



**CITY OF CRYSTAL LAKE
AGENDA**

**CITY COUNCIL
REGULAR MEETING**

City of Crystal Lake
100 West Woodstock Street, Crystal Lake, IL
City Council Chambers
December 18, 2012
7:30 p.m.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Recognition of Police Chief David R. Linder**
5. **Approval of Minutes – December 4, 2012 Regular City Council Meeting**
6. **Accounts Payable**
7. **Public Presentation**
The public is invited to make an issue oriented comment on any matter of public concern not otherwise on the agenda. The public comment may be no longer than 5 minutes in duration. Interrogation of the city staff, Mayor or City Council will not be allowed at this time, nor will any comment from the Council. Personal invectives against city staff or elected officials are not permitted.
8. **Mayor's Report**
9. **Council Reports**
10. **Consent Agenda**
 - a. **Abatement Ordinance for certain properties within Special Service Area Number 44, Tracy Trail Subdivision.**
 - b. **Abatement Ordinance for certain properties within Special Service Area Number 43, Crystal Heights Subdivision.**
 - c. **Abatement Ordinance for the 2012 General Obligation Bond Issue.**
 - d. **Abatement Ordinance for the 2009A and 2009 B Taxable General Obligation Bond Issue.**
 - e. **Abatement Ordinance for the 2009C General Obligation Refunding Bond Issue.**
 - f. **Knights of Columbus Council #3880 Class 16 Temporary Liquor License request.**
 - g. **Crystal Lake South High School Booster Club Class 16 Temporary Liquor License request.**
 - h. **Ordinance rescinding the City Council's action to dedicate and vacate the 20' x 200' City property located west of Main Street and south of Route 14.**
 - i. **Resolution in support of governmental self-insurance pooling and in opposition to non-productive legislative restraints.**
11. **Union Pacific Railroad Safety Spike Award Presentation.**
12. **Northwest corner of Route 31 and Crystal Lake Avenue – Potential rezoning of the property and pre-Annexation Agreement – Discussion only.**
13. **55 E. Crystal Lake Avenue – Special Use Permit to allow a residential use on the first floor in the “B-4” Downtown District.**
14. **New Peking Restaurant, 40 W. Terra Cotta Avenue – City Code Amendment increasing the number of Class 14 liquor licenses.**
15. **Anderson Motors, 5213 Northwest Highway - Resolution authorizing execution of the Anderson Motors enhanced sales tax incentive agreement.**

16. **TGI Friday's, 835 Cog Circle – Final Planned Unit Development Amendment to allow site, elevation and signage changes.**
17. **414 W. Virginia Street – Special Use Permit for a Drinking Place.**
18. **Bid award and resolution authorizing execution of an agreement for the Emergency Operations Center project with a contingency of not more than 10% for justifiable modifications.**
19. **Procurement Ordinance and Resolution authorizing execution of cooperative purchasing agreements.**
20. **Resolution authorizing execution of an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry and the City of Woodstock for the Annual Dial-A-Ride Transit Services in 2013.**
21. **4814, 4902, 4908, 4910, 4914, 4916, 5002, 5004, and 5006 State Street – Ordinance rezoning the subject properties from “E” Estate to the “R-2” Single Family Residential district.**
22. **Resolution designating an additional City Councilmember as a liaison to the Crystal Lake Public Library Expansion Planning Group.**
23. **Property Tax Levy Ordinance/Truth in Taxation Public Hearing.**
24. **Council Inquiries and Requests**
25. **Adjourn to Executive Session for the purpose of discussing matters of pending and probable litigation, the sale, purchase or lease of real property, collective bargaining, and personnel.**
26. **Reconvene to Regular Session.**
27. **Adjourn**

If special assistance is needed in order to participate in a City of Crystal Lake public meeting, please contact Brad Mitchell, Assistant to the City Manager, at 815-459-2020, at least 24 hours prior to the meeting, if possible, to make arrangements.



Agenda Item No: 10a

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Special Service Area Number 44, Tracy Trail Subdivision
Property Tax Abatement

Staff Recommendation:

Motion to adopt the Abatement Ordinance for certain
properties within Special Service Area Number 44, Tracy
Trail Subdivision

Staff Contact:

Mark F. Nannini, Director of Finance

Background:

In the summer of 2007, construction began on Tracy Trail. Prior to construction, property owners adjacent to Tracy Trail signed Participation Agreements, in which owners agreed to pay their proportionate share of the total project cost. The agreement served as a funding mechanism to pay for the improvements.

In the event an owner defaulted in the payment or payments due, the unpaid balance was to be paid from taxes collected by the City from Special Service Area #44. In the event those property owners made their payments, they would be entitled to a rebate for the excess payment they made.

To prevent property owners from having to escrow funds unnecessarily, staff conferred with the McHenry County Treasurer, and it is recommended that taxes for Special Service Area Number 44 property owners be abated for those participants who have paid their proportionate share.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Tax Year 2012 for certain properties in the Tracy Trail Subdivision, City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 24th day of April, 2007 (the "Ordinance"), did provide for establishing Special Service Area Number 44, Tracy Trail Subdivision and bonds, if issued, should be retired by the levy of Bond Taxes, being a direct annual tax sufficient to pay the principal and interest thereon; and

WHEREAS, in March, 2007, the City entered into an agreement with the owners of property within the Tracy Trail Subdivision, Crystal Lake, Illinois, for the purpose of completing street improvements to Tracy Trail as required by the Code of Ordinances of the City in order that Tracy Trail would be accepted by the City as a part of the City's public street system in exchange for payment of the owner's proportionate share of the total actual cost of improving Tracy Trail; and

WHEREAS, one owner has made their annual payment and shall be entitled to a rebate of 2012 taxes unless they are abated;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the tax year 2012 in the Ordinance is hereby abated for:

600 Tracy Trail (PIN 19-04-476-012), Crystal Lake, Illinois

DRAFT

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the Treasurer of the County of McHenry, Illinois, and it shall be the duty of said Treasurer to abate said tax levied associated with the parcels identified in Section 1 of this Ordinance, for the tax year 2012 in accordance with the provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10b

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Special Service Area Number 43, Crystal Heights
Subdivision Abatement

Staff Recommendation:

Motion to adopt the Abatement Ordinance for certain
properties within Special Service Area Number 43, Crystal
Heights Subdivision

Staff Contact:

Mark F. Nannini, Director of Finance

Background:

In April, 2005, construction began on the Crystal Heights water main, sanitary sewer, and road construction projects. Prior to construction, residents signed Participation Agreements, in which owners agreed to pay their proportionate share of the total project cost. The agreement served as a funding mechanism to pay for the improvements.

Several residents in the Crystal Heights area had failed to pay their proportionate share of the project costs as agreed upon in the Participation Agreement. This failure on their part had resulted in a shortage of funds required for the payment of annual outstanding bond obligations associated with the project. As a consequence, the City of Crystal Lake enacted Special Service Area #43 (SSA43).

Enacting the SSA #43 allowed the City to recoup the necessary delinquent funds through property taxes. Property owners who had paid their proportionate share of the project cost in full are able to receive reimbursement of the SSA #43 property tax on their tax bills.

