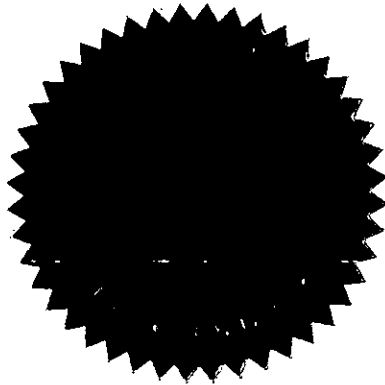


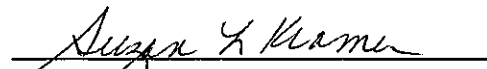
ORDINANCE 5249

PAMPHLET

ORDINANCE OF THE VILLAGE OF LOMBARD AUTHORIZING THE GLENBARD
WASTEWATER AUTHORITY TO BORROW FUNDS FROM THE ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY'S WATER POLLUTION CONTROL LOAN
PROGRAM FUND



PUBLISHED IN PAMPHLET FORM THIS 24th DAY OF February, 2003
BY ORDER OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS.


Suzan L. Kramer
Village Clerk

ORDINANCE NO. 5249

**AN ORDINANCE OF THE VILLAGE OF LOMBARD AUTHORIZING
THE GLENBARD WASTEWATER AUTHORITY TO BORROW FUNDS FROM
THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S WATER
POLLUTION CONTROL LOAN PROGRAM FUND**

WHEREAS, the Villages of Glen Ellyn (hereinafter "Glen Ellyn") and Lombard (hereinafter "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 (hereinafter the "Authority"); and

WHEREAS, the Authority has the opportunity to borrow funds from the Illinois Environmental Protection Agency's (hereinafter the "IEPA") Water Pollution Control Loan Program Fund, as 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, Glen Ellyn and Lombard are the principal customers of the Authority and are obligated by contract to pay such rates and charges as are necessary to fulfill the obligations of the Authority; and

WHEREAS, the respective Corporate Authorities of Glen Ellyn and Lombard 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 Authority;

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 preambles hereto are made a part of this Ordinance.

SECTION 2: That the members of the Corporate Authorities of Lombard are hereby authorized in their positions as Directors of the Authority to authorize the execution of a loan agreement with the IEPA for a loan in the amount of up to five million nine hundred ninety thousand and no/100 dollars (\$5,990,000.00), from the IEPA's Water Pollution Control Loan Program Fund. This Ordinance shall also ratify such action previously taken by the Directors of the Authority.

SECTION 3: Lombard shall, as part of its obligation to the Authority, pay such rates and charges as are necessary to fulfill its obligations to the Authority so as to assist the Authority in repaying the loan from the Water Pollution Control Loan Program Fund.

SECTION 4: Lombard shall not, through the 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, or otherwise alter or impair the obligation of the Authority or of Lombard to assist the Authority in its proportional obligation to pay rates and charges to the Authority so as to permit the Authority to pay the principal and interest due to the Water Pollution Control Loan Program Fund under the loan without the written consent of the IEPA.

SECTION 5: The power of the 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, with prior actions in relation thereto being ratified hereby, borrow funds from the State of Illinois and its agencies and, in particular, the IEPA's Water Pollution Control Loan Program Fund, based upon a pledge of the revenues of the Authority. In the event that the Authority should fail to make principal or interest payments to the IEPA and/or the State of Illinois, or should otherwise default in its financial obligations,

Lombard 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 regard to all other participating municipalities, with which it makes payments to the Authority.

SECTION 6: By the pledge of the revenue of its water and sewer system as a guarantee of the payment of a proportional share of the loan to be undertaken by the Authority, Lombard 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 Authority's system, is five million nine hundred ninety thousand and no/100 dollars (\$5,990,000.00), which must be repaid within ten (10) 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 two and fifty-seven hundredths percent (2.57%), but not more than three percent (3%). It is expected that the obligation to repay the loan shall be fully satisfied by the Authority, and that the revenues of the Authority shall be adequate to repay the loan.

