

RESOLUTION No. 44-06

A resolution authorizing application for a grant under the Infrastructure Maintenance Fee Litigation Cy Pres Committee's general authority to make such Grants.

Whereas, in 1997, the State of Illinois enacted the Telecommunications Infrastructure Maintenance Fee (IMF) Act, which authorized the imposition of a fee of 1% of the gross charged on wireless retailers. Municipalities throughout the state imposed the IMF on telecommunications bills from January 1, 1998 through February 7, 2002, and

Whereas, in 1998, a lawsuit was filed challenging the fee, which the court ruled unconstitutional and, upon appeal, the Illinois Supreme Court affirmed the unconstitutionality of the Municipal IMF only as it applied to wireless retailers; and

Whereas, in 2000, municipalities that imposed the IMF were joined as defendants in a class action lawsuit that asserted the unconstitutionality of the Infrastructure Maintenance Fee and sought refunds of the IMF; and

Whereas, as of October 18, 2005, a settlement was approved that required defendant class members to pay into the settlement fund 70% of the amounts collected through the Municipal IMF for wireless telecommunications services; and

Whereas, the court will distribute the settlement fund in accordance with Cy Pres principles, or for its next best use. The settlement fund will be distributed as follows:

60% for municipal emergency 911 telecommunications programs located anywhere within the State of Illinois; and

40% for medical facilities providing emergency care to indigent patients located in areas outside the six-county northeastern Illinois region; and

Whereas, the court has established a three person committee (Cy Pres Committee) to make recommendations as to how the cy pres grants will be distributed.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE VILLAGE OF EAST DUNDEE:

Section 1. That the Village of East Dundee hereby requests use of the telecommunications infrastructure maintenance fee cy pres funds as part of a group grant application tendered by QuadCom, a consolidated 9-1-1 emergency dispatch center. QuadCom provides 9-1-1 call answering and emergency dispatch services for five police and four fire agencies, including the Village of East Dundee.

Section 2. That the Director of Quad Com is authorized to file an application on behalf of the Village of East Dundee with the Cy Pres Committee for a grant.

Section 3. That the funds applied for will be expended consistent with submitted application.

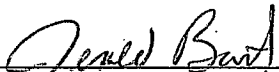
Section 4. That the Director of Quad Com is authorized to furnish such additional information, assurances, certifications, and amendments as the Cy Pres Committee may require in connection with this grant application.

Section 5. That the Director of Quad Com is authorized and directed on behalf of the Village of East Dundee to execute and deliver a grant application and all subsequent amendments thereto between Quad Com and the Cy Pres Committee and the Secretary/Clerk of Quad Com is authorized and directed on behalf of the Village of East Dundee to attest said applications and all subsequent amendments thereto.

Section 6. That the Director of Quad Com is authorized and directed to take such action as is necessary or appropriate to implement, administer and enforce said applications and all subsequent amendments thereto on behalf of the Village of East Dundee.

Section 7. That Quad Com will provide the Cy Pres Committee with a certification of a certified public accountant certifying that the grant funds were expended in conformity with the formal application of the use of funds to ensure compliance with the grant program. Certification will be provided with 90 days of a request by the Cy Pres Committee.

PRESENTED and ADOPTED THIS 7TH day of November, 2006.


Village President

ATTEST: 