



ADDENDUM SPECIAL VILLAGE BOARD MEETING

June 30, 2021
10:00 AM

6. CONSENT AGENDA

- c. Consideration to adopt Resolution 35-21 authorizing the Mayor and Village Clerk to execute a First Amendment of the Municipal Gas Tax Collection Agreement between the Village of Elk Grove Village and Northern Illinois Gas Company (Nicor).

(This resolution authorizes the execution of a first amendment to the Municipal Gas Tax Collection Agreement between the Village of Elk Grove Village and Northern Illinois Gas Company, Nicor.)

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE A FIRST AMENDMENT OF THE MUNICIPAL GAS TAX USE COLLECTION AGREEMENT BETWEEN THE VILLAGE OF ELK GROVE VILLAGE AND NORTHERN ILLINOIS GAS COMPANY (NICOR)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows;

Section 1: That the Mayor be and is hereby authorized to sign the attached document marked:

**FIRST AMENDMENT TO THE MUNICIPAL GAS USE TAX COLLECTION AGREEMENT
BETWEEN
THE VILLAGE OF ELK GROVE VILLAGE, IL
AND
NORTHERN ILLINOIS GAS COMPANY,
D/B/A NICOR GAS COMPANY**

a copy of which is attached hereto and made a part hereof as if fully set forth and the Village Clerk is authorized to attest said document upon the signature of the Mayor.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval according to law.

VOTE: AYES: _____ NAYS: _____ ABSENT: _____

PASSED this ____ day of _____ 2021.

APPROVED this ____ day of _____ 2021.

APPROVED:

**Mayor Craig B. Johnson
Village of Elk Grove Village**

ATTEST:

Loretta M. Murphy, Village Clerk

FIRST AMENDMENT

MUNICIPAL GAS USE TAX COLLECTION AGREEMENT

This First Amendment (this “Amendment”), amending the Municipal Gas Use Tax Collection Agreement entered into to be effective as of June 1, 2017 by and between the Village of Elk Grove Village, Illinois (the “Municipality”), a municipal corporation and home rule unit of local government existing under the Illinois Constitution, and Northern Illinois Gas Company, d/b/a Nicor Gas Company (the “Contractor”), an Illinois corporation (the “Agreement”), is entered into to be effective as of July 1, 2021, by and between the Municipality and the Contractor.

RECITALS

WHEREAS, on December 16, 2003, the Municipality adopted Ordinance No. 2965, which was subsequently amended by Ordinance No. 3493, adopted by the Municipality on April 25, 2017 (together, the “Initial Tax Ordinance”), which set forth an initial rate of two cents (\$0.02) per therm with respect to all bills issued on or after June 1, 2017;

WHEREAS, on June 15, 2021, the Municipality adopted Ordinance 3710 (the “Amended Tax Ordinance”), which increased the rate to five cents (\$0.050) per therm with respect to all bills issued on or after July 1, 2021; and

WHEREAS, the Municipality and the Contractor now wish to amend the Agreement to reflect the amendments made under the Amended Tax Ordinance.

NOW, THEREFORE:

1. Section 3.2(A) is revised to read in its entirety as follows:

The Contractor will bill the Tax to each Customer on the Customer Account List by including the Tax on the bills issued to the Customer for the Customer Account. The Tax will be billed at the following rates per therm of gas delivered and billed by the Contractor to such Customer Account: (1) two cents (\$0.02) per therm with respect to all bills issued on or after June 1, 2017 through and including June 30, 2021, and (2) five cents (\$0.05) per therm with respect to all bills issued on or after July 1, 2021; provided, however, that any amounts due or payable for any tax periods ending prior to July 1, 2021 are nevertheless to remain payable as if this increased rate had not been imposed. The Contractor will collect the Tax remitted along with any other amounts owed to the Contractor, including any gas and service charges, and any charges pursuant to Sections 9-221 and 9-222 of the Public Utilities Act.

The Contractor will include the Tax on any bill issued to a Customer on the Customer Account List on or after June 1, 2017.

2. That any Resolution or Ordinance in conflict with the provisions of this Agreement are hereby repealed.

IN WITNESS WHEREOF, the Municipality and the Contractor have executed this Amendment to be effective as of the date first set forth above.

VILLAGE OF ELK GROVE VILLAGE

By: _____

Its: _____

Date: _____

NORTHERN ILLINOIS GAS COMPANY, d/b/a/
NICOR GAS COMPANY

By: _____

Its: _____

Date: _____