

CITY OF COLUMBIA, ILLINOIS

ORDINANCE NO. 2633

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION CAPITAL PROJECTS AND REFUNDING BONDS (PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE) OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, IN THE PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000) FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE CITY AND REFUNDING CERTAIN PUBLIC IMPROVEMENT BONDS, PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE, DATED MAY 1, 2001 AND DECEMBER 1, 2001, OF SAID CITY, SAID BONDS TO BE PAYABLE PRIMARILY FROM THE REVENUES OF THE PUBLIC UTILITY TAXES OF SAID CITY BUT ALTERNATIVELY FROM AD VALOREM PROPERTY TAXES; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; DESIGNATING SAID BONDS AS ALTERNATE BONDS UNDER THE LOCAL GOVERNMENT DEBT REFORM ACT OF THE STATE OF ILLINOIS; AND PROVIDING FOR THE LEVY OF A TAX FOR THE PAYMENT OF SAID BONDS, BOTH AS TO PRINCIPAL AND INTEREST

Adopted by the  
City Council  
of the  
City of Columbia, Illinois  
this 18<sup>th</sup> day of February, 2008

Published in pamphlet form by authority  
of the City Council of the City of  
Columbia, Illinois, this 19th day  
of February, 2008.

FEB 18 2008

*Debby J. Geppert*  
City Clerk

ORDINANCE NO. 2633

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WHEREAS, the City of Columbia, Monroe and St. Clair Counties, Illinois, now collects Public Utility Taxes in and for said City; and

WHEREAS, the City Council of the City of Columbia, Illinois, deems it advisable, necessary, and for the best interests of said City that the City enter into the following Capital Projects:

1. The purchase of two separate parcels of real estate, situated at 140 South Main Street and 118 West Oak Street, within the City's municipal boundaries;
2. The purchase of a new platform fire truck; and
3. The purchase of new internet software for the City's computer system.

WHEREAS, it is estimated that the cost of the proposed capital projects, including legal fees and other necessarily related costs, will be at least One Million Eight Hundred Thousand Dollars (\$1,800,000);

WHEREAS, pursuant to Ordinance No. 1952 of the City of Columbia, Monroe and St. Clair Counties, Illinois, adopted on the 7<sup>th</sup> day of May, 2001, said Ordinance No. 1952 being entitled:

“AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE BONDS OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, IN THE PRINCIPAL AMOUNT OF THREE MILLION, ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) FOR THE PURPOSE OF MAKING IMPROVEMENTS AND EXTENSIONS TO MUNICIPAL FACILITIES IN AND FOR SAID CITY; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF UTILITY TAXES REVENUES OF SAID CITY FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON SAID BONDS.”

the said City authorized the issuance of Three Million One Hundred Thousand Dollars (\$3,100,000) Public Improvement Bonds, of which issue the aggregate principal amount of One Million Two Hundred Seventy Thousand Dollars (\$1,270,000) heretofore have been paid and retired on the respective dates of their maturities and of which issue there now remain outstanding and unpaid bonds in the aggregate principal amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000) bearing interest at the rates and maturing in the amounts and times as follows:

<u>Year</u> <u>(December 1)</u>	<u>Interest</u> <u>Rate</u>	<u>Amount</u>
2008	4.40%	\$230,000
2009	4.50%	\$240,000
2010	4.60%	\$250,000
2011	4.70%	\$260,000
2012	4.80%	\$270,000
2013	4.90%	\$280,000
2014	5.00%	\$300,000

and

WHEREAS, the City Council of said City of Columbia, Monroe and St. Clair Counties, Illinois has determined and does now again determine that said outstanding remainder of said

Public Improvement Bonds dated May 1, 2001, of the City of Columbia, Monroe and St. Clair Counties, Illinois, should be refunded through the issuance of refunding bonds and that said refunding bonds should be issued as alternate bonds; and

WHEREAS, pursuant to Ordinance No. 2009 of the City of Columbia, Monroe and St. Clair Counties, Illinois, adopted on the 3<sup>rd</sup> day of December, 2001, said Ordinance No. 2009 being entitled:

“AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE BONDS, SERIES II, OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, IN THE PRINCIPAL AMOUNT OF TWO MILLION, SIX HUNDRED FIFTY THOUSAND DOLLARS (\$2,650,000) FOR THE PURPOSE OF MAKING IMPROVEMENTS AND EXTENSIONS TO MUNICIPAL FACILITIES IN AND FOR SAID CITY; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; AND PROVIDING FOR THE COLLECTION, SEGREGATION, AND DISTRIBUTION OF UTILITY TAXES REVENUES OF SAID CITY FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS.”

the said City authorized the issuance of Two Million Six Hundred Fifty Thousand Dollars (\$2,650,000) Public Improvement Revenue Bonds, Series II, of which issue the aggregate principal amount of Two Hundred Eighty Thousand Dollars (\$280,000) heretofore have been paid and retired on the respective dates of their maturities and of which issue there now remain outstanding and unpaid bonds in the aggregate principal amount of Two Million Three Hundred Seventy Thousand Dollars (\$2,370,000) bearing interest at the rates and maturing in the amounts and times as follows:

<u>Year</u> <u>(December 1)</u>	<u>Interest</u> <u>Rate</u>	<u>Amount</u>
2008	4.45%	\$45,000
2009	4.20%	\$45,000
2010	4.30%	\$50,000
2011	4.45%	\$55,000
2012	4.60%	\$60,000
2013	4.70%	\$65,000
2014	4.80%	\$60,000

2015	4.85%	\$360,000
2016	4.90%	\$380,000
2017	5.00%	\$395,000
2018	5.10%	\$420,000
2019	5.15%	\$435,000

and

WHEREAS, the City Council of said City of Columbia, Monroe and St. Clair Counties, Illinois does now determine that said outstanding remainder of said Public Improvement Revenue Bonds, Series II dated December 1, 2001, of the City of Columbia, Monroe and St. Clair Counties, Illinois, should be refunded through the issuance of refunding bonds and that said refunding bonds should be issued as alternate bonds; and

WHEREAS, the estimated costs of refunding said outstanding Public Improvement Revenue Bonds and Public Improvement Revenue Bonds, Series II, including costs of issuance and financing costs of the proposed bonds and other incidental expenses, as determined by this City Council, is at least Four Million Two Hundred Thousand Dollars (\$4,200,000); and

WHEREAS, all of the aforesaid now-outstanding Public Improvement Revenue Bonds and Public Improvement Revenue Bonds, Series II, are now callable on any interest payment date for redemption prior to their respective maturities, the next such interest payment date being December 1, 2008; and

WHEREAS, this City Council hereby determines that it is in the best interests of the City that the aforesaid outstanding bonds which are callable by their terms be called for redemption on December 1, 2008, and that appropriate notice of call for redemption of the said now-outstanding bonds shall be given to the Registered Owners thereof, all in accordance with the terms and provisions of said outstanding bonds; and

WHEREAS, this City Council does hereby find and declare that the said costs, to-wit: One Million Eight Hundred Thousand Dollars (\$1,800,000) for the aforesaid capital projects and Four Million Two Hundred Thousand Dollars (\$4,200,000) to refund the aforesaid Public Improvement Revenue Bonds and Public Improvement Revenue Bonds, Series II, should be met through the issuance of General Obligation Capital Projects and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) of said City; and

WHEREAS, the City of Columbia is authorized by the provisions of the Local Government Debt Reform Act of Illinois, as amended (Chapter 30, Illinois Compiled Statutes,

Section 350/1, et seq.), and particularly by Section 350/15 thereof, and by this Ordinance, to issue its General Obligation Capital Projects and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) in the amount of Six Million Dollars (\$6,000,000) for the purpose of paying the cost of the capital projects and refunding the outstanding Public Improvement Revenue Bonds and Public Improvement Revenue Bonds, Series II, of the City and meeting the necessarily related costs thereof;

