

MINUTES of regular public meeting of the City Council of the City of Oglesby, LaSalle County, Illinois, held at City Administrative Building, 110 East Walnut Street, Oglesby, Illinois, at 7:00 p.m., on the 21st day of September, 2020.

The Mayor called the meeting to order and directed the City Clerk to call the roll.

Upon roll call, Dominic Rivara, the Mayor, and the following Commissioners at said location answered present: Commissioners: Orgebright, Lijewski, Curran, Cullan

The following Commissioners were allowed by a majority of the members of the City Council in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: none

No Commissioner was not permitted to attend the meeting by video or audio conference.

The following Commissioners were absent and did not participate in the meeting in any manner or to any extent whatsoever: none

The Mayor announced that the City Council would next consider the adoption of an ordinance providing for the issue of an amount not to exceed \$1,320,000 Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B of the City, and for the levy of a direct annual tax sufficient to pay the principal of and interest on said Bonds.

Whereupon the City Clerk presented and read by title an ordinance as follows, a copy of which was provided to each member of the City Council prior to said meeting and to everyone in attendance at said meeting who requested a copy:

**ORDINANCE NO. 1128-092120**

AN ORDINANCE authorizing and providing for the issuance of not to exceed \$1,320,000 aggregate principal amount Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B of the City of Oglesby, LaSalle County, Illinois, and for the levy of a direct annual tax sufficient to pay the principal of and interest on said bonds.

WHEREAS, the City of Oglesby, LaSalle County, Illinois (the “City”), is a non-home rule municipality duly established and operating its municipally-owned electric system (the “System” or “Electric System”) in accordance with the provisions of Division 119 of Article 11 of the Illinois Municipal Code (Section 5/11-119-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes), as supplemented and amended (the “Enterprise Revenue Act”); and

WHEREAS, the City Council of the City (the “Corporate Authorities”) has outstanding obligations designated as General Obligation Refunding Bonds (Alternate Revenue Source), Series 2013, dated March 19, 2013 (the “Prior Bonds”), issued pursuant to the Municipal Code, the Local Government Debt Reform Act of the State of Illinois, as amended, 30 ILCS 3501, *et seq.* (the “Debt Reform Act”), and a bond ordinance adopted on December 17, 2012 (the “Prior Ordinance”), to pay for costs of refunding the City’s outstanding General Obligation Bonds (Alternate Revenue Source), Series 2008 which were originally issued to finance certain System facilities and improvements (the “Prior Project”), which the Prior Bonds are to be refunded (the “Refunding”) by funding an escrow, deposit or refunding account (as applicable, the “Refunding Account”) with cash and/or certain investment securities (the “Investment Securities”) under an escrow, deposit or refunding agreement (as applicable, the “Refunding Agreement”) with Heartland Bank and Trust Company, as escrow, deposit or refunding agent (the “Refunding Agent”); and

WHEREAS, the estimated cost to provide for the Refunding, together with related legal, financial, purchase discount, printing and publication costs, and other expenses preliminary to and in connection with the Refunding, is anticipated not to exceed available funds on hand or grant proceeds and the amount presently anticipated and planned to be paid from proceeds of the hereinafter described Bonds; and

WHEREAS, pursuant to the provisions of the Debt Reform Act, "Alternate Bonds", as defined in the Debt Reform Act, may be issued pursuant to "Applicable Law", as defined in the Debt Reform Act, for the above-described purposes; and

WHEREAS, pursuant to and in accordance with the Debt Reform Act and this Ordinance, the City is authorized to issue its Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B, up to the aggregate principal amount of \$1,320,000 (the "Bonds"), for the purpose of providing funds to finance the Refunding, and related costs and expenses; and

WHEREAS, the term of the Bonds shall not be longer than the term of the Prior Bonds, and the debt service payable in any year on the Bonds shall not exceed the aggregate debt service payable in such year on the Prior Bonds; and

WHEREAS, the City has insufficient funds to pay the costs of the Refunding and, therefore, must borrow money and issue the Bonds under this ordinance in evidence thereof up to the aggregate principal amount set forth above for such purposes; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OGLESBY, LaSALLE COUNTY, ILLINOIS, as follows:

Section 1. Incorporation of Preamble. The Corporate Authorities hereby find that all of the recitals contained in the preambles to this ordinance are full, true and correct and do

hereby incorporate such recitals into this ordinance by this reference. The Audit is hereby accepted and approved by the Corporate Authorities.

Section 2. Findings; Issuance of Bonds. The Corporate Authorities hereby find and determine that the Corporate Authorities of the City have been authorized by the provisions of the Act, that is necessary and in the best interest of the City and necessary for the welfare of the government and affairs of the City, and that it is a proper public purpose and is in the public interest to issue alternate revenue bonds of the City in an amount not to exceed \$1,320,000 for the purpose of funding the costs of the Refunding and the costs of the City in connection with the issuance of such bonds.

Section 3. Bond Details. There shall be borrowed on the credit of and for and on behalf of the City, an aggregate principal amount not to exceed \$1,320,000 for the purpose aforesaid and that the City shall issue in the name of the City its “General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B” (the “Bonds”).

The Bonds shall be issued in one or more series in the form of a separate single authenticated fully registered bond for the aggregate principal amount of each separate maturity of each series of the Bonds. The Bonds shall bear the date of authentication; shall be in denominations of Five Thousand Dollars (\$5,000) each or integral multiples thereof, numbered consecutively from 1 upward and dated as set forth in the hereinafter described Bond Order; and interest on the Bonds shall be payable semiannually on each January 1 and July 1 of each year, commencing on the date set forth in the Bond Order (such interest computed upon the basis of a 360-day year of twelve 30-day months). The Bonds shall become due and payable (subject to prior redemption as set forth in the Bond Order) on January 1 over a period ending not later than January 1, 2029 and in an amount not exceeding \$1,320,000 per year, all as further detailed in the Bond Order (the “Bond Order”); executed by the Mayor, City Treasurer of the City (the

“Treasurer”), and the City Clerk of the City (the “City Clerk”; collectively, the “Designated Representatives”); provided, however, that no Bond shall bear interest at a rate per annum in excess of 5.00%. The Designated Representatives are hereby given full authority to execute and deliver a Bond Order for and on behalf of the City as herein provided. The Bond Order shall be made a part of the transcript of the proceedings related to the issuance of the Bonds. Bonds may be issued tax-exempt or taxable, or a combination thereof, as determined and designated in the Bond Order.

Interest on the Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Bonds unless the Bonds are authenticated after the fifteenth (15<sup>th</sup>) day next preceding an interest payment date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the Bonds are authenticated on or before the fifteenth (15<sup>th</sup>) day next preceding the first interest payment date, in which case they shall bear interest from the original date of the issuance of the Bonds, until the principal shall be fully paid. All payments of interest on the Bonds shall be paid by check, mailed one business day prior to the interest payment date to the registered owners thereof as the names appear as of the fifteenth (15<sup>th</sup>) day next preceding the interest payment date and at the addresses as they appear on the registration books kept by the Registrar (as hereinafter defined) or at such other address as is provided to the Paying Agent (as hereinafter defined) in writing by such registered owner.

