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DISTRICT All

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

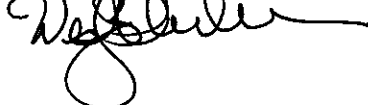
 X Resolution or Ordinance (Blue) X Waiver of First Requested
 Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: June 21, 2007 (COW) (B of T) **Date:** June 12, 2007

TITLE: An Ordinance of the Village of Lombard Authorizing the Glenbard Wastewater Authority to Borrow Funds from the Water Pollution Control Revolving Fund

SUBMITTED BY: Wes Anderson, Director of Public Works 

BACKGROUND/POLICY IMPLICATIONS:

See Attached Memo.

FISCAL IMPACT/FUNDING SOURCE:

None

Review (as necessary):

Village Attorney X	_____	Date _____
Finance Director X	<i>Timothy Sexton</i>	Date <i>6/12/07</i>
Village Manager X	<i>William T. Lichter</i>	Date <i>6/12/07</i>

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.

ORDINANCE NO. _____

**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, Glenbard Wastewater Authority has the opportunity to borrow 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 Villages 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 action 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 up to \$7,700,000, 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 revenues 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 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 \$7,700,000. which must be repaid within fifteen (15) 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 2.5%. 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 the passage of this ordinance.

First reading waived this _____ day of _____, 2007.

Passed on second reading this _____ day of _____, 2007.

Ayes: _____

Nays: _____

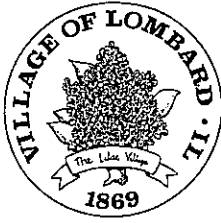
Absent: _____

Approved this _____ day of _____, 2007.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk



MEMORANDUM

To: William T. Lichter, Village Manager

From: Angela M. Podesta, Utilities Superintendent *AMP*

Through: Wes Anderson, Director of Public Works *Wes Anderson*

Date: June 12, 2007

Subject: **Ordinance Authorizing Glenbard Wastewater Authority to Borrow Funds from the Water Pollution Control Revolving Fund**

The Glenbard Wastewater Authority (GWA) is requesting authorization from the Villages of Lombard and Glen Ellyn to borrow funds from the Water Pollution Control Revolving Fund. GWA is requesting the loan to pay for the Biosolids Project which will increase the plant capacity for biosolids handling and other associated equipment upgrades. The Ordinance authorizes GWA to borrow up to \$7,700,000 for a term of 15 years at an expected interest rate of 2.5%. GWA has borrowed funds from the Water Pollution Control Revolving Fund several times in the past to finance capital improvement projects.

The Village of Glen Ellyn approved their Ordinance on June 11, 2007.

Please present this Ordinance to the Board of Trustees for their consideration at the June 21, 2007 meeting. I am requesting a waiver of the first reading.

AMP