

# PUBLIC NOTICE

Public Water Supply  
Loan Program

Ordinance Authorizing Loan  
Agreement

Non-Home Rule Entity Village  
Ordinance Number 2021-07

An Ordinance authorizing  
the **Village of Westfield**, Clark  
County, Illinois, to borrow funds  
from the Public Water Supply  
Loan Program.

Whereas, the Village of Westfield, Clark County, Illinois ("Village") operates its public water supply system ("the System") and in accordance with the provisions of 65 ILCS 5/1 et. seq and 65 ILCS 5/11-129-1 et. seq and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, "the ACT"), and Whereas, the President and Board of Trustees of the Village ("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: Install a new water metering system, 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; which Project has a useful life of 30 years; and

Whereas, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$300,000.00, 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 20 years, which is within the period of useful life of the Project; and

Whereas, the costs are ex-

pected to be paid for with a loan to the Village 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 is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$300,000.00 to provide funds to pay the costs of the Project;

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

Now Therefore, Be It Ordained By The Corporate Authorities of the Village of Westfield, Clark 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 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 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 Village in an aggregate principal amount not to exceed \$300,000.00.

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 Casey-Westfield Reporter, a newspaper of general circulation in the Village, and if no petition, signed by electors numbering 10% or more of the

registered voters in the Village (38), 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, is filed with the Village 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 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 Water and Sewer Fund, 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 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 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

Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from revenues of the System, and the loan does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

Section 6. Application For Loan

The President 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 IL. Adm. Code 662.

Section 7. Acceptance Of Loan Agreement

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 has outstanding bonds that are payable from revenues of the system but the outstanding bonds are not senior to, but on parity with, the loan authorized by this Ordinance.

Section 9. Authorization Of President To Execute Loan Agreement

The President 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 President for the sole purpose of authorizing or executing any documents associated with payment requests or reimburse-