WHEREAS, said Local Government Debt Reform Act, among other things, provides for a “backdoor referendum” on the question of issuance as alternate bonds of such bonds payable from a revenue source and provides that, if a petition signed by a sufficient number of electors of the City shall be filed with the City Clerk within thirty (30) days of publication of the ordinance authorizing such issuance asking that the question of issuance of revenue bonds payable from a revenue source be issued as alternate bonds, an election on the question of the issuance of such revenue source bonds as alternate bonds shall be held; and

WHEREAS, this City Council does hereby find and declare that the total estimated cost of financing the capital projects and refunding the said outstanding bonds, including legal, financing, and other incidental expenses, together with costs of issuing the proposed bonds, is at least Six Million Dollars (\$6,000,000) and that said total estimated cost of accomplishing the said financing and refunding should be met through the issuance of bonds payable from a revenue source available to the City for the purpose, the said revenue source being utility revenues and receipts of the City; and

WHEREAS, this City Council determines that such bonds be designated and issued as alternate bonds as provided in the Local Government Debt Reform Act (30 ILCS 350/1, et seq.), said alternate bonds to be issued payable from the revenue source derived from the imposition pursuant to law of utility taxes and, alternatively, from ad valorem property taxes in the City:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1. That the recitals contained above in the preamble of this Ordinance are incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Monroe and St. Clair Counties, Illinois. That the City Council of the City of Columbia, Monroe and St. Clair Counties, Illinois, hereby determines and declares that the recitals contained in the preamble of

this Ordinance are true and correct and that financing the capital projects and refunding of the outstanding Public Improvement Revenue Bonds and Public Improvement Revenue Bonds, Series II, should be accomplished.

SECTION 2. That the City Council hereby declares that the period of usefulness of the municipal facilities to be acquired by the City with the proceeds of the Bonds is twenty-five (25) years from the date of the bonds authorized hereby.

SECTION 3. That, for the purpose of paying the cost of financing the capital projects and refunding the said outstanding bonds, there are hereby authorized and directed to be issued General Obligation Capital Project and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) of the City of Columbia, Monroe and St. Clair Counties, Illinois, said bonds to be in such form and with such incidents as hereafter may be prescribed by ordinances or other proceedings of the City Council of the City.

SECTION 4. That all ordinances or resolutions in conflict herewith shall be and are hereby repealed to the extent of such conflict only.

SECTION 5. That this ordinance, within ten (10) days after its passage, shall be published once in the Clarion Journal, a newspaper published in the City of Columbia, Monroe and St. Clair Counties, Illinois, and having general circulation in the City of Columbia, Monroe and St. Clair Counties, Illinois, and if no petition is filed with the City Clerk of said City within thirty (30) days after the date of such publication signed by electors numbering the greater of (i) 7.5% of the registered voters of the City or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less, asking that the issuance of alternate bonds as herein provided be submitted to referendum, the City Clerk shall certify such question for submission at an election to be held in accordance with the general election law of Illinois. If no such petition is filed with said City Clerk within thirty (30) days of publication of the ordinance and notice, the alternate bonds shall be authorized to be issued.

SECTION 31. That, accompanying the publication of this ordinance as provided in Section 4, above, there shall be a separate notice in the following form which shall be published in the same newspaper and on the same day as this ordinance shall be published:

NOTICE TO ELECTORS  
OF  
THE CITY OF COLUMBIA, ILLINOIS

As required by statute, this notice accompanies the publication of Ordinance No. 2633 of the City of Columbia and is given for the purpose of informing the electors of said City, who may wish to initiate a petition as permitted by law and by said Ordinance, that:

(1) The number of voters required to sign a petition requesting that there be submitted to the electors of the City the question of issuance of the Capital Projects and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) of the City as provided by said ordinance, will be electors numbering the greater of (i) 7.5% of the registered voters in the City or (ii) 200 of those registered voters or 15% of those registered voters, whichever is less. Currently the required number of signers is 487 (the number of registered voters in the City as of the last election February 5, 2008 was 6498) registered voters.

