

RESOLUTION AUTHORIZING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE VILLAGE OF BARRINGTON HILLS AND THE VILLAGE OF SOUTH BARRINGTON

WHEREAS, the Village of Barrington Hills (“Barrington Hills”) located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, is a home rule municipality; and

WHEREAS, the Village of South Barrington (“South Barrington”) located in Cook County, Illinois is a home rule municipality; and

WHEREAS, Section 10 of Article VII of the Constitution of the State of Illinois provides authority for units of local governmental to contract or otherwise associate among themselves to obtain or share services and to exercise, combine or transfer any power or function not prohibited by law or ordinance; and

WHEREAS, the Intergovernmental Cooperation Act (the “Act”), 5 ILCS 220/5, provides that units of local government are authorized “to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform...except...where specifically and expressly prohibited by law”; and

WHEREAS, the President and Board of Trustees of the Village of Barrington Hills deem it advisable, necessary, appropriate, and in the public interest and find that it would best serve the public and corporate purposes for which the Village of Barrington Hills is organized for this Village to enter into an Intergovernmental Agreement with South Barrington to allow South Barrington to use the Barrington Hills police department facilities to process arrestees on substantially the terms and conditions set forth in the Intergovernmental Agreement which is attached hereto and expressly made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Barrington Hills, located in the Counties of Cook, Kane, Lake and McHenry in the State of Illinois, a home rule municipality as follows:

Section 1: **Recitals.** The foregoing recitals are hereby incorporated into this Resolution as findings of the President and Board of Trustees.

Section 2: **Authorization.** Under authority vested in the President and Board of Trustees of the Village of Barrington Hills pursuant to Article VII, Section 10 of the 1970 Constitution of the State of Illinois and the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., and the ordinances of the Village of Barrington Hills, the President and Board of Trustees hereby authorize and approve the execution of the Intergovernmental Agreement substantially in the form attached hereto and made part hereof as Exhibit A.

Section 3: Execution and Delivery. The President and Village Clerk of the Village of Barrington Hills are hereby authorized and directed to execute and deliver to all of the other parties, an Intergovernmental Agreement substantially in the form of Exhibit A and to do all things necessary and essential, including the execution of any other documents and certificates to accomplish the agreement hereinabove authorized and set forth in the Agreement.

Section 4: Effective Date. This Resolution shall be in full force an effect from and after its approval and publication according to law.

APPROVED THIS ____ **day of** _____, **2013**

AYES:_____ **NAYS:**_____ **ABSENT:**_____

ATTEST:

Village Clerk

Village President

Exhibit A

**INTERGOVERNMENTAL AGREEMENT BETWEEN
THE VILLAGE OF SOUTH BARRINGTON AND THE
VILLAGE OF BARRINGTON HILLS REGARDING THE USE
OF THE VILLAGE OF BARRINGTON HILLS
POLICE DEPARTMENT FACILITIES**

THIS AGREEMENT is entered into by and between the Village of South Barrington ("South Barrington") and the Village of Barrington Hills ("Barrington Hills").

WITNESSETH:

WHEREAS, the Villages of South Barrington and Barrington Hills are home rule municipalities, and pursuant to the Illinois Constitution, Article VII, Section 8, are authorized to execute this Agreement; and

WHEREAS, Section 10 of Article VII of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act, 5 ILCS 22011 et.seq., allow and encourage intergovernmental cooperation; and

WHEREAS, the Villages of South Barrington and Barrington Hills agree that it would be in the best interests of their citizens to allow South Barrington to use certain facilities located at the Barrington Hills Police Department; and

WHEREAS, South Barrington is desirous of protecting Barrington Hills from liability in consideration of the grant of the use of certain facilities located at the Barrington Hills Police Department.

NOW, THEREFORE, in consideration of the mutual agreements contained in this Agreement, the Village of South Barrington and the Village of Barrington Hills hereby agree as follows:

SECTION 1. The South Barrington Police Department may transport any individuals that have been arrested to the Barrington Hills Police Department for the purpose of processing the arrestee as provided in this Agreement.

SECTION 2. The South Barrington Police Department may transport persons to the Barrington Hills Police Department and process arrestees pursuant to the following terms and conditions:

A. South Barrington agrees to be responsible for the transportation of its arrestees to and from the Barrington Hills Police Department for the purpose of processing an arrest.

B. South Barrington agrees to be responsible for damages caused by its arrestees to Barrington Hills Police Department property.

C. South Barrington hereby agrees to defend, indemnify and hold Barrington Hills harmless for all actions, claims, causes of action, suits, damages, demands and defenses which may be brought against

Barrington Hills or any officer or agent of Barrington Hills as a result of South Barrington's use of the Barrington Hills Police Department, with the exception of such actions, claims, causes of action, suits, damages, demands and defenses that are a direct result of the willful and wanton misconduct of an officer of Barrington Hills.

D. South Barrington shall provide all services necessary for processing an arrestee, and if necessary, the bonding out and releasing of all arrestees transported to the Barrington Hills Police Department by South Barrington.

E. Barrington Hills agrees to allow South Barrington access to and use of their live scan equipment for the fingerprinting of arrestees processed by South Barrington at the Barrington Hills Police Department.

F. South Barrington officers shall abide by Barrington Hills Police Department policies covered under General Order #6091 governing proper booking procedures. A copy of this policy shall be provided to South Barrington upon passage and approval of this Agreement.

SECTION 3. Amendments to the terms and conditions of this Agreement may be made upon written mutual agreement of the Chief of Police of the Village of South Barrington and the Chief of Police of the Village of Barrington Hills.

SECTION 4. The Term of this Agreement shall be one (1) year from and after the date of execution of this Agreement. This Agreement shall, thereafter, automatically renew for a successive one (1) year periods unless and until terminated. Either party hereto may terminate this Agreement upon written notice being provided to the other party, not less than thirty (30) days prior to the proposed termination date.

SECTION 5. This Agreement shall become effective upon passage and approval and signature of the parties to this Agreement. This Agreement shall be construed in accordance with the laws and Constitution of the State of Illinois.

IN WITNESS WHEREOF, the Village of South Barrington and the Village of Barrington Hills have executed this Agreement on the _____ day of _____, 2013.

VILLAGE OF SOUTH BARRINGTON

BY: _____

Village President

ATTEST:

VILLAGE OF BARRINGTON HILLS

BY: _____

Village President

ATTEST:
