

5-R-02

A RESOLUTION

**Authorizing the City Manager to Execute
An Intergovernmental Grant Agreement
Between the City of Chicago By and Through Its
Department of Environment and the City of Evanston**

WHEREAS, the City of Chicago has been awarded up to \$2,000,000 of Congestion Mitigation and Air Quality Federal funds (the "CMAQ Funds") by the Illinois Department of Transportation to coordinate a Regional Alternative Fuel Infrastructure Grant Program ("the Grant Program") in an effort to install ten compressed natural gas ("CNG") alternative fueling stations within the Chicago metropolitan area; and

WHEREAS, the City of Evanston is a municipality located within the metropolitan area and has made an application to the City of Chicago for a grant under the Program; and

WHEREAS, the City of Evanston has received and reviewed information concerning the CMAQ Funds, the Clean Fuel Fleet Program, the Clean Air Act, and the Energy Policy Act and the City of Evanston is willing and able to comply with all the requirements of the Federal and state governments in connection with the CMAQ Funds; and

WHEREAS, the City of Evanston and the City of Chicago have initiated a joint effort to have a CNG fueling station installed on land owned by the City of Evanston (the "Work") and located at 2020 Asbury Avenue, Evanston, Illinois 60201; and

WHEREAS, the City of Chicago and the Gas Technology Institute ("GTI") have entered into an agreement effective as of March 1, 2000 (the "GTI Agreement") in connection with the Work; and

WHEREAS, GTI will design and administer installation of the Work; and

WHEREAS, the City of Chicago and the City of Evanston are separate and independent municipal corporations authorized to enter into this Agreement under the Constitution and the laws of the State of Illinois; and

WHEREAS, Resolution 3-R-02 authorized the City of Evanston, as subgrantee and one of several third-party beneficiaries and signatories, to enter into the aforescribed March 1, 2000 Agreement for design and installation of the Work; and

WHEREAS, execution of an Intergovernmental Agreement with the City of Chicago is necessary for the City to obtain grant monies for the Work and is in the best interests of the citizens of Evanston; and

WHEREAS, Resolution 4-R-02 provides for the Joint and Cooperative Establishment with Northwestern University and the Village of Skokie of a Regional Alternative Fuel Authority (EVNORSKO) to operate the CNG facility in the City of Evanston; and

WHEREAS, assignment of the City's rights and obligations under the Intergovernmental Agreement authorized hereby to EVNORSKO, the entity created by Resolution 4-R-02, to operate the CNG facility, is appropriate; and

WHEREAS, the City of Evanston and the City of Chicago are home rule units of local government under Article VII of the Constitution of the State of Illinois; and

WHEREAS, among the powers granted to a home rule unit of government by Article VII, Section VI of the Illinois Constitution is that to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/3, permits local units of government to enter into agreements pertaining to their government and affairs; and

WHEREAS, a cooperative effort to fuel their fleets with clean-burning compressed natural gas ("CNG") pertains to the government and affairs of the City of Evanston and the City of Chicago, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: That the foregoing recitals are found as fact and made a part hereof.

SECTION 2: That the City Manager and the City Clerk, respectively, are hereby authorized and directed to execute, attest, and deliver all documents as may be necessary to the herein-authorized participation in the aforescribed Intergovernmental Grant Agreement.

SECTION 3: The City Manager is hereby authorized and directed to execute and the City Clerk directed to attest and deliver, the assignment of the City's rights and obligations under the aforescribed Intergovernmental Grant Agreement to EVNORSKO,

conditioned upon the City Council's prior approval of Resolution 4-R-02 establishing EVNORSKO and conditioned further upon the City of Evanston, Northwestern University, and Village of Skokie first having fully executed the EVNORSKO Agreement.

SECTION 4: That the City Manager is hereby authorized and directed to negotiate any additional terms and conditions of the said Intergovernmental Grant Agreement and the assignment as are necessary, appropriate, and in the best interests of the City.

SECTION 5: That this Resolution shall be in full force and effect from and after the date of its passage and approval in the manner required by law.

Adopted: February 25, 2002

Lorraine H. Morton
Lorraine H. Morton, Mayor

ATTEST:

Mary J. Morris
City Clerk