

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF DU PAGE     )

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Ordinance #O-21-003 AN ORDINANCE AUTHORIZING A LOAN AGREEMENT FOR THE CITY OF WOOD DALE, DUPAGE COUNTY, IL TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM

Passed by The City Of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 7<sup>th</sup> day of January, 2021



Lynn Curiale, City Clerk



SEAL

**Ordinance #O-21-003**

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT FOR THE CITY OF  
WOOD DALE, DUPAGE COUNTY, IL TO BORROW FUNDS FROM THE  
WATER POLLUTION CONTROL LOAN PROGRAM**

Passed: January 7, 2021  
Published in Pamphlet Form: January 8, 2021

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached  
Ordinance is a true and correct copy of #O-21-003

**AN ORDINANCE AUTHORIZING A LOAN AGREEMENT FOR THE CITY OF  
WOOD DALE, DUPAGE COUNTY, IL TO BORROW FUNDS FROM THE  
WATER POLLUTION CONTROL LOAN PROGRAM**

Passed and approved by the City Council of the City of Wood Dale on January 7, 2021 and  
hereby published in pamphlet on January 8, 2021



SEAL

Lynn Curiale, City Clerk

ORDINANCE NO. O-21-003

ORDINANCE AUTHORIZING LOAN AGREEMENT  
FOR THE CITY OF WOOD DALE, DUPAGE COUNTY, IL  
TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN  
PROGRAM

WHEREAS, the City of Wood Dale (hereinafter referred to as the "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances pertaining to public health, safety and welfare; and

WHEREAS, the City of Wood Dale, DuPage County, Illinois operates its public storm water management system ("the System") and in accordance with the provisions of Chapter 10, Article I of the City Code as authorized under Sections 1-2-1; 11-12-12; 11-30-2; and 11-30-8 of the Illinois Municipal Code, and the Local Government Debt Reform Act, 30 ILCS 350/1 ("the Act"), and

WHEREAS, the Mayor and City Council of the City of Wood Dale have determined that it is advisable, necessary and in the best interests of public health, safety and welfare to improve the System, including the following:

**Construction of storm water management facilities, water quality features and appurtenances at various locations.**

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation ("the Project"), all in

accordance with the plans and specifications prepared by consulting engineers of the City of Wood Dale; which Project has a useful life of 75 years; and

**WHEREAS**, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is \$8,900,000.00, 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 365, 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 City of Wood Dale from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from the non-home rule retailer's occupation tax revenues 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 City of Wood Dale is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of \$8,900,000.00 to provide funds to pay the costs of the Project; and

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

NOW THEREFORE, be it ordained by the Corporate Authorities of the City of Wood Dale, DuPage County, Illinois, as follows:

**SECTION 1. INCORPORATION OF  
PREAMBLES**

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

**SECTION 2. DETERMINATION TO BORROW  
FUNDS**

It is necessary and in the best interests of the City of Wood Dale 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 provision of the Act; and that for the purpose of constructing the Project, it is hereby authorized that funds be borrowed by the City of Wood Dale in an aggregate principal amount (*which can include construction period interest financed over the term of the loan*) not to exceed \$8,900,000.00.

**SECTION 3.  
PUBLICATION**

This Ordinance, together with a Notice in the statutory form (attached hereto as Exhibit A), shall be published once within ten days after passage in the Daily Herald, a newspaper published and of general circulation in the City of Wood Dale, and if no petition, signed by electors numbering 889 or more of the registered voters in the City of Wood Dale asking that the question of improving the System as provided in this Ordinance and entering into the Loan Agreement therefore be submitted to the electors of the City of Wood Dale, is

filed with the City of Wood Dale Clerk within 30 days after the date of publication of this Ordinance and notice, then this Ordinance shall be in full force and effect. A petition form shall be provided by the City of Wood Dale to any individual requesting one.

#### **SECTION 4. ADDITIONAL ORDINANCES**

If no petition meeting the requirements of the Act and other applicable laws is filed during the 30-day petition period, then 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 law. 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 City of Wood Dale 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 City of Wood Dale 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 5. LOAN NOT INDEBTEDNESS  
OF CITY OF WOOD DALE**

Repayment of the loan to the Illinois Environmental Protection Agency by the City of Wood Dale pursuant to this Ordinance is to be from the revenue derived from the non-home rule retailer's occupation tax revenues, and the loan does not constitute an indebtedness of the City of Wood Dale within the meaning of any constitutional or statutory limitation.

**SECTION 6. APPLICATION FOR LOAN**

The MAYOR 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 365.

**SECTION 7. ACCEPTANCE OF LOAN AGREEMENT**

The Corporate Authorities hereby authorize acceptance of the offer of a loan through the Water Pollution Control 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.

**SECTION 8. OUTSTANDING BONDS**

The City of Wood Dale has outstanding bonds, payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the City of Wood Dale establishes

an account, coverage, and reserves equivalent to the account(s), coverage(s) and reserve(s) as the senior lien holders in accordance with 35 Ill. Adm. Code 662.350(a)(9)(C)(PWS).

The City of Wood Dale has outstanding bonds that are payable from revenues of the system, but the outstanding bonds are not senior to, but on parity with, the loan authorized by this Ordinance.

