

**RESOLUTION NO. 2015-12-071R**

**A RESOLUTION TO AUTHORIZE THE ENTRY INTO AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF CHAMPAIGN AS LEAD AGENCY FOR METCAD AND THE CITY OF URBANA REGARDING PAYMENT OF METCAD FEES**

(Agreement Concerning the City of Urbana's Financing of the Payment of Certain METCAD Fees)

WHEREAS, the City of Urbana, Illinois is a home-rule unit of local government pursuant to the Illinois Constitution of 1970, Article VII, Section 6; and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq. enable units of local governments to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, at the April 21, 2014 meeting of the Urbana City Council, the City Council authorized the Mayor, on behalf of the City of Urbana, to enter into and execute an Amended Agreement Concerning the Provision and Administration of Metropolitan Computer-Aided Dispatch ("METCAD") By and Between the City of Champaign, the City of Urbana, Champaign County, Champaign County Sheriff, the Board Of Trustees of the University Of Illinois and the Village Of Rantoul ("Amended METCAD Agreement") and the Mayor did execute the Amended METCAD Agreement on behalf of the City of Urbana; and

WHEREAS, the METCAD Policy Board has approved a budget for METCAD for the fiscal year commencing on July 1, 2015 (FY 2015-16), and said budget provides that each of the METCAD parties, including the City of Urbana, is to pay an average increase of 16% ("Fee Increase") for operating expenses for FY 2015-16 above the fees for the prior fiscal year; and

WHEREAS, the significant fee increase required for FY 2015-16 is in part due to declining 9-1-1 dispatch service surcharges resulting from the declining use of telephone land lines by the general public, and the Illinois General Assemblies failure, to date, to recognize the shift by the public from telephone land lines to cell phone usage by authorizing reasonable surcharges on cell phone usage for these 9-1-1 dispatch services; and

WHEREAS, pursuant to the Amended METCAD Agreement, the City of Urbana's allocated share of the Fee Increase is the sum of \$103,623 but that the approved City of Urbana budget reflects a shortage of \$94,185 to pay METCAD User Fees; and

WHEREAS, the City of Urbana, because of an anticipated significant shortfall in tax revenues for FY 2015-16, is seeking to finance payment of its share of the Fee Increase over a period of years; and

WHEREAS, the METCAD Policy Board has directed the Lead Agency (the City of Champaign) to enter into an agreement with

the City of Urbana to allow the City of Urbana to finance the payment of the aforesaid fee increase over a period of years and that the same is in the best interests of METCAD members and the general public served by METCAD's services.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF AND FOR THE CITY OF URBANA, CHAMPAIGN COUNTY, ILLINOIS, follows:

Section 1. The Agreement Between City of Champaign as Lead Agency For METCAD And The City Of Urbana, in substantially the form appended hereto and made a part hereof, be and hereby is approved.

Section 2. The Mayor shall be and hereby is authorized to execute the Agreement Between City of Champaign as Lead Agency For METCAD on behalf of the City of Urbana in substantially the form appended hereto and made a part hereof.

Section 4. Except as provided in the Agreement Between City of Champaign as Lead Agency For METCAD And The City Of Urbana, nothing in this Resolution shall be deemed, interpreted or construed as altering, modifying, changing, or amending any provision, term or condition of the Amended METCAD Agreement.

PASSED by the City Council of and for the City of Urbana, Illinois this \_\_\_\_ Day of \_\_\_\_\_, 2015 with the "ayes" and "nays" being recorded as follows:

AYES: \_\_\_\_\_.

NAYS: \_\_\_\_\_.

ABSTENTIONS: \_\_\_\_\_.

\_\_\_\_\_  
Phyllis D. Clark, City Clerk.

APPROVED by the Mayor this \_\_\_\_\_ Day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor.

