

Council Bill No. 3020-2021  
Sponsor

## AN ORDINANCE

**AUTHORIZING the issuance of Taxable General Obligation Refunding Bonds, Series 2021A and Series 2021B, of the City of Moline, Illinois**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1. Authority, Purposes and Findings.** This ordinance is adopted pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and Section 2-1110 of the Moline Code of Ordinances for the purpose of refunding the following outstanding general obligation bonds of the City:

- \$1,880,000 principal amount of Taxable General Obligation Corporate Purpose Bonds, Series 2012A, maturing or subject to mandatory redemption from sinking fund installments in the years 2022 to 2031, both inclusive (the “2012A Bonds”)
- \$925,000 principal amount of Taxable General Obligation Corporate Purpose Bonds, Series 2012B, maturing or subject to mandatory redemption from sinking fund installments in the years 2022 to 2031, both inclusive (the “2012B Bonds”)

It is found and determined that borrowing money through the issuance of the Bonds herein authorized is necessary for the welfare of the government and affairs of the City, is for a proper public purpose and is in the public interest.

**Section 2. Refunding Plan.** The City hereby determines to refund the 2012A Bonds and the 2012B Bonds (collectively, the “Prior Bonds”).

The City hereby elects to redeem on November 1, 2021, all of the Prior Bonds, at a redemption price of par, together with accrued interest to the redemption date.

The Mayor, the City Administrator and the Finance Director and the other officers and officials of the City are authorized and directed to do, or cause to be done, all things necessary to accomplish the refunding and redemption of the Prior Bonds.

### **Section 3. Appropriations.**

(A) The sum of \$1,897,000 is appropriated for the purpose of refunding the 2012A Bonds.

(B) The sum of \$933,000 is appropriated for the purpose of refunding the 2012B Bonds.

(C) Each such appropriation includes the costs of issuance of the applicable series of Bonds authorized to fund such appropriation.

**Section 4. Authorization of Each Series of Bonds.**

(A) Pursuant to the home rule powers of the City to incur debt payable from ad valorem property tax receipts and for the purpose of financing each of the two appropriated amounts set forth in Paragraphs (A) to (B) of Section 3 of this ordinance, two series of unlimited tax general obligation bonds of the City are authorized to be issued and sold as provided in this Section.

(B) A series of bonds is authorized to be issued and sold in the aggregate principal amount of \$1,897,000 for the purpose of financing the appropriation made pursuant to Paragraph (A) of Section 3. Such series shall be designated as the “Taxable General Obligation Refunding Bonds, Series 2021A” (the “2021A Bonds”).

(C) A series of bonds is authorized to be issued and sold in the aggregate principal amount of \$933,000 for the purpose of financing the appropriation made pursuant to Paragraph (B) of Section 3. Such series shall be designated as the “Taxable General Obligation Refunding Bonds, Series 2021B” (the “2021B Bonds”).

(D) The Series 2021A Bonds and the Series 2021B Bonds are herein collectively called the “Bonds”.

**Section 5. Terms of 2021A Bonds.** The 2021A Bonds shall be issuable in the denominations of \$100,000 and any integral multiple of \$1,000 in excess of \$100,000. The 2021A Bonds shall mature on November 1, 2031. Each 2021A Bond shall bear interest from its date at the rate of 1.72% per annum, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on November 1, 2022 and semiannually thereafter on each May 1 and November 1.

The 2021A Bonds shall be subject to redemption prior to maturity at the option of the City and upon notice as provided in Section 8 of this ordinance, as a whole, or in part by lot in such principal amounts as the City shall determine, on November 1, 2029 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.

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The 2021A Bonds shall be subject to mandatory redemption, in part and by lot, on November 1 of the years 2022 to 2030, both inclusive, in the following principal amounts, each constituting a sinking fund installment for the retirement of the 2021A Bonds maturing on November 1, 2031:

<u>Year</u>	<u>Principal Amount</u>
2022	\$ 169,000
2023	182,000
2024	179,000
2025	185,000
2026	192,000
2027	198,000
2028	192,000
2029	196,000
2030	200,000

The final principal amount of the 2021A Bonds maturing on November 1, 2031, is \$204,000.

