

ORDINANCE NO. 06-21-002

ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,300,000 GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2021, OF THE KENDALL COUNTY FOREST PRESERVE DISTRICT.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE KENDALL COUNTY FOREST PRESERVE DISTRICT, AS FOLLOWS:

**Section 1. Authority, Purposes and Findings.** This ordinance is adopted pursuant to the provisions of the Downstate Forest Preserve District Act, 70 Illinois Compiled Statutes 805, and the Local Government Debt Reform Act, 30 Illinois Compiled Statutes 350, and authorizes the issuance of not to exceed \$1,300,000 principal amount of General Obligation Limited Tax Bonds, Series 2021 (the "2021 Bonds") of the Kendall County Forest Preserve District (the "District").

The Board of Commissioners of the District (the "Board of Commissioners") does hereby determine to issue the 2021 Bonds for the purpose of financing the development of forest preserve lands held by the District by the renovation of the Pickerill Estate House for use as an indoor recreation facility and by undertaking the priority capital projects identified in the District's five year plan (collectively, the "Projects").

Pursuant to the Bond Issue Notification Act, 30 Illinois Compiled Statute 352, a public hearing was held before the Board of Commissioners on April 20, 2021 with respect to the sale of the 2021 Bonds for the purpose of financing the Projects and notice of said public hearing (i) was published in the "*Kendall County Record*" on April 8, 2021; and (ii) was posted at least 48 hours prior to the start of the public hearing at the office of the Board of Commissioners.

STATE OF ILLINOIS  
COUNTY OF KENDALL

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JUN 02 2021



COUNTY CLERK  
KENDALL COUNTY

**Section 2. Approval of Financing Plan.** The Board of Commissioners determines to proceed with the financing of the Projects by the issuance and sale of the 2021 Bonds. The 2021 Bonds shall be sold pursuant to a negotiated sale to Robert W. Baird & Co. Incorporated (the "Underwriter").

In order to accommodate current market practices and the provisions of federal income tax law and to provide the opportunity to sell the 2021 Bonds under the most favorable terms, the Board of Commissioners hereby delegates to the President and the Executive Director of the District (each, the "Designated Officer") the authority to sell the 2021 Bonds to the Underwriter, to sign one or more bond purchase agreements with respect to the 2021 Bonds and to determine certain details of the 2021 Bonds. All determinations delegated to the Designated Officer pursuant to this ordinance shall be made by the Designated Officer by the execution of one or more written bond orders (each a "Bond Order"). The delegated authority granted to the Designated Officer pursuant to this Section shall expire on December 31, 2021.

The Designated Officer of the District and the other officers and officials of the District are authorized and directed to do, or cause to be done, all things necessary to accomplish the financing of the Projects by the issuance of the 2021 Bonds.

**Section 3. Authorization and Terms of 2021 Bonds.** The sum of up to \$1,300,000 is appropriated to meet part of the estimated cost of the Projects. Said appropriation includes the costs of issuance of the 2021 Bonds and the cost of any municipal bond insurance premium. For the purpose of financing said appropriation, the 2021 Bonds are authorized to be issued and sold in an aggregate principal amount of not to exceed \$1,300,000. The 2021 Bonds shall be issued in such principal amount as shall

be determined in the Bond Order and shall be designated "General Obligation Limited Tax Bonds, Series 2021," or otherwise as deemed necessary or desirable by the Designated Officer, with the series designation or designations to be determined in the Bond Order.

The 2021 Bonds are authorized, and shall be issued as limited tax general obligation bonds of the District, pursuant to the provisions of the Downstate Forest Preserve District Act and the Local Government Debt Reform Act and shall constitute bonds issued pursuant to Section 13 of the Downstate Forest Preserve District Act.

The 2021 Bonds shall be issuable in such denominations as shall be specified in the Bond Order (the "Authorized Denominations") and may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of the 2021 Bonds. Each 2021 Bond delivered upon the original issuance of the 2021 Bonds shall be dated as of the date specified in the Bond Order. Each 2021 Bond thereafter issued upon any transfer, exchange or replacement of 2021 Bonds shall be dated so that no gain or loss of interest shall result from such transfer, exchange or replacement.

