

SANGAMON COUNTY, ILLINOIS

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ORDINANCE  
NUMBER 20 - 5

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**AN ORDINANCE APPROVING EXECUTION OF AMENDMENT NO. 1 TO  
INTERGOVERNMENTAL AGREEMENT WITH VILLAGES OF CHATHAM  
AND NEW BERLIN, ILLINOIS PROVIDING FOR ISSUANCE OF ALTERNATE  
BONDS BY THE SOUTH SANGAMON WATER COMMISSION**

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DAVE KIMSEY, Village President  
AMY DAHLKAMP, Village Clerk

KRISTEN CHIARO  
ANDREW DETMERS  
BRETT GERGER  
RYAN MANN  
MATT MAU  
PAUL SCHERSCHEL  
Village Trustees

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of  
Chatham  
on Feb 25, 2020

Sorling Northrup – 1 N. Old State Capitol Plaza, Suite 200, P.O. Box 5131, Springfield, IL  
62705

ORDINANCE NO. 20- 5

**AN ORDINANCE APPROVING EXECUTION OF AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT WITH VILLAGES OF CHATHAM AND NEW BERLIN, ILLINOIS PROVIDING FOR ISSUANCE OF ALTERNATE BONDS BY THE SOUTH SANGAMON WATER COMMISSION**

**WHEREAS**, the Village of Chatham (“Village”), Sangamon County, State of Illinois, is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code; and

**WHEREAS**, the Constitution of the State of Illinois, 1970, Article VII, Section 10 authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

**WHEREAS**, on September 7, 2010, the Village passed Ordinance 10-52, An Ordinance Approving an Intergovernmental Agreement Providing for Issuance of Alternate Bonds by the South Sangamon Water Commission; and,

**WHEREAS**, Ordinance 10-52 approved the Intergovernmental Agreement Providing for the Issuance of Alternate Bonds by the South Sangamon Water Commission which was entered into by and between the Village of Chatham, the Village of New Berlin, and the South Sangamon Water Commission; and,

**WHEREAS**, the current bond rates are more favorable to the South Sangamon Water Commission than they were in 2010 and the South Sangamon Water Commission wishes to issue new alternate bonds to refund the prior bonds in order to achieve debt service savings; and,

**WHEREAS**, the Intergovernmental Agreement Providing for the Issuance of Alternate Bonds by the South Sangamon Water Commission must be amended by the Parties to allow for the issuance of new bonds; and,

**WHEREAS**, the Village President and Board of Trustees of the Village believe it is in the best interest of the Village to approve Amendment No. 1 to Intergovernmental Agreement Providing for Issuance of Alternate Bonds by the South Sangamon Water Commission as attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Chatham, County of Sangamon, as follows:

**Section 1.** Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Resolution as if fully set forth in this Section 1.

**Section 2.** Approval of Amendment. The Village President and Village Board of Trustees hereby approve Amendment No. 1 to Intergovernmental Agreement Providing for Issuance of Alternate Bonds by the South Sangamon Water Commission as attached hereto as **Exhibit A**. The

**Section 3.** Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.


**Section 4.** Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or causes of action which shall have accrued to the Village of Chatham prior to the effective date of this ordinance.

**Section 5.** 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.

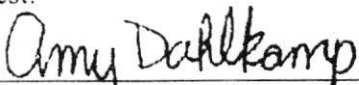
SO ORDAINED this 25 day of Feb, 2020, at Chatham, Sangamon County, Illinois.

	AYE	NAY	ABSTAIN	ABSENT
KRISTEN CHIARO	X			
ANDREW DETMERS	X			
BRETT GERGER	X			
RYAN MANN	X			
MATT MAU	X			
PAUL SCHERSCHEL	X			
DAVE KIMSEY				
TOTAL	6	0		

**APPROVED** by the President of the Village of Chatham, Illinois this 25 day of Feb, 2020.

  
 Dave Kimsey, Village President

Attest:

  
 Amy Dahlkamp, Village Clerk

**EXHIBIT A**  
**AMENDMENT NO. 1 TO INTERGOVERNMENTAL AGREEMENT PROVIDING**  
**FOR ISSUANCE OF ALTERNATE BONDS BY THE SOUTH SANGAMON**  
**WATER COMMISSION**

INTERGOVERNMENTAL AGREEMENT  
PROVIDING FOR ISSUANCE OF ALTERNATE  
BONDS BY THE SOUTH SANGAMON WATER COMMISSION

THIS AGREEMENT dated as of September 1, 2010 (the "Agreement") is by and among the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission"), the Village of Chatham, Illinois (the "Village of Chatham") and the Village of New Berlin, Illinois (the "Village of New Berlin"). This Agreement is made pursuant to the Intergovernmental Cooperation article of the Illinois Constitution (Section 10 of Article VII of the Constitution of the State of Illinois) and the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* (collectively, the "Intergovernmental Cooperation Act"), the Illinois Municipal Code 65 ILCS 5/1-1-1 *et seq.* (the "Illinois Municipal Code") including Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 *et seq.* ("Division 135"), the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (the "Reform Act"), the Omnibus Bond Acts, 5 ILCS 70/8 and other applicable law (collectively, "Applicable Acts").

