

# Village of McLean

## Ordinance#

**13-09-03**

**An Ordinance Authorizing the Issuance of up to \$769,000 Waterworks and Sewerage Revenue Bonds of the Village of McLean, McLean County, Illinois, for the Purpose of Defraying the Cost of Acquiring, Constructing, Improving and Extending Waterworks and Sewerage Facilities, and Related Matters.**

Adopted by the Village Board  
Of the  
Village of McLean

Published in pamphlet form by authority of the Village of McLean, McLean

County, Illinois this 3rd day of September, 2013.

ORDINANCE NO. 13-09-3

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$760,000 WATERWORKS AND SEWERAGE REVENUE BONDS OF THE VILLAGE OF McLEAN, McLEAN COUNTY, ILLINOIS, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING AND EXTENDING WATERWORKS AND SEWERAGE FACILITIES, AND RELATED MATTERS.

PREAMBLES

**WHEREAS**, the Village of McLean, McLean County, Illinois (the "**Municipality**"), owns and operates a waterworks and sewerage system (the "**System**") in accordance with the provisions of applicable law concerning municipal waterworks and sewerage systems [Section 5/11-139-1 *et seq.* of Chapter 65 of the Illinois Compiled Statutes, as supplemented and amended, including by the Local Government Debt Reform Act (collectively, the "**Act**")]; and

**WHEREAS**, the President and Board of Trustees of the Municipality (the "**Corporate Authorities**") has determined that it is advisable, necessary and in the best interests of the Municipality's public health, safety and welfare to undertake a project for construction of a new water tower, together with required structures, equipment, appurtenances and fixtures, all electrical, mechanical or other work and the acquisition of land or rights in land necessary, useful or advisable in connection with such work, and as such work may progress in one or more phases, and other related costs, the "**Project**"), substantially in accordance with the preliminary plans, specifications and cost estimate therefor prepared by Shive-Hattery, Bloomington, Illinois, the consulting engineers therefor; and

**WHEREAS**, the estimated cost of the Project, including necessary interest during acquisition, construction and installation, engineering, legal, financial, bond discount, printing and publication costs and other expenses preliminary to and in connection with the Project, is anticipated to be approximately \$772,000, which is to be paid in part from proceeds of the hereinafter described Bonds; and

**WHEREAS**, costs of the Project are expected to be paid from funds on hand or already advanced therefor, and from proceeds of Bonds payable from the revenues of the System and issued pursuant to the Act, this ordinance and ordinances supplemental to or amending this ordinance authorizing and providing for the issuance of the Bonds, prescribing the details of such Bonds and providing for the collection, segregation and distribution of the revenues of the Municipality's Waterworks and Sewerage System; and

**WHEREAS**, the Municipality has insufficient funds to pay costs of the Project and, therefore, must borrow money and issue waterworks and sewerage revenue bonds in evidence thereof, at one time or from time to time and in one or more series, up to the aggregate principal amount of \$760,000 for such purpose, pursuant to and in accordance with the provisions of the Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF McLEAN, McLEAN COUNTY, ILLINOIS, as follows:**

**Section 1. Incorporation of Preambles and Determination to Issue Bonds.** The Corporate Authorities hereby find that all of the recitals contained in the preambles to this ordinance are true, complete and correct and hereby incorporate them into this Section 1 of this ordinance by this reference thereto. It is necessary and in the best interests of the Municipality to acquire, construct and install the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described above, that the System be operated as a combined waterworks and sewerage system in accordance with the provisions of the Act, and that for the purpose of acquiring, constructing and installing the Project there are hereby authorized to be issued and sold waterworks and sewerage revenue bonds of the Municipality in an aggregate principal amount up to but in any event not to exceed \$760,000 (howsoever styled, the “**Bonds**”).

**Section 2. Publication and Notice.** Within 10 days after the adoption of this ordinance by the Corporate Authorities, this ordinance, preceded by the notice hereinafter provided for, shall be published by publication in a newspaper of general circulation within the Municipality; and if no petition, signed by not less than registered voters of the Municipality being equal to ten percent (10%) of the registered voters of the Municipality, asking that the question of undertaking the Project and of issuing the Bonds to pay the cost thereof be submitted to the electors of the Municipality, is filed with the Village Clerk of the Municipality within thirty (30) days after the date of the publication of this ordinance and such notice, then this ordinance shall be in full force and effect. If such a petition is filed, an election on the question shall be held as set forth in the form of notice as published. The Village Clerk shall have available and provide a form of petition to any person requesting one. The Village Clerk shall give notice of the foregoing provisions substantially as set forth in the form of the notice presented at the meeting of the Corporate Authorities at which this ordinance is adopted, completed and modified as may be required to comply with the Act.

**Section 3. Additional Ordinances.** If no petition meeting the requirements of applicable law is filed as provided above in Section 2 and there is no material change in the Project and otherwise as herein described, then the Corporate Authorities in accordance with and pursuant to the Act may adopt additional ordinances or other proceedings supplemental to or amending this ordinance, providing for the issuance and sale of up to but in any event not to exceed \$760,000 of its waterworks and sewerage revenue Bonds, prescribing the details of such Bonds, and providing for the collection, segregation and distribution of the revenues of the System and the acquisition, construction and installation of the Project. Such additional or supplemental ordinances or other proceedings shall in all instances become effective in accordance with otherwise applicable law; and this ordinance, together with such supplemental and additional ordinances or other proceedings, shall constitute complete authority for the issuance of the Bonds under applicable law.

This shall also constitute reimbursement action under Section 1.150-2 of the Income Tax Regulations.

**Section 4. Severability and Repealer.** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

Upon motion by Trustee ANTHONY HODGE, seconded by Trustee BONITA SHIFFLET, adopted (and recorded in the Municipality's records) this 3rd day of SEPT, 2013, by roll call vote, as follows:

AYES (names): AARON HAMMEL, DAVID LEACH, ANTHONY HODGE, DARLENA KRUEGER, BONITA SHIFFLET, BEVERLY LANE

NAYS (names): 0

ABSENT, Etc. (names): 0

Approved September 3, 2013

Attest:

[Signature]  
Aaron Hammel, president pro tem, Village of McLean, McLean County, Illinois

[Signature]  
Village Clerk, Village of McLean, McLean County, Illinois

STATE OF ILLINOIS )

) SS

COUNTY OF MCLEAN )

**PUBLICATION CERTIFICATE**

I, the undersigned Village Clerk, certify that I am the duly elected and acting Village Clerk of the Village of McLean, McLean County, Illinois.

I further certify that on **Tuesday, September 3, 2013**, the Board of Trustees of such municipality passed and approved **Ordinance No. 13-09-03**, entitled:

**An Ordinance Authorizing the Issuance of up to \$769,000 Waterworks and Sewerage Revenue Bonds of the Village of McLean, McLean County, Illinois, for the Purpose of Defraying the Cost of Acquiring, Constructing, Improving and Extending Waterworks and Sewerage Facilities, and Related Matters.**

Board of Trustees of the Village of McLean previously adopted a Resolution that authorized all Village Ordinances to be published in pamphlet form.

The pamphlet form of Ordinance No. **13-09-03**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on 9-13, **2013** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at McLean, Illinois, this 3<sup>rd</sup> day of **September, 2013**.

  
Village Clerk

(SEAL)