

	AGENDA ITEM EXECUTIVE SUMMARY						
	Title:	Recommendation to approve Resolutions for IEPA Low Interest Loan Process for Red Gate Water Tower					
	Presenter:	John Lamb					
<i>Please check appropriate box:</i>							
	Government Operations		X	Government Services 09.23.13			
	Planning & Development			City Council			
Estimated Cost:		Budgeted:	YES		NO		
If NO, please explain how item will be funded:							
Executive Summary:							
<p>City staff is proceeding with the Illinois Environmental Protection Agency loan application process to secure a low interest loan to fund the budgeted Red Gate Water Tower. The loan is through the State of Illinois Clean Water Initiative that is being processed through the IEPA State Revolving Fund (SRF) program. The loan interest rate is set at 1.93% over a twenty year period.</p> <p>A requirement of the IEPA loan application is the City Council pass a Resolution authorizing a representative, the Mayor, to sign all future loan application forms and supporting documents. This will allow all future signatures as City staff work through loan application process and submittal.</p> <p>A second Resolution must be approved requiring compliance with the National Flood Insurance Act of 1968. The Resolution states the City will secure and maintain flood insurance during the construction period in order to be eligible for loan.</p>							
Attachments: <i>(please list)</i>							
Resolution authorizing a representative to sign IEPA Loan Documents							
Resolution of Intent regarding National Flood Insurance							
Recommendation / Suggested Action <i>(briefly explain):</i>							
Recommendation to approve Resolutions to authorize the Mayor of St. Charles to sign all applicable IEPA loan documents and Resolution of Intent Regarding National Flood Insurance and a resolution authorizing the Mayor and Clerk to execute the same on behalf of the City of St. Charles.							
<i>For office use only</i>		Agenda Item Number: 5.i					

Loan Program Certifications

- Whereas, the application provisions for loans from the Public Water Supply Loan Program require that the loan applicant provide the following certifications and assurances:

The loan applicant hereby agrees to pay all project costs not covered by the loan. If the project costs provided by the applicant exceed the lesser of 5% of the total project cost or \$100,000, please provide the following information:

Amount to be provided by applicant \$ 0.00

Source of funds Not Applicable (N/A)

- The loan applicant hereby certifies that it has analyzed the costs and the financial impacts of the proposed project and that it has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the proposed project.
- The loan applicant hereby certifies that no unlawful or corrupt practice has taken place in the planning or design of the proposed project.
- The loan applicant hereby certifies that it has complied with all applicable State and federal statutory and regulatory requirements in regard to the proposed project.
- The loan applicant hereby certifies that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act.

Certification Regarding Debarment, Suspension and Other Responsibility Matters

The prospective participant to the best of its knowledge and belief that it and its principals:

- a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- b) Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
- c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

- d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in fine of up to \$10,000 or imprisonment for up to 5 years, or both.

INTENT REGARDING NATIONAL FLOOD INSURANCE

Whereas application provisions for loans from the Public Water Supply Loan Program require compliance with the National Flood Insurance Act 1968, as amended, and

Whereas the costs of securing and maintaining flood insurance are eligible for loan participation during the approved construction period, and

Whereas failure to secure flood insurance for eligible construction located in designated flood hazard areas will cause this construction to become ineligible for loan funds:

Now therefore, be it resolved that the City of St. Charles of Kane and DuPage Counties, IL will cooperate and coordinate with the National Flood Insurance Program to acquire and maintain any flood insurance made available for Project L17# N/A for the entire useful life of the insurable construction pursuant to the Flood Insurance Act of 1968, as amended, and that it will secure said flood insurance for each insurable structure, as soon as said insurance is available and will notify the Illinois Environmental Protection Agency in writing that the National Flood Insurance requirement has been satisfied.

CERTIFICATION REGARDING PROJECT SITE, RIGHTS-OF-WAY, EASEMENTS, AND PERMITS

1. The applicant has investigated and ascertained the location of the site or sites, rights-of-way, and easements being provided for the facilities in its application for loan assistance. In my opinion, the applicant has a sufficient legal interest in the said site or sites, rights-of-way, and easements to permit the building of such facilities thereon and to permit the operation and maintenance of such facilities thereon during the estimated life of the facility by the applicant after the completion of construction.
2. The loan applicant has complied with the provisions of 49 CFR 24 as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (42 USC 4601 et seq.).

3. The loan applicant has obtained all the necessary permits as indicated below:

<u>Type of Permit</u>	<u>Permit Number</u>	<u>Date Issued</u>
Army Corps of Eng. 404	<u>N/A</u>	<u>N/A</u>
IL Dept. of Trans.	<u>N/A</u>	<u>N/A</u>
County Highway	<u>N/A</u>	<u>N/A</u>
Other	<u>N/A</u>	<u>N/A</u>

AUTHORIZATION OF A REPRESENTATIVE TO SIGN LOAN DOCUMENTS

Whereas, application provisions for loans from the Public Water Supply Loan Program require that the City of St. Charles of Kane and DuPage Counties, IL authorize a representative to sign the loan application forms and supporting documents; therefore, be it resolved by the City Council of City of St. Charles, IL that Mayor Raymond P. Rogina is hereby authorized to sign all loan application forms and documents.

I, Raymond P. Rogina hereby verify that the above information is, to the best of my knowledge, true and correct.

Date: _____ Signed by: _____

(Authorized Representative)

Title: Mayor, City of St. Charles

Attested by: _____