**Sauk Valley Community College**

**July 16, 2018**

**Action Item 4.3**

**Topic: Resolution setting forth and describing in detail claims heretofore authorized and allowed for proper community college purposes which are presently outstanding and unpaid, declaring the intention to avail of the provisions of Article 3A of the Public Community College Act of the state of Illinois, as amended and to issue $5,300,000 bonds for the purpose of paying claims against the District, and directing that notice of such intention be published as provided by law.**

**Strategic Direction:** **College Health Metric – Financial Stability – The College uses its revenue conservatively. The College pursues and utilizes alternative revenue streams.**

**Presented by: Dr. David Hellmich and Melissa Dye**

**Presentation:**

Last month the Board approved the issuance of general obligation debt certificates in the amount of $5,020,000 for the purpose of completing HVAC upgrades, equipment, and other remodeling projects. This important step in the funding bonds process is for the Board to adopt a resolution of intention to issue funding bonds to pay claims against the District (i.e., to pay off the debt certificates). Upon the Board’s adoption of the resolution of intent, the College will publish the notice of intent in the local newspaper on July 28. The registered voters are then allowed 30 days in which to file a petition containing signatures of at least 10% of the District voters if they wish to attempt to place the bond issue on the February 2019 ballot. If no such petition is filed, the College is authorized to issue funding bonds.

**Recommendation:**

The administration recommends the Board approve the Resolution setting forth and describing in detail claims heretofore authorized and allowed for proper community college purposes which are presently outstanding and unpaid, declaring the intention to avail of the provisions of Article 3A of the Public Community College Act of the State of Illinois, as amended, and to issue $5,300,000 bonds for the purpose of paying claims against the District, and directing that notice of such intention be published as provided by law.

Minutes of a regular public meeting of the Board of Trustees of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois, held in the Board Room of the Sauk Valley Community College, 173 Illinois Route 2, Dixon, Illinois, in said Community College District at 6:00 o’clock P.M, on the 16th day of July, 2018.

 \* \* \*

The meeting was called to order by the Chairperson, and upon the roll being called, Scott Stoller, the Chairperson, and the following Trustees were physically present at said location:

The following Trustees were allowed by a majority of the members of the Board of Trustees in accordance with and to the extent allowed by rules adopted by the 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 manner or to any extent whatsoever:

The Chairperson announced that in view of the current financial condition of the District, the Board of Trustees would consider the adoption of a resolution setting forth and describing in detail outstanding claims against the District, declaring its intention to issue funding bonds to pay claims against the District, and directing that notice of such intention be published.

Whereupon Trustee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ presented and the Secretary read by title a resolution as follows, copies of which were available to all in attendance at said meeting who requested a copy:

Resolution setting forth and describing in detail claims heretofore authorized and allowed for proper community college purposes which are presently outstanding and unpaid, declaring the intention to avail of the provisions of Article 3A of the Public Community College Act of the State of Illinois, as amended, and to issue $5,300,000 bonds for the purpose of paying claims against Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois, and directing that notice of such intention be published as provided by law.

 \* \* \*

Whereas, pursuant to the provisions of Article 3A of the Public Community College Act of the State of Illinois, as amended (the *“Act”*), the Board of Trustees (the *“Board”*) of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois (the *“District”*), is authorized to issue bonds to pay claims against the District; and

Whereas, the District has presently outstanding and unpaid claims (the *“Claims”*), all of the Claims having been heretofore authorized and allowed for proper community college purposes; and

Whereas, there are not sufficient funds on hand and available with which to pay the Claims, and the Board has determined and does hereby determine that it is necessary and in the best interests of the District that the Claims be paid from proceeds of bonds in the principal amount of $5,300,000 (the *“Bonds”*); and

Whereas, before the Bonds can be issued pursuant to the Act, the Board must examine and consider the Claims and must adopt a resolution declaring the Claims to be authorized and allowed for proper community college purposes, set forth and describe in detail the Claims, declare its intention to issue the Bonds for the purpose of paying the Claims and direct that notice of such intention to issue the Bonds be given as provided by law; and

Whereas, the Board has examined and considered the Claims:

Now, Therefore, Be It and It Is Hereby Resolved by the Board of Trustees of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois, as follows:

 *Section 1. Incorporation of Preambles.* The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

 *Section 2. The Claims*. The Claims are described in *Exhibit A* hereto, and it is hereby found, determined and declared that the Claims are presently outstanding and unpaid, were heretofore authorized and allowed for proper community college purposes and constitute valid and binding obligations of the District.

 *Section 3. Declaration of Intent*. The Board does hereby determine and declare its intention to avail the provisions of Article 3A of the Act and to issue Bonds in the amount of $5,300,000 for the purpose of paying the Claims.

 *Section 4. Notice of Intent*. In accordance with the provisions of Section 5 of the Local Government Debt Reform Act of the State of Illinois, as amended, notice of said intention to avail of the provisions of Article 3A of the Act and to issue the Bonds shall be given by publication of such notice once in the *Dixon Telegraph,* the same being a newspaper of general circulation in the District.

