

LEGISTAR: 160296
DISTRICT #: ALL

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO : PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE : July 5, 2016 (BOT) Date: July 21, 2016
SUBJECT: Glenbard Wastewater Authority Facility Improvement Project
SUBMITTED BY: Carl S. Goldsmith, Director of Public Works *gj*

BACKGROUND/POLICY IMPLICATIONS:

In 2013 GWA developed a formal facilities plan that outlined major capital improvements for the Authority. The low bid which was approved by the EOC with a Notice of Intent to Award in April 2016 for the Facility Improvement Project is \$16,725,000. Boller Construction Company is waiting patiently for the loan approval by the IEPA which is contingent on the approval of the Village of Glen Ellyn and the Village of Lombard passing supporting Ordinances. The Authority has received a loan for the funding through the IEPA Water Pollution Revolving Fund. The loan must be secured by the Authority via Resolution, and by the Villages of Glen Ellyn and Lombard passing Ordinances. The funds used to repay the debt will come from sewer charges collected by each Village and paid to the Authority. The ordinance under consideration provides the assurances required of the Village of Lombard by the IEPA to qualify for the low interest loan. The low interest loan will be at a very favorable not to exceed 1.86% interest rate with a 20 year repayment schedule of about \$961,676 annually, with Lombard responsible for approximately 55% of the cost.

Fiscal Impact/Funding Source:

\$9,198,750 over a 20 year term funded through the Water & Sewer Fund

Review (as necessary):

Village Attorney _____ Date _____
Finance Director _____ Date _____
Village Manager _____ Date _____

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the agenda distribution.

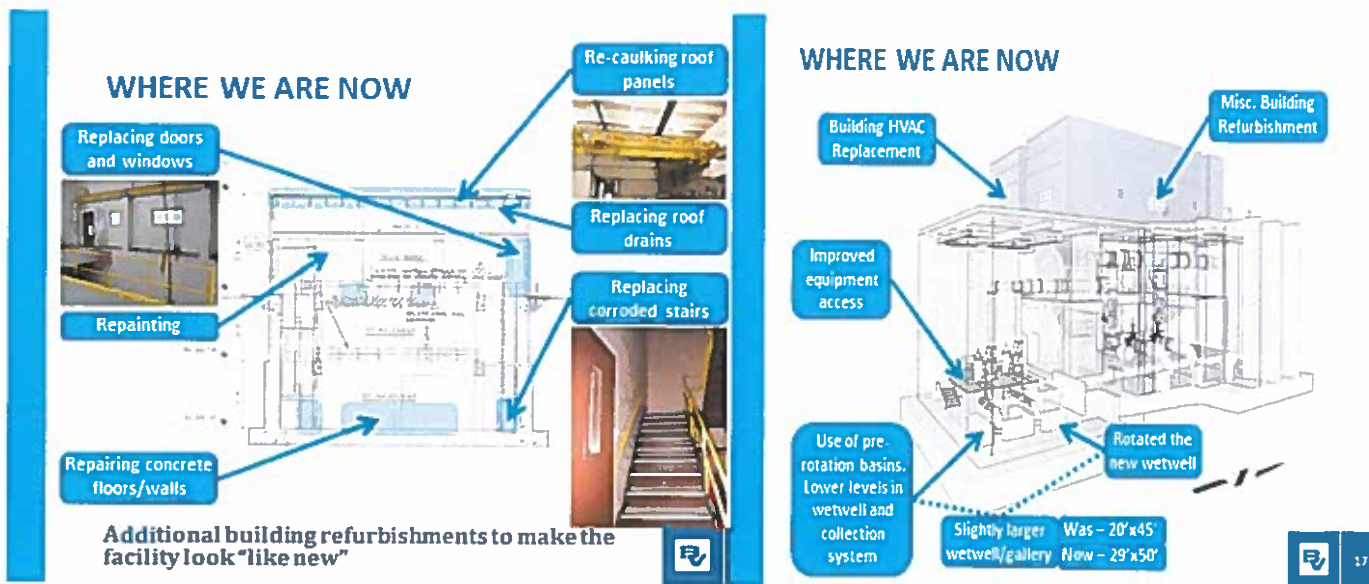
MEMORANDUM

TO: Village President and Board of Trustees
THROUGH: Carl Goldsmith, Public Works Director, Village of Lombard
FROM: Erik Lanphier, Executive Director
DATE: June 23, 2016
RE: Recommendation for Ordinance Approval by Village of Lombard Board

