

ORDINANCE NUMBER 17-8

AN ORDINANCE APPROVING AGREEMENTS WITH THE CITY OF COLLINSVILLE WITH RESPECT TO CITY OF COLLINSVILLE PARK PROPERTIES, AND INTERGOVERNMENTAL AGREEMENT RELATING TO PARK ENHANCEMENT PROGRAM FUND APPLICATIONS.

WHEREAS the Collinsville Area Recreation District, Madison and St. Clair Counties Illinois, Illinois ("CARD"), is a duly organized and existing park district created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Park District Code of the State of Illinois; and

WHEREAS CARD, through its Board of Commissioners, has determined that it is in the best interests of its taxpayers to enter into an agreement with the City of Collinsville, which is attached to this Ordinance, terminating a certain lease agreement between CARD and the City of Collinsville for the leasing of certain park properties owned by the City of Collinsville; and

WHEREAS CARD, through its Board of Trustees, also determines that it is in the best interests of the District to execute the attached Intergovernmental Agreement with the City of Collinsville relating to Applications for the Park Enhancement Program fund of Madison County, Illinois;

NOW THEREFORE Be it Ordained by the President and Board of Park Commissioners of the Collinsville Area Recreation District, Madison and St. Clair Counties, Illinois, as follows:

Section 1. The terms and conditions of the attached "An Intergovernmental Agreement Between the City of Collinsville, the Collinsville Area Recreation District, with Regard to the Applications for the Park Enhancement Program Fund of Madison County, Illinois" are approved, and the Board President is authorized to execute the same upon passage by the City of Collinsville of a similar ordinance.

Section 2. The terms and conditions of the attached "An Agreement Between the City of Collinsville and the Collinsville Area Recreation District with Regard to the Termination of a Lease Agreement and Transfer of Operation of City Parks" are approved, and the Board President is authorized to execute the same upon passage by the City of Collinsville of a similar ordinance.

Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.

PASSED, and ADOPTED this 17th of October, 2017.

BOARD OF PARK COMMISSIONERS
COLLINSVILLE AREA RECREATION DISTRICT



Ron Jedda, Board President

ATTEST:



Board Secretary

Board Counsel

10/17/17
Date

**AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
COLLINSVILLE, AND THE COLLINSVILLE AREA RECREATION
DISTRICT, WITH REGARD TO THE APPLICATIONS FOR THE PARK
ENHANCEMENT PROGRAM FUND OF MADISON COUNTY, ILLINOIS**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this 16th day of NOVEMBER, 2017, by and between the City of Collinsville (hereinafter the "City"), the Collinsville Area Recreation District (hereinafter "CARD"), and the County of Madison (hereinafter the "County").

WHEREAS, the City of Collinsville is an Illinois home rule municipal corporation created and existing pursuant to and under the laws of the State of Illinois;

WHEREAS, the Collinsville Area Recreation District is a special park district created and existing pursuant to and under the laws of the State of Illinois for the purpose of providing parks and recreation services to the Collinsville Area;

WHEREAS, the County is an Illinois governmental entity that accepts applications for and grants funds for to local municipalities and special districts for the improvement of recreational parks in Madison County through its Park Enhancement Program (PEP);

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to enter into intergovernmental arrangements and agreements or to otherwise associate among themselves in any manner not prohibited by law or ordinance;

WHEREAS, the Intergovernmental Cooperation Act (5 ILCS 220/1 et seq.) provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government pursuant to agreement;

WHEREAS, Section 5 of the Intergovernmental Cooperation Act (5 ILCS 220/5) provides that any one or more public agencies may contract with any one or more other public agencies to perform any government service, activity or undertaking which any of the public agencies entering into the agreement is authorized by law to perform, provided that such agreement shall be authorized by the governing body of each party to the agreement;

WHEREAS, the City, CARD, and the County wish to enter into an Intergovernmental Agreement on the terms and conditions set forth herein;

NOW, THEREFORE, the City, CARD, and the County hereby agree to the following terms and conditions for the purposes set forth herein, to wit:

SECTION 1: DEFINITIONS

“Agreement” means this Intergovernmental Agreement between the parties, as the same may be from time to time modified, amended or supplemented in writing by the parties hereto.