**Section 6. Terms of 2021B Bonds.** The 2021B Bonds shall be issuable in the denominations of \$1,000 and any integral multiple of \$1,000. The 2021B Bonds shall mature on November 1, 2031. Each 2021B Bond shall bear interest from its date at the rate of 1.72% per annum, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on November 1, 2022 and semiannually thereafter on each May 1 and November 1.

The 2021B Bonds shall be subject to redemption prior to maturity at the option of the City and upon notice as provided in Section 8 of this ordinance, as a whole, or in part by lot in such principal amounts the City shall determine, on November 1, 2029 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.

The 2021B Bonds shall be subject to mandatory redemption, in part and by lot, on November 1 of the years 2022 to 2030, both inclusive, in the following principal amounts, each constituting a sinking fund installment for the retirement of the 2021B Bonds maturing on November 1, 2031:

<u>Year</u>	<u>Principal Amount</u>
2022	\$ 82,000
2023	89,000
2024	92,000
2025	90,000
2026	93,000
2027	96,000
2028	98,000
2029	96,000
2030	98,000

The final principal amount of the 2021B Bonds maturing on November 1, 2031, is \$99,000.

**Section 7. General Terms of Bonds.** Bonds may bear such identifying numbers or letters as shall be useful to facilitate the registration, transfer and exchange of Bonds. Unless otherwise determined, each Bond issued initially shall be dated as of September 2, 2021. Each Bond thereafter issued upon any transfer or exchange of Bonds shall be dated so that no gain or loss of interest shall result from such transfer or exchange.

Peoples National Bank of Kewanee, in the City of Kewanee, Illinois is hereby appointed as bond registrar and paying agent for the 2021A Bonds and the 2021B Bonds. The principal of the Bonds shall be payable in lawful money of the United States of America upon presentation and surrender thereof at the principal corporate trust office of the bond registrar for the applicable series of the Bonds. Interest on the Bonds shall be payable on each interest payment date to the registered owners of record thereof appearing on the registration books maintained by the City for such purpose at the principal corporate trust office of the applicable bond registrar, as of the close of business on the 15<sup>th</sup> day of the calendar month next preceding the applicable interest payment date. Interest on the Bonds shall be paid by check or draft mailed to such registered owners at their addresses appearing on the registration books or by wire transfer pursuant to an agreement by and between the City and the registered owner.

**Section 8. Redemption Provisions.** All Bonds subject to mandatory sinking fund redemption shall be redeemed at a redemption price equal to the principal amount thereof to be redeemed. The bond registrar is hereby authorized and directed to mail notice of the mandatory sinking fund redemption of Bonds in the manner provided in this Section.

Whenever Bonds subject to mandatory sinking fund redemption are redeemed at the option of the City, the principal amount thereof so redeemed shall be credited against the unsatisfied balance of future sinking fund installments or final maturity amount established with respect to such Bonds, in such amounts and against such installments or final maturity amount as shall be determined by the City in the proceedings authorizing such optional redemption or, in the absence of such determination, shall be credited against the unsatisfied balance of the applicable sinking fund installments next ensuing, and with respect to which notice of redemption has not yet been given.

On or prior to the 60<sup>th</sup> day preceding any sinking fund installment date, the City may purchase Bonds subject to mandatory redemption on such sinking fund installment date, at such prices as the City shall determine. Any Bond so purchased shall be cancelled and the principal amount thereof so purchased shall be credited against the unsatisfied balance of the next ensuing sinking fund installment.

In the event of the redemption of less than all the Bonds of like series and maturity, the aggregate principal amount thereof to be redeemed shall be an authorized denomination and the bond registrar shall assign to each Bond of such maturity a distinctive number for each \$1,000 principal amount of such Bond and shall select by lot from the numbers so assigned as many numbers as, at \$1,000 for each number, shall equal the principal amount of such Bonds to be redeemed. The Bonds to be redeemed shall be the Bonds to which were assigned numbers so selected; provided that only so much of the principal amount of each Bond shall be redeemed as shall equal \$1,000 for each number assigned to it and so selected.