The principal of the Bonds shall be payable at the principal corporate trust office of the Paying Agent. All payments on the Bonds shall be made in any coin or currency of the United States of America that on the date of such payment shall be legal tender for the payment of public and private debts. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date

occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

Section 4. Registrar and Paying Agent.

(a) *General.* The entity as provided in the Bond Order (the “*Registrar*” or “*Paying Agent*”) is hereby appointed to serve as registrar and paying agent for the Bonds. The Registrar is hereby charged with the responsibility of authenticating the Bonds. The Designated Representatives are hereby authorized to enter into such agreements or understandings with the Registrar as will enable the institution to perform the services required of a registrar and paying agent. The Mayor and Treasurer are further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent, and such fees may be paid from the fund established to pay the principal of and interest on the Bonds.

Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar by the registered owner in person, or by its attorney duly authorized in writing, upon surrender of such Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The Registrar shall not be required to transfer or exchange any Bond during the period beginning at the close of business on the fifteenth (15th) day next preceding an interest payment date on such Bond and ending on such interest payment date, or after notice calling such Bond for redemption has been mailed, or during the fifteen (15) day

period next preceding mailing of notice of redemption of any Bonds. The costs of such transfer or exchange shall be borne by the City except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The City, Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal thereof and interest due thereon.

The Registrar and Paying Agent may at any time resign as registrar and paying agent upon giving 30 days' notice in writing to the City and by first class mail to each registered owner of the Bonds then outstanding, and such resignation will take effect at the end of such 30-day period or upon the earlier appointment of a successor registrar and paying agent by the City. Any such notice to the City may be served personally or sent by registered mail. The Registrar and Paying Agent may be removed at any time as registrar and paying agent by the City, in which event the City may appoint a successor registrar and paying agent for the Bonds. The City shall notify each registered owner of the Bonds then outstanding by first class mail of the removal of the registrar and paying agent. Notices to the registered owners of the Bonds shall be deemed to be given when mailed by first class mail to the addresses of such registered owners as they appear on the registration books kept by the Registrar.

Upon the appointment of any successor registrar and paying agent by the City, the Mayor, the Treasurer or the City Clerk are authorized and directed to enter into such agreements and understandings with such successor registrar and paying agent as will enable the institution to perform the services required of a registrar and paying agent for the Bonds. The Mayor and Treasurer are further authorized to pay such fees as the successor registrar and paying agent may

charge for the services it provides as registrar and paying agent and such fees may be paid from the fund established to pay the principal and interest on the Bonds as fiscal agency charges.

Any predecessor registrar and paying agent shall deliver all of the Bonds and any cash or investments in its possession with respect thereto, together with the registration books, to the successor registrar and paying agent.

(b) *Book Entry System.* The City has determined that it is beneficial to the City to have the Bonds held by a central depository system pursuant to an agreement between the City and The Depository Trust Company, New York, New York (“Depository Trust Company”) and have transfers of the Bonds effected by book-entry on the books of the central depository system (“Book Entry System”). The Bonds shall be initially issued in the form of a separate single authenticated fully registered Bond for the aggregate principal amount of each separate maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company.

With respect to the Bonds registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, the City and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner (“Beneficial Owner”)) of the Bonds with respect to (i) the accuracy of the records of the Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any bondholder (including any Beneficial Owner) or any other person, other than the Depository Trust Company, of any amount



with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

So long as the Bonds are registered in the name of CEDE & CO., as nominee of the Depository Trust Company, no person other than the Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the City to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this ordinance. The City and the Registrar and Paying Agent may treat as and deem the Depository Trust Company or CEDE & CO. to be the absolute bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of the Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the City's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by the Depository Trust Company to the City of written notice to the effect that the Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this ordinance shall refer to such new nominee of the Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO., as nominee of the Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to the Depository

Trust Company as provided in a representation letter from the City to the Depository Trust Company (the "Blanket Issuer Letter of Representations").

Upon receipt by the City of written notice from the Depository Trust Company to the effect that the Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of the Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the City kept by the Registrar in the name of CEDE & CO., as nominee of the Depository Trust Company, but may be registered in whatever name or names the bondholders transferring or exchanging the Bonds shall designate, in accordance with the provisions of this ordinance.

If the City determines that it is in the best interest of the bondholders that they be able to obtain certificates for the fully registered Bonds, the City may notify the Depository Trust Company and the Registrar, whereupon the Depository Trust Company will notify the Beneficial Owners of the availability through the Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by the Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever the Depository Trust Company requests the City and the Registrar to do so, the Registrar and the City will cooperate with the Depository Trust Company by taking appropriate action after reasonable notice to (i) make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company account or (ii) arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

If the Bonds shall no longer be restricted to being registered in the name of the Depository Trust Company, the Registrar shall cause said Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the City indemnification for all costs and expenses associated with such printing.

Section 5. Redemption.

(a) *Optional Redemption.* If so provided in the Bond Order, the Bonds shall be subject to redemption prior to maturity at the option of the City, from any available funds, in whole or in part, in integral multiples of \$5,000, in any order of their maturity as determined by the City (less than all of the Bonds of a single maturity to be selected by the Registrar and within any maturity by lot), on the date of redemption provided in the Bond Order, and on any date thereafter, at the redemption price of par plus accrued interest to the redemption date.

(b) *Mandatory Redemption.* The Bonds may be subject to mandatory redemption as set forth in the Bond Order.

(c) *General.* For any such redemptions, the Bonds shall be redeemed only in the principal amount of \$5,000 and integral multiples thereof. The City shall, at least thirty (30) days prior to the redemption date (unless a shorter time period shall be satisfactory to the Registrar) notify the Registrar of such redemption date and of the principal amount and maturity or maturities of Bonds to be redeemed. For purposes of any redemption of less than all of the outstanding Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot not more than sixty (60) days prior to the redemption date by the Registrar, by such method of lottery as the Registrar shall deem fair and appropriate; provided that such lottery shall provide for the selection for redemption of Bonds or portions of Bonds in principal amounts of \$5,000 and integral multiples thereof.

The Registrar shall promptly notify the City in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed.

Section 6. Redemption Procedure. For any such redemptions, unless waived by the registered owner of Bonds to be redeemed, official notice of the call for any such redemption shall be given by the Registrar on behalf of the City by mailing the redemption notice by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address as it appears on the registration books kept by the Registrar or at such other address as is furnished in writing by such registered owner to the Registrar.

All official notices of redemption shall state:

- (i) the redemption date,
- (ii) the redemption price,
- (iii) the identification by CUSIP numbers, if applicable, and maturity dates (and, in the case of partial redemption of Bonds within a maturity, the respective principal amounts) of the Bonds to be redeemed,
- (iv) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,
- (v) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Registrar, and
- (vi) such other information then required by custom, practice or industry standard.

Prior to any redemption date, the City shall deposit with the Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on such redemption date.