(2) Any such petition must be filed with the City Clerk of the City of Columbia not later than March 28, 2008.

(3) Should a petition be so filed, the City Council of the City of Columbia would cause the question to be submitted to the electors of the City at the general election to be held on November 4, 2008.

(4) The City Council will cause the principal and interest on the Capital Projects and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) to be paid from the revenue source fund of the City to consist of monies to be derived by the City from utility taxes imposed pursuant to law and, alternatively, from ad valorem taxes levied without limitation as to rate or amount upon all taxable property in the City.

If no such petition is filed with the City Clerk, the Capital Projects and Refunding Bonds (Public Utility Taxes Alternate Revenue Source) provided by said Ordinance No. 2633 shall be authorized to be issued.

The City Clerk will provide a form of such petition to any individual requesting one.

By order of the City Council of the City of Columbia, Illinois, this 18th day of February, 2008.

/s/ Wesley J. Hoeffken  
WESLEY J. HOEFFKEN, City Clerk

SECTION 6. That, if no petition meeting the requirements of the applicable law is filed in accordance with this ordinance during the petition period specified herein, then this City Council may adopt additional ordinances or proceedings supplementing or amending this ordinance so long as the maximum amount of alternate revenue bonds as set forth in this ordinance is not exceeded and there is no material change in the project or purposes described in this ordinance. Such additional ordinances or proceedings may prescribe all the details and specifications of such revenue bonds and shall become effective according to law without publication or any further act or requirements, and this ordinance, together with such additional ordinances and proceedings, shall constitute complete authority for the City to issue the said revenue bonds and to issue alternate bonds in lieu thereof under and in accordance with applicable law.

SECTION 7. That, for the purpose of providing for the payment of the principal of and the interest on said alternate bonds as they shall, respectively, mature and accrue, there shall be and there is hereby levied a direct, continuing tax upon all taxable property within the City of Columbia, sufficient, after due allowance shall have been made for the cost of collection and for delinquencies in the payment of taxes, to produce the sums necessary in each year over the life of said bonds for the payment of interest on said bonds and the principal thereof, said taxes to be in addition to all other taxes, and said taxes to be sufficient to produce sufficient funds in each year as shall be determined when the maturity schedule shall be set and interest rate or rates applicable to said bonds shall be determined at public sale thereof.

The said tax levies shall be made by ordinance supplementary to this ordinance as provided under the said Local Government Debt Reform Act and, should the proceeds of said taxes at any time be insufficient for the payment of the principal of or the interest on said bonds when the same may become due, such principal and interest shall be paid promptly from current funds on hand in advance of the collection of the taxes herein provided, and when said taxes shall have been collected, the said funds shall be reimbursed for the amounts so advanced.

SECTION 8. That, if any section, paragraph, clause, or provision of this Ordinance shall be held invalid by a court of competent jurisdiction, the invalidity of such section, paragraph, clause, or provision shall not affect any other provisions of this Ordinance.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor as provided by law.

Alderman

Ebersohl moved the adoption of the above and foregoing Ordinance, the motion was seconded by alderman Niemietz and the Roll Call Vote was as follows:

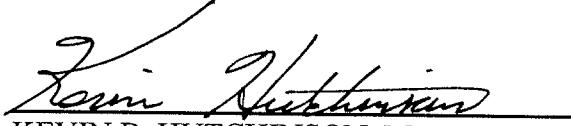
YEAS: Aldermen Agne, Niemietz, Ebersohl and Row and Mayor Hutchinson.

NAYS: Aldermen Hejna and Oberfell.

ABSENT: Aldermen Unnerstall and Stumpf.

ABSTAIN: None.

Passed by this City Council this 18<sup>th</sup> day of February, 2008, and approved by the Mayor this 18<sup>th</sup> day of February, 2008.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF MONROE )

Certificate of Authenticity

I, Wesley J. Hoeffken, hereby certify that I am the duly elected and acting City Clerk of the City of Columbia, Monroe and St. Clair Counties, Illinois, and as such, I am the keeper of the books, records, files and corporate seal of said City.

