
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 24-02

AN ORDINANCE AUTHORIZING ENTRY INTO A PUBLIC WATER SUPPLY LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AUTHORIZING THE VILLAGE OF COAL CITY, GRUNDY AND WILL COUNTIES, ILLINOIS TO BORROW UP TO \$2,755,000 FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (PWSLP) TO FINANCE LEAD SERVICE LINE REPLACEMENT

Loan Number LSL L17 6111

DAVID A. SPESIA, Village President
ALEXIS STONE, Village Clerk

SARAH BEACH
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DANIEL GREGGAIN
BILL MINCEY
PAMELA NOFFSINGER
DAVID TOGLIATTI
Village Trustees

Published in pamphlet form by authority of the President and Board of Trustees of the Village of

Coal City
on February 14, 2024

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AN ORDINANCE AUTHORIZING ENTRY INTO A PUBLIC WATER SUPPLY LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AUTHORIZING THE VILLAGE OF COAL CITY, GRUNDY AND WILL COUNTIES, ILLINOIS TO BORROW UP TO \$2,755,000 FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (PWSLP) TO FINANCE LEAD SERVICE LINE REPLACEMENT

Loan Number LSL L17 6111

WHEREAS, the Village of Coal City, Grundy and Will Counties, Illinois (“*Village*”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

WHEREAS, the Village operates has for many years owned and operated a combined waterworks and sewerage system as set forth in Division 139 of Article 11 of the Illinois Municipal Code (the “*System*”) and operates said System in accordance with the provisions of 65 ILCS 5/11-139-2 and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively, “*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 the public health, safety and welfare to improve the System by replacing lead service lines throughout its public water supply 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 thereof (the "**Project**"), all in accordance with the plans and specifications prepared by consulting engineers of the Village; which Project has a useful life of 50 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$2,755,000, 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 Village anticipates that the loan will be fully forgivable by the IEPA, but acknowledges that 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 expected to be paid for with a loan to the Village from the Public Water Supply Loan Program ("PWSLP") 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 \$2,755,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan(s) 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; and

WHEREAS, the Corporate Authorities hereby determine that it is advisable, necessary and in the best interests of the Village to complete the Project in accordance with the estimate of

costs as hereinabove described and to authorize entry into a Public Water Supply Loan Agreement (the "*Loan Agreement*") with the Illinois Environmental Protection Agency; and

WHEREAS, the loan is authorized to be accepted at this time pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Grundy and Will, Illinois, as follows:

SECTION 1. RECITALS.

That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

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 provisions of the Illinois Environmental Protection Act, 415 ILCs 5/1 et seq.; and that for the purpose of constructing the Project, is hereby authorized that funds be borrowed by the Village in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$2,755,000.00.

SECTION 3. PUBLICATION.

This Ordinance, together with a Notice in the statutory form, a copy of which is attached hereto as **Exhibit A**, shall be published once within ten (10) days after passage in the *Coal City Courant*, a newspaper published and of general circulation in the Village, and if a petition,

signed by 371 electors (said number being ten percent (10%) or more of the registered voters in the Village) 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 not filed with the Village Clerk within thirty (30) days after the date of the publication, 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 thirty (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 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 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 THE VILLAGE OF COAL CITY.

Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from the revenue derived from the 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 Village Administrator, President and/or Village Clerk are hereby jointly and severally 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 Village has outstanding unsecured bonds, 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 hereby additionally authorize the Village Administrator to authorize or execute any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.

SECTION 10. RESOLUTION OF CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 11. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 12 EFFECTIVE DATE.

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 14 day of February, 2024, at Coal City, Grundy and Will Counties, Illinois, pursuant to a roll call vote as follows:

AYES: 6

NAYS: 0

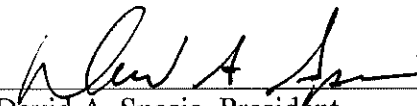
ABSENT: 0

ABSTAIN: 0

PRESENT: 6


Approved on this 14 day of February, 2024.

VILLAGE OF COAL CITY



David A. Spesia, President

Attest:



Alexis Stone, Clerk

[SEAL]

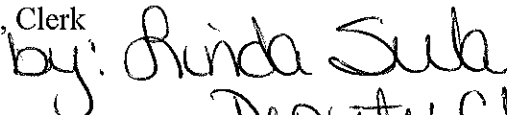
by: 
Deputy Clerk

EXHIBIT A

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

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 24-02, adopted at a duly called Regular Meeting of the Board of Trustees, held at Coal City, Illinois, at 7:00 p.m. on the 14th day of February, 2024, the Village of Coal City, Grundy and Will Counties, Illinois (the "Village"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$2,755,000.00 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 replacing lead service lines throughout its public water supply 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 thereof ("the Project"). A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by signed by 371 electors (said number being ten percent (10%) or more of the registered voters in the Village), requesting that the question of replacing lead service lines throughout its public water supply 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 thereof and entering into the Loan Agreement is submitted to the Village Clerk within 30 days after the publication of this Notice, the question of replacing lead service lines throughout its public water supply system as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the Village at the general election to be held on November 5, 2024.

