



# Lake County Illinois

## Signature Copy

ordinance: 10-1068

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**File Number: 10-1068**

Ordinance amending the issuance and sale of \$20,000,000 Water and Sewer System Revenue Bonds, Series A of 2010, and providing the Terms Of and Security for payment thereof.

At a meeting of the Lake County Board on 11/16/2010, a motion was made by Stevenson Mountsier, seconded by Carol Calabresa, that this ordinance be adopted. The motion passed.

Approved by  Date 11-19-10  
Suzi Schmidt

Attest by  Date NOV 22 2010  
Willard R. Helander

Certified by  Date NOV 22 2010  
Willard R. Helander

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ORDINANCE OF NOVEMBER 16, 2010  
AGENDA ITEM \_\_

AN ORDINANCE OF THE COUNTY OF LAKE, ILLINOIS,  
AUTHORIZING THE AMENDMENT OF ORDINANCE OF AUGUST 10,  
2010, AGENDA ITEM 39: AN ORDINANCE AUTHORIZING THE  
ISSUANCE AND SALE OF \$20,000,000 WATER AND SEWER SYSTEM  
REVENUE BONDS, SERIES A OF 2010, AND PROVIDING THE TERMS  
OF AND SECURITY FOR PAYMENT THEREOF.

ADOPTED BY THE COUNTY BOARD: November 16, 2010

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AN ORDINANCE OF THE COUNTY OF LAKE, ILLINOIS,  
AUTHORIZING THE AMENDMENT OF ORDINANCE OF AUGUST 10,  
2010, AGENDA ITEM 39: AN ORDINANCE AUTHORIZING THE  
ISSUANCE AND SALE OF \$20,000,000 WATER AND SEWER SYSTEM  
REVENUE BONDS, SERIES A OF 2010, AND PROVIDING THE TERMS  
OF AND SECURITY FOR PAYMENT THEREOF.

WHEREAS The County of Lake, Illinois (the "*County*"), owns and operates a combined waterworks and sewerage system (the "*System*" as more completely defined in the following text) under and in accordance with the provisions of Division 5-15 of the Counties Code of the State of Illinois (55 ILCS 5/1-1001 *et seq.*), as amended (the "*Act*"), and all laws supplementary thereto, including the Local Government Debt Reform Act, as amended, and the other Omnibus Bond Acts of the State of Illinois (collectively, the "*Applicable Law*"); and

WHEREAS the County Board of the County (the "*County Board*"), by an Ordinance enacted October 13, 1964 (as subsequently amended June 10, 1968, November 13, 1990, and June 24, 1993, and as supplemented by additional series ordinances) (the "*Ordinance*"), did authorize the acquisition and construction of the System in and for the County and did authorize the issuance of an Initial Series of Bonds, and did set forth the terms securing the bonds, including the power to issue Additional Bonds pursuant to Series Ordinances (defined in the Senior Lien Bond Ordinance); and

WHEREAS the County Board, by an Ordinance (the "*Bond Ordinance*") adopted on August 10, 2010, Agenda Item 39 as follows:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF  
\$20,000,000 WATER AND SEWER SYSTEM REVENUE BONDS,  
SERIES A OF 2010, AND PROVIDING THE TERMS OF AND  
SECURITY FOR PAYMENT THEREOF.

did authorize the County to issue \$20,000,000 Water and Sewer System Revenue Bonds, Series A of 2010 (the "*Bonds*") and the County did issue said Bonds on October 4, 2010; and

WHEREAS the Bond Ordinance indicates that the Bond proceeds are to be used "to improve and extend the System including, among other items, the Mill Creek WRF expansion, the Grainger LS 2nd force main, various water main replacements, the NEC PS 2nd force main, and the NEC pump station improvements, and including the acquisition of land or rights in land and all mechanical, electrical and other services necessary, useful or advisable to such work, and, incidental to such improvements and extensions, various costs of financing" (and further defines said acquisition, construction, services, and incidental expenses being referred to as the "*Project*"); and