To prevent property owners from having to escrow funds unnecessarily, staff conferred with the McHenry County Treasurer, and it is recommended that taxes for Special Service Area Number 43 property owners be abated for those participants who have paid their obligation in full.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Tax Year 2012 for certain properties in the Crystal Heights Subdivision, City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 4th day of May, 2004 (the "Ordinance"), did provide for establishing Special Service Area Number 43, Crystal Heights Subdivision and the imposition of a tax at a rate sufficient to pay the cost of providing special services in and for such area; and

WHEREAS, on the 4th day of May, 2004, the City entered into an agreement with the owners of property within the Crystal Heights Subdivision, Crystal Lake, Illinois, that allowed owners to connect their property to water and sewer mains of the City in exchange for payment of the owner's proportionate share of the total actual construction cost of the water and sewer mains; and

WHEREAS, some owners have prepaid the entire balance together with accrued interest before the final payment date;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the tax year 2012 in the Ordinance is hereby abated for:

25 John Street (PIN 19-04-126-022),

37 John Street (PIN 19-04-126-024),

42 John Street (PIN 19-04-127-009),

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43 John Street (PIN 19-04-126-025),
66 John Street (PIN 19-04-127-022),
29 Kent Avenue (PIN 19-04-201-020),
33 Kent Avenue (PIN 19-04-201-010),
41 Kent Avenue (PIN 19-04-201-011), Crystal Lake, Illinois.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the Treasurer of the County of McHenry, Illinois, and it shall be the duty of said Treasurer to abate said tax levied associated with the parcels identified in Section 1 of this Ordinance, for the tax year 2012 in accordance with the provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10c

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	General Obligation Bonds, Series 2012 Abatement
<u>Staff Recommendation:</u>	Motion to adopt the Abatement Ordinance for the 2012 General Obligation Bond Issue
<u>Staff Contact:</u>	Mark F. Nannini, Director of Finance

Background:

In 2012, General Obligation Bonds were issued to finance the cost of Wastewater Treatment Plant improvements, Water Plant upgrades, water and sewer main replacements and to provide for the refunding of Series 2004 General Obligation Bonds, originally issued to provide financing for the Southeast Emergency Communications Center (SEECOM), construction of water and sanitary sewer mains along with related road construction in the area of the Crystal Heights Subdivision (SSA #43), and to provide for various water and sewer projects, realizing net debt service savings from the refunding.

At the time these 2012 bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation. Water and Sewer user fees will be used to repay water and sewer improvement costs. The portion associated with SEECOM will be repaid from contributions from SEECOM's participating agencies. In the case of the Crystal Heights water and sewer project, Crystal Heights SSA #43 participants will cover their annual debt obligation.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short or no alternative sources are available, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues and/or other sources will be available, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2012 to pay the principal and interest on \$9,235,000 General Obligation Bonds, Series 2012 of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 18th day of September, 2012 (the "Ordinance"), did provide for the issue of \$9,235,000 General Obligation Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 16 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2014; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2012 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the year 2012 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2012 in accordance with the provisions hereof.

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Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10d

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	Taxable General Obligation Bond, Series 2009 Abatement
<u>Staff Recommendation:</u>	Motion to adopt the Abatement Ordinance for the 2009A and 2009B Taxable General Obligation Bond Issue
<u>Staff Contact:</u>	Mark F. Nannini, Director of Finance

Background:

In 2009, Taxable General Obligation Bonds were issued to provide for funding of construction of public improvements associated with the Three Oaks Recreation Area project and various water and sewer system improvements. At the time these bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation.

In the case of the Three Oaks Recreation Area project, home rule sales tax and incremental TIF property taxes, if available, will be transferred from time to time to the Bond Fund and utilized to abate the Pledged Taxes. Water and sewer user fees are utilized to pay capital improvement costs.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues will meet expectations, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue. The City attorney has reviewed the attached ordinance.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2012 to pay the principal and interest on \$17,435,000 Taxable General Obligation Bonds, Series 2009 of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 15th day of September, 2009 (the "Ordinance"), did provide for the issue of \$17,435,000 Taxable General Obligation Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 14 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2014; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2012 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the year 2012 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2012 in accordance with the provisions hereof.

DRAFT

Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10e

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	General Obligation Refunding Bonds, Series 2009C Abatement
<u>Staff Recommendation:</u>	Motion to adopt the Abatement Ordinance for the 2009C General Obligation Refunding Bond Issue
<u>Staff Contact:</u>	Mark F. Nannini, Director of Finance

Background:

In 2009, General Obligation Refunding Bonds were issued to provide for the refunding of Series 1998 General Obligation Bonds, (originally issued to provide financing for the municipal complex expansion and to provide for the replacement of water and sewer mains), realizing net debt service savings from the refunding. At the time these bonds were issued, dedicated revenue streams were identified that would provide for the repayment of this obligation. Funds to pay debt associated with the 1998 expansion of the municipal complex will come from General Fund revenues. Water and Sewer user fees are utilized to repay water and sewer improvement costs.

Under the terms of the bond agreement, the City obligates the full faith and credit of the City if dedicated revenues fall short. If dedicated revenues fall short or no alternative sources are available, the City is required to collect property taxes as a means to repay the debt obligation. Since dedicated revenues and/or other sources will be available, City staff recommends that the City Council approve the attached abatement ordinance that provides official direction to the County Clerk to defray collecting property taxes next year for this bond issue. The City attorney has reviewed the attached ordinance.

Votes Required to Pass:

Simple majority

DRAFT



ORDINANCE NUMBER _____
File No. _____

ORDINANCE abating the tax heretofore levied for the Year 2012 to pay the principal and interest on \$4,675,000 General Obligation Refunding Bonds, Series 2009C of the City of Crystal Lake, McHenry County, Illinois

* * *

WHEREAS, the Mayor and City Council (the "Corporate Authorities") of the City of Crystal Lake, McHenry County, Illinois (the "City"), by Ordinance adopted on the 15th day of September, 2009 (the "Ordinance"), did provide for the issue of \$4,675,000 General Obligation Refunding Bonds (the "Bonds"), and the levy of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the City will have money in the "Bond Fund" established pursuant to Section 13 of the Ordinance for the purpose of paying the principal of and interest on the Bonds up to and including April 30, 2014; and

WHEREAS, it is necessary and in the best interests of the City that the tax heretofore levied for the year 2012 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the year 2012 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the City Clerk shall file a certified copy hereof with the County Clerk of the County of McHenry, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2012 in accordance with the provisions hereof.

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Section 3. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and signing and approval by the Mayor.

Passed by the Corporate Authorities on _____

Approved _____

MAYOR

AYES:

NAYS:

ABSENT:

Recorded in the City Records on

ATTEST:

CITY CLERK



Agenda Item No: 10f

**City Council
Agenda Supplement**

Meeting Date: December 18, 2012

Item: Temporary Liquor Licenses – Knights of Columbus Council #3880

Staff Recommendation: Motion to approve issuance of two Class “16” Temporary Liquor Licenses to the Knights of Columbus Council #3880

Staff Contact: George Koczwar, Deputy City Manager

Background:

The City has received two requests from the Knights of Columbus Council #3880 for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at (1) the Parish Polish Dinner being held at the Oak Street Church Community Center, located at 451 W. Terra Cotta Avenue, on January 12, 2013 from 6:00 p.m. to 10:00 p.m., and (2) the Parish Saint Patrick’s Celebration being held at the Oak Street Church Community Center, located at 451 W. Terra Cotta Avenue, on March 16, 2013 from 6:00 p.m. to 10:00 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding these requests.

Votes Required to Pass:

Simple majority



Agenda Item No: 10g

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Temporary Liquor License – Crystal Lake South High School Booster Club

Staff Recommendation:

Motion to approve issuance of a Class “16” Temporary Liquor License to Crystal Lake South High School Booster Club

Staff Contact:

George Koczvara, Deputy City Manager

Background:

The City has received a request from Crystal Lake South High School Booster Club for the issuance of a Class “16” Temporary Liquor License in order to sell beer and wine at their Fourth Annual Trivia Game Night being held at the Saint Elizabeth Ann Seton Church Parish Center, located at 1023 McHenry Avenue, on March 2, 2103 from 6:30 p.m. to 10:30 p.m.