“CARD” means the Collinsville Area Recreation District, including but not limited to its Board of Commissioners.

“City” means the City of Collinsville, Madison and St. Clair Counties, Illinois, including but not limited to its City Council.

“County” means the County of Madison, including any of its boards, districts, committees, commissions, or sub-bodies.

“Park Enhancement Program (PEP) Grant” means any funds made available by the County for enhancement and improvements to community park, or any monies for such similar purposes, for municipalities and districts located in Madison County, Illinois.

SECTION 1: JOINT GRANT APPLICATIONS

Effective upon the passage of Ordinances as described in Section 4, below, the City and CARD agree to jointly file grant applications for any Park Enhancement Program (PEP) Grant made available by the County.

SECTION 3: DIVISION OF GRANT FUNDS

For any PEP Grant awarded to CARD and the City, the division thereof shall be based on the population of residents who meet three criteria: (a) residing within the City of Collinsville, (b) residing within Madison County, and (c) residing within the boundaries of the CARD, (the "Calculated Population.") as it may be determined by the County from time to time as of or near December 31 of each calendar year. The total amount of PEP Grant funds awarded that is based upon the Calculated Population shall be divided as follows: twenty-five percent (25%) to the City and seventy-five percent (75%) to CARD.

SECTION 4: EFFECTIVENESS

This Agreement shall be deemed immediately effective by and between the City and CARD, upon both of their executions hereto. The City and CARD agree that each will execute this Agreement by signatures of competent officers, upon successful passage of an Ordinance by both the Collinsville City Council, and the CARD Board of Commissioners, approving the terms of this Agreement.

SECTION 5: TIME OF THE ESSENCE

Time is of the essence in the performance of each and every covenant and condition of this Agreement.

SECTION 6: NO THIRD-PARTY BENEFICIARY

The parties do not intend there be any third-party beneficiary to this Agreement and it is not intend by the Agreement to assume any contractual obligations to anyone other persons other than the parties hereto.

SECTION 7: SEVERABILITY

If any portion of this Agreement shall be determined by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such determination shall not affect the validity of the remainder of the Agreement. If the validity, legality or constitutionality or performance of any portion of this Agreement shall be impeded or otherwise affected by any change in pertinent law or order of court, it is the desire and intent of the parties to perform and comply with this Agreement as nearly as possible according to its spirit and expressed intent until the parties agree to changes consistent with and in accordance with the change in law or court order, as applicable.

SECTION 8: AMENDMENTS

This Agreement may only be modified or amended by written agreement duly approved by Ordinance, passed by both the Collinsville City Council and the CARD Board of Commissioners, and signed by competent officers of the parties.

SECTION 9: BINDING EFFECT

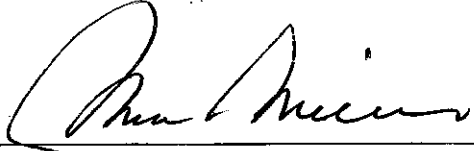
This Agreement shall be binding upon and shall insure to the benefit of the parties, their successors and assigns.

SECTION 10: GOVERNING LAW AND VENUE

This Agreement shall be governed by the laws of the State of Illinois. Venue for any action arising under this Agreement or for its enforcement shall be in the Circuit Court of Madison County, Illinois.

IN WITNESS WHEREOF, the parties have executed this on the date written hereinbelow by their respective officers duly authorized to execute said Agreement on behalf of the City, CARD and the County.

CITY OF COLLINSVILLE



JOHN MILLER, Mayor

Dated: 11-9-2017

COLLINSVILLE AREA RECREATION DISTRICT



RON JEDDA, President

Dated: 11-16-2017