The 2021 Bonds shall mature, and 2021 Bonds of certain maturities may be subject to mandatory sinking fund redemption, on January 1 in such years and in such principal amounts as shall be specified in the Bond Order, provided that (i) the first maturity date of or mandatory sinking fund installment date of any 2021 Bond shall be no later than January 1, 2026 and (ii) no 2021 Bond shall mature later than January 1, 2041.

Each 2021 Bond shall bear interest from its date, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on an initial interest payment date of January 1, 2022 or July 1,

2022 as specified in the Bond Order and semiannually thereafter on each January 1 and July 1 at the rates per annum as shall be specified in the Bond Order, provided that (i) no 2021 Bond shall bear interest at a rate exceeding 5.50% per annum and (ii) the net interest cost of the 2021 Bonds shall not exceed 4.50%.

**Section 4. Payment Provisions.** The Board of Commissioners hereby appoints Amalgamated Bank of Chicago to act as paying agent and bond registrar for the 2021 Bonds. The principal of the 2021 Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the corporate trust office of the paying agent. Interest on the 2021 Bonds shall be payable on each interest payment date to the registered owners of record thereof appearing on the registration books maintained by the District for such purpose at the corporate trust office of the bond registrar, as of the close of business on the 15th day of the calendar month next preceding the interest payment date. Interest on the 2021 Bonds shall be paid by check or draft mailed to such registered owners at their addresses appearing on the registration books or by wire transfer pursuant to an agreement by and between the District and the registered owner.

**Section 5. Redemption Provisions.** The 2021 Bonds may be subject to redemption prior to maturity at the option of the District, as determined by the Designated Officer in the Bond Order, and upon notice as herein provided, in such principal amounts and from such maturities as the Designated Officer shall determine in the Bond Order and by lot within a single maturity, at such redemption prices (not exceeding 102% of par) and for such periods of redemption as shall be determined in the Bond Order.

All 2021 Bonds subject to mandatory sinking fund redemption shall be redeemed at a redemption price equal to the principal amount thereof to be redeemed. The bond registrar is hereby authorized and directed to mail notice of the mandatory sinking fund redemption of the 2021 Bonds in the manner herein provided.

Whenever 2021 Bonds subject to mandatory sinking fund redemption are redeemed at the option of the District, the principal amount thereof so redeemed shall be credited against the unsatisfied balance of future sinking fund installments or final maturity amount established with respect to such 2021 Bonds, in such amounts and against such installments or final maturity amount as shall be determined by the District in the proceedings authorizing such optional redemption or, in the absence of such determination, shall be credited pro-rata against the unsatisfied balance of the applicable sinking fund installments and final maturity amount.

On or prior to the 60th day preceding any sinking fund installment date, the District may purchase 2021 Bonds, which are subject to mandatory redemption on such sinking fund installment date, at such prices (not exceeding par plus accrued interest) as the District shall determine. Any 2021 Bond so purchased shall be cancelled and the principal amount thereof so purchased shall be credited against the unsatisfied balance of the next ensuing sinking fund installment of the 2021 Bonds of the same maturity and interest rate as the 2021 Bond so purchased.

In the event of the redemption of less than all the 2021 Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be in an Authorized Denomination and the bond registrar shall assign to each 2021 Bond of such maturity a distinctive number for each minimum Authorized Denomination principal amount of such

2021 Bond and shall select by lot from the numbers so assigned as many numbers as, at such Authorized Denomination for each number, shall equal the principal amount of such 2021 Bonds to be redeemed. The 2021 Bonds to be redeemed shall be the 2021 Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each 2021 Bond shall be redeemed as shall equal the minimum Authorized Denomination for each number assigned to it and so selected.

Notice of the redemption of 2021 Bonds shall be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of 2021 Bonds to be redeemed at their last addresses appearing on said registration books. The 2021 Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the 2021 Bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such 2021 Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a 2021 Bond, the District shall execute and the bond registrar shall authenticate and deliver, upon surrender of such 2021 Bond, without charge to the owner thereof, in exchange for the unredeemed balance of the 2021 Bond so surrendered, 2021 Bonds of like maturity, interest rate and of Authorized Denominations.

The bond registrar shall not be required to transfer or exchange any 2021 Bond after notice of the redemption of all or a portion thereof has been mailed. The bond registrar shall not be required to transfer or exchange any 2021 Bond during a period of 15 days next preceding the mailing of a notice of redemption that could designate for redemption all or a portion of such 2021 Bond.