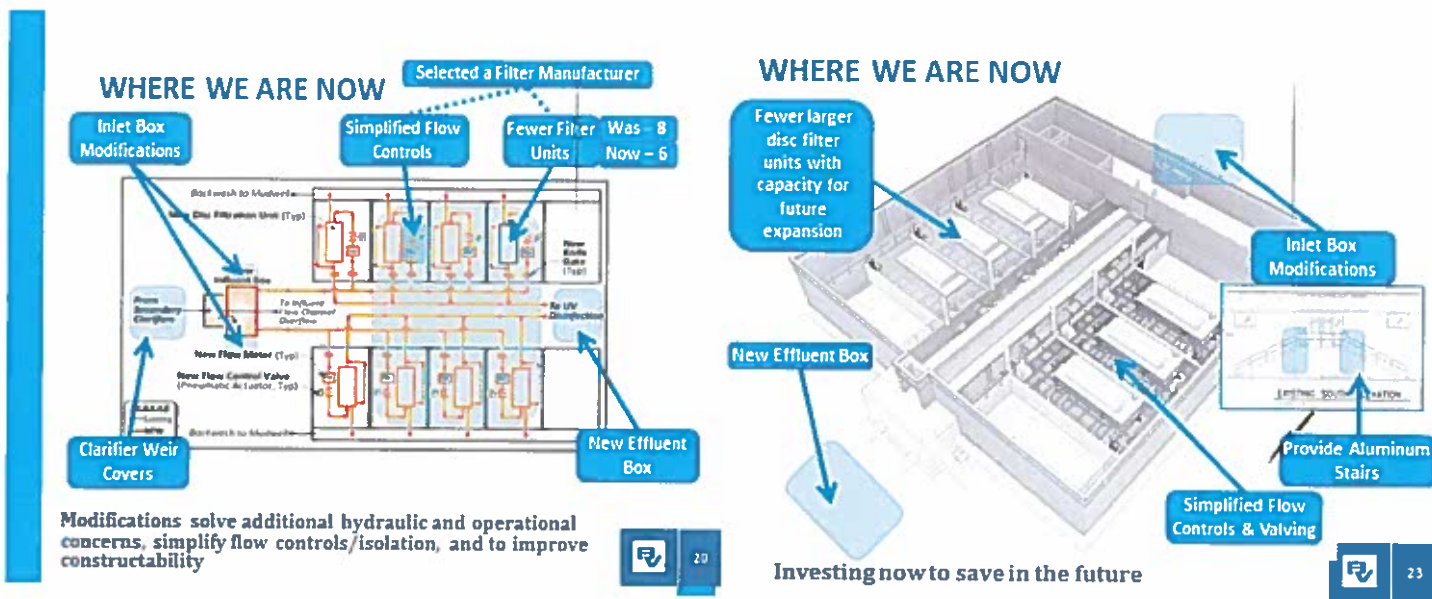


In 2013 GWA developed a formal facilities plan that outlined major capital improvements for the Authority. We are now ready to move forward with the next outlined set of improvements; the Facility Improvement Project. This project includes the following improvements and installations:

- Improvements to the Raw Influent Pump Building, including below-grade expansion of the building; installation of a new wetwell; removal and replacement of existing pumps and associated piping, valves and control instruments; installation of a new dry-pit centrifugal pumps and associated piping, valves and control instruments; removal and replacement of gate actuators; removal and replacement of building HVAC and plumbing equipment and ductwork; installation of a new electrical room; and removal and replacement of transformers, motor control centers, variable frequency drives and programmable logic controllers; and general structural and architectural refurbishment of the entire building; and



- Improvements to the Filter Building, including modifications of the filter inlet box; removal and replacement of piping, valves and control instruments for the effluent inlet and bypass system; removal of the sand filter equipment; installation of disc filter units and associated personnel access facilities and automatic cleaning systems; removal of blowers and backwash equipment; installation of a filter effluent box; modifications to spent backwash mudwell and related equipment; removal and replacement of HVAC equipment and roof drains; and general structural and architectural refurbishment of the entire building; and