Section 329-5-P of the City Code permits the issuance of a Class “16” Temporary Liquor License for the retail sale of beer and wine for consumption upon the premises specified in the license where sold. The license shall be issued to not-for-profit corporations qualified to do business in the State of Illinois. The license shall be for a period not to exceed three (3) days, and shall be issued only for special events sponsored by the not-for-profit corporation requesting the license.

Attached for City Council review is a copy of all support documentation regarding this request.

Votes Required to Pass:

Simple majority



Agenda Item No: 10h

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	#2011-38 Hanus
<u>Request:</u>	Rescind the Ordinance vacating the right-of-way and the Resolution dedicating property to right-of-way for the unnamed alley west of Main Street south of Route 14.
<u>Recommendation:</u>	Motion to approve the Ordinance rescinding the City Council's action to dedicate and vacate the 20' x 200' City property as illustrated on the attached exhibit.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Planning and Economic Development

Background:

- **Existing Use:** The subject property is 20' x 200' and is between an existing shopping center and the McHenry County Conservation District Prairie Trail bike path at the southwest corner of Route 14 and Main Street. The property is vacant with easements for underground and overhead utilities.
- **Background:** The adjacent property owner for the in-line retail tenant building requested the acquisition of the City property. The property was purchased in 1989 as part of the southeast sewer interceptor project. The City paid \$25,000 for the property, which did not include other administrative and legal costs.
- **Previous Approvals:** On October 18, 2011, the City Council approved the dedication of the property as right-of-way and then the vacation of the right-of-way to the adjacent property owner provided he paid \$25,000 for the property and dedicated a 20' x 14' easement for way-finding signage.

Key Factors:

- **Update:** City Staff sent several requests to the owner to provide the necessary Plats including the Plat of Dedication, Plat of Vacation and Plat of Easements so the ordinances could be recorded. The petitioner also has not paid the \$25,000 fee.
- **Request:** The request by the petitioner should be considered withdrawn and the Ordinance and Resolution should be rescinded.

Votes Required to Pass: A simple majority vote is required for the dedication; a super majority vote is required for the plat of vacation.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE RESCINDING ORDINANCE #6710
ADOPTED OCTOBER 18, 2011

WHEREAS, the City Council adopted Ordinance #6710 entitled "AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY AT THE SOUTHWEST CORNER OF U.S. ROUTE 14 AND MAIN STREET IN THE CITY OF CRYSTAL LAKE" on October 18, 2011 (File #2011-38); and

WHEREAS, it has been determined that the referenced vacation is not in the best interests of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, that Ordinance #6710 is hereby rescinded in its entirety.

CERTIFICATION

I, _____, City Clerk for the City of Crystal Lake, do hereby certify that the foregoing is a true copy of an ordinance duly adopted by the City of Crystal Lake at their December 18, 2011 meeting.

City Clerk

SECTION I: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 10i

**City Council
Agenda Supplement**

Meeting Date: December 18, 2012

Item: Public Entity Risk Pooling in Illinois

Council Recommendation: Motion adopting a resolution in support of governmental self-insurance pooling and in opposition to non-productive legislative restraints.

Staff Contact: Brad Mitchell, Assistant to the City Manager

Background:

As the City Council is aware, the Intergovernmental Risk Management Agency (IRMA) provides the City with general liability, auto and workers' compensation insurance. IRMA is a risk pool of over 70 Chicago-area municipalities and special districts. The City has been a member of IRMA since 2004.

There have been several pieces of legislation introduced during this past year which are a direct attack on public entity risk pooling in Illinois. Those pieces of legislation were not successful due to, in large part, a concerted effort to oppose the legislation by governmental risk pools throughout the State. However, there is no guarantee that they will not be raised again in upcoming legislative sessions. If enacted, they will fundamentally change for the worse the way public entity risk pooling will operate in Illinois.

The first pieces of legislation, House Bill 542 and Senate Bill 1856, attempt to make structural changes to risk pooling by changing certain provisions of the Joint Self-Insurance provisions of the Intergovernmental Cooperation Act. The proposed legislation does several things:

- Limits the period for notice of withdrawal to no more than 30 days.
- Allows a withdrawn member to rejoin the pool without penalty for up to 60 days.
- Requires the head of any insurance pool to be a licensed insurance producer in the State of Illinois.
- Bars any pool from entering into Contracts for insurance coverage for a period of more than one year.

The effect of this legislation will:

- erode the necessary self-direction that intergovernmental cooperatives and their members need for *stability, predictability, and cost-effectiveness*;
- nullify the predictability and stability achieved by the members agreeing to a set notice period which allows a public entity pool to efficiently and accurately set rates for members, appropriately (and fairly) allocate costs, and negotiate favorable reinsurance contracts; and causing the withdrawing member's share of fixed costs allocated to it through the budget process to be passed on to the remaining pool members which will increase costs for all public entity members;
- place intergovernmental risk pools at a competitive disadvantage to commercial insurers by limiting pools to contracts of no more than one-year duration and allowing commercial insurers to enter into contracts of any length; by eliminating a pool's ability to enter into multi-year contracts with reinsurers when such contracts would lower the cost to the public entities participating in the pool; and by requiring the "head" of the public entity risk pool to be a licensed insurance producer but not requiring the same for commercial insurance companies; and
- reduce public entities' ability to control their own risk financing and insurance needs by imposing legislative limits on the ability of pool members to self-determine their own membership terms and notice requirements to the detriment of self-insured risk pools and their public entity members.

In April 2011, the City of Crystal Lake, at IRMA's recommendation, sent letters to local legislators requesting that they oppose House Bill 542. Attached are copies of the letters sent to local legislators.

The second piece of legislation, Senate Bill 3796, is a proposed change to the Illinois Tort Immunity Act to modify the provisions relating to selection of defense counsel. When a municipal employee is sued in relation to the performance of their job, the municipality generally provides a defense for the employee. The proposed change will require the municipality to pay for a separate lawyer of the employee's choice for each employee in the suit, without limitation. This approach is unnecessary and prohibitively expensive.

The effect of this legislation will:

- increase the defense costs paid by local governments on behalf of themselves and their employees by two to three times; the unit of local government will end up paying for the defense fees of two, three or possibly more attorneys each representing a different employee without having control over the hourly rate being charged, the experience of the attorney being retained or the ability to control the litigation to protect against unnecessary legal action and cost;
- result in dramatically more and higher settlements, even in frivolous cases, being paid by the local government and ultimately the taxpayer due to the oppressive costs of the legal defense and to avoid the crushing defense cost exposure that would otherwise be faced; and
- interfere with defense strategies by fracturing the defense in cases giving employees the ability to bind the municipality under settlement or other decisions for which the municipality did not agree.

In March 2012, the City of Crystal Lake, at IRMA's recommendation, sent letters to local legislators requesting that they oppose Senate Bill 3796. Attached are copies of the letters sent to local legislators.

With the possibility that these pieces of legislation may be resurrected, IRMA is recommending that its members pass a Resolution which supports the concept of pooling and warns against unnecessary legislative interference. This Resolution will make clear to all State Legislators that there is a very large and active group within his or her district which has confidence in and relies upon its own voting ability within the Pool to see to it that its operations are lawful, effective and serve the interests of the Pool members rather than consultants. IRMA will send all resolutions to the appropriate legislators.

