

Request for Board Action

REFERRED TO BOARD: September 11, 2017

AGENDA ITEM NO: 13

ORIGINATING DEPARTMENT: Finance

SUBJECT: Consideration of an Ordinance authorizing the issuance of Alternate Revenue Bonds to pay the outstanding redevelopment note related to the Antioch Corporate Center TIF.

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

In February 2009, the Village designated the Antioch Corporate Center Redevelopment Project as a Tax Increment Financing Area. Additionally, the Village issued a Non-Recourse Redevelopment Note for \$2,500,000 with an interest rate of 9% to Industrial Developments International, Inc. (IDI). The Village pledged 50% of the tax increment to reimburse IDI for costs to install a water tower and to extend the watermain from Route 173 to the industrial park.

The Village accepted the water tower and the watermain extension on June 7, 2010 which triggered the payment process. Per the Note, payments are applied in specific order - accrued interest, current interest, then principal. Fifty percent of the tax increment collected from 2010 through today and paid to IDI totals \$216,227. As of today, the remaining interest balance is \$1,452,523. If we continue with this payment structure, accrued interest of \$4,660,537 and principal of \$2,500,000 totaling \$7,150,537 would be paid off in 2032.

Staff has been working with key personnel from Robert W. Baird as underwriters and Chapman & Cutler as bond and disclosure counsel to issue alternate revenue bonds to pay off the current interest and principal balance of \$3,952,523 to realize interest savings of \$3,208,014. The tax increment, which is sufficient to cover principal and interest payments, will be pledged as the revenue source for the repayment of the bonds. Sales Taxes will be pledged to meet the required coverage of 1.25%. The bonds will pose no financial impact to residents; the Village will levy and abate the taxes as we do for the MFT bonds.

FINANCIAL IMPACT: Net savings is estimated at \$1.9 million.

DOCUMENTS ATTACHED:

1. Ordinance

RECOMMENDED MOTION:

An Ordinance authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$5,000,000 for the purpose of paying an outstanding redevelopment note issued by the Village in connection with the Village's Antioch Corporate Center Redevelopment Project Area (said bonds being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from sales taxes distributed to the Village).

MINUTES of a regular public meeting of the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, held at the Village Hall, 874 Main Street, in said Village, at 7:30 o'clock P.M., on the 11th day of September, 2017.

* * *

The President called the meeting to order and directed the Village Clerk to call the roll.

Upon the roll being called, Lawrence M. Hanson, the President, and the following Trustees were physically present at said location: _____

_____.

The following Trustees were allowed by a majority of the members of the President and the Board of Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: _____
_____.

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

The following Trustees were absent and did not participate in the meeting in any matter or to any extent whatsoever: _____
_____.

The President announced that in order to pay an outstanding redevelopment note issued by the Village in connection with the Village's Antioch Corporate Center Redevelopment Project Area, it would be necessary for the Village to issue alternate bonds (being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from sales taxes distributed to the Village) and that the President and Board of Trustees would consider the adoption of an ordinance authorizing the issuance of such bonds.

Whereupon _____ presented and the Village Clerk read in full an ordinance as follows:

**NOTICE OF INTENT TO ISSUE ALTERNATE BONDS
AND RIGHT TO FILE PETITIONS**

Notice is hereby given that pursuant to Ordinance No. _____, adopted the 11th day of September, 2017 (the “*Ordinance*”), the Village of Antioch, Lake County, Illinois (the “*Village*”), intends to issue its General Obligation Bonds (Alternate Revenue Source) (the “*Bonds*”) in an amount not to exceed \$5,000,000 to pay an outstanding redevelopment note issued by the Village in connection with the Village’s Antioch Corporate Center Redevelopment Project Area. The revenue source that will be pledged to the payment of the principal of and interest on the Bonds will be collections distributed to the Village from those taxes imposed by the State of Illinois pursuant to the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailer’s Occupation Tax Act, each as supplemented and amended from time to time, or substitute taxes therefor as provided in the future. If this revenue source is insufficient to pay the Bonds, ad valorem property taxes upon all taxable property in the Village without limitation as to rate or amount are authorized to be extended 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 661 or more electors of the Village (being equal to 7.5% of the registered voters in the Village) asking that the issuance of the Bonds be submitted to referendum is filed with the Village Clerk of the Village within thirty (30) days after the publication of the Ordinance and this notice, the question of the issuance of the Bonds shall be submitted to the electors of the Village at the general primary election to be held on the 20th day of March, 2018. 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.

By order of the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, this 11th day of September, 2017.

/s/ Lori K. Romine _____
Village Clerk, Village of Antioch,
Lake County, Illinois

ORDINANCE NO. _____

AN ORDINANCE authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$5,000,000 for the purpose of paying an outstanding redevelopment note issued by said Village in connection with said Village's Antioch Corporate Center Redevelopment Project Area (said bonds being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from sales taxes distributed to said Village).

