
ORDINANCE NO. 23-24-14

AN ORDINANCE authorizing the Village of Johnsburg, McHenry County, Illinois, to issue Water and Sewer Revenue Bonds or, in lieu thereof, General Obligation Bonds (Alternate Revenue Source) (said bonds being general obligation bonds to be issued in one or more series, on a taxable or tax-exempt basis, for which property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from the net revenues of the waterworks and sewerage system of said Village) in an aggregate principal amount not to exceed \$5,500,000, for the purpose of paying the costs of financing various capital improvements to the waterworks and sewerage system of the Village.

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

AT A REGULAR MEETING ON NOVEMBER 21, 2023

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Beth Foreman
Mike Fouke
Josh Hagen
Greg Klemstein
Jamie Morris
Scott Letzter

Village Administrator

Claudett Sofiakis

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AN ORDINANCE authorizing the Village of Johnsburg, McHenry County, Illinois, to issue Water and Sewer Revenue Bonds or, in lieu thereof, General Obligation Bonds (Alternate Revenue Source) (said bonds being general obligation bonds to be issued in one or more series, on a taxable or tax-exempt basis, for which property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from the net revenues of the waterworks and sewerage system of said Village) in an aggregate principal amount not to exceed \$5,500,000, for the purpose of paying the costs of financing various capital improvements to the waterworks and sewerage system of the Village.

* * *

WHEREAS, the Village of Johnsburg, McHenry County, Illinois (the "Village"), is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois (the "State"), and is now operating under the provisions of the Illinois Municipal Code, as amended (the "Municipal Code"), and, having the powers, objects and purposes provided by said Municipal Code, has for many years owned and operated a waterworks and sewerage system as set forth in Division 139 of Article 11 of the Municipal Code (the "Waterworks and Sewerage System"); 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 Village to (i) finance various water and sewer projects (including but not limited to the construction of a new water tower and related appurtenances), maintenance, road improvements and other related costs (the "Project") and (ii) pay certain costs of issuance of the Bonds (as such term is hereinafter defined), all for the benefit of the inhabitants of the Village; and

WHEREAS, the estimated cost of the Project, including legal, financial, bond discount, if any, printing and publication costs, capitalized interest, if any, and other expenses (collectively, the "Costs"), will not exceed \$5,500,000, and the Village has insufficient funds on hand and lawfully available to pay such Costs; and

WHEREAS, the Corporate Authorities have further determined that it is advisable, necessary and in the best interests of the Village that the Project be completed and, in order to finance the cost of the Project, it will be necessary for the Village to issue bonds payable from the net revenues derived from the operation by the Village of the Waterworks and Sewerage System as authorized to be issued at this time pursuant to Division 139 of Article 11 of the Code (the "Water and Sewer Revenue Bonds") or, in lieu thereof, alternate bonds (the "Alternate Bonds"), being general obligation bonds payable from (i) Net Revenues of the Village's Waterworks and Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), and (ii) all collections distributed to the Village from Retailer's Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes (collectively,

(i) and (ii) are referred to herein as the “Pledged Revenues”), in an amount not to exceed \$5,500,000, as authorized to be issued at this time pursuant to the Act; and

WHEREAS, if the Pledged Revenues are insufficient to pay the Alternate Bonds, ad valorem taxes of the Village for which its full faith and credit have been irrevocably pledged, unlimited as to rate or amount (the “Pledged Taxes”) are authorized to be extended to pay the principal of and interest on the alternate bonds; and

WHEREAS, up to \$5,500,000 of alternate bonds need to be issued at this time pursuant to the Local Government Debt Reform Act of the State, as amended, 30 ILCS 350/1 to 350/18 (the “Act”); and

WHEREAS, pursuant to and in accordance with the provisions of Section 15 of the Act, the Village is authorized to issue alternate bonds, in one or more series, on a taxable or tax-exempt basis, in an aggregate principal amount not to exceed \$5,500,000 for the purpose of providing funds for the Project and to pay the Costs;

NOW THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

Section 1. Incorporation of Preambles. The Corporate Authorities hereby find that all of the recitals contained in the preambles to this Ordinance are full, true, and correct and do incorporate them into this Ordinance by this reference.

Section 2. Determination to Issue Bonds. 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 that for such purpose, there are hereby authorized to be issued and sold the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, in an aggregate principal amount not to exceed \$5,500,000.