Votes Required to Pass:

Simple majority vote of the City Council



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**A RESOLUTION SUPPORTING GOVERNMENTAL
SELF-INSURANCE POOLING AND IN OPPOSITION
TO NON-PRODUCTIVE LEGISLATIVE RESTRAINTS**

WHEREAS, from time-to-time, cyclical and fluctuating pricing and availability in the conventional insurance market have made it difficult for governmental bodies to offer needed protection at a reasonable cost; and

WHEREAS, commencing in 1979, all types of Illinois governmental bodies began to collectively self-insure through the use of governmental self-insurance pools; and

WHEREAS, in the case of Antiporek v. Hillside, the Illinois Supreme Court praised the institution of governmental self-insurance pools and validated their existence and the benefits which pooling provides to its public entities; and

WHEREAS, the Intergovernmental Risk Management Agency ("IRMA") is a self-insurance pool of 70 municipalities located in Northeastern Illinois; and

WHEREAS, the City of Crystal Lake has been a member of IRMA since 2004; and

WHEREAS, IRMA is governed by a Board of Director and Executive Committees composed of representatives of the Member governments. IRMA functions efficiently, and effectively, and reflects the philosophical position of its governmental members rather than that of a private insurance company; and

WHEREAS, governmental self-insurance pools return unused contributions (profits) to their members rather than to shareholders, historically have dramatically reduced administrative and operational costs and have saved their governmental Members and the taxpayers of this State millions of dollars; and

WHEREAS, at least three pieces of recently-proposed legislation aimed at intergovernmental pooling were introduced in the Illinois General Assembly; and

WHEREAS, these bills were not directed at actual problems or abuses of governmental self-insurance pools but, rather, are attempts to weaken the benefits of pooling; and

WHEREAS, the governmental bodies which pass this Resolution want their Legislators to be acutely aware of their strong and active desire to be consulted whenever bills are introduced affecting governmental pooling.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, as follows:

SECTION I: History of Pooling: Governmental self-insurance pools have functioned as active intergovernmental agencies in Illinois since December of 1979. Almost all types of local governmental bodies in the State of Illinois and school districts have created and joined governmental self-insurance pools. Many of the governmental self-insurance pools in the State of Illinois, like IRMA, are governed by Boards of Directors or Executive Committees composed of representatives of the Member governments. IRMA functions efficiently and effectively. Each pool reflects the philosophical position of its governmental members rather than that of a private insurance company.

SECTION 2: Legislation and Pooling: The purpose of this Resolution is to alert the Members of the General Assembly, which represent our districts, about the important role which

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governmental self-insurance pools play in the State of Illinois and to prevent what to date has been unnecessary and destructive legislation proposed to harm the efficient operation of these important governmental institutions.

SECTION 3: Specific Legislation: None of the recent legislative attempts directed at Pools sought to correct errors or Pool failures, but only to harm the ability of governmental Pools to operate in manners typically chosen by their Members as fulfilling the Pool's objectives. These bills were introduced, without explanation, and efforts were made for their passage with the least opportunity for governmental Pools to object to their provisions or to explain the adverse impacts which this legislation would have on governmental bodies in every part of the State.

SECTION 4: What Pool Members Expect From Their Legislators

By the passage of this Resolution, we ask our representatives in the Illinois General Assembly to:

(a) Be aware of the special place and importance that governmental self-insurance pools play in the economic operation of the City of Crystal Lake and the other Illinois governmental bodies.

(b) Identify and evaluate all proposed legislation which affects the City of Crystal Lake and the other governmental bodies within their District, which are members of governmental self-insurance pools.

(c) Consult with the City of Crystal Lake and the other governmental bodies within their District, which have expressed interest in governmental pooling and/or rely upon governmental pooling to provide user-directed broad-based and affordable insurance coverage for the thousands of employees and citizens who come into contact with governmental bodies every day within your Legislative District.

(d) Consult with the City of Crystal Lake and these other governmental bodies to learn of the positive or negative effect that such legislation may have on their ability to continue to efficiently operate governmental self-insurance pools.

(e) Be aware that every governmental body in this State, which is a member of a governmental self-insurance pool, is regulated by a required audit, which that Pool provides annually to the Illinois Department of Insurance.

SECTION 5: Pool Member Response. This governmental body pledges to promptly provide information to the Legislator regarding its views about legislative proposals affecting pooling and to do so with a full recognition that legislation may sometimes be necessary, especially in the face of improper actions or perceived difficulties. Absent such real and provable defects, however, the provisions of the Illinois Constitution and statutes, which allow for intergovernmental cooperation for the purpose of making government more efficient and less costly, should not be carelessly sacrificed to the private interests of entities that seek to harm or diminish the efficient operation of self-insurance pools.

SECTION 7: Effective Date. This Resolution shall be in full force and effect immediately upon its passage and a certified copy of this Resolution shall be sent to a central location for collation and transferred to the Members of the Illinois General Assembly and to the Governor.

DATED this 18th day of December, 2012.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

DRAFT

ATTEST

CITY CLERK

PASSED: December 18, 2012
APPROVED: December 18, 2012



Agenda Item No: 11

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Union Pacific Railroad Safety Spike Award and Inclusion
in the Union Pacific's Train Town USA Registry

Staff Contact:

George J. Koczvara, Deputy City Manager

Safety Spike Award:

Representatives from the Union Pacific Railroad (U.P.) will be on hand to present to the City of Crystal Lake Police Department the U.P.'s Safety Spike Award. The Crystal Lake Police Department will join a select group of departments receiving this award.

The award is typically given to communities that have worked with U.P. employees to educate people on rail safety. U.P. employees nominate communities for the award, which started in 2010.

Train Town USA Registry:

The City of Crystal Lake has been awarded a membership in Union Pacific's Train Town USA Registry as part of the railroad's year-long 150th anniversary celebration. Representatives from the U.P. will present the City Council with an official Train Town USA resolution. Crystal Lake's historical connection with Union Pacific will also be featured at www.up150.com.



Agenda Item No: 12

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	Potential Rezoning and Pre-Annexation Agreement NWC Route 31 and Crystal Lake Avenue (unincorporated)
<u>Recommendation:</u>	City Council's discretion.
<u>Staff Contact:</u>	Michelle Rentzsch, Director of Planning & Economic Development

Background: The contract purchaser of the northwest corner of Route 31 and Crystal Lake Avenue, a property which consists of 4.4 acres and is improved with a residence, would like to rezone the property to the County's "B-1" Neighborhood Commercial district. The property is currently zoned "E-3v" Estate with "R-1" zoning to the south, "E-3" zoning to the west, "A-1" zoning to the north, and "A-1" and "R-1" zoning to the east.

This property is within the City's 1.5-mile planning jurisdiction; therefore, the City would have the opportunity to object to the County's zoning request.

Before the contract purchaser petitions for rezoning with the County, his attorney is seeking some input from the City as to whether we would have objections to this request. The commercial zoning would be necessary for the planned retail center that the contract purchaser would like to construct on this property.

Another option that was presented was the possibility of a pre-annexation agreement. Whenever this parcel becomes contiguous to City limits, existing City limits are to the west and northeast, the property owner would be required to annex it to the City. In the interim, a pre-annexation agreement could implement various development regulations that would ensure the development of this parcel be more consistent with City standards.

In summary, answers to the following questions are sought:

- 1) Would the City like to see neighborhood commercial development on this corner?
- 2) Is a pre-annexation agreement tool a worthwhile pursuit for this site?

Votes Required to Pass: For discussion only.



Agenda Item No: 13

City Council Agenda Supplement

- Meeting Date:** December 18, 2012
- Item:** Special Use Permit to allow a residential use on the first floor in the "B-4" Downtown District.
- Staff Recommendation:** Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a Special Use Permit for the property at 55 E. Crystal Lake Ave.
- Staff Contact:** Michelle Rentzsch, Director of Planning and Economic Development
-

Background:

- **Lot Details:** Conforming lot in the "B-4" district.
- **Existing Improvements:** Two-story residence. A coach home (used as a residence) is located on the southeast corner of the property.
- **Request:** Special Use Permit to allow a single residential use on the (entire) first floor in the "B-4" Downtown District.