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 in The Lombard Spectator, a newspaper published and of general circulation in Lombard, 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 Lombard (i.e. 2351 or more electors) and asking that the question of issuing revenue bonds be submitted to the electors of Lombard, is filed with the Lombard Village Clerk within

thirty (30) days after the date of publication of this Ordinance and said notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the Lombard Village Clerk to any individual requesting one. In the event that no such petition is filed, the Lombard Village Clerk shall provide a "No Referendum Certificate" to the IEPA in the form as attached hereto as Exhibit C and made part hereof. If such a petition is filed, the Lombard Village 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.

Passed on first reading this _____ day of _____, 2003.

First reading waived by action of the Board of Trustees this 20th day of February 2003.

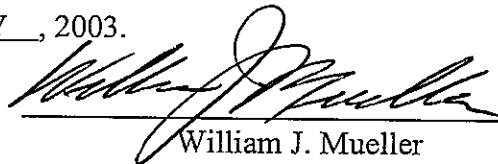
Passed on second reading this 20th day of February _____, 2003.

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

NAYS: None

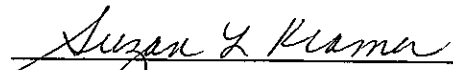
ABSENT: None

APPROVED this 20th day of February, 2003.



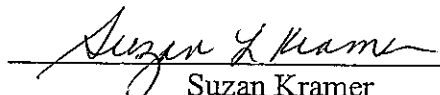
William J. Mueller
Village President

ATTEST:



Suzan Kramer
Village Clerk

Published by me in pamphlet form this 24th day of February, 2003.



Suzan Kramer
Village Clerk

EXHIBIT A

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Lombard has passed Ordinance No. 5249, "An Ordinance of the Village of Lombard Authorizing The Glenbard Wastewater Authority To Borrow Funds From The Illinois Environmental Protection Agency's Water Pollution Control Loan Program Fund." That said Ordinance was passed on the 20th day of February, 2003. As a result of the passage of said 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 of not to exceed \$5,990,000.00 with an interest rate not in excess of 3%. That loan in being made from the Water Pollution Control Loan Program Fund of the State of Illinois (Illinois Environmental Protection Agency) 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 30 days after the publication of said Ordinance, requesting that the question of issuing revenue bonds be submitted to the electors. Such a petition containing not less than 10% of the number of registered voters in the municipality, that is, containing at least 2351 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 March 28, 2003. The petition must request that the question of whether revenue bonds in an amount of not more than \$5,990,000.00 should be issued shall be presented to the voters of the Village at the election to be held on March 16, 2004.

Published by the Authority of the
Village of Lombard

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 question of issuing \$5,990,000 in revenue bonds, as provided in Ordinance Number _____ 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 March 16, 2004.

Name	Address	
_____	_____	Lombard, Illinois
_____	_____	Lombard, Illinois
_____	_____	Lombard, Illinois
_____	_____	Lombard, Illinois
_____	_____	Lombard, Illinois
_____	_____	Lombard, Illinois
_____	_____	Lombard, 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 _____, 2003.

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, ("Village") and as such officer I am the keeper of the books, records, files and journal of proceedings of the Village and of the Board of Trustees of the Village.

I do further certify that Ordinance No. _____, being the Ordinance entitled AN ORDINANCE OF THE VILLAGE OF LOMBARD AUTHORIZING THE GLENBARD WASTEWATER AUTHORITY TO BORROW FUNDS FROM THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY'S WATER POLLUTION CONTROL LOAN PROGRAM FUND ("Ordinance") was presented to and passed by the Board of Trustees of the Village at its legally convened meeting held on the 20th day of February, 2003 and signed by the President of the Village on said day.

I do further certify that the Ordinance was duly and properly published in The Lombard Spectator, a newspaper published and of general circulation within the Village, on the 26th day of February, 2003, 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 issuing revenue bonds 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, in the form as attached hereto, 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 February 20, 2003, up to and including March 28, 2003.

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 issuing revenue bonds 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 29th day of March, 2003.

SUZAN L. KRAMER
CLERK OF THE VILLAGE OF LOMBARD,
DUPAGE COUNTY, ILLINOIS

(SEAL)

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