



ORDINANCE NO. 2118-21

AN ORDINANCE AUTHORIZING THE CHIEF OPERATING OFFICER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN ELA TOWNSHIP HIGHWAY DEPARTMENT & VILLAGE OF HAWTHORN WOODS PUBLIC WORKS

BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Illinois, that the Chief Operating Officer be, and the same is hereby authorized and directed, to enter into an intergovernmental agreement with Ela Township for the shared use of equipment, as attached hereto as Exhibit "A", and, by this reference made a part hereof.

The foregoing Ordinance was adopted by the Board of Trustees of the Village of Hawthorn Woods, Illinois on September 27, 2021.

AYES: Kaiser, Bauer, Riess, David, McCarthy, Ryckert

NAYS: 0

ABSENT AND NOT VOTING: 0

APPROVED:   
Dominick DiMaggio, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

ADOPTED: September 27, 2021

APPROVED: September 28, 2021

**INTERGOVERNMENTAL AGREEMENT FOR THE USE OF THE EQUIPMENT  
BETWEEN  
ELA TOWNSHIP & VILLAGE OF HAWTHORN WOODS**

This Intergovernmental Agreement (referred to as the "Agreement") is entered into this 27<sup>th</sup> day of Sept., between *Ela Township*, located at 1155 East Route 22, Lake Zurich, IL 60047 (Lake County) (referred to as *Ela*) and *Village of Hawthorn Woods* located at 35 Old McHenry Rd, Hawthorn Woods, IL 60047 (Lake County) (referred to as *VOHW*).

**WHEREAS**, *Ela* and *VOHW* are public agencies within the meaning of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 *et. Seq.*, as authorized by Article VII, Section 10 of the 1970 Constitution of the State of Illinois. The Illinois Constitution and the Illinois Statutes encourage and provide for units of local government to cooperate and to enter into intergovernmental agreements in any manner not prohibited by law or ordinance, to their mutual benefit; and

**WHEREAS**, *Ela* owns various different types of heavy mechanical equipment including but not limited to trucks, trailers, graders, and other types of maintenance equipment not owned by *VOHW*; and *VOHW* owns various different types of heavy mechanical equipment including but not limited to trucks, trailers, graders, and other types of maintenance equipment not owned by *Ela*; and

**WHEREAS**, it is not economically feasible for each agency to purchase and maintain all types of necessary heavy machinery and equipment; and

**WHEREAS**, the sharing of this equipment by and between *Ela* and *VOHW* would make the best use of the limited financial resources of each agency and would be in the best interests of the residents of each agency.

**NOW THEREFORE**, *Ela* and *VOHW* agree to share their machinery and equipment with each other under the following terms and conditions:

1. An agency may borrow equipment owned by the other agency on a first come, first served basis, if the equipment is not being used or scheduled for immediate use by the owning agency.
2. The borrowing agency shall return the equipment or machinery in substantially the same condition as when it was lent; reasonable wear and tear expected.
3. The using agency shall be responsible for providing fuel and routine operating and preventative maintenance for the equipment.
4. The using agency shall be responsible for all labor expenses connected with the use of the machinery and equipment.

5. Insurance shall be obtained and maintained by the agency owning the equipment or machinery. Each agency's insurance carrier shall be informed of the terms of this intergovernmental agreement. Said insurance must name Ela Township as Additional Insured with General Liability / Auto Liability Limits no less than \$1,000,000. Said insurance must name the Village of Hawthorn Woods as Additional Insured with General Liability / Auto Liability Limits no less than \$1,000,000.
6. The term of this Agreement shall be for a period of one (1) year from the date of execution with automatic renewal for additional one (1) year terms unless at least 60 days prior to the Agreement anniversary date written termination notice is given by any of the parties. The remaining parties may elect to continue this Agreement.
7. Notices may be given at the agency's office listed above.
8. Any person utilizing equipment or vehicles must have a valid drivers' license that has not been suspended.

Ela Township

Glavin M. Palmdes

Supervisor

Date

Village of Hawthorn Woods

Pamela D. Ueber

Chief Operating Officer

Date

9/29/21

Attest:

Luep A. Borty

Township Clerk

Date

Dana Robaito 9/29/21

Village Clerk

Date