Key Factors:

- **District Standards:** The "B-4" Downtown Business District is for the City's historic downtown and its immediate surroundings. This district encourages mixed use. Retail, food service and service businesses are desired on the street level with upper levels providing for office and residential uses. By allowing residential uses on the upper levels, the first floor in the business district is retained for business uses, protecting the district's commercial viability and maintaining a vibrant retail trade area while at the same time allowing for a supporting residential population within the district.
- **Existing Conditions:** The building is set up for two users. The first floor, currently vacant, was previously occupied as a lawyer's office. The upper story is currently occupied by an office user. A parking area is located south of (behind) the building with 9 striped parking spaces available.

PZC Highlights

- At the PZC meeting, the Commissioners discussed the Ordinance requirement that residential uses in the "B-4" district are limited to the upper story. Some of the Commissioners had concerns about converting a business space into a residential unit. The Commission also discussed a time limit on the Special Use Permit. The neighboring property owner at 51 E. Crystal Lake Avenue was present at the meeting and expressed concerns regarding a residential use on the first floor.

- After discussion, the Commission felt that the request generally met the Findings of Fact for a special use and **recommended approval of the request (8-1)**.

Recommended Conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application, letter (received 10-23-12).
 - B. Floor Plan (Dodaro, received 10-23-12)
 - C. Plat of Survey (Streamline Survey, dated received 10-23-12)
2. A Special Use for a residential use on the first floor at this location is hereby granted. This Special Use will expire if the use is abandoned for more than 90 days.
3. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Fire Rescue, Public Works and Police Departments.
4. **The petitioner shall look into the feasibility of removing the sign while the first floor is used for residential and replace it when it reverts back to a commercial use. The sign can be replaced as-is at its current location and the fees shall be waived. (Added by PZC)**
5. **The Special Use Permit is valid for 1 year and to be reviewed administratively on an annual basis for possible extension. (Added by PZC)**

Votes Required to Pass:

A simple majority vote.

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ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 55 E. CRYSTAL LAKE AVENUE

WHEREAS, pursuant to the terms of a Petition (File #2012-110) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a residential use on the first floor in the "B-4" Downtown District for the property located at 55 E. Crystal Lake Avenue; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit be issued as requested in said Petition.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That a Special Use Permit be issued to allow a residential use on the first floor in the "B-4" Downtown District for the property commonly known as 55 E. Crystal Lake Avenue, Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application, letter (received 10-23-12).
 - B. Floor Plan (Dodaro, received 10-23-12)
 - C. Plat of Survey (Streamline Survey, dated received 10-23-12)
2. A Special Use for a residential use on the first floor at this location is hereby granted. This Special Use will expire if the use is abandoned for more than 90 days.
3. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Fire Rescue, Public Works and the Police Departments.
4. The petitioner shall look into the feasibility of removing the sign while the first floor is used for residential and replace it when it reverts back to a commercial use. The sign can be replaced in its existing location and the fees shall be waived.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the issuance of a

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Special Use Permit in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 14

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

City Code Amendment to Increase the Number of Class "14" Liquor Licenses- Applicant: New Peking Restaurant

Staff Recommendation:

Motion to adopt an ordinance increasing the number of Class "14" Liquor Licenses from the current permitted 3 licenses to 4 licenses.

Staff Contact:

George Koczwar, Deputy City Manager

Background:

The City has received a request from the owners of New Peking Restaurant for the Council to consider the adoption of an ordinance providing for an amendment to the liquor license restriction provisions of the City Code, increasing the number of Class "14" liquor licenses from the current 3 licenses to 4 licenses. New Peking Restaurant is located at 40 W. Terra Cotta Avenue.

Section 329-5-N of the City Code permits the issuance of a Class "14" liquor license for the retail sale of beer and wine for consumption only on the premises specified in the license where sold between the hours of 11:00 a.m. and 1:00 a.m. Monday, Tuesday, Wednesday, Thursday; 11:00 a.m. and 2:00 a.m. Friday and Saturday; and noon on Sunday and 1:00 a.m. on Monday.

Other current holders of a Class "14" liquor license are Chuck E. Cheese, Noodles & Company, and Portillo's.

Votes Required to Pass:

Simple majority



DRAFT

**ORDINANCE AMENDING THE CODE
OF THE CITY OF CRYSTAL LAKE, ILLINOIS**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: That CHAPTER 329 LIQUOR LICENSES Section 329-6 Limitations on licenses shall be amended as follows:

1. Class 14 License shall be increased from 3 to 4.

SECTION II: That this Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION III: That all Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 18th day of December, 2012.

APPROVED:

MAYOR

ATTEST:

DEPUTY CITY CLERK

PASSED: December 18, 2012

APPROVED: December 18, 2012

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 15

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Anderson Motors Sales Tax Incentive Agreement

Recommendation:

Motion to approve a resolution authorizing the Mayor to sign the Anderson Motors enhanced sales tax incentive agreement for 5213 Northwest Highway.

Staff Contact:

Gary J. Mayerhofer, City Manager
Michelle Rentzsch, Director of Planning and Economic Development
James L. Richter II, Assistant Director of Economic Development

Background: Anderson Motors currently operates an auto dealership located at 360 North Route 31, where they sell Volkswagen, Mazda, and BMW vehicles on 10.9 acres. In an effort to increase sales for each of their brands and to meet manufacturer requirements for facility enhancements, Anderson Motors has acquired the former Extreme Ford dealership at 5213 Northwest Highway. Anderson will relocate their Volkswagen franchise to the new location, while retaining Mazda and BMW at their Route 31 location. Anderson is planning a complete redevelopment of the Northwest Highway property including demolition of the existing building and construction of a new 34,140 square-foot sales and service facility.

In keeping with the City's Enhanced Sales Tax Incentive Program (ESTIP), an incentive agreement is proposed that would aid in ensuring this relocation takes place within the City limits of Crystal Lake. The purpose of the City's Enhanced Sales Tax Incentive Program is to:

- Encourage the recruitment, retention, establishment and/or substantial expansion of sales tax generating businesses within the City, thereby stimulating the economy within the City;
- Provide employment for residents of the City and others, further expanding the goods and services available for purchase and consumption by businesses and residents of the City;
- Further increase the sales taxes collected by the City, which increased sales tax collections will enable the City to provide expanded and improved municipal services to and for the benefit of the residents of the City;
- Allow applicants an opportunity to improve properties which generate sales activities, which improvements make those properties more competitive in the marketplace and

further provide to applicants additional contingent sources of revenues for upgrading said properties.

The proposed redevelopment project would be in concert with Volkswagen's current showroom facility design. The façade for the new building will be clean and contemporary, with a long glass and aluminum composite metal storefront. The rear of the building and portions of the sides will be constructed using insulated precast concrete panels. Anderson Motors has acquired the entire 5.8-acre parcel at 5213 Northwest Highway, and they plan to use 4.6 acres for their dealership. The remaining acreage may be sold to another user, or it may be used by Anderson Motors in the future. The total estimated project costs, including acquisition, will be **\$6,407,648** (*\$2,400,000 purchase price, plus \$4,007,648 in construction costs*).