Section 3. Publication. Within ten (10) days after the adoption of this Ordinance, this Ordinance, together with a notice in the statutory form, shall be published once by the Corporate Authorities in the *Northwest Herald*, being a newspaper of general circulation within the Village, and if a petition, signed by 526 electors (said number being 10% of the registered voters in the Village), is filed with the Village Clerk on or before the 18th day of December, 2023, asking that the question of the issuance of the Water and Sewer Revenue Bonds (the “Water and Sewer Revenue Bond Proposition”) be submitted to referendum, then the Water and Sewer Revenue Bond Proposition shall be submitted to the electors of the Village at the general primary election to be held on the 19th day of March, 2024. If such petition is submitted to the Village Clerk within 30 days of publication of this Ordinance and the Notice but after the 18th day of December, 2023, then the Water and Sewer Revenue Bond Proposition shall be submitted to the electors of the Village at the general election to be held on the 5th day of November, 2024. If no petition is filed with the Village Clerk within said 30-day period, then this Ordinance shall be in full force and effect and the Water and Sewer Revenue Bonds shall be authorized to be issued. A petition form shall be provided by the Village Clerk at the principal office of the Village, located at 1515 Channel Beach Avenue, Johnsburg, Illinois, to any individual requesting one.

This Ordinance, together with a notice in the statutory form, shall be published once by the Corporate Authorities in the *Northwest Herald*, being a newspaper of general circulation in the Village, and if a petition, signed by 395 electors (said number being the greater of (i) seven and one-half percent (7½%) of the registered voters in the Village or (ii) the lesser of 200 registered voters or 15% of registered voters), asking that the question of the issuance of the Bonds (the “Alternate Bond Proposition”) be submitted to the electors of the Village, is filed with the Village Clerk and on or before the 18th day of December, 2023, then the Alternate Bond Proposition shall be submitted to the electors of the Village at the general primary election to be held on the 19th day of March, 2024. If such petition is submitted to the Village Clerk within 30 days of publication of this Ordinance and the Notice but after the 18th day of December, 2023, then the Alternate Bond Proposition shall be submitted to the electors of the Village at the general election to be held on the 5th day of November, 2024. If no petition is filed with the Village Clerk within said 30-day period, then this Ordinance shall be in full force and effect and the Alternate Bonds shall be authorized to be issued. A petition form shall be provided by the Village Clerk at the principal office of the Village, located at 1515 Channel Beach Avenue, Johnsburg, Illinois, to any individual requesting one.

It is expressly provided that in the event that there shall be filed with the Village Clerk in a timely manner a petition, asking that the issuance of the Water and Sewer Revenue Bonds be submitted to referendum, the Alternate Bonds, payable from Net Revenues, shall not be authorized to be issued until such time as the issuance of the Water and Sewer Revenue Bonds shall have been submitted to the electors of the Village and a majority of the votes cast on such question shall have been in favor thereof.

Section 4. Additional Ordinances. If no petition with respect to the issue of the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, and meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for the issuance and sale of the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, and prescribing all the details of the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, so long as the maximum aggregate principal amount of the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, as set forth in this Ordinance is not exceeded and there is no material change in the Project. Such additional ordinances or proceedings shall in all instances become effective in accordance with applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Water and Sewer Revenue Bonds or, in lieu thereof, the Alternate Bonds, under applicable law.

Section 5. Additional Proceedings. If no petition meeting the requirement of applicable law is filed during the petition period hereinabove referred to, then the preparation and distribution of a preliminary official statement relating to the Bonds is hereby approved, and the Village President is hereby authorized to deem the preliminary official statement nearly final.

Section 6. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 7. Repealer. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

Section 8. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

AYES: Trustees Foreman, Fouke, Hagen, Klemstein, Letzter and Morris


NAYS: None

ABSENT: None


PASSED this 21st day of November, 2023.

APPROVED by me this 21st day of November, 2023.



By: 
Its: Edwin Hettermann
Village President, Village of Johnsburg,
McHenry County, Illinois

ATTEST:

By: 
Its: Claudett E. Sofiakis
Village Clerk, Village of Johnsburg,
McHenry County, Illinois

NOTICE OF INTENT TO ISSUE BONDS
AND RIGHT TO FILE PETITION
AND HEARING ON PROPOSED ISSUANCE

Notice is hereby given that pursuant to Ordinance No. 23-24-14, adopted November 21, 2023 (the "Ordinance"), the Village of Johnsburg, McHenry County, Illinois (the "Village"), intends to issue its Water and Sewer Revenue Bonds (the "Water and Sewer Revenue Bonds") or, in lieu thereof, its General Obligation Bonds (Alternate Revenue Source) (the "Alternate Bonds"), in the principal amount of not to exceed \$5,500,000, and bearing interest per annum at not to exceed the maximum rate authorized by law at the time of the sale thereof, for the purpose of financing various water and sewer projects (including but not limited to the construction of a new water tower and related appurtenances), maintenance, road improvements and other related costs, and paying certain costs of issuance of the Bonds. The Alternate Bonds would be payable from (i) Net Revenues of the Village's Waterworks and Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), (ii) all collections distributed to the Village from Retailer's Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes, and (iii) ad valorem taxes of the Village for which its full faith and credit have been irrevocably pledged, unlimited as to rate or amount to pay the principal of and interest on the Alternate Bonds. A complete copy of the Ordinance follows this notice.

