

**ORDINANCE NO. 291**

AN ORDINANCE authorizing the issuance of General Obligation Park Bonds (Alternate Revenue Source) of the Batavia Park District, Kane County, Illinois, in an aggregate principal amount not to exceed \$20,000,000.

\* \* \*

WHEREAS, the Batavia Park District, Kane County, Illinois (the "*District*"), is a duly organized and existing Park District created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Park District Code of the State of Illinois, as supplemented and amended (the "*Park Code*"); and

WHEREAS, the Board of Park Commissioners of the District (the "*Board*") has determined that it is advisable, necessary and in the best interests of the District to build and equip a community recreation center and related parking facilities and acquire and improve land therefor (the "*Project*"); and

WHEREAS, the estimated cost of the Project, including legal, financial, bond discount, printing and publication costs and other expenses, will be not less than \$20,000,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, such costs are expected to be paid for from the proceeds of alternate bonds authorized to be issued at this time pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended (the "*Act*"); and

WHEREAS, it is necessary and for the best interests of the District that the District proceed with the Project and in order to raise the funds required therefor it will be necessary for the District to borrow an amount not to exceed \$20,000,000 and in evidence thereof to issue alternate bonds in an aggregate principal amount not to exceed \$20,000,000, all in accordance with the Act; and

WHEREAS, the revenue source that will be pledged to the payment of the principal of and interest on the alternate bonds will be amounts received by the District from its corporate fund levy and other legally available funds of the District, including the principal proceeds received by the District from time to time from the issuance of its general obligation bonds or notes to the fullest extent permitted by law, including Section 6-4 of the Park Code and Section 15.01 of the Act; and

WHEREAS, if such revenue source is insufficient to pay such alternate bonds, ad valorem property taxes levied upon all taxable property in the District without limitation as to rate or amount, are authorized to be extended and collected to pay the principal of and interest on such alternate bonds:

NOW, THEREFORE, Be It Ordained by the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The Board hereby finds that all of the recitals contained in the preambles to this ordinance are full, true and correct and does incorporate them into this ordinance by this reference.

*Section 2. Determination To Issue Bonds.* It is necessary and in the best interests of the District to proceed with the Project in accordance with the preliminary plans and estimate of cost as described, and that for such purpose alternate bonds of the District are hereby authorized to be issued and sold from time to time in an aggregate principal amount not to exceed \$20,000,000, known as "General Obligation Park Bonds (Alternate Revenue Source)" of the District and bearing such series designation or designations as may be appropriate (the "Bonds").

*Section 3. Publication.* This ordinance, together with a notice in the statutory form, shall be published in the *Daily Herald*, the same being a newspaper of general circulation in the District, and if no petition, signed by 1,446 electors, the same being equal to 7.5% of the

registered voters in the District, asking that the issuance of the Bonds be submitted to referendum, is filed with the Secretary of the Board within thirty (30) days after the date of the publication of this ordinance and said notice, then the Bonds shall be authorized to be issued.

*Section 4. Additional Ordinances.* If no petition meeting the requirements of applicable law is filed during the petition period hereinabove referred to, then the Board may adopt additional ordinances or proceedings supplementing or amending this ordinance providing for the issuance and sale of the Bonds and prescribing all the details of the Bonds, so long as the maximum amount of the Bonds as set forth in this ordinance is not exceeded and there is no material change in the Project described herein. Such additional ordinances or proceedings shall in all instances become effective immediately without publication or posting or any further act or requirement. This ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for the issuance of the Bonds under applicable law.

*Section 5. Severability.* If any section, paragraph, clause or provision of this ordinance shall be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

*Section 6. 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.

Adopted April 20, 2010.

Attest:



Secretary, Board of Park Commissioners



President, Board of Park Commissioners

MINUTES of a regular public meeting of the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois, held in the Civic Center, 327 West Wilson Street, Batavia, Illinois, in said Park District at 7:00 o'clock P.M., on the 20th day of April, 2010.

