

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE EXECUTION
OF AN INTERGOVERNMENTAL AGREEMENT WITH THE
NEW LENOX FIRE PROTECTION DISTRICT**

WHEREAS, Article VII, Section 10 of the Illinois Constitution authorizes units of local government to contract among themselves to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or ordinance; and

WHEREAS, Section 5 of the Intergovernmental Cooperation Act (5 ILCS 220/5) authorizes units of local government to contract among themselves to perform any governmental service or activity which at least one of the units of local government is authorized by law to perform; and

WHEREAS, the Village of New Lenox ("Village") desires to enter into the attached Intergovernmental Agreement ("Agreement") with the New Lenox Fire Protection District ("District") to provide a \$450,000.00 loan to the District for use to keep Station No. 2 open until December 31, 2018, subject to the terms and conditions set forth in the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF NEW LENOX, WILL COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1. The Village President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Resolution are true, correct and complete and are hereby incorporated by reference thereto and made a part hereof.

SECTION 2. The attached Intergovernmental Agreement between the Village and the District is hereby approved.

SECTION 3. The Village President and Village Clerk are hereby authorized to execute the attached Intergovernmental Agreement on behalf of the Village.

SECTION 4. This Resolution shall be in effect from and after its passage and approval as provided by law.

PRESENTED and passed by the Board of Trustees on a roll call vote on the _____ day of _____, 2018 with _____ Trustees voting aye, _____ Trustees voting nay, _____ Trustees abstaining, and with _____ Trustees absent, Mayor BALDERMANN voting _____: said vote being: SMITH _____, BOWDEN _____, MADSEN _____, BUTTERFIELD _____, FINNEGAN _____, and HOWARD _____.

Laura Ruhl, Village Clerk

APPROVED this _____ day of _____, 2018.

Timothy Baldermann, Village President

ATTEST:

Laura Ruhl, Village Clerk

Intergovernmental Agreement

This Agreement, made and entered into the ____ day of _____, 2018, by and between the **VILLAGE OF NEW LENOX**, a Home Rule Illinois Municipal Corporation (“VILLAGE”) and the **NEW LENOX FIRE PROTECTION DISTRICT**, an Illinois Municipal Corporation (“DISTRICT”);

WITNESSETH:

WHEREAS, the Constitution of Illinois, 1970, Article 7, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or by ordinance; and

WHEREAS, 5 ILCS Act 220, entitled “The Intergovernmental Cooperation Act”, provides that any power or powers, privileges, functions, or authority exercised or which may be exercised by a unit of local government may be exercised, combined, transferred, and enjoyed with any other unit of local government; and

WHEREAS, the DISTRICT is experiencing financial hardships which will negatively impact services to VILLAGE residents including the imminent closure of Station No. 2 which serves VILLAGE residents in that area; and

WHEREAS, pursuant to their authority under the Illinois Constitution and State Statute and the VILLAGE’s Home Rule powers, the parties now wish to enter into this Agreement concerning the VILLAGE’s loan of funds to the DISTRICT.

NOW, THEREFORE, in consideration of the foregoing recitals and of the covenants and conditions hereinafter contained, the adequacy and sufficiency of which the parties hereto hereby acknowledge, the parties hereto mutually agree as follows:

1. Incorporation of Recitals. The “whereas” clauses set forth above are incorporated herein as substantive provisions of this Agreement as if set out in full.

2. Loan of Funds. The VILLAGE agrees to loan \$450,000.00 to the DISTRICT for use to keep Station No. 2 open until December 31, 2018, subject to the terms and conditions set forth herein. The loan proceeds will be paid one-half in June and one-half in September when the VILLAGE receives real estate taxes from Will County.

3. Terms of Repayment. In exchange for the VILLAGE’s commitment to make the loan, the DISTRICT agrees to keep Station No. 2 open until December 31, 2018. The DISTRICT further agrees to submit a referendum question to increase its tax rate for the November election cycle. If the November referendum to increase the DISTRICT’S tax rate fails, the DISTRICT shall continue to submit the question of increasing its tax rate in subsequent elections. The DISTRICT shall repay the VILLAGE \$50,000.00 per year for nine (9) years, commencing the first year when tax rates are extended by the DISTRICT pursuant to a successful referendum to increase the DISTRICT’s tax rate.

6. Counterparts. This Agreement is executed in multiple counterparts, each of which shall be deemed to be and shall constitute one and the same Instrument.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first above written.

VILLAGE OF NEW LENOX, an Illinois
Home Rule Municipal Corporation

By: _____
Tim Baldermann, Village President

ATTEST:

Laura Ruhl, Village Clerk

NEW LENOX FIRE PROTECTION DISTRICT,
an Illinois Municipal Corporation

By: _____
President, Board of Trustees

ATTEST:

Secretary, Board of Trustees