

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the School
5 District Intergovernmental Cooperation Renewable Energy Act.

6 Section 5. Findings. The General Assembly finds that there
7 is a need to promote the use of renewable energy resources,
8 including facilities designed to convert wind or solar power to
9 energy, and to promote employment in the construction and
10 operation of such facilities, and further finds that a means of
11 meeting such need is to authorize school districts to join
12 together to acquire and construct facilities for such purposes.

13 Section 10. Definitions. In this Act:

14 "Agency" means a joint action agency organized and
15 operating under this Act.

16 "Applicable law" means any provision of law, including this
17 Act, authorizing school districts to issue bonds as that term
18 is defined in the Local Government Debt Reform Act.

19 "Board" means the board of directors of an agency organized
20 under this Act.

21 "Bond" means a bond as such term is defined in the Local
22 Government Debt Reform Act issued by an agency payable from one

1 or more of the agency's revenue sources and other sources as
2 the agency may lawfully pledge, which sources may include
3 school district bonds or proceeds or payments to be made
4 pursuant to an intergovernmental agreement.

5 "Eligible project" means any land or rights in land, plant,
6 works, system, facility, machinery, intellectual property, or
7 other real or personal property of any nature whatsoever,
8 together with all parts thereof and appurtenances thereto, used
9 or useful in the generation, production, such distribution or
10 transmission as may be required in a relevant electric service
11 agreement, purchase, sale, exchange, or interchange of
12 electrical energy derived from renewable energy sources
13 including wind, solar power, and other renewable sources, and
14 in the acquisition, extraction, conversion, transportation,
15 storage, or reprocessing of ancillary fuel of any kind for any
16 of those purposes, or any interest in, or right to the use,
17 services, output, or capacity of any plant, works, system, or
18 facilities.

19 "Governing body" means the school board having charge of
20 the corporate affairs of a school district.

21 "Intergovernmental agreement" means the agreement by which
22 an agency is formed by school districts pursuant to this Act.

23 "Members" means the school districts joining pursuant to
24 intergovernmental agreement to organize an agency under this
25 Act.

26 "Resolution" means a resolution duly adopted by a governing

1 body.

2 "Revenue source" means any revenue source as such term is
3 defined in the Local Government Debt Reform Act.

4 "School district" means a combined elementary district, a
5 combined high school district, a combined unit district, a unit
6 district, a combined high school unit district, an elementary
7 district, or an optional elementary unit district organized and
8 operating under the School Code of the State of Illinois, but
9 does not include any office, officer, department, division,
10 bureau, board, commission, or similar agency of the State of
11 Illinois.

12 "School district bond" means any bond as such term is
13 defined in the Local Government Debt Reform Act authorized or
14 issued by or on behalf of a school district under applicable
15 law.

16 Section 15. Powers supplemental. The provisions of this Act
17 are intended to be supplemental and, in addition to all other
18 powers or authorities granted to any school district, shall be
19 construed liberally and shall not be construed as a limitation
20 of any power or authority otherwise granted.

21 Section 20. Actions by resolution. All actions to be taken
22 by a school district or an agency pursuant to this Act shall be
23 fully effective if taken by resolution.

1 Section 25. Agency status. An agency organized under this
2 Act shall be a unit of local government of the State of
3 Illinois and a body politic and corporate.

4 Section 30. Organization. Any 2 or more school districts,
5 whether contiguous or noncontiguous, may form an agency by the
6 execution of an intergovernmental agreement authorized by
7 resolution adopted by the governing body of each school
8 district. The intergovernmental agreement shall state or may
9 state, as applicable, the following:

10 (1) the name of the agency and the date of its
11 establishment, which may be by reference to a date or the
12 dates of the resolutions adopted by the governing bodies,
13 and the duration of its existence, which may be perpetual;

14 (2) the names of the school districts that have adopted
15 the intergovernmental agreement and constitute the initial
16 members;

17 (3) the names and addresses of the persons initially
18 appointed in the resolutions adopting the
19 intergovernmental agreement to serve as initial directors
20 on the board and provision for the organizational meeting
21 of the agency;

22 (4) provision for the terms of office of the directors
23 and for alternate directors, if so provided, but such
24 directors and alternate directors shall always be selected
25 and vacancies in their offices declared and filled by

1 resolutions adopted by the governing body of the respective
2 school districts;

3 (5) if so provided, provision for weighted voting among
4 the school districts or by the directors;

5 (6) the location by city, village, or incorporated town
6 in the State of Illinois of the principal office of the
7 agency;

8 (7) provision for amendment of the intergovernmental
9 agreement;

10 (8) if provided, initial funding for the agency, which
11 may include binding agreements of the school districts to
12 provide money or to issue school district bonds for the
13 benefit of the agency;

14 (9) provisions for the disposition, division, or
15 distribution of obligations, property, and assets of the
16 agency upon dissolution; and

17 (10) any other provisions for regulating the business
18 of the agency or the conduct of its affairs consistent with
19 this Act.

