

ORDINANCE NO. 10-05

ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$10,000,000 GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2010, OF THE COUNTY OF KENDALL, ILLINOIS

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, ILLINOIS, AS FOLLOWS:

**Section 1. Authority and Purpose.** This ordinance is adopted pursuant to the Counties Code, 55 Illinois Compiled Statutes 5, and the Local Government Debt Reform Act, 30 Illinois Compiled Statutes 350, for the purpose of refunding \$11,305,000 outstanding maturity amount of Capital Appreciation Bonds maturing in the years 2010 to 2022, both inclusive (the "Refunded Bonds") constituting a portion of the General Obligation Bonds (Alternate Revenue Source), Series 2002A, of The County of Kendall, Illinois (the "County") maturing in the years 2013 to 2022, both inclusive (the "Prior Bonds"). The Prior Bonds consist of Current Interest Bonds (the "Prior Current Interest Bonds") and the Refunded Bonds.

**Section 2. Findings and Determinations.** It is found and determined that:

(A) On December 19, 2002, the County issued the Prior Bonds as "alternate bonds" under the provisions of Section 15 of the Local Government Debt Reform Act for the purpose of financing the expansion of the County jail, including furnishings, equipment, site improvements and the renovation of existing facilities (the "2002A Project").

(B) The County hereby determines to refund the Refunded Bonds and elects to redeem the Refunded Bonds on December 1, 2012 (the "Redemption Date") at the redemption price for each Refunded Bond to be redeemed equal to 103% of the Compounded Accreted Value for each Refunded Bond as of December 1, 2012.

(C) The County will refund the Refunded Bonds by the issuance of the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, of the County (the "2010 Bonds") which are authorized by this ordinance. The 2010 Bonds shall be issued as "alternate bonds" pursuant to the provisions of Section 15 of the Local Government Debt Reform Act.

(D) The County intends to deposit in the Escrow Fund to be established pursuant to the 2010 Escrow Deposit Agreement described in Section 15 of this ordinance, proceeds of the 2010 Bonds, which together with any contribution of funds of the County deposited in said Escrow Fund, will be sufficient to pay (a) the redemption price on the Refunded Bonds on the Redemption Date and (b) the interest to be due on each 2010 Bond on or prior to the Redemption Date.

(E) It is determined that (i) the term of the 2010 Bonds shall not be longer than the term of the Refunded Bonds; (ii) the debt service payable in any year on the 2010 Bonds (net of interest payable from the Escrow Fund) shall not exceed the debt service payable in such year on the Refunded Bonds; and (iii) the sum of the moneys to be deposited into the 2010 Debt Service Fund pursuant to Section 10 of this ordinance and the annual taxes levied pursuant to Section 12 of this ordinance shall be sufficient to provide for the punctual payment of the principal of and interest on the 2010 Bonds due after the Redemption Date.

(F) Following the Redemption Date, the 2010 Bonds shall be payable from the additional sales tax receipts derived by the County from the sales tax for public safety purposes imposed at the rate of  $\frac{1}{2}$  of 1% pursuant to the Special County Occupation Tax for Public Safety Law, 55 Illinois Compiled Statutes 5/5-1006.5, and by virtue of a public question authorizing the imposition of the public safety tax, which was approved

by the electors of the County at the consolidated election held on April 3, 2001 (the "Public Safety Tax Revenues"). The Public Safety Tax Revenues constitute a "Revenue Source" within the meaning of Section 15 of the Local Government Debt Reform Act.

(G) The County Board hereby determines that following the Redemption Date, the Public Safety Tax Revenues will be sufficient to provide in each year to the final maturity of the 2010 Bonds, an amount not less than 1.25 times debt service on the 2010 Bonds and the outstanding Prior Current Interest Bonds (the "Remaining Prior Bonds").

(H) Other than the 2010 Bonds and the Remaining Prior Bonds, no other bonds, notes or obligations of the County are secured by a pledge of the Public Safety Tax Revenues.

(I) The determination of the sufficiency of the Public Safety Tax Revenues is supported by the Independent Auditor's Report regarding the financial statements of the County for the fiscal year ended November 30, 2009, which Report was dated January 8, 2010 and was prepared by Echols, Mack & Associates, P.C., certified public accountants. The Independent Auditor's Report is hereby accepted by the County Board.

(J) In order to accommodate current market practices and to provide the opportunity to sell the 2010 Bonds under the most favorable terms, the County Board hereby delegates to the Chairman of the County Board (the "Chairman") the authority to sell the 2010 Bonds pursuant to a negotiated private sale with Stifel Nicholas & Company, Incorporated, as underwriter (the "Underwriter") to sign a bond purchase agreement with respect to the 2010 Bonds and to determine certain details of the 2010 Bonds. All determinations delegated to the Chairman pursuant to this ordinance shall

be made by the Chairman by the execution of a written bond order (the "Bond Order"). The delegated authority granted to the Chairman pursuant to this Section shall expire on November 30, 2010.

(K) In connection with the refunding plan authorized by this ordinance, the County Administrator may determine to refund less than all of the Refunded Bonds and may select the particular Refunded Bonds to be refunded. In no event shall the 2010 Bonds be sold unless such sale shall result in a net present value debt service savings to the County of at least three percent (3%).

**Section 3. Authorization and Terms of Bonds.** The sum of \$10,000,000 is appropriated to meet the estimated cost of refunding the Refunded Bonds, including the costs of issuance of the 2010 Bonds. The 2010 Bonds are authorized to be issued and sold in an aggregate principal amount of not to exceed \$10,000,000 pursuant to applicable provisions of the Local Government Debt Reform Act for the purpose of financing said appropriation. The 2010 Bonds shall be designated "General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010."

