

ORDINANCE NO. 19-05

AN ORDINANCE of the South Sangamon Water Commission, Sangamon County, Illinois, proposing the issuance of alternate bonds of the Commission in an aggregate principal amount not to exceed \$31,000,000 for the purpose of refunding certain existing bonds of the Commission

WHEREAS, the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission"), has heretofore been duly organized and is now operating as a commission and public corporation under the provisions of the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, as supplemented and amended (the "Act"), and in particular, 65 ILCS 5/11-135-1, *et seq.* thereof ("Division 135"); and

WHEREAS, the Village of Chatham, Illinois and the Village of New Berlin, Illinois (collectively, the "Villages") adopted ordinances pursuant to which the Villages elected to jointly acquire and operate a common source of supply of water (the "System") and establish the Commission under the authority granted by Division 135; and

WHEREAS, the Commission previously issued its Taxable General Obligation Bonds (Alternate Revenue Source), Series 2010B (Build America Bonds - Direct Payment) in the original principal amount of \$23,505,000 (the "2010B Bonds"), its Tax-Exempt General Obligation Bonds (Alternate Revenue Source), Series 2010C in the original principal amount of \$3,090,000 (the "2010C Bonds") and its Water Commission Subordinate Revenue Bond, Series 2011 in the original principal amount of \$5,200,000 (the "2011 Bonds", and together with the 2010B Bonds and the 2010C Bonds, the "Prior Bonds"); and

WHEREAS, the Prior Bonds were issued pursuant to Illinois law, including the Act, the Municipal Bond Reform Act, 65 ILCS 5/8-4.1-1 *et seq.*, the Intergovernmental Cooperation article of the Illinois Constitution (Section 10 of Article VII of the Constitution of the State of Illinois), the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (the "Reform Act"), the Omnibus Bond Acts, 5 ILCS 70/8 and other applicable law (collectively, "Applicable Acts"); and

WHEREAS, the Villages and the Commission have approved and entered into Wholesale Water Agreements (individually, a "Contract" and collectively, the "Contracts") and an Intergovernmental Agreement dated as of September 1, 2010 (the "Intergovernmental Agreement"), all pursuant to the Intergovernmental Cooperation article of the Illinois Constitution (Section 10 of Article VII of the Constitution of the State of Illinois), the Intergovernmental Cooperation Act 5 ILCS 220/1 *et seq.* and the Applicable Acts (the Intergovernmental Agreement together with the Contracts being collectively, the "Intergovernmental Agreements"); and

WHEREAS, the Villages provide to the Commission governmental revenue sources pursuant to the Intergovernmental Agreements in accordance with the Reform Act sufficient to pay the Prior Bonds (the "Revenues"); and

WHEREAS, the Board of Commissioners of the Commission (the "Board") has determined it is advisable, necessary and in the best interests of the Commission to refund all or part of the Prior Bonds in order to achieve debt service savings (the "Refunding"); and

WHEREAS, the total estimated costs of the Refunding is not to exceed \$31,000,000; and

WHEREAS, there are insufficient funds on hand and lawfully available to pay costs of the Refunding; and

WHEREAS, the Commission proposes to pay costs of the Refunding by issuing its general obligation "alternate bonds" pursuant to the Applicable Acts in an aggregate principal amount not to exceed \$31,000,000 (the "Bonds") as particularly authorized by Section 15 of the Local Government Debt Reform Act, but nevertheless expected to be paid from the Revenues; and

WHEREAS, if the Revenues are insufficient to pay the Bonds, ad valorem property taxes upon all taxable property in the Commission, which presently consists of all the taxable property in the Villages, without limitation as to rate or amount are authorized to be extended to pay the principal of and interest on the Bonds; and

WHEREAS, the only municipalities which are members of the Commission are the Villages and the number of registered voters in the Villages on the date registration closed before the last regular election determined in accordance with 10 ILCS 5/3-1.3 was 10,192.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE SOUTH SANGAMON WATER COMMISSION, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Incorporation of Preambles.

The Board hereby finds that the recitals contained in the preambles to this Ordinance are true and correct and does incorporate the recitals contained in the preambles into this Ordinance by this reference.

Section 2. Determination to Issue Bonds.

It is necessary and in the best interests of the Commission and for the public health, safety and welfare to refund the Prior Bonds as described, and there are hereby proposed to be issued and sold the Bonds of the Commission in an aggregate principal amount not to exceed \$31,000,000 for the purpose of paying the costs of the Refunding as aforesaid.

Section 3. Publication.

This Ordinance and the notice in the form attached hereto (the "Alternate Bond Notice") shall be published once after passage hereof by the Board in each of the *Chatham Clarion* and the *New Berlin Bee*, being newspapers of general circulation in the Commission. The Board hereby determines that the Alternate Bond Notice attached hereto is in the proper statutory form and is made a part hereof. If no petition, signed by 764 legal voters in the Commission in aggregate (being equal to the greater of: (i) 7.5% of the registered voters in the Commission; or (ii) 200 of those registered voters or 15% of those registered voters,

whichever is less), and asking that the question of proceeding with the Refunding, as provided in this Ordinance, and the issuance of the Bonds therefor, be submitted to the legal voters in the Commission, is filed with the Clerk of the Commission within thirty (30) days after the date of the last publication of this Ordinance and the Alternate Bond Notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the Clerk of the Commission to any individual requesting one.