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Notice of the redemption of Bonds shall be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of Bonds to be redeemed at their last addresses appearing on said registration books. The Bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the Bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such Bonds or portions thereof shall cease to accrue and become payable. If there shall be drawn for redemption less than all of a Bond, the City shall execute and the bond registrar shall authenticate and deliver, upon the surrender of such Bond, without charge to the owner thereof, for the unredeemed balance of the Bond so surrendered, Bonds of like series and maturity and of authorized denominations.

The bond registrar shall not be required to transfer or exchange any Bond after notice of the redemption of all or a portion thereof has been mailed. The bond registrar shall not be required to transfer or exchange any Bond during a period of 15 days next preceding the mailing of a notice of redemption which could designate for redemption all or a portion of such Bond.

**Section 9. Sale and Delivery.** The 2021A Bonds are sold to Peoples National Bank of Kewanee, as purchaser, at the price of \$1,897,000 with accrued interest from their date to the date of delivery and payment therefor.

The 2021B Bonds are sold to Peoples National Bank of Kewanee, as purchaser, at the price of \$933,000 with accrued interest from their date to the date of delivery and payment therefor.

The Mayor, City Clerk and other officials of the City are authorized and directed to do and perform, or cause to be done or performed for or on behalf of the City each and every thing necessary for the issuance of the Bonds and the refunding of the Prior Bonds.

**Section 10. Execution and Authentication.** Each Bond shall be executed in the name of the City by the manual or authorized facsimile signature of its Mayor and the corporate seal of the City, or a facsimile thereof, shall be thereunto affixed or otherwise reproduced thereon and attested by the manual or authorized facsimile signature of its City Clerk.

In case any officer whose signature, or a facsimile of whose signature, shall appear on any Bond shall cease to hold such office before the issuance of the Bond, such Bond shall nevertheless be valid and sufficient for all purposes, the same as if the person whose signature, or a facsimile thereof, appears on such Bond had not ceased to hold such office. Any Bond may be signed, sealed or attested on behalf of the City by any person who, on the date of such act, shall hold the proper office, notwithstanding that at the date of such Bond such person may not have held such office. No recourse shall be had for the payment of any Bonds against any officer who executes the Bonds.

Each Bond shall bear thereon a certificate of authentication executed manually by the bond registrar. No Bond shall be entitled to any right or benefit under this ordinance or shall be valid or obligatory for any purpose until such certificate of authentication shall have been duly executed by the bond registrar.

**Section 11. Transfer, Exchange and Registry.** The Bonds shall be negotiable, subject to the provisions for registration of transfer contained herein. Each Bond shall be transferable only upon the registration books maintained by the City for that purpose at the principal corporate trust office of the bond registrar, by the registered owner thereof in person or by his attorney duly authorized in writing, upon surrender thereof together with a written instrument of transfer satisfactory to the bond registrar and duly executed by the registered owner or his duly authorized attorney. Upon the surrender for transfer of any such Bond, the City shall execute and the bond registrar shall authenticate and deliver a new Bond or Bonds registered in the name of the transferee, of the same aggregate principal amount, series, maturity and interest rate as the surrendered Bond. Bonds, upon surrender thereof at the principal corporate trust office of the bond registrar, with a written instrument satisfactory to the bond registrar, duly executed by the registered owner or his attorney duly authorized in writing, may be exchanged for an equal aggregate principal amount of Bonds of the same series, maturity and interest rate and of authorized denominations.

For every such exchange or registration of transfer of Bonds, the City or the bond registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. No other charge shall be made for the privilege of making such transfer or exchange. The provisions of the Illinois Bond Replacement Act shall govern the replacement of lost, destroyed or defaced Bonds.

The City and the bond registrar may deem and treat the person in whose name any Bond shall be registered upon the registration books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of or interest thereon and for all other purposes whatsoever, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar shall be affected by any notice to the contrary.

