

ORDINANCE NO. 2447

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE GENERAL OBLIGATION (LIMITED TAX) NOTES TO FINANCE THE ACQUISITION OF A TANKER FIRE TRUCK FOR THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, AND PROVIDING THE DETAILS OF SUCH NOTES, AND RELATED MATTERS

WHEREAS, the President and Board of Trustees (the “**Corporate Authorities**”) of the Village of Rantoul, Champaign County, Illinois (the “**Municipality**”), hereby determines that it is advisable, necessary and in the Municipality’s best interests to provide for the acquisition of a tanker fire truck and related facilities, improvements and costs (collectively, the “**Project**”); and

WHEREAS, as a home rule unit the Municipality has the authority under Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois to exercise any power and perform any function pertaining to its government and affairs, as supplemented and amended, including by the Registered Bond Act, the Bond Replacement Act, the Bond Authorization Act and the Local Government Debt Reform Act (collectively, the “**Act**”); and

WHEREAS, pursuant to and in accordance with the Act and this ordinance, the Municipality is authorized to issue at one time or from time to time its General Obligation (Limited Tax) Notes, and further as Series 2015A, in the aggregate principal amount of up to \$231,000 (including as a single instrument, the “**Notes**”) for the purpose of providing funds to finance the Project; and

WHEREAS, the Municipality proposes to accept a purchase arrangement (which when executed and delivered or the Notes issued, as applicable, shall constitute the “**Purchase Agreement**”) submitted by Bank of Rantoul, Rantoul, Illinois (including its successors and assigns, the “**Bank Purchaser**”); and

WHEREAS, for convenience of reference only this ordinance is divided into numbered sections with headings, which shall not define or limit the provisions hereof, as follows:

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NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. Authority and Purpose. This ordinance is adopted pursuant to the Act for the purpose of financing the Project. Proceeds of the Notes are hereby appropriated for such purposes. The matters set forth above in the preambles to this ordinance are incorporated herein by this reference thereto.

Section 2. Authorization and Terms of Notes. For the purposes described above in Section 1, there is hereby appropriated the sum of the principal amount of the Notes to be issued, up to an aggregate principal amount of \$231,000, to be derived from the proceeds of the Notes. For the purpose of financing such appropriation, and to evidence the obligations and debt under this ordinance, Notes of the Municipality may be issued and sold, at one time or from time to time, in an aggregate principal amount not to exceed the aggregate principal amount above set forth, and shall be issuable in the denominations of \$1.00 each or any authorized integral multiple thereof. The Notes may be numbered and may bear such identifying numbers or letters or other designations as may be useful. Each Note shall be dated as of the date of issuance thereof as the Bank Purchaser approves or accepts.

(a) **General.** The Notes shall bear interest on the outstanding principal balance at 2.25% per annum (based on an actual 365-day year), shall mature and come due from and after the date of its issuance and shall include all then unpaid principal and interest for each applicable Note.

The Notes shall be “taxable”.

(b) **Prepayment/Redemption.** With notice from the Municipality to the Bank Purchaser at least 5 days before the designated prepayment and redemption date (or lesser notice acceptable to the Bank Purchaser), the Notes shall be subject to prepayment and redemption prior to maturity from funds provided by the Municipality, at the times, in the manner, with the notice and with the effect set forth in this ordinance. The Notes are subject to redemption as follows:

(i) **Optional Redemption.** The Notes shall be subject to optional redemption in whole or in part prior to maturity on any date at a redemption price equal to the principal amount outstanding plus accrued interest.

(ii) **Procedure.** The Municipality covenants that it will prepay and redeem Notes pursuant to the redemption provisions applicable to such Notes. Proper provision for redemption having been made, the Municipality covenants that the Notes so selected for redemption shall be payable as at maturity.

The Municipality shall, at least 5 days prior to an optional redemption date (unless a shorter time shall be satisfactory to the Bank Purchaser), notify the Bank Purchaser of the optional redemption date and of the principal amount of Notes to be redeemed.

Section 3. Sale and Delivery. All acts and things done or to be done by officers of the Municipality in connection with and related to the sale of the Notes shall be and they are hereby in all respects authorized, ratified, confirmed and approved.

