

RESOLUTION R-2020-55

A RESOLUTION AUTHORIZING THE EXECUTION OF A 2nd AMENDMENT TO INTERGOVERNMENTAL AGREEMENT BETWEEN THE WHEATON SANITARY DISTRICT AND THE CITY OF WHEATON FOR THE NORTHSIDE INTERCEPTOR SEWER PROJECT

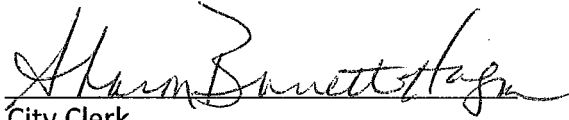
IT IS HEREBY RESOLVED that the Mayor is hereby authorized to sign, and the City Clerk is directed to attest to, the Amendment to Intergovernmental Agreement with the Wheaton Sanitary District for the Northside Interceptor Sewer Project, attached hereto as Exhibit 1; and the staff is hereby authorized and directed to undertake any and all acts reasonably necessary to effectuate the Intergovernmental Agreement as amended.

Adopted this 20th day of July 2020.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote

Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Sues

Nays:

None

Absent:

None

Motion Carried Unanimously

SECOND AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

**Intergovernmental Agreement Between the
Wheaton Sanitary District and the City of Wheaton**

This Second Amendment relates to:

- a. A proposed grant to Wheaton Sanitary District from the State of Illinois Department of Commerce and Economic Opportunity (Rebuild Illinois Competitive Public Infrastructure Grant)**
- b. The Sanitary District's Northside Interceptor Sewer Project**

This Second Amendment to Intergovernmental Agreement ("Second Amendment") by and between Wheaton Sanitary District (hereinafter "District"), a body politic and corporate of DuPage County, Illinois, and the City of Wheaton (hereinafter "City"), an Illinois home rule municipality, DuPage County, Illinois, is effective August 12, 2020.

WHEREAS, the City and the District entered into an Intergovernmental Agreement effective December 1, 2019 and amended effective June 1, 2020 ("IGA") which IGA addressed:

- a. The District's installation of a new interceptor sewer from Community Park in Carol Stream to the District's treatment plant to serve the north side of the District's service area and to minimize sanitary sewer overflows which may occasionally occur ("NSI Project" or "NSI");
- b. The District's transfer to the City of the District's ownership rights with respect to certain sewers and manholes;
- c. The City's grant to the District the right to use certain City easements and rights-of-way for the NSI Project;
- d. The authority of the City Engineer and District Executive Director to adjust the District's use of City easements and/or rights-of-way to accommodate changes in the NSI route during construction.

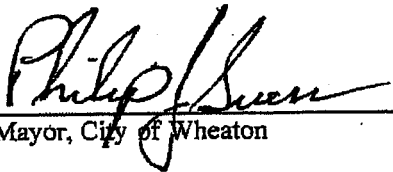
WHEREAS, the State of Illinois Department of Commerce and Economic Opportunity (DCEO) established a grant program known as Rebuild Illinois Competitive Public Infrastructure Grant whereby grant funds may be available to the District for the NSI Project (the "Grant"); and

WHEREAS, regulations applicable to the Grant require sponsorship by a municipality; and

WHEREAS, the intent of the City and the District is that the District, at the District's costs, will assume primary reporting duties and primary administrative responsibilities relating to the Grant with the City's duties/responsibilities limited to such responsibilities as only the City can perform.

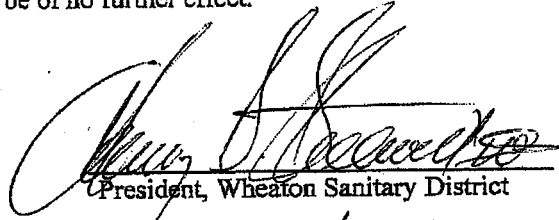
NOW THEREFORE, the City and the District agree as follows:

1. The City will sponsor the District for purposes of the Grant.
2. The District assumes, at the District's cost, all Grant related reporting duties and administration responsibilities except for any functions that only the City can perform.
3. The City will promptly transfer all Grant funds to the District.
4. The City and District agree to execute all documents from time to time as may be reasonably necessary in order to carry out and effectuate the purpose and intent of this Second Amendment.
5. Except as modified by this Second Amendment, the IGA remains in full force and effect.
6. In the event DCEO does not make the Grant for the District's NSI Project, this Second Amendment shall be of no further effect.



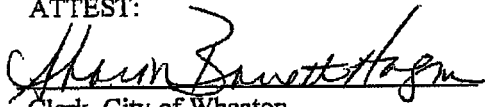
Mayor, City of Wheaton

Date signed: 7/21/20



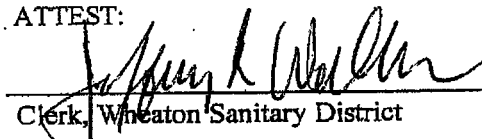
President, Wheaton Sanitary District

Date signed: 8/12/20

ATTEST:


Clerk, City of Wheaton

Date signed: 7-21-20

ATTEST:


Clerk, Wheaton Sanitary District

Date signed: 08/12/2020