

RESOLUTION NO. 19-06

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF DUPO, ILLINOIS TO ADOPT A POLICY FOR BILLING SUGARLOAF TOWNSHIP DURING FLOOD EVENTS

WHEREAS, the Village of Dupo, St. Clair County, Illinois, is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, a duly noticed public meeting was held in the Village of Dupo, Illinois at the Dupo Village Hall, 107 N. Second Street, on August 19, 2019, at 7:00 p.m., before the Village Board of Dupo; and

WHEREAS, the Village of Dupo, Illinois ("Village") provides Sugarloaf Township and its residents with sewer services; and

WHEREAS, recent flooding of the Mississippi River, and during certain flood events of the Mississippi River, excess amounts of water not attributable to the use of sewers in Sugarloaf Township infiltrate the Sugarloaf Township's sewer system resulting in the excess water being processed by the Village of Dupo Sewage Treatment facility; and

WHEREAS, this excess amount of water has caused, and in the future may cause, a substantial increase in Sugarloaf Township's sewage bill to be paid to the Village; and

WHEREAS, the Village officials believe that it is necessary that a policy be established regarding the billing of Sugarloaf Township when certain flood events of the Mississippi River occur; and

WHEREAS, pursuant to Village's Revised Code of Ordinances, specifically Chapter 32, Article II, Section 5 (§32-2-5), the Mayor and Village Board observe their right to impose special rates and charges in cases where particular circumstances render the regular rates inadequate or unjust; and

WHEREAS, the Corporate Authorities of the Village of Dupo, Illinois hereby find that it is necessary, advisable and equitable to adopt a policy regarding sewer services provided to Sugarloaf Township by the Village, specifically collecting reasonable compensation for said services rendered in times of certain flood events, and providing a reasonable and certain billing process in the event of flood events; and

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the recitals set forth above in the preamble of this Resolution are hereby incorporated into this Resolution as recommendations of the Village Board of Trustees of the Village of Dupo, Illinois.
2. Sugarloaf Township shall engage in good faith efforts to obtain additional funding to pay for any excess amounts owe and due to the Village, which shall include, at a minimum, an application for relief from FEMA.
3. Regarding future flooding that occurs affecting Sugarloaf Township after the adoption of this resolution, the following policy may govern: After a published determination by the U.S. Army Corp of Engineers that the Mississippi River has reached a height of thirty (30) feet or higher at the St. Louis gage station for at least Sixteen (16) days during a month ("Flood Event") the sewage services performed for Sugarloaf Township by the Village may enter into "Flood Billing," which shall be calculated as follows:
 - a. The Village of Dupo will note the actual amount of water processed and the amount due on Sugarloaf Township's bill for that month or months of the Flood Event.
 - b. The Village of Dupo will then calculate Sugarloaf Township's sewage bill for that month or months as follows: The Village of Dupo will calculate the average for a three (3) year period based upon the three years preceding the Flood Event by looking at the corresponding month of the Flood Event for each of the preceding years, the two (2) months prior to the Flood Event, and the two (2) months subsequent to the Flood Event. The Village will then take the average for those three, three-year periods and average those to yield the amount due by Sugarloaf Township. (For example: If flooding occurs in the month of May, 2019, the Village may bill Sugarloaf Township the average of the totals of the average for the months of March, April, May, June, and July of 2018, the average of March, April, May, June, and July of 2017, and the average of March, April, May, June, and July of 2016.)
 - c. Sugarloaf Township shall be responsible for the amount calculated pursuant to section 3b of this resolution. In the event that Sugarloaf Township receives any additional funding as described in Section 2, Sugarloaf Township shall pay the difference between the amount noted in Section 3a

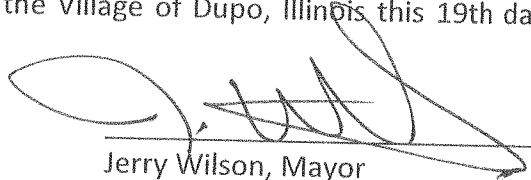
and the calculated average outlined in section 3b of this resolution.

5. The Village of Dupo may forego any late fees for bills issued to Sugarloaf Township during the time "Flood Billing" is in effect.
6. To the extent Sugarloaf Township is unable, after good faith efforts described in Section 2 above, to obtain additional funding to compensate the Village of Dupo for the amount stated in section 3c above, such excess may be forgiven by the Village.
7. That the Mayor and Village Clerk of the Village of Dupo, Illinois are authorized to provide any such additional information and take such additional action as may be required to accomplish this arrangement.

PASSED this 19th day of August, 2019 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Chris Ragsdale	X	---	---	---
Ben Kenner	X	---	---	---
James Smith	X	---	---	---
Joe Basinski	X	---	---	---
Ken Phillips	X	---	---	---
Kerry Foster	X	---	---	---

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 19th day of August, 2019.



 Jerry Wilson, Mayor
 Village of Dupo, Illinois

ATTEST:


 MARK NADLER, VILLAGE CLERK

(SEAL)

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