

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LETTER OF  
INTENT AND UNDERSTANDING BETWEEN THE VILLAGE OF  
BOLINGBROOK, THE VILLAGE OF PLAINFIELD AND THE VILLAGE OF  
HOMER GLEN WITH RESPECT TO THE SHARING OF COSTS TO RETAIN  
A CONSULTANT TO INVESTIGATE ISSUES CONCERNING  
WATERSYSTEM ACQUISITION

WHEREAS, the residents of the Village of Homer Glen have experienced a number of operational, service and billing issues with the water service provider in the Village;

WHEREAS, the Village of Homer Glen has determined that it is in the best interests of the residents investigate and develop information which would be necessary to consider issues relating to the possibility of pursuing the acquisition of the water system serving the Village;

WHEREAS, the Villages of Bolingbrook and Plainfield have experienced issues with the water service provider in their respective Villages; and

WHEREAS, it would be in the best interest of the Village to enter into an agreement with the Villages of Bolingbrook and Plainfield to jointly select and retain a consultant to investigate issues concerning the possibility of acquiring the water system which services the respective Villages.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF HOMER GLEN, WILL COUNTY, ILLINOIS, THAT:

Section 1: Recitals – The foregoing recitals are hereby incorporated into this Ordinance No. 06-004 as if fully set forth herein.

Section 2: Authorization -- The Village President is hereby authorized to execute the Letter of Intent and Understanding with the Villages of Bolingbrook and Plainfield, which Letter of Intent and Understanding shall be substantially the same form as the Letter of Intent and Understanding attached hereto as “Exhibit A”.

Section 3: Severability - The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 5: Repealer - All ordinances or portions of ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6: Effective Date - This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 24<sup>th</sup> day of January, 2006 with 6 members voting aye, 0 members voting nay, the President not voting, with 0 members abstaining or passing, and said vote being:

Mary Niemiec     Aye    

Dale Vogelsanger     Aye    

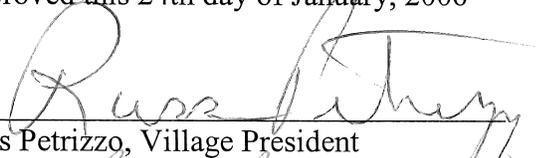
Margaret Sabo     Aye    

Brian Andrews     Aye    

Marcia DeVivo     Aye    

Christopher Locacius     Aye    

Approved this 24th day of January, 2006

  
\_\_\_\_\_  
Russ Petrizzo, Village President

Attest:   
\_\_\_\_\_  
Gale Skroboton, Village Clerk

Exhibit A

**LETTER OF INTENT AND UNDERSTANDING**

**WHEREAS**, each of the Villages' are provided Lake Michigan water by Illinois American Water; and

**WHEREAS**, each Village has an interest in receiving water at the most economical rate available; and

**WHEREAS**, each Village has had operational services and billing issues with Illinois American Water; and

**WHEREAS**, the Villages are desirous of exploring the possibility of acquiring portions or all of Illinois American assets which provide water to the Villages; and

**WHEREAS**, the Villages believe it is in their best interest to unify to pursue and investigate any possible acquisition; and

**WHEREAS**, the Villages anticipate that the initial step in exploring the possibility of acquisition is to establish a market value for Illinois Americans' assets; and

**WHEREAS**, the Villages agree that an engineering consultant will need to be retained to assist in establishing a value.

**NOW, THEREFORE, THE VILLAGES AGREE:**

1. To work cooperatively together in selecting an engineering consultant; and
2. Upon selection of a mutually agreed upon engineer consultant, to pay a proportionate share of the consultant's fee based on tap-on connections as follows:

$$\frac{\text{Villages' total tap-on connections}}{\text{Divided by } (\div) \text{ Total tap-on connections of all three (3) Villages}}$$

DATED \_\_\_\_\_

\_\_\_\_\_  
MAYOR ROGER C. CLAR  
Village of Bolingbrook

\_\_\_\_\_  
MAYOR RUSS PETRIZZO  
Village of Homer Glen

\_\_\_\_\_  
MAYOR JIM WALDORF  
Village of Plainfield