



Legislation Text

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JPS-R-0002-23

ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE COUNTY OF KANE TO PROVIDE JUVENILE DETENTION SERVICES

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any matter not prohibited by law or by ordinance and may use their credit, revenues, and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the County of DuPage and the County of Kane are units of local government within the meaning of Article 7 Section 1 of the Illinois Constitution of 1970; and

WHEREAS, the County of DuPage and the County of Kane are public agencies within the meaning of the Intergovernmental Cooperation Act (5 ILCS 220/2); and

WHEREAS, the County of DuPage is authorized to establish, support and maintain a detention home responsible for the care and custody of delinquent minors (55 ILCS 75/ 1); and

WHEREAS, the County of DuPage is desirous of utilizing the available housing for juvenile detainees which the County of Kane can provide;

WHEREAS, pursuant to the Juvenile Court Act, 705 ILCS 405/5, the Circuit Court for the Eighteenth Judicial Circuit and the designated probation or detention officer are authorized to request detention services for juveniles in a secure detention facility;

WHEREAS, the County of DuPage may expend tax receipts for detention services purchased through agreement with the County of Kane (55 ILCS 75/9.3);

WHEREAS, on February 6, 2020, the County of DuPage entered into an agreement with the County of Kane to provide temporary custody, specifically housing and detention services for minors authorized by the County of DuPage ("the Agreement");

WHEREAS, the Agreement contained a provision in paragraph 11, which provided that the "AGREEMENT shall be reviewed in two (2) years from the date of commencement for appropriateness of fees and a new per diem rate may be negotiated;"

WHEREAS, the Parties renegotiated the per diem rate and came to an accord, which was memorialized in an addendum to the Agreement that was approved by the DuPage County Board on December 13, 2022;

WHEREAS, on January 10, 2023, the Kane County Board approved an addendum to the Agreement related to the per diem rate;

WHEREAS, on or about February 9, 2023, prior to the Kane County Board Chairman executing the addendum, the Kane County State's Attorney's Office discovered that the agreement referenced insurance coverage no longer available to Kane County, and requested that the agreement be amended to modify the insurance coverage to reflect excess coverage in the amount of \$20 million with a \$1 million self-insurance retention;

WHEREAS, unfortunately, due to an oversight, no one at Kane County discussed this change with DuPage County before it was made and the new resolution was signed;

WHEREAS, Paragraph 11 of the Agreement separately provides that the "AGREEMENT may be amended with the written consent of all parties hereto;"

WHEREAS, it was determined that the level of coverage Kane County currently holds and wishes to change the Agreement to reflect (\$20 million in excess coverage with a \$1 million self-insured retention), nearly matches DuPage County's own insurance coverage; and

WHEREAS, it was determined that it was in the best interest of the County to maintain the Agreement despite this additional proposed amended term.

NOW, THEREFORE BE IT RESOLVED, that the Agreement between the County of Kane and the County of DuPage signed and enacted on February 6, 2020, be amended as follows:

9. FEES AND PAYMENT

9.1 As consideration for the foregoing, DuPage County agrees to provide compensation to Kane County for the following detention services:

(a) Per Diem fee: The amount of \$175.00 per day, per minor for occupied detention beds. Kane County shall provide an invoice to DuPage County by the tenth day of the month reflecting services provided during the previous month. DuPage County shall remit payment within 60 days after receipt of such invoice.

(b) Medical fees: DuPage County will reimburse Kane County for all lab fees, X-rays and prescription medications.

10. INDEMNIFICATION

10.1 Alternatively, a self-insurance reserve of \$1 million with excess coverage of \$20 million is acceptable if KANE COUNTY self-insures.

All other terms of the agreement will remain in effect until the expiration of the agreement on February 1, 2024.

Enacted and approved this 23rd day of May, 2023, at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____
JEAN KACZMAREK, COUNTY CLERK