

ORDINANCE NO. 732

**AN ORDINANCE AUTHORIZING THE VILLAGE OF GREENUP,
CUMBERLAND COUNTY, ILLINOIS TO BORROW
FUNDS FROM THE WATER SUPPLY LOAN PROGRAM**

**PASSED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF GREENUP, IL
THIS 7th DAY OF October, 2024**

**PUBLISHED IN PAMPHLET FROM BY THE AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF GREENUP,
CUMBERLAND COUNTY, ILLINOIS
THIS 8th DAY OF October, 2024**

ORDINANCE NUMBER 732

AN ORDINANCE AUTHORIZING THE VILLAGE OF GREENUP, CUMBERLAND COUNTY, ILLINOIS, TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM

WHEREAS, the Village of Greenup of Cumberland County, Illinois operates its public water supply system (the "System") and in accordance with the provisions of Division 129 of Article 11 and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, the "Act"), and

WHEREAS, the Mayor and Trustees of the Village of Greenup (the "Corporate Authorities") have determined that it is advisable, necessary and in the best interests of public health, safety and welfare to improve the System, including the following:

Construct a new water treatment plant, extend water main to replace undersized main and interconnect to neighboring water system, and replace lead services identified in the inventorying,

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 consulting engineers of the Village of Greenup; which Project has a useful life of 40 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is **\$7,000,000.00**, 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 662, 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 40 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 Village of Greenup from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid 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 Village of Greenup is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of **\$ 7,000,000.00** to provide funds to pay the costs of the Project;

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the Village of Greenup of Cumberland 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 Village of Greenup 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 provision of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Village of Greenup in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed **\$7,000,000.00**.

SECTION 3. PUBLICATION

This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A), shall be published once within ten days after passage in the **Toledo Democrat**, a newspaper published and of general circulation in the Village of Greenup, and if no petition, signed by electors numbering 10% or more of the registered voters in the Village of Greenup (i.e., not less than 94 legal voters) asking that the question of improving the System as provided in this Ordinance and entering into the Loan Agreement therefore be submitted to the electors of the Village of Greenup, is filed with the Village of Greenup Clerk within 30 days after the date of publication of this Ordinance and notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the Village of Greenup Clerk to any individual requesting one.

SECTION 4. ADDITIONAL ORDINANCES

If no petition meeting the requirements of the Act and other applicable laws is filed during the 30-day petition period, then 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 law. 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 Village of Greenup 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 Village of Greenup to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 5. LOAN NOT INDEBTEDNESS OF VILLAGE OF GREENUP

Repayment of the loan to the Illinois Environmental Protection Agency by the Village of Greenup 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 Village of Greenup within the meaning of any constitutional or statutory limitation.

SECTION 6. APPLICATION FOR LOAN

The Mayor is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662, and sign such other documents as may be necessary or convenient for such loan.

SECTION 7. ACCEPTANCE OF LOAN AGREEMENT

Subject to the Village reservation of its right to review, and if applicable, approve the proposed Loan Agreement referenced in this section, the Corporate Authorities hereby authorize acceptance of the offer of a loan through the Public Water Supply 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 8. OUTSTANDING BONDS

The Village of Greenup has outstanding bonds, payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the Village of Greenup establishes an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) as the senior lien holders in accordance with 35 Ill. Adm. Code 662.350(a)(9)(C)(PWS).

SECTION 9. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT

Upon its review and approval by the Village, 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 10. 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 11. REPEALER

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

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PASSED by the Corporate Authorities

on October 7, 2024.

Approved October 7, 2024.

Thomas Baugus

Mayor
Village of Greenup
Cumberland County, Illinois

AYES: 5

NAYS: 0

ABSENT: 1

PUBLISHED in the Toledo Democrat on October 17, 2024. RECORDED in the Village
of Greenup Records on October 8, 2024.

ATTEST:

Julie Kimble

Village of Greenup Clerk

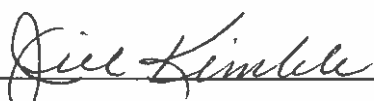
Village of Greenup of
Cumberland County, Illinois

EXHIBIT A

NOTICE OF INTENT TO BORROW FUNDS AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 732 adopted on October 7, 2024, the Village of Greenup of Cumberland County, Illinois (the "ENTITY"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed **\$7,000,000.00** and bearing annual interest at an amount not to exceed the maximum rate authorized by law at the time of execution of the Loan Agreement, for the purpose of paying the cost of certain improvement to the public water supply system of the Village of Greenup. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by **94** or more electors of the Village of Greenup (being equal to 10% of the registered voters in the Village of Greenup), requesting that the question of improving the public water supply system and entering into the Loan Agreement is submitted to the Village of Greenup Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the Village of Greenup as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the Village of Greenup at the next election to be held under general election law on April 1, 2025. A petition form is available from the office of the Village of Greenup Clerk.



Village of Greenup Clerk

Village of Greenup of
Cumberland, Illinois

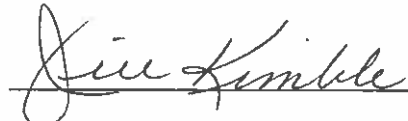
CERTIFICATION

I, Jill Kimble, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Greenup of Cumberland County. I do further certify that the above and foregoing, identified as Ordinance Number 732, is a true, complete and correct copy of an ordinance otherwise identified as

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passed on the 7th day of October, 2024, and approved by the Mayor of the Village of Greenup of Cumberland County on the same said date, the original of which is part of the books and records within my control as Clerk of the Village of Greenup of Cumberland County.

Dated this 8th day of October, 2024.



Jill Kimble, Village Clerk