

**ORDINANCE NO. 2010-F**

AN ORDINANCE authorizing the issuance of General Obligation Park Bonds (Alternate Revenue Source) of the Wheeling Park District, Cook and Lake Counties, Illinois, in an aggregate principal amount not to exceed \$9,000,000.

\* \* \*

WHEREAS, the Wheeling Park District, Cook and Lake Counties, 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 provide for the payment of land condemned or purchased for parks, for the building, maintaining, improving and protecting of the same and the existing land and facilities of the District and for the payment of the expenses incident thereto (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 \$9,000,000, 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 \$9,000,000 and in evidence thereof to issue alternate bonds in an aggregate principal amount not to exceed \$9,000,000, 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 (i) moneys lawfully available in the District's recreation fund, (ii) payments to be received by the District from the Secretary of the U.S. Treasury as a consequence of the qualification of the Bonds as build America bonds under the Internal Revenue Code of 1986, as amended, and (iii) such other funds of the District as may be lawfully available and annually appropriated for such purpose; 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 Wheeling Park District, Cook and Lake Counties, 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 \$9,000,000, 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 1,185 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 October 5, 2010.

  
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President, Board of Park Commissioners

Attest:

  
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Secretary, Board of Park Commissioners