



Ordinance No. 25-0225A

**AN ORDINANCE AUTHORIZING THE VILLAGE OF ASHMORE,
A MUNICIPAL CORPORATION, COLES COUNTY, ILLINOIS,
TO BORROW FUNDS FROM THE ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY WATER POLLUTION CONTROL LOAN PROGRAM**

WHEREAS, the Village of Ashmore, a municipal corporation of Coles County, Illinois (the “Village”), operates its sewerage system (the “System”) in accordance with the provisions of 65 ILCS 5/11-139-1, et seq., and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively, the “Act”); and,

WHEREAS, the Board of Trustees of the Village of Ashmore (the “Corporate Authorities”) has determined that it is advisable, necessary and in the best interest of public health, safety, and welfare to improve the Village System, including the following:

Village of Ashmore Sanitary Sewer, Vacuum Station, & Wastewater 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 therefore prepared by consulting engineers to the Corporate Authorities, which Project has a useful life of not less than 30 years; and,

WHEREAS, the estimated cost of constructing and installing the Project, including engineering, legal, financial and other related expenses is \$9,727,481, and there are insufficient funds on hand and lawfully available to pay these costs; and,

WHEREAS, the costs for the Project are expected to be paid for with a loan to the Corporate Authorities, from the Water Pollution Control 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 Corporate Authorities are authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$4,727,481 to provide funds to pay the costs of the Project; and,

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 365, 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 annually, and the loan shall mature in 30 years, which is within the useful life of the Project; and,

WHEREAS, the loan to the Village shall be made pursuant to Loan Agreement, including certain terms and conditions, between the Village and the Illinois Environmental Protection Agency, as provided for herein.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ASHMORE, COLES COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. Incorporation of Preambles. The Corporate Authorities hereby find that the recitals contained in the preambles to this ordinance 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 continue 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 Village 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 hereof by the Corporate Authorities in the *County Chronicle*, a newspaper published and of general circulation and if no petition, signed by electors numbering 10% or more of the registered voters of the Village of Ashmore, (i.e., 46 electors) 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 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 30 day petition period, then the Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for entering into said 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 debt service on said 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 said Loan Agreement under applicable law.

However, notwithstanding the above, the Corporate Authorities 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 Corporate Authorities to pay the principal and interest due to the Water Pollution Control 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 the revenue derived from the System, anticipated to be derived from an increased collection of connection fees, user charges, and from interest earned by the Corporate Authorities on its construction and debt service funds, supplemented by additional user charges if the amount collected from fees and interest are insufficient in any year to pay the principal and interest scheduled to be paid to the Illinois Environmental Protection Agency on the loan, and the loan does not constitute an indebtedness of the Corporate Authorities within the meaning of any constitutional or statutory limitation. This loan is not a general obligation of the Village, but is a limited obligation as herein described.

SECTION 6. Application for Loan. The Village President of the Village Board is hereby authorized to make an application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 7. Acceptance of Loan Agreement. The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control 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. Upon execution of the Loan Agreement, a certified copy thereof and all related loan documentation shall be filed in the office of the Clerk with the official records of the Village of Ashmore.

SECTION 8. Outstanding Bonds. The Village of Ashmore has no outstanding bonds that are payable from revenues of the system.

SECTION 9. Authorization of the Village President of the Village Board to Execute the Loan Agreement. The Village President of the Village Board of the Corporate Authorities 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 Village President of the Village Board 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.

PLACED ON FILE February 25, 2025 ON A MOTION BY Edwards,
SECONDED BY Welborn FOR IMMEDIATE PASSAGE,
WAIVING THE INSPECTION PERIOD.

	AYE	NAY	ABSTAIN	ABSENT
Bill Edwards	<u>X</u>	_____	_____	_____
TC Grissom	_____	_____	_____	<u>X</u>
Dane Perdieu	<u>X</u>	_____	_____	_____
Terry Price	<u>X</u>	_____	_____	_____
Bryan Watson	<u>X</u>	_____	_____	_____
Cathy Welborn	<u>X</u>	_____	_____	_____

Presented, passed and approved this 25th day of February, 2025.

**VILLAGE OF ASHMORE,
COLES COUNTY, ILLINOIS**

Kurt Crail
Kurt Crail, President

ATTEST:

Jackie Freezeland
Jackie Freezeland,
Clerk, Village of Ashmore

PUBLISHED in the *Oakland Independent* on March 6, 2025.

ATTEST:

Jackie Freezeland
Jackie Freezeland
Clerk, Village of Ashmore, Coles County, Illinois



NOTICE OF INTENT TO BORROW FUNDS
AND RIGHT TO FILE PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 25-0225A, adopted on February 25, 2025, the Village of Ashmore, Illinois (the “VILLAGE”), 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 sewerage system of the Village. A complete copy of the Ordinance accompanies this notice.


NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 46 or more electors of the Village (being equal to 10% of the registered voters in the Village), requesting that the question of improving the sewerage system and entering into the Loan Agreement is submitted to the Clerk within 30 days after the publication of this Notice, the question of improving the sewerage system of the Village as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the Village 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 Clerk.


Jackie Freezeland
Clerk, Village of Ashmore
Coles County, Illinois.

CERTIFICATION

I, Jackie Freezeland, do hereby certify that I am the duly appointed, qualified and acting Clerk of the Village of Ashmore, Coles County, Illinois. I do further certify that the above and foregoing, identified as Ordinance Number 25-0225A, is a true, complete and correct copy of an ordinance otherwise identified as, "Ordinance No. 25-0225A - An Ordinance Authorizing The Village of Ashmore, A Municipal Corporation, Coles County, Illinois, To Borrow Funds From The Illinois Environmental Protection Agency Water Pollution Control Loan Program", passed by the Village Board of the Village of Ashmore on the 25th day of February, 2025.

Dated the 25th day of February, 2025



Jackie Freezeland, Clerk,
Village of Ashmore, Coles County, Illinois