

**AN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE KANE COUNTY EMERGENCY TELEPHONE SYSTEM
BOARD, THE CITY OF NAPERVILLE ON BEHALF OF THE NAPERVILLE
EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF AURORA, AND
THE VILLAGE OF NORTH AURORA AUTHORIZING THE REMOVAL OF
THE CITY OF AURORA AND THE VILLAGE OF NORTH AURORA FROM
THE KANE COUNTY 9-1-1 SYSTEM AND THE TRANSFER OF 9-1-1 SERVICE
FOR THE CITY OF AURORA AND THE VILLAGE OF NORTH AURORA TO
THE NAPERVILLE EMERGENCY TELEPHONE SYSTEM BOARD**

WHEREAS, the Kane County Emergency Telephone System Board (hereinafter "Kane County ETSB") was created by Section 15.4 of the Illinois Emergency Telephone System Act, 50 ILCS 750/15.4 and ordinance of the Kane County Board for the purpose of planning and implementing a 9-1-1 emergency telephone system in Kane County; and

WHEREAS, Kane County ETSB was issued a Certificate of Authority to operate a 9-1-1 system by the Illinois Commerce Commission, Order #91-0213; and

WHEREAS, since 1991 the Kane County ETSB has operated a 9-1-1 system that serves the residents of Kane County; and

WHEREAS, the Naperville Emergency Telephone System Board (hereinafter "Naperville ETSB") was created by Section 15.4 of the Illinois Emergency Telephone System Act, 50 ILCS 750/15.4 and by ordinance of the City of Naperville City Council for the purpose of planning and implementing a 9-1-1 emergency telephone system in the City of Naperville; and

WHEREAS, Naperville ETSB was issued a Certificate of Authority to operate a 9-1-1 system by the Illinois Commerce Commission, Order #92-0158, Modification 10-0623; and

WHEREAS, since 1992, the Naperville ETSB has operated a 9-1-1 system that serves the residents of the City of Naperville; and

WHEREAS, the City of Aurora and the Village of North Aurora, Illinois municipal corporations, have been members of the Kane County ETSB 9-1-1 System since its inception; and

WHEREAS, the City of Aurora at all times has maintained under the authority of the Kane County ETSB a public safety answering point (hereinafter "PSAP") at the Aurora Police Department which is responsible for answering 9-1-1 calls directed to the City of Aurora and to the Village of North Aurora and dispatching those calls to the appropriate public safety agency; and

WHEREAS, the Village of North Aurora contracts with the City of Aurora for police dispatch services and receives those services from the City of Aurora; and

WHEREAS, during its existence, the Kane County ETSB has collected 9-1-1 surcharge fees from the users of wireline and wireless telephone service from the residents of Kane County, including residents of the City of Aurora and the Village of North Aurora, as well as from residents in the portions of DuPage, Kendall, and Will Counties that fall within the corporate limits of the City of Aurora; and

WHEREAS, Public Act 99-0006, effective January 1, 2016, requires the consolidation of PSAPs throughout Illinois, including those in Kane County under the authority of the Kane County ETSB; and

WHEREAS, in order to comply with the terms of Public Act 99-0006, the Kane County ETSB must reduce the number of PSAPs in Kane County to two (2); and

WHEREAS, the City of Aurora and the Village of North Aurora have determined that it is in the best interests and public safety of the residents of the City of Aurora and the Village of North Aurora to leave the Kane County ETSB and to come under the authority and jurisdiction of the Naperville ETSB; and

WHEREAS, the Kane County ETSB, Naperville ETSB, the City of Aurora, and the Village of North Aurora have the authority under the terms of Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220/1 to enter into agreements to further the purposes of their organization; and

WHEREAS, 83 Illinois Administrative Code Part 1325.205 permits 9-1-1 authorities to enter into an intergovernmental agreement to modify their respective 9-1-1 systems' service area for the purpose of including or excluding residents within a 9-1-1 service area; and

WHEREAS, it is the desire of the parties hereto to enter into this Intergovernmental Agreement, in accordance 83 Ill. Adm. Code 1325.205, Section 10 of Article VII of the Constitution of the State of Illinois of 1970, and the Illinois Intergovernmental Cooperation Act, to modify Kane County ETSB's 9-1-1 service area in order to opt-out the City of Aurora and Village of North Aurora from its 9-1-1 system and to modify Naperville ETSB's 9-1-1 service area in order to opt-in the City of Aurora and Village of North Aurora into its 9-1-1 system, thereby making the Naperville ETSB the 9-1-1 authority for the City of Aurora and Village of North Aurora.