Unless moneys sufficient to pay the redemption price of the Bonds to be redeemed shall have been received by the Registrar prior to the giving of such notice of redemption, such notice may, at the option of the City, state that said redemption shall be conditioned upon the receipt of such moneys by the Registrar on or prior to the date fixed for redemption. If such moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds, and the Registrar shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Bonds will not be redeemed.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Neither the failure to mail such redemption notice, nor any defect in any notice so mailed to any particular registered owner of a Bond, shall affect the sufficiency of such notice with respect to other registered owners. Notice having been properly given, failure of a registered owner of a Bond to receive such notice shall not be deemed to invalidate, limit or delay the effect of the notice or redemption action described in the notice. Such notice may be waived in writing by a registered owner of a Bond entitled to receive such notice either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by registered owners shall be filed with the Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds or portions being redeemed shall be paid by the Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for the payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered

owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal, of like tenor, of authorized denominations, and bearing the same rate of interest.

If any Bond or portion of a Bond called for redemption shall not be so paid upon surrender thereof for redemption, the principal and premium, if any, shall, until paid or duly provided for, bear interest from the redemption date at the rate borne by the Bond or portion of a Bond so called for redemption. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the Registrar on behalf and at the expense of the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (a) the CUSIP numbers of all Bonds being redeemed; (b) the date of issue of the Bonds as originally issued; (c) the rate of interest borne by each Bond being redeemed; (d) the maturity date of each Bond being redeemed; and (e) any other descriptive information needed to identify accurately the Bonds being redeemed.

Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

Section 7. Execution and Negotiability. Each of the Bonds shall be executed in the name of the City by the manual or facsimile signature of the Mayor, and the seal of the City shall be affixed, imprinted, engraved or otherwise reproduced thereon and attested by the manual or facsimile signature of the City Clerk. In case any officer whose signature or facsimile signature appears on the Bonds shall cease to be such officer before the delivery of the Bonds,

the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

The Bonds shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Illinois, subject to the provisions for registration herein.

The Bonds shall also be authenticated by the manual signature of the Registrar and no Bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Section 8. Form of Bonds. The form and tenor of the Bond shall be substantially as follows, all blanks to be filled in properly prior to delivery:

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REGISTERED  
NO R-\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF ILLINOIS  
COUNTY OF LASALLE

CITY OF OGLESBY  
TAXABLE GENERAL OBLIGATION REFUNDING BOND  
(ALTERNATE REVENUE SOURCE), SERIES 2020B

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Original Date</u>	<u>Authentication Date</u>	<u>CUSIP</u>
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REGISTERED OWNER: CEDE & CO.

PRINCIPAL SUM:

The City of Oglesby, in LaSalle County, Illinois (the "City"), for value received, hereby promises to pay to the Registered Owner named above or registered assigns, the Principal Sum set forth above on the Maturity Date set forth above (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest hereon (computed on the basis of a 360-day year of twelve 30-day months) at the Interest Rate per annum stated above from the interest payment date to which interest has been paid next preceding the Authentication Date of this bond unless this bond is authenticated after the fifteenth (15<sup>th</sup>) day next preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date or unless this bond is authenticated on or before the fifteenth (15<sup>th</sup>) day next preceding the first interest payment date, in which case it shall bear interest from the Original Date, until the principal is paid, which interest is payable semiannually on January 1 and July 1 in each year, beginning on \_\_\_\_\_, 20\_\_.

This bond is one of an authorized issue of "General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B (the "Bonds") of the City of Oglesby, LaSalle County, Illinois ("City") of like date, tenor and effect, except as to rates of interest and dates of maturity; aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_); numbered consecutively from R-1 up; issued for the purpose of paying the costs of the Project (as defined in the hereinafter defined Ordinance) and the costs of issuing the bonds. This bond is issued pursuant to a Bond Ordinance adopted by the City Council of said City ("Corporate Authorities") on the 21st day of September, 2020 and a Bond Order executed on the \_\_\_\_\_ day of April, 2020 (the "Bond Order") by the Mayor of said City pursuant thereto (collectively, the "Ordinance") and in accordance with the Local Government Debt Reform Act, as supplemented and amended (the "Act"), the proceeds of which bonds are to be applied solely to pay the costs of the Project and the payment of costs of issuance.

[Bonds maturing on and after January 1, 20\_\_, shall be subject to redemption prior to maturity at the option of the City, from any available funds, in whole or in part, in integral



multiples of \$5,000, in any order of their maturity as determined by the City (less than all of the Bonds of a single maturity to be selected by the Registrar (as hereinafter defined) and within any maturity by lot), on \_\_\_\_\_, and on any date thereafter, at the redemption price of par plus accrued interest to the redemption date.

Bonds due on \_\_\_\_\_ and \_\_\_\_\_, are subject to mandatory redemption, in integral multiples of \$5,000 selected by lot by the Registrar (as hereinafter defined), at a redemption price of par plus accrued interest to the redemption date, as set forth in the Bond Order.]

This bond is transferable or exchangeable only upon the books of the City kept for that purpose at the principal corporate trust office of the Registrar by the registered owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered bond or bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. The Registrar shall not be required to transfer or exchange this bond during the period beginning at the close of business on the fifteenth (15<sup>th</sup>) day next preceding an interest payment date on this bond and ending on such interest payment date. The City, the Registrar, the Paying Agent (as hereinafter defined) and any other registrar or paying agent for this bond may treat and consider the person in whose name this bond is registered as the absolute owner hereof for all purposes, including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

This bond is subject to defeasance prior to payment as provided in the Ordinance referred to herein. THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE.

Bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof.

The principal of this bond is payable at the principal corporate trust office of \_\_\_\_\_ (the "Registrar" or "Paying Agent"). All payments of interest on this bond shall be paid by check, mailed one (1) business day prior to the interest payment date to the registered owner hereof as of the fifteenth (15<sup>th</sup>) day next preceding such interest payment date at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the bond shall be made in any coin or currency of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

The Bonds shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of

the Blanket Issuer Letter of Representations (as defined in the Ordinance) between the City and The Depository Trust Company, or any substitute agreement, affecting such Book Entry System.

This bond is a general obligation of the City payable from receipts derived by the City from Pledged Revenues derived from the City's operation and maintenance of its municipally-owned electric system. The full faith, credit and resources of the City are pledged to the punctual payment of the principal of and interest on this bond. This bond is negotiable, subject to registration provisions, pursuant to the laws of the State of Illinois.

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this bond have been done and performed in regular and due form as provided by law; that the indebtedness of the City, including the issue of the Bond of which this is one, does not exceed any limitation imposed by law; and that provision has been made for the collection of a direct annual tax sufficient to pay the interest hereon as it falls due and also to pay and discharge the principal hereof at maturity.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Oglesby, LaSalle County, Illinois, has caused this bond to be executed by the manual or facsimile signature of the Mayor of the City, the seal of said City (or a facsimile thereof) to be affixed, imprinted, engraved or otherwise reproduced hereon and attested by the duly authorized manual or facsimile signature of the City Clerk, all as of the 05/11/11 Date identified above.



CITY OF OGLESBY,  
LASALLE COUNTY, ILLINOIS

By: *Dominic Rivera*  
Mayor

Attest:

By: *Amy Curtis*  
City Clerk

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within-mentioned Ordinance.

\_\_\_\_\_  
By: \_\_\_\_\_  
Authorized Representative

[End of Form of Bond]

Section 10. Authorization for Preparation and Sale of the Bonds; Purchase Contract.