20 Section 35. Officers; board; bylaws.

21 (a) At the organizational meeting of the board, the
22 directors shall elect from their members a presiding officer to
23 preside over the meetings of the board and an alternate
24 presiding officer and may elect an executive board. The board
25 shall determine and designate in the agency's bylaws the titles

1 for the presiding officers. The directors shall also elect a
2 secretary and treasurer, who need not be directors. The board
3 may select such other officers, employees, and agents as deemed
4 to be necessary, who need not be directors or residents of any
5 of the school districts that are members. The board may
6 designate appropriate titles for all other officers,
7 employees, and agents. All persons selected by the board shall
8 hold their respective offices at the pleasure of the board, and
9 give bond as may be required by the board.

10 (b) The board is the corporate authority of the agency and
11 shall exercise all the powers and manage and control all of the
12 affairs and property of the agency. The board shall have full
13 power to pass all necessary resolutions and rules for the
14 proper management and conduct of the business of the agency and
15 for carrying into effect the objects for which the agency was
16 established. The board shall have not less than one meeting
17 each year for the election of officers and the transaction of
18 any other business. Unless otherwise provided by this Act, the
19 intergovernmental agreement, or the bylaws, an act of the
20 majority of the directors present at a meeting at which a
21 quorum is present is required for an act of the board.

22 (c) The board shall adopt bylaws that may include without
23 limitation the following provisions:

24 (1) the rights and obligations of members consistent
25 with the intergovernmental agreement and this Act;

26 (2) if not governed in the intergovernmental

1 agreement, then the manner of adding new members and the
2 rights and obligations of the members;

3 (3) the time, place, and date of the regular meeting or
4 meetings and the procedures for calling special meetings of
5 the board;

6 (4) procedural rules;

7 (5) the composition, powers, and responsibilities of
8 any committee or executive board;

9 (6) the criteria as called for in item (20) of Section
10 55 of this Act; and

11 (7) other rules or provisions for regulating the
12 affairs of the agency as the board shall determine to be
13 advisable.

14 Section 40. Filing. Within 3 months after the
15 organizational meeting, the board shall cause a certified copy
16 of the intergovernmental agreement to be filed with the
17 Secretary of State of Illinois. The Secretary of State shall
18 accept such filing and issue a certificate of approval over his
19 or her signature and the Great Seal of the State. The Secretary
20 of State shall make and keep a register of agencies established
21 under this Act.

22 Section 45. Place of business. Every agency shall maintain
23 an office in the State of Illinois to be known as its principal
24 office. When an agency desires to change the location of such

1 office, it shall file with the Secretary of State a certificate
2 of change of location, stating the new address and the
3 effective date of change. Meetings of the board may be held at
4 any place within the State of Illinois designated by the board
5 after notice.

6 Section 50. Lawful expense of school district. Each member
7 shall have full power and authority to appropriate money from
8 its operation and maintenance fund, by whatever name now or
9 hereafter known, for the payment of the expenses of the agency
10 and of its representative in exercising its functions as a
11 member of the agency, which expenses may include payment of
12 principal of and interest on bonds of the agency for a period
13 not greater than 40 years after the dated date of any bonds.
14 Each member shall have full power and authority, subject to the
15 provisions of applicable law, to agree to the issuance and
16 delivery of school district bonds to aid the agency.

17 Section 55. Powers and duties generally. An agency shall
18 have all the powers and duties enumerated in this Section in
19 furtherance of the purposes of this Act. In the exercise
20 thereof it shall be deemed to be performing an essential
21 governmental function and exercising a part of the sovereign
22 powers of the State of Illinois, separate and distinct from
23 member school districts, and shall have the privileges,
24 immunities, and rights of a public body politic and corporate,

1 municipal corporation, and unit of local government, but shall
2 not have taxing power. All powers of the agency shall be
3 exercised by its board unless otherwise provided by the bylaws.

