

## RESOLUTION NO 18-58

### **A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MORTON GROVE-NILES WATER COMMISSION AND THE VILLAGE OF NILES FOR OPERATION OF THE WATER TRANSMISSION, PUMPING AND STORAGE FACILITIES FOR THE PERIOD FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2020**

**WHEREAS**, in 2017, the Morton Grove-Niles Water Commission (“MGNWC” or “Commission”) was established by the Village of Morton Grove, a home rule Illinois municipal corporation (“Morton Grove”), and the Village of Niles, a home rule Illinois municipal corporation (“Niles”), by the adoption of ordinances pursuant to Division 135 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-135-1, *et seq.*) (“Division 135”). The establishing ordinances are Morton Grove Ordinance 17-5, which was adopted on March 13, 2017, and Niles Ordinance No. 2017-19, which was adopted on March 14, 2017; and

**WHEREAS**, the MGNWC was established for purposes of constructing and operating a public water supply system consisting of water transmission mains, pumping, storage, and other related water delivery and receiving infrastructure between a connection point on the Evanston water system and existing water receiving points of Niles and Morton Grove and

**WHEREAS**, on or about October 31, 2018, the Morton Grove-Niles Water Commission (MGNWC), issued a Request for Proposals, entitled “Request for Proposals Two Year Operating Contract for Morton Grove-Niles Water Commission *Water Transmission, Pumping And Storage Facilities January 2019-December 31, 2020*”, to operate and maintain the MGNWC wholesale water delivery system to its two customers, the Village of Morton Grove and the Village of Niles (the “Services”); and

**WHEREAS**, Niles submitted a response to the MGNWC RFP dated November 16, 2018, to perform the Services, and MGNWC and Niles further negotiated an Agreement for Niles to perform the Services on behalf of the MGNWC as set forth in Exhibit A; and

**WHEREAS**, the MGNWC Board has the authority to enter into the Agreement pursuant to Article VII, Section 10 of the 1970 Constitution of the State of Illinois, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*) and the Illinois Municipal Code (65 ILCS 5/1, *et seq.*, including 65 ILCS 5/11-135-1, *et seq.*).

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE MORTON GROVE-NILES WATER COMMISSION, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

**SECTION 2:** The Board of Commissioners of the Morton Grove-Niles Water Commission (“MGNWC Board”) authorizes the approval of the economic terms and the attached form of the Agreement entitled “Professional Services Agreement Between the Village of Niles and the Morton Grove-Niles Water Commission for Operation of the Water Transmission, Pumping and Storage

Facilities for the Period from January 1, 2019 through December 31, 2020” for the purposes set forth in the Agreement, attached hereto as **Exhibit A**. The MGNWC Board authorize and direct the Chair, or his/her designee, and the Clerk to execute the final version of the Agreement, which may contain certain modifications that are approved by the Superintendent, the Village Manager of Niles and the Village Administrator of Morton Grove, and to execute and deliver all other instruments and documents and pay all costs that are necessary to fulfill MGNWC’S obligations under the Agreement.

**SECTION 3:** This Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

**ADOPTED** this 10th day of December 2018, pursuant to a roll call vote as follows:

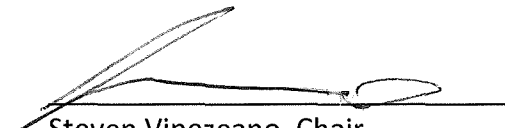
**AYES:** John Pietron and Mark Fowler

**NAYS:** None

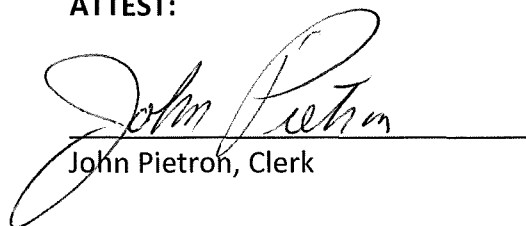
**ABSENT:** None

**ABSTAIN:** Steven Vinezeano

**PASSED** by the Board of Commissioners of the Morton Grove-Niles Water Commission, Cook County, Illinois on a roll call vote at a Regular Meeting thereof held on the 10th day of December 2018, and approved by the Chair, and attested by the Clerk on the same day.

  
Steven Vinezeano, Chair

**ATTEST:**

  
John Pietron, Clerk

**Exhibit A**

**PROFESSIONAL SERVICES AGREEMENT BETWEEN THE VILLAGE OF NILES AND THE  
MORTON GROVE-NILES WATER COMMISSION FOR OPERATION OF THE WATER TRANSMISSION,  
PUMPING AND STORAGE FACILITIES FOR THE PERIOD FROM JANUARY 1, 2019 THROUGH  
DECEMBER 31, 2020**

(attached)

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF COOK    )

**CLERK'S CERTIFICATE**

I, John Pietron, Clerk of the Morton Grove-Niles Water Commission, Cook County, State of Illinois, certify that the attached and foregoing is a true and correct copy of that certain Resolution now on file in my office, entitled:

**RESOLUTION NO 18-58**

**A RESOLUTION AUTHORIZING THE APPROVAL AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENT BETWEEN THE MORTON GROVE-NILES WATER COMMISSION AND THE VILLAGE OF NILES FOR OPERATION OF THE WATER TRANSMISSION, PUMPING AND STORAGE FACILITIES FOR THE PERIOD FROM JANUARY 1, 2019 THROUGH DECEMBER 31, 2020**

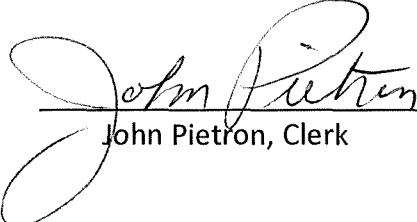
which Resolution was passed by the Board of Commissioners of the Morton Grove-Niles Water Commission at a Regular Meeting held on the 10th day of December 2018, at which meeting a quorum was present.

I further certify that the vote on the question of the passage of said Resolution by the Board of Commissioners of the Morton Grove-Niles Water Commission was taken by Ayes and Nays and recorded in the minutes of the Board of Commissioners of the Morton Grove-Niles Water Commission, and that the result of said vote was as follows, to-wit:

**AYES:**           John Pietron and Mark Fowler  
**NAYS:**           None  
**ABSENT:**       None  
**ABSTAIN:**      Steven Vinezeano

I do further certify that the original Resolution, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 10th day of December 2018.

  
\_\_\_\_\_  
John Pietron, Clerk