Anything to the contrary herein notwithstanding, principal payments on the 2021 Bonds due to mandatory or optional redemption shall not require presentation and surrender for payment, but shall be payable in the same way as interest except for the final payment of principal on the 2021 Bonds at maturity, for which the 2021 Bonds must be presented and surrendered.

**Section 6. Sale and Delivery of 2021 Bonds.** (A) Subject to the limitations contained in this ordinance, authority is delegated to the Designated Officer to sell the 2021 Bonds to the Underwriter, provided that (i) the 2021 Bonds are sold at a price of not less than 98% of par and (ii) the principal of and interest on the 2021 Bonds payable in each debt service year shall not be greater than the debt service taxes levied for the applicable tax levy year pursuant to Section 11 of this ordinance, provided that for this purpose interest shall not include any interest that is to be paid from moneys deposited, on or prior to the date of issuance of the 2021 Bonds, into the 2021 Debt Service Fund;

(B) As used in paragraph (A) of this Section, the term "debt service year" means the annual period commencing on the 2<sup>nd</sup> day of January next following the applicable tax levy year.

(C) The sale and award of the 2021 Bonds shall be evidenced by one or more Bond Orders, which shall be signed by the Designated Officer. An executed counterpart

of each Bond Order shall be filed in the office of the Secretary and entered in the records of the District.

(D) The Executive Director is authorized to purchase a municipal bond insurance policy with respect to the payment of the 2021 Bonds.

(E) The President, the Treasurer, the Secretary, the Executive Director and other officials of the District are authorized and directed to do and perform, or cause to be done or performed for or on behalf of the District each and every thing necessary for the issuance of the 2021 Bonds, including, but not limited to, the proper execution and delivery of the 2021 Bonds.

**Section 7. Execution and Authentication.** Each 2021 Bond shall be executed in the name of the District by the manual or authorized facsimile signature of its President. The corporate seal of the District, or a facsimile thereof, shall be thereunto affixed or otherwise reproduced upon each 2021 Bond and attested by the manual or authorized facsimile signature of the Secretary of the District.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any 2021 Bond shall cease to hold such office before the issuance of the 2021 Bond, such 2021 Bond shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such 2021 Bond had not ceased to hold such office. Any 2021 Bond may be signed, sealed or attested on behalf of the District by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such 2021 Bond such person may not have held such office. No recourse shall be had for the payment of any 2021 Bonds against any officer who executes the 2021 Bonds.



Each 2021 Bond shall bear thereon a certificate of authentication executed manually by the bond registrar. No 2021 Bond shall be entitled to any right or benefit under this ordinance or shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the bond registrar.

**Section 8. Transfer, Exchange and Registry.** The 2021 Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein. Each 2021 Bond shall be transferable only upon the registration books maintained by the District for that purpose at the office of the bond registrar, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the bond registrar and duly executed by the registered owner or his duly authorized attorney. Upon the surrender for transfer of any such 2021 Bond, the District shall execute and the bond registrar shall authenticate and deliver a new 2021 Bond or 2021 Bonds registered in the name of the transferee, of the same aggregate principal amount, maturity and interest rate as the surrendered 2021 Bond. 2021 Bonds, upon surrender thereof at the corporate trust office of the bond registrar, with a written instrument satisfactory to the bond registrar, duly executed by the registered owner or his attorney duly authorized in writing, may be exchanged for an equal aggregate principal amount of 2021 Bonds of the same maturity and interest rate and of Authorized Denominations.

For every such exchange or registration of transfer of 2021 Bonds, the District or the bond registrar may make a charge sufficient for the reimbursement of any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as

a condition precedent to the exercise of the privilege of making such exchange or transfer. No other charge shall be made for the privilege of making such transfer or exchange. The provisions of the Illinois Bond Replacement Act, 30 Illinois Compiled Statutes 315, shall govern the replacement of lost, destroyed or defaced 2021 Bonds.

The District and the bond registrar may deem and treat the person in whose name any 2021 Bond shall be registered upon the registration books as the absolute owner of such 2021 Bond, whether such 2021 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, redemption premium, if any, or interest thereon and for all other purposes whatsoever, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such 2021 Bond to the extent of the sum or sums so paid, and neither the District nor the bond registrar shall be affected by any notice to the contrary.