* * *

WHEREAS, the Village of Antioch, Lake County, Illinois (the "*Village*"), is a duly organized and existing municipality incorporated and existing under the provisions of the laws of the State of Illinois, is now operating under the provisions of the Illinois Municipal Code, as amended; and

WHEREAS, the President and Board of Trustees of the Village (the "*Board*") has determined that it is advisable, necessary and in the best interests of the Village to pay an outstanding redevelopment note issued by the Village (the "*Redevelopment Note*") in connection with the Village's Antioch Corporate Center Redevelopment Project Area; and

WHEREAS, the estimated total cost to pay the Redevelopment Note (the "*Payment*"), including legal, financial, bond discount, printing and publication costs, and other expenses, does not exceed \$5,000,000, 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 Payment be made and in order to finance the costs thereof it will be necessary for the Village to issue up to \$5,000,000 alternate bonds, being general obligation bonds payable from collections distributed to the Village from those taxes imposed by the State of Illinois pursuant to the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailer's Occupation Tax Act, each as supplemented and amended from time to time, or substitute taxes therefor as provided in

the future (the “*Alternate Bonds*”), as authorized to be issued at this time pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended; and

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

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Antioch, Lake 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 Village to make the Payment, and there are hereby authorized to be issued and sold the Alternate Bonds in an aggregate principal amount not to exceed \$5,000,000.

Section 3. Publication. This Ordinance, together with a notice in the statutory form (the “*Notice*”), shall be published once within ten (10) days after passage hereof by the Board in the *Lake County News-Sun*, the same being a newspaper of general circulation in the Village, and if no petition, signed by 661 electors of the Village (being equal to 7.5% of the registered voters in the Village) asking that the issuance of the Alternate Bonds be submitted to referendum is filed with the Village Clerk within thirty (30) days after the date of the publication of this Ordinance and the Notice, then the Alternate 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 Alternate Bonds, prescribing all the details 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 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 5. 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 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 by the President and Board of Trustees on the 11th day of September, 2017.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED on September 11, 2017

President, Village of Antioch,
Lake County, Illinois

RECORDED in the Village Records on September 11, 2017.

ATTEST:

Village Clerk, Village of Antioch,
Lake County, Illinois

Trustee _____ moved and Trustee _____ seconded the motion that said ordinance as presented and read by the Village Clerk 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 as read.

Upon the roll being called, the following Trustees voted AYE: _____

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 Village Clerk to record the same in full in the records of the President and Board of Trustees of the Village of Antioch, Lake 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 and seconded, the meeting was adjourned.

Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

CERTIFICATION OF ORDINANCE AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Antioch, Lake County, Illinois (the “*Village*”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the Village and of the President and Board of Trustees thereof (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 11th day of September, 2017, insofar as same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE authorizing the issuance of General Obligation Bonds (Alternate Revenue Source) in an amount not to exceed \$5,000,000 for the purpose of paying an outstanding redevelopment note issued by said Village in connection with said Village’s Antioch Corporate Center Redevelopment Project Area (said bonds being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from sales taxes distributed to said Village).

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 conducted openly, that the vote on the adoption of said ordinance was conducted 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 principal office of the Board at least 72 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 72-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted being attached hereto as *Exhibit A*, that said meeting was called and held in strict accordance with the provisions of the Illinois Municipal Code, as amended, and 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 the Village,
this 11th day of September, 2017.

Village Clerk, Village of Antioch,
Lake County, Illinois

[SEAL]

PETITION

To the Village Clerk of the Village of Antioch, Lake County, Illinois:

We, the undersigned, being registered voters of the Village of Antioch, Lake County, Illinois, do hereby petition you to cause the following question to be certified to the County Clerk of The County of Lake, Illinois, and submitted to the electors of said Village at the next election at which said proposition may be submitted lawfully to the voters of said Village:

“Shall the Village of Antioch, Lake County, Illinois, pay an outstanding redevelopment note issued by said Village in connection with said Village’s Antioch Corporate Center Redevelopment Project Area, and issue its general obligation alternate bonds to the amount of \$5,000,000 (said bonds being general obligation bonds for which real property taxes, unlimited as to rate or amount, may be levied, but which are expected to be paid from sales taxes distributed to said Village)?”

SIGNATURE

ADDRESS

_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois
_____	_____	, Antioch, Lake County, Illinois

The undersigned, being first duly sworn, deposes and certifies that he or she is at least 18 years of age, his or her residence address is _____ (Street Address), _____ (City, Village or Town), _____ County, _____ (State), that he or she is a citizen of the United States of America, that the signatures on the foregoing petition were signed in his or her presence and are genuine, that to the best of his or her knowledge and belief the persons so signing were at the time of signing said petition registered voters of said Village and that their respective residences are correctly stated therein.

Signed and sworn to before me this _____ day of _____, 2017.

Notary Public

My commission expires _____

(NOTARY SEAL)