

RESOLUTION NO. R-2020-64

**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN
AND DIRECTING THE CITY CLERK TO ATTEST
TO THAT CERTAIN INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WHEATON AND THE COUNTY OF DUPAGE**

WHEREAS, the City of Wheaton and the County of DuPage are units of local government as defined in the Illinois Constitution and the Intergovernmental Cooperation Act, 5 ILCS 220/2 et seq.; and

WHEREAS, the County intends to engage in certain public improvements on its DuPage County campus which they intend to fund under the "CARES Act"; and

WHEREAS, the City of Wheaton and the County desire to mutually agree to a method to promote efficient review of building improvement plans for compliance with all applicable ordinances and Code requirements; and

WHEREAS, the Director of Building and Code Enforcement for the City of Wheaton has reviewed this proposed Intergovernmental Agreement and concluded that it will maximize efficiencies for both the County of DuPage and the City of Wheaton while not compromising the enforcement of City codes or the public health, safety and welfare.

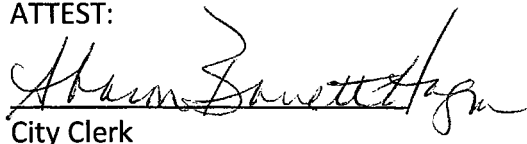
NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority, as well as the Illinois Constitution and the Intergovernmental Cooperation Act that:

1. The Mayor is hereby authorized to sign and the City Clerk is hereby directed to attest to that certain Intergovernmental Agreement (hereinafter "IGA") between the City of Wheaton and the County of DuPage attached hereto and incorporated herein as EXHIBIT A.

2. That City staff is directed and authorized to undertake any and all necessary acts to facilitate effectuation of the IGA.

DATED this 17th day of August 2020.

ATTEST:


City Clerk

Mayor



Roll Call Vote:

Ayes: Councilman Rutledge
Councilman Zaruba
Councilwoman Bray-Parker
Councilwoman Fitch
Mayor Suess
Councilwoman Robbins

Nays: None

Absent: Councilman Barbier

Motion Carried Unanimously

EXHIBIT A

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WHEATON AND THE COUNTY OF DUPAGE

BE IT HEREBY AGREED by and between the County of DuPage (the "County") and the City of Wheaton (the "City"), collectively referred to as "the Parties," the following:

WHEREAS, the County of DuPage owns property located on County Farm Road (the "DuPage County Campus") located within the city limits of Wheaton as defined on the attached Exhibit 1; and

WHEREAS, the current uses within said DuPage County Campus are the facilities used to operate the DuPage County government; and

WHEREAS, the County intends to construct various improvements within the DuPage County campus over the next year which will be funded by Federal Coronavirus Aid, Relief, and Economic Security Act of 2020 (hereinafter "CARES Act") funding which is required to be expended before December 31, 2020; and

WHEREAS, the Parties desire to mutually agree to a method to complete the review of building improvement plans for compliance with both the County's and City's written ordinances and code requirements, inspections of construction activities to ensure the plans and specifications are being followed, and ultimately the issuance of an occupancy permit(s).

NOW, THEREFORE, THE PARTIES AGREE TO THE FOLLOWING:

The recitals stated above are incorporated herein, and

1) **The Work.** The "Work" to be performed by the County pursuant to the terms of the Agreement is set forth in Exhibit 2 which is attached hereto and incorporated herein as if fully set forth. No "other work" performed by the County on the DuPage County Campus is authorized by this agreement: any other work being subject to all the terms and conditions of the City Code and City inspections. The County Building Official shall submit a City building permit application to the City, prior to commencing the construction of any Work. The City hereby waives building permit fees for work completed under this agreement that is in compliance with applicable codes.

2) **Code Requirements.** The County shall design and construct its improvements, which will be funded by CARES Act dollars within the DuPage County Campus, in compliance with all applicable City ordinances, codes, rules and regulations.

3) **Building Permits.** The County shall issue any and all building permits required for the County's construction activities undertaken at the Judicial Office Facility. All building permit reviews shall be completed at the County's sole cost and expense by independent, 3rd party review companies, which shall be pre-approved by the City. The County shall file copies of all building permits it issues for the Work with the City at the time of issuance. At all times during the construction, the City shall have reasonable access

to the work site and may observe the construction activities and improvements. The City shall not have a duty to perform inspections. If the City identifies Code Violations during those inspections which the City's Director of Building and Code enforcement concludes are an imminent threat to the public safety and welfare he shall notify the County Building Official by E-mail and that work shall cease until the County Building Official and the City's Director of Building and Code Enforcement agree the issue is resolved. In the case of an inability to resolve the issue, the Parties shall hire, at the County's expense, an independent third- party architect to make a binding ruling to resolve the issue.

4) **Inspections.** Upon the issuance of a building permit by the County, the County shall self-conduct any and all required inspections of the improvements as the work is performed and upon completion. The County's Building Official shall independently certify to the City that the work was, or is being, performed in compliance with the improvement's plans and the applicable building ordinances, codes, rules and regulations. At the completion of each project, the County's Building Official will issue a report stating the work was **completed in conformance with all applicable building codes.**

5) **Occupancy Permits.** The City shall issue the occupancy permit to the County following the City's receipt of the DuPage County Building Official's certification that the work has been completed in compliance with all applicable building ordinances, codes, rules and regulations and where City's Director of Building and Code Enforcement concurs with the certification

6) **No Waiver.** Issuance of an occupancy permit by the City shall not waive the applicability or enforcement of applicable ordinances, and if ordinance violations are discovered those violations shall be corrected in accordance with the law.