- Modifications of the non-potable water system with new strainer and replacement of piping and hydrants; and creation of a separate reclaimed water system with a UV disinfection system and associated piping, valves and fixtures that will replace potable water supply to toilets throughout the treatment facility; and
- Improvements to the natural gas system serving the treatment facility, including removal and replacement of piping serving building heating systems; and installation of piping, isolation valves and flow meters; and
- Installation of fiberglass reinforced plastic covers over effluent troughs for all four existing final clarifiers for algae control.

The low bid which was approved by the EOC with a Notice of Intent to Award in April 2016 for the Facility Improvement Project is \$16,725,000. Boller Construction Company is waiting patiently for the loan approval by the IEPA which is contingent on the approval of the Village of Glen Ellyn and the Village of Lombard passing supporting Ordinances.

Black & Veatch Engineers of Chicago, IL provided design engineering for the project and has assisted GWA staff with efforts to secure IEPA Water Pollution Revolving Fund monies. The loan must be secured by the Authority via Resolution, and by the Villages of Glen Ellyn and Lombard passing Ordinances. The funds used to repay the debt will come from sewer charges collected by each Village and paid to the Authority. The ordinance under consideration provides the assurances required of the Village of Lombard by the IEPA to qualify for the low interest loan. The low interest loan will be at a very favorable not to exceed 1.86% interest rate with a 20 year repayment schedule of about \$961,676 annually, with Lombard responsible for approximately 55% of the cost.

The Authority is requesting that the Village of Lombard Board approve the adoption of an Ordinance in support of the funding for the Facility Improvement Project.

ORDINANCE NO. 7241

**AN ORDINANCE OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS, CONFIRMING AND SUPPORTING
A LOAN TO THE GLENBARD WASTEWATER AUTHORITY FROM
THE IEPA WATER POLLUTION CONTROL LOAN PROGRAM
FOR THE 2016 FACILITIES IMPROVEMENT PROJECT**

WHEREAS, the Village of Lombard (the "Village") and the Village of Glen Ellyn ("Glen Ellyn"), in accordance with authority conferred by the Illinois Constitution and the Illinois Intergovernmental Cooperation Act, entered into an Intergovernmental Agreement (the "IGA"), which was duly amended and restated as of April 17, 2014, that created the Glenbard Wastewater Authority (the "Authority") for the purpose of providing wastewater treatment for inhabitants of the Village, Glen Ellyn and other areas; and

WHEREAS, the Executive Oversight Committee (the "EOC") of the Authority, as authorized by Section II.C.ix of the IGA, has adopted a Resolution approving a loan, in an amount not to exceed \$16,725,000.00, to the Authority from the Water Pollution Control Loan Program (the "Loan") administered by the Illinois Environmental Protection Agency (the "IEPA") for the purpose of funding comprehensive repair and renovation of the Authority's main treatment facility at 21W551 Bemis Road (the "2016 Facilities Improvement Project"); and

WHEREAS, Section II.C.ix of the IGA gives the corporate authorities of either the Village or Glen Ellyn the right to negate the EOC's approval of the Loan; and

WHEREAS, the corporate authorities of the Village find that the 2016 Facilities Improvement Project is necessary for the health, safety and welfare of Village residents, and desire to take such actions as are necessary and appropriate to support and ratify the Loan;

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

SECTION 1: The recitals in the foregoing preambles are true and correct, and are incorporated into this Ordinance as though fully set forth in this Section 1.

SECTION 2: The corporate authorities of the Village have no objection to the Loan and will not exercise any authority to negate the approval of the Loan by the EOC.

SECTION 3: The Village hereby pledges to the IEPA and the Authority that it will, in accordance with its obligations under the IGA, impose rates and collect and pay over to the Authority wastewater charges as are necessary to pay its proportionate share of the Authority's Loan obligations, other loan obligations, operating expenses and reserves.

