

**CITY OF BELVIDERE, ILLINOIS**

**ORDINANCE #499H**

**An Ordinance Authorizing the City of Belvidere, Boone County, Illinois to Borrow Funds from the Illinois  
Water Pollution Control Loan Program**

**PASSED AND ADOPTED**

**BY THE CITY COUNCIL**

**OF THE CITY OF**

**BELVIDERE, ILLINOIS**

**ON THE 3<sup>rd</sup> DAY OF August 2020.**

**APPROVED BY THE**

**MAYOR OF THE CITY OF**

**BELVIDERE, ILLINOIS**

**ON THE 4<sup>th</sup> DAY OF AUGUST 2020.**

**Published in Pamphlet Form this 4<sup>th</sup> day of August 2020.**

**ORDINANCE NUMBER #499H**

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

**WHEREAS**, the City of Belvidere, Boone County, Illinois, operates its sewerage system (“the System”) and in accordance with the provisions of Section 6 of Article VII of the 1970 Constitution of the State of Illinois 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 Belvidere (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to improve the System, including the following:

*Replacement and/or upgrades of hydraulic gates, raw sewage pumps, waste sludge pumps, and general enhancement of the main equipment and digester control buildings;*

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 City of Belvidere, which Project has a useful life of twenty years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$4,710,000.00, 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 twenty 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 Belvidere from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid solely from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

**WHEREAS**, in accordance with the provisions of the Act, the City of Belvidere is authorized to borrow funds, pursuant to its home rule authority and without regard to the Illinois Municipal Code, from the Water Pollution Control Loan Program in the aggregate principal amount of \$4,710,000.00 to provide funds to pay the costs of the Project; and

**WHEREAS**, the loan to the City of Belvidere shall be made pursuant to a Loan Agreement, including certain terms and conditions between the City of Belvidere and the Illinois Environmental Protection Agency;

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Belvidere, Boone 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 Belvidere 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 the Illinois Environmental Protection Act, 415 ILCS 5/1 et seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Belvidere in the aggregate principal amount (which can include

construction period interest financed over the term of the loan) not to exceed \$4,710,000.00.

### **SECTION 3. ADDITIONAL ORDINANCES**

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 revenues of the System, 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 laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the City of Belvidere 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 Belvidere 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 4. LOAN NOT INDEBTEDNESS OF THE CITY OF BELVIDERE**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Belvidere pursuant to this Ordinance is to be solely from the revenue derived from revenues of the System, and the loan does not constitute an indebtedness of the City of Belvidere within the meaning of any constitutional or statutory limitation and is non-recourse to other funds or sources of revenue for the City of Belvidere.

## **SECTION 5. APPLICATION FOR LOAN**

The Director of Public Works is hereby authorized to make application to the Illinois Environmental 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 6. 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 7. RESERVE ACCOUNTS**

As long as the City of Belvidere has outstanding senior bonds that are payable from revenues of the system, the City of Belvidere shall maintain an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) required by the outstanding ordinance(s).

## **SECTION 8. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT**

The Mayor is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Mayor for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

## **SECTION 9. SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

## **SECTION 10. REPEALER**

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

**THE REST OF THIS PAGE IS LEFT INTENTIONALLY BLANK.**

PASSED by the Corporate Authorities on  
August 3, 2020.

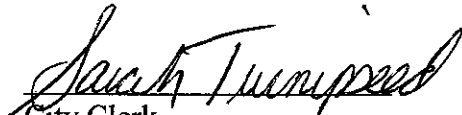
APPROVED August 4, 2020

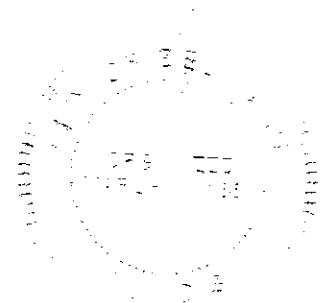


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Mayor  
City of Belvidere  
Boone County, Illinois

AYES: Fleury, Frank, Freeman, McGee, Porter, Ratcliffe, Snow, Stevens,  
Arevalo and Brereton.  
Nays: None.  
Absent: None.  
Date Passed: August 3, 2020  
Date Approved: August 4, 2020  
Date Published: August 4, 2020

ATTEST:

  
\_\_\_\_\_  
City Clerk  
City of Belvidere  
Boone County, Illinois



### CERTIFICATION

I, Sarah Turnipseed, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Belvidere. I do further certify that the above and foregoing, identified as Ordinance Number #499H, is a true, complete and correct copy of an ordinance otherwise identified as Ord. No. 499H An Ordinance Authorizing the City of Belvidere, Boone County, Illinois to Borrow Funds from the Illinois Water Pollution Control Program, passed by the City Council of the City of Belvidere on the 3<sup>rd</sup> day of August, 2020 and approved by the Mayor of the City of Belvidere on the same said date, the original of which is part of the books and records within my control as Clerk of the City of Belvidere.

Dated this 4<sup>th</sup> day of August, 2020.

  
Clerk of the City of Belvidere



**AFFIDVAIT**

STATE OF ILLINOIS     )  
                                  )  
COUNTY OF BOONE     )

Sarah Turnipseed, first being duly sworn on oath deposes and says as follows:

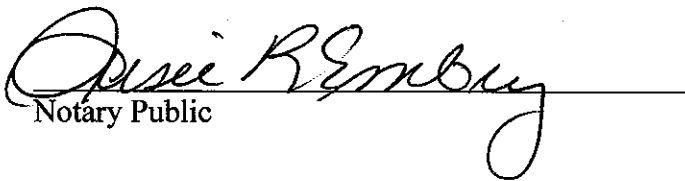
By authority of the City Council of the City of Belvidere, Illinois, I published Ordinance #499H of the City of Belvidere, Illinois, in pamphlet form on August 4, 2020, and as a convenience for the public; I posted the pamphlet form of Ordinance #499H on the bulletin board outside the City Clerk's office at 401 Whitney Blvd., Belvidere, Illinois; said location being readily accessible to the public during business hours of the City Clerk's Office.



Sarah Turnipseed  
City Clerk



SUBSCRIBED AND SWORN TO BEFORE ME  
this 4<sup>th</sup> day of August 2020.

  
Notary Public