WITNESSETH:

WHEREAS, the Village of Chatham and the Village of New Berlin (collectively, the "Villages") adopted ordinances pursuant to which the Villages elected to jointly acquire and operate a common source of supply of water under the authority granted by Division 135 and to establish the Commission; and

WHEREAS, the Commission and the Villages have determined it is advisable, necessary and in the best interests of the Villages and the Commission to proceed with the development and construction of a common source of supply of water described generally as follows (the "Project"):

a new water well field and new water treatment facilities located east of the Village of Rochester, Illinois designed to treat 3.3 million gallons per day of water, plus 18" and 20" transmission main to carry water 20 miles to the Village of Chatham, a 10" transmission line to the Village of New Berlin and a booster station that will feed 10 miles of water main, including all necessary engineering, design, land acquisition, connections, appurtenances, material, labor and equipment incident thereto, all mechanical, electrical and other services necessary, useful or advisable to such projects, and, incidental to such improvements, and all bond discount, bond interest, bond reserve account funding, legal, financing, and administrative expenses; and

WHEREAS, the Commission has insufficient funds on hand and lawfully available to pay the costs of the Project; and

WHEREAS, in order to pay the costs of the Project, the Commission and Villages find it is necessary and advisable for the Commission to issue its alternate bonds in an

aggregate principal amount not to exceed \$30,000,000 (the "Bonds") pursuant to Section 15 of the Reform Act and Section 11-135-4.5 of Division 135 and the Applicable Acts; and

WHEREAS, the Villages have each approved and entered into Wholesale Water Agreements with the Commission (individually, a "Contract" and collectively, the "Contracts") pursuant to the Intergovernmental Cooperation Act; and

WHEREAS, the source of the revenues to pay the Bonds will be governmental revenues (the "Governmental Revenue Sources") received by the Commission from the Villages pursuant to this Agreement and the Contracts (the "Intergovernmental Agreements"), and as a backup source of payment, an ad valorem property tax levy on all of the taxable property in the Commission (the "Tax Levy"); and

WHEREAS, the Villages are the sole members of the Commission and the backup Tax Levy if extended will be upon all taxable property in the Villages (the "Taxable Property"); and

WHEREAS, the Commission adopted Ordinance No. 10-22 on August 31, 2010 authorizing issuance of the Bonds and containing the Tax Levy (the "Bond Ordinance").

NOW, THEREFORE, in consideration of the above premises and of the mutual covenants hereinafter contained and for other good and valuable consideration, the parties agree as follows:

1. The recitals contained in the preambles to this Agreement are true, correct, and complete, and are incorporated into this Agreement by this reference and the Contracts are incorporated into this Agreement as if set forth in full.
2. The Commission and the Villages find and determine that the Governmental Revenue Sources are a governmental revenue source under the Reform Act.
3. The Commission shall issue the Bonds pursuant to the Bond Ordinance and construct the Project.
4. The Villages shall pay revenues to the Commission pursuant to the Intergovernmental Agreements sufficient to pay principal and interest on the Bonds plus any additional amounts necessary to satisfy the conditions of Section 15 of the Reform Act for the issuance of alternate bonds by the Commission.
5. The Villages and Commission authorize, acknowledge and agree that the boundaries of the Commission are coterminous with the boundaries of the Villages for the purpose of levying and extending the Tax Levy for the Bonds.
6. The Villages authorize, acknowledge, agree, and approve the Tax Levy by the Commission and the Villages shall each fully and completely cooperate and take any and all actions for the levy, extension and collection of the Tax Levy on the Taxable Property to provide sufficient moneys as needed to pay principal or interest on the Bonds.

