

ORDINANCE NO. 9798-62

AN ORDINANCE APPROVING
AN AGREEMENT FOR THE DISSOLUTION OF THE INTERGOVERNMENTAL SOLID
WASTE DISPOSAL ASSOCIATION

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

Section 1. That an Agreement for the Dissolution of the Intergovernmental Solid Waste Disposal Association between the City of Urbana, Illinois, and the County of Champaign, Illinois, in 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 hereby 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 3rd day of November, 1997.

AYES: Hayes, Huth, Kearns, Patt, Taylor, Whelan, Wyman

NAYS:

ABSTAINED:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 10th day of November, 1997.

Tod Satterthwaite
Tod Satterthwaite, Mayor

THIS ORDINANCE CONSISTS OF 1 PAGES.

Initials SR

DISSOLUTION OF THE INTERGOVERNMENTAL SOLID WASTE DISPOSAL ASSOCIATION

As Revised October 6, 1997

The Revised Agreement and General Plan for the Development of Solid Waste Disposal Facilities and Programs and the Creation of the Intergovernmental Solid Waste Disposal Association, ("ISWDA"), originally made as of the 22nd day of July, 1986, by and among the City of Champaign, Illinois, the City of Urbana, Illinois, and the County of Champaign, Illinois, is hereby dissolved by the remaining members, the City of Urbana, Illinois ("Urbana"), and the County of Champaign, Illinois ("County").

WITNESSETH:

WHEREAS, the County and Urbana agree that the ISWDA is no longer necessary or conducive to implementing solid waste plans and programs; and

WHEREAS, the County and Urbana desire to provide for orderly dissolution of the Association, and final distribution of the Association's assets but not otherwise to extend or continue any association programs or institute any new programs; and

WHEREAS, the County wishes to encourage planning efforts on solid waste issues by individual municipalities and villages within their respective jurisdictions; and

WHEREAS, the County wishes to provide for complimentary and/or cooperative programs to manage solid waste by, and among, the County and municipalities to meet its obligations under the Solid Waste Planning and Recycling Act (SWPRA); and

WHEREAS, the municipalities and villages are capable of accomplishing the SWPRA recycling and educational goals within their jurisdictions;

NOW, THEREFORE, in consideration of the mutual desire of Urbana and the County to dissolve the ISWDA, the remaining members of the ISWDA agree as follows:

Section 1. Dissolution. It is the intention of the parties that the ISWDA be dissolved absolutely, completely and unconditionally, and distribution of the Association's assets at the earliest possible date, but in no case later than November 30, 1997.

Section 2. Future Planning Obligations. As a result of the complete dissolution of the ISWDA, there are no future obligations on the County towards Urbana nor on Urbana to the County in the area of solid waste management, plan implementation, or future planning activities other than that mandated by state or federal law or as requested or required uniformly by the County of all municipalities pursuant to the County's obligations under the SWPRA.

Section 3. Non-Interference. The actions of the County on solid waste issues will be independent of Urbana, except insofar as the County requests or requires actions by all municipalities to achieve the recycling goals, leaf collection and education requirements mandated by the SWPRA.

Section 4. Future Planning Obligations. The parties agree that neither can be financially bound, for any purpose or by any means, by the other party unless specifically agreed to by the County Board of the County of Champaign and the City Council of the City of Urbana, except insofar as the County imposes such obligations upon all County municipalities to achieve its obligations under the SWPRA.

Section 5. Final Audit, Assets and Liabilities. A final audit was conducted on June 30, 1997, determining the remaining assets and liabilities of the ISWDA.

A. The final audit forms the basis on which the ISWDA disburses the Association's assets on an equal basis between the parties.

B. The County will receive \$80,409.15 and Urbana will receive \$81,201.29 to be distributed on or before October 31, 1997, with any interest earned in the meantime to be equally distributed to the parties on the date of disbursement. (The County's disbursement is adjusted \$792.15 for an outstanding audited balance due to the ISWDA.)

Section 6. Records. The records of the ISWDA are to be received and maintained by Urbana. Urbana

will be responsible for maintaining such records and for responding to any requests for information regarding the ISWDA in accord with the Illinois Freedom of Information Act and Illinois Local Records Act. Urbana will review and determine which, if any, records previously on file with the ISWDA contain any proprietary information belonging to XL or its successors. Any release of information deemed to contain proprietary information will require the permission of XL or its successors prior to said release. Records are to be made available to the County on reasonable notice to Urbana.

Section 7. Yard Waste Site. The Yard Waste Site owned by Urbana will be operated pursuant to the Landscape Recycling Center Agreement among the County, Urbana and the City of Champaign.

Section 8. Cooperative Programs. The parties may, but shall not be obligated to, cooperatively administer future solid waste related projects or programs, and separate agreements may be negotiated between Urbana and/or the County with any other party or parties.