(a) The Treasurer is hereby authorized and directed to have the Bonds prepared, and the Designated Representatives are hereby authorized and directed to execute and attest the Bonds in the form and manner provided herein. The Treasurer is hereby authorized and directed to deliver the Bonds to Bernardi Securities, Inc., Chicago, Illinois (the "Purchaser"), upon receipt of the purchase price of not less than 98% of the par amount of the Bonds plus accrued interest to date of delivery, as further detailed in the Bond Order. The Mayor and the City Clerk are authorized and directed to execute a bond purchase agreement (the "Purchase Contract") in connection with the sale of the Bonds, in the name of and on behalf of the City, provided that the Bonds shall be sold at such price and bear interest at such rates that neither the true interest cost (yield) nor the net interest rate received upon such sale shall exceed the maximum rate otherwise authorized by Illinois. The Purchase Contract shall be substantially in the form of purchase contracts commonly used in transactions similar to that described in the ordinance, with such changes as necessary to reflect the terms and provisions of the Bonds, this ordinance and such other changes as the Designated Representatives shall determine are necessary or desirable in connection with the sale of the Bonds. No person holding any office of the City, either by election or appointment, is in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation, in the Purchase Contract. Before being issued, the Bonds shall be registered and numbered, such registration being made in a book provided for that purpose, in which shall be entered a description of the Bonds issued, including the number, date, to whom issued, amount, rate of interest and when due. The Bonds shall be executed as in this ordinance provided as soon after the execution of the Purchase Contract as may be done, and thereupon the Bonds shall be deposited with the Treasurer who receives the

taxes of the City, and be by said Treasurer delivered to the Purchaser upon receipt of the purchase price therefor.

(b) The Bonds when fully paid for and delivered to the Purchaser, shall be the binding general obligations of the City. The proper officers of the City are hereby directed to sell the Bonds to the Purchaser and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

Section 11. Official Statement. The use by the Purchaser of the Preliminary Official Statement and any final Official Statement relating to the Bonds, on behalf of the City, is hereby ratified, approved and authorized, and the Designated Representatives are authorized and directed to execute the Preliminary Official Statement and the final Official Statement on behalf of the City in a form consistent with this ordinance. The Preliminary Official Statement is hereby deemed nearly final. The officers of the City are hereby authorized to take any action as may be required on the part of the City to consummate the transactions contemplated by the Purchase Contract, this ordinance, the Preliminary Official Statement, the final Official Statement and the Bonds.

Section 12. Treatment of Bonds as Debt. The Bonds are to be payable from the Pledged Revenues and shall not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation, unless the Pledged Taxes shall have been extended pursuant to the general obligation, full faith and credit promise supporting the Bonds, as set forth in Section 16 hereof, in which case the amount of the Alternate Bonds then Outstanding shall be included in the computation of indebtedness of the City for purposes of all statutory provisions or limitations until such time as an audit of the City shall show that the Bonds have been paid from the Pledged Revenues for the Alternate Bonds for a complete Fiscal Year, in accordance with Applicable Law.

Section 13. Bond Insurance. In the event the Purchaser certifies to the City that it would be economically advantageous for the City to acquire a municipal bond insurance policy for the Bonds, the City hereby authorizes and directs the Treasurer to obtain such an insurance policy. The acquisition of a municipal bond insurance policy is hereby deemed economically advantageous if the difference between the present value cost of (a) the total debt service on the Bonds if issued without municipal bond insurance and (b) the total debt service on the Bonds if issued with municipal bond insurance, is greater than the cost of the premium on the municipal bond insurance policy.

Section 14. Continuing Disclosure. The Continuing Disclosure Undertaking (the "Undertaking") in substantially the form which has been presented to and is hereby approved by the Corporate Authorities, and the Mayor and the City Clerk are hereby authorized and directed to complete, execute and attest the same on behalf of the City. Notwithstanding any other provisions of this ordinance, failure of the City to comply with the Undertaking shall not be considered an event of default under the Bonds or this ordinance

Section 15. System Fund. All of the Enterprise Revenues shall be set aside as collected and be deposited into a separate fund to be designated or continued, as the case may be, as the City's Electric Fund (the "Fund" or "Electric Fund"). Such Fund shall constitute a trust fund for the purpose of carrying out the covenants, terms, and conditions of this Ordinance, and shall be used only in paying Operation and Maintenance Expenses, providing an adequate depreciation fund, paying the principal of and interest on all revenue bonds of the City which by their terms are payable from Enterprise Revenues derived from the System, and providing for the establishment of and expenditure from the respective accounts as described in this Ordinance.

In the Fund, there shall be and there are hereby created and established, or continued under the Prior Ordinance, as appropriate, separate accounts known as the "Operation and

Maintenance Account”, the “Senior Bond and Interest Account”, the “Senior Bond Reserve Account”, the “Junior Bond and Interest Account”, the “Junior Bond Reserve Account”, the “Depreciation Account”, and the “Surplus Account”, to which there shall be credited on a given day of each month as selected by the City Treasurer of the City, without any further official action or direction, in the order in which such accounts are hereinafter mentioned, from Enterprise Revenues, to be held in such Fund, in accordance with the following provisions:

A. Operation and Maintenance Account

There shall be credited to the Operation and Maintenance Account an amount sufficient, when added to the amount then on deposit in such Account, to establish a balance to an amount not less than the amount necessary to pay Operation and Maintenance Expenses for the System for the then current month and up to the time of the next monthly accounting for moneys and crediting to accounts.

Amounts in such Account shall be used to pay Operation and Maintenance Expenses.

B. Senior Bond and Interest Account

There next shall be credited to the Senior Bond and Interest Account and held, in cash and investments, a fractional amount of the interest becoming due on the next succeeding interest payment date on all Outstanding Senior Bonds (including the Outstanding Bonds) payable from such Account and also a fractional amount of the principal becoming due or subject to mandatory redemption on the next succeeding principal maturity or mandatory redemption date of all of the Outstanding Senior Bonds (including the Outstanding Bonds) payable from such Account until there shall have been accumulated and held, in cash and investments, in the Senior Bond and Interest Account in or before the month preceding such maturity date of

interest or maturity or mandatory redemption date of principal, an amount sufficient to pay such principal or interest, or both.

In computing the fractional amount to be set aside each month in the Senior Bond and Interest Account, the fraction shall be so computed that a sufficient amount will be set aside in said Account and will be available for the prompt payment of such principal of and interest on all Outstanding Senior Bonds payable from such Account and shall be not less than  $1/6$  of the interest becoming due on the next succeeding interest payment date and not less than  $1/12$  of the principal becoming due or subject to mandatory redemption on the next succeeding principal payment or mandatory redemption date on all Outstanding Senior Bonds payable from such Account until there is sufficient money in said Account to pay such principal or interest, or both.

Upon issuance of the Bonds, accrued interest from the sale of the Bonds and other specified funds shall be deposited into such Account and used to pay first interest due on the Bonds.