The proposed sales tax agreement would provide the following stipulations:

- The new Anderson Motors Volkswagen dealership would be constructed, meeting all the City's codes and ordinances, as approved by the City. Anderson Motors can construct this facility to meet the City's limited use criteria and would only reappear before the City Council to request a Special Use Permit for an EMC sign.
- After its completion, the City would share the enhanced sales tax revenue from this property on a 50/50 basis with its owner. The refund is based on the amount of sales tax that is generated by all three franchises at both dealership locations.
- The City will not commence the refund schedule until such time as the renovation project has been completed and the VW dealership is fully-operational at the new location.
- The refund schedule would continue for ten years or until up to one million dollars has been rebated, whichever occurs first. Assuming a conservative 3% annual increase in sales over 2011 calendar year sales for Anderson Motors, it is estimated that the \$1,000,000 maximum of incentive payments will be reached within 9 years.
- If, for some reason, either dealership closes or is abandoned in the future, a refund payment schedule has been included that would require repayment of the reimbursement payments that had been made to date.
- The agreement allows for another Volkswagen, Mazda, BMW, or another new franchised motor vehicle dealership (a flag currently not operating in the City) to assume the benefits of the proposed incentive agreement, assuming that the new dealership continues to operate and produce sales taxes within one year of such transfer. Anderson Motors is required to notify the City of any transfer or change in ownership.
- This agreement also contains a non-compete provision, which prevents Anderson Motors from opening a competing Volkswagen, Mazda, or BMW dealership within 10 air miles during the life of the agreement.

The proposed agreement has been reviewed by legal counsel and is acceptable for presentation to the City Council.

Votes Required to Pass: A simple majority vote.

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RES. # _____

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the Mayor is authorized and directed to execute the Anderson Motors enhanced sales tax incentive agreement for 5213 Northwest Highway.

DATED this ___ day of _____, 20__.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 16

**City Council
Agenda Supplement**

Meeting Date: December 18, 2012

Item: REPORT OF THE PLANNING & ZONING COMMISSION
#2012-115 TGI Friday's

Request: Final PUD Amendment to allow site, elevation and signage changes.

Petitioner: Emily Bernahl, petitioner
835 Cog Circle

PZC Recommendation: To approve the petitioner's request and adopt an ordinance granting the PUD Amendment to allow the changes to the site layout, exterior elevations and signage for the TGI Fridays site at 835 Cog Circle.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

Background:

- Existing Use: Currently developed as TGI Friday's restaurant.

Key Factors:

- Request: A Final PUD Amendment to allow changes to the site layout, elevations and signage for a new tenant, the Texas Roadhouse.
- PUD Requirements: The PUD specified the elevation and signage for the site. The Texas Roadhouse would clad the building in cedar siding and brick. Their main sign would face Route 14 with a second wall sign on the east elevation above the main entrance. Two flags mounted on top of the roof are also considered signage.
- UDO Requirement: The UDO lists Design Standards for building architecture. The petitioner has agreed to the conditions of approval for the architecture so the building will meet the established Design Standards.
- UDO Requirement: The UDO specifies 150 square feet as the maximum wall signage for a free-standing building. This new use would have less signage than the existing TGI Friday's restaurant.

PZC Highlights:

- The PZC was generally very favorable towards the proposed use. A few commissioners had concerns with the metal roof and neon lighting that is part of the wall sign. There was discussion about the garage doors on the east elevation, dressing up the rear elevation and ensuring that employees park north of Cog Circle.
- The PZC reviewed and confirmed that the petition met the standards for the PUD amendment.

The PZC recommended **approval (8-1)** of the petitioner's request for a Final PUD Amendment to allow site, elevation and signage changes with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Texas Roadhouse, received 11/14/12)
 - B. Signage (Federal Heath sign company, dated 03/05/12, received 11/29/12)
 - C. Elevations (GreenbergFarrow, dated 11/29/12, received 11/29/12)
 - D. Seating Plan (GreenbergFarrow, dated 11/29/12, received 11/29/12)
 - E. Site Plan (GreenbergFarrow, dated 11/14/12, received 11/14/12)
2. Changes to the signage, which meets the Unified Development Ordinance shall not be required to request a PUD Amendment.
3. All exterior lighting must meet the requirements of the Energy Code and the Unified Development Ordinance.
4. Architecture Plan
 - a) Convert the metal door on the west elevation to a raised panel door.
 - b) On the rear elevation include the cedar shutter feature along the roof plane under the gooseneck lights to better detail the rear elevation.
 - c) Continue the brick trim around the trash enclosure area around the base of the CMU block.
 - d) A vestibule is necessary at the front entrance. The floor plan shall be amended to illustrate this.
5. The flag poles shall be lowered in height to 7 ½-feet high above the roof peak so the overall height from grade does not exceed 35-feet in height.
6. Accessible parking must be located nearest the front entrance. The parking lot must be restriped.
7. The petitioner shall address all of the review comments of the Engineering and Building, Fire Rescue and Planning and Economic Development Departments.

Votes Required to Pass:

A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING AN AMENDMENT
TO THE FINAL PUD FOR TGI FRIDAY'S – ARCHWAY EAST

WHEREAS, pursuant to the terms of the Petition (File #2012-115) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested an Amendment to the Final Planned Unit Development for TGI Friday's – Archway East to allow changes to the site layout, exterior elevations and signage; and

WHEREAS, the required hearings were held on the petition of the property owners in the manner and the form required by the Unified Development Ordinance of the City of Crystal Lake and the statutes of the State of Illinois; and

WHEREAS, it is in the best interests of the City of Crystal Lake that the Amendment to the Final Planned Unit Development be granted as requested in said Petition,

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

SECTION I: That a Final PUD Amendment be granted to allow changes to the site layout, exterior elevations and signage for the property located at 835 COG Circle, Crystal Lake, Illinois.

SECTION II: That the Final PUD Amendment be granted with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (Texas Roadhouse, received 11/14/12)
 - B. Signage (Federal Heath sign company, dated 03/05/12, received 11/29/12)
 - C. Elevations (GreenbergFarrow, dated 11/29/12, received 11/29/12)
 - D. Seating Plan (GreenbergFarrow, dated 11/29/12, received 11/29/12)
 - E. Site Plan (GreenbergFarrow, dated 11/14/12, received 11/14/12)
2. Changes to the signage, which meets the Unified Development Ordinance shall not be required to request a PUD Amendment.
3. All exterior lighting must meet the requirements of the Energy Code and the Unified Development Ordinance.
4. Architecture Plan
 - A. Convert the metal door on the west elevation to a raised panel door.
 - B. On the rear elevation include the cedar shutter feature along the roof plane under the gooseneck lights to better detail the rear elevation.

C. Continue the brick trim around the trash enclosure area around the base of the CMU block.

D. A vestibule is necessary at the front entrance. The floor plan shall be amended to illustrate this.

5. The flag poles shall be lowered in height to 7 ½-feet high above the roof peak so the overall height from grade does not exceed 35-feet in height.

6. Accessible parking must be located nearest the front entrance. The parking lot must be restriped.

7. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue and Planning and Economic Development Departments.

SECTION III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting of Variations in accordance with the provisions of this Ordinance, as provided by law.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 17

City Council Agenda Supplement

Meeting Date:

December 18, 2012

Item:

1. Special Use Permit for a 'Drinking Place'
2. ~~Variation from the required number of 8 parking spaces to allow zero spaces~~

Adam and Melissa Harjung, petitioners

PZC Recommendation:

Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance granting a Special Use Permit for the property at 414 W. Virginia Street.

