

RESOLUTION NO. 20-11

**A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF DUPO, ILLINOIS AND ST. CLAIR COUNTY ILLINOIS**

**WHEREAS**, the Village of Dupo, St. Clair County, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

**WHEREAS**, a public meeting was held in the Village of Dupo, Illinois at the Dupo Village Hall, 107 N. Second Street, on December 21, 2020 at 7:00 pm, before the Village Board of Dupo, and such meeting was held remotely due to the Governor's Executive Orders pertaining to the COVID-19 pandemic and pursuant to 5 ILCS 120/7(e)(4), and such allowed for remote attendance by the public and the Village Board; and

**WHEREAS**, both the Village of Dupo, Illinois ("Village") and St. Clair County, Illinois ("County") are authorized to enter into intergovernmental agreements pursuant to Article VII, § 10 of the Constitution of the State of Illinois and the provisions of the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*; and

**WHEREAS**, the Village of Dupo is in the process of building a new interchange for Interstate I-255, located at Davis Street Ferry Road, within the corporate limits of the Village of Dupo, St. Clair County, Illinois (hereinafter "the Project"); and

**WHEREAS**, the Village and the County has determined the Project to be critical for the expansion and benefit of the Village of Dupo and St. Clair County; and

**WHEREAS**, in order to prevent the delay of the Project and the detrimental effects to the health of the Project, the payment of certain engineering services is necessary for completion of the Project; and

**WHEREAS**, the Village has determined that it would be in the best interest of the welfare of the citizens and economic development of the Village to engage in an intergovernmental agreement in which the County will provide a loan to the Village in an amount of **One Million, Three Hundred Seventy-Four Thousand, Three Hundred Ninety-One Dollars and Zero Cents (\$1,374,391.00)** for the sole purpose of paying engineering costs necessary for the continuation of the Project. The Village will then repay the County for the extra amount of the loan, immediately upon receipt of reimbursement funds from the State of Illinois. Said agreement is attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

**Section 1: Recitals.** The aforementioned recitals are hereby adopted as findings by the Village Board and incorporated herein.

**Section 2: Authorization.** The Intergovernmental Agreement Between St. Clair County, Illinois and the Village Of Dupo, St. Clair County Illinois for the Issuance of a Loan in the Amount of \$1,374,391 for the Payment of Engineering Costs Necessary for the Continuation of the I-255 Interchange Project at Davis Street Ferry Road, Village Of Dupo, St. Clair County, Illinois, attached hereto as **Exhibit A**, shall be and is hereby approved by the corporate authorities, and the Mayor is hereby authorized and directed to execute, and the Village Clerk is hereby authorized to attest the signature on said agreement.

**Section 3: Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Resolution is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Resolution, nor any part thereof, other than that part affected by such decision.


**Section 4: Conflict.** All resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 5: Effective.** This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** this 21<sup>st</sup> day of December, 2020 by the Village Mayor and the Village Board of Trustees of the Village of Dupo, St. Clair County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

<u>Trustees</u>	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>	<u>Abstain</u>
Chris Ragsdale	X	---	---	---
Dawn Keys	X	---	---	---
James Smith	X	---	---	---
Joe Basinski	X	---	---	---
Ken Phillips	X	---	---	---
Kerry Foster	/	---	---	---

APPROVED AND PASSED by the Mayor of the Village of Dupo, Illinois this 21<sup>st</sup> day of December, 2020.

  
 Jerry Wilson, Mayor  
 Village of Dupo, Illinois

ATTEST:  
  
 MARK NADLER, VILLAGE CLERK

(SEAL)

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN  
ST. CLAIR COUNTY, ILLINOIS AND THE VILLAGE OF DUPO, ST. CLAIR COUNTY  
ILLINOIS FOR THE ISSUANCE OF A LOAN IN THE AMOUNT OF \$1,374,391 FOR THE  
PAYMENT OF ENGINEERING COSTS NECESSARY FOR THE CONTINUATION OF THE  
I-255 INTERCHANGE PROJECT AT DAVIS STREET FERRY ROAD,  
VILLAGE OF DUPO, ST. CLAIR COUNTY, ILLINOIS

This Intergovernmental Agreement, by and between the County of St. Clair, State of Illinois (hereinafter "the County") and the Village of Dupo, County of St. Clair, State of Illinois (hereinafter "the Village") (hereinafter collectively referred to as "the Parties").