All moneys in such Account shall be used only for the purpose of paying interest on and principal of such Outstanding Senior Bonds. Such moneys as are sufficient to make payments of principal of and interest on such Bonds when due, along with any fees then due, shall be transferred to the Paying Agent not less than five (5) days prior to the next applicable principal or interest payment date.

The Bonds are anticipated to be Senior Bonds on initial issuance or after any unrefunded Prior Bonds are retired, as the case may be, and otherwise Junior Bonds (and reference herein to Senior Bonds will be given effect as Junior Bonds during that period).

#### C. Senior Bond Reserve Account

There shall next be credited to the Senior Bond Reserve Account and held, in cash and investments or as otherwise provided, such amount or amounts at such times as may be required

in the applicable ordinance or ordinances by which Outstanding Senior Bonds are authorized and issued.

Amounts to the credit of the Senior Bond Reserve Account shall be used to pay principal of or interest on such Outstanding Senior Bonds of the System at any time when there are insufficient funds available in the Senior Bond and Interest Account to pay the same as may be provided in the applicable ordinances and shall be transferred to such Account for such purpose.

#### D. Junior Bond and Interest Account

There next shall be credited to the Junior Bond and Interest Account and held, in cash and investments, a fractional amount of the interest becoming due on the next succeeding interest payment date on all Outstanding Junior Bonds, if any, payable from such Account and also a fractional amount of the principal becoming due or subject to mandatory redemption on the next succeeding principal maturity or mandatory redemption date of all of the Outstanding Junior Bonds, if any, payable from such Account until there shall have been accumulated and held, in cash and investments, in the Junior Bond and Interest Account in or before the month preceding such maturity date of interest or maturity or mandatory redemption date of principal, an amount sufficient to pay such principal or interest, or both.

All moneys in such Account shall be used only for the purpose of paying interest on and principal of such Outstanding Junior Bonds, if any.

#### E. Junior Bond Reserve Account

There shall next be credited to the Junior Bond Reserve Account and held, in cash and investments or as otherwise provided, such amount or amounts at such times as may be required in the applicable ordinance or ordinances by which Outstanding Junior Bonds are authorized and issued.



Amounts to the credit of the Junior Bond Reserve Account shall be used to pay principal of or interest on the Bonds and such other Outstanding Junior Bonds as they may secure at any time when there are insufficient funds available in the Junior Bond and Interest Account to pay the same as may be provided in the applicable ordinances and shall be transferred to said Account for said purpose.

#### F. Depreciation Account

There shall be deposited in and credited to the Depreciation Account such amounts as the Corporate Authorities from time to time direct.

Amounts to the credit of the Depreciation Account shall be used for (i) the payment of the costs of extraordinary maintenance, necessary repairs and replacements, or contingencies, the payment for which no other funds are available, in order that the System may at all times be able to render efficient service and, although it is not expected, (ii) the payment of principal of or interest and applicable premium on any Outstanding bonds payable from the Pledged Revenues of the System at any time when there are no other funds available for that purpose in order to prevent a default and shall be transferred to the appropriate account or accounts for such purpose.

Whenever an amount is withdrawn from the Depreciation Account for the purpose stated in clause (ii) of the preceding paragraph, the City shall have undertaken a rate study of the System by a qualified accountant, engineer or other finance professional. Each expenditure to be made from the Depreciation Account or the purpose stated in clause (i) of the preceding paragraph shall be made only after an approving vote of the Corporate Authorities has certified that such expenditure is necessary to the continued effective and efficient operation of the System.

### G. Surplus Account

All moneys remaining in the Fund, after crediting the required amounts to the respective accounts hereinabove provided for, and after making up any deficiency in the accounts described above shall be credited each month to the Surplus Account. Funds in the Surplus Account shall be used, first, to make up any subsequent deficiencies in any of the Accounts hereinabove named; and then, for the remainder of all surplus Enterprise Revenues, at the discretion of the Corporate Authorities, for one or more of the following purposes without any priority among them:

1. For the purpose of constructing or acquiring repairs, replacements, renewals, improvements or extensions to the System; or
2. For the purpose of calling and redeeming Outstanding bonds payable from Pledged Revenues of the System; or
3. For the purpose of paying principal and interest and applicable premium on any subordinate bonds or obligations issued for the purpose of acquiring or constructing repairs, replacements, renewals, improvements and extensions to the System; or
4. For any other lawful purpose, including the authorized purchase of outstanding bonds payable from System revenues.

The City reserves the right to reimburse the general fund from System revenues for any general funds applied to debt service under D. above.

### H. Investments

Money to the credit of the funds and accounts under this Section 15 may be invested from time to time by the City Treasurer in (i) interest-bearing bonds, notes, or other direct full faith and credit obligations of the United States of America, (ii) obligations unconditionally guaranteed as to both principal and interest by the United States of America, or (iii) certificates

of deposit or time deposits of any bank or savings and loan association, as defined by Illinois law, provided such bank or savings and loan association is insured by the Federal Deposit Insurance Corporation or a successor corporation to the Federal Deposit Insurance Corporation and provided further that the principal of such deposits are secured by a pledge of obligations as described in clauses (i) and (ii) above in the full principal amount of such deposits, or otherwise collateralized in such amount and in such manner as may be required by law. Such investments may be sold from time to time by the City Treasurer of the City as funds may be needed for the purpose for which such Accounts have been created. All interest on any funds so invested shall be credited to the applicable Account of the Fund and is hereby deemed and allocated as expended with the next expenditure or expenditures of money from the applicable Account of the Fund. Moneys in any of such accounts shall be invested by the City's Treasurer, if necessary, in investments restricted as to yield, which investments may be in U.S. Treasury Securities – State and Local Government Series, if available, and to such end the City's Treasurer shall refer to any investment restrictions covenanted by the City or any officer thereof as part of the transcript of proceedings for the issuance of the Bonds, and to appropriate opinions of counsel.

#### I. Account Excesses

Any amounts to the credit of the Accounts in excess of the then current requirements therefor may be transferred at any time by the Corporate Authorities to such other Account or Accounts of the Fund as it may in its sole discretion lawfully designate.

#### J. Bona Fide Debt Service Fund

Moneys preliminary to deposit in subsections B. and/or D. above and used to abate taxes under Section 13 below, which if deposited into the Senior Bond and Interest Account would disqualify the Senior Bond and Interest Account as a “bona fide debt service fund” shall be held in a separate subaccount (the “Pledged Account”) of the Senior Bond and Interest Account and

the investment yield thereon yield restricted and, a applicable, subject to yield reduction payments.

Section 16. Alternate Bond Fund. There is hereby created a special fund of the City, which fund shall be held separate and apart from all other funds and accounts of the City and shall be known as the “Alternate Bond Fund” (the “Bond Fund”). The purpose of the Bond Fund is to provide a fund to receive and disburse Pledged Taxes for any of the Bonds. All payments made with respect to the Bonds from the Enterprise Revenues shall be made directly from the Junior Bond and Interest Account of the Fund. There is hereby created an account in the Bond Fund, designated the “General Account”. All Pledged Taxes shall be deposited to the credit of the General Account. The Bond Fund constitutes a trust fund established for the purpose of carrying out the covenants, terms and conditions imposed upon the City by this Ordinance.