**Section 12. Bond Registrar.** The City covenants that it shall at all times retain a bond registrar with respect to each series of the Bonds, that it will maintain at the designated office of such bond registrar a place where Bonds may be presented for payment and registration of transfer or exchange and that it shall require that the bond registrar maintain proper registration books and perform the other duties and obligations imposed upon it by this ordinance in a manner consistent with the standards, customs and practices of the municipal securities business.

The bond registrar shall signify its acceptance of the duties and obligations imposed upon it by this ordinance by executing the certificate of authentication on any Bond, and by such execution the bond registrar shall be deemed to have certified to the City that it has all requisite power to accept, and has accepted such duties and obligations not only with respect to the Bond so authenticated but with respect to all the Bonds. The bond registrar is the agent of the City and shall not be liable in connection with the performance of its duties except for its own negligence or default. The bond registrar shall, however, be responsible for any representation in its certificate of authentication on the applicable series of the Bonds.

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The City may remove the bond registrar at any time. In case at any time the bond registrar shall resign or shall be removed or shall become incapable of acting, or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator of the bond registrar, or of its property, shall be appointed, or if any public officer shall take charge or control of the bond registrar or of its property or affairs, the City covenants and agrees that it will thereupon appoint a successor bond registrar. The City shall mail notice of any such appointment made by it to each registered owner of Bonds within twenty days after such appointment.

**Section 13. General Obligations.** The full faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds. The Bonds shall be direct and general obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable property in the City for the payment of the Bonds and the interest thereon, without limitation as to rate or amount.

**Section 14. Form of Bonds.** The Bonds shall be issued as fully registered bonds and shall be in substantially the following form, the blanks to be appropriately completed when the Bonds are printed:

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No. \_\_\_\_\_

State of Illinois  
County of Rock Island  
CITY OF MOLINE  
TAXABLE GENERAL OBLIGATION REFUNDING BOND,  
SERIES 2021\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>
1.72%	November 1, 2031	September 2, 2021

REGISTERED OWNER: Peoples National Bank of Kewanee

PRINCIPAL AMOUNT:

The CITY OF MOLINE, a municipal corporation and a home rule unit of the State of Illinois situate in the County of Rock Island, acknowledges itself indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest on such principal amount from the date hereof at the interest rate per annum specified above, computed on the basis of a 360 day year consisting of twelve 30 day months and payable in lawful money of the United States of America on November 1, 2022 and semiannually thereafter on May 1 and November 1 in each year until the principal amount shall have been paid, to the registered owner of record hereof as of the 15<sup>th</sup> day of the calendar month next preceding such interest payment date, by wire transfer pursuant to an agreement by and between the City and the registered owner, or otherwise by check or draft mailed to the registered owner, at the address of such owner appearing on the registration books maintained by the City for such purpose at the office of Peoples National Bank of Kewanee, in the City of Kewanee, Illinois, as bond registrar or its successor (the "Bond Registrar"). This bond, as to principal when due, will be payable in lawful money of the United States of America upon presentation and surrender of this bond at the principal corporate trust office of the Bond Registrar. The full faith and credit of the City are irrevocably pledged for the punctual payment of the principal of and interest on this bond according to its terms.

This bond is one of a series of bonds issued in the aggregate principal amount of \$\_\_\_\_\_,000 which are authorized and issued under and pursuant to Section 6 of Article VII of the Illinois Constitution of 1970 and Section 2-1110 of the Moline Code of Ordinances and under and in accordance with an ordinance adopted by the City Council of the City on August 10, 2021 and entitled: "An Ordinance Authorizing the Issuance of Taxable General Obligation Refunding Bonds, Series 2021A and Series 2021B, of the City of Moline, Illinois." This bond is issued to refinance redevelopment project costs pursuant to and in accordance with the Tax Increment Allocation Redevelopment Act, 65 Illinois Compiled Statutes 5/11-74.4.

The bonds of such series are subject to redemption prior to maturity at the option of the City and upon notice as herein provided, as a whole, or in part by lot in such principal amounts as the City shall determine, on November 1, 2029 and on any date thereafter, at a redemption price equal to the principal amount thereof to be redeemed.