\* \* \*

The meeting was called to order by the President and upon the roll being called, Patrick J. Callahan, the President, and the following Park Commissioners were physically present at said location: Tilmon, Foiles, Corken

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The following Park Commissioners were allowed by a majority of the members of the Board of Park Commissioners in accordance with and to the extent allowed by rules adopted by the Board of Park Commissioners to attend the meeting by video or audio conference: \_\_\_\_\_

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No Park Commissioner was not permitted to attend the meeting by video or audio conference.

The following Park Commissioners were absent and did not participate in the meeting in any manner or to any extent whatsoever: Behner

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The President announced that the Board of Park Commissioners next would consider the adoption of an ordinance authorizing the issuance of general obligation alternate bonds and directing the publication of a notice setting forth the determination of the Board to issue such bonds for the purpose of building and equipping a community recreation center and related parking facilities and acquiring and improving the land therefor.

Whereupon Park Commissioner Callahan presented and the Secretary read by title an ordinance as follows, a copy of which was provided to each Park Commissioner prior to said meeting and to everyone in attendance at said meeting who requested a copy:

Park Commissioner Tilmon moved and Park Commissioner Foiles seconded the motion that said ordinance as presented and read by title be adopted.

After a full and complete discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt the ordinance.

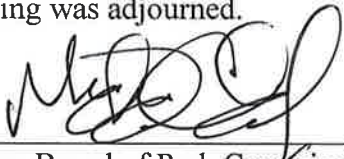
Upon the roll being called, the following Park Commissioners voted AYE: \_\_\_\_\_  
Tilmon, Foiles, Corken and Callahan

and the following Park Commissioners voted NAY: \_\_\_\_\_

Whereupon the President declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the Secretary to record the same in full in the records of the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

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

  
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Secretary, Board of Park Commissioners

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF KANE     )

**CERTIFICATION OF ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois (the "Board"), and as such official I am the keeper of the books, records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 20th day of April, 2010, insofar as same relates to the adoption of Ordinance No. 291 entitled:

AN ORDINANCE authorizing the issuance of General Obligation Park Bonds (Alternate Revenue Source) of the Batavia Park District, Kane County, Illinois, in an aggregate principal amount not to exceed \$20,000,000.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board 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 Board at least 96 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict accordance with the provisions of the Park District Code of the State of Illinois, as amended, the Open Meetings Act 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 applicable provisions of said Code and said Acts and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said Park District, this 20th day of April, 2010.

  
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Secretary, Board of Park Commissioners

(SEAL)

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

Notice is hereby given that pursuant to Ordinance No. 291 (the "*Ordinance*"), adopted by the Board of Park Commissioners of the Batavia Park District, Kane County, Illinois (the "*District*"), on the 20th day of April, 2010, the District intends to issue alternate bonds (the "*Bonds*"), in an aggregate principal amount not to exceed \$20,000,000, for the purpose of building and equipping of a community recreation center and related parking facilities and acquiring and improving the land therefor. The revenue source that will be pledged to the payment of the principal of and interest on the Bonds will be amounts received by the District from its corporate fund levy and other legally available funds of the District, including the principal proceeds received by the District from time to time from the issuance of its general obligation bonds or notes to the fullest extent permitted by law, including Section 6-4 of the Park District Code of the State of Illinois, as amended, and Section 15.01 of the Local Government Debt Reform Act of the State of Illinois, as amended. If such revenue source is insufficient to pay the Bonds, ad valorem property taxes levied upon all taxable property in the District without limitation as to rate or amount are authorized to be extended and collected to pay the principal of and interest on the Bonds. A complete copy of the Ordinance follows this notice.

Notice is hereby further given that if a petition signed by 1,446 or more electors of the District is submitted to the Secretary of the Board of Park Commissioners of the District (the "*Secretary*") within thirty (30) days after the date of publication of this notice and the Ordinance, an election on the proposition to issue said bonds shall be held on the 2nd day of November, 2010. The Circuit Court may declare that an emergency referendum should be held prior to said election date pursuant to the provisions of Section 2A-1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed with the Secretary within said thirty (30) day period, the Bonds shall be authorized to be issued.

Dated this 20th day of April, 2010.

Michael Clark  
Secretary, Board of Park Commissioners,  
Batavia Park District,  
Kane County, Illinois