

ORDINANCE NO. 2003-09-106

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATING TO THE OPERATION OF THE LANDSCAPE RECYCLING CENTER

(phasing out Champaign County)

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1. That an Agreement Between the City of Urbana and Champaign County and the City of Champaign Relating to the Operation of the Landscape Recycling Center, in substantially the form of the copy of said Agreement attached hereto and hereby incorporated by reference, be and the same is hereby authorized and approved.

Section 2. That the Mayor of the City of Urbana, Illinois, be and the same is hereby authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is authorized to attest to said execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

PASSED by the City Council this _____ day of _____, _____.

AYES:

NAYS:

ABSTAINS:

Phyllis D. Clark, City Clerk

APPROVED by the Mayor this _____ day of _____, _____.

Tod Satterthwaite, Mayor

**AN AGREEMENT BETWEEN CITY OF URBANA
AND CHAMPAIGN COUNTY AND THE CITY OF CHAMPAIGN
RELATING TO THE OPERATION OF
THE LANDSCAPE RECYCLING CENTER**

THIS INTERGOVERNMENTAL AGREEMENT is made as of the date below the signature of the last entity to sign it (“effective date”), by and between the City of Urbana, Illinois, a municipal corporation (“Urbana”); and the County of Champaign, Illinois (“County”); and the City of Champaign (“Champaign”).

WITNESSETH:

WHEREAS, pursuant to Article VII, Section 10 of the Illinois Constitution of 1970, and 5 ILCS 220/1, et seq. the parties to this contract are authorized to enter into an intergovernmental agreement;

WHEREAS, the County (pursuant to 55 ILCS 5/5-1048) and Champaign and Urbana (pursuant to 65 ILCS 5/11-19-1, and their home rule authority) have the power to enter into intergovernmental agreements for the disposal of waste, including yard waste;

WHEREAS, the Illinois Solid Waste Planning and Recycling Act (415 ILCS 15/1, et. seq.) requires that the County periodically update the Champaign County Solid Waste Plan;

WHEREAS, the County and Urbana and Champaign have under a prior intergovernmental agreement (“1997 Agreement”) provided for the operation of a local composting facility for such purpose, commonly known as the Landscape Recycling Center (“LRC”) and

WHEREAS, the parties desire to enter this Agreement for the benefit of the parties hereto and the benefit of their citizens.

NOW, THEREFORE, on this _____ day of _____, 2003, it is agreed as follows:

1. For consideration as set forth in Paragraph 2, below, County shall:
 - a. Relinquish all right to participate in the operation and control of the LRC arising under the 1997 Agreement.
 - b. Forfeit and convey to the remaining members of the LRC operating group, Champaign and Urbana, all of the right, title and interest that the County has or may have in the equipment listed on the attached Appendix;
 - c. Relinquish any interest County may have in funds held by or on behalf of the LRC for its operation or reserves for purchasing new equipment or reserves for depreciation, and any interest in any accounts payable to the LRC.
2. For consideration as set forth in Paragraph 1, above, Champaign and Urbana agree as follows:
 - a. The County is hereby relieved of any and all obligation to share in the cost of operation of the LRC, and any obligation to cover any annual operating deficit.
 - b. Pursuant to 745 ILCS 10/7-101 and 745 ILCS 10/7-102, Champaign and Urbana shall be obligated, jointly and severally, to indemnify the County for any and all liability incurred by the county, if and to the extent it arises from the operation of the LRC after the execution of this Agreement.
 - c. Pursuant to 55 ILCS 5/5-1048, 65 ILCS 5/11-19-1, and the home rule powers of Champaign and Urbana, the LRC shall be open to the residents of the County on the same terms as it is open to the residents of the cities of Champaign and Urbana. The cities' obligation under this paragraph shall terminate on January 1, 2008, or whenever Champaign or Urbana permanently ceases participation in the LRC, whichever is earlier.
 - d. Champaign and Urbana shall continue to provide any information in their control relating to the LRC necessary for the County to: (i) update the Waste Management Plan required by the Solid Waste Planning and Recycling Act (415 ILCS 15/5(e)); and (ii) monitor the County's compliance with the Waste Management Plan, provided that release of such information to the County is allowed by law and does not compromise any claim of privilege
3. As required by 55 ILCS 5/5-1048, County shall establish a three-person committee to oversee this agreement, and to sit on any joint committees which may be established with the County by Champaign and Urbana in relation to the LRC. Consistent with Paragraph 1

of this Agreement, this committee shall not have any power over the operations of the LRC in compliance with this Agreement, except by future agreement of Champaign and Urbana.

4. This Agreement may be executed in subparts and is effective as of the date the last signatory signs it.
5. The writing constitutes the entire Agreement between the parties and supercedes all other representations, written or oral. Any and all amendments to this Agreement must be in writing and passed by the governing boards of each of the parties.

CITY OF URBANA ILLINOIS

By: _____
Mayor

Attest: _____
City Clerk

Date: _____

CHAMPAIGN COUNTY BOARD

By: _____
Board Chair

Attest: _____
County Clerk

Date: _____

CITY OF CHAMPAIGN, ILLINOIS

BY: _____
Mayor

Attest: _____

APPENDIX A
LANDSCAPE RECYCLING EQUIPMENT INVENTORY
FEBRUARY 2003

1. 1998 – Vermeer Tub Grinder -
model TG 400 A
2. 1993 – Caterpillar Track Type (Crawler) loader
model 953
3. 2001 – Caterpillar End Loader with 2 yard bucket and 3 yard grapple bucket
model 924 GZ
4. End Loader Attachments – loader rake, Sweepster rotary broom
model LR 924 GZ – Rockland Loader Rake
model LA – 10 ft. Sweepster Hydraulic Windrow Broom
5. 2001 Timberwolf Log Splitter
model TW-6
6. 1998 – International Lo-pro Dump Truck Class E with snow plow attachment
model 4700
7. 2000 – GMC 4 X 4 pickup truck
model 2500
8. 2001 Gehl Skidsteer Loader with cab with scrap grapple and 90” wide flail mower
model 5635 SX II
9. 2000 – Hotsy Power Washer
model 982 SS
10. 2001 Ingersoll – Rand Two stage air compressor
model 2475 (gas)
11. 2001 Datasym Cash Register
model 2010 pos system
12. 1991 – Scat compost turner (out of service)
model 482 BH
13. 2000 – Manitowoe Ice Machine
model Q210
14. 2 – Kenwood Portable radios