 *Section 5.* *Form of Notice.* The notice of intention to issue the Bonds shall be in substantially the following form:

Notice of Intention of
Community College District No. 506
Counties of Whiteside, Lee, Carroll, Ogle,
Bureau and Henry and State of Illinois
to Issue $5,300,000 Funding Bonds

Public Notice is hereby given that on the 16th day of July, 2018, the Board of Trustees (the *“Board”*) of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois (the *“District”*), adopted a resolution declaring its intention and determination to issue bonds in the aggregate amount of $5,300,000 for the purpose of paying presently outstanding and unpaid claims against the District, all of which unpaid claims have been heretofore authorized and allowed for proper community college purposes and it is the intention of the Board to avail of the provisions of Article 3A (Sections 3A‑6 to 3A‑9, inclusive) of the Public Community College Act of the State of Illinois, and all laws amendatory thereof and supplementary thereto, and to issue said bonds for the purpose of paying such unpaid claims.

A petition may be filed with the Secretary of the Board (the *“Secretary”*) within thirty (30) days after the date of publication of this notice, signed by not less than 6,327 voters of the District, said number of voters being equal to ten percent (10%) of the registered voters of the District, requesting that the proposition to issue said bonds as authorized by the provisions of said Article 3A be submitted to the voters of the District. If such petition is filed with the Secretary within thirty (30) days after the date of publication of this notice and on or before the 6th day of August, 2018, an election on the proposition to issue said bonds shall be held on the 6th day of November, 2018. If such petition is filed with the Secretary within thirty (30) days after the date of publication of this notice and after the 6th day of August, 2018, an election on the proposition to issue said bonds shall be held on the 26th day of February, 2019, unless none of the voters of the District are scheduled to cast votes for any candidates for nomination for, election to or retention in public office at said election, in which case an election on the proposition to issue said bonds shall be held on the 2nd day of April, 2019. The Circuit Court may declare that an emergency referendum should be held prior to any of said election dates pursuant to the provisions of Section 2A‑1.4 of the Election Code of the State of Illinois, as amended. If no such petition is filed within said thirty (30) day period, then the District shall thereafter be authorized to issue said bonds for the purpose hereinabove provided.

By order of the Board of Trustees of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois.

Dated this 16th day of July, 2018.[[1]](#footnote-1)

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| Lisa Wiersema | Scott Stoller |
| Secretary, Board of Trustees,Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois | Chairperson, Board of Trustees,Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois |

 *Section 6.* *Further Proceedings.* If no petition signed by the requisite number of voters is filed with the Secretary of the Board within thirty (30) days after the date of the publication of such notice of intention to issue the Bonds, the Board shall, by appropriate proceedings to be hereafter taken, fix the details concerning the issue of the Bonds and provide for the levy of a direct annual tax to pay the principal and interest on the same.

 *Section 7.* *Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

 *Section 8.* *Repealer and Effective Date.* All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed and that this Resolution be in full force and effect forthwith upon its adoption.

Adopted July 16, 2018.

Chairperson, Board of Trustees

Secretary, Board of Trustees

Exhibit A

The principal of and interest on the District’s outstanding General Obigation Debt Certificates (Limited Tax), Series 2018A, and General Obigation Debt Certificates (Limited Tax), Series 2018B, each dated June 26, 2018.

Trustee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved and Trustee \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ seconded the motion that said resolution as presented and read by title be adopted.

After a full and complete discussion thereof, the Chairman directed the Secretary to call the roll for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following Trustees voted Aye:

The following Trustees voted Nay:

Whereupon the Chairman declared the motion carried and said resolution adopted, and in open meeting approved and signed said resolution and directed the Secretary to record the same in full in the records of the Board of Trustees of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Secretary, Board of Trustees

State of Illinois )

 ) SS

County of Whiteside )

Certification of Minutes and Resolution

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Trustees of Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois (the *“Board”*), and that as such official I am the keeper of the records and files of 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 16th day of July, 2018, insofar as same relates to the adoption of a resolution entitled:

Resolution setting forth and describing in detail claims heretofore authorized and allowed for proper community college purposes which are presently outstanding and unpaid, declaring the intention to avail of the provisions of Article 3A of the Public Community College Act of the State of Illinois, as amended, and to issue $5,300,000 bonds for the purpose of paying claims against Community College District No. 506, Counties of Whiteside, Lee, Carroll, Ogle, Bureau and Henry and State of Illinois, and directing that notice of such intention be published as provided by law.

a true, correct and complete copy of which said resolution 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 resolution were conducted openly, that the vote on the adoption of said resolution was taken 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 location where said meeting was held and at the principal office of the Board at least 72 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that at least one copy of said agenda was continuously available for public review during the entire 72‑hour period preceding said meeting, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Public Community College Act of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Acts and with all of the procedural rules of the Board in the conduct of said meeting and in the adoption of said resolution.

In Witness Whereof, I hereunto affix my official signature, this 16th day of July, 2018.

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