

RESOLUTION NO 2019-R01

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF EDWARDSVILLE
MADISON COUNTY TO BORROW MONEY AND TAKE CERTAIN OTHER
ACTIONS IN CONNECTION THEREWITH.**

WHEREAS, the Township of Edwardsville Madison County (the "Township") is authorized under 60 ILCS 1/240-5, as supplemented and amended, to borrow money from any bank or financial institution; and

WHEREAS, the Board of Trustees of the Township (the "Board") has determined that it is advisable, necessary and in the best interests of the Township to borrow money to make certain improvements to Township property, including upgrading electrical and HVAC systems, adding a meeting room, and making facilities ADA compliant (the "Project"); and

WHEREAS, the estimated costs of the Project, including engineering, legal, financial, bond discount, printing and publication costs, capitalized interest and other expenses, is not to exceed \$1,300,000, and there are insufficient funds on hand and lawfully available to pay such costs; and

WHEREAS, the Project constitutes lawful corporate purposes of the Township; and

WHEREAS, the Board desires to borrow up to \$1,300,000 from First Mid Bank & Trust to pay costs of the Project and to issue its promissory note to evidence the indebtedness incurred by such borrowing; and

WHEREAS, this resolution will supersede Resolution No. 2018-R25, which was passed December 19, 2018 Authorizing Edwardsville Township to Borrow Money.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF TOWNSHIP OF EDWARDSVILLE MADISON COUNTY, AS FOLLOWS:

Section 1. Issuance and Execution of Note. The Board hereby approves the borrowing of money and the issuance of a Promissory Note, Series 2019, in the principal amount of not to exceed \$1,300,000 (the "Note"), in substantially the form attached hereto as **Exhibit A** and incorporated herein by reference, for the purpose of paying costs of the Project and costs of issuing the Note. The Note shall mature, shall be subject to redemption, shall bear interest at the rate and shall be secured as provided therein. The Supervisor is hereby authorized to execute the Note and the Township Clerk is hereby authorized to attest to the Note.

Section 2. Establishment of Project Fund. There has been or shall be established an account or fund known as the "Project Fund for the 2019 Note" (the "Project Fund"), which shall be held by First Mid Bank & Trust. All proceeds of the Note shall be either (a) deposited into the Project Fund or (b) paid directly to the vendor or payee that has submitted an invoice to the Township. In either event, the proceeds of the Note will be used to pay costs of the Project and of issuing the Note.

Section 3. Tax Covenants.

(a) The Township covenants and agrees to comply with all provisions and requirements of the Federal Tax Certificate, a copy of which is attached hereto as **Exhibit B**, which is hereby approved and incorporated herein, with such changes therein as shall be approved by the Supervisor, which officer is

hereby authorized to execute the Federal Tax Certificate for and on behalf of the Township, such officer's signature thereon being conclusive evidence of his approval thereof.


(b) The Township hereby approves the Tax-Exempt Financing Compliance Policy and Procedure, the form of which is attached hereto as **Exhibit C**, to assist with tax law compliance and documentation with respect to the Note and any other tax-exempt obligations issued by the Township.

Section 4. Further Authority. The Township shall, and the officers, agents and employees of the Township are hereby authorized and directed to, take such further action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution and to carry out, comply with and perform the duties of the Township with respect to the borrowing of money as evidenced by the issuance of the Note.

Section 5. Severability. The sections of this Resolution shall be severable. If any section of this Resolution found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the Board has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 6. Effective Date. This Resolution shall be in full force and effect from and after the date of its adoption by the Board.

PASSED by the Board of Trustees of the Township of Edwardsville Madison County, the 23rd day of January, 2019.

By: 
Supervisor

Attest: 
Township Clerk

EXHIBIT A

FORM OF NOTE

[On file in the Office of the Township Clerk]

EXHIBIT B

FEDERAL TAX CERTIFICATE

[On file in the Office of the Township Clerk]

EXHIBIT C

TAX-EXEMPT FINANCING COMPLIANCE POLICY AND PROCEDURE

[On file in the Office of the Township Clerk]