WHEREAS due to unforeseen circumstances and project schedule changes between the time of adoption of the Bond Ordinance and the time of the issuance of the Bonds, certain County officials have determined that the proceeds of the Bonds should be used for other lawful projects to improve or extend the System within the County; and

WHEREAS the County Board does hereby determine that it is advisable and in the best interests of the County that the Bond proceeds be used to repair, refurbish, replace, and expand of several capital improvement projects throughout the System, including: expansion of the Mill Creek Water Reclamation Facility, the Grainger Lift Station 2<sup>nd</sup> Force Main, various Water Main replacements, the Northeast Central Pump Station 2<sup>nd</sup> Force Main, and the Northeast Central Pump Station improvements, the Portwine Road Lift Station 2<sup>nd</sup> Force Main, the Fox Lake Hills Water Tower & the Vernon Hills Water Tower refurbishment, the Diamond/Sylvan Lake Sewer diversion & the Diamond/Sylvan Lake Water Reclamation Facility abandonment, the Des Plaines River Water Reclamation Facility refurbishment, the New Century Town Filter Building & Clarifier refurbishment, the Teal Lane Force Main replacement, various Sanitary Sewer relining and replacements, the Southeast Interceptor refurbishment, the Maple Lane & Acorn Lane Lift Station improvement, the East Main Street Pump Station improvement, the Countryside Manor Water Tower & the Bradley Road Reservoir refurbishment, the Northeast Central Gravity Interceptor improvement and the Vernon Hills Water Pressure Booster improvements, including all mechanical, electrical, plumbing components and professional services (said acquisition, construction, services, and incidental expenses being the "*Amended Project*");

NOW THEREFORE BE IT ORDAINED by the County Board of The County of Lake, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The County Board hereby finds that all of the recitals contained in the preambles to this amendatory ordinance (the "*Amendatory Ordinance*") are true and correct and does incorporate them into this Amendatory Ordinance by this reference.

*Section 2. Applicable Law.* This Amendatory Ordinance shall be construed under and governed by the laws of the State of Illinois.


*Section 3. Project Amendment.* The County Board hereby finds and determines that it is necessary for and in the best interests of the County and the users of the System that the proceeds of the Bonds shall be used for purposes as defined by the Amended Project, and the County shall not be constrained in the use of the Bond proceeds to the purposes as defined by the Project, in the Bond Ordinance.

*Section 4. Superseder.* All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Amendatory Ordinance are to the extent of such conflict hereby superseded.


*Section 5. Effective Date.* This Amendatory Ordinance shall become effective immediately upon its passage.

Enacted this 16th day of November 2010.

WITNESS:

  
\_\_\_\_\_  
Chair of the County Board  
The County of Lake, Illinois

ATTEST:

  
\_\_\_\_\_  
County Clerk  
The County of Lake, Illinois

STATE OF ILLINOIS        )  
                                  ) SS  
COUNTY OF LAKE         )

**CLERK'S CERTIFICATE OF ORDINANCE**

I do hereby certify that the attached and foregoing copy of the Amendatory Ordinance entitled:

AN ORDINANCE OF THE COUNTY OF LAKE, ILLINOIS, AUTHORIZING THE AMENDMENT OF ORDINANCE OF AUGUST 10, 2010, AGENDA ITEM 39: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$20,000,000 WATER AND SEWER SYSTEM REVENUE BONDS, SERIES A OF 2010, AND PROVIDING THE TERMS OF AND SECURITY FOR PAYMENT THEREOF.

as adopted November 16, 2010, by the County Board of The County of Lake, Illinois, is true, correct and complete.