NOW THEREFORE IT IS AGREED BY THE KANE COUNTY EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF NAPERVILLE ON BEHALF OF THE NAPERVILLE EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF AURORA, AND THE VILLAGE OF NORTH AURORA AS FOLLOWS:

1. The Kane County ETSB will authorize and allow the residents of the City of Aurora and the Village of North Aurora and those customers served by the City of Aurora PSAP to opt out of the Kane County 9-1-1 System. Kane County ETSB agrees to opt out and remove the residents of the City of Aurora and Village of North Aurora from the Kane County 9-1-1 System's jurisdictional boundaries.
2. The City of Aurora will continue to operate and maintain its PSAP and continue to provide service to the Village of North Aurora. The City of Aurora's PSAP will no longer provide service to the Kane County 9-1-1 System.
3. The City of Aurora and the Village of North Aurora will apply to the City of Naperville to become part of the Naperville ETSB.
4. The Naperville ETSB will accept and opt-in the residents of the City of Aurora and Village of North Aurora into the jurisdictional boundaries of the City of Naperville 9-1-1 System.
5. Both the Kane County ETSB and the Naperville ETSB will concurrently file with the Office of the Statewide 9-1-1 Administrator a Request to Modify Certification of 9-1-1 System in order to accomplish this modification of their respective 9-1-1 Systems within thirty (30) days of the effective date of this Agreement.
6. The Kane County ETSB and the City of Aurora shall be responsible for all modifications necessary to call-handling and service agreements.
7. All 9-1-1 surcharge monies currently paid to the Kane County ETSB and collected from the residents of the City of Aurora and the Village of North Aurora shall be paid directly to the Naperville ETSB upon and after the approval of the modification of the City of Naperville 9-1-1 Plan.
8. All 9-1-1 surcharge monies collected prior to the effective date of the transfer and earmarked as City of Aurora and Village of North Aurora allocated reserve funds shall be transferred and distributed to the Naperville ETSB.
9. Any and all 9-1-1 surcharge monies collected by the Illinois State Police from residents of the City of Aurora and the Village of North Aurora after the effective date of the transfer that are distributed to the Kane County ETSB shall be transferred and distributed by Kane County ETSB to the Naperville ETSB no later than thirty (30) days after Kane County ETSB receives the monies from the Illinois State Police. Kane County ETSB agrees to fully cooperate with the State Police, Naperville ETSB, City of Aurora and Village of North Aurora to ensure that all 9-1-1 surcharge moneys collected from residents of the City of Aurora and the Village of North Aurora are distributed and transferred to Naperville ETSB.

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EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF AURORA, AND
THE VILLAGE OF NORTH AURORA AUTHORIZING THE REMOVAL OF
THE CITY OF AURORA AND THE VILLAGE OF NORTH AURORA FROM
THE KANE COUNTY 9-1-1 SYSTEM AND THE TRANSFER OF 9-1-1 SERVICE
FOR THE CITY OF AURORA AND THE VILLAGE OF NORTH AURORA TO
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WHEREAS, the Kane County Emergency Telephone System Board (hereinafter "Kane County ETSB") was created by Section 15.4 of the Illinois Emergency Telephone System Act, 50 ILCS 750/15.4 and ordinance of the Kane County Board for the purpose of planning and implementing a 9-1-1 emergency telephone system in Kane County; and

WHEREAS, Kane County ETSB was issued a Certificate of Authority to operate a 9-1-1 system by the Illinois Commerce Commission, Order #91-0213; and