4 (1) An agency may plan, finance, acquire, construct,
5 reconstruct, own, lease, operate, maintain, repair,
6 improve, extend, or otherwise participate in, individually
7 or jointly with other persons or other entities of any
8 type, one or more eligible projects, proposed, existing, or
9 under construction, within or without the State of
10 Illinois, acquire any interest in or any right to products
11 and services of an eligible project, purchase, own, sell,
12 dispose of, or otherwise participate in securities issued
13 in connection with the financing of an eligible project or
14 any portion thereof, create such subsidiary entity or
15 entities of any type as may be necessary or desirable, and
16 may act as agent, or designate one or more persons, public
17 agencies, or other entities of any type, whether or not
18 participating in an eligible project, to act as its agent,
19 in connection with the planning, financing, acquisition,
20 construction, reconstruction, ownership, lease, operation,
21 maintenance, repair, extension, or improvement of the
22 eligible project.

23 (2) An agency may investigate the desirability of and
24 necessity for additional means of providing electrical
25 energy from wind sources of any kind for such purpose and
26 make studies, surveys, and estimates as may be necessary to

1 determine its feasibility and cost.

2 (3) An agency may cooperate with other persons, public
3 agencies, or other entities of any type in the development
4 of means of providing electrical energy from wind sources
5 of any kind for those purposes and give assistance with
6 personnel and equipment in any eligible project.

7 (4) An agency may structure the ownership and
8 investment in an eligible project in such a way as to
9 maximize the use of any available United States federal
10 incentives for such projects, including, but not limited
11 to, New Markets Tax Credits under Section 45D of the
12 Internal Revenue Code of 1986, as amended, or any successor
13 provision.

14 (5) An agency may apply for consents, authorizations,
15 or approvals required for any eligible project within its
16 powers and take all actions necessary to comply with the
17 conditions thereof.

18 (6) An agency may perform any act authorized by this
19 Act through, or by means of, its officers, agents, or
20 employees or by contract with others, including without
21 limitation the employment of engineers, architects,
22 attorneys, appraisers, financial advisors, and such other
23 consultants and employees as may be required in the
24 judgment of the agency, and fix and pay their compensation
25 from funds available to the agency.

26 (7) An agency may, individually or jointly with other

1 persons, public agencies, or other entities of any type,
2 acquire, hold, use, and dispose of income, revenues, funds,
3 and money.

4 (8) An agency may, individually or jointly with other
5 persons, public agencies, or other entities of any type,
6 acquire, own, hire, use, operate and dispose of personal
7 property and any interest therein.

8 (9) An agency may, individually or jointly with other
9 persons, public agencies, or other entities of any type,
10 acquire, own, use, lease as lessor or lessee, operate, and
11 dispose of real property and interests in real property,
12 including eligible projects existing, proposed, or under
13 construction, and make improvements thereon.

14 (10) An agency may grant the use by franchise, lease,
15 or otherwise and make charges for the use of any property
16 or facility owned or controlled by it.

17 (11) An agency may borrow money and issue negotiable
18 bonds, secured or unsecured, in accordance with this Act.

19 (12) An agency may invest money of the agency not
20 required for immediate use, including proceeds from the
21 sale of any bonds, in such obligations, securities, and
22 other investments as authorized by the provisions of the
23 Public Funds Investment Act.

24 (13) An agency may determine the location and character
25 of, and all other matters in connection with, any and all
26 eligible projects it is authorized to acquire, hold,

1 establish, effectuate, operate, or control.

2 (14) An agency may contract with any persons, public
3 agencies, or other entities of any type for the planning,
4 development, construction, or operation of any eligible
5 project or for the sale, transmission, or distribution of
6 the products and services of any eligible project, or for
7 any interest therein or any right to the products and
8 services thereof, on such terms and for such period not in
9 excess of 50 years of time as its board shall determine.

10 (15) An agency may enter into any contract or agreement
11 necessary, appropriate, or incidental to the effectuation
12 of its lawful purposes and the exercise of the powers
13 granted by this Act for a period not in excess of 50 years
14 in time, including without limitation contracts or
15 agreements for the purchase, sale, exchange, interchange,
16 wheeling, pooling, transmission, distribution, or storage
17 of electrical energy and fuel of any kind for any such
18 purposes, within and without the State of Illinois, in such
19 amounts as it shall determine to be necessary and
20 appropriate to make the most effective use of its powers
21 and to meet its responsibilities, on such terms and for
22 such period of time as its board determines. Any such
23 contract or agreement may include provisions for
24 requirements purchases, restraints on resale or other
25 dealings, exclusive dealing, pricing, territorial
26 division, and other conduct or arrangements that may have

1 an anti-competitive effect.

