

**ORDINANCE 7651
PAMPHLET**

**ORDINANCE AMENDING THE VILLAGE'S
FISCAL YEAR 2019 BUDGET**



PUBLISHED IN PAMPHLET FORM THIS 19th DAY OF APRIL 2019, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

A handwritten signature in black ink that reads "Sharon Kuderna".

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7651

AN ORDINANCE AMENDING THE VILLAGE'S FISCAL YEAR 2019 BUDGET ORDINANCE

WHEREAS, the President and Board of Trustees (the "Corporate Authorities") of the Village of Lombard (the "Village") have, pursuant to Ordinance No. 7605, adopted on November 5, 2018, approved the budget for the Village's 2019 Fiscal Year, in the amount of \$89,911,310.00 (the "2019 Budget Ordinance"); and

WHEREAS, 65 ILCS 5/8-2-9.6 allows for the amendment of the 2019 Budget Ordinance; and

WHEREAS, on July 25, 2017, the Corporate Authorities approved "A Resolution approving a Restructuring Support Agreement by and among the Village of Lombard, the Lombard Public Facilities Corporation, ACA Financial Guaranty Corporation, Nuveen Asset Management, LLC and Oppenheimer Rochester High Yield Municipal Fund relative to the restructuring of the Conference Center and Hotel Revenue Bonds issued by the Lombard Public Facilities Corporation, and authorizing the Village Manager to sign said Restructuring Support Agreement on behalf of the Village, and to execute any and all documents, on behalf of the Village, in furtherance of said Restructuring Support Agreement and the terms thereof"; and

WHEREAS, on July 28, 2017, the Lombard Public Facilities Corporation (the "LPFC") commenced a voluntary filing under Chapter 11 of the United States Bankruptcy Code, as amended, to refinance and restructure its outstanding debt; and

WHEREAS, on March 6, 2018, the Bankruptcy Court entered an order confirming the "Plan of Reorganization of Lombard Public Facilities Corporation under Chapter 11 of the Bankruptcy Code" (the "Plan"); and

WHEREAS, pursuant to the Plan, the Village agreed to, on or before September 15, 2019 (the "TIF Compliance Date"), make reasonable efforts to: (a) form a TIF district, pursuant to the requirements of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, *et seq.* – the "TIF Act"), with a redevelopment project area that included the real property owned by the LPFC, provided that the proposed TIF district redevelopment project area met the statutory eligibility criteria for the establishment of a TIF district (the "TIF District"); and (b) enter into a TIF redevelopment agreement with the LPFC, provided that the TIF District was created and the LPFC agreed to the terms of the TIF redevelopment agreement, in a form reasonably acceptable to the LPFC, ACA Financial and certain funds managed by Nuveen Asset Management LLC, which provided for the payment of \$3,700,000 in TIF incremental revenues to the LPFC for TIF eligible redevelopment project costs incurred by the LPFC relative to the rehabilitation of the hotel and conference center owned by the LPFC (the "LPFC Property"), with a TIF note to be issued in relation thereto (the "TIF Redevelopment Agreement"); and

WHEREAS, on March 8, 2018, the Corporate Authorities approved Resolution No. 19-18, entitled, "A Resolution Approving a Contingent TIF Payment Agreement Relative to the Lombard Public Facilities Corporation's Plan of Reorganization," pursuant to which the Corporate Authorities approved an agreement between the LPFC and the Village (the "Contingent TIF Payment Agreement") which provided that, if the aforementioned TIF Redevelopment Agreement is not entered into on or before the TIF Compliance Date, or if the creation of the TIF District is the subject of litigation as of the TIF Compliance Date, the Village shall pay ONE MILLION FIVE HUNDRED THOUSAND AND NO/100 DOLLARS (\$1,500,000.00) (the "Contingent Payment Amount") to the LPFC within thirty (30) days of the TIF Compliance Date (the "Payment Date"), with said amount to be used for capital expenses, in relation to the LPFC Property, which qualify as TIF eligible redevelopment project costs under the TIF Act; and

WHEREAS, the Plan was consummated and became effective as of March 15, 2018; and

WHEREAS, the TIF District was formed, pursuant to Ordinance Nos. 7437, 7438 and 7439, approved by the President and Board of Trustees of the Village on November 2, 2017, and filed with the DuPage County Clerk's Office on November 8, 2017, as amended by Ordinance No. 7451, approved by the President and Board of Trustees of the Village on December 7, 2017, and filed with the DuPage County Clerk's Office on December 15, 2017, but the TIF Redevelopment Agreement has not yet been approved by the Village and the LPFC; and

WHEREAS, the Corporate Authorities find that an amendment to the 2019 Budget Ordinance is necessary at this time, to provide for an amount sufficient to pay the Contingent Payment Amount of \$1,500,000.00, as provided for in the Contingent TIF Payment Agreement, so that said Contingent Payment Amount can be paid to the LPFC, on or before the Payment Date, in the event that the TIF Redevelopment Agreement is not entered into by the Village and the LPFC on or before the TIF Compliance Date;

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

SECTION 1: That the Recitals set forth above are incorporated herein by reference.

SECTION 2: That, in order to provide an amount sufficient to pay the Contingent Payment Amount, an amendment to the 2019 Budget Ordinance is necessary.

SECTION 3: That the following amendment be made to the 2019 Budget Ordinance, to add the following department and division line item expenditure:

"443.740.743.75770 Miscellaneous Contractual Obligations:
\$1,500,000.00 (Payment to the Lombard Public Facilities Corporation (the "LPFC"), pursuant to the Contingent TIF Payment

Agreement between the LPFC and the Village, dated March 15, 2018, as approved by Resolution No. 19-18, adopted March 8, 2018, in the event that the Village and the LPFC have not entered into a TIF Redevelopment Agreement on or before September 15, 2019.)”

SECTION 4: That additional funds are available to effectuate the aforementioned amendment to the 2019 Budget Ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage by a two-thirds (2/3rds) vote of the Corporate Authorities, approval and publication in pamphlet form, as provided by law.

Passed on first reading this 4th day of April, 2019.

First reading waived by action of the Board of Trustees this ___ day of _____, 2019.


Passed on second reading this 18th day of April, 2019, pursuant to a roll call vote as follows.

AYES: Trustee Whittington, Fugiel, Foltyniewicz, Johnston, Pike and Ware
Village President Giagnorio

NAYS: None

ABSENT: None

APPROVED by me this 18th day of April, 2019.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 19th day of April, 2019.


Sharon Kuderna, Village Clerk