

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE APPROVING THE TRANSFER  
OF VOLUME CAP IN CONNECTION WITH  
PRIVATE ACTIVITY BOND ISSUES, AND  
RELATED MATTERS

**WHEREAS**, City of O'Fallon, Illinois (the "*Municipality*") is a municipality and a home rule unit of government under Section 6 of Article VII of the 1970 Constitution of the State of Illinois; and

**WHEREAS**, Section 146 of the Internal Revenue Code of 1986, as amended (the "*Code*"), provides that the Municipality has volume cap equal to \$85 per resident of the Municipality in each calendar year, which volume cap may be allocated to certain tax-exempt private activity bonds; and

**WHEREAS**, the Illinois Private Activity Bond Allocation Act, 30 *Illinois Compiled Statutes 2006, 345/1 et seq.*, as supplemented and amended (the "*Act*"), provides that a home rule unit of government may transfer its allocation of volume cap to any other home rule unit of government, the State of Illinois or any agency thereof or any non-home rule unit of government; and

**WHEREAS**, it is now deemed necessary and desirable by the Municipality to transfer its entire volume cap allocation for calendar year 2008 to the Southwestern Illinois Development Authority (the "*Issuer*") to be applied toward the issuance of private activity bonds by the Issuer (the "*Bonds*") or for such other purpose permitted by this Ordinance;

NOW, THEREFORE, Be It Ordained by the City Council of the City of O'Fallon, Illinois, as follows:

*SECTION 1.* That, pursuant to Section 146 of the Code and the Act, the entire volume cap of the Municipality for calendar year 2008 is hereby transferred to the Issuer, which shall issue the Bonds using such transfer of volume cap, without any further action required on the part of the Municipality, and the adoption of this Ordinance shall be deemed to be an allocation of such volume cap to the issuance of the Bonds or such other bonds.

*SECTION 2.* That the Municipality and the Issuer shall maintain a written record of this Ordinance in their respective records during the term that the Bonds or any other such bonds to which such volume cap is allocated remain outstanding.

*SECTION 3.* That the Mayor, the City Clerk and all other proper officers, officials, agents and employees of the Municipality are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents and certificates as may be necessary to further the purposes and intent of this Ordinance.

*SECTION 4.* That the provisions of this Ordinance are hereby declared to be separable, and if any section, phrase or provision of this Ordinance shall for any reason be declared to be invalid, such declaration shall not affect the remainder of the sections, phrases and provisions of this Ordinance.

*SECTION 5.* That all ordinances, resolutions or orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded; and that this Ordinance shall be in full force and effect upon its adoption and approval.

Presented, passed, approved and recorded this \_\_\_ day of \_\_\_\_\_ 2008.

Approved:

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Gary L. Graham, Mayor

[SEAL]

ATTEST:

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Philip A. Goodwin, City Clerk

<b>ROLL CALL:</b>	Grogan	Schmidt	True	Polites	Reckamp	Medford	Drolet, J.	<b>SUB TOTALS</b>
<b>Aye</b>								
<b>Nay</b>								
<b>Absent</b>								

<b>ROLL CALL:</b>	Mouser	Renner	Bennett	Engler	Drolet, N.	Albrecht	West	SUB TOTALS	SUM OF TOTALS
<b>Aye</b>									
<b>Nay</b>									
<b>Absent</b>									