

RESOLUTION NO. 19 - _____

**A RESOLUTION
APPROVING THE INTERGOVERNMENTAL EMERGENCY AID AGREEMENT
BETWEEN THE ILLINOIS MUNICIPAL UTILITY AGENCY AND
THE CITY OF NAPERVILLE**

RECITALS

1. **WHEREAS**, the City of Naperville, DuPage and Will Counties, of the State of Illinois is a duly constituted home rule public agency of the State of Illinois, and;
2. **WHEREAS**, the City of Naperville, as a home rule public agency of the State of Illinois, is authorized and empowered by the Constitution of the State of Illinois (Ill. Const. Art. VII, § 10) and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) to enter into intergovernmental agreements with other public agencies on matters of mutual concern and interest such as the provision of adequate utility personnel and resources for the service and protection of residents and property falling within the jurisdiction of the City of Naperville, and;
3. **WHEREAS**, the City of Naperville, as a home rule public agency of the State of Illinois, is authorized and empowered by the Constitution of the State of Illinois (Ill. Const. Art. VII, § 10) and the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) to enter into intergovernmental agreements with other public agencies on matters of mutual concern and interest such as the provision of adequate law enforcement personnel and resources for the protection of residents and property falling within the jurisdiction of the City of Naperville, and;
4. **WHEREAS**, the City of Naperville recognizes that certain natural or man-made occurrences may result in emergencies or disasters that exceed the resources, equipment and/or utility personnel of a single given public agency, and;
5. **WHEREAS**, a given public agency can, by entering into an Intergovernmental Emergency Aid Agreement for utility services and resources, effectively provide a broader range and more plentiful amount of utility capability for the citizenry which it serves, and;
6. **WHEREAS**, in order to have an effective Intergovernmental Emergency Aid Agreement for utility resources and services, the City of Naperville recognizes it must be prepared to come to the aid of other public agencies in their respective times of need due to emergencies or disasters, and;
7. **WHEREAS**, the City of Naperville recognizes the need to develop an effective Intergovernmental Emergency Aid Agreement for utility services and resources upon which it may call upon in its time of need and is prepared to enter into an

Intergovernmental Emergency Aid Agreement for utility services and resources with other like-minded public agencies, and;

8. **WHEREAS**, the City Naperville and other Illinois municipalities are members of the Illinois Municipal Utilities Association (“IMUA”), and;
9. **WHEREAS**, the IMUA has established an Emergency Aid Program for member municipalities in the State of Illinois that desire to participate therein, and;
10. **WHEREAS**, it is the desire of the member municipalities of the IMUA to formally indicate their areas of intergovernmental cooperation by formal resolution of their respective Corporate Authorities adopting the Emergency Aid Program established by IMUA, and;
11. **WHEREAS**, the City of Naperville has been provided with a certain “IMUA Intergovernmental Emergency Aid Agreement” which has been reviewed by the elected officials of the City of Naperville, and which other public agencies in the IMUA are prepared to execute, in conjunction with the City of Naperville, in order to provide and receive utility mutual aid services, as set forth in the “IMUA Intergovernmental Emergency Aid Agreement”, and;
12. **WHEREAS**, it is the anticipation and intention of the City of Naperville that this “IMUA Intergovernmental Emergency Aid Agreement” will be executed in counterparts as other public agencies choose to enter into the “IMUA Intergovernmental Emergency Aid Agreement” and strengthen the number of signatory public agencies and resources available from those public agencies, and;
13. **WHEREAS**, it is the anticipation and intent of the City of Naperville that the “IMUA Intergovernmental Emergency Aid Agreement” will continue to garner support and acceptance from other currently unidentified public agencies who will enter into the “IMUA Intergovernmental Emergency Aid Agreement” over time, and be considered as if all signatory public agencies to the “IMUA Intergovernmental Emergency Aid Agreement” had executed the “IMUA Intergovernmental Emergency Aid Agreement” at the same time.

NOW THEREFORE, 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 foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Resolution shall be deemed incorporated and made part hereof.

SECTION 2: This Resolution shall be known as, and may hereafter be referred to as, the Resolution Approving the Intergovernmental Emergency Aid Agreement Between the Illinois Municipal Utility Agency and the City of Naperville.

SECTION 3: The Resolution Approving the Intergovernmental Emergency Aid Agreement Between the Illinois Municipal Utility Agency and the City of Naperville shall be, and hereby is, enacted as follows:

- a. Authorization to enter into a Certain Agreement. The City Manager of the City of is hereby authorized to sign, execute, and deliver the agreement known as the “IMUA Intergovernmental Emergency Aid Agreement,” and thereby enter into an intergovernmental agreement with such other public agencies of the IMUA as are likewise willing to enter into said “IMUA Intergovernmental Emergency Aid Agreement.”
- b. The City of Naperville, hereby adopts the Emergency Aid Program established by the IMUA, as amended from time to time, a current copy of which is attached hereto and made a part hereof, and agrees to participate with the members of the IMUA that have adopted the Emergency Aid Program with respect to items of mutual aid, should any of the municipalities be faced with an emergency or disaster situation. This intergovernmental emergency aid agreement shall allow any municipality to borrow equipment or personnel, under such terms and conditions as may be mutually agreed upon, in order to reduce the effects of any such disaster or emergency, all in accordance with the provisions set forth in the Emergency Aid Program.

SECTION 4: Effective Date. This Resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico, Mayor

ATTEST:

Pam Gallahue, Ph. D., City Clerk