7. The Bonds shall be payable from the Governmental Revenue Sources and the Commission shall secure the Bonds with a pledge of the Governmental Revenue Sources to payment of the Bonds. The Villages shall have no right to terminate, cancel or rescind the Intergovernmental Agreements while the Bonds are outstanding, no right to withhold from the Commission payments due or to become due under the Intergovernmental Agreements, no right of reduction or set-off against the amounts due or to become due the Commission under the Intergovernmental Agreements, and no lien on the Governmental Revenue Sources for any reason or on account of the existence or occurrence of any event, condition or contingency, whether foreseen or unforeseen or foreseeable or unforeseeable by the Villages or the Commission or any other person; it being the intent hereof that the Villages shall be absolutely and unconditionally obligated to make their payments in full under the Intergovernmental Agreements.

8. The Villages and the Commission elect to exercise, combine, and transfer all powers and functions necessary to implement the terms of the Intergovernmental Agreements and the provisions of the Bond Ordinance, including but not limited to delegation and transfer by each of the Villages to the Commission of the Villages' respective powers and functions to levy the Tax Levy on the Taxable Property and receive the proceeds thereof as necessary.

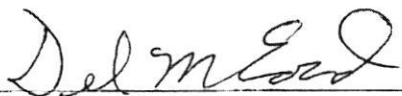
9. The Villages acknowledge and agree that the Intergovernmental Agreements shall constitute contracts with, and shall inure to the benefit of, the Commission, the Villages and the owners of the Bonds, and the Commission, the Villages and any registered owner of a Bond may proceed by civil action, mandamus or other proceeding to compel performance of all duties required by the Intergovernmental Agreements.

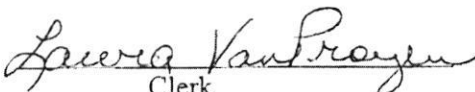
10. If any section, paragraph, clause or provision of this Agreement shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Agreement.

IN WITNESS WHEREOF, the Villages and the Commission have caused this Agreement to be executed by their duly authorized officers as of the date first shown above.

SOUTH SANGAMON WATER COMMISSION,  
Sangamon County, Illinois

(SEAL)  
Attest:

By:   
Chairman

  
Clerk



VILLAGE OF NEW BERLIN,  
Sangamon County, Illinois

(SEAL)  
Attest:

By: Stephen R. Frank  
President

Deborah Sakany  
Village Clerk

VILLAGE OF CHATHAM,  
Sangamon County, Illinois

(SEAL)  
Attest:

By: Thomas S. Gray  
President

Pat Schan  
Village Clerk



AMENDMENT NO. 1 TO  
INTERGOVERNMENTAL AGREEMENT  
PROVIDING FOR ISSUANCE OF ALTERNATE  
BONDS BY THE SOUTH SANGAMON WATER COMMISSION

THIS AMENDMENT dated as of March 1, 2020 (the "Amendment") is to the Intergovernmental Agreement dated as of September 1, 2010 (the "Agreement") by and among the South Sangamon Water Commission, Sangamon County, Illinois (the "Commission"), the Village of Chatham, Illinois (the "Village of Chatham") and the Village of New Berlin, Illinois (the "Village of New Berlin"). This Amendment and the Agreement are made pursuant to the Intergovernmental Cooperation article of the Illinois Constitution (Section 10 of Article VII of the Constitution of the State of Illinois) and the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* (collectively, the "Intergovernmental Cooperation Act"), the Illinois Municipal Code including Division 135 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-135-1 *et seq.* ("Division 135"), the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (the "Reform Act"), the Omnibus Bond Acts, 5 ILCS 70/8 and other applicable law (collectively, "Applicable Acts"). Except as otherwise modified herein, terms defined in the Agreement shall have the same meaning in this Amendment.

W I T N E S S E T H:

WHEREAS, the Village of Chatham and the Village of New Berlin (collectively, the "Villages") have adopted ordinances pursuant to which the Villages have elected to jointly acquire and operate a common source of supply of water pursuant to the Applicable Acts and to establish the Commission; and

WHEREAS, the Commission previously issued its Taxable General Obligation Bonds (Alternate Revenue Source), Series 2010B (Build America Bonds - Direct Payment) in the original principal amount of \$23,505,000 (the "2010B Bonds"), its Tax-Exempt General Obligation Bonds (Alternate Revenue Source), Series 2010C in the original principal amount of \$3,090,000 (the "2010C Bonds") and its Water Commission Subordinate Revenue Bond, Series 2011 in the original principal amount of \$5,200,000 (the "2011 Bonds", and together with the 2010B Bonds and the 2010C Bonds, the "Prior Bonds") pursuant to the Applicable Acts; and

WHEREAS, the source of the revenues to pay the Prior Bonds are governmental revenues sources under the Reform Act (the "Governmental Revenue Sources") received by the Commission from the Villages under the Wholesale Water Agreements and the Agreement pursuant to the Applicable Acts (collectively, the "Intergovernmental Agreements"), and as a backup source of payment, an ad valorem property tax levy on all of the taxable property in the Commission; and

WHEREAS, the Commission and the Villages have determined it is advisable, necessary and in the best interests of the Commission and the Villages for the Commission to issue refunding alternate bonds in an amount not to exceed \$31,000,000 pursuant to Section 15 of the Reform Act and Section 11-135-4.5 of Division 135 (the "2020 Bonds") to refund all or part of

the Prior Bonds in order to achieve debt service savings that will benefit the Commission and the Villages; and

WHEREAS, the Commission and the Villages desire to amend the Agreement to expressly provide that the provisions of the Agreement apply to the 2020 Bonds.

