

Ordinance # 730

AN ORDINANCE directing the filing
of a Petition with the Circuit
Court of Montgomery County, Illinois.

WHEREAS, pursuant to federal public law 92-500 the City of Nokomis is in receipt of a permit from the National Pollutant Discharge Elimination Systems Office which allows them to operate their present sewerage system until such time as grant money becomes available for them to pay for a new or additional system which would comply with the National Pollutant Discharge Elimination Systems Office requirements as well as the Federal and State Environmental Protection Agencies.

WHEREAS, grant money is presently available from the Federal and State Environmental Protection Agencies to update their sewerage system in the manner which has been set out by the various agencies mentioned herein.

WHEREAS, if the City fails to change their present system they will be in violation of the National Pollutant Discharge Elimination Systems permit and may have to pay substantial penalties for not updating their present system.

WHEREAS, the Illinois Environmental Protection Agency has indicated that they have more than enough projects, including Nokomis, that have plans and specifications submitted to the Illinois Environmental Protection Agency permit section to utilize the remaining funds allocated for fiscal year 1984 which ends September 30, 1984.

WHEREAS, Teri Zeal of the Office of the Illinois Environmental Protection Agency has informed the City that the moneys allocated for fiscal year 1984 could run out at any time.

WHEREAS, if the City of Nokomis cannot assure the Illinois Environmental Protection Agency that they will have the money prior to the time that the funds run out for 1984, they will lose approximately

five hundred thousand dollars in grant aid from the Environmental Protection Agency. Pursuant to federal register Volume 47, Number 92, Section 35.2152 the amount of grant funds that will be allowed after September 30, 1984 will drop from 75% to 55% which could result in a loss to the City of approximately five hundred thousand dollars.

WHEREAS, under the Election Code the City may not submit the proposition of the issuance of such bonds until March 20, 1984.

WHEREAS, The City Engineer as well as the Environmental Protection Agency has determined that a delay in authorizing the bonds could delay construction and completion of the improvements for a period of six to eight months and would unduly increase the cost of such improvements to the City by more than 20%.

NOW, THEREFORE, Be It Ordained by the Mayor and Board of Commissioners of the City of Nokomis, Montgomery County, Illinois:

Section 1. That the recitations in the preambles hereto are hereby found to be true and constitute an emergency and the City Attorney is hereby directed to file a petition with the Circuit Court of Montgomery County, said petition to be in substantially the form attached hereto as "Exhibit A", which said petition is hereby approved.

Section 2. That this Ordinance shall be in full force and effect upon its passage and approval.

Approved:

Gene Adder
Mayor

Attest:

Mary Jean Schaller
City Clerk

Dated: December 27, 1983

(SEAL)

Ord. # 730

STATE OF ILLINOIS)
) SS
COUNTY OF MONTGOMERY)

PETITION FOR EMERGENCY REFERENDUM
(Pursuant to I.R.S. Chap. 46, Sec. 2A-1.4)

The Mayor and Board of Commissioners of the City of Nokomis, Montgomery County, Illinois, by these presents do hereby petition the Circuit Court for an order declaring the proposition herein set out to be an emergency and to fix a date other than a regularly scheduled election date under Section 2A-1.1 of The Election Code (I.R.S. Chap. 46) on which a special referendum election shall be held for the submission of the public question:

"Shall bonds in the amount of \$535,000 be issued by the City of Nokomis, Montgomery County, Illinois, to pay the cost of making improvements to the sewerage system of the City of Nokomis, which would include the possible future sewerage system needs of the City of Nokomis, said bonds to bear interest at a rate or rates not to exceed the maximum permitted by law which is the greater of 9% per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the bonds?"

In support thereof the Mayor and Board of Commissioners of the City of Nokomis allege as follows:

1. Pursuant to federal public law 92-500 the City of Nokomis is in receipt of a permit from the National Pollutant Discharge Elimination Systems Office which allows them to operate their present sewerage system until such time as grant money becomes available for them to pay for a new or additional system which would comply with the National Pollutant Discharge Elimination Systems Office requirements as well as the Federal and State Environmental Protection Agencies.
2. Grant money is presently available from the Federal and State Environmental Protection Agencies to update their sewerage system in the manner which has been set out by the various agencies mentioned

herein. Said grant money presently includes the future needs of the sewerage system of the City of Nokomis.

3. After September 30, 1984 said grant money will only be funded for the present needs of the City of Nokomis.

4. If the City fails to change their present system they will be in violation of the National Pollutant Discharge Elimination Systems permit and may have to pay substantial penalties for not updating their present system.

5. The Illinois Environmental Protection Agency has indicated that they have more than enough projects, including Nokomis, that have plans and specifications submitted to the Illinois Environmental Protection Agency permit section to utilize the remaining funds allocated for fiscal year 1984 which ends September 30, 1984.

6. Teri Zeal of the Office of the Illinois Environmental Protection Agency has informed the City that the moneys allocated for fiscal year 1984 could run out any time.

7. If the City of Nokomis cannot assure the Illinois Environmental Protection Agency that they will have the money prior to the time that the funds run out for 1984, they will lose approximately five hundred thousand dollars in grant aid from the Illinois Environmental Protection Agency. Pursuant to federal register Volume 47, Number 92, Section 35.2152 (a copy of which is marked Exhibit A and attached hereto) the amount of grant funds that will be allowed after September 30, 1984 will drop from 75% to 55% which could result in a loss to the City of approximately five hundred thousand dollars.

8. Under the Election Code the City may not submit the proposition of the issuance of such bonds until March 20, 1984.

9. The City Engineer as well as the Environmental Protection Agency has determined that a delay in authorizing the bonds could delay

in authorizing the bonds could delay construction and completion of the improvements for a period of six to eight months and would unduly increase the cost of such improvements to the City by more than 20%.

10. The estimated cost of conducting a separate special election would not exceed the sum of \$1,000.00 and the City has funds on hand fully sufficient to pay the cost thereof.

11. The aforesaid facts constitute an emergency justifying the special election to be held prior to March, 1984.

WHEREFORE, the undersigned as the governing body of the City of Nokomis hereby request the entry of such an order and the conduct of a hearing on this petition in the manner, form and time as required by law.

IN WITNESS WHEREOF, we have hereunto affixed our signatures and the seal of said City, this 27 day of December, 1984.

Gene Addis, Mayor
Mary Lou Spingel, Commissioner
Dene Miles, Commissioner
Donald H. Petty, Commissioner
Wesley H. Barnstable, Commissioner
_____, Commissioner
_____, Commissioner

Attest:

Mary Jean Scheeler
Village Clerk

(SEAL)