

ORDINANCE NO. 06-66

AN ORDINANCE OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS TO APPROVE THE WITHDRAWAL OF CERTAIN MUNICIPALITIES FROM MEMBERSHIP IN THE ILLINOIS MUNICIPAL ELECTRIC AGENCY AND AUTHORIZING THE EXECUTION OF A SUPPLEMENT TO THE AGENCY AGREEMENT ESTABLISHING THE ILLINOIS MUNICIPAL ELECTRIC AGENCY

WHEREAS, the Village of Chatham, Sangamon County, Illinois is a municipality owning and operating an electric utility system, which furnishes retail electric service to the public; and

WHEREAS, the Illinois Municipal Electric Agency is a body politic and corporate, municipal corporation and unit of local government of the State of Illinois created and existing by virtue of the Illinois Joint Municipal Electric Power Act, contained at Division 119.1 of Article 11 of the Illinois Municipal Code, as amended (the "Act"), and the Agency Agreement Forming the Illinois Municipal Electric Agency, dated May 16, 1984, as amended ("Agency Agreement"); and

WHEREAS, the Village of Albany, Whiteside County, Illinois ("Albany"), the Village of Allendale, Wabash County, Illinois ("Allendale"), the City of Batavia, Kane County, Illinois ("Batavia"), the City of Geneseo, Henry County, Illinois ("Geneseo"), the City of Geneva, Kane County, Illinois ("Geneva"), the City of McLeansboro, Hamilton County, Illinois ("McLeansboro"), the City of Rochelle, Ogle County, Illinois ("Rochelle"), the Village of Riverton, Sangamon County, Illinois ("Riverton"), and the City of Springfield, Sangamon County, Illinois ("Springfield"), are signatories to said Agency Agreement and are Members of the Illinois Municipal Electric Agency; and

WHEREAS, the primary purpose of the Illinois Municipal Electric Agency is to plan for and provide wholesale electric power and energy to member municipalities in the State of Illinois, however Albany, Allendale, Batavia, Geneseo, Geneva, McLeansboro, Rochelle, Riverton and Springfield do not purchase electric power and energy from the Agency; and

WHEREAS, the Act, the Agency Agreement and the Bylaws of the Illinois Municipal Electric Agency provide that any Member of the Agency may withdraw from membership in the Agency upon the approval by ordinance adopted by the governing body of the majority of the municipalities which are then members of the Agency, provided that any member permitted to withdraw shall remain obligated to make payments under any outstanding contract or agreement with the Agency or any assessment budget of the Agency; and

WHEREAS, Albany, Allendale, Batavia, Geneseo, Geneva, McLeansboro, Rochelle, Riverton and Springfield have enacted Ordinances to withdraw from membership in the Illinois Municipal Electric Agency and have executed Supplements to the Agency Agreement to accomplish said withdrawal effective December 31, 2006; and

WHEREAS, the Illinois Municipal Electric Agency has confirmed that each of these withdrawing municipalities has complied with all conditions for withdrawal from membership in the Agency and that none of them have any outstanding obligations under any contract or agreement with the Agency or any assessment budget of the Agency; and

WHEREAS, the Village of Chatham, Sangamon County, Illinois, hereby finds and determines that it is reasonable and appropriate to approve the withdrawal of Albany, Allendale, Batavia, Geneseo, Geneva, McLeansboro, Rochelle, Riverton and Springfield from membership in the Illinois Municipal Electric Agency.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, as follows:

Section 1: The findings and determinations set forth in the preambles to this Ordinance are hereby made findings and determinations of the Village of Chatham, Sangamon County, Illinois, and are incorporated into the text of this Ordinance by this reference.

Section 2: The Board of Trustees of the Village of Chatham, Sangamon County, Illinois, hereby approves the withdrawal of the Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield from membership in the Illinois Municipal Electric Agency effective December 31, 2006, pursuant to the Act, the Agency Agreement and the Agency's Bylaws.