2 (16) An agency may procure insurance against any losses
3 in connection with its property, operations, or assets in
4 such amounts and from such insurers as it deems desirable
5 or may self-insure or enter into pooled insurance
6 arrangements with other school districts against such
7 losses.

8 (17) An agency may contract for and accept any gifts or
9 grants or loans of funds or property or financial or other
10 aid in any form from any source and may comply, subject to
11 the provisions of this Act, with the terms and conditions
12 thereof.

13 (18) An agency may mortgage, pledge, or grant a
14 security interest in any or all of its real and personal
15 property to secure the payment of its bonds or contracts.

16 (19) That part of an eligible project owned by an
17 agency shall be exempt from property taxes.

18 (20) An agency shall not be subject to any taxes of the
19 State of Illinois based on or measured by income or
20 receipts or revenue.

21 (21) An agency may adopt a corporate seal and may sue
22 and be sued.

23 (22) An agency may exercise all other powers not
24 inconsistent with the Constitution of the State of Illinois
25 or the United States Constitution, which powers may be
26 reasonably necessary or appropriate for or incidental to

1 effectuate its authorized purposes or to the exercise of
2 any of the powers enumerated in this Act.

3 Section 60. Bonds. An agency may issue bonds pursuant to
4 applicable law and the following provisions:

5 (1) An agency may from time to time issue its bonds in
6 such principal amounts as the agency shall deem necessary
7 to provide sufficient funds to carry out any of its
8 corporate purposes and powers, including without
9 limitation the acquisition, construction, or termination
10 of any eligible project to be owned or leased, as lessor or
11 lessee, by the agency, or the acquisition of any interest
12 therein or any right to the products or services thereof,
13 the funding or refunding of the principal of, redemption
14 premium, if any, and interest on, any bonds issued by it
15 whether or not such bonds or interest to be funded or
16 refunded have or have not become due, the payment of
17 engineering, legal and other expenses, together with
18 interest for a period of 3 years or to a date one year
19 subsequent to the estimated date of completion of the
20 project, whichever period is longer, the establishment or
21 increase of reserves to secure or to pay such bonds or
22 interest thereon, the providing of working capital and the
23 payment of all other costs or expenses of the agency
24 incident to and necessary or convenient to carry out its
25 corporate purposes and powers.

1 (2) Every issue of bonds of the agency shall be payable
2 out of the revenues or funds available to the agency,
3 subject to any agreements with the holders of particular
4 bonds pledging any particular revenues or funds. An agency
5 may issue types of bonds as it may determine, including
6 bonds as to which the principal and interest are payable
7 exclusively from the revenues from one or more projects, or
8 from an interest therein or a right to the products and
9 services thereof, or from one or more revenue producing
10 contracts made by the agency, or its revenues generally.
11 Any such bonds may be additionally secured by a pledge of
12 any grant, subsidy, or contribution from any source or a
13 pledge of any income or revenues, funds, or moneys of the
14 agency from any source whatsoever.

15 (3) All bonds of an agency shall have all the qualities
16 of negotiable instruments under the laws of this State.

17 (4) Bonds of an agency shall be authorized by
18 resolution of its board and may be issued under such
19 resolution or under a trust indenture or other security
20 agreement, in one or more series, and shall bear the date
21 or dates, mature at a time or times within the estimated
22 period of usefulness of the project involved and in any
23 event not more than 40 years after the date thereof, bear
24 interest at such rate or rates without regard to any
25 limitation in any other law, be in such denominations, be
26 in such form, either coupon or registered, carry such

1 conversion, registration, and exchange privileges, have
2 such rank or priority, be executed in such manner, be
3 payable in such medium of payment at such place or places
4 within or without the State of Illinois, be subject to such
5 terms of redemption with or without premium, and contain or
6 be subject to such other terms as the resolution, trust
7 indenture, or other security agreement may provide, and
8 shall not be restricted by the provisions of any other law
9 limiting the amounts, maturities, interest rates, or other
10 terms of obligations of units of local government or
11 private parties. The bonds shall be sold in a manner and at
12 such price as the board shall determine at private or
13 public sale.

14 (5) Bonds of an agency may be issued under the
15 provisions of this Act without obtaining the consent of any
16 department, division, commission, board, bureau, or agency
17 of the State of Illinois or of any member, except as may be
18 limited in an intergovernmental agreement, and without any
19 other proceeding or the happening of any other condition or
20 occurrence except as specifically required by this Act.

