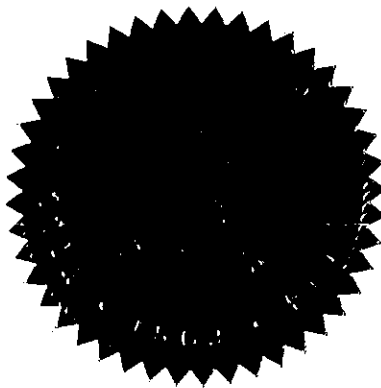


ORDINANCE 5012

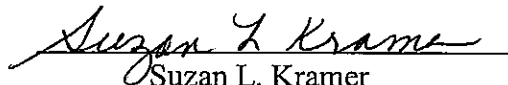
PAMPHLET

FRONT OF PAMPHLET

AUTHORIZATION FOR THE GLENBARD WASTEWATER AUTHORITY
TO BORROW FUNDS FROM
WATER POLLUTION CONTROL REVOLVING FUND



PUBLISHED IN PAMPHLET FORM THIS 7TH DAY OF SEPTEMBER, 2001 BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.


Suzan L. Kramer
Village Clerk

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Lombard has passed Ordinance Number 5012, "An Ordinance Authorizing the Glenbard Wastewater Authority to Borrow Funds From The Water Pollution Control Revolving Fund." That ordinance was passed on the 6th day of September, 2001. As a result of the passage of that ordinance, which is also published with this notice, the Village of Lombard has agreed to guarantee its proportional share of a loan in the amount not to exceed \$1, 000,000.00 with an interest rate not in excess of three percent (3%). That loan is being made from the Water Pollution Control Revolving Loan Fund of the State of Illinois to the Glenbard Wastewater Authority of which the Village of Lombard is, along with the Village of Glen Ellyn, one of the two members. It is expected that this loan will be repaid from the revenues of the Glenbard Wastewater Authority. Should the Glenbard Wastewater Authority fail to make payments under the loan, the Village of Lombard would be obligated to pay from the revenues of its sewer and water system a proportional amount of the unpaid loan payments equal to its percentage use of the services of the Glenbard Wastewater Authority. That obligation would be subordinate to any other revenue bonds issued by the Village of Lombard. Because this obligation is in the nature of a revenue bond, members of the public may file a petition, within thirty (30) days after the publication of the ordinance requesting that the question of issuing revenue bonds be submitted to the electors. Such a petition containing not less than ten percent (10%) of the number of registered voters in the Village of Lombard, that is, containing at least 2,377 signatures signed by electors of the Village of Lombard, must be filed with the Village Clerk at the Village Hall, 255 East Wilson Avenue, Lombard, Illinois, during regular business hours on or before the close of business on October 12, 2001. The petition must request that the issue of whether revenue bonds in an amount of not more than \$1,000,000.00 should be issued shall be presented to the voters of the Village of Lombard at the election to be held on March 19, 2002.

Published by the authority
of the Village of Lombard

ORDINANCE NO. 5012

**AN ORDINANCE OF THE VILLAGE OF
LOMBARD AUTHORIZING THE
GLENBARD WASTEWATER AUTHORITY TO
BORROW FUNDS FROM THE WATER
POLLUTION CONTROL REVOLVING FUND.**

WHEREAS, the Villages of Glen Ellyn and Lombard have entered into an intergovernmental agreement pursuant to the intergovernmental agreement section of the Illinois Constitution and the Intergovernmental Cooperation Act contained within the Illinois Compiled Statutes in order to create the Glenbard Wastewater Authority; and

WHEREAS, that Authority provides wastewater treatment to the inhabitants of the Villages and to other entities; and

WHEREAS, the Glenbard Wastewater Authority has the opportunity of borrowing funds from the Water Pollution Control Revolving Fund maintained by the State of Illinois by entering into a loan agreement to bring about the loan of such funds to carry out improvements in the system of the Authority; and