Any Pledged Taxes received by the City shall promptly be deposited into the General Account of the Bond Fund.

Pledged Taxes on deposit to the credit of the General Account of the Bond Fund shall be fully spent to pay the principal of and interest and premium, if any, on the Bonds for which such taxes were levied and collected prior to use of any moneys on deposit in the Senior Bond and Interest Account of the Fund.

Section 17. Levy and Extension of Taxes. The Bonds are Alternate Bonds. For the purpose of providing the money required to pay the interest on the Bonds when and as the same falls due and to pay and discharge the principal thereof as the same shall mature, there shall be levied upon all the taxable property within the City’s corporate limits in each year while any of the Bonds shall be outstanding, a direct annual tax in each of the years commencing not before 2020 and ending not later than 2028, sufficient for that purpose, in addition to all other taxes, and in the

amounts for each year, as shall be specified in a Bond Order (i.e., the Pledged Taxes), without any further authorization or approval by the Corporate Authorities other than as set forth in this ordinance, subject to abatement as authorized by this ordinance.

To the extent lawful, interest or principal coming due at any time when there shall be insufficient funds on hand from such Pledged Taxes to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the Pledged Taxes herein levied; and when the Pledged Taxes shall have been collected, reimbursement shall be made to such fund or funds from which such advance was made in the amounts thus advanced.

As soon as this ordinance and any such supplementary proceedings become effective, copies thereof, certified by the City Clerk of the City, which certificate shall recite that this ordinance and any such supplementary proceedings have been duly adopted, shall be filed with the County Clerk of LaSalle County, Illinois, who is hereby directed to ascertain the rate percent required to produce the aggregate Pledged Taxes provided to be levied in the years authorized above, and to extend the same for collection on the tax books in connection with other taxes levied in each of such years, in and by the City for general corporate purposes of the City, and in each of such years such Pledged Taxes shall be levied and collected in like manner as taxes for general corporate purposes for each of such years are levied and collected and, when collected, such Pledged Taxes shall be used solely for the purpose of paying the principal of and interest on the Bonds herein authorized as the same become due and payable.

The City covenants and agrees with the owners of the Bonds that so long as any of the Bonds remain Outstanding, the City will not cause the abatement of the foregoing Pledged Taxes and otherwise will take no action or fail to take any action which in any way would adversely affect the ability of the City to levy and collect the Pledged Taxes unless and to the extent there then shall be moneys irrevocably on deposit in the Pledged Account for transfer to

the Senior Bond and Interest Account established under Section 17 of this ordinance. The City and its officers will comply with all present and future applicable laws in order to assure that the Pledged Taxes will be levied, extended and collected as provided herein and deposited in the General Account established under Section 18 of this ordinance to pay the principal of and interest on the Bonds. Whenever this paragraph has been satisfied, the related Pledged Taxes are authorized to be abated by appropriate certification of such abatement timely filed with the County Clerk in connection with such abatement. If for any reason there is abatement of such levy of Pledged Taxes and the failure thereafter to pay debt service on the Bonds in respect of such abatement, the additional amount, together with additional interest accruing, shall be added to the tax levy for the Pledged Taxes in the year of, or the next year following, such failure.

Section 18. Pledge of System Revenues. For the purpose of providing Net Revenues in each year sufficient to pay debt service of all Outstanding Bonds for such year and the provision of, among other applicable requirements, not less than an additional .25 times such debt service on such Outstanding Bonds, all in accordance with Section 15 of the Debt Reform Act, the City hereby pledges and dedicates the Net Revenues. Prior to the deadline for the timely annual abatement of the Pledged Taxes for the Alternate Bonds, but in no event earlier than November 30th of the year for which such Pledged Taxes are levied (i.e., the year prior to extension and collection), the City Treasurer shall deposit or credit Net Revenues to the Pledged Account in an amount necessary to provide for abatement of the related Pledged Taxes in respect of the Alternate Bonds, for the payment of 1.25 times interest and principal coming due on the Alternate Bonds otherwise payable from the proceeds of such tax levy. Upon (but in no event prior to) the deposit or credit of such moneys, the Corporate Authorities or the officers of the City acting with proper authority shall direct the abatement of such levy of Pledged Taxes as provided in Section 20 of this Ordinance to the extent of such a deposit, and not in excess. Any amounts of

Net Revenues so deposited or credited in excess of the then current requirements therefor may be withdrawn by the City Treasurer at any time and applied to any such other account or fund of the City as may be authorized by the Corporate Authorities.

Section 19. Pledged Revenues: General Covenants. The City covenants and agrees with the registered owners of the Bonds, so long as any such Bonds remain Outstanding, as follows:

A. The Bonds are anticipated to be Senior Bonds, upon initial delivery or after outstanding unrefunded Prior Bonds are retired, as the case may be. The City pledges the Enterprise Revenues of the System to the payment of the Bonds payable from such Enterprise Revenues as hereinabove provided, after provision for payment of Operation and Maintenance Expenses, and required credits to accounts of the Fund having a lien on such Enterprise Revenues prior to the lien of the Bonds, and the Corporate Authorities covenant and agree to provide for, collect and apply Enterprise Revenues of the System Sales to the payment of the Bonds as hereinabove provided and the provision of not less than an additional .25 times debt service on the Bonds. To the extent that such Enterprise Revenues are not sufficient for such purposes, the Pledged Taxes are likewise hereby pledged to the payment of the Bonds and the Corporate Authorities covenant and agree to provide for, collect and apply the Pledged Taxes to the payment of the Bonds, all in accordance with Section 15 of the Debt Reform Act. The determination of the sufficiency of the Pledged Revenues pursuant to this subsection A. shall be supported by reference to the most recent audit of the City, and the reference to and acceptance of such audit by the Corporate Authorities shall be conclusive evidence that the conditions of Section 15 of the Debt Reform Act have been met.

B. The City will punctually pay or cause to be paid from the Senior Bond and Interest Account or the General Account of the Bond Fund, as applicable, the principal of and interest on the Bonds in strict conformity with the terms of the Bonds and this Ordinance, and it

will faithfully observe and perform all of the conditions, covenants and requirements thereof and hereof.

C. The City will pay and discharge, or cause to be paid and discharged, from, as applicable, the Senior Bond and Interest Account or the General Account of the Bond Fund any and all lawful claims which, if unpaid, might become a lien or charge upon the Pledged Revenues, or any part thereof, or upon any funds in the hands of the Paying Agent, or which might impair the security of the Bonds. Nothing herein contained shall require the City to make any such payment so long as the City in good faith shall contest the validity of such claims.

D. The City will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the City, in which complete and correct entries shall be made of all transactions relating to the Prior Project, the System, the Pledged Revenues, the Fund and the Bond Fund.

E. The City will preserve and protect the security of the Bonds and the rights of the owners of the Bonds, and will warrant and defend their rights against all claims and demands of all persons. From and after the sale and delivery of any of the Bonds by the City, to the extent lawful the Bonds shall be incontestable by the City.

F. The City will adopt, make, execute and deliver any and all such further ordinances, resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention of, or to facilitate the performance of, this ordinance, and for the better assuring and confirming unto the owners of the Bonds of the rights and benefits of this ordinance.