WHEREAS, since 1991 the Kane County ETSB has operated a 9-1-1 system that serves the residents of Kane County; and

WHEREAS, the Naperville Emergency Telephone System Board (hereinafter "Naperville ETSB") was created by Section 15.4 of the Illinois Emergency Telephone System Act, 50 ILCS 750/15.4 and by ordinance of the City of Naperville City Council for the purpose of planning and implementing a 9-1-1 emergency telephone system in the City of Naperville; and

WHEREAS, Naperville ETSB was issued a Certificate of Authority to operate a 9-1-1 system by the Illinois Commerce Commission, Order #92-0158, Modification 10-0623; and

WHEREAS, since 1992, the Naperville ETSB has operated a 9-1-1 system that serves the residents of the City of Naperville; and

WHEREAS, the City of Aurora and the Village of North Aurora, Illinois municipal corporations, have been members of the Kane County ETSB 9-1-1 System since its inception; and

WHEREAS, the City of Aurora at all times has maintained under the authority of the Kane County ETSB a public safety answering point (hereinafter "PSAP") at the Aurora Police Department which is responsible for answering 9-1-1 calls directed to the City of Aurora and to the Village of North Aurora and dispatching those calls to the appropriate public safety agency; and

WHEREAS, the Village of North Aurora contracts with the City of Aurora for police dispatch services and receives those services from the City of Aurora; and

WHEREAS, during its existence, the Kane County ETSB has collected 9-1-1 surcharge fees from the users of wireline and wireless telephone service from the residents of Kane County, including residents of the City of Aurora and the Village of North Aurora, as well as from residents in the portions of DuPage, Kendall, and Will Counties that fall within the corporate limits of the City of Aurora; and

WHEREAS, Public Act 99-0006, effective January 1, 2016, requires the consolidation of PSAPs throughout Illinois, including those in Kane County under the authority of the Kane County ETSB; and

WHEREAS, in order to comply with the terms of Public Act 99-0006, the Kane County ETSB must reduce the number of PSAPs in Kane County to two (2); and

WHEREAS, the City of Aurora and the Village of North Aurora have determined that it is in the best interests and public safety of the residents of the City of Aurora and the Village of North Aurora to leave the Kane County ETSB and to come under the authority and jurisdiction of the Naperville ETSB; and

WHEREAS, the Kane County ETSB, Naperville ETSB, the City of Aurora, and the Village of North Aurora have the authority under the terms of Article VII, Section 10 of the Illinois Constitution of 1970 and the Intergovernmental Cooperation Act, 5 ILCS 220/1 to enter into agreements to further the purposes of their organization; and

WHEREAS, 83 Illinois Administrative Code Part 1325.205 permits 9-1-1 authorities to enter into an intergovernmental agreement to modify their respective 9-1-1 systems' service area for the purpose of including or excluding residents within a 9-1-1 service area; and

WHEREAS, it is the desire of the parties hereto to enter into this Intergovernmental Agreement, in accordance 83 Ill. Adm. Code 1325.205, Section 10 of Article VII of the Constitution of the State of Illinois of 1970, and the Illinois Intergovernmental Cooperation Act, to modify Kane County ETSB's 9-1-1 service area in order to opt-out the City of Aurora and Village of North Aurora from its 9-1-1 system and to modify Naperville ETSB's 9-1-1 service area in order to opt-in the City of Aurora and Village of North Aurora into its 9-1-1 system, thereby making the Naperville ETSB the 9-1-1 authority for the City of Aurora and Village of North Aurora.

