

CITY OF MONTICELLO
PIATT COUNTY, ILLINOIS

ORDINANCE NO. 2026-15

“AN ORDINANCE AUTHORIZING THE CITY OF MONTICELLO TO
BORROW FUNDS AND TO EXECUTE AND ISSUE A PROMISSORY
NOTE OF THE CITY AND ASSOCIATED DOCUMENTS

ADOPTED BY THE
CITY COUNCIL
CITY OF MONTICELLO
THIS 26TH DAY OF JANUARY, 2026

Published in pamphlet form by authority of the City Council of the City of Monticello, Piatt County, Illinois,
this 27th day of January, 2026.

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AN ORDINANCE AUTHORIZING THE CITY OF MONTICELLO TO
BORROW FUNDS AND TO EXECUTE AND ISSUE A PROMISSORY
NOTE OF THE CITY AND ASSOCIATED DOCUMENTS

WHEREAS, the City of Monticello, Piatt County, Illinois (the “City”) has heretofore been duly organized and is now operating as a municipality under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto 65 ILCS 5/1-1-1 et seq. (the “Municipal Code”); and

WHEREAS, the Mayor and City Council of the City (the “Corporate Authorities”) have determined that it is advisable, necessary and in the best interest of the City and its residents to purchase 20 MES Air Paks (the “Equipment”) and to borrow funds to finance the costs of such purchase in accordance with the Municipal Code, including Section 8-1-3.1 thereof permitting a municipality to borrow money from any bank or other financial institution, as supplemented and amended by the Local Government Debt Reform Act, 30 ILCS 350/1 et seq., the Omnibus Bond Acts, 5 ILCS 70/8, and other applicable law (collectively, the “Applicable Acts”); and

WHEREAS, the purchase of the Equipment by the City is a valid corporate purpose and First State Bank and Trust, Monticello, Illinois (“Bank”) is a bank or other financial institution as defined in Section 8-1-3.1 of the Municipal Code; and

WHEREAS, Bank has prepared the promissory note attached hereto as Exhibit A (the “Note”) to evidence a loan in the amount of One Hundred Sixty-Nine Thousand Two Hundred and 00/100 Dollars (\$169,200.00) by Bank to the City bearing interest at the rate of 4.50% per annum to be repaid in four years as provided therein and which complies with the requirement of the Applicable Acts that the Note be repaid within ten years from the time the money is borrowed (the “Loan”).

NOW, THEREFORE, be it ordained by the by the City Council of the City of Monticello, Piatt County Illinois, as follows:

Section 1. Incorporation of Preambles

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

Section 2. Determination to Borrow

It is necessary and in the best interests of the City and for the public health, welfare, safety, and convenience, to incur the Loan indebtedness pursuant to the Note to finance the costs of purchasing the Equipment.

Section 3. Applicable Acts

The Note shall be issued pursuant to the Applicable Acts and in compliance with this Ordinance. It is the intent of the Corporate Authorities to invoke all supplemental power and authority available under and pursuant to the Applicable Acts in the making, execution, and delivery of the Note.

Section 4. Authorization to Borrow and Obligation to Make Payments

The Corporate Authorities hereby authorize the City to borrow funds from Bank upon the terms and conditions in the Note. The authorization given herein shall be valid whether or not an appropriation with respect to this Loan is included in any annual or supplemental appropriation adopted by the City. The obligation to make the payments due under the Note shall be a lawful direct general obligation of the City payable from general funds of the City and such other sources of payment as are otherwise lawfully available.

Section 5. Designation of Note for purposes of Section 265(b)(3)

The Corporate Authorities designate the Note for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), as a qualified tax-exempt obligation, and in support of such designation, the Corporate Authorities covenant, represent and certify as follows:

- (a) the Note is not nor shall be a "private activity bond" as defined in Section 141 of the Code;
- (b) including the Note, the City (including any entities subordinate to the City) does not reasonably expect to issue tax-exempt obligations in an amount in excess of \$10,000,000 during the calendar year of issuance of the Note; and
- (c) including the Note, not more than \$10,000,000 of obligations issued by the City (including any entities subordinate thereto and entities issuing obligations on behalf of the City) during the calendar year of issuance of the Note will be designated by the City for purposes of Section 265(b)(3) of the Code.

