

ORDINANCE NO. 1268-091624

**AN ORDINANCE AUTHORIZING THE CITY OF OGLESBY,
LASALLE COUNTY, ILLINOIS, TO BORROW FUNDS FROM THE
ILLINOIS WATER POLLUTION CONTROL LOAN PROGRAM**

WHEREAS, the City of Oglesby, LaSalle County, Illinois, operates its sewerage system (“the system”) and in accordance with the provisions of 65 ILCS 5/11-137-1 and the Local Government Debt Reform Act, 30 ILCS 350/1, et seq. (“collectively the Act”); and

WHEREAS, the Mayor and City Council of the City of Oglesby, LaSalle County, Illinois (the “Corporate Authorities”) have determined that it is advisable, necessary and in the best interests of the public health, safety, and welfare to improve the System, including the following:

Phase I construction of a new Wastewater Treatment Plant (WWTP) for compliance with the City’s Long Term Control Plan (IEPA) and the Administrative Order on Consent (USEPA). Improvements include construction of an entirely new WWTP, minus the sludge handling facilities, excess flow facilities, and new outfall sewer, which will be constructed in Phase II. Phase I also includes site improvements, sewer improvements, water main extensions, and other items required for operation of the new plant.

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (the “Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the

Corporate Authorities, which Project has a useful life of Thirty (30) years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is Thirty Million, One Hundred Fifty Thousand and no/100 Dollars (\$30,150,000.00) and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 365, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01, et seq, at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in Thirty (30) 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 OGLESBY, LASALLE COUNTY, ILLINOIS, from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from sewer fund user fees and revenues and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance the provisions of the Act, the CITY OF OGLESBY, LASALLE COUNTY, ILLINIOIS, is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of Thirty Million and no/100 Dollars (\$30,000,000.00) to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS shall be made pursuant to a Loan Agreement, including certain terms and conditions between the Corporate Authorities and the Illinois Environmental Protection Agency;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OGLESBY, LASALLE 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 OGLESBY, LASALLE COUNTY, ILLINOIS, to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Corporate Authorities in the aggregate principal amount not to exceed Thirty Million and no/100 Dollars (\$30,000,000.00).

SECTION 3. PUBLICATION

This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A) shall be published once withing ten (10) days AFTER PASSAGE IN THE NEWS TRIBUNE, A NEWSPAPER PUBLISHED AND OF GENERAL CIRCULATION IN THE CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, and if no petition, signed by electors numbering 10% or ore of the registered voters in the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, (i.e. 110) asking 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 OGLESBY, LASALLE COUNTY, ILLINOIS, is filed with the City

Clerk within thirty (30) days after the date of publication of this Ordinance and notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the City Clerk to any individual requesting one.

SECTION 4. ADDITIONAL ORDINANCES

If not petition meeting the requirement of the Act and other applicable laws is filed during said thirty (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 sewer fund user fees and revenues 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.

However, notwithstanding the above, the Corporate Authorities may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, to pay the principal and interest due to the Water Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 5. LOAN NOT INDEBTEDNESS OF THE CITY OF OGLESBY

Repayment of the loan to the Illinois Environmental Protection Agency by the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, pursuant to this Ordinance is to be solely from the revenue derived from sewer fund user fees and revenues, and the loan does not constitute an indebtedness of the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, within the meaning of any constitutional or statutory limitation.

SECTION 6. APPLICATION FOR LOAN

The Mayor of the CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, is hereby authorized to make application to the Illinois Municipal Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 7. ACCEPTANCE OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

SECTION 8. OUTSTANDING BONDS

The CITY OF OGLESBY, LASALLE COUNTY, ILLINOIS, has outstanding bonds that are payable from the revenues of the system, but the outstanding bonds are not



JASON CURRAN, Mayor

ATTEST:



REBECCA CLINARD, City Clerk



**PUBLISHED IN THE NEWS TRIBUNE
ON THE _____ DAY OF SEPTMEBER, 2024.**