Notice is hereby further given that if a petition signed by 526 or more electors of the Village (the same being equal to 10% of the registered voters of the Village) asking that the question of the Project, as provided in the Ordinance, and the issuance of the Water and Sewer Revenue Bonds therefor, be submitted to the electors of the Village is filed with the Village Clerk on or before the 18th day of December, 2023, asking that the question of the issuance of the Water and Sewer Revenue Bonds (the "Water and Sewer Revenue Bond Proposition") be submitted to referendum, then the Water and Sewer Revenue Bond Proposition shall be submitted to the electors of the Village at the general primary election to be held on the 19th day of March, 2024. If such petition is submitted to the Village Clerk within 30 days of publication of this Ordinance and the Notice but after the 18th day of December, 2023, then the Water and Sewer Revenue Bond Proposition shall be submitted to the electors of the Village at the general election to be held on the 5th day of November, 2024. If no petition is filed with the Village Clerk within said 30-day period, then this Ordinance shall be in full force and effect and the Water and Sewer Revenue Bonds shall be authorized to be issued.

Notice is hereby further given that if a petition signed by 395 or more electors of the Village (being equal to the greater of (i) 7.5% of the registered voters in the Village or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less) asking that the issuance of the Alternate Bonds be submitted to referendum is filed with the Village Clerk and on or before the 18th day of December, 2023, asking that the question of the issuance of the Bonds (the "Alternate Bond Proposition") be submitted to referendum, then the Alternate Bond Proposition shall be submitted to the electors of the Village at the general primary election to be held on the 19th day of March, 2024. If such petition is submitted to the Village Clerk within 30 days of publication of this Ordinance and the Notice but after the 18th day of December, 2023, then the Alternate Bond Proposition shall be submitted to the electors of the Village at the general election to be held on the 5th day of November, 2024. If no petition is filed with the Village Clerk within said 30-day period, then this Ordinance shall be in full force and effect and the Alternate Bonds shall be authorized to be issued.

The forms of petitions shall be provided by the Village Clerk at the principal office of the Village, located at 1515 Channel Beach Avenue, Johnsburg, Illinois, to any individual requesting one.

By order of the Board of the Village.

Dated this 21st day of November, 2023.

/s/ Claudett E. Sofiakis

Village Clerk

Village of Johnsburg, McHenry County, Illinois

PETITION — ALTERNATE BONDS

To the Village Clerk of the Village of Johnsburg, McHenry County, Illinois:

We, the undersigned, being registered voters of the Village of Johnsburg, McHenry County, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of The County of McHenry, 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 Johnsburg, McHenry County, Illinois, issue its general obligation alternate bonds to the amount of not to exceed \$5,500,000 (said bonds being general obligation bonds for which property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from the (i) Net Revenues of the Village’s Waterworks and Sewerage System (generally, Net Revenues means gross revenues minus operation and maintenance expenses), (ii) all collections distributed to the Village from Retailer’s Occupation Taxes, Service Occupation Taxes, Use Taxes and Service Use Taxes), for the purpose of paying the costs of financing various water and sewer projects (including but not limited to the construction of a new water tower and related appurtenances), maintenance, road improvements and other related costs and certain costs of issuance of the Bonds?”

SIGNATURE	ADDRESS
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry 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 _____, 2023.

Illinois Notary Public

My commission expires _____

(NOTARY SEAL)

PETITION — WATER AND SEWER REVENUE BONDS

To the Village Clerk of the Village of Johnsburg, McHenry County, Illinois:

We, the undersigned, being registered voters of the Village of Johnsburg, McHenry County, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of The County of McHenry, 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 Johnsburg, McHenry County, Illinois, pay the costs of financing various water and sewer projects (including but not limited to the construction of a new water tower and related appurtenances), maintenance, road improvements and other related costs and certain costs of issuance of the Bonds, as provided for by Ordinance No. _____, and issue its water and sewer revenue bonds for the purpose of paying the costs thereof?”

SIGNATURE	ADDRESS
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry County, Illinois
_____	_____, Johnsburg, McHenry 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 _____, 2023.

Illinois Notary Public

My commission expires _____

(NOTARY SEAL)

BINA Notice Form

The Village President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois will hold a public hearing on December 12, 2023, at 7:00 p.m. The hearing will be held at the Village Hall located at 1515 Channel Beach Avenue, in Johnsburg, Illinois. The purpose of the hearing will be to receive public comments on the proposal to sell bonds in an amount not to exceed \$5,500,000 to (i) finance various water and sewer projects (including but not limited to the construction of a new water tower and related appurtenances), maintenance, road improvements and other related costs, and (ii) pay certain costs of issuance of the Bonds.

By: /s/ Claudett E. Sofiakis

Title: Village Clerk

Village President's Approval and Order Setting Public Hearing:

The undersigned, Village President of the above Municipality hereby approves and orders the setting of the above Bond Issue Notification Act hearing.

Date: November 21, 2023



Village President

When signed by the Village President, please date and email back to Shelly Scinto at shelly.scinto@icemiller.com.