

ORDINANCE NO. 2025-05

AN ORDINANCE AUTHORIZING THE SANITARY DISTRICT OF DECATUR OF MACON COUNTY, ILLINOIS TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL REVOLVING LOAN FUND

WHEREAS, the Sanitary District of Decatur of Macon County, Illinois operates its sewerage system (the "System") in accordance with the provisions of Sanitary District Act of 1917, and;

WHEREAS, the President and Board of Trustees of the Sanitary District of Decatur (the "Corporate Authorities") have determined that it is advisable, necessary and in the best interest of public health, safety and welfare to improve the System, including the following:

2026 EASTSIDE SEWER REHABILITATION PROJECT L17-7557 WHICH SHOULD FULFILL THE PUBLIC NEEDS FOR 21 YEARS

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (the "Project"), all in accordance with the plans and specifications prepared by consulting engineers to the Sanitary District of Decatur; and

WHEREAS, the estimated cost of construction and installing the Project, including engineering, legal financial and other related expenses is **\$5,779,085.20**; and

WHEREAS, the costs are expected to be paid for with a loan to the Sanitary District of Decatur from the Water Pollution Control Revolving Loan Fund through the Illinois Environmental Protection Agency, the loan to be repaid from user fees and/or property taxes and whereas the loan is authorized pursuant to 70 ILCS 2405/9(a).

WHEREAS, in accordance with the provisions of the above statute, the Sanitary District of Decatur is authorized to borrow funds from the Water Pollution Control Revolving Loan Fund in the aggregate amount of **\$4,000,000.00** to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the Sanitary District of Decatur shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the Sanitary District of Decatur and the Illinois Environmental Protection Agency;

NOW THEREFORE be it ordained by the President and Board of Trustees of the Sanitary District of Decatur, Macon County, Illinois as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS

It is necessary and in the best interests of the Sanitary District of Decatur to construct the Project for the public health, safety and welfare, in accordance with the plans and specifications, as described; that the System continue to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 et. seq.; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Sanitary District of Decatur in an aggregate principal amount (which includes construction period interest financed over the term of the loan) not to exceed **\$4,000,000.**

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the dedicated revenues, so long as the maximum amount of the Loan Agreement as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional Ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement under applicable law.

However, notwithstanding the above, the Sanitary District of Decatur may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the Sanitary District of Decatur to pay the principal and interest due to the Water Pollution Control Revolving Loan Fund without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN REPAYMENT BY THE SANITARY DISTRICT OF DECATUR

Repayment of the loan to the Illinois Environmental Protection Agency by the Sanitary District of Decatur pursuant to this Ordinance is to be from the revenue derived from user fee and/or property taxes and the loan may (if paid with property taxes) constitute an indebtedness of the Sanitary District of Decatur within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

Executive Director or Director of Administration are hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Revolving Loan Fund, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365. The loan funds received shall be used solely for the purposes of the project as approved by the Illinois

Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

**SECTION 6. AUTHORIZATION OF EXECUTIVE DIRECTOR OR DIRECTOR OF ADMINISTRATION OF THE
SANITARY DISTRICT OF DECATUR**

The Executive Director or Director of Administration, are hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency.

SECTION 7. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 8. REPEALER

All ordinances, resolutions or order, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Dated this 19th day of November, 2025.



President, Sanitary District of Decatur

ATTEST:



Clerk, Sanitary District of Decatur