

ORDINANCE NO. 919

AN ORDINANCE authorizing the Flagg Creek Water Reclamation District of Cook County, Illinois to borrow funds from the Water Pollution Control Loan Program

WHEREAS, the Flagg Creek Water Reclamation District of Cook County, Illinois operates its sewerage system (“the System”) and in accordance with the provisions of the Sanitary District Act of 1917 of the State of Illinois and the Local Government Debt Reform Act, 30 ILCS 350/1 (collectively, “the Act”); and

WHEREAS, the President and Board of Trustees of the Flagg Creek Water Reclamation District (“the Corporate Authorities”) 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:

- I. 2027 WWTP Improvements
 - a. New tankage and equipment for Biological Nutrient Removal and Disinfection Improvements
 - b. Rehabilitation of Excess Flow Lagoon construction of new Excess Flow facilities
 - c. Solar Power Generation
 - d. Electrical and SCADA Improvements

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 Flagg Creek Water Reclamation District; which Project has a useful life of thirty-five (35) years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial and other related expenses is Seventy-Five Million and no/100 (\$75,000,000.00) Dollars 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 thirty (30) 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 Flagg Creek Water Reclamation District from the Water Pollution Control 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 Flagg Creek Water Reclamation District is authorized to borrow funds from the Water Pollution Control Loan Program in the aggregate principal amount of Seventy-Five Million and no/100 (\$75,000,000.00) Dollars to provide funds to pay the costs of the Project;

WHEREAS, the loan to the Flagg Creek Water Reclamation District shall be made pursuant to a Loan Agreement, including certain terms and conditions, between the Flagg Creek Water Reclamation District and the Illinois Environmental Protection Agency;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF FLAGG CREEK WATER RECLAMATION DISTRICT 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 Flagg Creek Water Reclamation District 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 Flagg Creek Water Reclamation District in an aggregate principal amount (which can include construction period interest financed over the term of the loan) not to exceed Seventy-Five Million and no/100 (\$75,000,000.00) Dollars.

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 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 Flagg Creek Water Reclamation District 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 Flagg Creek Water Reclamation District to pay the principal and interest due to the Water

Pollution Control Loan Program without the written consent of the Illinois Environmental Protection Agency.

SECTION 4. LOAN NOT INDEBTEDNESS OF FLAGG CREEK WATER RECLAMATION DISTRICT

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

SECTION 5. APPLICATION FOR LOAN

The Executive Director is hereby authorized to make application to the Illinois Environmental Protection Agency for a loan through the Water Pollution Control Loan Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 365.

SECTION 6. 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 7. OUTSTANDING BONDS

The Flagg Creek Water Reclamation District has no outstanding bonds that are payable from revenues of the system

SECTION 8. AUTHORIZATION OF PRESIDENT TO EXECUTE LOAN AGREEMENT

The President 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.

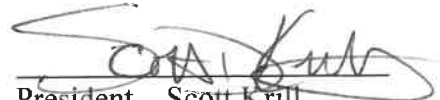
SECTION 9. SEVERABILITY

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 11. REPEALER

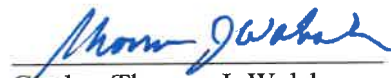
All ordinances, resolutions or orders, or parts thereof, which conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Passed and Approved this 20th day of February, 2026



President – Scott Krill

ATTEST:



Clerk – Thomas J. Walsh

CERTIFICATE OF AUTHENTICATION

I, THOMAS J. WALSH, Clerk of the FLAGG CREEK WATER RECLAMATION DISTRICT, a municipal corporation of Cook and DuPage Counties, State of Illinois, do hereby CERTIFY that the foregoing is a true and correct copy of Ordinance No. 919, which said Ordinance was passed by the Board of Trustees of the FLAGG CREEK WATER RECLAMATION DISTRICT on the 20th day of February, 2026 and approved by the President of said Board on said last mentioned date. I do further CERTIFY that the original of said Ordinance is entrusted to my care for safekeeping and is on file in my office. IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the FLAGG CREEK WATER RECLAMATION DISTRICT on this 20th day of February, 2026.



Thomas J. Walsh - Clerk