SECTION 4: The Village will not adopt any resolutions or ordinances 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 obligation over the Loan, or parity of any other loan obligation with the Loan, or otherwise alter or impair the obligation of the Authority or the obligation of the Village to assist the Authority in its proportional obligation to pay Loan principal and interest, without the written consent of the IEPA.

SECTION 5: In the event that the Authority fails to make Loan principal and interest payments to the IEPA, the Village pledges to make such payments, but only from revenues from its wastewater charges, and only to the extent of its proportional financial obligation for Authority operations and debts under the IGA.

SECTION 6: By pledge of its wastewater revenues to guarantee payment of its proportional share of Loan principal and interest, the Village is, in effect, issuing its revenue bond. This obligation shall be junior to any other revenue bonds previously made and outstanding. The principal amount of the Loan amount is not to exceed \$16,725,000.00, and must be fully amortized within twenty (20) years. The interest rate for the Loan shall not exceed the maximum rate authorized by the Illinois Bond Authorization Act, as amended, at the time of issuance of the Loan funds (30 ILCS 305/2), and is expected to be approximately 1.86%. It is expected that revenues of the Authority will be adequate to fully pay Loan principal and interest. The Loan shall not be a general obligation of the Village and does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

SECTION 7: This Ordinance, together with a Notice in the statutory form (a copy of which is attached hereto as Exhibit A and made part hereof), shall be published once within ten (10) days after passage of the Ordinance in the *Lombardian*, a newspaper published and of general circulation in the Village, and if no Petition (a copy of which is attached hereto as Exhibit B and made part hereof), signed by electors numbering ten percent (10%) or more of the registered voters in the Village (i.e., two thousand eight hundred forty-five (2,845) or more electors) asking that the question of whether the Village should be responsible for its proportionate share of the Loan obligations for the 2016 Facilities Improvement Project (the "Referendum Question"), as provided for in this Ordinance, be submitted to the electors of the Village, is filed with the Village Clerk within thirty (30) days after the date of publication of this Ordinance and the Notice, then this Ordinance shall be in full force and effect. A Petition form shall be provided by the Village Clerk to any individual requesting one. In the event that no such Petition is filed, the Village Clerk shall provide a No Referendum Certificate to the IEPA in the form as attached hereto as Exhibit C and made part hereof.

SECTION 8: If any section, clause or provision of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of any other section, clause or provision of this Ordinance.

SECTION 9: All ordinances or resolutions of the Village of Lombard, or parts thereof, in conflict with provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 10: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, and as provided for in Section 7 above, as provided by law.

Passed on first reading this _____ day of _____, 2016.

First reading waived by action of the Board of Trustees this 21st day of July, 2016.

Passed on second reading this 21st day of July, 2016.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 21st day of July, 2016.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 22nd day of July, 2016.

Sharon Kuderna, Village Clerk

Exhibit A

**NOTICE OF INTENT TO BE RESPONSIBLE
FOR A PROPORTIONATE SHARE OF THE LOAN OBLIGATION
OF THE GLENBARD WASTEWATER AUTHORITY
AND RIGHT TO FILE PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 7241, adopted on July 21, 2016, the Village of Lombard, DuPage County, Illinois (the "Village") intends to be responsible for its proportionate share of the Glenbard Wastewater Authority's (the "GWWA") loan obligation with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$16,725,000.00 and bearing annual interest at an amount not to exceed the maximum rate authorized by law at the time of execution of the Loan Agreement by the GWWA, for the purpose of paying the cost of certain improvements to the GWWA's main wastewater treatment facility at 21W551 Bemis Road (the "2016 Facilities Improvement Project"). A complete copy of the Ordinance accompanies this Notice.

NOTICE IS HEREBY FURTHER GIVEN that, if a Petition signed by two thousand eight hundred forty-five (2,845) or more electors of the Village (being equal to ten percent (10%) of the registered voters in the Village), requesting that the question of the Village being responsible for the Village's proportionate share of the loan obligation of the GWWA relative to the 2016 Treatment Facilities Improvement Project be submitted to the electors of the Village, is submitted to the Village Clerk within thirty (30) days after the publication of this Notice, the question of the Village being responsible for the Village's proportionate share of the loan obligation of the GWWA relative to the 2016 Treatment Facilities Improvement Project, as provided in the Ordinance, shall be submitted to the electors of the Village at the next election to be held under general election law on November 8, 2016. A Petition form is available from the office of the Village Clerk.