Section 6. Reimbursement; Declaration of Official Intent

This Ordinance is a declaration of official intent under Treasury Regulation §1.150-2. The City declares its official intent that it reasonably expects to reimburse capital expenditures for purchase of the Equipment paid prior to the issuance of the Note with proceeds from the sale of the Note. No capital expenditure paid earlier than sixty (60) days prior to the adoption of this Ordinance will be reimbursed.

Section 7. Debt Limit Not Exceeded

The Corporate Authorities find and determine that the City is not indebted in any manner or for any purpose, including the Note and existing indebtedness of the City, to an amount in the aggregate exceeding 8.625% on the value of the taxable property in the City as ascertained by the last assessment for state and county purposes. The Corporate Authorities certify the indebtedness of the City, including the Note and all other indebtedness of the City, does not exceed the limitation on municipal indebtedness provide in Section 5/8-5-1 of the Municipal Code and that the Note, together with all other indebtedness of the City, is within every debt or other limit prescribed by law.

Section 8. Approval and Execution of Documents

The Note in substantially the form thereof which has been presented before this meeting, is hereby ratified, confirmed and approved, and the Mayor is hereby authorized and directed to execute the Note for and on behalf of the City, and the City Clerk is hereby authorized to attest the same, including with such changes therein as the officers of the City executing the Note shall approve subject to the limitations contained in this Ordinance, their approval thereof being conclusive evidence of the City's approval of any such changes therein from the form thereof now pending before this meeting.

Section 9. Other Actions Authorized

The Mayor, City Clerk and City Attorney are hereby authorized and directed to execute and deliver on behalf of the City all documents and do all things necessary, essential, or convenient to carry out and give effect to the purpose and intent of this Ordinance, including but not limited to the filing of Form 8038-

G pursuant to the Code. All acts and doings of the officials of the City, past, present, and future, which are in conformity with the purpose and intent of this Ordinance, are hereby, in all respects, ratified, approved, authorized and confirmed.

Section 10. Certification

The Corporate Authorities certify that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of the Note in order to make it a legal, valid and binding obligation of the City have been done, exist and have been performed in regular and due time, form and manner as required by law.

Section 11. Severability

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

Section 12. Repealer

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

Section 13. Publication

A full, true, and complete copy of this Ordinance shall be published in pamphlet form.

Section 14. Effective Date

This Ordinance shall be in full force and effect upon passage and approval.

PASSED by the Corporate Authorities on January 26, 2026.

APPROVED: January 26, 2026.

Mayor

AYES: _____

NAYS: _____

ABSENT: _____

PUBLISHED in pamphlet form on January 27, 2026.

RECORDED and filed in the office of the City Clerk on January 27, 2026.

ATTEST:

City Clerk
(SEAL)

CERTIFICATE

I, Robin, Throneburg, City Clerk of the City of Monticello, Piatt County, Illinois (the “City”), hereby certify that the foregoing Ordinance 2026-15 “An Ordinance authorizing the City of Monticello to borrow funds and to execute and issue a promissory note of the City and associated documents” (the “Ordinance”) is a true copy of an original Ordinance which was duly adopted by the recorded affirmative votes of a majority of the members of the City Council of the City (the “Council”), at a meeting thereof which was duly called and held in compliance with the Open Meetings Act on January 26, 2026, and at which a quorum was present and acting throughout, and that such copy has been compared by me with the original Ordinance signed by the Mayor of the City and recorded in the Ordinance book of the City and that it is a correct transcript thereof and of the whole of such Ordinance, and that such Ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

I do further certify that the deliberations of the Council on the adoption of said Ordinance were taken openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Council at least 48 hours in advance of the holding of said meeting, that said agenda contained a separate specific item concerning the proposed adoption of the Ordinance and that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, the Local Government Debt Reform Act of the State of Illinois, as amended, and the Municipal Code of the State of Illinois, as amended, and that the Council has complied with all of the applicable provisions of said Acts and said Code and with all of the procedural rules of the Council.

I do further certify that neither the Mayor nor any member of the Council is in any manner whatsoever interested, either directly or indirectly, in his or her own name or the name of any other person, association, trust or corporation, in the agreement between the City and First State Bank for the making of the Loan or purchase of the Note as provided in the Ordinance.

I do further certify that the Ordinance was published in pamphlet form by authority of the Council, and that said ordinance as so published was on said date readily available for public inspection and distribution, in sufficient number to meet the needs of the general public, at my office as City Clerk located in the City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Monticello, Piatt County, Illinois this _____, 2026.

City Clerk

(SEAL)