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The bonds of such series are subject to mandatory redemption, in part and by lot, on November 1 of the years and in the respective principal amounts set forth in the following tables, by the application of sinking fund installments, at a redemption price equal to the principal amount thereof to be redeemed:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2022	\$ ,000	2025	\$ ,000	2028	\$ ,000
2023	,000	2026	,000	2029	,000
2024	,000	2027	,000	2030	,000

Notice of the redemption of bonds will be mailed not less than 30 days nor more than 60 days prior to the date fixed for such redemption to the registered owners of bonds to be redeemed at their last addresses appearing on such registration books. The bonds or portions thereof specified in said notice shall become due and payable at the applicable redemption price on the redemption date therein designated, and if, on the redemption date, moneys for payment of the redemption price of all the bonds or portions thereof to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, and if notice of redemption shall have been mailed as aforesaid (and notwithstanding any defect therein or the lack of actual receipt thereof by any registered owner) then from and after the redemption date interest on such bonds or portions thereof shall cease to accrue and become payable.

This bond is transferable only upon such registration books by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof at the principal corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or by his duly authorized attorney, and thereupon a new registered bond or bonds, in the authorized denominations of \$ \_\_\_\_\_ or any integral multiple thereof and of the same aggregate principal amount, maturity and interest rate as this bond shall be issued to the transferee in exchange therefor. In like manner, this bond may be exchanged for an equal aggregate principal amount of bonds of the same maturity and interest rate and of any of such authorized denominations. The City or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange of this bond. No other charge shall be made for the privilege of making such transfer or exchange. The City and the Bond Registrar may treat and consider the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that all acts, conditions and things required to be done, exist and be performed precedent to and in the issuance of this bond in order to make it a legal, valid and binding obligation of the City have been done, exist and have been performed in regular and due time, form and manner as required by law, and that the series of bonds of which this bond is one, together with all other indebtedness of the City is within every debt or other limit prescribed by law.

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IN WITNESS WHEREOF, the City of Moline has caused this bond to be executed in its name and on its behalf by the manual or facsimile signature of its Mayor, and its corporate seal, or a facsimile thereof, to be hereunto affixed or otherwise reproduced hereon and attested by the manual or facsimile signature of its City Clerk.

Dated: September 2, 2021

CITY OF MOLINE

DocuSigned by:  
  
8D16AB8EFE254D4...

Attest:

DocuSigned by:  
  
1A0D2384B9BB4C4...

CERTIFICATE OF AUTHENTICATION

This bond is one of the Taxable General Obligation Refunding Bonds, Series 2021 \_\_, described in the within mentioned Ordinance.

PEOPLES NATIONAL BANK OF  
KEWANEE,  
as Bond Registrar

By \_\_\_\_\_  
Authorized Signer

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**ASSIGNMENT**

For value received the undersigned sells, assigns and transfers unto \_\_\_\_\_ the within bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guarantee:

**Section 15. Levy and Extension of Taxes.** (A) For the purpose of providing the money required to pay the interest on the 2021A Bonds, when and as the same falls due and to pay and discharge the principal thereof (including mandatory sinking fund installments) as the same shall mature, there is hereby levied upon all the taxable property in the City, in each year while any of the 2021A Bonds shall be outstanding, a direct annual tax sufficient for that purpose in addition to all other taxes, as follows:

<u>Tax Levy Year</u>	<u>A Tax Sufficient to Produce</u>
2021	\$ 206,975.83
2022	211,721.60
2023	205,591.20
2024	208,512.40
2025	212,330.40
2026	215,028.00
2027	205,622.40
2028	206,320.00
2029	206,948.80
2030	207,508.80

(B) For the purpose of providing the money required to pay the interest on the 2021B Bonds, when and as the same falls due and to pay and discharge the principal thereof (including mandatory sinking fund installments) as the same shall mature, there is hereby levied upon all the taxable property in the City, in each year while any of the 2021B Bonds shall be outstanding, a direct annual tax sufficient for that purpose in addition to all other taxes, as follows:

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<u>Tax Levy Year</u>	<u>A Tax Sufficient to Produce</u>
2021	\$ 100,677.62
2022	103,637.20
2023	105,106.40
2024	101,524.00
2025	102,976.00
2026	104,376.40
2027	104,725.20
2028	101,039.60
2029	101,388.40
2030	100,702.80

(C) Interest or principal coming due at anytime when there shall be insufficient funds on hand to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the taxes herein levied; and when said taxes shall have been collected, reimbursement shall be made to the said funds in the amounts thus advanced.