NOW THEREFORE IT IS AGREED BY THE KANE COUNTY EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF NAPERVILLE ON BEHALF OF THE NAPERVILLE EMERGENCY TELEPHONE SYSTEM BOARD, THE CITY OF AURORA, AND THE VILLAGE OF NORTH AURORA AS FOLLOWS:

1. The Kane County ETSB will authorize and allow the residents of the City of Aurora and the Village of North Aurora and those customers served by the City of Aurora PSAP to opt out of the Kane County 9-1-1 System. Kane County ETSB agrees to opt out and remove the residents of the City of Aurora and Village of North Aurora from the Kane County 9-1-1 System's jurisdictional boundaries.
2. The City of Aurora will continue to operate and maintain its PSAP and continue to provide service to the Village of North Aurora. The City of Aurora's PSAP will no longer provide service to the Kane County 9-1-1 System.
3. The City of Aurora and the Village of North Aurora will apply to the City of Naperville to become part of the Naperville ETSB.
4. The Naperville ETSB will accept and opt-in the residents of the City of Aurora and Village of North Aurora into the jurisdictional boundaries of the City of Naperville 9-1-1 System.
5. Both the Kane County ETSB and the Naperville ETSB will concurrently file with the Office of the Statewide 9-1-1 Administrator a Request to Modify Certification of 9-1-1 System in order to accomplish this modification of their respective 9-1-1 Systems within thirty (30) days of the effective date of this Agreement.
6. The Kane County ETSB and the City of Aurora shall be responsible for all modifications necessary to call-handling and service agreements.
7. All 9-1-1 surcharge monies currently paid to the Kane County ETSB and collected from the residents of the City of Aurora and the Village of North Aurora shall be paid directly to the Naperville ETSB upon and after the approval of the modification of the City of Naperville 9-1-1 Plan.
8. All 9-1-1 surcharge monies collected prior to the effective date of the transfer and earmarked as City of Aurora and Village of North Aurora allocated reserve funds shall be transferred and distributed to the Naperville ETSB.
9. Any and all 9-1-1 surcharge monies collected by the Illinois State Police from residents of the City of Aurora and the Village of North Aurora after the effective date of the transfer that are distributed to the Kane County ETSB shall be transferred and distributed by Kane County ETSB to the Naperville ETSB no later than thirty (30) days after Kane County ETSB receives the monies from the Illinois State Police. Kane County ETSB agrees to fully cooperate with the State Police, Naperville ETSB, City of Aurora and Village of North Aurora to ensure that all 9-1-1 surcharge moneys collected from residents of the City of Aurora and the Village of North Aurora are distributed and transferred to Naperville ETSB.

10. Failure of Kane County ETSB to distribute any 9-1-1 surcharge funds it receives that were collected from the residents of the City of Aurora and Village of North Aurora shall be a breach of this Agreement and Naperville ETSB, the City of Aurora, and Village of North Aurora shall have a cause of action against Kane County ETSB.
11. Neither the City of Aurora, the Village of North Aurora, nor the Naperville ETSB shall have any claim to any other monies of the Kane County ETSB outside of those monies identified in Paragraphs 10 & 11 above.
12. The City of Aurora and the Naperville ETSB shall be fully responsible for all costs associated with the operation of the City of Aurora PSAP after the approval of the modified plans. The Kane County ETSB shall have no financial responsibility to the City of Aurora, the Village of North Aurora, or the Naperville ETSB for any costs associated with the operation of the City of Aurora PSAP or the Naperville ETSB.
13. This transfer shall be contingent upon approval by the Illinois State Police and the Office of the Statewide 9-1-1 Administrator.
14. This transfer will be effective upon final approval and execution of this Intergovernmental Agreement and the approval of the Illinois State Police and the Office of the Statewide 9-1-1 Administrator.
15. The foregoing recitals to this Agreement are a material part of this Agreement and incorporated herein as if they were fully set forth in this section.

DATED this 17th day of November, 2016.