Staff Contact:

Michelle Rentzsch, Director of Planning and Economic Development

Background:

- Location: 414 W. Virginia Street (NWC of Pomeroy and Virginia Streets)
- Zoning: "B-2 VSC" General Commercial-Virginia Street Corridor Overlay
- Existing Use: Tenant space is currently vacant. Formerly occupied by Nextel
- Request: Special Use Permit for a 'Drinking Place' and a variation from the required number of parking spaces to allow zero spaces

Key Factors:

- History: The building located at the northwest corner of Pomeroy and Virginia Streets is the historic Jaster Building built by Joseph J. Jaster in 1914. A market was operated on the first floor of the building for several years until the store was closed in 1951. In recent years, the approximately 1,100-square-foot tenant space along the south side, along Virginia Street has been occupied by a window store and a Nextel Store. The approximately 785-square-foot tenant space located along the north side of the building along Pomeroy Street is occupied by Chez Pierre's Creperie Restaurant (The restaurant will operate as Sweet Melissa's once the business is acquired by the petitioner). Two apartments are located on the second story.
- Use: The petitioner is requesting to operate a bar at this location. Per Article 2, Land Uses of the Unified Development Ordinance (UDO), a bar, classified as a 'Drinking Place', is permitted as a Special Use in the "B-2" district.
- Parking: Along with the request for a Special Use, the petitioner originally requested a variation from the required number of parking spaces. There are 4 parking spaces located on-site which are assumed allocated to the existing apartments and the creperie restaurant. Per the UDO, the bar would be required to provide 11 parking spaces. With the adoption of the UDO, properties located in the Virginia Street Corridor overlay district are allowed a

reduction in the number of parking spaces to allow 70% of the required spaces. Therefore, a total of 8 spaces are required for this use.

PZC Highlights

- At the PZC meeting on November 19th, several neighbors expressed concerns regarding the lack of parking in this area in general and for this use in particular. Subsequent to the meeting, the City received a petition from the surrounding property owners. The petition outlined concerns regarding overflow parking by the patrons and employees of the businesses located on Virginia Street, litter, damage to lawns, noise and the restriction of traffic flow due to narrowing of the streets by parked vehicles.
- The Commission also expressed concerns regarding the parking variation requested by this use.
- Based on the Commission and public comment at the meeting, the petitioner requested a continuation to the December 5th meeting. At that meeting, the petitioner indicated that they have received permission from the property owner at 410 W. Virginia Street (Vogue Cleaners) to lease the entire back parking lot for parking purposes after store hours (around 5 pm). A parking plan with 9 parking spaces was presented at the meeting, thereby negating the variation request.
- The Commission felt that the request generally met the Findings of Fact for a SUP and **recommended approval of the request (8-0).**

Recommended Conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:
 - A. Application (received 11-8-12).
 - B. Plat of Survey (Luco, dated 10-24-11, received 11-8-12)
2. A Special Use Permit is granted for a 'Drinking Place' at 414 W. Virginia Street. The use shall not be intensified without amending the Special Use Permit.
3. ~~A Variation from the required number of parking spaces to allow zero spaces is hereby granted. (Deleted by PZC)~~
4. If live music is to be provided, the petitioner shall provide proof at building permit that all sound-proofing requirements are being met.
5. All proposed signage shall meet the requirements of Article 4-1000 Signs of the UDO and the Virginia Street Design Guidelines, adopted as part of the UDO.
6. The garbage dumpster along Pomeroy Ave. shall be screened appropriately.
7. The petitioner shall provide patrons with information regarding the location of available on-site and area parking.
8. The petitioner shall address all of the review comments of the Engineering and Building, Fire Rescue, Planning and Economic Development, Police and Public Works Departments.

9. The petitioner shall provide a copy of the recorded lease agreement with the property owner at 410 W. Virginia Street (Vogue Cleaners). The term of the agreement shall be 3 years or identical to the lease term of Jaster's.
10. The gravel parking lot shall be paved within one year after a (temporary or permanent) occupancy is granted to Jaster's.
11. In the interim period, before the parking lot is paved, striping and wheel stops are required to delineate the spaces.
12. Curbing is not required for the parking lot when improved to maintain the current stormwater sheet-flow. The petitioner will be responsible to maintain existing drainage flows, which may require the addition of a drywell. The exact requirements will be determined upon permit application.
13. A 6-foot fence (stepped down to meet the 3-foot height requirement in the front yard) will be installed along the north and east property lines.
14. Adequate lighting to ensure patron safety will be provided in the parking lot, either through addition of wallpacs or a lighting arm installed on the ComEd pole currently existing along Pomeroy Avenue.
15. Appropriate signage will be installed to acquaint the patrons of the available parking.
16. The petitioner shall provide City Staff with information on their customer educational efforts regarding parking options for the site.
17. **The petitioner will only operate the business within the limits outlined in the parking lease agreements. (Added by PZC)**

Votes Required to Pass:

A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT
AT 414 VIRGINIA STREET

WHEREAS, pursuant to the terms of a Petition (File #2012-112) before the Crystal Lake Planning and Zoning Commission, the Petitioner has requested the issuance of a Special Use Permit to allow a 'Drinking Place' for the property located at 414 Virginia Street; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Special Use Permit be issued as requested in said Petition.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That a Special Use Permit be issued to allow a 'Drinking Place' for the property commonly known as 414 Virginia Street, Crystal Lake, Illinois.

Section II: Said Special Use is issued with the following conditions:

1. Approved plan, to reflect staff and advisory board comments, as approved by the City Council:

A. Application (received 11-8-12).

B. Plat of Survey (Luco, dated 10-24-11, received 11-8-12)

2. A Special Use Permit is granted for a 'Drinking Place' at 414 W. Virginia Street. The use shall not be intensified without amending the Special Use Permit.

3. If live music is to be provided, the petitioner shall provide proof at building permit that all sound-proofing requirements are being met.

4. All proposed signage shall meet the requirements of Article 4-1000 Signs of the UDO and the Virginia Street Design Guidelines, adopted as part of the UDO.

5. The garbage dumpster along Pomeroy Ave. shall be screened appropriately.

6. The petitioner shall provide patrons with information regarding the location of available on-site and area parking.

7. The petitioner shall address all of the review comments of Engineering and Building, Fire Rescue, Planning and Economic Development, Police and Public Works Departments.

8. The petitioner shall provide a copy of the recorded lease agreement with the property owner at 410 W. Virginia Street (Vogue Cleaners). The term of the agreement shall be 3 years or identical to the lease term of Jaster's.

9. The gravel parking lot shall be paved within one-year after a (temporary or permanent) occupancy is granted to Jaster's.

10. In the interim period, before the parking lot is paved, striping and wheel stops are required to delineate the spaces.

11. Curbing is not required for the parking lot when improved to maintain the current stormwater sheet-flow. The petitioner will be responsible to maintain existing drainage flows, which may require the addition of a drywell. The exact requirements will be determined upon permit application.

12. A 6-foot fence (stepped down to meet the 3-foot height requirement in the front yard) will be installed along the north and east property lines.

13. Adequate lighting to ensure patron safety will be provided in the parking lot, either through addition of wallpacs or a lighting arm installed on the ComED pole currently existing along Pomeroy Avenue.

14. Appropriate signage will be installed to acquaint the patrons of the available parking.

15. The petitioner shall provide City Staff with information on their customer educational efforts regarding parking options for the site.

16. The petitioner will only operate the business within the limits outlined in the parking lease agreements.

Section III: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the issuance of a Special Use Permit in accordance with the provisions of this Ordinance, as provided by law.

Section IV: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

MAYOR

DRAFT

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 18

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Bid Approval for Construction of Emergency Operations Center Project

Staff Recommendation:

Motion to award the bid for the Emergency Operations Center project to the lowest responsive, responsible bidder, Troop Construction, and to adopt a resolution for the Emergency Operations Center project authorizing the City Manager to execute an agreement with Troop Construction in the bid amount of \$343,700, with a contingency of not more than 10% for justifiable modifications.

Staff Contact:

James Moore, Fire Rescue Chief

Background:

The 2012/2013 Fire Rescue Budget includes funds for the construction of an Emergency Operations Center (EOC) in the lower level of the Municipal Complex. An Emergency Operations Center, or EOC, is a central command and control facility responsible for carrying out the principles of emergency preparedness and emergency management, or disaster management functions at a strategic level in an emergency situation, and ensuring the continuity of operation of services within the community.

