

_____, 2017

The Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Attention: Ms. Vera Herst, Assistant Counsel

In re: City _____ Water Pollution Control Loan Program
IEPA Loan # L17-_____

Dear Ms. Herst:

I am the City Attorney of the City of _____, _____ County, Illinois (“City”) and I am representing the City in connection with the above referenced matter. [*The City is also represented by _____ as bond counsel.*] The City is a home rule municipal corporation.

The City intends to enter into a loan agreement with the Illinois Environmental Protection Agency (the “IEPA”) pursuant to the Water Pollution Control Loan Program. The purpose of the loan agreement is to enable the City to finance the cost of _____ (the “Project”). The purpose of the loan agreement is to enable the Village to finance the cost of _____ (the “Project”).

You have asked for my opinion with respect to whether the ordinance authorizing the City to enter into a proposed loan agreement pursuant to the Illinois Environmental Protection Agency Water Pollution Control Loan Program is in accordance with Illinois law.

You have also asked for my opinion as to whether the City has complied with all of the procedural requisites necessary to authorize the Mayor of the City to execute the loan agreement in order to create a valid and enforceable contract.

I have examined the applicable state statutes, and City ordinances, and I am familiar with the ordinances that have been adopted with respect to the proposed loan, in particular City of _____ Ordinance No. _____ adopted by the City on _____, 2016, entitled “Ordinance Authorizing Loan Agreement and Authorizing the City of _____, Illinois to Borrow Funds from the Illinois Environmental Protection Agency Water Pollution Control Loan Program/title of ordinance”.

After consideration of the foregoing, it is my opinion that:

1. Pursuant to 65 ILCS 5/11-1-1 et seq. (the Illinois Municipal Code), and the ordinances of the City, the City does have the authority to enter into a loan

agreement with the Illinois Environmental Protection Agency pursuant to the Illinois Environmental Protection Agency Water Pollution Control Loan Program.

2. That the City lawfully operates a Sewer Department to address and manage water matters within the City and does provide by ordinance, rules and regulations for the operation of said Department and the billing and collection of sewer charges.
3. That the City has the legal right to install the proposed improvements at the location intended and shown by the plans and specifications for the Project, the improvements for said Project to be located within public road or highway right-of-way.
4. That there is no threatened or pending litigation which would affect the borrowing of the funds in question or the payment of same.
5. The City Council of the City of _____ has taken all required steps necessary to authorize the Mayor to execute the loan agreement and any other required documents by and between the Illinois Environmental Protection Agency and the City pursuant to the Illinois Environmental Protection Agency's Water Pollution Control Loan Program.
6. That Ordinance No. _____ does not conflict with any other ordinances of the City.
7. All actions taken by the City with respect to Ordinance No. _____ were taken during regular meetings of the City Council of the City, which meetings were held and conducted in accordance with the Illinois Open Meetings Act.
8. That upon execution of the loan agreement, the obligation of the City to repay the loan funds as set forth in the loan agreement will be a binding and legally enforceable obligation of the City.
9. That there are no other agreements, bonds, or ordinances which will conflict with, or impair, the obligation of the City under the proposed loan agreement with the Illinois Environmental Protection Agency.
10. *Include if sample ordinance doesn't include section on reserve accounts:*
That there is no senior debt payable from the revenues of the City

Very truly yours,

CITY OF _____

BY: _____

