



Urbana Fire Department  
400 South Vine Street  
Urbana, Illinois 61801  
(217) 384-2420  
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## MEMORANDUM

**DATE:** April 4, 2018

**TO:** Mayor Diane Wolfe Marlin and Members of the City Council

**FROM:** Brian Nightlinger, Fire Chief

**RE:** A Resolution Approving an Amendment to an Intergovernmental Agreement between the City of Urbana and Illinois Department of Revenue (Inspections of Liquor License Holders' Premises)

**Introduction:** Attached is a Resolution Approving an Amendment to Intergovernmental Agreement between the City of Urbana and Illinois Department of Revenue for inspections of liquor license holders' premises.

**Discussion:** On January 3, 2018, the City of Urbana entered into an intergovernmental agreement with the Illinois Department of Revenue whereby the City agreed to conduct inspections of liquor license establishments on behalf of IDR as part of IDR's Alcoholic Liquor Enforcement Pilot Program. Per the agreement, IDR agreed to pay the City \$75 for each inspection, and total payment would be made in two separate installments.

IDR recently proposed an amendment to this agreement whereby total payment for these liquor license inspections would be made in advance; payment for any inspections not complete by June 30, 2018 would be reimbursed to IDR. Staff has no objection to this change and anticipates all inspections will be completed by the agreed upon date.

**Fiscal Impact:** There is no fiscal impact as a result of the proposed amendment.

**Recommendation:** It is recommended that A Resolution Approving an Amendment to an Intergovernmental Agreement between the City of Urbana and Illinois Department of Revenue be approved.

**RESOLUTION NO. 2018-04-016R**

**A RESOLUTION APPROVING AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF URBANA AND ILLINOIS DEPARTMENT OF REVENUE**

**(Inspections of Liquor License Holders' Premises)**

**WHEREAS**, the City of Urbana, Illinois (“City”) is a home rule unit of local government pursuant to the Illinois Constitution of 1970 and the Illinois Municipal Code. ILCS Const. Art. 7, § 6; 65 ILCS 5/1-1-9; and

**WHEREAS**, the Illinois Department of Revenue (“IDR”) is a unit of state government for the State of Illinois; and

**WHEREAS**, Section 10 of Article VII of the Illinois Constitution of 1970 and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.* enables the parties hereto to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

**WHEREAS**, the City entered into an Intergovernmental Agreement entitled Illinois Department of Revenue Contractual Agreement – Alcoholic Liquor Enforcement Pilot Program (hereinafter, “IGA”) dated January 3, 2018 whereby the City agreed to undertake and conduct inspections of those establishments which operated within the boundaries of the City and which then held valid and in force liquor licenses; and

**WHEREAS**, the IDR has proposed an amendment to the IGA whereby payment from IDR to the City for the aforementioned inspections shall be made in advance; and

**WHEREAS**, the City Council deems it appropriate to now amend the IGA.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

**Section 1.**

The amendment to Intergovernmental Agreement entitled Illinois Department of Revenue

Contractual Agreement – Alcoholic Liquor Enforcement Pilot Program (dated January 3, 2018) shall be and hereby is authorized and approved in substantially the form and substance as the exhibit appended hereto and made a part hereof.

**Section 2.**

The Mayor of the City of Urbana, Illinois, shall be and hereby is authorized to execute and deliver and the City Clerk of the City of Urbana, Illinois, be and the same is hereby authorized to attest to said execution of said amendment in substantially the form and substance as the exhibit appended hereto and made a part hereof.

**PASSED BY THE CITY COUNCIL** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

AYES:

NAYS:

ABSTENTIONS:

\_\_\_\_\_  
Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane Wolfe Marlin, Mayor

**ILLINOIS DEPARTMENT OF REVENUE  
CONTRACTUAL AGREEMENT  
Alcoholic Liquor Enforcement Pilot Program**

**City of Urbana  
400 S. Vine St., Urbana, IL 61801**

**AMENDMENT NO. 1**

This Amendment (the “**Amendment**”) to that certain Contractual Agreement by and between the Illinois Department of Revenue (the “**Department**”) and the City of Urbana (the “**Contractor**”) (hereinafter referred to individually and generically as a “**Party**” and collectively as the “**Parties**”) and effective as of January 3, 2018 (the “**Agreement**”), is made and entered into by and between the Department and the Contractor as of the date of the last signature below. The Parties hereby agree to amend the Agreement as follows:

Paragraph 2 of the Agreement is hereby replaced in its entirety with the following:

**2. PAYMENT FOR SERVICES**

The amount payable for the services rendered shall be \$75 per each retail alcoholic liquor license (See Addendum 1). No other charge by the Contractor may be paid for services rendered under this agreement without the written approval of the Department. In the event the Contractor fails to complete the inspection of any of the retail alcoholic liquor license holders contained in Addendum 1, then, to the extent Contractor has been paid in advance to conduct the inspections, Contractor agrees to return to the Department \$75 per each inspection that it fails to complete.

Except as otherwise set forth in this Amendment, all other terms and provisions of the Agreement shall remain the same and continue in full force and effect. The Parties agree upon execution of this Amendment that it shall become a binding and integral part of the Agreement.

This Amendment may be executed in one or more counterparts, all of which shall be considered to be one and the same agreement, binding on all Parties hereto, notwithstanding that all Parties are not signatories to the same counterpart. Duplicated signatures, signatures transmitted via facsimile, or signatures contained in a Portable Document Format (PDF) document shall be deemed original for all purposes.

**CITY OF URBANA**

**ILLINOIS DEPARTMENT OF REVENUE**

By: \_\_\_\_\_  
Diane Wolfe Marlin  
Mayor

By: \_\_\_\_\_  
Constance Beard  
Director

**Date:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ATTESTED BY**

\_\_\_\_\_  
Charles A. Smyth  
Urbana City Clerk