

RESOLUTION NO. 26 - _____

A RESOLUTION AUTHORIZING THE THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NAPERVILLE AND THE CITY OF WARRENVILLE FOR WASTEWATER UTILITY SERVICES

WHEREAS, on April 5, 1982, the City of Naperville (“Naperville”) and the City of Warrenville (“Warrenville”) entered into an intergovernmental agreement (“Agreement”) for wastewater utility services, including the use of Naperville’s wastewater treatment plant and related facilities (“Water Treatment Facilities”) for the treatment of wastewater generated in the City (“Services”); and

WHEREAS, on December 18, 1984, City Council adopted Ordinance No. 84-200 approving a first amendment to the Agreement to set forth certain classes of charges to be paid by Warrenville to Naperville under the Agreement (“First Amendment”); and

WHEREAS, on May 17, 1994, City Council adopted Ordinance No. 94-81, approving a second amendment to the Agreement to add certain prepaid capital charges under the Agreement (“Second Amendment”); and

WHEREAS, Naperville has identified the need to undertake certain major capital improvements to the Wastewater Treatment Facilities used to provide the Services (collectively, the “Planned Capital Improvements”); and

WHEREAS, Warrenville and Naperville estimate that Warrenville’s share of the Planned Capital Improvements costs will be approximately \$24,345,228.00 (“City Share”); and

WHEREAS, Naperville and Warrenville desire to enter into a third amendment to the Agreement (“Third Amendment”) to set forth the payment structure pursuant to which Warrenville will pay its Share to Naperville; remove provisions related to certain

Warrenville obligations that have been fulfilled; remove charge adjustments and audit provisions that are no longer applicable; update and clarify provisions related to other capital improvements; and clarify reserve capacity for future development within Warrenville; and

WHEREAS, pursuant to the Third Amendment, the Warrenville Share will, as the Planned Capital Improvements are completed, be trued up to reflect the actual costs rather than estimates; and

WHEREAS, the Third Amended provides that Warrenville will make approximately twenty annual payments toward the Warrenville Share commencing in January 2026; and

WHEREAS, the Mayor and the City Council have determined that it is in the best interest of Naperville and the public to approve the Third Amendment to the Agreement.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, COUNTIES OF DUPAGE AND WILL, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The Third Amendment to the Intergovernmental Agreement between the City of Naperville and the City of Warrenville for wastewater utility services attached hereto and made part hereof (“Third Amendment”), is hereby approved subject to minor revisions as may be approved by the City Attorney.

SECTION 2: The City Manager is hereby authorized to execute the Third Amendment on behalf of the City of Naperville as provided herein.

SECTION 3: This Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

ATTEST:

Dawn Portner
City Clerk

Scott Wehri
Mayor