Roger Falcinipoli
Chairman, Kane County Emergency
Telephone System Board

Steve Citaristi
Mayor, City of Naperville

Bryon Torres
Mayor, City of Aurora

Wale Berna
President, Village of North Aurora

ATTEST: [Signature]
Secretary, Kane County Emergency
Telephone System Board

ATTEST: [Signature]
City Clerk, City of Naperville

ATTEST: [Signature]
City Clerk, City of Aurora

ATTEST: [Signature]
Village Clerk, Village of North Aurora

By: [Signature]
Deputy Clerk





CITY OF AURORA, ILLINOIS

RESOLUTION NO. R17-036
DATE OF PASSAGE February 14, 2017

A Resolution Approving an Intergovernmental Agreement between the Kane County Emergency Telephone System Board, the City of Aurora, the City of Naperville, and the Village of North Aurora Authorizing the Removal of Aurora and North Aurora from the Kane County 9-1-1 System and the Transfer of 9-1-1 service for Aurora and North Aurora to the Naperville Emergency Telephone System Board.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Aurora has been a member of the Kane County ETSB 9-1-1 System since its inception; and

WHEREAS, the City of Aurora at all times has maintained under the authority of the Kane County ETSB a public safety answering point (hereinafter "PSAP") at the Aurora Police Department which is responsible for answering 9-1-1 calls directed to the City of Aurora and to the Village of North Aurora and dispatching those calls to the appropriate public safety agency; and

WHEREAS, the City of Aurora and the Village of North Aurora recently came under the authority and jurisdiction of the Naperville ETSB; and

WHEREAS, the City of Aurora, Village of North Aurora and the City of Naperville are Illinois Municipal Corporations with the statutory power to enter into intergovernmental agreements between them, with the City of Aurora having an existing PSAP, and Naperville having an ETSB and an existing PSAP; and

WHEREAS, the City of Aurora and the City of Naperville have a history of collaboration to save taxpayers' dollars by participating in joint purchasing agreements of police

RESOLUTION NO. R17-036
DATE OF PASSAGE February 14, 2017

communications technology including a shared Harris Radio System and a joint video conference system; and

WHEREAS, the City of Naperville, the City of Aurora and the Village of North Aurora desire to set forth the operational and functional aspects of the Naperville ETSB in an Intergovernmental Agreement.

WHEREAS, the Corporate Authorities of the City of Aurora, Kane, Kendall, Will and DuPage Counties, Illinois have considered an intergovernmental agreement (the "Intergovernmental Agreement"), a true and accurate copy of which is attached hereto and made a part hereof as Exhibit 1, between the City of Aurora, Village of North Aurora, and City of Naperville which establishes the operational and functional aspects of the Naperville ETSB, and

WHEREAS, the Corporate Authorities of the City of Aurora Kane, Kendall, Will and DuPage Counties, Illinois has determined that it is in the best interests and public safety of the residents of the City of Aurora to enter into this Intergovernmental Agreement; and)

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Resolution as fully as if completely repeated at length herein.

Section 2: The Mayor and City Council of the City of Aurora hereby find that it is in the best interests of the City of Aurora and its residents that the aforesaid Intergovernmental Agreement between the City of Aurora, Village of North Aurora, and City of Naperville be entered into by the City of Aurora, with said Intergovernmental Agreement to be substantially in the form attached hereto and made a part hereof as EXHIBIT 1. Any additional edits, revisions or amendments to the Intergovernmental Agreement subsequent to this approval are subject to the approval of the City Attorney and the Mayor.

Section 3: This Resolution shall take effect from and after its adoption and approval as required by law.

RESOLUTION NO. R17-036
DATE OF PASSAGE February 14, 2017

PASSED AND APPROVED ON February 14, 2017

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

Kristina Bohman
Alderman Bohman, Ward 1

[Signature]
Alderman Mesiacos, Ward 3

[Signature]
Alderman Franco, Ward 5

[Signature]
Alderman Hart-Burns, Ward 7

[Signature]
Alderman Bugg, Ward 9

[Signature]
Alderman Irvin, At Large

[Signature]
Alderman Garza, Ward 2

[Signature]
Alderman Donnell, Ward 4

[Signature]
Alderman Saville, Ward 6

[Signature]
Alderman Mervine, Ward 8

[Signature]
Alderman Johnson, Ward 10

[Signature]
Alderman O'Connor, At Large

ATTEST:

[Signature]
City Clerk

[Signature]
Mayor