement. The Mayor of the City Council of the Corporate Authorities 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 of the City Council 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.

Adopted by the City of Greenville this 8th day of November, A.D., 2022.

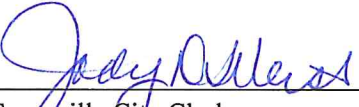


Jody Weiss
City Clerk

NOTICE OF INTENT TO BORROW FUNDS
AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 3289, adopted on November 8, 2022, the City of Greenville, Illinois (the "CITY"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$15,873,050.00 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 water system of the CITY. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 482 or more electors of the CITY (being equal to 10% of the registered voters in the District), requesting that the question of improving the water 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 water system of the City as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the City at the next election to be held under general election law on April 4, 2023. A petition form is available from the office of the City Clerk.



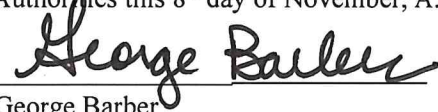
Greenville City Clerk
Bond County, Illinois.

CERTIFICATION

I, Jody Weiss, do hereby certify that I am the duly appointed, qualified and acting Clerk of the City of Greenville of Bond County, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number 3289, is a true, complete and correct copy of an ordinance otherwise identified as, "Ordinance No. 3289 Water Supply Loan Program Project "Water Treatment Plant Improvements", passed by the City Council of the City of Greenville on the 8th day of November, 2022,

Dated the 8th day of November, 2022

Approved by the Mayor of the City Council of the Corporate Authorities this 8th day of November, A.D., 2022.



George Barber
Mayor of the Greenville City Council, of
Bond County, Illinois

Ayes: 5
Nays: 0
Absent: 0
Abstain: 0

PUBLISHED in the Advocate of Bond County, Illinois on November 22, 2022.

ATTEST:


Greenville City Clerk