G. As long as any of the Bonds are Outstanding, the City will continue to deposit and apply the Pledged Revenues as provided herein and, if applicable, the Pledged Taxes to the General Account of the Bond Fund. The City covenants and agrees with the purchasers of the



Bonds and with the owners thereof that so long as any of the Bonds remain Outstanding, except as expressly herein authorized, the City will take no action or fail to take any action which in any way would adversely affect the ability of the City to levy the Pledged Taxes and to collect and to segregate the Pledged Revenues according to this Ordinance. The City and its officers will comply with all present and future applicable laws in order to assure that the Pledged Taxes can be levied and extended and that the Pledged Revenues and the Pledged Taxes may be collected and deposited into the Fund and to the credit of the respective Accounts thereof and the Bond Fund, respectively, as provided this ordinance.

H. Scheduled debt service on the Bonds shall be and forever remain until paid or defeased the general obligation of the City, for the payment of which its full faith and credit are pledged, and shall be payable, in addition to from the Pledged Revenues, as herein provided, from the levy of the Pledged Taxes as provided in the Debt Reform Act.

I. The City will maintain the System in good repair and working order, will operate the same efficiently and faithfully, and will punctually perform all duties with respect thereto required by State and Federal law.

J. The City will establish and maintain at all times reasonable fees, charges and rates for the use and service of the System and will provide for the collection thereof and the segregation and application of the Pledged Revenues in the manner provided by this ordinance, sufficient at all times to pay for Operation and Maintenance Expenses, to provide an adequate depreciation fund, to pay the principal of and interest on all revenue bonds of the City which by their terms are payable from Enterprise Revenues thereof, according to their respective terms, including coverage for the Bonds of at least 125%, and to provide for the creation and maintenance and funding of the respective accounts as provided in Section 11 of this ordinance. It is hereby expressly provided that the pledge and establishment of rates or charges for use of the

System shall constitute a continuing obligation of the City with respect to such establishment and to the extent lawful a continuing appropriation of the amounts received.

K. There shall be charged against all users of the System, including the City, such rates and amounts for services as shall be adequate to meet the requirements of this ordinance. Charges for services rendered the City shall be made against the City, and payment for the same shall be made monthly from the corporate funds into the Fund hereunder as revenues derived from the operation of such System; provided however, that the City need not charge itself for the System's services if, in the previous Fiscal Year, the Enterprise Revenues, not including any other payments made by the City, of the System shall have met the requirements of this ordinance.

L. Within six (6) months following the close of each Fiscal Year, the City will cause the books and accounts of the Fund and the Bond Fund to be audited by independent certified public accountants in accordance with appropriate audit standards, which audit shall include comments on the City's compliance with this ordinance. Such audit will be available for inspection by the owners of any of the Bonds.

M. The City will carry insurance on the System of the kinds and in the amounts which are usually carried by private parties operating similar properties, covering such risks as shall be recommended by a competent consulting engineer or insurance consultant employed by the City for the purpose of making such recommendations. All moneys received for loss under such insurance policies shall be deposited in a separate subaccount of the Depreciation Account and used in making good the loss or damage in respect of which they were paid, either by repairing the property damaged or making replacement of the property destroyed, and provision for making good such loss or damage shall be made within ninety (90) days from the date of the loss. The payment of premiums for all insurance policies required under the provisions of this

covenant in connection with the System shall be considered an Operation and Maintenance Expense.

N. The owner of any Bond may proceed by civil action to compel performance of all duties required by law and this ordinance, including the making and collecting of sufficient charges and rates for the service supplied by the System and the application of the income and revenue therefrom and of Revenue Sharing Receipts.

Section 20. Parity Bonds; Additional Bonds.

A. Parity Bonds.

The City reserves the right to issue Parity Bonds without limit provided that the Pledged Revenues as determined or as adjusted as hereinbelow set out shall be sufficient to provide for or pay all of the following: (a) Operation and Maintenance Expenses of the System (but not including depreciation), solely from Enterprise Revenues; (b) debt service on all Outstanding bonds computed immediately after the issuance of the proposed Parity Bonds; (c) all amounts required to meet any fund or account requirements with respect to such Outstanding bonds; (d) other contractual or tort liability obligations then due and payable, if any; and (e) an additional amount not less than 0.25 times debt service on such of the Alternate Bonds as shall remain Outstanding bonds after the issuance of the proposed Parity Bonds. Such sufficiency shall be calculated for each year to the final maturity of such Alternate Bonds which shall remain Outstanding after the issuance of the proposed Parity Bonds. The determination of the sufficiency of Pledged Revenues shall be supported by reference to the City's most recent audit, including of the Fund, which audit shall be for a Fiscal Year ending not earlier than eighteen (18) months previous to the time of issuance of the proposed Parity Bonds.

If such audit shows the Pledged Revenues to be insufficient, then the determination of sufficiency may be made in either of the following two ways:

1. The Pledged Revenues may be adjusted in the event there has been an increase in the rates of the System from the rates in effect for the Fiscal Year of such audit (if such rate increase is still in effect at the time of the issuance of such proposed Parity Bonds) to show such Pledged Revenues as they would have been if such increased rates had been in effect during all of such Fiscal Year. Any adjusted statement of Pledged Revenues shall be evidenced by the certificate of an independent consulting engineer, an independent certified public accountant or an independent financial consultant employed for such purpose.

2. The determination of sufficiency of the Pledged Revenues may be supported by the report of an independent accountant or feasibility analyst having a national reputation for expertise in such matters, demonstrating the sufficiency of the Pledged Revenues and explaining by what means they will be greater than as shown in the audit.

The reference to and acceptance of an audit, an adjusted statement of the Pledged Revenues, or a report, as the case may be, and the determination of the Corporate Authorities of the sufficiency of the Pledged Revenues shall be conclusive evidence that the conditions of this Section 16. A. have been met and that the Parity Bonds are properly issued hereunder; and no right to challenge such determination is granted to the registered owners of the Bonds.

B. Additional Bonds.

The City reserves the right to issue Additional Bonds from time to time payable from the Enterprise Revenues and/or Revenue Sharing Receipts, and any such Additional Bonds shall share ratably and equally in the Enterprise Revenues and/or Revenue Sharing Receipts with the Bonds; provided, however, that no Additional Bonds shall be issued except in accordance with the provisions of the Debt Reform Act and Section 14 of the Prior Ordinance while any Prior Bonds are outstanding and unpaid.

Section 21. Defeasance.

Any of the Bonds which are no longer Outstanding Bonds as defined in this Ordinance shall cease to have any lien on or right to receive or be paid from Pledged Revenues and shall no longer have the benefits of any covenant for the registered owners of Outstanding Bonds as set forth herein as such relates to lien and security of the Bonds in the Pledged Revenues.