The 2010 Bonds shall be issuable in the denominations of \$5,000 or any integral multiple thereof and may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of 2010 Bonds. Unless otherwise determined in the Bond Order, each 2010 Bond delivered upon the original issuance of the 2010 Bonds shall be dated as of their date of delivery. Each 2010 Bond thereafter issued upon any transfer, exchange or replacement of 2010 Bonds shall be dated so that no gain or loss of interest shall result from such transfer, exchange or replacement.

The 2010 Bonds shall mature on December 1 in such years and in such principal amounts as shall be determined in the Bond Order, provided that no 2010 Bond shall mature later than December 1, 2022.

Each 2010 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 December 1, 2010 and semiannually thereafter on each June 1 and December 1 at the rates per annum determined in the Bond Order, provided that no 2010 Bond shall bear interest at a rate exceeding **[six percentum (6%)]** per annum.

The principal of the 2010 Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the corporate trust office of Amalgamated Bank of Chicago, in the City of Chicago, Illinois, which is hereby appointed as bond registrar and paying agent for the 2010 Bonds. Interest on the 2010 Bonds shall be payable on each interest payment date to the registered owners of record thereof appearing on the registration books maintained by the County for such purpose at the corporate trust office of the bond registrar, as of the close of business on the 15<sup>th</sup> day of the calendar month next preceding the applicable interest payment date. Interest on the 2010 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 County and the registered owner.

Pursuant to the Bond Order, the County may designated certain maturities of the Series 2010 Bonds as being subject to optional redemption upon such notice and upon such terms as are specified in the Bond Order, provided that the redemption price to be

paid upon such optional redemption may not exceed one hundred and three per cent (103%) of the principal amount to be redeemed.

Pursuant to the Bond Order, the County may designate one or more maturities of the 2010 Bonds as term bonds subject to mandatory sinking fund redemption on December 1 of such years and in such principal amounts as specified in the Bond Order.

All 2010 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 2010 Bonds in the manner herein provided.

Whenever 2010 Bonds subject to mandatory sinking fund redemption are redeemed at the option of the County, the principal amount thereof so redeemed shall be credited against the unsatisfied balance of future sinking fund installments or final principal amount established with respect to such 2010 Bonds, in such amounts and against such installments or final principal amount as shall be determined by the County 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 principal amount.

On or prior to the 60<sup>th</sup> day preceding any sinking fund installment date, the County may purchase 2010 Bonds, which are subject to mandatory redemption on such sinking fund installment date, at such prices as the County shall determine. Any 2010 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 2010 Bonds of the same maturity as the 2010 Bond so purchased.

In the event of the redemption of less than all the 2010 Bonds of like maturity, the aggregate principal amount thereof to be redeemed shall be \$5,000 or an integral multiple thereof and the bond registrar shall assign to each 2010 Bond of such maturity a distinctive number for each \$5,000 principal amount of such 2010 Bond and shall select by lot from the numbers so assigned as many numbers as, at \$5,000 for each number, shall equal the principal amount of such 2010 Bonds to be redeemed. The 2010 Bonds to be redeemed shall be the 2010 Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each 2010 Bond shall be redeemed as shall equal \$5,000 for each number assigned to it and so selected.

Notice of the redemption of 2010 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 2010 Bonds to be redeemed at their last addresses appearing on said registration books. The 2010 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 2010 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 2010 Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a 2010 Bond, the County shall execute and the bond registrar shall authenticate and deliver, upon the surrender of such 2010 Bond, without charge to the owner thereof, in exchange for the unredeemed balance of the 2010 Bond so

surrendered, 2010 Bonds of like maturity and of the denomination of \$5,000 or any integral multiple thereof.

The bond registrar shall not be required to transfer or exchange any 2010 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 2010 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 2010 Bond.

**Section 4. Approval of Offering Documents.** The form of Preliminary Official Statement of the County with respect to the 2010 Bonds, in substantially the form on file in the office of the County Clerk, with such changes, omissions, insertions and revisions as the Chairman shall deem advisable, the distribution thereof to prospective purchasers and the use thereof in connection with the offering of the 2010 Bonds is authorized and approved. The Chairman may take such actions as may be required so that the Official Statement with respect to the 2010 Bonds 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 Chairman is authorized to permit the distribution of the Official Statement with such changes, omissions, insertions and revisions as she shall deem advisable.

**Section 5. Sale and Delivery of 2010 Bonds.** Subject to the limitations contained in this ordinance, authority is delegated to the Chairman to award the 2010 Bonds to the successful bidder, provided that the principal of and interest on the 2010 Bonds payable in each year shall not be greater than the debt service taxes levied for the applicable tax levy year pursuant to Section 13 of this ordinance, and provided further that for this purpose interest shall not include any interest that is to be paid from



moneys deposited, on the date of issuance of the 2010 Bonds, into the 2010 Escrow Fund maintained under the 2010 Escrow Deposit Agreement established by Section 15 of this ordinance.

The sale and award of the 2010 Bonds shall be evidenced by the Bond Order, which shall be signed by the Chairman. An executed counterpart of the Bond Order shall be filed in the office of the County Clerk and entered in the records of the County.

The Chairman, the County Clerk and other officials of the County are authorized and directed to do and perform, or cause to be done or performed for or on behalf of the County each and every thing necessary for the issuance of the 2010 Bonds, including the proper execution and delivery of the 2010 Bonds and the Official Statement.

**Section 6. Execution and Authentication.** Each 2010 Bond shall be executed in the name of the County by the manual or authorized facsimile signature of the Chairman and the corporate seal of the County, or a facsimile thereof, shall be thereunto affixed or otherwise reproduced thereon and attested by the manual or authorized facsimile signature of its County Clerk.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any 2010 Bond shall cease to hold such office before the issuance of the 2010 Bond, such 2010 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 2010 Bond had not ceased to hold such office. Any 2010 Bond may be signed, sealed or attested on behalf of the County by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such 2010 Bond such person may not have held such office. No recourse shall be had for the payment of any 2010 Bonds against any officer who executes the 2010 Bonds.