SHARON KUDERNA
CLERK OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS

Exhibit B

PETITION

To the Clerk of the Village of Lombard, DuPage County, Illinois:

We, the undersigned, being registered voters of the Village of Lombard, DuPage County, Illinois, do hereby petition you to cause the following question, as provided for in Ordinance Number 7241 of said Village, to be certified to the County Clerk of DuPage County, Illinois, and submitted to the electors of said Village at the next appropriate regular election to be held on November 8, 2016:

“Shall the Village of Lombard, DuPage County, Illinois be responsible for its proportionate share of the Glenbard Wastewater Authority's (the "GWWA") loan obligation to the Illinois Environmental Protection Agency (the "IEPA"), pursuant to the IEPA's Water Pollution Control Loan Program, in an amount not to exceed \$16,725,000.00, for improvements to the GWWA's main wastewater treatment facility at 21W551 Bemis Road?”

<u>Name</u>	<u>Address</u>	
_____	_____	_____, Illinois
_____	_____	_____, Illinois
_____	_____	_____, Illinois
_____	_____	_____, Illinois
_____	_____	_____, Illinois
_____	_____	_____, Illinois
_____	_____	_____, Illinois

I, _____ of _____
(insert residence address), Illinois, do hereby certify that I am 18 years of age or older, that I am a citizen of the United States, and that the signatures on this Petition were signed in my presence within the Village of Lombard, and in the County of DuPage, Illinois, and are genuine, and, to the best of my knowledge and belief, the persons so signing were at the time of signing this Petition registered voters of said Village of Lombard and that their respective addresses are correctly stated herein.

Subscribed and sworn to before me
this ____ day of _____, 2016.

(Signature)

Notary Public

Exhibit C

NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and acting Clerk of the Village of Lombard, DuPage County, Illinois (the "Village"), and as such officer I am the keeper of the books, records, files and journal of proceedings of the Village and of the President and Board of Trustees of the Village.

I do further certify that Ordinance Number 7241, being the Ordinance entitled "AN ORDINANCE OF THE VILLAGE OF LOMBARD, DUPAGE COUNTY, ILLINOIS, CONFIRMING AND SUPPORTING A LOAN TO THE GLENBARD WASTEWATER AUTHORITY FROM THE IEPA WATER POLLUTION CONTROL LOAN PROGRAM FOR THE 2016 FACILITIES IMPROVEMENT PROJECT" (the "Ordinance") was presented to and passed by the Board of Trustees of the Village at its legally convened meeting held on the 21st day of July, 2016 and signed by the Village President of the Village on said day.

I do further certify that the Ordinance was duly and properly published in the *Lombardian*, a newspaper published and of general circulation within the Village, on the 27th day of July, 2016, being a date within ten (10) days from the date of passage of the Ordinance.

I do further certify that publication of the Ordinance was accompanied by a separate publication of Notice of: (1) the specific number of voters required to sign the Petition requesting the question of the Village being responsible for the Village's proportionate share of the loan obligation of the GWWA relative to the 2016 Treatment Facilities Improvement Project, as provided in the Ordinance; (2) the time in which such Petition must have been filed; and (3) the date of the prospective referendum.

I do further certify that I did make available and provide to any individual so requesting a Petition form, which Petition form provided for submission to the electors of the Village of the question as set forth therein. Such Petition forms were available from me continuously from July 22, 2016 up to and including August 26, 2016.

I do further certify that no Petition has been filed in my office within thirty (30) days after publication of the Ordinance, or as of the time of the signing hereof, as provided by statute, asking that the question of whether the Village should be responsible for the Village's proportionate share of the loan obligation of the GWWA relative to the 2016 Treatment Facilities Improvement Project, as provided in the Ordinance, be submitted to the electors of the Village.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the corporate seal of the Village of Lombard, DuPage County, Illinois this ___ day of August, 2016.

(SEAL)

Sharon Kuderna,
Clerk of the Village of Lombard,
DuPage County, Illinois