**Section 9. Security for 2021 Bonds.** The 2021 Bonds are issued as “limited bonds” as defined and referred to in the Local Government Debt Reform Act. The 2021 Bonds are payable from the District’s “debt service extension base,” as defined in the Property Tax Extension Limitation Law, 35 Illinois Compiled Statutes 200/18-185 through 18-245. The District covenants that it will not issue any bonds, notes or other obligations if the issuance thereof would cause the anticipated tax extension for any tax levy year for limited bonds of the District (including the 2021 Bonds) to exceed the debt service extension base of the District less the amount in items (b), (c), (e) and (h) of the applicable definition of “aggregate extension” contained in the Property Tax Extension Limitation Law, for non-referendum obligations, except obligations initially issued pursuant to referendum.

The full faith and credit of the District are hereby irrevocably pledged to the punctual payment of the principal of and interest on the 2021 Bonds. The 2021 Bonds shall be direct and general obligations of the District, and the District shall be obligated to levy ad valorem taxes upon all the taxable property in the District for the payment of the 2021 Bonds and the interest thereon, without limitation as to rate, but limited as to amount by provisions of the Property Tax Extension Limitation Law.

**Section 10. Form of 2021 Bonds.** The 2021 Bonds shall be issued as fully registered bonds and shall be in substantially the following form, the blanks to be appropriately completed when the 2021 Bonds are printed:

No. \_\_\_\_\_

United States of America  
 State of Illinois  
 County of Kendall  
**KENDALL COUNTY FOREST PRESERVE DISTRICT  
 GENERAL OBLIGATION LIMITED TAX BOND,  
 SERIES 2021**

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
. %	January 1, 20__	_____, 2021	

REGISTERED OWNER: CEDE & Co.

PRINCIPAL AMOUNT:

KENDALL COUNTY FOREST PRESERVE DISTRICT, a special district of the State of Illinois duly organized and existing under the Downstate Forest Preserve District Act, 70 Illinois Compiled Statutes 805, acknowledges itself indebted and for value received hereby promises to pay to the registered owner of this bond, or registered assigns, the principal amount specified above on the maturity date specified above, and to pay interest on such principal amount from the date hereof at the interest rate per

annum specified above, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on \_\_\_\_\_, 2022 and semiannually thereafter on January 1 and July 1 in each year until the principal amount shall have been paid, to the registered owner of record hereof as of the 15th day of the calendar month next preceding such interest payment date, by wire transfer pursuant to an agreement by and between the District and the registered owner, or otherwise by check or draft mailed to the registered owner at the address of such owner appearing on the registration books maintained by the District for such purpose at the corporate trust office of Amalgamated Bank of Chicago, in the City of Chicago, Illinois, as bond registrar or its successor (the "Bond Registrar"). This bond, as to principal and premium, if any, when due, will be payable in lawful money of the United States of America upon presentation and surrender of this bond at the corporate trust office of the Bond Registrar. The full faith and credit of the District are irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

This bond is one of the series of bonds issued in the aggregate principal amount of \$\_\_\_\_\_, which are authorized and issued under and pursuant to the Downstate Forest Preserve District Act, 70 Illinois Compiled Statutes 805, and the Local Government Debt Reform Act, 30 Illinois Compiled Statutes 350, and under and in accordance with an ordinance adopted by the Board of Commissioners of the District on June 1, 2021 and entitled: "Ordinance Authorizing the Issuance of Not to Exceed \$1,300,000 General Obligation Limited Tax Bonds, Series 2021, of the Kendall County Forest Preserve District."

This bond is a "limited bond" as defined in the Local Government Debt Reform Act and is payable from the debt service extension base of the District as defined in the Property Tax Extension Limitation Law, 35 Illinois Compiled Statutes 200/18-185 through 18-245.

The bonds of such series maturing on or after January 1, 20\_\_ are subject to redemption prior to maturity at the option of the District and upon notice as herein provided, in such principal amounts and from such maturities as the District shall determine and by lot within a single maturity, on January 1, 20\_\_ and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed plus, if such bond is to be redeemed during any period (both dates inclusive) shown in the following table, the applicable redemption premium, expressed as a percentage of such principal amount, set forth opposite such period:

<u>Redemption Period</u>	<u>Redemption Premium</u>
	%

The bonds of such series are subject to mandatory redemption, in part and by lot, on January 1 of the years and in the respective principal amounts set forth in the following table, by the application of sinking fund installments, at a redemption price equal to the principal amount thereof to be redeemed:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
20__	\$ ,000	20__	\$ ,000	20__	\$ ,000
20__	,000	20__	,000	20__	,000
20__	,000	20__	,000	20__	,000

Notice of the redemption of bonds will be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of bonds to be redeemed at their last addresses appearing on such registration books. The bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such bonds or portions thereof shall cease to accrue and become payable.

