
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 23 - 05

AN ORDINANCE AUTHORIZING ENTRY INTO A PUBLIC WATER SUPPLY LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AUTHORIZING THE VILLAGE OF HARWOOD HEIGHTS TO BORROW UP TO \$4,000,000 FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (PWSLP) TO FINANCE LEAD SERVICE LINE REPLACEMENT

Passed by the Board of Trustees, February 23, 2023

Printed and Published, February 23, 2023

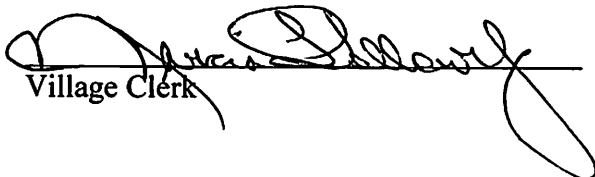
Printed and Published in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK

GENE BRUTTO
ANNETTE BRZEZNIAK-VOLPE
ANNA BRZOWSKI-WEGRECKI
ZBIGNIEW LEWANDOWSKI
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was
properly published on the date stated above.


Village Clerk

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WHEREAS, the Village of Harwood Heights (the “Village”) is an Illinois home rule municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois; and

WHEREAS, the Village operates and has for many years owned and operated a combined waterworks and sewerage system (“the System”) as set forth in Division 139 of Article 11 of the Illinois Municipal Code, 65 ILCS 5/11-139-1, *et seq.* and operates said System in accordance with the foregoing and the provisions of Article VII of the Constitution of the State of Illinois and the Local Government Debt Reform Act, 30 ILCS 350/1 *et seq.* (collectively “the Act”); and

WHEREAS, the President and Board of Trustees of the Village (the “Corporate Authorities”) have determined that it is advisable, necessary and in the best interests of the public health, safety and welfare to improve the System by replacing lead service lines, together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation thereof (“the Project”), all in accordance with the plans and specifications prepared by consulting engineers of the Village; which Project has a useful life of 50 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$4 million, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the loan shall bear an interest rate as defined by 35 Ill. Adm. Code 662, which does not exceed the maximum rate authorized by the Bond Authorization Act, as amended, 30 ILCS 305/0.01 *et seq.*, at the time of the issuance of the loan; and

WHEREAS, the principal and interest payment shall be payable semi-annually, and the loan shall mature in 20 years, which is within the period of useful life of the Project; and

WHEREAS, the costs are expected to be paid for with a loan to the Village from the Public Water Supply Loan Program (“PWSLP”) through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System and the loan is authorized to be accepted at this time pursuant to the Act; and

WHEREAS, in accordance with the provisions of the Act, the Village is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$4,000,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan(s) to the Village shall be made pursuant to a Loan Agreement, including certain terms and conditions between the Village and the Illinois Environmental Protection Agency; and

WHEREAS, the loan is authorized to be accepted at this time pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Harwood Heights, Cook County, Illinois, as follows:

Section 1. Recitals. The above-stated recitals are true and correct and incorporated into this Ordinance by reference.

Section 2. Determination to Borrow Funds. It is necessary and in the best interests of the Village to construct the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Illinois Environmental Protection Act, 415 ILCS 5/1 *et seq.*; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the Village in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$4,000,000.00.

Section 3. Additional Ordinances. The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the Illinois Environmental Protection Agency, prescribing all the details of the Loan Agreement, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Loan Agreement(s) as set forth in this Ordinance is not exceeded and there is no material change in the project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the Loan Agreement(s) under applicable law.

However, notwithstanding the above, the Village may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and 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 Village to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency.

Section 4. Loan Not Indebtedness of the Village of Harwood Heights.

Repayment of the loan to the Illinois Environmental Protection Agency by the Village pursuant to this Ordinance is to be solely from the revenue derived from the revenues of the System, and the loan does not constitute an indebtedness of the Village within the meaning of any constitutional or statutory limitation.

Section 5. Application for Loan(s). The Village President is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662.

Section 6. Acceptance of Loan Agreement. The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Public Water Supply Loan Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that all loan funds awarded shall be used solely for the purposes of the project as approved by the Illinois Environmental Protection Agency in accordance with the terms and conditions of the Loan Agreement.

Section 7. Acceptance of Loan Agreement. The Village of Harwood Heights has no outstanding bonds that are payable from revenues of the System.

Section 8. Authorization of President to Execute Loan Agreement. The Village President is hereby authorized and directed to execute the Loan Agreement(s) with the Illinois

Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the Village President for the sole purpose of authorizing or executing any documents associated with payment requests or reimbursements from the Illinois Environmental Protection Agency in connection with this loan.


Section 9. Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Section 10. Repealer. All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

Section 11. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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Passed and Approved this 23rd day of February, 2023.



Mayor Arlene Jezierny

ATTEST:



Marcia L. Polowy, Village Clerk

VOTES

AYES: Trustee Brutto, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

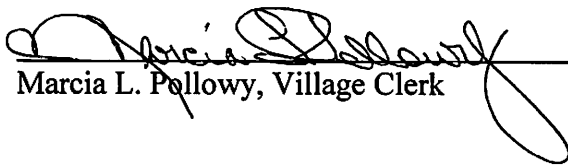
ABSENT:

ABSTAIN:

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Harwood Heights. I do further certify that the above and foregoing, identified as Ordinance Number 23-05, is a true, complete and correct copy of an ordinance otherwise identified as *AN ORDINANCE AUTHORIZING ENTRY INTO A PUBLIC WATER SUPPLY LOAN AGREEMENT WITH THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AUTHORIZING THE VILLAGE OF HARWOOD HEIGHTS TO BORROW UP TO \$4,000,000 FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (PWSLP) TO FINANCE LEAD SERVICE LINE REPLACEMENT*, passed by the Board of Trustees of the Village of Harwood Heights on the 23rd day of February, 2023, and approved by the President of the Village of Harwood Heights on the same said date, the original of which is part of the books and records within my control as Clerk of the Village of Harwood Heights.

Dated this 24th day of February, 2023.



Marcia L. Pollowy, Village Clerk