Section 3: The President is hereby authorized and directed to execute and the Village Clerk shall attest, pursuant to this Ordinance, Supplement Number 14 to the Agency Agreement, substantially in the form attached hereto, to cause and effect the removal of Albany, Allendale, Batavia, Geneseo, Geneva, McLeansboro, Rochelle, Riverton and Springfield from the list of Members of the Illinois Municipal Electric Agency. The execution of Supplement Number 14 shall serve as a republication and readoption of all of the terms and conditions of the Agency Agreement as they relate to the Village of Chatham and the remaining Members of the Agency.

Section 4: This Ordinance shall be in full force and effect from and after its passage and approval. This Ordinance shall be published in pamphlet form and deposited with the Village Clerk of the Village of Chatham, Sangamon County, Illinois.

PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Village of Chatham, Sangamon County, Illinois, as required by law and approved by the President this 14 day of NOVEMBER, 2006.

ATTEST:


VILLAGE CLERK


PRESIDENT

(MUNICIPAL SEAL)



**SUPPLEMENT NUMBER 14
TO THE AGENCY AGREEMENT FORMING
THE ILLINOIS MUNICIPAL ELECTRIC AGENCY**

This document is a Supplement to the Agency Agreement, dated as of May 16, 1984, as amended, between and among the municipalities of the State of Illinois listed therein and as Supplemented thereafter from time to time ("Agency Agreement"), which established the Illinois Municipal Electric Agency.

This Supplement shall serve as a republication and readoption of all of the terms and conditions of the Agency Agreement as it applies to Members of the Agency on the date that the Village of Chatham, Sangamon County, Illinois executes this Supplement.

This Supplement is the Agreement between and among the member municipalities of the Illinois Municipal Electric Agency and the Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield which approves the withdrawal of Albany, Allendale, Batavia, Geneseo, Geneva, McLeansboro, Rochelle, Riverton and Springfield from membership in the Illinois Municipal Electric Agency.

The Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield are hereby removed as Members of the Illinois Municipal Electric Agency. This Supplement reflects that each such municipality has met all conditions necessary for approval of their withdrawal as Members of the Illinois Municipal Electric Agency as follows:

1. The Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield have agreed to withdraw as Members of the Illinois Municipal Electric Agency effective December 31, 2006; and
2. The Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield have each adopted this Supplement to the Agency Agreement or a Supplement to the Agency Agreement substantially similar to this Supplement by Ordinance and each such municipality has executed said Supplement; and
3. The Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield have each complied with the conditions for withdrawal from membership in the Illinois Municipal Electric Agency as established by the Act and the Bylaws of the Agency.

This Supplement amends the Agency Agreement in the following manner:

On the face page of the Agency Agreement: delete the following municipalities from the list of member municipalities contained thereon:

City of Batavia, Kane County
City of Geneseo, Henry County
City of Geneva, Kane County
City of McLeansboro, Hamilton County
City of Rochelle, Ogle County
City of Springfield, Sangamon County
Village of Albany, Whiteside County
Village of Allendale, Wabash County
Village of Riverton, Sangamon County

On the first page of the Agency Agreement following the face page: delete the same municipalities from the list of member municipalities contained thereon.

On the third page of the Agency Agreement following the face page: delete the reference to each such municipality and the name, business address and home address of their initial director on the Board of Directors of the Illinois Municipal Electric Agency from Section 2.1.

This Supplement becomes effective as to the Illinois Municipal Electric Agency, all member municipalities of the Agency and the Village of Albany, the Village of Allendale, the City of Batavia, the City of Geneseo, the City of Geneva, the City of McLeansboro, the City of Rochelle, the Village of Riverton and the City of Springfield upon the latter of December 31, 2006 or the approval by the Corporate Authorities of a majority of the member municipalities of the Agency.

IN WITNESS WHEREOF, the undersigned, as the authorized representatives of the municipality named below, have executed this Supplement to the Agency Agreement as of the 14 day of NOVEMBER, 2006, in counterpart copies, each of which shall constitute an original copy but all of which together shall constitute one and the same instrument.

VILLAGE OF CHATHAM,
SANGAMON COUNTY, ILLINOIS

By: Thomas D Gray
President

ATTEST:

Pat Schul
Village Clerk



(MUNICIPAL SEAL)