This bond is transferable only upon such registration books by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof at the corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his duly authorized attorney, and thereupon a new registered bond or bonds, in the authorized denominations of \$5,000 or any integral multiple thereof, and of the same aggregate principal amount, maturity and interest rate as this bond shall be issued to the transferee in exchange therefor. In like manner, this bond may be exchanged for an equal aggregate principal amount of bonds of the same maturity and interest rate and of any of such authorized denominations. The District or the Bond Registrar may make a charge sufficient for the reimbursement of any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this bond. No other charge shall be

made for the privilege of making such transfer or exchange. The District and the Bond Registrar may treat and consider the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.


This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that this bond is issued in part pursuant to the Local Government Debt Reform Act, that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this bond in order to make it a legal, valid and binding obligation of the District have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of bonds of which this bond is one, together with all other indebtedness of the District, is within every debt or other limit prescribed by law.

IN WITNESS WHEREOF, Kendall County Forest Preserve District has caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of the President of its Board of Commissioners, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or facsimile signature of the Secretary of its Board of Commissioners.

Dated: June 1<sup>st</sup>, 2021

KENDALL COUNTY FOREST  
PRESERVE DISTRICT

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

CERTIFICATE OF AUTHENTICATION

This bond is one of the General Obligation Limited Tax Bonds, Series 2021, described in the within mentioned Ordinance.

AMALGAMATED BANK OF CHICAGO,  
as Bond Registrar

By \_\_\_\_\_  
Authorized Signer



ASSIGNMENT

For value received the undersigned sells, assigns and transfers unto \_\_\_\_\_

\_\_\_\_\_

the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_

\_\_\_\_\_

attorney to transfer the said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature Guarantee:

**Section 11. Levy and Extension of Taxes For 2021 Bonds.** (A) For the purpose of providing the money required to pay the interest on the 2021 Bonds when and as the same falls due and to pay and discharge the principal thereof at maturity or upon mandatory redemption, there is hereby levied upon all the taxable property in the District, in each year while any of the 2021 Bonds shall be outstanding, a direct annual tax sufficient for that purpose in addition to all other taxes, as follows:

<u>Tax Levy Year</u>	<u>A Tax Sufficient to Produce</u>
2021	\$85,671
2022	\$85,671
2023	\$85,671
2024	\$85,671
2025	\$85,671
2026	\$85,671
2027	\$85,671
2028	\$85,671
2029	\$85,671
2030	\$85,671
2031	\$85,671
2032	\$85,671
2033	\$85,671
2034	\$85,671
2035	\$85,671
2036	\$85,671
2037	\$85,671
2038	\$85,671
2039	\$85,671

(B) Interest or principal coming due at any time when there shall be insufficient funds on hand to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the taxes herein levied; and when said taxes shall have been collected, reimbursement shall be made to the said funds in the amounts thus advanced.

(C) After the sale of the 2021 Bonds and the execution of the Bond Order, an executed copy of the Bond Order and a copy of this ordinance certified by the Secretary, which certificate shall recite that this ordinance has been duly adopted, shall be filed with the County Clerk of Kendall County, Illinois, who is hereby directed to ascertain the rate per cent required to produce the aggregate tax hereinbefore provided to be levied in the years 2021 to 2039, inclusive, and subject to adjustment as provided in paragraph (D) of this Section, to extend the same for collection on the tax books in connection with other taxes levied in said years, in and by the District for general corporate purposes of the District, and in said years such annual tax shall be levied and collected in like manner as taxes for general corporate purposes for said years are levied and collected, without limit as to rate, but limited as to amount by the provisions of the Property Tax Extension Limitation Law, and, when collected, the moneys received by the District from such taxes shall be used for the purpose of paying the principal of and interest on the 2021 Bonds as the same become due and payable.