(D) As soon as this ordinance becomes effective, a copy thereof certified by the City Clerk, which certificate shall recite that this ordinance has been duly adopted, shall be filed with the County Clerk of Rock Island County, Illinois, who is hereby directed to ascertain the rate per cent required to produce the aggregate tax hereinbefore provided to be levied in the years 2021 to 2030 inclusive, and to extend the same for collection on the tax books in connection with other taxes levied in said years, in and by the City for general corporate purposes of the City, and in said years such annual tax shall be levied and collected in like manner as taxes for general corporate purposes for said years are levied and collected and, when collected, such taxes shall be used solely for the purpose of paying the principal of and interest on the applicable series of Bonds as the same become due and payable.

**Section 16. Taxes Levied for Payment of Prior Bonds.** After the issuance of the Bonds, the City Treasurer shall file with the County Clerk of Rock Island County, a certificate listing the Prior Bonds and the taxes theretofore levied for the payment of the principal of and interest on the Prior Bonds, and said certificate shall direct the abatement of such taxes. Taxes collected with respect to the 2020 tax levy year for the payment of the Prior Bonds shall be deposited into the applicable Debt Service Account established by this ordinance for the payment of the principal of and interest on the applicable series of the Bonds that refunded such Prior Bonds.

**Section 17. Escrow Deposit Agreement.** The form of 2021 Escrow Deposit Agreement by and between the City and Amalgamated Bank of Chicago, as Escrow Agent, on file in the office of the City Clerk, is hereby approved. The proper officers of the City are authorized and directed to execute and deliver the 2021 Escrow Deposit Agreement on behalf of the City.

**Section 18. Application of Bond Proceeds.**(A) The net proceeds of sale of the 2021A Bonds shall be applied as follows:

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1. To the 2021 Escrow Fund maintained under the 2021 Escrow Deposit Agreement, the amount, together with other moneys (if any) of the City deposited therein, necessary to provide for the payment of the 2012A Bonds on November 1, 2021.

2. To the Expense Account established by this ordinance, the amount of such proceeds of sale remaining after making the foregoing deposit.

(B) The net proceeds of sale of the 2021B Bonds shall be applied as follows:

1. To the 2021 Escrow Fund, the amount, together with other moneys (if any) of the City deposited therein, necessary to provide for the payment of the 2012B Bonds on November 1, 2021.

2. To the Expense Account, the amount of such proceeds of sale remaining after making the foregoing payment.

**Section 19. 2021A Debt Service Account.** Moneys derived from taxes herein levied pursuant to Paragraph (A) of Section 15 of this ordinance are appropriated and set aside for the sole purpose of paying principal of and interest on the 2021A Bonds when and as the same come due. All of such moneys shall be deposited in the “2021A Debt Service Account”, which is hereby established as a special account of the City within the Special Tax Allocation Fund for the City’s One Moline Place Redevelopment Project Area (the “One Moline Place TIF Fund”) established pursuant to General Ordinance No. 2003-04-04, adopted by the City Council on April 15, 2003.

**Section 20. 2021B Debt Service Account.** Money derived from the taxes levied pursuant to Paragraph (B) of Section 15 of this ordinance are appropriated and set aside for the sole purpose of paying the principal of and interest on the 2021B Bonds when and as the same come due. All of such moneys shall be deposited in the “2021B Debt Service Account,” which is hereby established as a special account of the City within the Special Tax Allocation Fund for the City’s Moline Place Phase II and III Redevelopment Project Area (the “Moline Place Phase II and III TIF Fund”) established pursuant to General Ordinance No. 3007-2010, adopted by the City Council on February 2, 2010.