The Village President, Village Clerk, Administrative Officer, Village Comptroller, Village Attorney and other officials of the Municipality are hereby authorized and directed to do and perform, or cause to be done or performed, for or on behalf of the Municipality each and every thing necessary for the issuance by the Municipality of Notes, including the due and proper execution, delivery and performance of this ordinance, and any Purchase Agreement for Notes, in substantially the forms thereof to be approved by the Village President's execution and the delivery thereof, and all related and incidental agreements, certificates, receipts and opinions, upon payment of the full purchase price of the applicable Notes, an amount as set forth in an applicable Purchase Agreement therefor. The Municipality hereby agrees to provide the Bank Purchaser upon request with copies of the Municipality's most recent audited financial statements and financial information and operating data for the Municipality which is customarily prepared by the Municipality and is publicly available. Proceeds received upon sale of the Notes shall be deposited in a separate account designated the "**Proceeds Account**" and applied from time to time to costs of the Project.

Section 4. Execution and Authentication. Each Note shall be executed in the name of the Municipality by the manual or authorized facsimile signature of its Village President and the corporate seal of the Municipality, or a facsimile thereof, may be thereunto affixed or otherwise placed thereon, and may be attested by the manual or authorized facsimile signature of the Village Clerk.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any Note shall cease to hold such office before the issuance of such Note, such Note shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such Note had not ceased to hold such office. Any Note may be signed, sealed or attested on behalf of the Municipality by any person who, on the date of such act, shall hold the proper office or position, notwithstanding that at the date of such Note such person may not hold such office or position.

No recourse shall be had for the payment of any Notes against the Village President, Village Clerk, Administrative Officer, Village Comptroller, Village Attorney or any member of the Corporate Authorities or any other officer or employee of the Municipality (past, present or future).

Section 5. Negotiability of Notes. The Notes shall be negotiable (**but only to banks or other financial institutions, and not otherwise, and shall represent a loan and borrowing in the amount held by such bank or other financial institution**).

Section 6. Direct General Obligation and Debt. The Notes shall be direct general obligations and debt of the Municipality, and the payment when due of the principal thereof and

the interest thereon shall be payable from general funds of the Municipality and such other sources of payment as are otherwise lawfully available without any requirement of a prior appropriation therefor. Under Section 13 of the Local Government Debt Reform Act, the Municipality pledges to the debt service payments under the Notes, subject to any prior pledge, all general funds on hand and to be received from time to time, subject to any prior pledge, and for purposes of the foregoing and this ordinance **"General Funds"** means all moneys and investments thereof constituting all or a part of the Municipality's general funds (howsoever styled), but such term shall not restrict or prohibit the use of any other special or otherwise legally available funds therefor. Section 8-1-7 of the Illinois Municipal Code shall not apply to the Notes.

Section 7. Form of Notes. The Notes shall be issued in a form conforming to financial industry customs and practices of preparation and form, including part on the front and part on the reverse of the Notes, as appropriate, the blanks to be appropriately completed when the Notes are delivered. The Bank Purchaser's note forms are authorized and approved to be used in this connection.

Section 8. No Levy and Extension of Taxes. For the purpose of providing the money required to pay debt service on the Notes, when and as the same falls due and to pay and discharge the principal thereof as the same shall mature, there shall not be levied upon taxable property in the Municipality in each year while any of the Notes shall be outstanding, any direct annual tax sufficient for that purpose. **The Notes are payable solely and only from General Funds of the Municipality (and such other funds as are otherwise lawfully available) as described herein, without any requirement of a prior budget or appropriation therefor, to pay debt service on the Notes.**

Section 9. Debt Service Fund. Moneys constituting General Funds of the Municipality (and such other funds as are otherwise lawfully available) are to be set aside for the sole purpose of paying principal of and interest on the Notes when and as the same come due. All of such moneys, and all other moneys to be used for the payment of the principal of and interest on Notes, shall be deposited by the Municipality's Comptroller, or other authorized financial officer, without any other required authority than this ordinance in the **"Debt Service Fund"** (the **"Debt Service Fund"**), which is hereby established by the Municipality. The Municipality's Village Comptroller or other authorized financial officer, without any further authority than this ordinance, shall timely deposit to and withdraw funds from the Debt Service Fund to pay debt service on the Notes.