I do further certify that the foregoing pages to which this Certificate is attached is a full, true, perfect and complete copy of Ordinance No. 2633 entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION CAPITAL PROJECTS AND REFUNDING BONDS (PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE) OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, IN THE PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000) FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE CITY AND REFUNDING CERTAIN PUBLIC IMPROVEMENT BONDS, PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE, DATED MAY 1, 2001 AND DECEMBER 1, 2001, OF SAID CITY, SAID BONDS TO BE PAYABLE PRIMARILY FROM THE REVENUES OF THE PUBLIC UTILITY TAXES OF SAID CITY BUT ALTERNATIVELY FROM AD VALOREM PROPERTY TAXES; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; DESIGNATING SAID BONDS AS ALTERNATE BONDS UNDER THE LOCAL GOVERNMENT DEBT REFORM ACT OF THE STATE OF ILLINOIS; AND PROVIDING FOR THE LEVY OF A TAX FOR THE PAYMENT OF SAID BONDS, BOTH AS TO PRINCIPAL AND INTEREST.

adopted at a regular meeting of the City Council held on the 18<sup>th</sup> day of February, 2008, and of the minutes of said regular meeting insofar as the same relate to the adoption of said Ordinance No. 2633.

I do further certify that, prior to the making of this Certificate, the said minutes and Ordinance have been spread at length upon the permanent records of said City Council where the same now appear and remain.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said City, this 19<sup>th</sup> day of February, 2008

Wesley J. Hoeffken  
WESLEY J. HOEFFKEN,  
City Clerk, City of Columbia

(SEAL)

08003622

STATE OF ILLINOIS      )  
                            ) SS  
COUNTY OF MONROE      )

**CERTIFICATE OF PUBLICATION**

I, Wesley J. Hoeffken, certify that I am the duly elected and acting Municipal Clerk of the City of Columbia, Illinois.

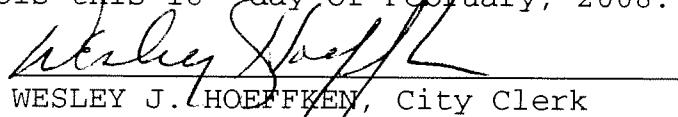
I further certify that on the 18<sup>th</sup> day of February, 2008, the Corporate Authorities of the City of Columbia, Illinois passed and approved Ordinance No. 2633, entitled:

"AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION CAPITAL PROJECTS AND REFUNDING BONDS (PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE) OF THE CITY OF COLUMBIA, MONROE AND ST. CLAIR COUNTIES, ILLINOIS, IN THE PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000) FOR THE PURPOSE OF FINANCING CERTAIN CAPITAL PROJECTS OF THE CITY AND REFUNDING CERTAIN PUBLIC IMPROVEMENT BONDS, PUBLIC UTILITY TAXES ALTERNATE REVENUE SOURCE, DATED MAY 1, 2001 AND DECEMBER 1, 2001, OF SAID CITY, SAID BONDS TO BE PAYABLE PRIMARILY FROM THE REVENUES OF THE PUBLIC UTILITY TAXES OF SAID CITY BUT ALTERNATIVELY FROM AD VALOREM PROPERTY TAXES; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; DESIGNATING SAID BONDS AS ALTERNATE BONDS UNDER THE LOCAL GOVERNMENT DEBT REFORM ACT OF THE STATE OF ILLINOIS; AND PROVIDING FOR THE LEVY OF A TAX FOR THE PAYMENT OF SAID BONDS, BOTH AS TO PRINCIPAL AND INTEREST"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2633, including the ordinance and a cover sheet thereof, was prepared and a copy of such ordinance will be posted in the Columbia City Hall, commencing on the 19th day of February, 2008 and continuing for at least ten (10) days thereafter. Copies of such ordinance were also available for public inspection upon request at the office of the City Clerk.

DATED at Columbia, Illinois this 18<sup>th</sup> day of February, 2008.

  
WESLEY J. HOEFFKEN, City Clerk

(SEAL)