WHEREAS, the Village's of Glen Ellyn and Lombard are the principal customers of the Glenbard Wastewater Authority and are obligated by contract to pay such rates and charges as are necessary to fulfill the obligations of the Glenbard Wastewater Authority; and

WHEREAS, the Corporate Authorities of the Villages wish to independently exercise their authority to authorize or ratify the execution of the loan agreement in addition to the actions to be taken by the Board of Directors of the Glenbard Wastewater Authority;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

SECTION 1: That the Members of the Corporate Authorities are hereby authorized in their positions as directors of the Glenbard Wastewater Authority to authorize the execution of a loan agreement with the Illinois Environmental Protection Agency a loan in the amount of \$1,000,000.00, from the Water Pollution Control Revolving Fund of the State of Illinois. This ordinance shall also ratify such action previously taken.

SECTION 2: The Village shall, as part of its obligation to the Glenbard Wastewater Authority, pay such rates and charges as are necessary to fulfill its obligations to the Glenbard Wastewater Authority to assist that Authority in repaying the loan from the Water Pollution Control Revolving Fund.

SECTION 3: The Village shall not, through the entity of the Glenbard Wastewater Authority adopt additional ordinances or amendments which provide for any substantive or material change in the scope or intent of this Ordinance, including, but not limited to, interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the Authority or of this Village to assist the Authority in its proportional obligation to pay rates and charges to the Authority to permit it to pay the principal and interest due to the Water Pollution Control Revolving Fund under the loan without the written consent of the Illinois Environmental Protection Agency.

SECTION 4: The power of the Glenbard Wastewater Authority, to the extent that such power is not specifically stated in the intergovernmental cooperative agreement, is hereby extended in that the Board of Directors of the Authority is hereby authorized to, and prior actions ratified,

borrow funds from the State of Illinois and its agencies and in particular, the Water Pollution Control Revolving Loan Fund based upon a pledge of the revenues of the Authority. In the event that the Glenbard Wastewater Authority should fail to make principal or interest payments to the State of Illinois, or should otherwise default in its financial obligations, this municipality shall be obligated to make such payment, but only from the revenues of its combined sewer and water system, and in the same percentage, with regards to all other participating municipalities, with which it makes payments to the Glenbard Wastewater Authority.

SECTION 5: The preambles hereto are made a part of this Ordinance.

SECTION 6: By the pledge of the revenue of its system as a guarantee of the payment of a proportional share of the loan to be undertaken by the Glenbard Wastewater Authority, the Village is, in effect, issuing its revenue bond. This obligation, which is junior to any other revenue bonds previously made, cannot, by law, be effectuated without the publication of this Ordinance and an opportunity being accorded to the electors of the Village to require a referendum on the assumption of the obligation.

The estimated cost of the entire project for which the Village is making its proportional pledge, based upon its use of the Glenbard Wastewater Authority's system, is \$1,000,000.00, which must be repaid within twenty (20) years. The interest rate on the loan shall not exceed the maximum rate authorized in 30 ILCS 305/0.01, et seq., and is expected to be 2.675%. It is expected that the obligation to repay the loan shall be fully satisfied by the Glenbard Wastewater Authority, and that the revenues of that entity shall be adequate to repay the loan.

SECTION 7: This Ordinance shall be in full force and effect thirty (30) days after its publication in one or more newspapers with a general circulation within the municipality if no

petition, signed by at least ten percent (10%) of the number of registered voters in the municipality, has been filed asking that the question of issuing revenue bonds be submitted to the electors of the municipality. If such a petition is filed, the Municipal Clerk shall certify the question for submission at an election and this Ordinance shall be effective if a majority of the electors voting on the question are in favor thereof. The publication shall take place within ten (10) days after the date of passage of this ordinance.

Passed on first reading this 6th day of September, 2001.

First reading waived by action of the Board of Trustees this 6th day of September, 2001.


Passed on second reading this 6th day of September, 2001.

