

COPY

THE CITY OF BERWYN
COOK COUNTY, ILLINOIS

ORDINANCE
NUMBER

26-11

**AMENDING THE ORDINANCE AUTHORIZING THE CITY OF BERWYN,
COUNTY OF COOK, ILLINOIS TO BORROW FUNDS FROM THE
PUBLIC WATER SUPPLY LOAN PROGRAM STATE REVOLVING FUND
FOR LEAD WATER SERVICE LINE REPLACEMENTS LOAN NUMBERS
L176316, L176317, L176318, L176319 and L176320**

ROBERT J. LOVERO, Mayor
LETICIA GARCIA, City Clerk

MICAH CALDWELL
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Council Members

ORDINANCE NO.: 26-11

**AMENDING THE ORDINANCE AUTHORIZING THE CITY OF BERWYN, COUNTY OF COOK,
ILLINOIS TO BORROW FUNDS FROM THE PUBLIC WATER SUPPLY LOAN PROGRAM
STATE REVOLVING FUND FOR LEAD WATER SERVICE LINE REPLACEMENTS LOAN
NUMBERS L176316, L176317, L176318, L176319 and L176320**

WHEREAS, the City of Berwyn, Cook County, Illinois (the "City") is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the "Home Rule Powers"); and

WHEREAS, the Mayor and the City Council of the City of Berwyn (the "Corporate Authorities") are committed to protecting the health, safety and welfare of the City, its residents, and the promotion of various businesses within the City; and

WHEREAS, the Corporate Authorities operate its public water supply system (the "System") in accordance with the provisions of Article VII, Section 6 of the Illinois Constitution and the Local Government Debt Reform Act, 30 ILCS 350/1 et seq. (collectively "the Act"); and

WHEREAS, 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 System including the following:

CITY OF BERWYN LEAD WATER SERVICE LINE REPLACEMENTS

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 the consulting engineers of the City, which Project has a useful life of **fifty (50) years**; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is **\$40,000,000**, 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 **663**, 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 forty (40) 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 from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, the loan to be repaid from revenues generated from the utility fund and the loan is authorized to be accepted at this time pursuant to the Act;

WHEREAS, in accordance with the provisions of the Act, the City is authorized to borrow funds from the Public Water Supply Loan Program in the aggregate principal amount of \$40,000,000 to provide funds to pay the costs of the Project; and

WHEREAS, the loan to the City shall be made pursuant to a "Loan Agreement", including certain terms and conditions between the City and the Illinois Environmental Protection Agency.

NOW, THEREFORE, be it ordained by the Mayor and the City Council of the City of Berwyn, County of Cook, State of 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 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 City in the aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed \$40,000,000.

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 generated from the utility fund, 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 City 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 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 CITY OF BERWYN

Repayment of the loan to the Illinois Environmental Protection Agency by the City pursuant to this Ordinance is to be solely from the revenue derived from the cash receipts from customer payment of accounts, and the loan does not constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

SECTION 5. 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 663.

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 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 7. OUTSTANDING BONDS

The City has outstanding bonds, payable from revenues of the system, that are senior to the loan authorized by this Ordinance, and the City 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 663.350(a)(9)(C)(PWS).

SECTION 8. 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 City 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 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.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.

Adopted by the Mayor and City Council of the City of Berwyn, Cook County, Illinois this 14 day of April 2026, pursuant to a roll call vote, as follows:

	YES	NO	ABSENT	PRESENT
Caldwell	✓			
Bowman	✓			
Leja	✓			
Fejt	✓			
Pabon	✓			
Polashek	✓			
Bruckmann	✓			
Carmichael	✓			
(Mayor Lovero)				
TOTAL	8			

Approved by the Mayor of the City of Berwyn, Cook County, Illinois on this 14 day of April 2026.



 Robert J. Lovero
 MAYOR

ATTEST:


 Leticia Garcia
 CITY CLERK