Each 2010 Bond shall bear thereon a certificate of authentication executed manually by the bond registrar. No 2010 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 7. Transfer, Exchange and Registry.** The 2010 Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein. Each 2010 Bond shall be transferable only upon the registration books maintained by the County for that purpose at the principal corporate trust 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 2010 Bond, the County shall execute and the bond registrar shall authenticate and deliver a new 2010 Bond or Bonds registered in the name of the transferee, of the same aggregate principal amount or maturity amount, as applicable, series, maturity and interest rate as the surrendered 2010 Bond. 2010 Bonds, upon surrender thereof at the principal 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 2010 Bonds of the same series, maturity and interest rate and of the denomination of \$5,000 or any integral multiple thereof.

For every such exchange or registration of transfer of 2010 Bonds, the County 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 shall govern the replacement of lost, destroyed or defaced 2010 Bonds.

The County and the bond registrar may deem and treat the person in whose name any 2010 Bond shall be registered upon the registration books as the absolute owner of such 2010 Bond, whether such 2010 Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of 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 2010 Bond to the extent of the sum or sums so paid, and neither the County nor the bond registrar shall be affected by any notice to the contrary.

**Section 8. General Obligations.** The full faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on the 2010 Bonds. The 2010 Bonds shall be direct and general obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property in the County for the payment of the 2010 Bonds and the interest thereon, without limitation as to rate or amount.

**Section 9. Imposition of the Public Safety Tax.** The County covenants that it will continue to impose a retailers' occupation tax for public safety purposes at the rate of  $\frac{1}{2}$  of 1% upon all persons engaged in the business of selling tangible personal property at retail in the County on gross receipts from the sales made in the course of their business. This tax is imposed pursuant to, and to the extent permitted by, the Special County Occupation Tax For Public Safety Law and by virtue of a public question

approved by the electors of the County at the consolidated election held on April 3, 2001. The County also covenants that it will continue to impose a service occupation tax for public safety purposes pursuant to, and to the extent permitted by, the Special County Occupation Tax For Public Safety Law at the rate of ½ of 1% upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service.

**Section 10. Pledge of Public Safety Tax Revenues.** The Public Safety Tax Revenues are pledged to the payment of the 2010 Bonds on a parity with the prior pledge of the Public Safety Tax Revenues as security for the payment of the Remaining Prior Bonds. The County Board, on behalf of the County, to the extent it is empowered to do so, covenants to provide for, collect and apply the Public Safety Tax Revenues to the payment of the 2010 Bonds and the Remaining Prior Bonds and the provision of not less than an additional .25 times the annual debt service on the 2010 Bonds and the Remaining Prior Bonds.

The pledge of the Public Safety Tax Revenues herein provided for the payment of the 2010 Bonds may be made junior and subordinate to any pledge of the Public Safety Tax Revenues hereafter made for the benefit and security of the owners of bonds of the County payable from, or issued with respect to, such Public Safety Tax Revenues. The County may issue additional bonds payable from, and secured by a lien on, the Public Safety Tax Revenues, on a parity with the 2010 Bonds.

The County shall apply the Public Safety Tax Revenues in an amount that shall be sufficient to provide for the timely payment of the principal of and interest on the 2010 Bonds as the same shall become due and payable.

**Section 11. Forms of 2010 Bonds.** The 2010 Bonds shall be issued as fully registered bonds and shall be in substantially the following forms, the blanks to be appropriately completed when the 2010 Bonds are printed:

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

United States of America  
 State of Illinois  
 THE COUNTY OF KENDALL  
 GENERAL OBLIGATION REFUNDING BOND  
 (ALTERNATE REVENUE SOURCE), SERIES 2010

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

REGISTERED OWNER: Cede & Co.

PRINCIPAL AMOUNT:

THE COUNTY OF KENDALL, a political subdivision of the State of Illinois, 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 December 1, 2010 and semiannually thereafter on June 1 and December 1 in each year until the principal amount shall have been paid, to the registered owner of record hereof as of the 15<sup>th</sup> day of the calendar month next preceding such interest payment date, by wire transfer pursuant to an agreement by and between the County 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 County for such purpose at the principal 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 when due, will be payable in lawful money of the United States of America upon presentation and surrender of this bond at the principal corporate trust office of the Bond Registrar. The full faith and credit of the County 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 a series of bonds issued in the aggregate original principal amount of \$ \_\_\_\_\_, which are authorized and issued under and pursuant to the Local Government Debt Reform Act and under and in accordance with an ordinance adopted by the County Board of the County on March 16, 2010 and entitled: "Ordinance Providing for the Issuance of Not to Exceed \$10,000,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, of The County of Kendall, Illinois" (the "Bond Ordinance").

This bond is an "alternate bond" issued pursuant to Section 15 of the Local Government Debt Reform Act and is also secured by a pledge of the additional sales tax receipts derived by the County from the sales tax for public safety purposes imposed pursuant to the Special County Occupation Tax For Public Safety Law, to the extent, and in the manner, provided in the Local Government Debt Reform Act and the Bond Ordinance.

Interest on this bond up to and including December 1, 2012 is also payable from amounts on deposit in the escrow fund established and maintained under an escrow deposit agreement, dated \_\_\_\_\_, 2010 by and between the County and Amalgamated Bank of Chicago, as escrow agent.

The bonds of such series maturing on or after December 1, 2019 are subject to redemption prior to maturity at the option of the County and upon notice as herein provided, in such principal amounts and from such maturities as the County shall determine and by lot within a single maturity, on December 1, 2018 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.

