

ORDINANCE NO. 186

An Ordinance Authorizing Execution of the 2013 Northern Illinois Governmental Energy Cooperative Intergovernmental Agreement for the Purchase of Electrical Power and Other Goods and Services; Waiving Local Bidding Requirements for the Purchase of Electrical Power and Other Goods and Services; and Authorizing Purchase Agreements for the Purchase of Electrical Power and Other Goods and Services

WHEREAS, in the fall of 2006 several local governmental entities entered into an intergovernmental agreement for the purchase of electrical power creating the Northern Illinois Governmental Energy Cooperative (“NIGEC”) and that agreement was renewed in 2008 and expired in January of 2013; and

WHEREAS, by working through NIGEC, the participants have been able to secure competitively priced electrical power at a rate dramatically lower than the rate that was to be provided by Commonwealth Edison; and

WHEREAS, by acting cooperatively through NIGEC, each member has been able to reduce the total transaction costs of identifying and negotiating power purchase arrangements with third party suppliers; and

WHEREAS, the NIGEC members wish to continue their cooperative association and to expand their purchasing authority to the purchase of other goods and services in instances where group purchasing will result in lower rates to the members; and

WHEREAS, the NIGEC members have negotiated an Intergovernmental Agreement to govern their relationship which is attached as Exhibit A, and also have agreed to allow new members to join under those terms and conditions; and

WHEREAS, units of local government may contract and associate among themselves pursuant to Article VII, Section 10, of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, some of the NIGEC members and proposed members have local codes or rules that require that certain purchases must be solicited for bids pursuant to their local rules, but under the proposed NIGEC intergovernmental agreement the Illinois Governmental Joint Purchasing Act provisions shall apply.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Woodstock Fire/Rescue District, McHenry County, Illinois, as follows:

SECTION 1: The President be, and is hereby authorized and directed to execute, and the Secretary is authorized and directed to attest, duplicate original copies of the NIGEC Intergovernmental Agreement (“Agreement”), a copy of which is attached hereto and made a part hereof as Exhibit A. This approval includes explicit waiver of any conflict of interest, if any, for the law firm of Zukowski, Rogers, Flood and McArdle to represent NIGEC in this matter.

SECTION 2: The administration is directed to take all actions necessary to implement the terms of the Agreement and any local ordinances or rules governing purchases that will instead be made through NIGEC are hereby waived and those purchases will instead be subject to NIGEC’s procedures.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: 4
Voting Nay: 0
Absent: 1
Abstain: 0

APPROVED:

Robert A. Kristensen
President Robert A. Kristensen

(SEAL)

ATTEST:


Secretary Kenneth Marunde

Passed: 2-28-13
Approved: 2-28-13
Published: _____

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