Section 4. Additional Ordinances.

If no petition meeting the requirements of the Applicable Acts is filed during the petition period specified in Section 3, then the Board may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for the issuance and sale of the Bonds, prescribing all the details of the Bonds, and providing for the collection, segregation and distribution of the Revenues, so long as the maximum amount of the Bonds as set forth in this Ordinance is not exceeded and there is no material change in the Refunding or purposes described herein.

Such additional ordinances or proceedings shall in all instances become effective in accordance with the Applicable Acts. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Bonds under applicable law.

Section 5. Bond Issue Notification Act Hearing.

A public hearing shall be held before the Board pursuant to The Bond Issue Notification Act, 30 ILCS §352/1 for the Bonds. The time, place and location of the hearing shall be January 21, 2020 at 5:30 p.m. to be held at the principal office of the Board located at 9199 Buckhart Road, Rochester, Illinois, or such other time and place as may be designated by the Chairman. The Board finds and determines that the *Chatham Clarion* and the *New Berlin Bee* are newspapers published in the Commission and with a general circulation in the Commission and directs that notice of the hearing shall be published in compliance with the Bond Issue Notification Act in such newspapers. The notice shall also be given by posting a copy of the notice at the principal office of the Board at least 48 hours before the hearing.

Section 6. Severability.

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.

Section 7. Repealer.

All other ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Passed by the Board of Commissioners of the South Sangamon Water Commission, Illinois on December 16, 2019.



Chairman, South Sangamon Water Commission,
Sangamon County, Illinois

AYES: Morris, Johnson, Bloome

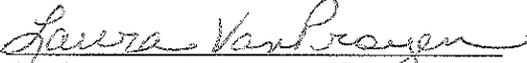
NAYS: none

ABSENT: none

PUBLISHED in the *Chatham Clarion* and the *New Berlin Bee* on December 19, 2019.

RECORDED in the Commission's Records on December 16, 2019.

Attest:



Clerk, South Sangamon Water Commission,
Sangamon County, Illinois

(SEAL)

NOTICE OF INTENT TO ISSUE ALTERNATE BONDS
AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that pursuant to Ordinance No. 19-05 (the "Ordinance"), a copy of which follows this notice, duly passed by the Board of Commissioners (the "Board") of the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission") on December 16, 2019, the Commission intends to issue alternate bonds of the Commission pursuant to Section 15 of the Local Government Debt Reform Act in an aggregate principal amount not to exceed \$31,000,000 (the "Bonds") for the purpose of paying the costs of refunding certain prior bonds of the Commission (the "Prior Bonds") whose proceeds were used to finance costs of acquisition, planning, design and construction of the System. Principal and interest on the Bonds are to be paid from governmental revenue sources received by the Commission from intergovernmental agreements between the Commission and Villages of Chatham and New Berlin, Sangamon County, Illinois (the "Villages") as described in the Ordinance. The Commission will also levy ad valorem property taxes upon all taxable property in the Commission, which presently consists of all taxable property in the Villages, without limitation as to rate or amount to pay the principal of and interest on the Bonds.

NOTICE IS HEREBY FURTHER GIVEN that the municipalities comprising the Commission are the Villages and if a petition, signed by 764 legal voters of the Villages in the Commission (being equal to the greater of: (i) 7.5% of the registered voters in the Villages comprising the Commission; or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less), requesting that the question of refunding the Prior Bonds, and the issuance of the Bonds therefor be submitted to referendum is filed with the Clerk of the Commission within thirty (30) days after the date of publication of the Ordinance and this Notice, the question of refunding the Prior Bonds as provided in the Ordinance and the issuance of the Bonds therefor shall be submitted to the legal voters of the Commission at the election to be held on November 3, 2020, for the purpose of voting upon such question. A form of petition for such purpose is available to any individual requesting one from the office of the Clerk of the Commission.

By order of the Board of Commissioners.

Dated: December 16, 2019.

/s/ Laura VanProyen
Clerk, South Sangamon Water Commission,
Sangamon County, Illinois

CERTIFICATE

I, Laura VanProyen, Clerk of the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission"), hereby certify that the foregoing Ordinance No. 19-05 entitled "AN ORDINANCE of the South Sangamon Water Commission, Sangamon County, Illinois, proposing the issuance of alternate bonds of the Commission in an aggregate principal amount not to exceed \$31,000,000 for the purpose of refunding certain existing bonds of the Commission" is a true copy of an original Ordinance which was duly adopted by the recorded affirmative votes of a majority of the members of the Board of Commissioners of the Commission at a meeting thereof which was duly called and held in compliance with the Open Meetings Act on December 16, 2019, and at which a quorum was present and acting throughout, and that such copy has been compared by me with the original Ordinance signed by the Chairman of the Commission on December 16, 2019, and recorded in the Ordinance book of the Commission and that it is a correct transcript thereof and of the whole of such Ordinance, and that such Ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

I do further certify that a copy of said Ordinance including the Notice of Intent to Issue Alternate Bonds was published more than thirty (30) days ago in the *Chatham Clarion* and the *New Berlin Bee* on December 19, 2019, and no petitions have been received asking that the question of proceeding with the Refunding, as provided in said Ordinance and the issuance of alternate bonds therefore, be submitted to the legal voters of the Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the South Sangamon Water Commission, Sangamon County, Illinois this December 16, 2019.


Clerk

(SEAL)