The bonds of such series maturing in the years 20\_\_\_, 20\_\_ and 20\_\_ (the "Term Bonds") are subject to mandatory redemption, in part and by lot, on December 1 of the years and in the respective principal amounts set forth in the following tables, by the application of sinking fund installments, at a redemption price equal to the principal amount thereof to be redeemed:

<u>20___ Term Bonds</u>		<u>20___ Term Bonds</u>		<u>20___ Term Bonds</u>	
<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 principal 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 County 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 County 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 County 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 County, is within every debt or other limit prescribed by law.

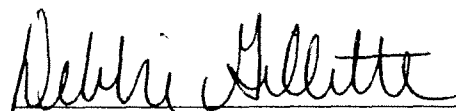
IN WITNESS WHEREOF, The County of Kendall has caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of the Chairman of its County Board, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the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

Dated: March 16, 2010

THE COUNTY OF KENDALL

  
\_\_\_\_\_  
Chairman, County Board

Attest:

  
\_\_\_\_\_  
County Clerk

CERTIFICATE OF AUTHENTICATION

This bond is one of the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, described in the within mentioned Ordinance.

AMALGAMATED BANK OF CHICAGO,  
as Bond Registrar

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

**Section 12. Levy and Extension of Taxes.** (A) For the purpose of providing the money required to pay the interest on the 2010 Bonds when and as the same falls due and to pay and discharge the principal thereof as the same shall mature (including mandatory sinking fund installments), there is hereby levied upon all the taxable property in the County, in each year while any of the 2010 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>
2011	\$ 451,825.00
2012	980,625.00
2013	1,010,000.00
2014	1,040,000.00
2015	1,250,000.00
2016	1,280,000.00
2017	1,315,000.00
2018	1,345,000.00
2019	1,380,000.00
2020	1,415,000.00
2021	1,020,000.00

(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.

Interest on the 2010 Bonds due on and prior to December 1, 2012 shall be paid from the moneys held in the 2010 Escrow Fund established under the 2010 Escrow Deposit Agreement authorized by Section 15 of this ordinance.

(C) After the sale of the 2010 Bonds and the execution of the Bond Order, an executed copy of the Bond Order and a copy of this ordinance shall be filed with and certified by the County Clerk, which certificate shall recite that this ordinance has been

duly adopted, and the County Clerk is hereby directed to ascertain the rate per cent required to produce the aggregate tax hereinbefore provided to be levied in the years 2011 to 2021, 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 County for general corporate purposes of the County, 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 and, when collected, the moneys received by the County from such taxes (the "Tax Receipts") shall be used for the purpose of paying the principal of and interest on the 2010 Bonds as the same become due and payable.

(D) In the event that 2010 Bonds are to be issued in principal amounts or maturity 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 2010 Bonds, then the County Treasurer is authorized and directed to file with the County Clerk, on or prior to the delivery of the 2010 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 2010 Bonds, the County 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 County 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 2010 Debt Service Fund or the 2010 Escrow Fund established by this ordinance, or otherwise held in trust for the payment of debt service on the 2010 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 2010 Bonds otherwise payable from the debt service taxes levied for such tax levy year.

(F) The County covenants and agrees with the registered and beneficial owners of the 2010 Bonds that the County will take no action, or fail to take any action, which in any way would adversely affect the ability of the County to impose, collect and receive the receipts constituting the Public Safety Tax Revenues or, except for the abatement of tax levies as permitted by this Section, to levy and collect the annual taxes levied pursuant to this Section (the "Pledged Taxes").

**Section 13. Debt Service Fund.** The Pledged Taxes are appropriated and set aside for the purpose of paying principal of and interest on the 2010 Bonds when and as the same come due. The Pledged Taxes and all other monies to be used for the payment of principal and interest on the 2010 Bonds, including the Public Safety Tax Revenues, if and when received, shall be deposited in the "2010 Debt Service Fund", which is hereby established as a special fund of the County and shall be administered as a bona fide debt service fund under the Internal Revenue Code of 1986.

On or before December 30<sup>th</sup> of each year beginning with the year 2011, the County shall deposit into the 2010 Debt Service Fund, from the Revenue Source, the amount required so that the sum held in the 2010 Debt Service Fund after such deposit shall be sufficient to provide for the punctual payment of the principal of and interest on the 2010 Bonds that will become due and payable on and prior to the 1<sup>st</sup> day of December next ensuing.

The moneys deposited or to be deposited into the 2010 Debt Service Fund, including the Public Safety Tax Revenues and the Tax Receipts, are pledged as security

for the payment of the principal of and interest on the 2010 Bonds to the extent and in the manner provided in this ordinance. The 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 the 2010 Bonds. All such Revenue Source, to the extent and in the manner provided in this ordinance, all such Tax Receipts and the moneys held in the 2010 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 County irrespective of whether such parties have notice thereof.

**Section 14. Taxes Levied For Refunded Bonds.** The County Treasurer shall file with the County Clerk a certificate listing the Refunded Bonds and the taxes theretofore levied for the 2011 tax levy year and subsequent tax levy years for the payment of the principal of and interest on the Refunded Bonds and said certificate shall direct the abatement of such taxes.

**Section 15. Escrow Deposit Agreement.** The form of 2010 Escrow Deposit Agreement dated as of May 1, 2010 (or such later date as may be determined in the Bond Order), by and between the County and Amalgamated Bank of Chicago, as escrow agent (the "Escrow Agent"), on file in the office of the County Clerk and presented at this meeting, is hereby approved. The proper officers of the County are authorized and directed to execute and deliver the 2010 Escrow Deposit Agreement on behalf of the County.

