

RECORDING INFORMATION

Prepared By:

City of Mount Carmel  
631 N. Market St.  
Mt. Carmel, IL 62863  
(618) 262-4822

**ORDINANCE NUMBER 2057**  
**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH THE**  
**ILLINOIS EPA**

Passed and Approved by the Mt. Carmel City Council  
October 18, 2021

## **CERTIFICATION**

I, Ryan Turner, do hereby certify that I am the duly appointed, qualified and acting Clerk of the City of Mt. Carmel, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number 2057, is a true, complete and correct copy of an ordinance otherwise identified AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS EPA, passed by the City Council of the City of Mt. Carmel on the 18<sup>th</sup> day of October, 2021, and approved by the Mayor of the City of Mt. Carmel 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 Mt. Carmel.

Dated this 18<sup>th</sup> day of October, 2021.

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Ryan Turner

# **AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS EPA**

## **ORDINANCE NUMBER 2057**

AN ORDINANCE authorizing the City of Mt. Carmel, Wabash County, Illinois to borrow funds from the Public Water Supply Loan Program

**WHEREAS**, the City of Mt. Carmel, Wabash County, Illinois operates its public water supply system (“the System”) and in accordance with the provisions of 65 ILCS 5/11-129 and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, “the Act”), and

**WHEREAS**, The Mayor and City Council of the City of Mt. Carmel (“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 construction of a new water treatment plant 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 City of Mt. Carmel, which Project has a useful life of Thirty (30) years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$12,000,000, and there are insufficient funds on hand and lawfully available to pay the 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 30 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 Mt. Carmel 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 City of Mt. Carmel is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$12,000,000 to provide funds to pay the costs of the Project; and

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

**NOW THEREFORE**, be it ordained by the Corporate Authorities of the City of Mt. Carmel, Wabash 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 Mt. Carmel 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 plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Mt. Carmel in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$12,000,000.

### **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 Mt. Carmel Hometown Register, a newspaper published and of general circulation in the City of Mt. Carmel, and if no petition, signed by electors numbering 10% or more of the registered voters in the City of Mt. Carmel (i.e., 464) 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 City of Mt. Carmel, is filed with the Mt. Carmel City 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 Mt. Carmel City 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 charge 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 City of Mt. Carmel 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 Mt. Carmel 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 CITY OF MT. CARMEL**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Mt. Carmel 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 Mt. Carmel within the meaning of any constitutional or statutory limitation.

#### **SECTION 6. APPLICATION FOR LOAN**

The Mayor of the City of Mt. Carmel 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.

#### **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 City of Mt. Carmel 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 THE MAYOR TO EXECUTE LOAN AGREEMENT**

The Mayor of the City of Mt. Carmel 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 including Ordinance 2046.

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**CITY OF MT. CARMEL**

**ORDINANCE NUMBER 2057**

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH THE  
ILLINOIS EPA.**

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MT.  
CARMEL THIS 18<sup>th</sup> DAY OF OCTOBER, 2021.

\_\_\_\_\_  
MAYOR  
City of Mt. Carmel  
Wabash, County, Illinois

ATTEST: \_\_\_\_\_  
City Clerk  
City of Mt. Carmel  
Wabash, County, Illinois

First Reading:           October 4, 2021.

Second Reading:       October 18, 2021.

Passed and Approved   October 18, 2021.

Adopted by roll call vote:

Aye:                   \_\_\_\_\_

Nay:                   \_\_\_\_\_

Abstain:             \_\_\_\_\_

Absent:               \_\_\_\_\_

PUBLISHED in the Mt. Carmel Hometown Register on \_\_\_\_\_, 2021.

RECORDED in the City of Mt. Carmel Records on \_\_\_\_\_, 2021.

Published in pamphlet form by authority of the City Council of the City of Mt. Carmel, Wabash  
County, Illinois this 18<sup>th</sup> day of October, 2021.

## **Exhibit A**

### **NOTICE OF INTENT TO BORROW FUNDS AND RIGHT TO FILE PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 2057, adopted on October 18, 2021, the City of Mt. Carmel, Wabash County, Illinois the City, intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$12,000,000 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 improvements to the public water supply system of the City. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 464 or more electors of the City (being equal to 10% of the registered voters in the City), requesting that the question of improving the public water supply system and entering into the Loan Agreement is submitted to the City Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the City as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the City at the next election to be held under general election law on March 15, 2022. A petition form is available from the office of the City Clerk.

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Ryan Turner  
City Clerk  
City of Mt. Carmel  
Wabash County, Illinois



## NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting City Clerk of the City of Mt. Carmel, Wabash County, Illinois, and as such officer I am the keeper of the books, records, files and journal of proceedings of the City of Mt. Carmel and of the Mayor and City Council of Mt. Carmel.

I do further certify that Ordinance Number 2057, being the Ordinance entitled: AN ORDINANCE AUTHORIZING A LOAN AGREEMENT WITH THE ILLINOIS EPA was presented to and passed by the MAYOR and CITY COUNCIL of the City of Mt. Carmel at its legally convened meeting held on the 18<sup>th</sup> day of October, 2021 and signed by the MAYOR of the City of Mt. Carmel on said day.

I do further certify that the Ordinance was duly and properly published in the Mt. Carmel Hometown Register, a newspaper published and of general circulation within the City of Mt. Carmel, on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, being a date within ten days from the date of passage of the Ordinance.

I do further certify the publication of the Ordinance was accompanied by a separate publication of notice of (1) the specific number of voters required to sign the petition requesting the question of constructing improvements to the public water supply system as provided in the Ordinance; (2) the time in which such petition must have been filed; and (3) the date of the prospective referendum.

I do further certify that I did make available and provide to any individual so requesting a petition form, which petition form provided for submission to the electors of the City of Mt. Carmel of the question as set forth therein. Such petition forms were available from me continuously from \_\_\_\_\_, \_\_\_\_\_, 2021, up to and including \_\_\_\_\_, \_\_\_\_\_, 2021

I do further certify that no Petition has been filed in my office within 30 days after publication of the Ordinance or as of the time of the signing thereof as provided by statute asking that the question of improving the public water supply system as provided in the Ordinance and the Loan Agreement therefore by submitted to the electors of the City of Mt. Carmel.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the City of Mt. Carmel, Wabash County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
City Clerk  
City of Mt. Carmel  
Wabash County, Illinois (SEAL)