

**THE CITY OF PLANO**  
KENDALL COUNTY, ILLINOIS

**RESOLUTION**  
NUMBER R2021-\_\_

**A RESOLUTION  
APPROVING AND AUTHORIZING  
THE EXECUTION OF AN AGREEMENT  
BY AND BETWEEN  
THE CITY OF PLANO AND  
XYLEM WATER SOLUTIONS  
USA, INC.**

MICHAEL RENNELS, Mayor  
KATHLEEN MILLER, City Clerk

BARBARA NADEAU  
MARK SWOBODA  
JAMAL WILLIAMS  
JOHN FAWVER  
STEPHEN DEBOLT  
BEN EATON  
THOMAS JOHNS  
SCOTT MULLINER

City Council

Published in pamphlet form by authority of the  
Mayor and city Council of the City of Plano  
on this the 26th day of July, 2021

**RESOLUTION NO. R2021-\_\_**

**A RESOLUTION  
APPROVING AND AUTHORIZING  
THE EXECUTION OF AN AGREEMENT  
BY AND BETWEEN  
THE CITY OF PLANO AND  
XYLEM WATER SOLUTIONS USA,  
INC.**

**WHEREAS**, the City of Plano (hereinafter referred to as the “City”) is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

**WHEREAS**, the City of Plano upon approval of the corporate authorities may enter into an Agreement with another party pursuant to Illinois Statute;

**WHEREAS**, Xylem Water Solutions USA, Inc. (hereinafter referred to as “Company”) is a company that provides pumps and related services.

**WHEREAS**, the City is interested in contracting with Company to provide a Flygt Submersible Pump and services for an amount not to exceed \$50,107.22; and

**WHEREAS**, the City of Plano Corporate Authorities are of the opinion that it is in the best interests of the health, welfare and safety of the residents of the City of Plano to enter into the attached agreement with the Xylem Water Solutions USA, Inc. for the purposes referenced herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Plano, Kendall, Illinois in open meeting assembled as follows:

**Section One – Recitals**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this resolution are full, true and correct and do hereby, by reference, incorporate and make them part of this resolution as legislative findings.

**Section Two – Approval of Agreements**

The City hereby approves the Agreement substantially in the form attached hereto and made a part hereof collectively as Exhibit A.

**Section Three – Authorization and Direction**

The Mayor is hereby authorized to execute, and the City Clerk is hereby authorized to attest the Agreement, substantially in the form of such agreement attached hereto as Exhibit A, with such changes therein as shall be approved by the City Attorney and the officials of the City executing the same, their execution thereof to constitute exclusive evidence of their approval to any and all changes or revisions therein from and after the execution and delivery of such Agreement.

#### **Section Four - Other Actions Authorized**

The officers, employees and/or agents of the City shall take all actions necessary or reasonably required to carry out and give effect to the intent of this resolution and otherwise to consummate the transactions contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein.

#### **Section Five - Authorization of Expenditures**

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the execution of the agreement, additionally, the City is authorized and directed to allocate and spend all necessary funds to fulfill the requirements of the agreement and of this resolution.

#### **Section Six – Waiver of Bidding Process**

To the extent that any requirement of bidding would be applicable to the transactions contemplated hereunder, the same is hereby waived.

#### **Section Seven - Acts of City Officials**

That all past, present and future acts and doings of the officials of the City that are in conformity with the purpose and intent of this resolution are hereby, in all respects, ratified, approved, authorized and confirmed.

#### **Section Eight - Conflict Clause**

That all resolutions, parts of resolutions or board actions in conflict with the terms of this resolution shall be repealed to the extent of said conflict.

#### **Section Nine - Passage Clause**

That this resolution shall take full force and effect from and after its passage, approval and publication as provided by law.

#### **Section Ten – Saving Clause**

If any section, paragraph, clause or provision of this resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this resolution, which are hereby declared to be separable.

#### **Section Eleven – Effective Date**

This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

#### **Section Twelve - Publication**

This resolution shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Thirteen - Recording**

This resolution shall be entered into the minutes and upon the journals of the City Council of the City of Plano.

**DECIDED** pursuant to a Roll Call Vote as follows:

	YES	NO	ABSENT	PRESENT
Barbara Nadeau, Ward 1				
Mark Swoboda, Ward 1				
Jamal Williams, Ward 2				
John Fawver, Ward 2				
Stephen DeBolt, Ward 3				
Ben Eaton, Ward 3				
Thomas Johns, Ward 4				
Scott Mulliner, Ward 4				
Michael Rennels, Mayor				
<b>TOTAL</b>				

**PASSED AND APPROVED** by the City of Plano City Council on the 26th day of July, 2021:

Michael Rennels  
Mayor

ATTEST:

Kathleen Miller  
City Clerk

STATE OF ILLINOIS        )  
   )  
 COUNTY OF KENDALL        )        SS

**CLERK’S CERTIFICATION**

I, Kathleen Miller, do hereby certify that I am the duly elected, and qualified City Clerk in and for the City of Plano, Kendall County, Illinois; that I am the keeper of the files, records, and seal of said City, and that the following is a true and correct copy of Resolution No. R2021-\_\_

**A RESOLUTION  
 APPROVING AND AUTHORIZING  
 THE EXECUTION OF AN AGREEMENT BY AND BETWEEN  
 THE CITY OF PLANO AND XYLEM WATER SOLUTIONS USA,  
 INC.**

adopted and approved by the Mayor and City Council at an official meeting held on July 26, 2021 and that the vote on the motion for adoption was as follows:

	YES	NO	ABSENT	PRESENT
Barbara Nadeau, Ward 1				
Mark Swoboda, Ward 1				
Jamal Williams, Ward 2				
John Fawver, Ward 2				
Stephen DeBolt, Ward 3				
Ben Eaton, Ward 3				
Thomas Johns, Ward 4				
Scott Mulliner, Ward 4				
Michael Rennels (if necessary)				
<b>TOTAL</b>				

I do further certify that the deliberations of the Council on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the City Code of the City of Plano, as amended, and that the Council has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Council.

I further state that this Certification is issued under my hand and the seal of the City of Plano as required in the Illinois Compiled Statues 65 ILCS 5/1-2-4.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Corporate Seal of said City of Plano, Kendall County, Illinois on the date set forth herein.

Kathleen Miller, City Clerk

(SEAL)

Exhibit A  
Agreement