

**RESOLUTION NO. 2019-12-054R**

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH DANVILLE, ILLINOIS, FOR PURCHASE OF ASPHALT EMULSION**

**WHEREAS**, the City of Urbana, an Illinois municipal corporation (“Urbana”), is a home rule entity pursuant to Article 7, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, Article VII, Section 10(a), of the Illinois Constitution, 1970, and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*, authorize intergovernmental cooperation in any manner not prohibited by law or ordinance; and

**WHEREAS**, the City of Danville, Illinois (“Danville”), has ample capacity to provide Urbana with a cost-effective source of asphalt emulsion, which Urbana requires for year-round use of its spray injection pavement patching machine; and

**WHEREAS**, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, requires the governing body of each party to an intergovernmental agreement to approve such agreement; and

**WHEREAS**, the City Council, after due consideration, finds that approval of an intergovernmental agreement for the purchase of asphalt emulsion from Danville is in the best interests of the residents of Urbana and is desirable for the welfare of Urbana’s government and affairs.

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

**Section 1.**

An Intergovernmental Agreement for Purchase of Asphalt Emulsion, between the City of Urbana, Illinois, and the City of Danville, Illinois, 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.**

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

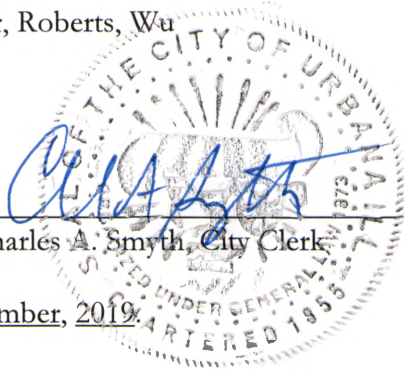
execution of said Agreement as so authorized and approved for and on behalf of the City of Urbana, Illinois.

**PASSED BY THE CITY COUNCIL** this 16<sup>th</sup> day of December, 2019.

AYES: Brown, Hazen, Hursey, Jakobsson, Miller, Roberts, Wu

NAYS:

ABSTENTIONS:



*Charles A. Smyth*  
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 Charles A. Smyth, City Clerk

**APPROVED BY THE MAYOR** this 17<sup>th</sup> day of December, 2019.

*Diane Wolfe Marlin*  
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 Diane Wolfe Marlin, Mayor

INTERGOVERNMENTAL AGREEMENT FOR PURCHASE OF ASPHALT EMULSION

This Agreement is made this 18 day of December, 2019, by and between the City of Danville, Illinois, a municipal corporation (hereinafter referred to as "Danville") and the City of Urbana, a governmental entity established in accordance with State of Illinois Statutes (hereinafter referred to as "The City of Urbana"); and

WHEREAS, Danville owns and operates a 10,000 gallon asphalt emulsion storage tank for the purpose of providing emulsion used in the operation of a spray injection pavement patching machine; and

WHEREAS, with a 10,000 gallon capacity, Danville has adequate storage to provide asphalt emulsion to certain other governmental entities without impacting program effectiveness within Danville Public Works; and

WHEREAS, the City of Urbana owns a spray injection pavement patching machine and desires to purchase asphalt emulsion from Danville; and

WHEREAS, Danville has costs related to; cleaning and maintenance of the emulsion tank, hoses and motor, personnel for safety and loading operations, administrative work for additional purchases of emulsion, and electrical fees for heating the emulsion tank and operation of the agitating blade; and

WHEREAS, the 1970 Illinois Constitution (Article VII, Section 10) and the Intergovernmental Cooperation Act (5 ILCS 220/1-220/8) provide authority for the intergovernmental cooperation contemplated by this Agreement; and

WHEREAS, through Resolution No.2011-73, the City Council of the City of Danville has authorized the Mayor to enter into this Intergovernmental Agreement to provide the cooperative assistance as agreed by the parties.



NOW, THEREFORE, in consideration of the premises set forth above, Danville and the City of Urbana agree as follows:

1. The City of Urbana agrees to purchase emulsion from Danville at the rate of \$2.75 per gallon, picked up at the Public Works tank site located at 1155 E. Voorhees, Danville, Illinois.
2. The City of Urbana agrees to purchase asphalt emulsion in accordance with guidelines and procedures set forth in Danville Public Works Guidelines and Procedures for Purchase of Asphalt Emulsion.
3. Danville agrees to be responsible for maintenance of the emulsion tank, emulsion tank components, and the site in general.
4. The City of Urbana agrees that it is responsible for the actions and safety of its personnel at the site, and the proper operation of any equipment related to this Agreement.
5. This Intergovernmental Agreement shall be in effect until terminated by the parties. Either party may terminate this Intergovernmental Agreement upon thirty (30) days written notice. Any modification or amendment of this Intergovernmental Agreement shall be in writing, and approved by the respective governing bodies of the parties.
6. This Intergovernmental Agreement has been approved by the respective governing bodies of the parties by Resolution or other authorized document, duly adopted as provided by law.

THE CITY OF DANVILLE, ILLINOIS

By: Fricker Williams Jr

Its Mayor

Attest: Lisa R. Monson

City Clerk

THE CITY OF URBANA, ILLINOIS

By: Diane Wolfe Mailin

Its Mayor

Attest: Al A. [Signature]

City Clerk