**AGREEMENT BETWEEN CITY OF CHAMPAIGN AS LEAD AGENCY FOR  
METCAD AND THE CITY OF URBANA**

Deferred FY 2015-16 Fee Increase Repayment to METCAD Capital Fund

This is an agreement (“Agreement”) between the City of Champaign, Illinois, (“City of Champaign” or “Lead Agency”) acting in its capacity as Lead Agency for the Metropolitan Computer-Aided Dispatch agency (“METCAD”), and the City of Urbana, Illinois (“City of Urbana” or “Urbana”), entered into on the first date it is fully executed by the parties hereto. The Agreement sets forth the terms and conditions of repayment by Urbana of a loan of funds to Urbana from METCAD to pay Urbana’s share of its fee increase as set forth in the approved METCAD budget for fiscal year 2015-16.

RECITALS

Whereas, METCAD operates as a department of the City of Champaign, the Lead Agency for METCAD, in accordance with the terms and conditions of an intergovernmental agreement by and between the Cities of Champaign and Urbana in Illinois, Champaign County, Illinois, the University of Illinois at Champaign/Urbana, and the Village of Rantoul (“METCAD Parties”); and

Whereas, the METCAD Policy Board has approved the budget for METCAD for the fiscal year commencing on July 1, 2015 (FY 2015-16), and said budget provides that each of the METCAD Parties is to pay an increase of 16% (“Fee Increase”) for operating expenses for FY 2015-16 above the fees for the prior fiscal year; and

Whereas, Urbana’s share of the Fee Increase is the sum of \$103,623 and the approved City of Urbana budget reflects a shortage of \$94,185 to pay METCAD User Fees;

Whereas, the significant fee increase required for FY 2015-16 is in part due to declining 9-1-1 dispatch service surcharges resulting from the declining use of telephone land lines by the general public, and the Illinois General Assemblies failure, to date, to recognize the shift by the public from telephone land lines to cell phone usage by authorizing reasonable surcharges on cell phone usage for these 9-1-1 dispatch services; and

Whereas, Urbana, because of an anticipated significant shortfall in tax revenues for FY 2015-16, is seeking to defer payment of its share of the Fee Increase to future years; and

Whereas, the METCAD Policy Board has directed the Lead Agency to enter into this agreement based on a determination that it is in the best interest of the members of METCAD and the members of the general public served by the emergency 9-1-1 dispatch services provided by METCAD to agree to the deferred payment plan set forth herein to facilitate Urbana’s continuing participation in METCAD and the continuing viability of METCAD in its current configuration.

Now, therefore, it is agreed by and between the City of Champaign as the Lead Agency for METCAD, and Urbana, as follows:

1. The Recitals set forth above are hereby incorporated into this Agreement by reference herein.

2. The Lead Agency agrees to pay the City of Urbana's share of the Fee Increase that they are unable to pay in the sum of \$94,185, out of the METCAD Capital Fund.

3. The City of Urbana agrees to repay the sum of \$94,185 to the METCAD Capital Fund in five annual installments, with an interest rate of 1% accruing annually on unpaid amounts, in accordance with the following schedule.

|                            |           |
|----------------------------|-----------|
| On or before June 30, 2016 | 19,405.86 |
| On or before July 30, 2016 | 19,405.86 |
| On or before July 30, 2017 | 19,405.86 |
| On or before July 30, 2018 | 19,405.86 |
| On or before July 30, 2019 | 19,405.86 |

4. The Lead Agency and Urbana agree and understand that the aforesaid annual installments shall be payments due to the Lead Agency in addition to Urbana's share of operating fees established in the METCAD budget as approved for the fiscal year in question and that Urbana's failure to pay any annual installment in accordance with the schedule set forth above shall be construed to be a default by Urbana on its obligations and responsibilities as a member of METCAD as set forth in the Intergovernmental Agreement authorizing the operation of METCAD.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates appearing below.

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| <p>CITY OF CHAMPAIGN, ILLINOIS</p><br><p>BY: _____<br/>City Manager</p><br><p>DATE: _____</p><br><p>ATTEST: _____<br/>City Clerk</p><br><p>APPROVED AS TO FORM:<br/>_____<br/>Assistant City Attorney</p> | <p>CITY OF URBANA, ILLINOIS</p><br><p>BY: _____<br/>Mayor</p><br><p>DATE: _____</p><br><p>ATTEST: _____<br/>City Clerk</p><br><p>APPROVED AS TO FORM:<br/>_____<br/>City Attorney</p> |
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