

ORDINANCE 7830

PAMPHLET

**ORDINANCE CONFIRMING AND SUPPORTING A LOAN TO
THE GLENBARD WASTEWATER AUTHORITY**



PUBLISHED IN PAMPHLET FORM THIS 17th DAY OF JULY 2020, BY ORDER
OF THE CORPORATE AUTHORITIES OF THE VILLAGE OF LOMBARD, DUPAGE
COUNTY, ILLINOIS.

A handwritten signature in cursive script, reading "Sharon Kuderna", is written over a horizontal line.

Sharon Kuderna
Village Clerk

ORDINANCE NO. 7830

**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 2020 SLUDGE DEWATERING REHABILITATION 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 \$3,000,000.00, 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 “2020 Sludge Dewatering Rehabilitation 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 2020 Sludge Dewatering Rehabilitation 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 \$3,000,000.00, 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 2.50%. 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, signed by electors numbering ten percent (10%) or more of the registered voters in the Village (i.e., two thousand nine hundred ninety-nine (2,999) or more electors) asking that the question of whether the Village should be responsible for its proportionate share of the Loan obligations for the 2020 Sludge Dewatering Rehabilitation 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.

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 _____, 2020.

First reading waived by action of the Board of Trustees this 16th day of July, 2020.

Passed on second reading this 16th day of July, 2020, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Puccio, Foltyniewicz, Honig, Militello and Ware

NAYS: None

ABSENT: None

APPROVED this 16th day of July, 2020.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 17th day of July, 2020.


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 7830, adopted on July 16, 2020, 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 \$3,000,000.00 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 "2020 Sludge Dewatering Rehabilitation Project"). A complete copy of the Ordinance accompanies this Notice.

NOTICE IS HEREBY FURTHER GIVEN that, if a Petition signed by two thousand nine hundred ninety-nine (2,999) 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 2020 Sludge Dewatering Rehabilitation 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 2020 Sludge Dewatering Rehabilitation Project, as provided in the Ordinance, shall be submitted to the electors of the Village at the consolidated election to be held on April 6, 2021. A Petition form is available from the office of the Village Clerk.

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