

RESOLUTION NO. 21-2022

A RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT WITH COMMONWEALTH EDISON COMPANY AND AZAVAR AUDIT SOLUTIONS, INC. FOR THE VILLAGE OF STICKNEY

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, as a home rule unit of local government the Village may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Commonwealth Edison Company (“ComEd”) is an Illinois corporation engaged in the transmission, sale, and distribution of electricity to the public in Illinois, and is a public utility as defined in Section 3-105 of the Public Utilities Act (220 ILCS 5/3-105, *et seq.*); and

WHEREAS, the Village entered into an agreement with Azavar Audit Solution (“Azavar”) to audit ComEd’s collection and remittance of municipal utility taxes for electric service (the “Audit”); and

WHEREAS, as a result of the Audit, Azavar issued a Notice of Tax Liability (“NTL”) to Com Ed; and

WHEREAS, after the NTL was issued to ComEd, Azavar negotiated a settlement where Com Ed will agree to pay to the Village the total amount of \$28,605.00 (twenty-eight thousand six hundred five dollars and zero cents) (the “Settlement Amount”) for full payment and satisfaction of the NTL; and

WHEREAS, in an effort to avoid further controversy, costs, legal fees, inconvenience and any future litigation regarding any issue contained in or arising from the NTL, the Village, Com Ed, and Azavar, as the Village’s agent, have agreed to resolve the NLT as to all Parties in accordance with the terms set forth in the Settlement Agreement (the “Settlement Agreement”), a copy of which is attached hereto and incorporated herein as Exhibit A; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) have determined that it is necessary, advisable and in the best interests of the Village and its residents to agree to the Settlement Agreement; and

WHEREAS, the President is authorized to enter into and the Village Attorney (the “Attorney”) is authorized to revise agreements for the Village making such insertions, omissions and changes as shall be approved by the President and the Attorney;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: PURPOSE. The purpose of this Resolution is to authorize the President or his designee to approve the Settlement Agreement so as to settle the NLT to avoid further controversy, costs, legal fees, inconvenience and any future litigation regarding any issue contained in or arising from the NTL, to further authorize the President to take all steps necessary to carry out the terms of the Settlement Agreement and to ratify any steps taken to effectuate that goal.

SECTION 3: AUTHORIZATION. The Board hereby authorizes and directs the President or his designee to authorize, enter into and approve the Settlement Agreement in accordance with its terms, or any modifications thereof, and to ratify any and all previous action taken to effectuate the intent of this Resolution. The Board further authorizes and directs the President or his designee to execute the Settlement Agreement with such insertions, omissions and changes as shall be approved by the President and the Attorney. The Village Clerk is hereby authorized and directed to attest to and countersign the Settlement Agreement and any other documentation as may be necessary to carry out and effectuate the purpose of this Resolution. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. The Village is hereby authorized and directed to accept payment in accordance with the terms of the Settlement Agreement and to take all action necessary or appropriate to effectuate the terms of the Settlement Agreement.

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

SECTION 5. SEVERABILITY. The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Resolution shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE. This Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

PASSED this 15th day of November, 2022.

AYES: Trustees Savopoulos, Milenkovic, Torres, Kapolnek & Hrejsa

NAYS: None

ABSENT: Trustee White

ABSTENTION: None

APPROVED by me this 15th day of November, 2022.

Jeff Walik, President

ATTESTED AND FILED in my
office this 15th day of
November, 2022.

Audrey McAdams, Village Clerk

EXHIBIT A