

ORIGINAL



CITY OF AURORA, ILLINOIS

RESOLUTION NO. R14-232
DATE OF PASSAGE September 9, 2014

A Resolution Authorizing Execution of the Third Amendment to the Intergovernmental Agreement between the City of Aurora and the Aurora Civic Center Authority Regarding the Management of RiverEdge Park and John C. Dunham Pavilion

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, on August 28, 2012 by Resolution R12-222, the Aurora Civic Center Authority and the City of Aurora entered into an Intergovernmental Agreement Regarding the Management of RiverEdge Park and the John C. Dunham Pavilion; and

WHEREAS, on March 12, 2013 by Resolution R13-069, the Aurora Civic Center Authority and the City of Aurora approved the first amendment to said Intergovernmental Agreement for RiverEdge Park; and

WHEREAS, on August 13, 2013 by Resolution R13-234, the Aurora Civic Center Authority and the City of Aurora approved the second amendment to said Intergovernmental Agreement for RiverEdge Park; and

WHEREAS, the parties are in agreement that said Intergovernmental Agreement be amended for a third time as set forth in Exhibit "A", to provide that the Aurora Civic Center Authority may request reimbursement for certain expenditures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aurora, Illinois, as follows: the City Council of the City of Aurora, Illinois, does hereby find as fact all of the preamble recitals of this Resolution, and do hereby authorize the execution of the Third Amendment to the Intergovernmental Agreement, attached hereto and incorporated herein as Exhibit "A".

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PASSED AND APPROVED on September 9, 2014.

AYES 10 NAYS 0 NOT VOTING 0 ABSENT 2

Kristina Bohman
Alderman Bohman, Ward 1

[Signature]
Alderman Mesiacos, Ward 3

[Signature]
Alderman Peters, Ward 5

[Signature]
Alderman Hart-Burns, Ward 7

[Signature]
Alderman Bugg, Ward 9

Alderman Irvin, At Large

ATTEST: [Signature]
City Clerk

[Signature]
Alderman Garza, Ward 2

[Signature]
Alderman Donnell, Ward 4

[Signature]
Alderman Saville, Ward 6

[Signature]
Alderman Mervine, Ward 8

[Signature]
Alderman Johnson, Ward 10

Alderman O'Connor, At Large

[Signature]
Mayor

Legistar Number: 14-00296

ATTACHMENTS:
Exhibit "A" Third Amendment

EXHIBIT "A"

THIRD AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
THE CITY OF AURORA AND THE AURORA CIVIC CENTER AUTHORITY
REGARDING THE MANAGEMENT OF RIVEREDGE PARK AND JOHN C. DUNHAM
PAVILION

The parties hereto have previously entered into the above referenced Intergovernmental Agreement ("Agreement"), which was approved by the City of Aurora by R12-222 on August 28, 2012 and which was first amended by R13-069 on March 12, 2013, and which was amended a second time by R13-234 on August 13, 2013

WHEREAS, the parties hereto wish to amend said Agreement as hereinafter set forth;
and

NOW THEREFORE, for good, valuable and legal consideration the receipt and sufficiency of which is hereby acknowledged the parties hereto agree to amend the Parties' Agreement dated August 28, 2012 and adopted by City of Aurora Resolution Number R12-222; and first amended and adopted on March 12, 2013 by Resolution Number R13-069; and amended a second time and adopted on August 13, 2013 by Resolution Number R12-234 is hereby amended the agreement as follows:

Section 4a:

The City shall provide or pay for only those items or services specifically indicated in this Agreement. No additional costs for items or services will be borne by the City without its prior consent, specifically written herein or attached hereto as an Exhibit. The City hereby agrees to make payment on an annual basis during the term of this agreement to ACCA to cover the cost of SERVICES as set forth on Exhibit B ("CITY FINANCIAL CONTRIBUTION"). Said payment shall be due and payable to ACCA on January 31st of each year. Said payment shall not exceed an amount of two hundred and fifty thousand dollars (\$250,000) with payments being adjusted annually as follows:

Said not to exceed value shall be adjusted thereafter annually by the Consumer Price Index (CPI) or three percent (3%), whichever is lower, for the term of this agreement. Said payment may be reduced by an amount equal to the prior years' PROCEEDS as defined below; or the CITY may request that said PROCEEDS be made payable to the CITY at the end of each calendar year.

In event the actual annual expenditures exceeds the actual annual revenue, as reported pursuant to Section 6.c. herein, ACCA may invoice the CITY for up to an additional two hundred and fifty thousand dollars (\$250,000) for the reimbursement of all or a portion of said amount.

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Section 28:

28. CITY CONTRIBUTION FOR FACILITY ENHANCEMENTS. The City agrees to reimburse ACCA for the facility enhancements to the MUSIC GARDEN referenced in Section 27 herein in an amount up to fifty thousand dollars (\$50,000) annually.

With the exception of the addition to Section 4 and Section 28, as noted above, the remaining provisions of the Intergovernmental Agreement previously approved and adopted by City of Aurora shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have set their hands and seals the day and year written below and the signatories hereto represent that they are duly authorized to execute the Agreement Amendment on behalf of their respective bodies.

(SIGNATURE PAGES TO FOLLOW)

14.00296

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE FINANCE COMMITTEE

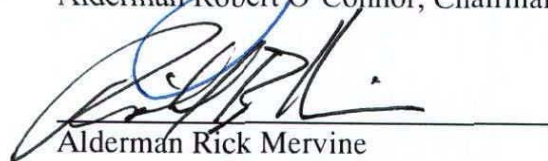
The Finance Committee at the regular scheduled Finance Meeting on Tuesday, August 26, 2014 Recommended **APPROVAL** of A Resolution Authorizing Execution of the Third Amendment to the Intergovernmental Agreement between the City of Aurora and the Aurora Civic Center Authority Regarding the Management of RiverEdge Park and John C. Dunham Pavilion

The Vote 3-0

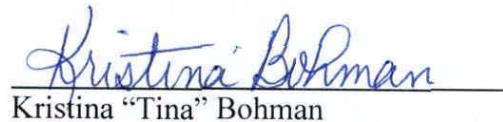
Submitted By



Alderman Robert O'Connor, Chairman



Alderman Rick Mervine



Kristina "Tina" Bohman

John "Whitey" Peters, alternate

Dated this 26th day of August, 2014