

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.

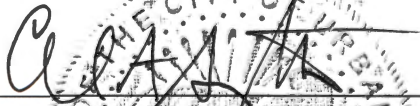
PASSED BY THE CITY COUNCIL this 16th day of April, 2018.

AYES: Ammons, Brown, Hazen, Jakobsson, Roberts, Wu

NAYS:

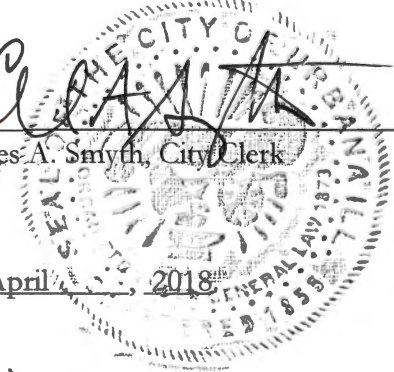
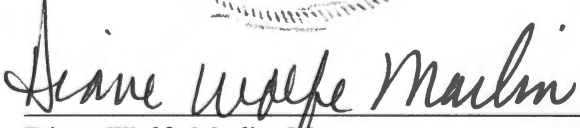
RECUSALS: Miller

ABSTENTIONS:



Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this 18th day of April, 2018.

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
Diane Wolfe Marlin
Mayor

By: Constance Beard
Constance Beard
Director

Date: 9 May 2018

Date: 5-10-18

ATTESTED BY

Charles A. Smyth
Charles A. Smyth
Urbana City Clerk