**Section 21. Pledges Securing Bonds.** The moneys deposited or to be deposited into the 2021A Debt Service Account and the 2021B Debt Service Account, including the tax receipts derived from the taxes levied pursuant to Section 15 of this ordinance, are pledged as security for the payment of the principal of and interest on the applicable series of Bonds. These pledges are made pursuant to Section 13 of the Local Government Debt Reform Act and shall be valid and binding from the date of issuance of the Bonds. All such tax receipts and the moneys held in the foregoing Accounts shall immediately be subject to the lien of the applicable pledge without any physical delivery or further act and the lien of each such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City irrespective of whether such parties have notice thereof.

**Section 22. Expense Account.** The “Expense Account,” is hereby established as a special account of the City. Moneys in the Expense Account shall be used for the payment of costs

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of issuance of the Bonds, but may hereafter be reappropriated and used for other purposes if such reappropriation is permitted under Illinois law.

**Section 23. Investment Regulations.** All income derived from investments in respect of moneys or securities in any Account shall be credited in each case to the Account in which such moneys or securities are held.

**Section 24. Tax Status of Bonds.** The City intends that any interest on the Bonds will be includible in the gross income of the owners of the Bonds for federal income tax purposes.

**Section 25. Tax Allocation Funds.** Moneys held in the One Moline Place Fund and the taxes and other moneys to be deposited therein pursuant to the Tax Increment Allocation Redevelopment Act, 65 Illinois Compiled Statutes 5/11-74.4 (the "Redevelopment Act") are hereby pledged for the payment of Redevelopment Project Costs (as defined in the Redevelopment Act and included in the One Moline Place Redevelopment Plan) and as security for the payment of the principal of and interest on the 2021A Bonds on a parity with prior pledge of the One Moline Place TIF Fund for the benefit and security of outstanding bonds of the City, but nothing herein contained shall restrict the power of the City to pledge such moneys or taxes for the benefit and security of additional bonds pursuant to the Redevelopment Act; to subordinate the pledge made by this ordinance or to alter the use and distribution of moneys in the One Moline Place TIF Fund. Moneys held in the One Moline Place TIF Fund, which are to be used for the payment of the principal of or interest on the 2021A Bonds, may be deposited in the 2021A Debt Service Account, and upon such deposit such moneys shall be used solely for the payment of such principal and interest.

Moneys held in the Moline Place Phase II and III TIF Fund and the taxes and other moneys to be deposited therein pursuant to the Redevelopment Act are hereby pledged for the payment of Redevelopment Project Costs (as defined in the Redevelopment Act and included in the Moline Place Phase II and III Redevelopment Plan) and as security for the payment of the principal of and interest on the 2021B Bonds, but nothing herein contained shall restrict the power of the City to pledge such moneys or taxes for the benefit and security of additional bonds pursuant to the Redevelopment Act; to subordinate the pledge made by this ordinance or to alter the use and distribution of moneys in the Moline Place Phase II and III TIF Fund. Moneys held in the Moline Place Phase II and III TIF Fund, which are to be used for the payment of the principal of or interest on the 2021B Bonds, may be deposited in the 2021B Debt Service Account, and upon such deposit such moneys shall be used solely for the payment of such principal and interest.

The foregoing pledges of moneys in the TIF Funds are subject to the limitation that moneys not required, pledged, earmarked or otherwise designated for the payment and securing of obligations and anticipated Redevelopment Project Costs shall be calculated annually and designated as "surplus" funds in accordance with Section 11-74.4-7 of the Redevelopment Act.

**Section 26. Defeasance and Payment of Bonds.** If the City shall pay or cause to be paid to the registered owners of the Bonds, the principal and interest due or to become due thereon, at the times and in the manner stipulated therein and in this ordinance, then the pledge of taxes, securities and funds hereby pledged and the covenants, agreements and other obligations of the

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City to the registered owners and the beneficial owners of the Bonds shall be discharged and satisfied.

