

ORDINANCE NO. 2023 -A

AN ORDINANCE AUTHORIZING THE VILLAGE OF SPARLAND,  
MARSHALL COUNTY, ILLINOIS TO BORROW FUNDS  
FROM THE WATER POLLUTION CONTROL LOAN PROGRAM

**WHEREAS**, the Village of Sparland, Marshall County, Illinois operates its sewerage system ("the System") and in accordance with the provisions of 65 ILCS 5/11-1-1, et seq. and the provisions of 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 Sparland ("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:

**Replacement of the sand filter media in the sand filter beds of the Waste Water Treatment Plant and to repair or replace any underdrain pipes that are discovered to be damaged during the process,**

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 Village of Sparland; which Project has a useful life of greater than 20 years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$359,331.10, 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 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 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 of Sparland from the Water Pollution Control Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid 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 of Sparland is authorized to borrow funds from the Water Pollution Control Loan Program in the

aggregate principal amount of \$359,331.10 to provide funds to pay the costs of the Project; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SPARLAND, MARSHALL COUNTY, ILLINOIS, THAT:**

**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 Village of Sparland 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 provision of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Village of Sparland in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$359,331.10.

**Section 3. PUBLICATION.** This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A), shall be published once within ten (10) days after passage in the *Lacon Home Journal*, a newspaper published and of general circulation in the Village of Sparland, and if no petition, signed by electors numbering 10% or more of the registered voters in the Village of Sparland (i.e., 23 or more 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 of Sparland, is filed with the Sparland Village 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 Sparland 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 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 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 Village of Sparland 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 Sparland 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 THE VILLAGE OF SPARLAND.** Repayment of the loan to the Illinois Environmental Protection Agency by the Village of Sparland 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 of Sparland 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 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.

**Section 8. OUTSTANDING BONDS.** The Village of Sparland has no outstanding bonds that are payable from revenues of the system.

**Section 9. AUTHORIZATION OF VILLAGE PRESIDENT TO EXECUTE LOAN AGREEMENT.** The Village President 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 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.

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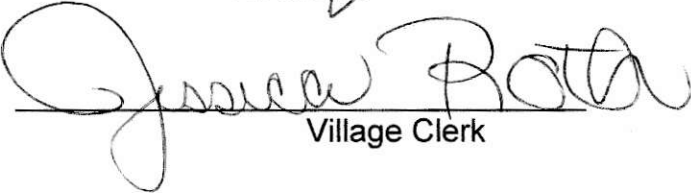
**Section 11. REPEALER.** All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

**PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF SPARLAND  
AND APPROVED BY ITS PRESIDENT THISDAY OF NOVEMBER 2, 2023**

**APPROVED:**

  
Village President

**ATTEST:**

  
Village Clerk

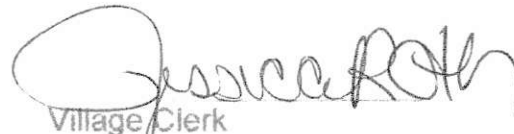


**EXHIBIT A**

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

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance No. 2023-A adopted on NOVEMBER 2, 2023 the Village of Sparland of Marshall County, Illinois (the "ENTITY"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$359,331.10 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 improvement to the sewerage system of the Village of Sparland. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by 23 or more electors of the Village of Sparland (being equal to 10% of the registered voters in the Village of Sparland), requesting that the question of improving the sewerage system and entering into the Loan Agreement is submitted to the Sparland Village Clerk within thirty (30) days after the publication of this Notice, the question of improving the sewerage system of the Village of Sparland as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the Village of Sparland at next consolidated election to be held on APRIL 7, 2024. A petition form is available from the office of the Sparland Village Clerk.



Village Clerk

Village of Sparland, Marshall County,

Illinois

## CERTIFICATION

I, Jessica Roth, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Sparland. I do further certify that the above and foregoing, identified as Ordinance No. 2023-A, is a true, complete and correct copy of an ordinance otherwise identified as

AN ORDINANCE AUTHORIZING THE VILLAGE OF  
SPARLAND, MARSHALL COUNTY, ILLINOIS TO  
BORROW FUNDS FROM THE WATER POLLUTION  
CONTROL LOAN PROGRAM

PASSED BY THE VILLAGE BOARD OF TRUSTEES ON THE 2ND DAY OF NOVEMBER  
2023, NOVEMBER 2, 2023 and approved by the President of the Village of  
Sparland on the same said date, the original of which is part of the books and  
records within my control as Clerk of the Village of Sparland.

Dated this 2 day of NOVEMBER 2, 2023

  
Village Clerk



## NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Sparland, Marshall County, Illinois (the "ENTITY"), and as such officer I am the keeper of the books, records, files and journal of proceedings of the Village of Sparland and of the President and Board of Trustees of the Village of Sparland.

I do further certify that Ordinance No. 20232A being the Ordinance entitled "AN ORDINANCE AUTHORIZING THE VILLAGE OF SPARLAND, MARSHALL COUNTY, ILLINOIS TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM," (the "Ordinance") was presented to and passed by the President and Board of Trustees of the Village of Sparland at its legally convened meeting held on the 2<sup>ND</sup> DAY of NOVEMBER 2, 2023 and signed by the President of the Village of Sparland on said day.

I do further certify that the Ordinance was duly and properly published in the *Lacon Home Journal*, a newspaper published and of general circulation within the Village of Sparland, on the 3<sup>RD</sup> day of NOVEMBER 3, 2023 being a date within ten (10) days from the date of passage of the Ordinance.

I do further certify that 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 sewerage 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 Village of Sparland of the question as set forth therein. Such petition forms were available from me continuously from 11/3/2023, up to and including December 3, 2023.

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 hereof as provided by statute asking that the question of improving the sewerage system as provided in the Ordinance and the Loan Agreement therefore be submitted to the electors of the Village of Sparland.

IN WITNESS WHEREOF, I have hereunto affixed by official signature and the corporate seal of the Village of Sparland, Marshall County, Illinois, this 2nd day of NOVEMBER, 2023.

  
Village Clerk