

ORDINANCE NUMBER 260

AN ORDINANCE AMENDING ORDINANCE NUMBER 256 ("AN ORDINANCE AUTHORIZING THE VILLAGE OF GIFFORD, ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM")

WHEREAS, the Village of Gifford, Champaign County, Illinois, has determined that certain amendments of Ordinance Number 256 needs to be amended to comply with the requirements of the Public Water Supply program through the Illinois Environmental Protection Agency:

NOW, THEREFORE, THE board of Trustees of the Village of Gifford, Champaign County, Illinois, ordains as follows:

ARTICLE I. Ordinance number 256 of the Village of Gifford is hereby amended as follows:

WHEREAS the Village of Gifford, Champaign County, Illinois operated its public water supply system ("The System") and in accordance with the provision of 65 ILCS 5/11-129 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 of Gifford ("the Corporate Authorities") have determined that it is advisable, necessary and in the best interest of public health, safety and welfare to improve the System, including the following improvements, which have a useful life of thirty (30) years:

The first part of the project includes the drilling and development of a 100 gallon per minute well. The combined capacity of the three wells, using one well solely as a backup per EPA guidelines, would be 144,000 gallons per day.

The second part of the project will commence once the well is completed. This phase of the project will consist of building a new 200 gpm treatment plant and installing a new 6" water main from the new treatment plant at the North Pointe subdivision.:

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 to the VILLAGE OF GIFFORD; and

WHEREAS, the estimated cost of construction and installing the Project, including engineering legal, financial and other related expenses, \$600,000.00, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the costs are expected to be paid for with a loan to the VILLAGE OF GIFFORD from the Public Water Supply program through the Illinois Environmental Protection Agency, the loan to be repaid from the Revenues of the System and the loan is authorized to be accepted as this time pursuant to the Act, and

WHEREAS, the loan shall be as 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 making the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in twenty (20) years, which is within the useful life of the project; and WHEREAS, in accordance with the provision of the Act, the VILLAGE OF GIFFORD is authorized to borrow funds from the Public Water Supply Loan Program (415 ILCS 5/19.3) in the aggregate principal amount of \$600,000.00 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the VILLAGE OF GIFFORD shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the VILLAGE OF GIFFORD and the Illinois Environmental Protection Agency.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of Gifford, Champaign 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 interest of the VILLAGE OF GIFFORD to construct the Project for the public health, safety and welfare in accordance with the plans and specifications, as described, that the System continue 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 VILLAGE OF GIFFORD in an aggregate principal amount (which included construction period interest financed over the term of the loan) not to exceed \$600,000.00.

#### SECTION 3. PUBLICATION

The Ordinance, together with a notice in the statutory form, shall be published once within ten (10) days after passage in the RANTOUL PRESS, a newspaper published and of general circulation in the VILLAGE OF GIFFORD and if no petition, signed by electors numbering 10% or more of the registered voters in the VILLAGE OF GIFFORD (i.e. 79 electors) and 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 GIFFORD, as filed with the VILLAGE OF GIFFORD Clerk within thirty (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 GIFFORD Clerk to any individual requesting one.

#### SECTION 4. ADDITIONAL ORDINANCES

If no petition meeting the requirements of the Act and other applicable law is filed during the thirty (30) days 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. The Ordinance, together with such additional ordinances or proceedings, shall constitute completely authority for entering into the Loan Agreement upon applicable law.

However, notwithstanding the above, the VILLAGE OF GIFFORD 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 GIFFORD 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 GIFFORD

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

#### SECTION 6: APPLICATION FOR LOAN

The Village 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 Ill. Adm. Code 662. The loan funds 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

This section intentionally left blank.

SECTION 8. 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 effect any or the other provisions of this Ordinance.

SECTION 9. REPEALER

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

ARTICLE II: Except as herein provided all other provision of Ordinance 256 for the Village of Gifford shall remain in full force and effect.


ARTICLE III: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Trustees this 5<sup>th</sup> day of June, 2003.

APPROVED by the President of the Board of Trustees this 5<sup>th</sup> day of June, 2003.

APPROVED:   
TERRY GLAZIK, President

ATTEST:

  
CYNTHIA DUDEN,  
Village Clerk