**Section 16. Application of Proceeds.** The proceeds of sale of the 2010 Bonds (exclusive of accrued interest) shall be applied as follows:

1. To the Escrow Fund maintained under the 2010 Escrow Deposit Agreement the amount that, together with any contribution of funds of the County, will be sufficient to pay the redemption price of each Refunded Bond on December 1, 2012 and the interest to become due on each 2010 Bond on or prior to December 1, 2012.

2. To the 2010 Expense Fund established by this ordinance, the amount of such proceeds of sale remaining after making the foregoing payment.

**Section 17. Expense Fund.** The “2010 Expense Fund” is hereby established as a special fund of the County. Moneys in the 2010 Expense Fund shall be used for the payment of the costs of issuance of the 2010 Bonds and costs of refunding the Refunded Bonds, but may 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 2010 Bonds.

**Section 18. Investment Regulations.** No investment shall be made of any moneys in the 2010 Debt Service Fund, the 2010 Escrow Fund or the 2010 Expense Fund except in accordance with the tax covenants set forth in Section 19 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 Public Debt, 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 County Treasurer and

agents designated by him are hereby authorized to submit, on behalf of the County, subscriptions for such United States Treasury Securities and to request redemption of such United States Treasury Securities.

**Section 19. Tax Covenants.** The County 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 2010 Bond to become subject to federal income taxes in addition to federal income taxes to which interest on such 2010 Bond is subject on the date of original issuance thereof.

The County shall not permit any of the proceeds of the 2010 Bonds, or any facilities financed with such proceeds, to be used in any manner that would cause any 2010 Bond to constitute a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986.

The County shall not permit any of the proceeds of the 2010 Bonds or other moneys to be invested in any manner that would cause any 2010 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 County 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 20. Bank Qualified Designation.** The County hereby designates the 2010 Bonds as "qualified tax-exempt obligations" as defined in Section 265(b)(3)(B) of the Internal Revenue Code of 1986. The County 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 County and all subordinate entities of the County during 2010 does not exceed \$30,000,000. The County covenants that it will not designate and issue more than \$30,000,000 aggregate principal amount of tax-exempt obligations in the year in which the 2010 Bonds are issued. For purposes of the two preceding sentences, the term "tax-exempt obligations" does not include "private activity bonds" (as defined in Section 141 of the Internal Revenue Code of 1986).

**Section 21. Continuing Disclosure.** For the benefit of the beneficial owners of the 2010 Bonds, the County covenants and agrees to provide to the Municipal Securities Rulemaking Board (the "MSRB") for disclosure on the Electronic Municipal Market Access ("EMMA") system, in an electronic format as prescribed by the MSRB, (i) an annual report containing certain financial information and operating data relating to the County and (ii) timely notices of the occurrence of certain enumerated events, if material. All documents provided to the MSRB shall be accompanied by identifying information as prescribed by the MSRB.

The annual report shall be provided to the MSRB for disclosure on EMMA within 210 days after the close of the County's fiscal year. The information to be contained in the annual report shall consist of the annual audited financial statement of the County and such additional information as noted in the Official Statement under the caption "Continuing Disclosure." Each annual audited financial statement will conform to generally accepted accounting principles applicable to governmental units and will be prepared in accordance with standards of the Governmental Accounting Standards Board. If the audited financial statement is not available, then an unaudited financial

statement shall be included in the annual report and the audited financial statement shall be provided promptly after it becomes available.

The County shall provide timely notice to the MSRB for disclosure on EMMA of any failure of the County to provide any such annual report within the 210 day period and of the occurrence of any of the following events with respect to the 2010 Bonds, if material: (1) principal and interest payment delinquencies; (2) non-payment related defaults; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions or events affecting the tax-exempt status of the 2010 Bonds; (7) modifications to rights of bondholders; (8) 2010 Bond calls; (9) defeasances; (10) release, substitution or sale of property securing repayment of the 2010 Bonds; and (11) rating changes.

It is found and determined that the County has agreed to the undertakings contained in this Section in order to assist participating underwriters of the 2010 Bonds and brokers, dealers and municipal securities dealers in complying with Securities and Exchange Commission Rule 15c2-12(b)(5) promulgated under the Securities Exchange Act of 1934. The County Administrator is authorized and directed to do and perform, or cause to be done or performed, for or on behalf of the County, each and every thing necessary to accomplish the undertakings of the County contained in this Section for so long as said Rule 15c2-12(b)(5) is applicable to the 2010 Bonds and the County remains an "obligated person" under the Rule with respect to the 2010 Bonds.

The undertakings contained in this Section may be amended by the County upon a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the obligated person, or type of

business conducted, provided that (a) the undertaking, as amended, would have complied with the requirements of Rule 15c2-12(b)(5) at the time of the primary offering, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances and (b) in the opinion of nationally recognized bond counsel selected by the County, the amendment does not materially impair the interests of the beneficial owners of the 2010 Bonds.

**Section 22. Bond Registrar.** The County covenants that it shall at all times retain a bond registrar with respect to the 2010 Bonds, that it will maintain at the designated office of such bond registrar a place where 2010 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.

The 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 2010 Bond, and by such execution the bond registrar shall be deemed to have certified to the County that it has all requisite power to accept, and has accepted such duties and obligations not only with respect to the 2010 Bond so authenticated but with respect to all the 2010 Bonds. The bond registrar is the agent of the County 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 its certificate of authentication on the 2010 Bonds.

The County 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 County covenants and agrees that it will thereupon appoint a successor bond registrar. The County shall mail notice of any such appointment made by it to each registered owner of 2010 Bonds within twenty days after such appointment.