Ayes: Trustees DeStephano, Tross, Koenig, Sebby, Florey, Soderstrom

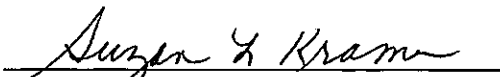
Nays: None

Absent: None

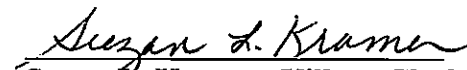
Approved this 6th day of September, 2001


William J. Mueller
Village President

ATTEST:


Suzan L. Kramer
Village Clerk

Published by me in pamphlet form this 6th day of September, 2001.


Suzan L. Kramer, Village Clerk

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LAW OFFICES

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KLEIN, THORPE AND JENKINS, LTD.

Patrick A. Lucansty
E. Kenneth Friker
Gerard E. Dempsey
Terrence M. Barnicle
Bruce A. Zolna
James P. Bardley
Richard T. Wimmer
Michael J. Duggan
Thomas P. Bayer
Dennis G. Walsh
Scott F. Uhler
Everette M. Hill, Jr.
Janet N. Petsche

Suite 1660
20 North Wacker Drive
Chicago, Illinois 60606-2903

Telephone (312) 984-6400
Facsimile (312) 984-6444

Orland Park Office
15010 S. Ravinia Avenue
Suite 17

Orland Park, Illinois 60462
Telephone (708) 349-3888
Facsimile (708) 349-1506

James V. Ferolo
Michael T. Jurusik
Rinda Y. Allison
Thomas M. Melody
Lance C. Malina
Simone M. Boutet
David J. Fish
Kathleen T. Henn
John R. Wiktor
George A. Wagner

Of Counsel:
Arthur C. Thorpe
Philippe R. Weiss

Date: August 31, 2001

TO: Barb Johnson
Deputy Clerk - Village of Lombard

Telephone: 630-620-5909

RE: Glenbard IEPA

Fax No.: 630-620-8222

Loan Notice

FROM: Tom Bayer
KLEIN, THORPE AND JENKINS, LTD.
Writer's Direct Dial: (312) 984-6422

Number of pages (including cover page): 2

If the specified quantity is not received, please notify our office.

Comments: Barb:

See comments on form notice. NOTE: The ordinance # must be in notice when published AND the Ordinance must be published along with the notice - CAN THIS BE DONE GIVEN THE FACT THAT YOU ARE PUBLISHING THE DAY AFTER THE BOARD MEETING?

Lombard Spectator is newspaper to use. TOM

CONFIDENTIAL NOTICE: The materials enclosed with this facsimile transmission are private and confidential and are the property of the sender. The information contained in the material is privileged and is intended only for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be advised that any unauthorized disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile transmission in error, please immediately notify us by telephone (collect calls will be accepted) to arrange for return of the forwarded documents to us at our expense.

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Glenbard Wastewater

Loan

thirty

ten percent

Village of Lombard
municipality
Village of Lombard

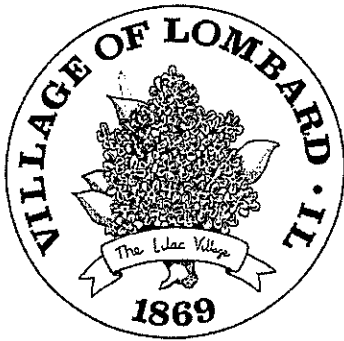
should be issued

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of Lombard

Published by the authority of the Village of Lombard

255 E. Wilson Avenue, Lombard, Illinois 60148



FAX

Number of Pages: 2

August 30, 2001

To: Tom Bayer

KT&J

Phone: _____

Fax phone: _____

From: Barbara Johnson, CMC

Deputy Village Clerk

Phone: _____

Fax phone: _____

Monday Oct 8
Spec Once

REMARKS: Urgent For your review Reply

Tom: Bill Lichter asked me to double check with you as to the proper
 (I Also don't know the place of publication) and if the date of October
 is published on September 7, 2001. Thanks Barb

*ORDINANCE MUST
 BE PUBLISHED IN
 PAPER ORD#
 LOMBARD SPECTATOR
 WED-FRI DATE PUB
 + FILING DATE 30th
 AFTER THAT*

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