

FILED

ORDINANCE NO. 188

DEC 30 2019

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$430,000 WATERWORKS REVENUE BONDS OF THE VILLAGE OF MOUNT AUBURN, CHRISTIAN COUNTY, ILLINOIS, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING AND EXTENDING WATERWORKS FACILITIES, AND RELATED MATTERS.

PREAMBLES

WHEREAS, the Village of Mount Auburn, Christian County, Illinois (the **"Municipality"**), owns and operates a separate waterworks system (the **"System"**) in accordance with the provisions of applicable law concerning municipal waterworks systems [65 ILCS 5/11-129-1 *et seq.*, 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 consisting of waterworks system improvements, 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 Milano & Grunloh Engineers, LLC, in Effingham, 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 \$1,681,000, of which up to \$430,000 is to be paid from proceeds of the hereinafter described Bonds and the balance from other sources, including \$251,000 in Agency Grant funds and up to \$1,000,000 in CDAP Grant funds; and

WHEREAS, costs of the Project are expected to be paid from funds on hand or already advanced therefor, and 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 System; and

WHEREAS, the Municipality has insufficient funds to pay costs of the Project and, therefore, must borrow money and issue water 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 \$430,000 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 MOUNT AUBURN, CHRISTIAN 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 separate waterworks 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 water revenue bonds of the Municipality in an aggregate principal amount up to but in any event not to exceed \$430,000 (howsoever styled, the "Bonds").

Section 2. Publication and Notice. There is no newspaper published in the Municipality, and its population is 475 under the most recent federal census figures. Within 10 days after the adoption of this ordinance by the Corporate Authorities, this ordinance shall be published by posting it in the 3 most prominent places 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 by posting, then this ordinance shall be in full force and effect. If such petition is filed, an election on the question shall be held as set forth in the form of notice set forth below. 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 \$430,000 of its waterworks 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 Charlene Saulsberry seconded by Trustee Rick Clayton, adopted (and recorded in the Municipality's records) this 22nd day of October, 2019, by roll call vote, as follows:

AYES (names): Rick Clayton, Denise Carey, Bridget Willard
Charlene Saulsberry, Sandra Gooder

NAYS (names): _____

ABSENT, Etc. (names): _____

(SEAL)

Approved: Oct. 22, 2019

Attest:

Ambu Dooley
Village President, Village of Mount Auburn
Christian County, Illinois

Sheri Clayton
Village Clerk, Village of Mount Auburn,
Christian County, Illinois

STATE OF ILLINOIS)
)
THE COUNTY OF CHRISTIAN) SS
)
VILLAGE OF MOUNT AUBURN)

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Village Clerk of the Village of Mount Auburn, Christian County, Illinois (the “Municipality”), and as such official I am the keeper of the records and files of the Municipality and of its President and Board of Trustees (the “Corporate Authorities”).

I do further certify that the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the 22 day of Oct, 2019, insofar as same relates to the adoption of Ordinance No. 188, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$430,000 WATERWORKS REVENUE BONDS OF THE VILLAGE OF MOUNT AUBURN, Christian COUNTY, ILLINOIS, FOR THE PURPOSE OF DEFRAYING THE COST OF ACQUIRING, CONSTRUCTING, IMPROVING AND EXTENDING WATERWORKS FACILITIES, AND RELATED MATTERS,

a true, correct and complete copy of which ordinance (the “Preliminary Ordinance”) as adopted at such meeting appears in the transcript of the minutes of such meeting and is hereto attached. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify that the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted; that the agenda for the special meeting was duly posted at the Village Hall at least 48 hours before the special meeting; that such special meeting was held at a specified time and place convenient to the public, that notice of such special meeting was duly given to all of the news media requesting such notice, that such special meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Open Meetings Act and such Illinois Municipal Code and their procedural rules in the adoption of such Preliminary Ordinance. The Preliminary Ordinance was duly published by posting on _____, 2019, as follows: (1) Village Hall; (2) Mount Auburn Post Office; and (3) Village Fast Stop. [] petition(s) have been received as mentioned in Section 2 of such Preliminary Ordinance, a form thereof being at all relevant times available therefor in the Village Clerk’s office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Mount Auburn, Christian County, Illinois, this 22 day of October, 2019.

(SEAL)



Village Clerk