#### **SECTION 9. AUTHORIZATION OF MAYOR TO EXECUTE LOAN AGREEMENT**

The MAYOR 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 MAYOR 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 10. 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 11. REPEALER**

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



ADOPTED by the Corporate Authorities

On January 7, 2021

Approved January 7, 2021

Annunziato Pulice

MAYOR

City of Wood Dale

DuPage County, Illinois

AYES: 7

NAYES: 0

ABSENT: R. Wesley

PUBLISHED in the City Code on January 8, 2021.

RECORDED in the City of Wood Dale Records on January 8, 2021.

ATTEST:

Lynn Curiale

CITY CLERK

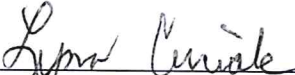
City of Wood Dale

DuPage County, Illinois

**NOTICE OF INTENT TO BORROW FUNDS  
AND RIGHT TO FILE PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to Ordinance Number 0-21-003, adopted on January 7, 2021, City of Wood Dale, DuPage County, Illinois (the "ENTITY"), intends to enter into a Loan Agreement with the Illinois Environmental Protection Agency in an aggregate principal amount not to exceed \$8,900,000.00 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, for the purpose of paying the cost of certain improvement to the stormwater management system of the City of Wood Dale. A complete copy of the Ordinance accompanies this notice.

NOTICE IS HEREBY FURTHER GIVEN that if a petition signed by electors of the City of Wood Dale (being equal to 889 of the registered voters in the City of Wood Dale), requesting that the question of improving the public stormwater management system and entering into the Loan Agreement is submitted to the City of Wood Dale Clerk within 30 days after the publication of this Notice, the question of improving the public water supply system of the City of Wood Dale as provided in the Ordinance and Loan Agreement shall be submitted to the electors of the City of Wood Dale at the next election to be held under general election law on April 4, 2023. A petition form is available from the office of the City of Wood Dale Clerk.

  
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CITY CLERK  
City of Wood Dale  
DuPage County, Illinois

## CERTIFICATION

I, Lynn Curiale, do hereby certify that I am the duly elected, qualified and acting Clerk of the City of Wood Dale. I do further certify that the above and foregoing, identified as Ordinance Number D-21-003, is a true, complete and correct copy of an ordinance otherwise identified as ORDINANCE AUTHORIZING LOAN AGREEMENT (WATER POLLUTION CONTROL LOAN PROGRAM NON-HOME RULE ENTITY) TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM.

ORDINANCE AUTHORIZING LOAN AGREEMENT (WATER POLLUTION CONTROL LOAN PROGRAM NON-HOME RULE ENTITY) TO BORROW FUNDS FROM THE WATER POLLUTION CONTROL LOAN PROGRAM, passed by the City Council of the City of Wood Dale on the 7<sup>th</sup> day of January, 2021, and approved by the Mayor of the City of Wood Dale.

Annunziato Pulice  
MAYOR  
City of Wood Dale  
DuPage County, Illinois

On the same said date, the original of which is part of the books and records within my control as Clerk of the City of Wood Dale.

Dated this 7<sup>th</sup> day of January, 2021.

NO REFERENDUM CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified, and CLERK of the City of Wood Dale, DuPage County, Illinois (the "ENTITY"), and as such officer I am the keeper of the books, records, files and journal of proceedings of the City of Wood Dale and of the MAYOR AND CITY COUNCIL of the City of Wood Dale.

I do further certify that Ordinance Number O-21-003, being the Ordinance entitled, ORDINANCE AUTHORIZING LOAN AGREEMENT (PUBLIC WATER SUPPLY LOAN PROGRAM NON-HOME RULE ENTITY) TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM (the Ordinance) was presented to and passed by the MAYOR and BOARD OF TRUSTEES of the City of Wood Dale at its legally convened meeting held on the 7th day of January, 2021 and signed by the MAYOR of the City of Wood Dale on said day.

I do further certify that the Ordinance was duly and properly published in the Daily Herald, a newspaper published and of general circulation within the City of Wood Dale on the 8th day of February, 2021, being a date within ten days from the date of passage of the Ordinance.

I do further certify that publication of the Ordinance was accompanied by a separate publication of notice of (1) the specific number of voters required to sign the petition requesting the question of constructing improvements to the public water supply system as provided in the Ordinance; (2) the time in which such petition must have been filed; and (3) the date of the prospective referendum.

I do further certify that I did make available and provide to any individual so requesting a petition form, which petition form provided for submission to the electors of the City of Wood Dale the question as set forth therein. Such petition forms were available from me continuously from 8th day of February, 2021, up to and including 10th day of March, 2021.

I do further certify that no Petition has been filed in my office within 30 days after the publication of the Ordinance or as of the time of the signing hereof as provided by statute asking that the question of improving the public water supply system as provided in the Ordinance and the Loan Agreement therefore be submitted to the electors of the City of Wood Dale.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the corporate seal of the City of Wood Dale, DuPage County, Illinois, this 11th day of March, 2021.

*Symon A. Cleriale*

CLERK  
City of Wood Dale  
DuPage County, Illinois