The forms of petitions shall be provided by the Village Clerk at the principal office of the Village, located at 515 South Broadway Street, Coal City, Illinois, to any individual requesting one.

By order of the Board of the Village.

Dated this 14th day of February, 2024.

/s/ Alexis Stone _____
Village Clerk
Village of Coal City, Grundy and Will Counties, Illinois

STATE OF ILLINOIS)
) SS.
COUNTIES OF GRUNDY AND WILL)

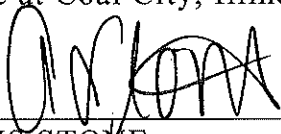
CERTIFICATION

I, Alexis Stone, DO HEREBY CERTIFY that I am the duly qualified and acting Village Clerk of the Village of Coal City, Grundy and Will Counties, Illinois, and as such official, I am keeper of the records, ordinances, files and seal of said Village.

I HEREBY CERTIFY that the foregoing instrument is a true and correct copy of Ordinance Number 24-02, *AN ORDINANCE AUTHORIZING ENTRY INTO A PUBLIC WATER SUPPLY LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AUTHORIZING THE VILLAGE OF COAL CITY, GRUNDY AND WILL COUNTIES, ILLINOIS TO BORROW UP TO \$2,755,000 FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (PWSLP) TO FINANCE LEAD SERVICE LINE REPLACEMENT - Loan Number LSL L17 6111* [hereinafter, the "Ordinance"] adopted at a duly called Regular Meeting of the Board of Trustees, held at Coal City, Illinois, at 7:00 p.m. on the 14th day of February, 2024.

I DO FURTHER CERTIFY that the deliberations of the Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of Coal City, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Village at Coal City, Illinois, this 14 day of February, 2024.



ALEXIS STONE,
VILLAGE CLERK
VILLAGE OF COAL CITY

[SEAL]

PETITION —REPLACING LEAD SERVICE LINESE WITHIN THE PUBLIC WATER SUPPLY SYSTEM AND ENTERING INTO A \$2,755,000.00 LOAN AGREEMENT WITH THE IEPA (GRUNDY COUNTY)

To the Village Clerk of the Village of Coal City, Grundy and Will Counties, Illinois:

We, the undersigned, being registered voters of the Village of Coal City, Grundy and Will Counties, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of the County of Grundy, Illinois, and submitted to the electors of said Village at the next election to be held at which said question may be voted upon:

“Shall the Village of Coal City, Grundy and Will Counties, Illinois, pay the costs of financing the replacement of lead service lines and borrow \$2,755,000.00 from the Illinois Environmental Protection Agency in accordance with a loan agreement as provided for by Ordinance No. 24- 02 and increase its waterworks and sewerage rates for the purpose of paying the costs thereof if the loan is not forgiven by the IEPA?”

| SIGNATURE | ADDRESS |
|-----------|---|
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |
| _____ | _____, Coal City, Grundy County, Illinois |

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____ (Street Address), _____ (City, Village or Town), _____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said Village and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____ day of _____, 2024.

 Illinois Notary Public

My commission expires _____

(NOTARY SEAL)

PETITION —REPLACING LEAD SERVICE LINESE WITHIN THE PUBLIC WATER SUPPLY SYSTEM AND ENTERING INTO A \$2,755,000.00 LOAN AGREEMENT WITH THE IEPA (WILL COUNTY)

To the Village Clerk of the Village of Coal City, Grundy and Will Counties, Illinois:

We, the undersigned, being registered voters of the Village of Coal City, Grundy and Will Counties, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of the County of Will, Illinois, and submitted to the electors of said Village at the next election to be held at which said question may be voted upon:

“Shall the Village of Coal City, Grundy and Will Counties, Illinois, pay the costs of financing the replacement of lead service lines and borrow \$2,755,000.00 from the Illinois Environmental Protection Agency in accordance with a loan agreement as provided for by Ordinance No. 24-02 and increase its waterworks and sewerage rates for the purpose of paying the costs thereof if the loan is not forgiven by the IEPA?”

| SIGNATURE | ADDRESS |
|-----------|---|
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |
| _____ | _____, Coal City, Will County, Illinois |

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____ (Street Address), _____ (City, Village or Town), _____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said Village and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____ day of _____, 2024.

Illinois Notary Public

My commission expires _____

(NOTARY SEAL)