**Section 23. Book-Entry System.** In order to provide for the initial issuance of the 2010 Bonds in a form that provides for a system of book-entry only transfers, the ownership of one fully registered 2010 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 2010 Bonds. The County Administrator is authorized to execute and deliver on behalf of the County 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 County shall appoint a successor securities depository to provide a system of book-entry only transfers for the 2010 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 2010 Bonds is discontinued, then the County shall issue and the bond registrar shall authenticate, register and deliver to the beneficial owners of the 2010 Bonds, bond certificates in replacement of

such beneficial owners' beneficial interests in the 2010 Bonds, all as shown in the records maintained by the securities depository.

**Section 24. Defeasance and Payment of 2010 Bonds.** (A) If the County shall pay or cause to be paid to the registered owners of the 2010 Bonds, the principal, redemption 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 the Revenue Source, Tax Receipts, securities and funds hereby pledged and the covenants, agreements and other obligations of the County to the registered owners and the beneficial owners of the 2010 Bonds shall be discharged and satisfied.

(B) Any 2010 Bonds, whether at or prior to the maturity or the redemption date of such 2010 Bonds, shall be deemed to have been paid within the meaning of this Section if (1) in case any such 2010 Bonds are to be redeemed prior to the maturity thereof, there shall have been taken all action necessary to call such 2010 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 2010 Bonds on and prior to the applicable redemption date or maturity 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, (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, or (iv) coupons or interest installments stripped from bonds of the Resolution Funding Corporation.

**Section 25. Ordinance to Constitute a Contract.** The provisions of this ordinance shall constitute a contract between the County and the registered owners of the 2010 Bonds. Any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the County shall be for the equal benefit, protection and security of the owners of any and all of the 2010 Bonds. All of the 2010 Bonds, regardless of the time or times of their issuance, shall be of equal rank without preference, priority or distinction of any of the 2010 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 2010 Bonds and to the extent that the provisions of the Authorizing Ordinance, as supplemented by this ordinance, conflict with the provisions of any other ordinance or resolution of the County, the provisions of the Authorizing Ordinance, as so supplemented 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 26. Effective Date.** This ordinance shall become effective upon its adoption.

Adopted this 16<sup>th</sup> day of March, 2010, by roll call vote as follows:

Ayes: Davidson, Flowers, Hafenrichter, Martin,  
Parr, Purcell, Shaw, Wehrli

Nays:

(SEAL)

Attest:

  
\_\_\_\_\_  
County Clerk

**CERTIFICATE**

I, Debbie Gillette, County Clerk of The County of Kendall, Illinois, hereby certify that the foregoing ordinance entitled: "Ordinance Providing for the Issuance of Not to Exceed \$10,000,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, of The County of Kendall, Illinois," is a true copy of an original ordinance that was duly adopted by the recorded affirmative votes of a majority of the members of the County Board at a meeting thereof that was duly called and held at 9:00 a.m. on March 16, 2010, at the County Board Room, in the County Office Building, 111 West Fox Street, in Yorkville, Illinois, and at which a quorum was present and acting throughout, and that said copy has been compared by me with the original ordinance recorded in the records of the County and that it is a correct transcript thereof and of the whole of said ordinance, and that said ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

I further certify that the agenda for said meeting included the ordinance as a matter to be considered at the meeting and that said agenda was posted at least 48 hours in advance of the holding of the meeting in the manner required by the Open Meetings Act, 5 Illinois Compiled Statutes 120.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County, this 16<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
County Clerk

(SEAL)



**FILING CERTIFICATE**

STATE OF ILLINOIS        )  
                                          ) SS  
COUNTY OF KENDALL    )

I, Debbie Gillette, County Clerk of Kendall County, Illinois, do hereby certify that on the 16<sup>th</sup> day of March, 2010, there was filed in my office an ordinance of The County of Kendall, Illinois entitled:

ORDINANCE PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$10,000,000 GENERAL OBLIGATION REFUNDING BONDS (ALTERNATE REVENUE SOURCE), SERIES 2010, OF THE COUNTY OF KENDALL, ILLINOIS

, which ordinance levies taxes in the County of Kendall for the purpose of paying principal of and interest on the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, of the County, described in said ordinance.

WITNESS my official signature and the seal of Kendall County, this 16<sup>th</sup> day of March, 2010.

Debbie Gillette  
County Clerk of Kendall County, Illinois

(SEAL)

**CERTIFICATION OF MINUTES**

I, Debbie Gillette, County Clerk of The County of Kendall, Illinois, hereby certify that annexed hereto is a copy of the minutes of a meeting of the County Board of The County of Kendall, Illinois, duly called and held on March 16, 2010, and at which a quorum was present and acting throughout.

I further certify that I have compared said copy with the original minutes of said meeting as recorded in the minute book of said County Board and that said copy is a true and correct copy of the whole of said original minutes.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of said County to be affixed, this 14<sup>th</sup> day of May, 2010.

Debbie Gillette  
County Clerk

(SEAL)

STATE OF ILLINOIS     )  
                                   ) SS  
 COUNTY OF KENDALL    )

The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Tuesday, March 16, 2010 at 9:00 a.m. The Clerk called the roll. Members present: Elizabeth Flowers, Jessie Hafenrichter, Nancy Martin, Pam Parr, Suzanne Petrella, John Purcell, John Shaw, and Jeff Wehri. Member absent: Bob Davidson. Member absent: Anne Vickery.

The Clerk reported to the Vice Chairman that a quorum was present to conduct business.

**MINUTES**

Member Hafenrichter moved to approve the submitted minutes from the Adjourned County Board Meeting of February 16, 2010. Member Flowers seconded the motion. Vice Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

**THE AGENDA**

Member Petrella moved to approve the agenda. Member Martin seconded the motion. Vice Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

**SPECIAL RECOGNITION**

Vice Chairman Purcell wanted to recognize Nancy Martin's birthday on Thursday, March 18, 2010.