(D) In the event that 2021 Bonds are to be issued in principal amounts and bearing interest such that for any tax levy year an amount less than that set forth in paragraph (A) of this Section is required to be produced to pay when due the principal of and interest on the 2021 Bonds, then the Treasurer of the District is authorized and directed to file with the aforesaid County Clerk, on or prior to the delivery of the 2021 Bonds, a direction for abatement of taxes specifying the exact amount of taxes to be levied to produce the required amounts for each of the various tax levy years.

(E) After the issuance of the 2021 Bonds, the District shall not abate the debt service taxes levied pursuant to this Section or take any action to restrict the extension

and collection of those taxes except that the District may abate any such debt service taxes for any tax levy year to the extent that, at the time of such abatement, moneys then held in the 2021 Debt Service Fund established by this ordinance, or otherwise held in trust for the payment of debt service on the 2021 Bonds, together with the amount to be extended for collection taking into account the proposed abatement, will be sufficient to provide for the punctual payment of the principal of and interest on the 2021 Bonds otherwise payable from the debt service taxes levied for such tax levy year.

**Section 12. Debt Service Fund.** Moneys derived from taxes levied pursuant to Section 11 of this ordinance are appropriated and set aside for the sole purpose of paying principal of and interest on the 2021 Bonds when and as the same come due. All of such moneys, and all other moneys to be used for the payment of the principal of and interest on the 2021 Bonds, shall be deposited in the "2021 Debt Service Fund" (the "2021 Debt Service Fund"), which is hereby established as a special fund of the District and shall be administered as a bona fide debt service fund under the Internal Revenue Code of 1986. All accrued interest received upon the issuance of the 2021 Bonds shall be deposited in the 2021 Debt Service Fund.

**Section 13. Pledge Securing 2021 Bonds.** The moneys deposited or to be deposited into the 2021 Debt Service Fund, including the tax receipts derived from the taxes levied pursuant to Section 11 of this ordinance, are pledged as security for the payment of the principal of and interest on the 2021 Bonds. This pledge is made pursuant to Section 13 of the Local Government Debt Reform Act and shall be valid and binding from the date of issuance of any of the 2021 Bonds. All such tax receipts and the moneys held in the 2021 Debt Service Fund shall immediately be subject to the lien of such pledge

without any physical delivery or further act and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the District irrespective of whether such parties have notice thereof.

**Section 14. 2021 Bond Proceeds Fund.** The “2021 Bond Proceeds Fund” is hereby established as a special fund of the District. All of the proceeds of sale of the 2021 Bonds (exclusive of any accrued interest) shall be deposited into the 2021 Bond Proceeds Fund. Moneys in the 2021 Bond Proceeds Fund shall be used for the purposes of paying costs of the Projects and costs of issuance of the 2021 Bonds, including any municipal bond insurance policy premium, but may hereafter be reappropriated and used for other purposes if such reappropriation is permitted under Illinois law and will not adversely affect the exclusion from gross income for federal income tax purposes of interest on the 2021 Bonds.

**Section 15. Investment Regulations.** No investment shall be made of any moneys in the 2021 Debt Service Fund or the 2021 Bond Proceeds Fund except in accordance with the tax covenants set forth in Section 16 of this ordinance. All income derived from such investments in respect of moneys or securities in any Fund shall be credited in each case to the Fund in which such moneys or securities are held.

Any moneys in any Fund that are subject to investment yield restrictions may be invested in United States Treasury Securities, State and Local Government Series, pursuant to the regulations of the United States Treasury Department, Bureau of the Fiscal Service, or in any tax-exempt bond that is not an “investment property” within the meaning of Section 148(b)(2) of the Internal Revenue Code of 1986. The Treasurer and her designated agents are hereby authorized to submit, on behalf of the District,

subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

**Section 16. Tax Covenants.** The District shall not take, or omit to take, any action lawful and within its power to take, which action or omission would cause interest on any 2021 Bond to become subject to federal income taxes in addition to federal income taxes to which interest on such 2021 Bond is subject on the date of original issuance thereof.

The District shall not permit any of the proceeds of the 2021 Bonds, or any facilities financed with such proceeds, to be used in any manner that would cause any 2021 Bond to constitute a “private activity bond” within the meaning of Section 141 of the Internal Revenue Code of 1986.

The District shall not permit any of the proceeds of the 2021 Bonds or other moneys to be invested in any manner that would cause any 2021 Bond to constitute an “arbitrage bond” within the meaning of Section 148 of the Internal Revenue Code of 1986 or a “hedge bond” within the meaning of Section 149(g) of the Internal Revenue Code of 1986.

