

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

C E R T I F I C A T I O N

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. 2025-O-002 now on file in my office entitled:


**PUBLIC WATER SUPPLY LOAN PROGRAM
ORDINANCE NO. 2025-O-002
WATER LOAN NUMBER – L-17-6984
AN ORDINANCE AUTHORIZING LOAN AGREEMENT
(PUBLIC WATER SUPPLY LOAN PROGRAM-HOME RULE
ENTITY) BETWEEN THE VILLAGE OF BURNHAM
COOK COUNTY, STATE OF ILLINOIS TO BORROW FUNDS**

I further certify that said Ordinance No. 2025-O-002 was duly passed on roll call vote by the Board of Trustees of the Village on the 25th day of March 2025 and approved by the President of the Village on the 25th day of March 2025, and that said Ordinance attached is now in full force and effect and has not been rescinded.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 25th day of March 2025.



Lus E. Chavez
Village Clerk

(SEAL)

**THE VILLAGE OF BURNHAM
COOK COUNTY, ILLINOIS
HOME RULE ENTITY**

PUBLIC WATER SUPPLY LOAN PROGRAM

**ORDINANCE NO. 2025-O-002
WATER LOAN NUMBER – L-17-6984**

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

WHEREAS, The Village of Burnham was organized as a municipal corporation on February 8, 1907, by court order under the Cities, Villages and Towns Act of the Illinois Revised Statutes in Cook County, Illinois; and

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 Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the Village of Burnham is a home rule unit of government pursuant to Article VII, Section 6(a) of the Illinois Constitution and, pursuant to the provisions of said Section 6 of Article VII, may exercise any power or perform any function pertaining to its government and affairs; 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 by replacing its lead service lines; and

WHEREAS, the Act does not include any express limitation on the Village’s home rule authority as required by Article VII, Section 6 of the Illinois Constitution; and

WHEREAS, Article VII, Section 6(i) of the *Illinois Constitution of 1970* provides that home rule units of local government may exercise and perform concurrently with the State any power or function to the extent that the General Assembly by law does not specifically limit the concurrent exercise or specifically declare the State’s exercise to be exclusive.

WHEREAS, the MAYOR 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 System, including the following: BURNHAM LEAD 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 Village, 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 \$10,000,000.00, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, the costs are expected to be paid for with a loan to the Village from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency, through the Public Water Supply Loan Program commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” the loan to be repaid from revenues from the water and sewer system and the general revenue of the Village of Burnham 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 commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” in the aggregate principal amount of \$10,000,000.00 to provide funds to pay the costs of the Project; and

WHEREAS, the loan 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, through the Public Water Supply Loan Program commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**”; 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 Public Water Supply Loan Program commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” through the Illinois Environmental Protection Agency, the loan to be repaid from revenues of the System and the Village and the loan is authorized to be accepted at this time pursuant to the Act; 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 through the Public Water Supply Loan Program commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**”; 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 ten million dollars (\$10,000,000); 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 through the Public Water Supply Loan Program commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” 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 Water and Sewer System and the general revenue of the Village, 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 Mayor of the Village of Burnham is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Public Water Supply Loan Program, commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” 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, commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**” 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; and

Section 7. 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 commonly known as The Public Water Supply Loan Program (PWSLP) 2025 intended use Plan, July 25, 2024, Loan Number L-17-6984, and identified as “**Exhibit A**”. for a loan through the Public Water Supply Loan Program . 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 8. OUTSTANDING BONDS

THAT, The Village of Burnham has no outstanding bonds that are payable from revenues of the system.

Section 9. 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 10. REPEALER OF CONFLICTING ORDINANCES

THAT, all Ordinances, Resolutions, Motions, Orders or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed; and

Section 11. 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 non-preemptive state law, that this Ordinance should supersede state law in that regard within its jurisdiction; and


Section 12. EFFECTIVE UPON PASSAGE

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

Section 13. 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 25th day of March, 2025.


ROBERT E. POLK
Village President (Mayor)

PRESIDENT AND VILLAGE BOARD MEMBERS

	AYES:	NAYS:	ABSENT:	ABSTAIN:
Trustee John Cap Jr.	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Jefferey Hodges	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Graciela Garcia	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Brenda Greer	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Trustee Carmella Richardson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Travis Claybrooks	<u>X</u>	<u> </u>	<u> </u>	<u> </u>


ROBERT E. POLK
Village President (Mayor)

ATTEST:


LUS E. CHAVEZ
Village Clerk (SEAL)

Recorded in Village Records:

Published in pamphlet form by the authority of the Village President (Mayor) and Board of Trustees of the Village of Burnham, Cook County, Illinois on 25th day of March, 2025.

ATTEST:



LUS E. CHAVEZ, VILLAGE CLERK
(SEAL)