**CITIZENS TO BE HEARD**

Thomas J. Casey, 13161 Grove Rd, Minooka extended an invitation to the Forest Preserve Board to have a spring/summer meeting in his home. They have property available – 50 acres split by Au Sable Creek, Young Forest Preserve as well as prairie land.

**ELECTED OFFICIALS REPORT AND OTHER DEPARTMENT REPORTS**

**County Clerk**

**Revenue Report**

2/1/2010-2/28/2010

Line Item	Fund	Revenue
	County Clerk Fees	\$ 814.00
	County Clerk Fees - Marriage License	\$ 510.00
	County Clerk Fees - Misc	\$ 3,242.04
	County Clerk Fees - Recording	\$ 27,258.00
01010061205	Total County Clerk Fees	\$ 31,824.04
01010001185	County Revenue	\$ 19,258.25
38010001320	Doc Storage	\$ 16,655.00
01010071205	Election	\$ -
51010001320	GIS Mapping	\$ 28,044.00
37010001320	GIS Recording	\$ 3,518.00
01010001135	Interest	\$ 173.26
01010001170	Raffle License	
01010061210	Recorder's Misc	\$ 4,199.15
81010001320	RHSP/Housing Surcharge	\$ 14,652.00
01010001160	St Comp - Elec Judge	

## Coroner

2010 Statistics		Stats for Same Period in 2009	
2010 Total Deaths.....	49	Total Deaths.....	61
Autopsies to Date.....	6	Autopsies	10
Toxicology Samples.	6	Toxicology Samples..	12
Cremation Permits....	17	Cremation Permits...	27

\*Deputy Purcell met with the representative from Gift of Hope on February 5, to discuss the donation programs.

\*Coroner Toftoy presented at Oswego High School and Oswego East High School on February 4 & February 5 to discuss driving awareness to the driver's education students as part of Operation Impact.

\*Coroner Toftoy presented to the Oswego High School Forensic Sciences Class.

\*Coroner Toftoy held inquests at the Kendall County Courthouse on February 25.

## Supervisor of Assessments

Member Hafenrichter summed up the report in the packet from Andy Nicoletti.

### STANDING COMMITTEE REPORTS

#### Planning, Building & Zoning

Member Martin made a motion to send the Land Cash Ordinance back to the PBZ Committee. Member Petrella seconded the motion.

Discussion involved the need to get developers into the County and the purpose of the land cash ordinance being used to generate funds to purchase land for the School District and Forest Preserve. State's Attorney, Eric Weis told the Board that right now in the Land Cash Ordinance it says that they have to adjust by the index; if the Board doesn't want to do this it is fine, the ordinance needs to be amended to allow this to happen.

Vice Chairman Purcell asked for a roll call vote on the motion. Members voting aye include: Davidson, Hafenrichter, Martin, Parr, Petrella, Purcell, and Shaw. Members voting nay include: Flowers and Wehri. Motion passes 7-2.

#### Public Safety

Member Shaw reported that the public is safe. Deputy Brian Harl was awarded the Officer of the Year by the Kendall County Chiefs of Police and the Optimist Club. Two new dispatchers were hired at KenCom.

#### Administration – Human Resources & Revenue

Member Hafenrichter reported that they were notified that President Obama has signed the temporary Extension Act which extends COBRA coverage. Supervisor of Assessment is expecting a 1.0 multiplier.

#### Highway

Member Davidson made a motion to instruct the County Board Chairman to sign the addendum agreement for Illinois 126 at Plainfield Rd. Member Martin seconded the motion. Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Member Davidson made a motion to accept the bid from Central Salt in the amount of \$68.12 per ton for 13,500 tons. Member Martin seconded the motion. Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Member Davidson made a motion to go into a joint venture with Big Grove Road District for Apakesha Road improvements not to exceed \$30,000 County contribution \$15,000 with a loan of \$10,000 to the Road District.

Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Member Martin moved to approve the Ordinance providing for issuance of not to exceed \$10,000,000 General Obligation Refunding Bonds. Member Parr seconded the motion. Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye except Petrella who abstained. Motion carried.

A copy of Ordinance 10-05 Issuance of not to exceed \$10,000,000 General Obligation Refunding Bonds (Alternate Revenue Source), Series 2010, is on file in the Office of the County Clerk.

Member Martin moved to approve the Ordinance abating General Obligation Bonds. Member Flowers seconded the motion. Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

County of Kendall, Illinois  
ORDINANCE NO 10-06

AN ORDINANCE ABATING THE TAXES HERETOFORE LEVIED FOR THE YEAR 2009 TO PAY DEBT SERVICE ON GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE) SERIES 2002A, 2002B, 2007A, 2007B, 2008 AND 2009 OF THE COUNTY OF KENDALL, ILLINOIS.

WHEREAS, the County Board (the "Board") of The County of Kendall, Illinois (the "County"), by ordinance adopted:  
Ordinance 02-18 (the "Bond Ordinance") on the 19<sup>th</sup> day of November, 2002 which did provide for the issue of Not To Exceed \$7,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2002A (the "Bonds"), and the levy of a direct annual tax sufficient to pay debt service on the Bonds; also

Ordinance 02-32 (the "Amendment to the Bond Ordinance") on the 17<sup>th</sup> day of December, 2002 which did amend an ordinance adopted by the County Board of the County on November 19, 2002 entitled: "Supplemental Ordinance Authorizing the Issuance of General Obligation Bonds, Alternate Revenue Source Series 2002A, of The County of Kendall, Illinois" (the *Bond Ordinance*); also

Ordinance 02-17 (the "Bond Ordinance") on the 19<sup>th</sup> day of November, 2002 which did provide for the issue of \$4,500,000 General Obligation Bonds (Alternate Revenue Source), Series 2002B (the "Bonds"), and the levy of a direct annual tax sufficient to pay debt service on the Bonds; also