The District shall comply with the provisions of Section 148(f) of the Internal Revenue Code of 1986 relating to the rebate of certain investment earnings at periodic intervals to the United States of America.

**Section 17. Bank Qualified Designation.** The District hereby designates the bonds as “qualified tax-exempt obligations” as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986. The District represents that the reasonably anticipated amount of tax-exempt obligations that are required to be taken into account for the

purpose of Section 265(b)(3)(C) of the Code and will be issued by or on behalf of the District and all subordinate entities of the District during 2021 does not exceed \$10,000,000. The District covenants that it will not designate and issue more than \$10,000,000 aggregate principal amount of tax-exempt obligations in the year in which the 2021 Bonds are issued. For purposes of the two preceding sentences, the term "tax-exempt obligations" includes "qualified 501(c)(3) bonds" (as defined in Section 145 of the Internal Revenue Code of 1986) but does not include other "private activity bonds" (as defined in Section 141 of the Internal Revenue Code of 1986).

**Section 18. Bond Registrar.** The District covenants that it shall at all times retain a bond registrar with respect to the 2021 Bonds, that it will maintain at the designated office of such bond registrar a place where 2021 Bonds may be presented for payment and registration of transfer or exchange and that it shall require that the bond registrar maintain proper registration books and perform the other duties and obligations imposed upon the bond registrar by this ordinance in a manner consistent with the standards, customs and practices of the municipal securities business.

A bank, trust company or national banking association acting as bond registrar shall signify its acceptance of the duties and obligations imposed upon it by this ordinance by executing the certificate of authentication on any 2021 Bond, and by such execution the bond registrar shall be deemed to have certified to the District that it has all requisite power to accept, and has accepted such duties and obligations not only with respect to the 2021 Bond so authenticated but with respect to all the 2021 Bonds. The bond registrar is the agent of the District and shall not be liable in connection with the performance of its

duties except for its own negligence or default. The bond registrar shall, however, be responsible for any representation in the certificate of authentication on the 2021 Bonds.

The District may remove the bond registrar at any time. In case at any time the bond registrar shall resign or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the bond registrar, or of its property, shall be appointed, or if any public officer shall take charge or control of the bond registrar or of its property or affairs, the District covenants and agrees that it will thereupon appoint a successor bond registrar. The District shall mail notice of any such appointment made by it to each registered owner of 2021 Bonds within twenty days after such appointment.

**Section 19. Book-Entry System.** The Board of Commissioners hereby authorizes the Designated Officer to determine to provide for a book entry transfer system with respect to the 2021 Bonds and, upon such determination, the following provisions of this Section shall be effective with respect to the 2021 Bonds.

In order to provide for the initial issuance of the 2021 Bonds in a form that provides for a system of book-entry only transfers, the ownership of one fully registered 2021 Bond for each maturity, in the aggregate principal amount of such maturity, shall be registered in the name of Cede & Co., as a nominee of The Depository Trust Company, as securities depository for the 2021 Bonds. The Treasurer is authorized to execute and deliver on behalf of the District such letters to, or agreements with, the securities depository as shall be necessary to effectuate such book-entry system.

In case at any time the securities depository shall resign or shall become incapable of acting, then the District shall appoint a successor securities depository to provide a



system of book-entry only transfers for the 2021 Bonds, by written notice to the predecessor securities depository directing it to notify its participants (those persons for whom the securities depository holds securities) of the appointment of a successor securities depository.

If the system of book-entry only transfers for the 2021 Bonds is discontinued, then the District shall issue and the bond registrar shall authenticate, register and deliver to the beneficial owners of the 2021 Bonds, bond certificates in replacement of such beneficial owners' beneficial interests in the 2021 Bonds, all as shown in the records maintained by the securities depository.

**Section 20. Approval of Documents.** The form of Bond Purchase Agreement by and between the District and the Underwriter, on file in the office of the Secretary of the Board of Commissioners, is hereby approved. The President is authorized and directed to execute and deliver a Bond Purchase Agreement in substantially the form of the Bond Purchase Agreement on file in the office of the Secretary, with such changes and completions as may be approved by the President, subject to the limitations of this ordinance. The execution and delivery of the Bond Purchase Agreement shall constitute conclusive evidence of the approval of such changes and completions.

