

ORDINANCE NO. 2248 (2015)

VILLAGE OF CRESTWOOD

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCE) OF THE VILLAGE OF CRESTWOOD, COOK COUNTY, ILLINOIS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000 FOR THE PURPOSE OF PAYING JUDGMENTS AND SETTLEMENTS

WHEREAS, the Village of Crestwood (the “Village”), operates in accordance with the provisions of the Illinois Municipal Code (65 ILCS 5/1-1, *et seq.*), the Omnibus Bond Acts (5 ILCS 70/8), the Non-Home Rule Municipal Retailers’ Occupation Tax Act (65 ILCS 5/8-11-1.3), the Non-Home Rule Municipal Service Occupation Tax Act (65 ILCS 5/8-11-1.4), and the Local Government Debt Reform Act (30 ILCS 350/1, *et seq.*) (Collectively, the “Act”); and

WHEREAS, the Village is authorized under the Local governmental and Governmental Employees Tort Immunity Act (745 ILCS 10/1-101, *et seq.*) to issue general obligation bonds without referendum for the purpose of paying tort judgments and settlements; and

WHEREAS, the Mayor and Board of Trustees have considered and determined that it is advisable, necessary and in the best interest of the Village to pay various tort judgments or settlements (the “Settlement”); and

WHEREAS, the estimated costs of the Settlement, including legal, financial, underwriting, capitalized interest, bond discount, printing and publication costs, and other expenses is not less than \$12,000,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, it is necessary and for the best interests of the Village that the Settlement be undertaken and in order to finance the cost thereof, it will be necessary for the Village to borrow not to exceed \$9,000,000 and in evidence thereof to issue alternate bonds, being general obligation bonds payable from all collections distributed to the Village from those taxes imposed pursuant to the Non-Home Rule Municipal Retailers’ Occupation Tax Act and the Non-Home Rule Municipal Service Occupation Tax Act, each as supplemented and amended from time to time, or substitute taxes therefor as provided by the State of Illinois in the future, as authorized to be issued at this time pursuant to the Local Government Debt Reform Act, as amended, (the “Alternate Bonds”); and

WHEREAS, if the above-mentioned revenue sources are insufficient to pay the Alternate Bonds, *ad valorem* property taxes upon all taxable property in the Village without limitation as to rate and amount are authorized to be extended to pay the principal of and interest on the Alternate Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CRESTWOOD AS FOLLOWS:

SECTION ONE: Incorporation of Preambles. The Mayor and Board of Trustees hereby find that all of the recitals contained in the preambles to this ordinance are true, complete and correct and hereby incorporate them into this ordinance by this reference.

SECTION TWO: Determination to Issue Bonds. It is necessary and in the best interests of the Village to provide for the Settlement, as hereinabove described, and there is hereby authorized to be issued and sold the Alternate Bonds in an aggregate principal amount not to exceed \$9,000,000. The alternate revenue source to pay debt service on the Alternate Bonds is collections distributed to the Village from those taxes imposed pursuant to the Non-Home Rule Municipal Retailers' Occupation Tax Act and the Non-Home Rule Municipal Service Occupation Tax Act, each as supplemented and amended from time to time, or substitute taxes therefor as provided by the State of Illinois in the future.

SECTION THREE: Publication and Notice. This Ordinance, together with a notice in statutory form (the "Notice") shall be published once within ten days after passage in a newspaper of general circulation in the Village, and if no petition, signed by 567 electors of the Village, the same being equal to 7.5% of the registered voters within the Village, asking that the question of the issuance of the Alternate Bonds in the amount not to exceed \$9,000,000 be submitted to referendum is filed with the Village Clerk within 30 days after the date of the publication of this Ordinance and the Notice, then the Alternate Bonds shall be authorized to be issued. A petition form shall be provided by the Village Clerk at the principal office of the Village located at 13840 South Cicero Avenue, Crestwood, Illinois 60445.

SECTION FOUR: Additional Ordinances. If no petition meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Mayor and Board of Trustees may pass additional ordinances or proceedings supplementing or amending this Ordinance, providing for the issuance and sale of the Alternate Bonds, so long as the maximum amount of the Alternate Bonds, as set forth in this Ordinance is not exceeded and there is no material change in the Settlement or purposes described herein. Such additional ordinances or proceedings shall in all instances become effective in accordance with applicable law. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Alternate Bonds under applicable law.

SECTION FIVE: Severability and Repealer. 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. 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 SIX: Effective Date. This Ordinance shall be in full force and effect from and after its adoption and approval.

Passed and approved this 17th day of September, 2015.

Ayes: 6 Nays: 0 Absent: 0

Trustees: Patricia Theresa Flynn
Daniel Jurka, Sr.
Anthony Benigno
William Pieroth
Linda Madlener
Michael J. McInerney

JEANNETTE O'DONNELL, Village Clerk

Approved by me the 17th
day of September, 2015

LOUIS PRESTA, Mayor

Attested and filed in my office
this 17th day of September, 2015.

JEANNETTE O'DONNELL, Village Clerk

**NOTICE OF INTENT TO ISSUE BONDS
AND RIGHT TO FILE PETITION**

Notice is hereby given that pursuant to Ordinance No. 2248 (2015) passed September 17, 2015 (the "Ordinance"), the Village of Crestwood, Cook County, Illinois (the "Village"), intends to issue its general obligation alternate revenue bonds (the "Alternate Bonds") at one time or from time to time as funds are needed up to the amount of but in any event not to exceed \$9,000,000 in aggregate principal amount, for the purpose of the Settlement as described in the Ordinance.

It is expected that the Alternate Bonds will be paid from all collections distributed to the Village from those taxes imposed pursuant to the Non-Home Rule Municipal Retailers' Occupation Tax Act and the Non-Home Rule Municipal Service Occupation Tax Act, each as supplemented and amended from time to time, or substitute taxes therefor as provided by the State of Illinois in the future as the alternate revenue source, and alternatively from *ad valorem* taxes levied without limitation as to rate or amount upon all taxable property in the Village.

Notice is hereby given that if a petition signed by not less than 567 electors of the Village, the same being equal to 7.5% of the registered voters within the Village, asking that the question of the issuance of the Alternate Bonds in the amount not to exceed \$9,000,000 be submitted to referendum is not filed with the Village Clerk within 30 days after the date of the publication of this Ordinance and the Notice, then the Alternate Bonds shall be authorized to be issued for the Settlement. Any such petition must be filed with the Village Clerk not later than the close of business on October 26, 2015. Should a petition be so filed, the Mayor and Board of Trustees would cause the question to be submitted to the electors of the Village at the General Primary Election to be held on March 15, 2016. A form of petition is available to any person requesting one in the Village Clerk's office at 13840 South Cicero Avenue, Crestwood, Illinois 60445.

/s/JEANNETTE O'DONNELL, Village Clerk