21 (6) The resolution, trust indenture, or other security
22 agreement under which any bonds are issued shall constitute
23 a contract with the holders of the bonds and may contain
24 provisions, among others, prescribing:

25 (A) the terms and provisions of the bonds;

26 (B) the mortgage or pledge of and the grant of a

1 security interest in any real or personal property and
2 all or any part of the revenue from any project or any
3 revenue producing contract made by the agency to secure
4 the payment of bonds, subject to any agreements with
5 the holders of bonds which might then exist;

6 (C) the custody, collection, securing,
7 investments, and payment of any revenues, assets,
8 money, funds, or property with respect to which the
9 agency may have any rights or interest;

10 (D) the rates or charges for the products or
11 services rendered by the agency, the amount to be
12 raised by the rates or charges, and the use and
13 disposition of any or all revenue;

14 (E) the creation of reserves or sinking funds and
15 the regulation and disposition thereof;

16 (F) the purposes to which the proceeds from the
17 sale of any bonds then or thereafter to be issued may
18 be applied, and the pledge of revenues to secure the
19 payment of the bonds;

20 (G) the limitations on the issuance of any
21 additional bonds, the terms upon which additional
22 bonds may be issued and secured, and the refunding of
23 outstanding bonds;

24 (H) the rank or priority of any bonds with respect
25 to any lien or security;

26 (I) the creation of special funds or moneys to be

1 held in trust or otherwise for operational expenses,
2 payment, or redemption of bonds, reserves or other
3 purposes, and the use and disposition of moneys held in
4 such funds;

5 (J) the procedure by which the terms of any
6 contract with or for the benefit of the holders of
7 bonds may be amended or revised, the amount of bonds
8 the holders of which must consent thereto, and the
9 manner in which consent may be given;

10 (K) the definition of the acts or omissions to act
11 that shall constitute a default in the duties of the
12 agency to holders of its bonds, and the rights and
13 remedies of the holders in the event of default,
14 including, if the agency so determines, the right to
15 accelerate the due date of the bonds or the right to
16 appoint a receiver or receivers of the property or
17 revenues subject to the lien of the resolution, trust
18 indenture, or other security agreement;

19 (L) any other or additional agreements with or for
20 the benefit of the holders of bonds or any covenants or
21 restrictions necessary or desirable to safeguard the
22 interests of the holders;

23 (M) the custody of its properties or investments,
24 the safekeeping thereof, the insurance to be carried
25 thereon, and the use and disposition of insurance
26 proceeds;

1 (N) the vesting in a trustee or trustees, within or
2 without the State of Illinois, of such properties,
3 rights, powers, and duties in trust as the agency may
4 determine; or the limiting or abrogating of the rights
5 of the holders of any bonds to appoint a trustee, or
6 the limiting of the rights, powers, and duties of such
7 trustee; or

8 (O) the appointment of and the establishment of the
9 duties and obligations of any paying agent or other
10 fiduciary within or without the State of Illinois.

11 (7) For the security of bonds issued or to be issued by
12 an agency, the agency may mortgage or execute deeds of
13 trust of the whole or any part of its property and
14 franchises. Any pledge of revenues, securities, contract
15 rights, or other personal property made by an agency
16 pursuant to this Act shall be valid and binding from the
17 date the pledge is made. The revenues, securities, contract
18 rights, or other personal property so pledged and then held
19 or thereafter received by the agency or any fiduciary shall
20 immediately be subject to the lien of the pledge without
21 any physical delivery thereof or further act, and the lien
22 of the pledge shall be valid and binding as against all
23 parties having claims of any kind in tort, contract, or
24 otherwise against the agency without regard to whether the
25 parties have notice. The resolution, trust indenture,
26 security agreement, or other instrument by which a pledge

1 is created shall be recorded in the county in which the
2 principal office is located in the manner provided by law.

3 (8) Neither the officials, the directors, nor the
4 members of an agency nor any person executing bonds shall
5 be liable personally on the bonds or be subject to any
6 personal liability or accountability by reason of the
7 issuance thereof. An agency shall have power to indemnify
8 and to purchase and maintain insurance on behalf of any
9 director, officer, employee, or agent of the agency, in
10 connection with any threatened, pending, or completed
11 action, suit, or proceeding.

12 (9) An agency shall have power to purchase out of any
13 funds available therefor, bonds, and to hold for
14 re-issuance, pledge, cancel, or retire the bonds and
15 coupons prior to maturity, subject to and in accordance
16 with any agreements with the holders.