Section 22. Bond Proceeds Account. The proceeds derived from the sale of the Bonds shall be used as follows:

A. Accrued interest shall be credited to the applicable Bond and Interest Account, as set forth above in Section 18 and applied to pay first interest due on the Bonds. All of the remaining proceeds derived from the sale of the Bonds shall be deposited in the “Bond Proceeds Account of 2020” (the “Bond Proceeds Account”), which is hereby established, or continued, as a special account of the City, within which there shall be a Refunding Subaccount (the “Refunding Subaccount” for the Refunding in the event the Refunding Account is not timely funded). Moneys in the Bond Proceeds Account shall be used for the purposes specified in Section 3 of this Ordinance (that is, as applicable, the costs of refinancing the Prior Project by the Refunding) and for the payment of costs of issuance of the Bonds, but may hereafter be reappropriated and used for other lawful purposes in accordance with the Enterprise Revenue Act. Except for funding the Refunding Account, Refunding Subaccount and authorized issuance costs, moneys in the Bond Proceeds Account shall be withdrawn from time to time as needed for the payment of costs and expenses incurred or advanced by the City in connection with the System and for paying the fees and expenses incidental thereto. Moneys shall be withdrawn from the depository in connection with such funds from time to time to the City Treasurer or other appropriate financial officer of the City.

Section 23. [Intentionally omitted.]

Section 24. Investment Regulations. All investments shall be in Qualified Investments, unless otherwise expressly herein provided. No investment shall be made of any moneys in any Bond and Interest Account, the Bond Fund or the Bond Proceeds Account, except in accordance with the tax covenants and other covenants set forth in Section 21 of this Ordinance. All income derived from such investments in respect of moneys or securities in any fund or account, unless otherwise herein expressly required, shall be credited in each case to the fund or account in which such moneys or securities are held.

Any moneys in any fund or account that are subject to investment yield restrictions may be invested in United States Treasury Securities, State and Local Government Series, pursuant to the regulations of the United States Treasury Department, the Bureau of the Fiscal Service. The City Treasurer and agents designated by such officer are hereby authorized to submit on behalf of the City subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

Section 25. [Intentionally omitted.]

Section 26. Further Assurances and Actions. The Corporate Authorities hereby authorize the officials of the City responsible for issuing the Bonds, the same being the Mayor, City Clerk and City Treasurer of the City, to execute and perform, as applicable, the Purchase Agreement, Arbitrage Regulation Agreement, Refunding Agreement and Disclosure Agreement, and to make such further filings, covenants, certifications and supplemental agreements as may be necessary to assure that the use of the Prior Project and related proceeds will not cause the Bonds to be private activity bonds, arbitrage bonds or hedge bonds and to assure that the interest on the Bonds will be excluded from gross income for federal income tax purposes. In connection therewith, the City and the Corporate Authorities further agree: (a) through the officers of the City, to make such further specific covenants, representations as shall be true, correct and

complete, and assurances as may be necessary or advisable; (b) to consult with Bond Counsel approving the Bonds and to comply with such advice as may be given; (c) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits or yield reduction payments relating to the Bonds; (d) to file such forms, statements, and supporting documents as may be required and in a timely manner; (e) if deemed necessary or advisable, to employ and pay fiscal agents, financial advisors, attorneys, and other persons to assist the City in such compliance; and (f) to abate Pledged Taxes, as herein provided. Appropriate officers of the City are authorized to file abatement certifications for the Bonds and Prior Bonds, not inconsistent with this ordinance.

Section 27. Ordinance to Constitute a Contract. The provisions of this ordinance shall constitute a contract between the City and the registered owners of the Bonds. Any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the owners of any and all of the Bonds. All of the Bonds, regardless of the time or times of their issuance, shall be of equal rank without preference, priority or distinction of any of the Bonds over any other thereof except as expressly provided in or pursuant to this ordinance. This ordinance, together with any ordinance supplemental hereto, shall constitute full authority for the issuance of the Bonds, and to the extent that the provisions thereof conflict with the provisions of any other ordinance or resolution of the City, the provisions of this ordinance, together with any ordinance supplemental hereto, shall control.

Section 28. Severability and No Contest. If any section, paragraph, clause or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the

remaining provisions of this ordinance. Upon the issuance of the Bonds, neither the Bonds nor this ordinance shall be subject to contest by or in respect of the City.

Section 29. [Intentionally omitted.]

Section 30. Conflict. All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby superseded to the extent of such conflict and this ordinance shall be in full force and effect forthwith upon its adoption.

Section 31. Effective Date. This ordinance shall become effective immediately upon its passage and approval in the manner provided by law, and, upon its becoming effective and prior to the issuance of the Bonds, a certified copy of this Ordinance, together with any ordinance supplemental hereto, shall be filed with the County Clerk of LaSalle County, Illinois.

[The remainder of this page is intentionally left blank.]



ADOPTED this 21st day of September, 2020 by a roll call vote as follows:

AYES: Cingubright, Lijewski, Curran, Cullinan, Rivara

NAYS: none

ABSENT: none

APPROVED this 21st day of September, 2020.

Dominic Rivara

Mayor

ATTEST:

Cathy Eustis  
City Clerk

Commissioner Cirgubright moved and Commissioner Curran seconded the motion that said ordinance as presented by the City Clerk be adopted.

After a full discussion thereof, the Mayor directed that the roll be called for a vote upon the motion to adopt said ordinance as presented.

Upon the roll being called, the following Commissioners voted AYE: \_\_\_\_\_

Cirgubright, Lijewski, Curran & Cullinan.

and the following Commissioners voted NAY: none.

Whereupon the Mayor declared the motion carried and said ordinance adopted, approved and signed the same in open meeting and directed the City Clerk to record the same in full in the records of the City Council of the City of Oglesby, LaSalle County, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Genny Estutis  
City Clerk

STATE OF ILLINOIS        )  
  )  
COUNTY OF LASALLE    )

SS

CERTIFICATION OF MINUTES AND ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Oglesby, LaSalle County, Illinois (the "City"), and as such official am the keeper of the official journal of proceedings, books, records, minutes and files of the City Council (the "Corporate Authorities").

I further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Corporate Authorities held on the 21st day of September, 2020, insofar as the same relates to the adoption of Ordinance No. ~~128-02136~~ entitled:

AN ORDINANCE authorizing and providing for the issuance of not to exceed \$1,320,000 aggregate principal amount Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B of the City of Oglesby, LaSalle County, Illinois, and for the levy of a direct annual tax sufficient to pay the principal of and interest on said bonds.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said regular public meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and that the City has complied with all of the provisions of said Act and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature and seal of said City, this 21st day of September, 2020.

  
\_\_\_\_\_  
City Clerk

(SEAL)

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF LASALLE     )

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of LaSalle County, Illinois, and as such official I do further certify that on the \_\_\_\_ day of \_\_\_\_\_, 2020, there was filed in my office a duly certified copy of Ordinance No. ~~128-092126~~ entitled:

AN ORDINANCE authorizing and providing for the issuance of not to exceed \$1,320,000 aggregate principal amount Taxable General Obligation Refunding Bonds (Alternate Revenue Source), Series 2020B of the City of Oglesby, LaSalle County, Illinois, and for the levy of a direct annual tax sufficient to pay the principal of and interest on said bonds.

duly adopted by the City Council of the City of Oglesby, LaSalle County, Illinois, on the 21st day of September, 2020, and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
County Clerk of LaSalle County, Illinois

(SEAL)