Section 9. Entirety of the Agreement. This Dissolution Agreement contains the entire agreement between the parties, and no oral representation or covenant exists other than those herein set forth.

Section 10. Severability. The invalidity or unenforceability of any one or more phrases, sentences, clauses or sections in this Agreement shall not affect the validity or enforceability of the remaining portions of the Agreement, or any part hereof.

By: Tom Sattesthwaite
Mayor, City of Urbana

Tom J. Baskins
Chairman, Champaign County Board

ATTEST: Phyllis D. Clark
City Clerk

ATTEST: Mark Sheldon
County Clerk

**RESOLUTION OF DISSOLUTION OF
THE INTERGOVERNMENTAL SOLID WASTE DISPOSAL ASSOCIATION**

WHEREAS, the City of Urbana, Illinois, (hereinafter referred to as "Urbana"), and the County of Champaign, Illinois, (hereinafter referred to as "County") are the remaining Members of the Intergovernmental Solid Waste Disposal Association (hereinafter referred to as "ISWDA"), said Association which was originally created on the 22nd day of July, 1986;

WHEREAS, the County and Urbana agree that the ISWDA is no longer necessary for implementing solid waste plans and programs; and

WHEREAS, the County and Urbana desire to provide for orderly dissolution of the Association, and final distribution of the Association's assets; and

WHEREAS, the County wishes to provide for complimentary and/or cooperative programs to manage solid waste by, and among, the County and municipalities to meet its obligations under the Solid Waste Planning and Recycling Act (SWPRA); and

WHEREAS, the municipalities and villages are capable of accomplishing the SWPRA recycling and educational goals within their jurisdictions; and

WHEREAS, in consideration of the mutual desire of Urbana and the County to dissolve the ISWDA;

NOW, THEREFORE, BE IT RESOLVED by the Intergovernmental Solid Waste Disposal Association Board that:

Section 1. Dissolution. By unanimous agreement of the Members, that the ISWDA be dissolved absolutely, completely and unconditionally, as of November 24, 1997, and distribution of the Association's assets at the earliest possible date, but in no case later than November 30, 1997.

Section 2. Future Planning Obligations. As a result of the complete dissolution of the ISWDA, there are no future obligations on the County towards Urbana, nor on Urbana to the County, in the area of solid waste management, plan implementation, or future planning activities other than that mandated by state or federal law, or as requested or required uniformly by the County of all municipalities pursuant to the County's obligations under the SWPRA.

Section 3. Non-Interference. The actions of the County on solid waste issues will be independent of Urbana, except insofar as the County requests or requires actions by all municipalities to achieve the recycling goals, leaf collection and education requirements mandated by the SWPRA.

Section 4. Future Planning Obligations. The parties agree that neither can be financially bound, for any purpose or by any means, by the other party unless specifically agreed to by the County Board of the County of Champaign and the City Council of the City of Urbana, except insofar as the County imposes such obligations upon all County municipalities to achieve its obligations under the SWPRA.

Section 5. Final Audit, Assets and Liabilities. A final audit was conducted on June 30, 1997, determining the remaining assets and liabilities of the ISWDA.

A. The final audit forms the basis on which the ISWDA disburses the Association's assets on an equal basis between the parties.


B. The County will receive \$80,867.04 and Urbana will receive \$81,659.18 to be distributed on or before November 26, 1997. (The County's disbursement is adjusted \$792.15 for an outstanding audited balance due to the ISWDA.)

Section 6. Records. The records of the ISWDA are to be received and maintained by Urbana. Urbana will be responsible for maintaining such records and for responding to any requests for information regarding the ISWDA in accord with the Illinois Freedom of Information Act and Illinois Local Records Act. Urbana will review and determine which, if any, records previously on file with the ISWDA contain any proprietary information belonging to XL or its successors. Any release of information deemed to contain proprietary information will require the permission of XL or its successors prior to said release. Records are to be made available to the County on reasonable notice to Urbana.

Section 7. Yard Waste Site. The Yard Waste Site owned by Urbana will be operated pursuant to the Landscape Recycling Center Agreement among the County, Urbana and the City of Champaign.


Section 8. Cooperative Programs. The parties may, but shall not be obligated to, cooperatively administer future solid waste related projects or programs, and separate agreements may be negotiated between Urbana and/or the County with any other party or parties.

PRESENTED, PASSED, APPROVED AND RECORDED this 24 day of November, A.D. 1997.


Deborah Frank Feinen, Chairman, Intergovernmental Solid Waste Association Board

VOTE SUMMARY:

Ayes 4
Nays 0

ATTEST: 
Jacquelin A. White, Champaign County Solid Waste Coordinator, County Administrator