



DOUGLAS J. JOHNSON
OFFICE OF THE DEKALB
COUNTY CLERK & RECORDER

State of Illinois }
County of DeKalb }

Certificate


I, Douglas J. Johnson, County Clerk and Keeper of the Records for the County of DeKalb, in the State of Illinois, do hereby certify the attached is a true, perfect and complete copy of

Resolution R2017-86

adopted by the County Board of DeKalb County at its regular meeting held at Sycamore, Illinois on the 17th day of May, 2017.

In Testimony whereof, I have subscribed my hand and affixed the seal of DeKalb County, in my office in the City of Sycamore, on this 18th day of May, 2017.




Douglas J. Johnson
DeKalb County Clerk & Recorder

**RESOLUTION
R2017-86**

WHEREAS, the County of DeKalb and Waste Management of Illinois, Inc. ("WMII") entered into a Host Community Agreement regarding the proposed expansion of the DeKalb County Landfill, 504 Somonauk Road, DeKalb, Illinois 60115 on March 18, 2009 ("Host Agreement"); and

WHEREAS, the Host Agreement provides that WMII may not accept at the expanded DeKalb County Landfill ("Expansion") more than 500,000 tons of solid waste, including special waste and waste generated outside DeKalb County, during any calendar year, without County approval; and

WHEREAS, the Expansion began accepting waste in 2014, and is on pace to receive 500,000 tons in 2016; and

WHEREAS, WMII has had a number of opportunities to obtain disposal contracts for special waste generated in neighboring county one-time projects, and believes that future opportunities will be available; and

WHEREAS, WMII is not able to accept such special wastes at the Expansion under the 500,000 ton annual waste cap in the Host Agreement; and

WHEREAS, the receipt of such special wastes will provide operational and financial benefits to both WMII and DeKalb County, while the manner and process of special waste disposal will be protective of the public health, safety and welfare; and


WHEREAS, the amendment also provides for technical adjustments to the calculation and application of the annual cost-of-living adjustment contained in the Agreement; and

WHEREAS, this amendment is in the best interests of DeKalb County and its residents.

NOW THEREFORE BE IT RESOLVED, the DeKalb County Board hereby approves that the Host Community Agreement is amended by adding Section 7(c) and making changes to Sections 15 and 16, all as shown on Attachment A to this resolution which is effective immediately upon adoption.

PASSED THIS 17TH DAY OF MAY, 2017 AT SYCAMORE, ILLINOIS


ATTEST:



Douglas J. Johnson
DeKalb County Clerk



SIGNED:



Mark Pietrowski, Jr.
County Board Chairman



Section 7. Service Area

b. Commencing on the day Waste Management begins to accept waste in the Expansion, Waste Management may accept wastes for disposal at the Landfill generated outside of DeKalb County, provided, however, that in no event shall Waste Management accept for disposal in excess of 500,000 tons of Solid Waste for disposal during any calendar year, without approval of the County. In the event of a natural disaster, Waste Management may accept additional quantities of clean-up waste with the approval of the Director of Environmental Health.

c. In addition to the 500,000 tons of Solid Waste authorized in subparagraph (b) above, Waste Management may accept for disposal up to 200,000 tons of nonhazardous special waste generated outside of DeKalb County during any calendar year, without further approval of the County, except that the County Board may reduce the tons to 150,000 after January 1, 2025.

Section 15. Cooperation with DeKalb County Economic Development Corporation.

“ . . . and the minimum contribution per year shall be increased annually by the lower of (a) the annual increase in the Consumer Price Index for the Chicago Region (CPI-U, Chicago-Gary-Kenosha, All Items), as published from time to time by the United States Department of Labor Statistics as provided for in Section 16a of this Agreement ; or (b) 4%.”

Section 16. Per Ton Host Benefit Fees.

a. Calculation of Host Benefit Fee

“ . . . and annually thereafter as long as Waste Management continues to receive waste for disposal at the Landfill, the Host Benefit Fee shall be adjusted by the lessor of: (a) the percentage of increase during the previous year in the Consumer Price Index for the Chicago Region (CPI-U, Chicago-Gary-Kenosha), All Items as published from time to time by the United States Department of Labor Statistics, or (b) 5% but in no case will the then-current Host Benefit Fee be decreased. Notwithstanding the foregoing, effective January 1, 2018, the Host Benefit Fee shall be adjusted on January 1st each year and the Consumer Price Index for the Chicago Region (CPI-U, Chicago-Gary-Kenosha) referred to above shall be defined as the index reported for the month of December each year and shall not be the Annual average index reported for the entire year.”

b. Payment

“The Host Benefit Fee shall be payable to the County on a monthly basis on or before the 30th 45th day following the end of each month. Any Host Benefit Fee payment not received by the County within this 30 45 day period shall be subject to a late charge of one (1%) percent of the total Host Benefit Fee plus accrued late charges per month or fraction of the month in which the payment is late.