17 (10) The principal of and interest upon any bonds
18 issued by an agency shall be payable solely from the
19 revenue sources or funds pledged or available for their
20 payment as authorized in this Act. Each bond shall contain
21 a statement that it constitutes an obligation of the agency
22 issuing the bond, that its principal and interest are
23 payable solely from revenues or funds of the agency and
24 that neither the State of Illinois nor any political
25 subdivision thereof, except the issuer, nor any school
26 district that is a member of the agency, is obligated to

1 pay the principal or interest on the bonds and that neither
2 the faith and credit nor the taxing power of the State of
3 Illinois or any such political subdivision thereof or of
4 any such school district is pledged to the payment of the
5 principal of or the interest on the bonds.

6 Section 65. Charges. An agency may establish, levy, and
7 collect or may authorize, by contract, franchise, lease, or
8 otherwise, the establishment, levying, and collection of
9 rents, rates, and other charges for the products and services
10 afforded by the agency or by or in connection with any eligible
11 project or properties that it may construct, acquire, own,
12 operate, or control or with respect to which it may have any
13 interest or any right to the products and services thereof as
14 it may deem necessary, proper, desirable, or reasonable. Rents,
15 rates, and other charges shall be established so as to be
16 sufficient to meet the operation, maintenance, and other
17 expenses thereof, including reasonable reserves, interest, and
18 principal payments, including payments into one or more sinking
19 funds for the retirement of principal. An agency may pledge its
20 rates, rents, and other revenue, or any part thereof, as
21 security for the repayment, with interest and premium, if any,
22 of any moneys borrowed by it or advanced to it for any of its
23 authorized purposes and as security for the payment of amounts
24 due and owing by it under any contract.

1 Section 70. School districts may contract.

2 (a) In order to accomplish the purposes of this Act, a
3 school district may enter into and carry out contracts and
4 agreements for the sale, lease, or other use of property, real
5 or personal, cooperative provision of services, such as police
6 services, or the purchase of power from an agency, or
7 transmission services, development services, and other
8 services.

9 (b) Any contract and agreement shall be for a period not to
10 exceed 50 years and shall contain other terms, conditions, and
11 provisions that are not inconsistent with the provisions of
12 this Act as the governing body of such school district shall
13 approve, including without limitation provisions whereby the
14 school district is obligated to pay for the products and
15 services of an agency without set-off or counterclaim and
16 irrespective of whether such products or services are
17 furnished, made available, or delivered to the school district,
18 or whether any project contemplated by any such contract and
19 agreement is completed, operable or operating, and
20 notwithstanding suspension, interruption, interference,
21 reduction, or curtailment of the products and services of the
22 project.

23 (c) Any contract and agreement may be pledged by the agency
24 to secure its obligations and may provide that if one or more
25 school districts defaults in the payment of its obligations
26 under such contract and agreement, the remaining school

1 districts having such contracts and agreements shall be
2 required to pay for and shall be entitled proportionately to
3 use or otherwise dispose of the products and services that were
4 to be purchased by the defaulting school district.

5 (d) Any contract and agreement providing for payments by a
6 school district shall be an obligation of the school district
7 payable from and secured by such lawfully available funds as
8 may be made pursuant to applicable law. Notwithstanding the
9 sources of funds pledged, any contract between the agency and
10 its members with respect to an eligible project shall not
11 constitute an indebtedness of such members within any statutory
12 limitation.

13 (e) Nothing in this Act shall be construed to preclude a
14 school district from appropriating and using taxes and other
15 revenues received in any year to make payments due or to comply
16 with covenants to be performed during that year under any
17 contract or agreement for a term of years entered into as
18 contemplated in this Act, subject to the provisions of
19 applicable law.

20 (f) Any contract or agreement may include provisions for
21 requirements purchases, restraints on resale or other
22 dealings, exclusive dealing, pricing, territorial division,
23 and other conduct or arrangements that may have an
24 anti-competitive effect.

25 (g) Notwithstanding the provisions of any other law, in the
26 making of a contract or agreement between an agency and a

1 member, the director of the agency who represents such member
2 must recuse himself or herself from participation in
3 discussions or voting as director, but may participate and vote
4 in his or her capacity as an officer of the governing body of
5 such member, and such participation and voting shall not be a
6 conflict of interest.

7 Section 97. Severability. The provisions of this Act are
8 severable under Section 1.31 of the Statute on Statutes.

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.