The form of Official Statement of the District with respect to the 2021 Bonds, in substantially the form on file in the office of the Secretary, with such changes, omissions, insertions and revisions as the President or the Director shall deem advisable, the distribution thereof to prospective purchasers and the use thereof by the purchaser in connection with the offering of the 2021 Bonds is authorized and approved. The President and the Executive Director may take such actions as may be required so that the Official

Statement will be "deemed final" as of its date for purposes of Securities and Exchange Commission Rule 15c2-12 promulgated under the Securities Exchange Act of 1934. The President is authorized to permit the distribution of the final Official Statement with such changes, omissions, insertions and revisions as she shall deem advisable.

Each of the documents approved by this Section may be executed in one or more counterparts. The corporate seal of the District, or a facsimile thereof may, if required, be affixed or otherwise reproduced upon each document and attested by the manual or authorized facsimile signature of the Secretary.

**Section 21. Defeasance and Payment of 2021 Bonds.** (A) If the District shall pay or cause to be paid to the registered owners of the 2021 Bonds, the principal, premium, if any, and interest due or to become due thereon, at the times and in the manner stipulated therein and in this ordinance, then the pledge of tax receipts, securities and funds hereby pledged and the covenants, agreements and other obligations of the District to the registered owners and the beneficial owners of the 2021 Bonds shall be discharged and satisfied.

(B) Any 2021 Bonds or interest installments appertaining thereto, whether at or prior to the maturity or redemption date of such 2021 Bonds, shall be deemed to have been paid within the meaning of paragraph (A) of this Section if (1) in case any such 2021 Bonds are to be redeemed prior to the maturity thereof, there shall have been taken all action necessary to call such 2021 Bonds for redemption and notice of such redemption shall have been duly given or provision shall have been made for the giving of such notice, and (2) there shall have been deposited in trust with a bank, trust company or national banking association acting as fiduciary for such purpose either (i) moneys in an amount

which shall be sufficient, or (ii) "Federal Obligations" as defined in paragraph (C) of this Section, the principal of and the interest on which when due will provide moneys which, together with any moneys on deposit with such fiduciary at the same time for such purpose, shall be sufficient, to pay when due the principal of, redemption premium, if any, and interest due and to become due on, said 2021 Bonds on and prior to the applicable maturity date or redemption date thereof.

(C) As used in this Section, the term "Federal Obligations" means (i) non-callable, direct obligations of the United States of America, (ii) non-callable and non-prepayable, direct obligations of any agency of the United States of America, which are unconditionally guaranteed by the United States of America as to full and timely payment of principal and interest, or (iii) non-callable, non-prepayable coupons or interest installments from the securities described in clause (i) or clause (ii) of this paragraph, which are stripped pursuant to programs of the Department of the Treasury of the United States of America.

(D)

**Section 22. Ordinance to Constitute a Contract.** The provisions of this ordinance shall constitute a contract between the District and the registered owners of the 2021 Bonds. Any pledge made in this ordinance with respect to a series of 2021 Bonds and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the District shall be for the equal benefit, protection and security of the owners of any and all of the 2021 Bonds. All of the 2021 Bonds, regardless of the time or times of their issuance, shall be of equal rank without preference, priority or distinction of any of the 2021 Bonds over any other thereof except as expressly provided in or

pursuant to this ordinance. This ordinance shall constitute full authority for the issuance of the 2021 Bonds and to the extent that the provisions of this ordinance, conflict with the provisions of any other ordinance or resolution of the District, the provisions this ordinance shall control. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section 23. Publication.** The Secretary is hereby authorized and directed to publish this ordinance in pamphlet form and to file copies thereof for public inspection in the office of the Secretary.

**Section 24. Effective Date.** This ordinance shall become effective upon its adoption.

Passed and adopted this 1st day of June, 2021, by roll call vote as follows:

**Ayes:** Commissioners Brian DeBolt, Amy Cesich, Elizabeth Flowers, Scott Gengler, Judy Gilmour, Scott Gryder, Ruben Rodriguez, and Robyn Vickers

**Nays:** Dan Koukol

**Absent:** Matt Kellogg

Approved: June 1, 2021

  
\_\_\_\_\_  
President

Published in pamphlet form: June 2, 2021

(SEAL)

Attest:

  
\_\_\_\_\_  
Secretary