

ORDINANCE NO. 6463

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL GAS FRANCHISE CONSORTIUM

WHEREAS, by granting a natural gas franchise to Nicor Gas (the "*Utility*"), the Village of Lombard, makes natural gas and related facilities and utilities available to the Village of Lombard's residents, businesses, and land owners; and

WHEREAS, the Village of Lombard's current franchise agreement with the Utility will expire on November 1, 2026 (the "*Existing Franchise Agreement*"); and

WHEREAS, the Existing Franchise Agreement provides the terms and conditions under which the Utility utilizes the Village of Lombard's public rights-of-way in the provision of natural gas; and

WHEREAS, it is in the best interests of the Village of Lombard and its residents, businesses, and land owners to negotiate and enter into a new franchise agreement with the Utility that includes all of the standard and necessary terms, provisions, and protections, plus modern provisions and protections such as, but not limited to, energy efficiency provisions that require not only levels of efficiencies on the part of utilities, but also energy audits and other conservation-related services from the Utility; and

WHEREAS, a number of northern Illinois municipalities plan to create 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, participating in this joint effort will give the Village of Lombard greater negotiating power with the Utility and will reduce the cost to the Village of Lombard of drafting, negotiating, and finalizing a new natural gas franchise agreement; and

WHEREAS, a steering committee of the participating municipalities has prepared an intergovernmental agreement that will establish 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, the Corporate Authorities of the Village of Lombard have determined that it is in the best interests of the Village of Lombard to approve and authorize the execution of the intergovernmental agreement and become a member of the Consortium pursuant to the terms of the agreement;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

Section 1. Recitals.

The foregoing recitals are incorporated into this Ordinance as the findings of the Board of Trustees of the Village of Lombard.

Section 2. Approval of Intergovernmental Agreement.

The "Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium," in form and substance substantially the same as Exhibit A attached hereto and made part hereof (the "*Intergovernmental Agreement*"), is hereby approved.

Section 3. Authorization to Execute the Agreement.

The President and the Village of Lombard Clerk are authorized and directed to execute and attest the Intergovernmental Agreement on behalf of the Village of Lombard.

Section 4. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed on first reading this _____ day of _____, 2010.

First reading waived by action of the Board of Trustees this 15th day of April, 2010.


Passed on second reading this 15th day of April, 2010, pursuant to a roll call vote as follows:

AYES: Trustees Gron, Tross, Wilson, Moreau, Fitzpatrick and Ware

NAYS: None

ABSENT: None

APPROVED this 15th day of April, 2010.


William J. Mueller
Village President

ATTEST:


Brigitte O'Brien
Village Clerk

Published by me in this pamphlet form this 16th day of April, 2010.



Brigitte O'Brien
Village Clerk

EXHIBIT A

Intergovernmental Agreement