NOW, THEREFORE, in consideration of the above premises and of the mutual covenants hereinafter contained and for other good and valuable consideration, the parties agree as follows:

1. The recitals contained in the preambles to this Agreement are true, correct, and complete, and are incorporated into this Amendment by this reference.

2. The Commission and the Villages find and determine that the Governmental Revenue Sources are a governmental revenue source under the Reform Act.

3. The Commission shall issue the 2020 Bonds as alternate bonds pursuant to the Applicable Acts payable from the Governmental Revenue Sources and as a backup source of payment, an ad valorem property tax levy on all of the taxable property in the Commission.

4. The Villages approve the Commission's issuance of the 2020 Bonds to pay costs of refunding the Prior Bonds. The Villages shall pay governmental revenues to the Commission pursuant to the Intergovernmental Agreements sufficient to pay principal and interest on the 2020 Bonds plus any additional amounts necessary to satisfy the conditions of Section 15 of the Reform Act for the issuance of alternate bonds by the Commission.

5. For the purpose of providing Governmental Revenue Sources pursuant to the Intergovernmental Agreements, each Village has and shall make provision for paying the Governmental Revenue Sources in such Village's annual budget and appropriation ordinance to be duly adopted by the board of trustees of such Village as needed, all to the extent and in the manner, form, and time as provided and permitted by law.

6. References in the Agreement to the "Bonds" are amended to include the 2020 Bonds. References in the Agreement to the "Tax Levy" are amended to include the ad valorem property tax levy on all of the taxable property in the Commission for payment of the 2020 Bonds. References in the Agreement to Governmental Revenue Sources include interest earnings of the Commission.

7. The Villages authorize, acknowledge, agree, and approve the Tax Levy by the Commission and the Villages shall each fully and completely cooperate and take any and all actions for the levy, extension and collection of the Tax Levy on the Taxable Property to provide sufficient moneys as needed to pay principal or interest on the 2020 Bonds.

8. The 2020 Bonds shall be payable from the Governmental Revenue Sources and the Commission shall secure the 2020 Bonds with a pledge of the Governmental Revenue Sources to payment of the 2020 Bonds.


9. The Villages acknowledge and agree that the Intergovernmental Agreements shall constitute contracts with, and shall inure to the benefit of, the Commission, the Villages and the owners of the 2020 Bonds, and the Commission, the Villages and any registered owner of a 2020 Bond may proceed by civil action, mandamus or other proceeding to compel performance of all duties required by the Intergovernmental Agreements.

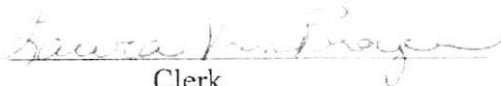
10. If any section, paragraph, clause or provision of this Amendment or the Agreement shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of the Amendment or Agreement.

IN WITNESS WHEREOF, the Villages and the Commission have caused this Amendment to be executed by their duly authorized officers as of the date first shown above.

SOUTH SANGAMON WATER COMMISSION,  
Sangamon County, Illinois

(SEAL)  
Attest:

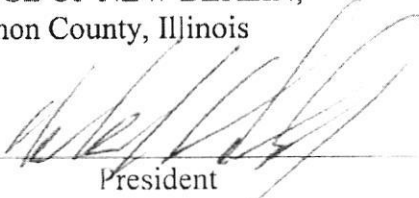
By:   
Chairman


  
Clerk



(SEAL)  
Attest:

VILLAGE OF NEW BERLIN,  
Sangamon County, Illinois

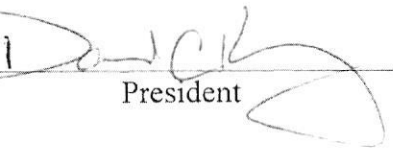
By:   
President


  
Village Clerk



(SEAL)  
Attest:

VILLAGE OF CHATHAM,  
Sangamon County, Illinois

By:   
President

  
Village Clerk