ATTEST:

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

Dated: November 22, 2010

[SEAL]

**ACCEPTANCE BY TREASURER**


The undersigned Treasurer of The County of Lake, Illinois, does hereby acknowledge, accept, and join in and bind himself and his successors to the provisions of the foregoing Ordinance entitled:

AN ORDINANCE OF THE COUNTY OF LAKE, ILLINOIS, AUTHORIZING THE AMENDMENT OF ORDINANCE OF AUGUST 10, 2010, AGENDA ITEM 39: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$20,000,000 WATER AND SEWER SYSTEM REVENUE BONDS, SERIES A OF 2010, AND PROVIDING THE TERMS OF AND SECURITY FOR PAYMENT THEREOF.

as adopted November 16, 2010, by the County Board of the County, and agrees to all the provisions thereof relating to the administration of his office.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

\_\_\_\_\_  
County Treasurer  
The County of Lake, Illinois



EXTRACT OF MINUTES of a regular public meeting of the County Board of The County of Lake, Illinois, held in the County Board Chambers, County Building, 18 North County Street, Waukegan, Illinois, in said County at \_\_\_\_ a.m., on the 16th day of November 2010.

\* \* \*

The meeting was called to order by the Chairman, and upon the roll being called,

Suzi Schmidt, the Chairman, and the following Members of the County Board, all being physically present in chambers, answered present: Bassi, Bush, Calabresa, Carey, Carlson, Carter, Cunningham, Feldman, Havenhurst, Sewitt, Kyle, Maine, Mountsier, Nixon, Paxton, Pederson, Stalman, Wilke, O'Rourke, Taylor, Zwickler

The following County Board Members were allowed by a majority of the County Board in accordance with and to the extent allowed by rules adopted by the County Board to attend the meeting by video or audio conference: None

No County Board Member was denied permission to attend the meeting by video or audio conference.

The following County Board Members were absent and did not participate in the meeting in any manner or to any extent whatsoever: O'Kelly



\* \* \* \* \*

Whereupon the following ordinances was before the County Board and entitled:

AN ORDINANCE OF THE COUNTY OF LAKE, ILLINOIS, AUTHORIZING THE AMENDMENT OF ORDINANCE OF AUGUST 10, 2010, AGENDA ITEM 39: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF \$20,000,000 WATER AND SEWER SYSTEM REVENUE BONDS, SERIES A OF 2010, AND PROVIDING THE TERMS OF AND SECURITY FOR PAYMENT THEREOF.

County Board Member Mounsier moved and County Board Member Calabresa seconded the motion that said ordinance be adopted.

After a full discussion thereof, in the presence of a quorum at all times, the Chairman directed that the roll be called for a vote upon the motion to adopt said ordinance.

Upon the roll being called, the following County Board Members voted

AYE: Bassi, Bush, Calabresa, Carey, Carlson, Carter, Cunningham, Feldman, Gavenherst, Dewitt, Kyle, Maine, Mounsier, Nixon, Paxton, Pederson, Schmidt, Stolman, Wilke, O'Rourke, Taylor, Lawlor

NAY: None

Whereupon the Chairman declared the motion carried and said ordinance adopted, approved and signed the same in open meeting and directed the County Clerk to record the same in the records of the County Board of The County of Lake, Illinois, which was done.

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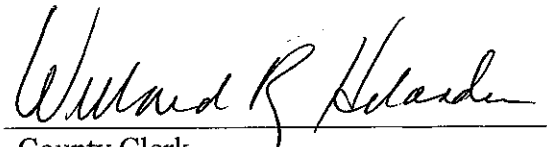
Upon motion duly made, seconded and carried, the meeting was adjourned.

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



until adjournment of the Meeting; that a true, correct, and complete copy of the Agenda, which contains a specific item relating to adoption of the Ordinance, is attached to this Certificate; that the Meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, the Counties Code of the State of Illinois, as amended; and the Local Government Debt Reform Act of the State of Illinois, as amended, and that the Board has complied with all of the provisions of law and with all of the procedural rules of the Board in the conduct of the Meeting and the adoption of the Ordinance.

IN WITNESS WHEREOF I hereunto affix my official signature and the official seal of the County this 16th day of November 2010.

  
County Clerk

[Attach agenda, minutes and ordinance.]

