

ORDINANCE NO. 2020-01

**AN ORDINANCE APPROVING EXECUTION OF AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT WITH VILLAGES OF CHATHAM AND NEW BERLIN, ILLINOIS PROVIDING FOR ISSUANCE OF ALTERNATE BONDS BY THE SOUTH SANGAMON WATER COMMISSION**

*BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE SOUTH SANGAMON WATER COMMISSION, AS FOLLOWS:*

**SECTION 1:** Amendment No. 1 to Intergovernmental Agreement Providing for Issuance of Alternate Bonds by the South Sangamon Water Commission between the Village of Chatham, Illinois, the Village of New Berlin, Illinois and the South Sangamon Water Commission, a copy of which is attached hereto, is hereby approved.


**SECTION 2:** The Chairman of the Commission is authorized and directed to execute and deliver said Amendment No. 1 on behalf of the Commission, and the proper officers of the Commission are authorized and directed to carry out the Intergovernmental Agreement and said Amendment No. 1 by their terms.

**SECTION 3:** This Ordinance is effective immediately.

PASSED this February 18, 2020.

  
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CHAIRMAN

ATTEST:

  
Clerk

AYES: Bloomer; Morris; Johnson

NAYS: 0

PASSED: 2/18/2020

APPROVED: 2/18/2020

ABSENT: 0

AMENDMENT NO. 1 TO  
INTERGOVERNMENTAL AGREEMENT  
PROVIDING FOR ISSUANCE OF ALTERNATE  
BONDS BY THE SOUTH SANGAMON WATER COMMISSION

THIS AMENDMENT dated as of March 1, 2020 (the "Amendment") is to the Intergovernmental Agreement dated as of September 1, 2010 (the "Agreement") by and among the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission"), the Village of Chatham, Illinois (the "Village of Chatham") and the Village of New Berlin, Illinois (the "Village of New Berlin"). This Amendment and the Agreement are made pursuant to the Intergovernmental Cooperation article of the Illinois Constitution (Section 10 of Article VII of the Constitution of the State of Illinois) and the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* (collectively, the "Intergovernmental Cooperation Act"), the Illinois Municipal Code including Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 *et seq.* ("Division 135"), 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"). Except as otherwise modified herein, terms defined in the Agreement shall have the same meaning in this Amendment.

W I T N E S S E T H:

WHEREAS, the Village of Chatham and the Village of New Berlin (collectively, the "Villages") have adopted ordinances pursuant to which the Villages have elected to jointly acquire and operate a common source of supply of water pursuant to the Applicable Acts and to establish the Commission; 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") pursuant to the Applicable Acts; and

WHEREAS, the source of the revenues to pay the Prior Bonds are governmental revenues sources under the Reform Act (the "Governmental Revenue Sources") received by the Commission from the Villages under the Wholesale Water Agreements and the Agreement pursuant to the Applicable Acts (collectively, the "Intergovernmental Agreements"), and as a backup source of payment, an ad valorem property tax levy on all of the taxable property in the Commission; and

WHEREAS, the Commission and the Villages have determined it is advisable, necessary and in the best interests of the Commission and the Villages for the Commission to issue refunding alternate bonds in an amount not to exceed \$31,000,000 pursuant to Section 15 of the Reform Act and Section 11-135-4.5 of Division 135 (the "2020 Bonds") to refund all or part of

the Prior Bonds in order to achieve debt service savings that will benefit the Commission and the Villages; and

WHEREAS, the Commission and the Villages desire to amend the Agreement to expressly provide that the provisions of the Agreement apply to the 2020 Bonds.

NOW, THEREFORE, in consideration of the above premises and of the mutual covenants hereinafter contained and for other good and valuable consideration, the parties agree as follows:

1. The recitals contained in the preambles to this Agreement are true, correct, and complete, and are incorporated into this Amendment by this reference.

2. The Commission and the Villages find and determine that the Governmental Revenue Sources are a governmental revenue source under the Reform Act.

3. The Commission shall issue the 2020 Bonds as alternate bonds pursuant to the Applicable Acts payable from the Governmental Revenue Sources and as a backup source of payment, an ad valorem property tax levy on all of the taxable property in the Commission.

4. The Villages approve the Commission's issuance of the 2020 Bonds to pay costs of refunding the Prior Bonds. The Villages shall pay governmental revenues to the Commission pursuant to the Intergovernmental Agreements sufficient to pay principal and interest on the 2020 Bonds plus any additional amounts necessary to satisfy the conditions of Section 15 of the Reform Act for the issuance of alternate bonds by the Commission.

5. For the purpose of providing Governmental Revenue Sources pursuant to the Intergovernmental Agreements, each Village has and shall make provision for paying the Governmental Revenue Sources in such Village's annual budget and appropriation ordinance to be duly adopted by the board of trustees of such Village as needed, all to the extent and in the manner, form, and time as provided and permitted by law.

6. References in the Agreement to the "Bonds" are amended to include the 2020 Bonds. References in the Agreement to the "Tax Levy" are amended to include the ad valorem property tax levy on all of the taxable property in the Commission for payment of the 2020 Bonds. References in the Agreement to Governmental Revenue Sources include interest earnings of the Commission.

7. The Villages authorize, acknowledge, agree, and approve the Tax Levy by the Commission and the Villages shall each fully and completely cooperate and take any and all actions for the levy, extension and collection of the Tax Levy on the Taxable Property to provide sufficient moneys as needed to pay principal or interest on the 2020 Bonds.

8. The 2020 Bonds shall be payable from the Governmental Revenue Sources and the Commission shall secure the 2020 Bonds with a pledge of the Governmental Revenue Sources to payment of the 2020 Bonds.


9. The Villages acknowledge and agree that the Intergovernmental Agreements shall constitute contracts with, and shall inure to the benefit of, the Commission, the Villages and the owners of the 2020 Bonds, and the Commission, the Villages and any registered owner of a 2020 Bond may proceed by civil action, mandamus or other proceeding to compel performance of all duties required by the Intergovernmental Agreements.

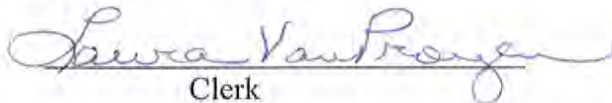
10. If any section, paragraph, clause or provision of this Amendment or the Agreement shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Amendment or Agreement.

IN WITNESS WHEREOF, the Villages and the Commission have caused this Amendment to be executed by their duly authorized officers as of the date first shown above.

SOUTH SANGAMON WATER COMMISSION,  
Sangamon County, Illinois

(SEAL)  
Attest:

By:   
Chairman

  
Clerk

VILLAGE OF NEW BERLIN,  
Sangamon County, Illinois

(SEAL)  
Attest:

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Village Clerk

VILLAGE OF CHATHAM,  
Sangamon County, Illinois

(SEAL)  
Attest:

By: \_\_\_\_\_  
President

\_\_\_\_\_  
Village Clerk