Ordinance 02-33 (the "Amendment to the Bond Ordinance") on the 17<sup>th</sup> day of December, 2002 which did amend an ordinance adopted by the County Board of the County on November 19, 2002 entitled: "Supplemental Ordinance Authorizing the Issuance of General Obligation Bonds, Alternate Revenue Source Series 2002B, of The County of Kendall, Illinois" (the *Bond Ordinance*); also

Ordinance 07-49 (the "Bond Ordinance") on the 16<sup>th</sup> day of October, 2007 which did provide for the issue of Not To Exceed \$10,000,000 General Obligation Bonds (Alternate Revenue Source), of The County of Kendall, Illinois (the "Bonds"), and the levy of a direct annual tax sufficient to pay debt service on the Bonds; also

Ordinance 08-29 (the "Bond Ordinance") on the 5<sup>th</sup> day of August, 2008 which did provide for the issue of \$10,00,000 General Obligation Bonds (Alternate Revenue Source), Series 2008 (the "Bonds"), and the levy of a direct annual tax sufficient to pay debt service on the Bonds; also

Ordinance 09-11 (the "Bond Ordinance") on the 17<sup>th</sup> day of March, 2009 which did provide for the issue of \$10,00,000 General Obligation Bonds (Alternate Revenue Source), Series 2009 (the "Bonds"), and the levy of a direct annual tax sufficient to pay debt service on the Bonds; and

WHEREAS, on:

The 19<sup>th</sup> day of November, 2002, a duly certified copy of Bond Ordinance 02-18 was filed in the office of the County Clerk of the County (the "County Clerk"); also

The 19<sup>th</sup> day of November, 2002, a duly certified copy of Bond Ordinance 02-17 was filed in the office of the County Clerk of the County (the "County Clerk"); also

The 17<sup>th</sup> day of December, 2002, a duly certified copy of Bond Ordinance Amendment 02-32 was filed in the office of the County Clerk of the County (the "County Clerk"); also

The 17<sup>th</sup> day of December, 2002, a duly certified copy of Bond Ordinance Amendment 02-33 was filed in the office of the County Clerk of the County (the "County Clerk"); also

**Kendall County Board Resolution**  
(Revised 1/05)

Number 10-08

Resolution authorizing application for Public Transportation Financial Assistance under Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311).

WHEREAS, the provision of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311), makes funds available to help offset certain operating deficits and administrative expenses of a system providing public transit service in non-urbanized areas; and

WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision by it of the local share of funds necessary to cover costs not covered by funds provided under Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF KENDALL COUNTY:

Section 1. That an application be made to the Division of Public Transportation, Department of Transportation, State of Illinois, for a financial assistance grant under Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311), for the purpose of off-setting a portion of the Public Transportation Program operating deficits of KENDALL COUNTY.

Section 2. That while participating in said operating assistance program the KENDALL COUNTY will provide all required local matching funds.

Section 3. That County Administrator of KENDALL COUNTY is hereby authorized and directed to execute and file on behalf of the KENDALL COUNTY such application.

Section 4. That the County Administrator of KENDALL COUNTY is authorized to furnish such additional information as may be required by the Division of Public Transportation and the Federal Transit Administration in connection with the aforesaid application for said grant.

Section 5. That County Administrator of KENDALL COUNTY is hereby authorized and directed to execute and file on behalf of KENDALL COUNTY all required Grant Agreements with the Illinois Department of Transportation, in order to obtain grant assistance under the provisions of the Section 5311 of the Federal Transit Act of 1991, as amended (49 U.S.C. § 5311).

Section 6. That County Administrator of KENDALL COUNTY is hereby authorized to provide such information and to file such documents as may be required to perform the Grant Agreement and to receive the grant.

PRESENTED and ADOPTED this 16th day of March, 2010

*Anne Vickery, County Board Chairman*

*Attest: Debbie Gillette, County Clerk and Recorder*

Member Davidson had questions about the employees of the Action Center. Member Martin had questions if the county was locked into this.

Member Hafenrichter made a motion to approve the special warranty. Member Wehrli seconded the motion. Vice Chairman Purcell asked for a voice vote on the amendment. All members present voting aye. Motion carried.

**Acceptance of the Special Warranty**

WHEREAS, Section 5311 of the Federal Transit Act of 1964, as amended, makes funds available to help offset certain operating deficits of a system providing public transit service in non-urbanized areas; and

WHEREAS, 49 U.S.C. § 5333(b) requires that fair and equitable arrangements must be made to protect the interests of employees affected by such assistance as a condition of receipt of funds under Section 5311; and

WHEREAS a simplified process for assuring employee protections that accommodates the needs of participants in the Section 5311 program has been agreed upon by the U.S. Department of Labor and the U.S. Department of Transportation by allowing execution of a Special Section 5333(b) Warranty for Section 5311 projects (Special Warranty), which the Secretary of Labor certified on May 31, 1979;

Co. Board 3/16/10

Todd Milliron, 61 Cotswold Dr, Yorkville, asked about the Abatement of Alternate Revenue Bonds and if Public Safety Tax dollars were used.

**BREAK**

**RECONVENE**

Vice Chairman Purcell reconvened the County Board Meeting into regular session.

**EXECUTIVE SESSION**

Member Davidson made a motion to go into Executive session for the purpose of litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal. Member Martin seconded the motion. Vice Chairman Purcell asked for a roll call vote on the motion. All members present voting aye. Motion carried.

**ADJOURNMENT**

Member Davidson moved to adjourn the County Board Meeting until the next scheduled meeting. Member Flowers seconded the motion. Vice Chairman Purcell asked for a voice vote on the motion. All members present voting aye. Motion carried.

Approved and submitted this 14th day of April, 2010.

Respectfully submitted by,  
Debbie Gillette  
Kendall County Clerk