

**RESOLUTION 2012 - 091**

**A RESOLUTION AUTHORIZING THE WITHDRAWAL FROM THE NORTHERN ILLINOIS MUNICIPAL GAS FRANCHISE CONSORTIUM**

**WHEREAS**, by granting a natural gas franchise to North Shore Gas Company (the "Utility"), the Village of Vernon Hills makes natural gas and related facilities and utilities available to the Village of Vernon Hills residents, businesses, and land owners; and

**WHEREAS**, the Village of Vernon Hills' current franchise agreement with the Utility will expire on August 28, 2014 (the "Existing Franchise Agreement"); and

**WHEREAS**, the existing Franchise Agreement provides the terms and conditions under which the Utility utilizes the Village of Vernon Hills public rights-of-way in the provision of natural gas; and

**WHEREAS**, a number of northern Illinois municipalities created a consortium of participating municipalities to cooperate and jointly prepare and negotiate a model franchise agreement for natural gas with the Utility and with other utilities that serve these northern Illinois municipalities; and

**WHEREAS**, a steering committee of the participating municipalities prepared an intergovernmental agreement that established the "Northern Illinois Municipal Natural Gas Franchise Consortium" (the "Consortium") for the purpose of preparing and negotiating a model franchise agreement for natural gas utilities; and

**WHEREAS**, on January 19, 2010, by passage of Ordinance 2010-010, An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium, the Board of Trustees of the Village of Vernon Hills deemed it in the best interests of its citizens to authorize the Village to become a Member of Consortium and execute an Intergovernmental Agreement establishing the Northern Illinois Municipal Gas Franchise Consortium; and

**WHEREAS**, the Board of Trustees of the Village of Vernon Hills has determined that it is in the best interests of the Village of Vernon Hills to no longer participate in the Consortium; and

**WHEREAS**, the Steering Committee of the Consortium indicated that a letter would be sufficient to withdraw from the Consortium; and

**WHEREAS**, the Village tendered a letter on May 3, 2012 to the Administrator of the Consortium voluntarily withdrawing from the Consortium, effective as of the date of that letter; and

**WHEREAS**, Section 6B of the Intergovernmental Agreement sets forth specific requirements in order to voluntarily withdraw from the Consortium; and

**WHEREAS**, for the Village to withdraw as a member of the Consortium, pursuant to Section 6B, entitled "EXPULSION; WITHDRAWAL. Voluntary Withdrawal." of the

Intergovernmental Agreement “(i) a resolution or ordinance must be adopted by the Village Board of Trustees and delivered to the Administrator of the Consortium, not later than twenty one (21) calendar days before the intended effective date of withdrawal, a certified copy of an ordinance or resolution of the Member’s corporate authorities declaring the Member’s withdrawal from the Consortium as of a date certain set forth in the ordinance or resolution”; and

**WHEREAS**, for the Village to withdraw as a member of the Consortium, pursuant to Section 6C, entitled “EXPULSION; WITHDRAWAL. Required Terms of Expulsion or Withdrawal.” of the Intergovernmental Agreement, the Village “(1) must pay in full all Additional Contributions to the Franchise Fund approved and binding under paragraphs 5.A.3 of the Intergovernmental Agreement, (2) is not entitled to any refund of any money from the Franchise Fund at any time; and (3) must continue to keep all business of the Consortium confidential to the full extent permitted by law;” and

**WHEREAS**, the Village of Vernon Hills has paid in full all required contributions to said Franchise Fund and is not entitled to any refund of any money from the Franchise Fund; and

**WHEREAS**, the Village of Vernon Hills Board of Trustees has determined that it is in the best interest of its citizens to withdraw as a member of the Consortium, effective May 3, 2012; and

**WHEREAS**, it is the purpose of this Resolution to comply in all respects with the specific requirements of Section 6B to clearly establish that the Village has voluntarily withdrawn from the Consortium effective May 3, 2012.

**THEREFORE, BE IT RESOLVED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE: Recitals**

The forgoing recitals are incorporated into and made a part of this Resolution as if fully set forth in this Section One.

**SECTION TWO: Declaration**

The Village of Vernon Hills Board of Trustees hereby declares its intention to withdraw as a member of the Northern Illinois Municipal Gas Franchise Consortium, effective immediately.

**SECTION THREE: Authorization to Withdraw**

The Village of Vernon Hills Board of Trustees hereby authorizes the Village Manager to provide to the Administrator of the Northern Illinois Municipal Gas Franchise Consortium (i) a notice of the Village’s intent to withdraw as a member of the Northern Illinois Municipal Gas Franchise Consortium, and (ii) a copy of this Resolution which includes the Village Board of Trustee’s authorization for the Village to withdraw as a member of Northern Illinois Municipal Gas Franchise Consortium

**SECTION FOUR: Effective Date**

This Resolution shall be effective following passage by the Board of Trustees of the Village of Vernon Hills in the manner required by law.

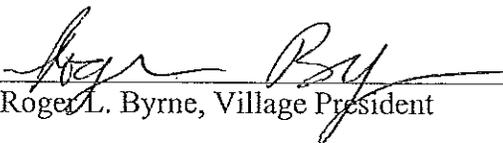
Dated this 15<sup>th</sup> day of May 2012

Adopted by roll call vote as follows:

AYES: 6 - Koch, Williams, Schwartz, Schultz, Hebda, Marquardt

NAYS: 0 - None

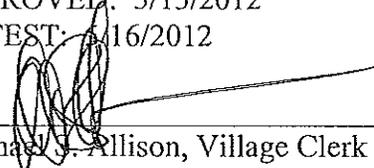
ABSENT AND NOT VOTING: 0 - None

  
Roger L. Byrne, Village President

PASSED: 5/15/2012

APPROVED: 5/15/2012

ATTEST: 5/16/2012

  
Michael J. Allison, Village Clerk