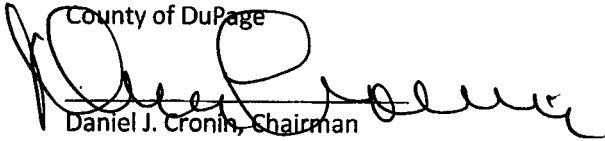
7) **Indemnification.** To the greatest extent permitted by law the County shall defend, indemnify and hold harmless the City, its elected and appointed officials, employees, agents, and assign from any and all actions, claims causes of action, damages or injuries which arise in consequence of this agreement. Neither the City or the County, waives, releases or otherwise compromises in any fashion their rights to assert privileges and immunities which are jointly and severally fully reserved.

8) **HVAC Screening.** The County shall not have to comply the City Zoning Ordinance requiring the screening HVAC units for the improvements due to the fact that in their current location screening would not benefit adjoining properties. If however the location of the HVAC units are changed and become visible to adjoining properties the head of the City's Building and Code Enforcement Department may require the screening to be constructed in accordance with the City's Zoning Ordinance in his absolute and sole discretion.

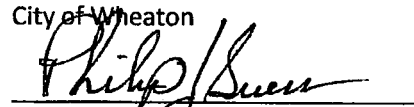
9) **No Warranty.** Nothing in this Agreement, constitutes, nor shall be interpreted to constitute, a representation, promise, warranty or guarantee that the Work shall qualify for, or shall be awarded funds, under the CARES Act.

The undersigned certify they have the legal authority to sign this document and then it shall be binding on their principals.

County of DuPage


Daniel J. Cronin, Chairman
DuPage County Board

City of Wheaton


Philip J. Sues, Mayor
City of Wheaton

Attest:


Jean Kaczmarek, County Clerk

Attest:

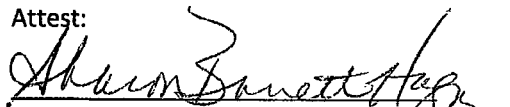

Sharon Barrett-Hagen, City Clerk

Exhibit 1 - DuPage County Campus - Municipality Limits

DuPage Web Mapping Application - DuPage County, Illinois



This map is for assessment purposes only.

Ph# 1 (630) 407-5000
Email gis@dupageco.org
DuPage Maps Portal :
<http://dupage.maps.arcgis.com/home>

DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

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DUPAGE COUNTY CARES ACT 2020 CONSTRUCTION WORK LIST

Category	Project Name	Project Description
Care Center	Resident Room renovation	Construction of private bathrooms and mechanics to support negative pressure capability and filtration/disinfection systems. These changes would support more stringent infection control regulation. Selected rooms would increase number of private bathrooms and provide more appropriate infection control environment for the acute care needs of patients that suffer from COVID-19, Tuberculosis, Methicillin-resistant Staphylococcus aureus (MRSA), and other contagious illness. Air handler units will be replaced , and HEPA recirculation systems will installed.
FM/Infrastructure	Coroner's Office HVAC Replacement	Will replace and upgrade the existing heating and cooling system to provide required protection by filtering/disinfecting recirculated air and removing harmful viruses, including COVID-19. In addition, negative pressure will be achieved in required spaces such as the autopsy room to reduce the potential spread of virus's present in the space.
FM/Infrastructure	Judicial Office Facility HVAC Replacement	Courthouse for the 18th Judicial Circuit, receives approximately 1,000,000 visitors per year. Will replace and upgrade the existing heating and cooling system to provide protection by filtering/disinfecting recirculated air and removing harmful viruses, including COVID-19. This building is highly susceptible to incoming virus's, and treatment of recirculated air is required to protect everyone in this critical building.
FM/Infrastructure	Sheriff Office HVAC Replacement, Jail B Pod	Will replace and upgrade the existing heating and cooling system to provide protection by filtering/disinfecting recirculated air and removing harmful viruses, including COVID-19. Jails spaces are extremely difficult to maintain social distancing, and can readily spread virus's, as has occurred across the County. Treatment of recirculated air is necessary to protect individuals housed at the jail, and the Correctional staff that manage the Facility.
FM/Infrastructure	Sheriff Office HVAC Improvements, Jail A Pod	Improvements are required at the DuPage County Jail Facility to reduce the spread of communicable and infectious diseases including COVID-19. A combination of negative pressure and improved filtration via HEPA filters or infrared technology for approximately 9 female cells, the medical wing, and 2 isolated (padded) cells will provide a required level of protection for staff and inmates. The Jail needed spaces to house known or suspected carriers of COVID-19 and other virus's. These are the spaces within the jail most susceptible to the spread of virus's, and require these additional improvements to safeguard everyone in the facility.
FM/Infrastructure	Traffic Court Construction and Reconstruction of Court space for Social Distancing guidelines	The County leases space at the Village of Addison Village Hall to conduct a remote traffic court. The Village has expresses serious health and safety concerns due to the COVID-19 pandemic, and are unable to comply with the request to reopen the Addison Field Court. The County needs to construct a traffic court at the Judicial Office Facility to meet this need. Reconstruction in

This work list may be expanded as mutually agreed to in writing by City's Director of Building and Code Enforcement and the County's Deputy Director of Facilities