

**RESOLUTION NO. R-2023-93**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE CITY OF WHEATON RELATING TO IMPROVEMENTS OF THE DUPAGE COUNTY HEALTH DEPARTMENT FACILITIES**

**WHEREAS**, the City of Wheaton, Illinois, ("City") is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the County of DuPage, Illinois ("County") is a body politic and corporate of the State of Illinois; and

**WHEREAS**, the City and the County 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 construct improvements to its Health Department facilities; and

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

**WHEREAS**, the County will first be required to obtain zoning approval from the City, and the zoning approval process for the proposed improvements to the Health Department facilities as provided in the Wheaton Zoning Ordinance will not be altered or amended by this Intergovernmental Agreement; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as well as the Illinois Constitution and the Intergovernmental Cooperation Act, as follows:

**Section 1:** The recitals above are hereby incorporated into this Section 1 as though fully set forth herein.

**Section 2:** The Mayor is hereby authorized to execute, and the City Clerk is hereby directed to attest to, the Intergovernmental Agreement between the City of Wheaton and the County of DuPage relating to improvements of the DuPage County Health Department facilities; and that a copy of that certain Intergovernmental Agreement is on file with the City Clerk's office and is incorporated herein as if fully set forth as Exhibit A.

**Section 3:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

**ADOPTED** this 6th day of November 2023.

ATTEST: Andrea Rosdale  
City Clerk

Philip J. Suess  
Mayor

**Roll Call Vote:**

Ayes:	Councilman Brown
	Mayor Suess
	Councilwoman Robbins
	Councilman Weller
	Councilman Barbier
	Councilwoman Bray-Parker
Nays:	None
Absent:	Councilman Clousing
	<u>Motion Carried Unanimously</u>

## **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 DuPage County Health Department (the "Health Department") operates within the DuPage County Campus; and

**Whereas**, the Health Department intends to construct improvements within the DuPage County campus over the next three years; 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 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 Health Department 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 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 issuance of permits and inspections.

2. **Building Permits.** The County shall issue any and all building permits required for the Work described in Exhibit 2 that will be undertaken at the Health Department. The City hereby waives building permit fees for Work completed under this Agreement that is in compliance with applicable City building ordinances, codes, rules and regulations ("the City Code Provisions"). All building permit reviews shall be completed

at the County's sole cost and expense by independent, third-party review companies, which shall be pre-approved by the City. However, upon issuance of any building permits and prior to commencement of the construction of the Work, the County shall provide copies of any building permits it issues for the Work to the City at the time of issuance.

**3. Inspections.** Upon the issuance of a building permit by the County, the County shall self-conduct any and all required inspections of the Work as it is performed and upon completion. The County's Building Official shall independently certify to the City in writing that the Work was, or is being, performed in compliance with the plans and the City Code Provisions.

**4. City-identified Violations.** At all times during construction, the City shall have reasonable access to the work site and has the right, but not the obligation, to conduct inspections. If the City identifies violations of any City Code Provisions during those inspections which the City's Director of Building and Code Enforcement concludes are a threat to the public safety and welfare, the Director 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.

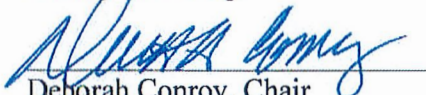
**5. Occupancy Permit.** The City shall issue the occupancy permit to the County following the City's receipt of the County Building Official's certification that the Work has been completed in compliance with all applicable building ordinances, codes, rules and regulations and only if the City's Director 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 ordinances, and if ordinance violations are discovered those violations shall be corrected in accordance with the law.

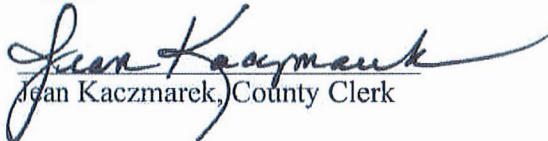
7. **Indemnification.** To the greatest extent permitted by law, the County shall defend, indemnify and hold harmless the City, its elected and appointed officials, employees, agents, and assigns from any and all actions, claims, causes of action, damages or injuries which arise in consequence of this Agreement. Neither the City nor the County waives, releases or otherwise compromises in any fashion their rights to assert privileges and immunities which are jointly and severally fully reserved.

