
VILLAGE OF JOHNSBURG
MCHENRY COUNTY, ILLINOIS

ORDINANCE NO. 16-17-11

AN ORDINANCE AUTHORIZING THE BORROWING OF FUNDS
FOR THE GENERAL MUNICIPAL CORPORATE PURPOSES OF
THE VILLAGE OF JOHNSBURG, COUNTY OF MCHENRY,
STATE OF ILLINOIS

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF JOHNSBURG

THIS 21ST DAY OF JUNE, 2016

EDWIN P. HETTERMANN, Village President
CLAUDETT E. PETERS, Village Administrator

Board of Trustees

TOM CURRY
KYLE FROST
JOHN HUEMANN
MARY LOU HUTCHINSON
GREG KLEMSTEIN
KEVIN MCEVOY

Published by authority of the
President and Board of Trustees
of the Village of Johnsburg,
McHenry County, Illinois on this
21st day of June, 2016

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AN ORDINANCE AUTHORIZING THE BORROWING OF FUNDS FOR THE GENERAL MUNICIPAL CORPORATE PURPOSES OF THE VILLAGE OF JOHNSBURG, COUNTY OF MCHENRY, STATE OF ILLINOIS.

* * * * *

WHEREAS, the Village of Johnsburg, McHenry County, State of Illinois (the "Village") 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 all laws amendatory thereof and supplementary thereto with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, the Village President, the Honorable Edwin P. Hettermann, the Village Administrator, the Honorable Claudett E. Peters, and the Village Board of Trustees, the Honorable Tom Curry, Kyle Frost, John Huemann, Mary Lou Hutchinson, Greg Klemstein and Kevin McEvoy, constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, the Board of Trustees of the Village of Johnsburg, County of McHenry, State of Illinois, have determined that it is advisable, necessary and in the best interest of the Village and its residents to authorize the borrowing of funds for the general municipal corporate purposes;

NOW THEREFORE, BE IT ORDAINED by the Village President and the Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

**Article I.
IN GENERAL**

Section 1.01. Incorporation Clause.

The President and Board of Trustees of the Village (the "Village Board") hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section 1.02. Purpose.

The purpose of this Ordinance is to authorize the borrowing of an amount not to exceed \$400,000 for the purpose of financing various capital improvements. The subject loan was obtained for capital improvement projects.

Section 1.03. Invocation of Authority.

This Ordinance is enacted pursuant to the authority granted to this Village by the Constitution of the State of Illinois and the Illinois Compiled Statutes.

Section 1.04. State Law Adopted.

All applicable provisions of the Illinois Compiled Statutes, including the Illinois Municipal Code, as may be amended from time to time, relating to the purposes of this Ordinance are hereby incorporated herein by reference.

Section 1.05. Reserved.

**Article II
AUTHORIZATION TO BORROW FUNDS**

Section 2.01. Authorization to Borrow.

That the President and the Board of Trustees of the Village of Johnsburg do hereby authorize the Village to borrow funds, as empowered by Illinois Statute 65 ILCS 5/8-1-3.1, upon the terms and conditions as set out in the promissory note in favor of the bank as attached to a note order executed by the President approving term of the loan in an amount not to exceed \$400,000 at a rate not to exceed 6% (the "Note Order").

The Promissory Note is payable from any legally available funds of the Village. The holder of the Promissory Note shall acknowledge that there is no statutory authority for the levy of a separate tax in addition to other taxes of the Village or the levy of a special tax unlimited as to rate or amount to pay the amounts due under this Promissory Note. The Village shall not be required to levy a tax for the payment of the Promissory Note.

Section 2.02. Method of Borrowing.

That the President and Board of Trustees hereby authorize the Village to borrow said funds by means of a lump sum loan, in installments, or by any means authorized by law.

Section 2.03. Amount and Term of Note; Registered Form.

