THE VILLAGE OF BARRINGTON

ORDINANCE NO. 2024 – 4395

AN ORDINANCE APPROVING AMENDMENTS TO THE AGREEMENT ESTABLISHING THE SOLID WASTE AGENCY OF NORTHERN COOK COUNTY AS A MUNICIPAL JOINT ACTION AGENCY AND TO THE BYLAWS OF THE SOLID WASTE AGENCY OF NORTHERN COOK COUNTY

Adopted by the Village Board
of the Village of Barrington
this 22nd day April, 2024

Published in pamphlet form by direction
and authority of The Village of Barrington
Cook and Lake Counties, Illinois
this 23 day of April, 2024

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WHEREAS, the Village of Barrington ("*Village*") is a home rule, special charter, municipal corporation existing in accordance with the Illinois Constitution of 1970; and

WHEREAS, Section 6(a) of Article VII of the Illinois Constitution of 1970 authorizes home rule units, such as the Village, to "exercise any power and perform any function pertaining to its government and affairs;" and

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970 authorizes units of local government, such as the Village, to contract or otherwise associate amongst themselves in any manner not otherwise prohibited by law or ordinance; and

WHEREAS, Section 3 of the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/3, permits any powers, privileges, functions or authority exercised or which may be exercised by a unit of local government, such as the Village, to be combined and exercised jointly with any other unit of local government; and

WHEREAS, pursuant to such authorization, the Village has entered into an Agreement with other municipalities establishing the Solid Waste Agency of Northern Cook County ("SWANCC") as a municipal joint action agency ("Agreement"); and

WHEREAS, as a member of SWANCC, the Village has approved By-Laws that, together with the Agreement, govern the function and operation of SWANCC; and

WHEREAS, the Village now desires, and find it in the best interest of the health, safety, morals and welfare of the Village, to amend the Agreement and the By-Laws of SWANCC

concerning the appointment of representatives authorized to represent the Village at meetings of SWANCC, all as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF TRUSTEES OF BARRINGTON, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE: **Recitals**. The foregoing recitals are hereby adopted by this reference as findings of the Village Board of Trustees and are hereby incorporated into this Section as if fully set forth.

SECTION TWO: **Amendment to Agreement** Section 8, "Governance," subsections *.3 and 8.4, are hereby amended as follows (added text is shown as **bold, double-underlined text** and deleted text is shown as ~~stricken text~~):

> Section 8. Governance.
>
> 8.1 The Agency shall be governed and administered as provided in this Section and in the By-Laws, adopted pursuant to, and subject to the limitations of, this Agreement.
>
> 8.2 The governing body of the Agency shall be the Board of Directors. There shall be one Director for each Member, who shall be appointed by vote of the corporate authorities of the Member and who at the time of appointment shall be the (i) Mayor or President of a Member (if such Member is a municipality) or the President or Chairman of a Member (if such Member is a County), (ii) another elected member of the corporate authorities of the Member or, (iii) the chief administrative officer of the Member. The term of each initial Director shall begin when he or she is appointed and shall continue until April 30, 1991 and until his or her successor is appointed. Thereafter, all Directors shall be appointed for two-year terms expiring on April 30 of odd numbered years. Except as provided in paragraph 8.4, a person serving as a Director shall serve until his or her term expires, and thereafter until his or her respective successor is appointed. Each Director shall have one vote on the Board of Directors.
>
> 8.3 Any Member may appoint one or more persons to serve as the Alternate Director. Any such appointee shall meet the qualifications for office as a Director established in paragraph 8.2 **or shall be a staff person of the Member appointed by its corporate authority and granted the authority to act on the**

Member's behalf. The Alternate Director may attend any meeting of the Board of Directors and may vote as the Director in the absence of the Director from that Member or if there is a vacancy in the position of Director from that Member. The term of an Alternate Director shall be the same as the term of the Director from the appointing Member. Except as provided in paragraph 8.4, a person serving as Alternate Director shall serve until his or her term expires and thereafter until the successor is appointed.

8.4 All appointments of Directors and Alternate Directors shall be by ordinance or resolution of the corporate authorities of the appointing Member, a certified copy of which shall be filed with the Secretary of the Agency. Should any Director or Alternate Director cease to serve as the President, Mayor, Chairman, elected member of the corporate authorities ~~or~~, chief administrative officer of the appointing Member**, or staff person of the Member granted authority to act on the Member's behalf**, that person shall simultaneously cease to serve as Director or Alternate Director of the Agency and the position shall be vacant. Any vacancy in the office of Director or Alternate Director shall be filled by appointment by the Member with respect to which the vacancy exists. Directors and Alternate Directors shall receive no compensation for their service in this capacity but may be reimbursed by the Agency for reasonable and necessary expenses incurred in performance of their duties.

/remainder unchanged/

SECTION TWO: **Amendment to By-Laws** Section 1, "Members and Powers," is hereby amended as follows (added text is shown as **bold, double-underlined text** and deleted text is shown as ~~stricken text~~):

1. Members and Powers. The Board of Directors of the Agency shall be comprised as provided in the Agreement and the By-Laws and shall exercise those powers specified in the Agreement and the By-Laws. If any Director **or Alternate Director** ceases to serve as the President, Mayor, Chairman, elected member of the corporate authorities ~~or~~, chief administrative officer of the Member which appointed such person**, or staff person of the Member granted authority to act on the Member's behalf**, becomes incapacitated or is otherwise removed as a Director **or Alternate Director** by the corporate authorities of the appointing Member, that seat on the Board of Directors shall, subject to the provision for participation by Alternate Directors contained in Section 2 of this Article, be vacant

until a successor is appointed by that Member. (For purposes of the By-Laws, "Member" shall have the same meaning as in the Agreement.)

SECTION FOUR: **Superseder**. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the Village, the terms of this Ordinance shall govern.

SECTION FIVE: Severability. If any section, paragraph, clause, phrase, provision or part of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, phrase, provision or part shall not affect the validity of any of the remaining provisions of this Ordinance.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS 22 DAY OF April, 2024, BY ROLL CALL VOTE AS FOLLOWS:
AYES: Trustees Lohmeyer Holen Wondrasek Duncan Morrissey President Darch
NAYS: None
ABSENT: None
RECUSE: None

APPROVED THIS 22 OF April, 2024

Karen Darch, Village President

ATTESTED AND FILED THIS
22ND DAY OF APRIL, 2024

Tony Ciganek, Village Clerk

(SEAL)