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

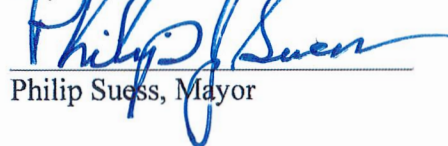
County of DuPage

  
Deborah Conroy, Chair  
DuPage County Board

Attest:

  
Jean Kaczmarek, County Clerk

City of Wheaton

  
Philip Suess, Mayor

Attest:

  
Andrea Rosedale, City Clerk



# **EXHIBIT 1**



## **EXHIBIT 2**

### **Project Description**

Project Name: DuPage County Health Department  
Crisis Recovery Center (CRC)

Date: August 14, 2023

#### **Project Description**

The project consists of the construction of a new Crisis Recovery Center of approximately 31,500 square feet that will be directly connected to the west of the existing Linda A. Kurzawa Community Center at 115 N. County Farm Road, Wheaton, IL. The new facility will be 2 levels with approximately 21,500 square feet on the first floor and 10,000 square feet on the second floor. The use of the building will be to support expanded behavioral health services as an extension to services being provided in the existing Kurzawa Community Center. The first floor will be predominantly used for public client service and the second floor will be predominantly for staff office and support space.

The project will also include the infill of an existing stormwater detention basin and replacement with an underground detention system. In the infilled area, additional parking will be provided and there will be rework of other parking areas on-site to accommodate the new facility.





## Development Resolution

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-R-0002-23

**Agenda Date:** 11/7/2023

**Agenda #:** 12.A.

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**INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF WHEATON AND THE  
COUNTY OF DUPAGE FOR THE TRANSFER OF CERTAIN REGULATORY AUTHORITY FROM  
THE CITY TO THE COUNTY EXCLUSIVELY FOR THE DEVELOPMENT OF THE NEW DUPAGE  
COUNTY HEALTH DEPARTMENT CRISIS RECOVERY CENTER ("CRC")**

WHEREAS the City of Wheaton ("City") and the County of DuPage ("County") are public agencies within the meaning of the Illinois "Intergovernmental Cooperation Act," and as authorized by Article 7, Section 10 of the Constitution of the State of Illinois to cooperate for public purpose; and

WHEREAS the purposes of the Intergovernmental Cooperation Act and Article 7 of the Constitution of the State of Illinois includes fostering cooperation among governmental bodies; and

WHEREAS the City and the County (collectively the "parties") are committed to acting in the best interests of the citizens of their respective and collective communities; and

WHEREAS the County owns and operates a campus of over 150 acres, ("Campus"), which is currently located partially within the corporate boundaries of the City of Wheaton; and

WHEREAS the parties have determined that transferring the administration of certain ordinances and procedures of the City of Wheaton to the County relative exclusively to the application, review, and inspections of the DuPage County Health Department's new Crisis Recovery Center (CRC), would facilitate and improve the administration and enforcement of those ordinances and government operations of the Campus; and

WHEREAS the parties are willing to take such actions as are required to enable the County to administer and enforce certain ordinances and government operations, by direct jurisdiction or through the City and County's adoption thereof, over the Campus; and

WHEREAS the County has qualified personnel and resources sufficient to administer and enforce certain ordinances and government operations with respect to the Campus in accordance with the attached Intergovernmental Agreement, ("Agreement") attached hereto as Exhibit A; and

WHEREAS the County finds the CRC project is of critical importance and desires to expedite the project and finds that all building permit review fees and inspection fees thereto shall be based on the City of Wheaton Fee schedule; and

WHEREAS the County finds that the Agreement will not take effect until such time as the County obtains zoning approval from the City of Wheaton for the proposed improvements to the County Health Department Facilities pursuant to the City of Wheaton Zoning Ordinance and said approval will not be altered by the Agreement; and



WHEREAS, the DuPage County Board has reviewed the attached Agreement and has determined that entering into the Agreement is in the best interest of the City of Wheaton, the County, and the respective residents of the City of Wheaton and County.

NOW THEREFORE, BE IT RESOLVED by the DuPage County Board that the attached Agreement, (Exhibit A) between the City of Wheaton and the County of DuPage is hereby accepted and approved and that the Chair of the DuPage County Board is hereby authorized and directed to execute the Agreement on behalf of the County; and

BE IT FURTHER RESOLVED that all building permit review fees and inspection fees thereto shall be based on the City of Wheaton Fee schedule; and

BE IT FURTHER RESOLVED that the DuPage County Clerk be directed to transmit certified copies of this Resolution and the attached Agreement (Exhibit A) to the City Manager, City of Wheaton, 303 W. Wesley, Wheaton, IL 60187; the DuPage County Building and Zoning Department, the DuPage County Facilities Management Department and Barbara Reynolds, Assistant State's Attorney.

Enacted and approved this 14<sup>th</sup> day of November, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK

AYES 16  
NAYS 0  
ABSENT 2