WITNESSETH:

WHEREAS, the County is a public agency as defined by the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq*; and,

WHEREAS, the Village is a public agency as defined by the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq*; and,

WHEREAS, the Village of Dupo is in the process of building a new interchange for Interstate I-255, located at Davis Street Ferry Road, within the corporate limits of the Village of Dupo, St. Clair County, Illinois (hereinafter "the Project"); and

WHEREAS, in order to prevent the delay of the Project and the detrimental effects to the health of the Project, the payment of certain engineering services is necessary for completion of the Project; and,

WHEREAS, the County has determined the Project is critical for the expansion and benefit of St. Clair County; and,

WHEREAS, both the County and the Village are authorized to enter into intergovernmental agreements pursuant to Article VII, § 10 of the Constitution of the State of Illinois and the provisions of the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq*.; and,

WHEREAS, the County and the Village have mutually determined that it would be in the best interests of the welfare of the citizens and economic development of both St. Clair County and the Village to engage in an intergovernmental agreement in which the County will provide a loan to the Village in an amount of **One Million, Three Hundred Seventy-Four Thousand, Three Hundred Ninety-One Dollars and Zero Cents (\$1,374,391.00)** for the sole purpose of paying engineering costs necessary for the continuation of the Project. The Village will then repay the County for the extra amount of the loan, immediately upon receipt of reimbursement funds from the State of Illinois.

NOW THEREFORE, in consideration of the premises and the mutual promises and covenants herein contained, St. Clair County, Illinois, and the Village of Dupo, St. Clair County, Illinois do hereby agree as follows:

EXHIBIT A

1. The foregoing recitals are incorporated into and made a part of this Agreement as if fully set forth herein.
2. The County shall provide a no interest loan in an amount not to exceed **One Million, Three Hundred Seventy-Four Thousand, Three Hundred Ninety-One Dollars and Zero Cents (\$1,374,391.00)** (hereinafter referred to as “Loan Amount”) to the Village of Dupo, Illinois, to be used exclusively to pay for engineering costs necessary for the completion of the I-255 Interchange project, located at Davis Street Ferry Road, Dupo, St. Clair County, Illinois.
3. The loan shall be provided from the County and repaid to the County’s General Fund.
4. The Village agrees to repay the Loan Amount provided by the County immediately upon receipt of reimbursement funds granted by the State of Illinois for reimbursement of the engineering costs accrued as a result of the I-255 project to date. The Loan Amount shall become due and payable in whole or in part as the Village receives reimbursement funds from the State of Illinois. In the event the Village receives partial reimbursement from the State of Illinois, the Loan Amount shall become immediately due and payable to the extent and for the amount the Village received as reimbursement from the State of Illinois. The remaining Loan Amount shall only become due and payable upon the date the Village receives sufficient funds from the State of Illinois.
5. The Parties acknowledge that they have had the opportunity to have the terms of this Agreement reviewed by the legal counsel of their choice, and that they have been given the opportunity to proposed changes to the Agreement.
6. This Agreement may be executed in one or more counter parts, each of which shall be considered an original, and all of which taken together shall be considered one and the same instrument.
7. This Agreement sets forth all the terms, conditions, agreements, and understandings between the Parties relative to the subject matter hereof. No modifications, amendments, or waiver of any provision hereto shall be valid and binding unless in writing and signed by the Parties.
8. If, during the term of this Intergovernmental Agreement, it is found that a specific clause of the Agreement is unenforceable, the remainder of the Agreement shall remain in full force and effect.
9. This Intergovernmental Agreement shall not be binding unless and until it is respectively approved by the St. Clair County Board and by the Village of Dupo Board of Trustees.

EXHIBIT A

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the date first written above.

VILLAGE OF DUPO, COUNTY OF  
ST. CLAIR, ILLINOIS  
A MUNICIPAL CORPORATION

ST. CLAIR COUNTY, ILLINOIS  
A MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
Jerry Wilson, Mayor  
Village of Dupo, Illinois

BY: \_\_\_\_\_  
Mark Kern,  
County Board Chairman  
St. Clair County, Illinois

ATTEST \_\_\_\_\_  
Mark Nadler, Village Clerk  
Village of Dupo, Illinois

ATTEST \_\_\_\_\_  
Tom Holbrook, County Clerk  
St. Clair County, Illinois