

CITY OF ANNA, ILLINOIS
A MUNICIPAL CORPORATION
ORDINANCE 2020-06

PASSED AND APPROVED
APRIL 21, 2020

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF ANNA, ILLINOIS
AUTHORIZING PUBLIC WATER SUPPLY LOAN PROGRAM AGREEMENT NON-
HOME RULE ENTITY CITY OF ANNA

**PUBLIC WATER SUPPLY LOAN PROGRAM
ORDINANCE AUTHORIZING LOAN AGREEMENT
NON-HOME RULE ENTITY CITY OF ANNA**

ORDINANCE NUMBER 2020-06

AN ORDINANCE AUTHORIZING THE CITY OF ANNA, UNION COUNTY, ILLINOIS TO BORROW
FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM

WHEREAS, the CITY OF ANNA, Union County, Illinois operates its public water supply system (the System) and in accordance with the provisions of 65 ILCS 5/11-129 *et.seq.* and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, the Act), and

WHEREAS, the Mayor and City Council of the CITY OF ANNA (“the Corporate Authorities”) 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:

Water Distribution System Improvements – IEPA Loan L174689, 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 ANNA; 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 One Million Dollars (\$1,000,000), 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 Twenty (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 ANNA 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 CITY OF ANNA is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of One Million Dollars (\$1,000,000) to provide funds to pay the costs of the Project;

WHEREAS, the loan to the CITY OF ANNA shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the CITY OF ANNA and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the CITY OF ANNA, Union 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 ANNA 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 ANNA in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed One Million Dollars (\$1,000,000).

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 Gazette Democrat, a newspaper published and of general circulation in the CITY OF ANNA, and if no petition, signed by electors numbering 10% or more of the registered voters in the CITY OF ANNA (i.e., 32) 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 ANNA, is filed with the CITY OF ANNA 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 OF ANNA 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 ANNA 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

ANNA 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 CITY OF ANNA

Repayment of the loan to the Illinois Environmental Protection Agency by the CITY OF ANNA pursuant to this Ordinance is to be solely from the revenue derived from revenues of the System, and the loan does not constitute an indebtedness of the CITY OF ANNA 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 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. RESERVE ACCOUNTS

As long as the CITY OF ANNA has outstanding senior bonds that are payable from revenues of the system, the CITY OF ANNA 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.

PASSED by the Corporate Authorities

on April 21, 2020.

Approved 4/21/2020.



STEVE HARTLINE, MAYOR

CITY OF ANNA

UNION COUNTY, ILLINOIS

<u>RECORD OF VOTE</u>	<u>YEA</u>	<u>NAY</u>
MAYOR HARTLINE	<u>✓</u>	<u> </u>
COMMISSIONER BIGLER	<u>✓</u>	<u> </u>
COMMISSIONER BRYAN	<u>✓</u>	<u> </u>
COMMISSIONER MILLER	<u>✓</u>	<u> </u>
COMMISSIONER WEBB	<u>✓</u>	<u> </u>

PUBLISHED in the Southern Illinoisan on April 24, 2020.

RECORDED in the City Records on April 22, 2020.

ATTEST:



DORI BIGLER, CITY CLERK

CITY OF ANNA

UNION COUNTY, ILLINOIS

NOTICE OF INTENT TO BORROW FUNDS AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 2020-06, adopted on APRIL 21, 2020, the CITY OF ANNA, Union County, Illinois, intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) 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 public water supply system of the CITY OF ANNA. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 32 or more electors of the CITY OF ANNA (being equal to 10% of the registered voters in the CITY OF ANNA), requesting that the question of improving the public water supply system and entering into the Loan Agreement is submitted to the CITY OF ANNA Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the CITY OF ANNA as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the CITY OF ANNA at the next election to be held under general election law on November 3, 2020. A petition form is available from the City Hall.

A handwritten signature in cursive script, appearing to read "Lori Bigler", is written over a horizontal line.

CITY CLERK

CITY OF ANNA,

UNION COUNTY, ILLINOIS

CERTIFICATION

I, DORI BIGLER, do hereby certify that I am the duly elected, qualified and acting Clerk of the CITY OF ANNA. I do further certify that the above and foregoing, identified as Ordinance Number 2020-06, is a true, complete and correct copy of an ordinance otherwise identified as **Water Distribution System Improvements – IEPA Loan L174689**, passed by the City Council of the CITY OF ANNA on the 21st day of April, 2020, and approved by the Mayor of the CITY OF ANNA 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 ANNA.

Dated this 22nd day of April, 2020

NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting CITY CLERK of the CITY OF ANNA, Union County, Illinois, and as such officer I am the keeper of the books, records, files and journal of proceedings of the CITY OF ANNA and of the Mayor and City Council of the CITY OF ANNA.

I do further certify that Ordinance Number 2020-06, being the Ordinance entitled **Water Distribution System Improvements – IEPA Loan L174689**, was presented to and passed by the Mayor and City Council of the CITY OF ANNA at its legally convened meeting held on the 21st day of April, 2020 and signed by the MAYOR of the CITY OF ANNA on said day.

I do further certify that the Ordinance was duly and properly published in the Gazette Democrat, a newspaper published and of general circulation within the CITY OF ANNA, on the 24th day of April, 2020, 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 public water supply 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 ANNA of the question as set forth therein. Such petition forms were available from me continuously from April 24, 2020, up to and including May 25, 2020.

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 public water supply system as provided in the Ordinance and the Loan Agreement therefore be submitted to the electors of the CITY OF ANNA.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the CITY OF ANNA, Union County, Illinois, this 25th day of May, 2020.



CITY CLERK

CITY OF ANNA

UNION COUNTY, ILLINOIS

(SEAL)