(A) Any Bonds or interest installments appertaining thereto, whether at or prior to the maturity or the redemption date of such Bonds, shall be deemed to have been paid within the meaning of Paragraph (A) of this Section if (1) in case any such Bonds are to be redeemed prior to the maturity thereof, there shall have been taken all action necessary to call such Bonds for redemption and notice of such redemption shall have been duly given or provision shall have been made for the giving of such notice, and (2) there shall have been deposited in trust with a bank, trust company or national banking association acting as fiduciary for such purpose either (i) moneys in an amount which shall be sufficient, or (ii) "Federal Obligations" as defined in Paragraph (C) of this Section, the principal of and the interest on which when due will provide moneys which, together with any moneys on deposit with such fiduciary at the same time for such purpose, shall be sufficient, to pay when due the principal of, redemption premium, if any, and interest due and to become due on said Bonds on and prior to the applicable redemption date or maturity date thereof.

(B) As used in this Section, the term "Federal Obligations" means (i) non-callable, direct obligations of the United States of America, (ii) non-callable and non-prepayable, direct obligations of any agency of the United States of America, which are unconditionally guaranteed by the United States of America as to full and timely payment of principal and interest, or (iii) non-callable, non-prepayable coupons or interest installments from the securities described in clause (i) or clause (ii) of this paragraph, which are stripped pursuant to programs of the Department of the Treasury of the United States of America.

**Section 27. Ordinance to Constitute a Contract.** The provisions of this ordinance shall constitute a contract between the City and the registered owners of the Bonds. Except as otherwise provided in this ordinance and in the Redevelopment Act with respect to the pledge of money in a special tax allocation fund, any pledge made in this ordinance and the provisions, covenants and agreements herein set forth to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the owners of any and all of the Bonds of like series. All of the Bonds, regardless of the time or times of their issuance, shall be of equal rank without preference, priority or distinction of any of the Bonds over any other thereof except as expressly provided in or pursuant to this ordinance. This ordinance shall constitute full authority for the issuance of the Bonds and to the extent that the provisions of this ordinance conflict with the provisions of any other ordinance or resolution of the City, the provisions of this ordinance shall control. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section 28. Publication.** The City Clerk is hereby authorized and directed to publish this ordinance in pamphlet form and to file copies thereof for public inspection in her office.

**Section 29. Effective Date.** This ordinance shall become effective upon its passage and approval.

Passed and adopted this 10<sup>th</sup> day of August, 2021, by roll call vote as follows:



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Ayes: 9

Nays: 0

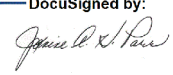
Approved: August 10, 2021

DocuSigned by:  
  
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Mayur

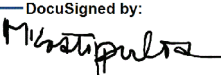
Published in pamphlet form: August 11, 2021

(SEAL)

Attest:

DocuSigned by:  
  
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City Clerk

Approved as to form:

DocuSigned by:  
  
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City Attorney

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**CERTIFICATE**

I, Janine A. Hollembaek Parr, City Clerk of the City of Moline, Illinois, hereby certify that the foregoing ordinance entitled: “An Ordinance Authorizing the Issuance of Taxable General Obligation Refunding Bonds, Series 2021A and Series 2021B, of the City of Moline, Illinois,” is a true copy of an original ordinance which was duly adopted by the recorded affirmative votes of not less than six members of the City Council of the City at a meeting thereof which was duly called and held at 6:00 p.m. on August 10, 2021, at City Hall, and at which a quorum was present and acting throughout, and that said copy has been compared by me with the original ordinance signed by the Mayor of the City on August 10, 2021, and thereafter published in pamphlet form on August 11, 2021, and recorded in the Ordinance Book of the City and that it is a correct transcript thereof and of the whole of said ordinance, and that said ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

I further certify that the agenda for said meeting included the ordinance as a matter to be considered at the meeting and that said agenda was posted at least 48 hours in advance of the holding of the meeting in the manner required by the Open Meetings Act, 5 Illinois Compiled Statutes 120, and was continuously available for public review during the 48 hour period preceding the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this \_\_\_\_\_ day of August, 2021.

\_\_\_\_\_  
City Clerk

(SEAL)