Section 10. Note Proceeds. All of the proceeds of the sale of Notes (exclusive of any issuance costs otherwise paid directly by the Bank Purchaser, which is hereby authorized) shall be deposited in the **"Proceeds Account"** which is hereby recognized as a special fund of the Municipality. Moneys in the Proceeds Account shall be used for the purposes specified in Section 1 of this ordinance, including for the payment of costs of issuance of the Notes, but may thereafter be reappropriated and used for other lawful purposes of the Municipality. Funds in the Proceeds Account shall be applied at the times, in the manner and with the effect as set forth herein. All income derived from such investments in respect of moneys or securities in any fund or account shall be credited in each case to the fund or account in which such moneys or securities are held.

Section 11. Ordinance a Contract. The provisions of this ordinance shall constitute a contract between the Municipality and the Bank Purchaser. Any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the Municipality shall be for the equal benefit, protection and security of the registered owners of Notes. To the extent that the provisions of this ordinance conflict with the provisions of any other ordinance or resolution of the Municipality, the provisions of this ordinance shall control. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section 12. Supplemental Documents and Instruments. All related documents to Notes, in substantially the forms presented before the meeting of the Corporate Authorities at which time ordinance is adopted are hereby authorized and approved, with such changes therein from such forms as the Municipality's officers executing them shall approve. The Municipality is hereby authorized to execute all such other and further documents and instruments desirable or necessary to effect the issuance of the Notes and the execution, delivery and performance of this ordinance and the related documents.

Section 13. Conflict and Repeal. All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby repealed to the extent of such conflict, and this ordinance shall be in full force and effect forthwith upon its adoption.

Section 14. Effective Date. Pursuant to Section 6 (Powers of Home Rule Units) of Article VII (Local Government) of the Constitution of the State of Illinois, this ordinance shall become effective immediately after adoption, approval and publication in pamphlet form.

Upon motion by Trustee Turner, seconded by Trustee Fox, adopted this 13th day of October, 2015, by roll call vote, as follows (all in physical attendance):

AYES (Names): Brown, Wilson, Turner, Fox, Gamel, Smith

NAYS (Names): _____

ABSENT (Names): _____



Attest:

[Signature]
Village Clerk

APPROVED: October 13, 2015

[Signature]
Village President

STATE OF ILLINOIS)
THE COUNTY OF CHAMPAIGN) SS.
VILLAGE OF RANTOUL)

CERTIFICATION OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting Village Clerk of the Village of Rantoul, Champaign County, Illinois (the “**Municipality**”), and as such official I am the keeper of the records and files of the Municipality and of its President and Board of Trustees (the “**Corporate Authorities**”).

I do further certify that the attached ordinance constitutes a full, true and correct excerpt from the proceedings of the regular meeting of the Municipality’s Corporate Authorities on October 13, 2015, insofar as same relates to the adoption of Ordinance No. 2447, entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE GENERAL OBLIGATION (LIMITED TAX) NOTES TO FINANCE THE ACQUISITION OF A TANKER FIRE TRUCK FOR THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS, AND PROVIDING THE DETAILS OF SUCH NOTES, AND RELATED MATTERS,

a true, correct and complete copy of which ordinance as adopted at such meeting appears in the minutes of such meeting and is hereto attached. Such ordinance was adopted and approved on the date thereon set forth by not less than a affirmative vote of a majority of the Corporate Authorities and approved by the Mayor on the date indicated thereon.

I do further certify that the deliberations of the Corporate Authorities on the adoption of the above ordinance were taken openly, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that the agenda for the meeting was duly posted on the Municipality’s website and at the Village Building at least 48 hours before the meeting, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such laws and such Code and their procedural rules in the adoption of such ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Village of Rantoul, Champaign County, Illinois, this 13th day of October, 2015.





Village Clerk