

STATE OF ILLINOIS     )  
                                          ) SS.  
COUNTY OF COOK        )

CERTIFICATION

I, LUS E. CHAVEZ, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Burnham, Cook County, Illinois, (the "Village"), and as such Village Clerk, I am the keeper of the official journal of proceedings, books, records, papers, minutes, entries, documents, resolutions, ordinances, and files of the Village and of the President and Board of Trustees, (the "Corporate Authorities"), thereof, and that attached is a full, true, and correct copy of ORDINANCE NO. 2017-O-008 now on file in my office entitled:

**WATER LOAN AN ORDINANCE AUTHORIZING LOAN AGREEMENT  
(PUBLIC WATER SUPPLY LOAN PROGRAM-HOME RULE ENTITY)  
AN ORDINANCE AUTHORIZING THE VILLAGE OF BURNHAM  
COOK COUNTY, STATE OF ILLINOIS TO BORROW FUNDS FROM  
THE PUBLIC WATER SUPPLY LOAN PROGRAM**

I further certify that said Ordinance No. 2017-O-008 was duly passed on roll call vote by the Board of Trustees of the Village on the 14th day of November, 2017, and approved by the President of the Village on the 14th day of November, 2017, and that said Ordinance attached is now in full force and effect and has not been rescinded.

I do further certify that the deliberations of the Corporate Authorities on the passage of said Ordinance was taken openly, that the vote on the passage of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; and that said meeting was called and held in strict compliance with the provisions of "AN ACT in relation to meeting", approved July 11, 1957, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied will all of the provisions of said Act and said Codes and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I have affixed hereunto my official signature as

Village Clerk of the Village and the seal of the Village this 14th day of November, 2017.



LUS E. CHAVEZ  
Village Clerk



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**THE VILLAGE OF BURNHAM  
COOK COUNTY, ILLINOIS**

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**ORDINANCE NO. 2017 - O – 008**

**WATER LOAN**

**AN ORDINANCE AUTHORIZING LOAN AGREEMENT (PUBLIC  
WATER SUPPLY LOAN PROGRAM-HOME RULE ENTITY)  
AN ORDINANCE AUTHORIZING THE VILLAGE OF BURNHAM  
COOK COUNTY, STATE OF ILLINOIS TO BORROW FUNDS  
FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM**

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**WHEREAS**, the Village of Burnham, Cook County, Illinois has elected by referendum on March 11, 1980 to become a home rule unit, and accordingly, pursuant to the provisions of the *Constitution of the State of Illinois* of 1970, particularly Article VII Sec. 6 (a) thereof, the Village is a home rule unit; and

**WHEREAS**, pursuant to the powers of a home rule unit set forth in Article VII, Section 6(a) of the *Constitution of the State of Illinois* of 1970, the Village may exercise any power and perform any function pertaining to its government and affairs including, but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur debt; and

**WHEREAS**, the Village of Burnham, Cook County, Illinois, operates its public water supply system (“the System”) and in accordance with the provisions of the Constitution of the State of Illinois Article VII Sec. 6 (A) 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 of Burnham (“the Corporate Authorities”) have determined that it is advisable, necessary, and in the best interest of the public health safety, and welfare to improve the public water supply system; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham have determined it is reasonable to upgrade the Village’s water supply to the Village Hall area by installing an additional eight (8) inch water distribution pipe together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (new water meters and water main extension), all in accordance with the plans and specifications prepared by the consulting engineers of the Village of Burnham which Project has a useful life of 25 years; and

**WHEREAS**, the President and Board of Trustees of the Village of Burnham have determined that it is reasonable to upgrade the Village’s water meter reading and billing facilities in order to more efficiently operate the Village’s water distribution system; and

**WHEREAS**, the Illinois Environmental Protection Agency (IEPA) has in place a low interest loan program that would allow the Village to borrow funds necessary to upgrade the system; and

**WHEREAS**, the current revenue of the water system will not support said loan payments; and

**WHEREAS**, in order to repay the loan, the IEPA requires the Village to adjust its water rates in order to demonstrate a dedicated revenue stream pledged to repay the loan; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is approximately \$ 1.4 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 of Burnham from the Public Water Supply Loan Program 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 of Burnham is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$ 1.4 Million to provide funds to pay the costs of the Project; and

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

**NOW THEREFORE, BE IT ORDAINED** by the Corporate Authorities of the Village of Burnham, Cook County, Illinois, by and through its home rule powers, as follows:

**Section 1. INCORPORATION OF PREAMBLES**

**THAT**, the Corporate Authorities of the Village of Burnham hereby find that all the recitals contained in the preambles of this Ordinance are full, true and correct and do incorporate them into this Ordinance by this reference as if they were set forth verbatim in this section; and

**Section 2. DETERMINATION TO BORROW FUNDS**

**THAT**, it is necessary and in the best interests of the Village of Burnham 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 of Burnham in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$ 1.4 Million; and

**Section 3. ADDITIONAL ORDINANCES**

**THAT**, 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 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 under applicable law. However, notwithstanding the above, the Village of Burnham 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 of Burnham to pay the principal and interest due to the Public Water Supply Loan Program without the written consent of the Illinois Environmental Protection Agency; and

**Section 4. LOAN NOT INDEBTNESS OF VILLAGE OF BURNHAM**

**THAT**, repayment of the loan to the Illinois Environmental Protection Agency by the Village of Burnham 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 of Burnham within the meaning of any constitutional or statutory limitation; and

**Section 5. APPLICATION FOR LOAN**

**THAT**, 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; and

**Section 6. ACCEPTANCE OF LOAN AGREEMENT**

**THAT**, 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 the 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. Repayment of this loan shall be solely from the revenue derived from the System; and

**Section 7. RESERVE ACCOUNTS**

**THAT**, as long as the Village of Burnham has outstanding debt payable from the revenues of the water and sewer system that are senior to the debt of the proposed public water supply loan program with the Illinois Environmental Protection Agency and authorized by this ordinance, the Village of Burnham shall maintain an account, coverage, and reserves equivalent to the accounts, coverage and reserves required by the outstanding ordinances.

**Section 8. PLEDGE**

THAT, the Village hereby pledges the additional revenue raised pursuant to this Ordinance for purposes of repaying IEPA in connection with a loan received from said Agency for purposes of billing and collection system upgrades and water main extension; and

**Section 9. AUTHORIZATION OF VILLAGE PRESIDENT TO EXECUTE LOAN AGREEMENT**

THAT, the Village President, Robert E. Polk, is hereby authorized and directed to execute the Loan Agreement with the Illinois Environmental Protection Agency. The Corporate Authorities may authorize by resolution a person other than the 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; and

**Section 10. ACCESS TO RECORDS**

THAT, the Illinois Environmental Protection Agency or its authorized representative shall have access to any books, documents, papers and records of the Village which are applicable to the Village system of user charges for the purpose of making audit, examination, excerpts and transcriptions thereof to ensure compliance with the terms of the special and general conditions of any state loan; and

**Section 11. SEVERABILITY**

THAT, 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; and

**Section 12. REPEALER OF CONFLICTING ORDINANCES**

THAT, All Ordinances, Resolutions, Motions, Orders or parts thereof, which conflict with the

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provisions of this Ordinance, to the extent of such conflict, are hereby repealed; and

**Section 13. LEGISLATIVE ACT OF HOME RULE MUNICIPALITY**

**THAT**, this Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such Ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or, (b) legislate in a manner or regarding a manner not delegated to municipalities by state law. It is the intent of the Corporate Authorities of the Village of Burnham, Cook County, Illinois that to the extent that the terms of this Ordinance should be inconsistent with any no-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction; and

**Section 14. EFFECTIVE UPON PASSAGE**

**THAT**, this Ordinance shall be in full force and effect after its passage, approval and publication according to law; and

**Section 15. PUBLISHED IN PAMPHLET FORM**


**THAT**, this Ordinance shall be published in pamphlet form by the authority of the Village President (Mayor) and the Board of Trustees of the Village of Burnham, Cook County, Illinois.

**PASSED** by the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois, this 14th day of November, 2017.




**PRESIDENT AND VILLAGE BOARD MEMBERS**

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	_____	_____	_____
Trustee Denise Bonner	_____	_____	<u>X</u>	_____
Trustee Graciela Garcia	<u>X</u>	_____	_____	_____
Trustee Brenda Greer	<u>X</u>	_____	_____	_____
Trustee Carmela Richardson	<u>X</u>	_____	_____	_____
Trustee Travis Claybrooks	_____	_____	<u>X</u>	_____

  
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ROBERT E. POLK  
Village President (Mayor)

ATTEST:

  
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LUS E. CHAVEZ  
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by authority of the Village President (Mayor) and Board of Trustees  
of the Village of Burnham, Cook County, Illinois on 14th day of November, 2017.

ATTEST:

  
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LUS E. CHAVEZ VILLAGE CLERK

(SEAL)