That the President and Board of Trustees hereby authorize the Village to borrow a combined sum of not more than Four Hundred Thousand Dollars (\$400,000), for terms not to exceed twelve (12) months. The Village shall cause books (the "Note Register") for the registration and for the transfer of the Note as provided in this Ordinance to be kept at the office of the Village Clerk maintained for such purpose by the Village Clerk (the "Note Registrar") which is hereby constituted and appointed the registrar of the Village for the Note. The Village is authorized to prepare, and the Note Registrar or such other agent as the Village may designate shall keep custody of, multiple Notes executed by the Village for use in the transfer and exchange of the Notes. Any Note may be transferred or exchanged, but only in the manner, subject to the limitations, and upon payment of the charges as set forth in this Ordinance. Upon surrender for transfer or exchange of any Note at the Note Registrar maintained for the purpose, duly endorsed by or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Note Registrar and duly executed by the registered owner or an attorney for such owner duly authorized in writing, the Village shall execute and the Note Registrar shall date, and deliver in the name of the transferee or transferees or, in the case of an exchange, the registered owner, a new fully registered Note of like tenor, of the same maturity, bearing the same interest rate, for a like aggregate

principal amount. The Note Registrar shall not be required to transfer or exchange any Note during the period from the close of business on the date fifteen days prior to any interest payment date. The execution by the Village of any fully registered Note shall constitute full and due authorization of such Note; and the Note Registrar shall thereby be authorized to date, and deliver such Note. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of or interest on any Note shall be made only to or upon the order of the registered owner thereof or his or her legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid. No service charge shall be made to any registered owner of the Note for any transfer or exchange of the Note, but the Village or the Note Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of the Note.

Section 2.04. Lending Institution.

That the President and Board of Trustees hereby authorize the Village to borrow said sum, at said rate of interest, from a "financial institution" as that term is defined by Illinois Statute, 65 ILCS 5/8-1-3.1. For the purpose of this Ordinance, "financial institution" shall be defined as any bank subject to the Illinois Banking Act, 205 ILCS 5/1, et. seq., any savings and loan association subject to the Illinois Savings and Loan Act, 205 ILCS 10⁵/₁-1, et. seq., and any federally chartered bank or savings and loan association organized and operated in the State of Illinois pursuant to the laws, rules and regulations of the United States.

Section 2.05. Approval and Execution of Documents.

The Village President and Village Clerk are hereby authorized and directed to negotiate the terms and conditions of the Note and/or other appropriate lending instrument consistent with the terms and conditions of this Ordinance, together with such other provisions as the Village

President and Village Clerk deem appropriate. The Village President is further authorized and directed to execute said Notes and/or other appropriate lending instrument and any related exhibits attached thereto and the Village Clerk is authorized and directed to attest, countersign and affix the seal of the Village of Johnsburg to such documents and any and all other documents necessary to carry out and give effect to the purpose and intent of this Ordinance.

Section 2.06, Bank Qualification.

The President is authorized to designate the promissory note as bank-qualified pursuant to the Note Order.

Section 2,07. Other Actions Authorized.

That the Village President, Village Clerk and Village Attorney are hereby authorized and directed to do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance.

Section 2.08. Acts of Village Officials.

That all acts and doings of the officials of the Village, past, present, and future which are in conformity with the purpose and intent of this Ordinance, are hereby, in all respects, ratified, approved, authorized and confirmed.

**Article III.
SAVINGS CLAUSES,
PUBLICATION, EFFECTIVE DATE**

Section 2.09. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section 3.01. Severability.

The provisions of this Ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph, section, or part thereof had not been included.

Section 3.02. Superseder.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

Section 3.03. Publication.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section 3.04. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

On The Individual Poll and Voice Vote of The Board Of Trustees: AYE

VOTES: _____ NAY

VOTES: _____

ABSTAIN: _____

ABSENT: _____

SO PASSED, ADOPTED, APPROVED AND ENACTED IN AND AT THE VILLAGE OF JOHNSBURG, COUNTY OF MCHENRY, STATE OF ILLINOIS, THIS 21ST DAY OF JUNE, 2016 A.D.

APPROVED:

Edwin P. Hettermann,
Village President

ATTEST: _____
Claudett E. Peters,
Village Administrator

(SEAL)

Recorded in the Municipal Records: June __, 2016.

Published in pamphlet form: June __, 2016.