An EOC is responsible for the strategic overview, or "big picture", of the disaster, and does not normally directly control field assets, instead making operational decisions and leaving tactical decisions to lower commands. The common functions of all EOC's is to collect, gather and analyze data; make strategic level decisions that protect life and property, and maintain the continuity of the organization, within the scope of applicable laws; and disseminate those decisions to all concerned agencies and individuals. According to the State-certified, City of Crystal Lake Emergency Operations Plan (EOP), the individual in charge of the EOC is the Emergency Manager.

The EOC that will be constructed in the lower level of the Municipal Complex will be a dedicated room. Currently, there is no dedicated space for an EOC. Instead, in an emergency situation, which requires a central command and control facility, one is put together on an ad hoc basis. A dedicated EOC will provide for the rapid opening of a central command and control facility when the need arises. An example of when an EOC would be operated is during a large-scale storm event similar to the one experienced by the community in the summer of 2011.

In addition to large-scale events, the City's three operating departments (Police, Public Works and Fire Rescue) utilize a "Command Center" concept to manage high call volume events that typically surround severe storms (ice, rain, wind, thunder and lightning). A dedicated location that is set up and ready to activate would improve operational efficiency in critical times. The Command Center is activated during weather "warnings" (tornado and/or severe) and during other high call volume periods.

The scope of the construction will include the build-out of an EOC within vacant space in the lower level of the Municipal Complex across from the Southeast Emergency Communication (SEECOM) dispatch area. The scope of work will include framing, electrical, plumbing, communication, multi-media and heating and air conditioning (HVAC). The HVAC work will include the installation of an HVAC system for the EOC as well as within another adjacent, currently non-useable room. The EOC will include one large working area along with two small offices, a radio room, and equipment room. Furnishings for the EOC will be provided in a separate forthcoming bid.

With the assistance of Larson & Darby Group, the City received bids from ten contractors.

CRYSTAL LAKE - EOC BID TABULATION	
Contractor	Total
Troop Construction *	\$343,700.00
FBG Corporation	\$359,840.00
Foxfield Construction	\$367,713.92
Swedberg & Associates	\$369,400.00
Construction Solutions	\$393,323.00
Northwest Construction	\$395,200.00
Wm. Tonyan & Sons	\$400,100.00
Stuckey Construction	\$406,000.00
Schramm Construction	\$427,000.00
Best Construction	\$468,600.00
* Indicates lowest responsive, responsible bidder	

Recommendation:

The City Manager's Office, Fire Rescue Department and Larson and Darby Group have reviewed all bids received for completeness and accuracy in accordance with the invitation to bid document. Larson and Darby Group has verified references and has received positive recommendations.

It is staff's recommendation to award the bid to the lowest responsive and responsible bidder, Troop Construction, in the bid amount of \$343,700 with a contingency of not more than 10% for justifiable modifications.

Votes Required to Pass:

Simple majority



DRAFT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE that the City Manager be and he is hereby authorized and directed to execute an agreement with Troop Construction for the Emergency Operations Center project in the bid amount of \$343,700, with a contingency of not more than 10% for justifiable modifications.

BE IT ALSO RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE to amend the 2012-2013 City Budget and authorize payment for the Emergency Operations Center project and associated professional service costs from General Fund Reserves for any amount not already budgeted.

DATED this 18th day of December, 2012.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: December 18, 2012
APPROVED: December 18, 2012



Agenda Item No: 19

**City Council
Agenda Supplement**

Meeting Date:

December 18, 2012

Item:

Procurement Ordinance/Authorizing Resolution
Cooperative Purchasing Agreements

Staff Recommendation:

Motion to:

1. Adopt a Procurement Ordinance, and
2. Adopt a Resolution authorizing the City Manager to execute cooperative purchasing agreements.

Staff Contact:

George J. Koczwar, Deputy City Manager

Background:

In the City's ongoing efforts to adopt best practices procedures, City staff undertook a comprehensive review of the City's procurement processes. Procurement has become a strategic function because of the ability for careful purchasing practices to add significant value throughout an organization. The Internet and e-commerce have changed the way business is conducted, including procurement. Methods of competition have developed, like reverse auctions and cooperative purchasing agreements, and the ability to communicate has been greatly enhanced.

The result of the staff's comprehensive review is a substantially revised set of procurement standards and procedures. The attached Procurement Ordinance would create a new chapter in the City Code for those standards and procedures.

One highly regarded resource that City staff has used is the American Bar Association's (ABA's) 2000 Model Procurement Code for State and Local Governments (MPC). The MPC promotes procurement practices for state and local governments that emphasize transparency, fairness, and competitiveness. The MPC is designed to provide public officials, vendors and contractors, and taxpayers with procurement processes with integrity and value for money. The MPC addresses the full range of issues arising in the procurement of supplies, services, and construction. The MPC has been adopted by 17 states and many hundreds of local jurisdictions (including Naperville, IL).

The MPC was developed with the active participation and support of the following organizations:

- National Institute of Governmental Purchasing, Inc. (NIGP) [The City is a member]
- National Association of State Purchasing Officials (NASPO)
- National Purchasing Institute (NPI)
- Institute for Supply Management (ISM)
- National Contract Management Association (NCMA)
- National Association of Educational Buyers (NAEB)
- International City/County Management Association (ICMA)
- National Association of Counties (NACo)
- United States Conference of Mayors
- Council of State Governments (CSG)
- Public Technology, Inc. (PTI)
- National Association of Attorneys General (NAAG)
- International Municipal Lawyers Association (IMLA)
- Associated General Contractors of America (AGC)
- National Society of Professional Engineers (NSPE)

The MPC is a “model” rather than a “uniform” set of standards, in recognition of the substantial differences among local governments related to both governmental organization and legal authority. The focus of the model is on the policies necessary for a modern and cost-effective public purchasing system that is fair and open to public scrutiny.

Procurement continues to be a dynamic process that is continually evolving and thus requires revision of procurement methods as experience and requirements change. It is in this spirit that the ABA and other national organizations interested in state and local procurement maintain and update the MPC. It is also in this spirit that City staff is recommending the adoption of the Ordinance.

In drafting the Procurement Ordinance, the MPC was adapted to reflect Illinois statutes, the City’s ordinances and existing procurement policies, and best practices. The proposed Ordinance is designed to meet the unique requirements of the City while reflecting basic policies equally applicable to the procurement practices of all public bodies.

Discussion:

The recommended Procurement Ordinance would add a new procurement chapter to the City Code and consolidate current procurement language in the City Code into that new chapter. As such, the recommended Ordinance would not change the way the City does business in any significant way, but would bring our standards and proceedings up-to-date.

The following are highlights of some important points. The proposed Procurement Code is designed to facilitate the process of public procurement while ensuring the highest ethical standards and protecting the public trust.

Procurement Officer

The City Manager will appoint a current staff member to also serve as the City's Procurement Officer (PO). The PO will be responsible for coordinating the procurement processes for the City.

Some of the defined responsibilities of the Procurement Officer include:

- To procure or supervise the procurement of all supplies, services, and construction needed by the City;
- To procure the highest quality of supplies and contractual services at the least expense to the City;
- To maximize value through consolidated purchases where appropriate;
- To preserve the integrity of the purchasing system; and
- To investigate all possibilities of cooperating in a joint purchasing program with other governmental units in order to obtain lower prices through bulk purchases.

Ethics Provisions

The Ordinance formally incorporates the City's procurement ethics provisions into the City Code. One of the primary purposes of the proposed Procurement Code is "to provide safeguards for maintaining a system of quality and integrity." Among other things, the relevant sections of the proposed Procurement Ordinance address gratuities and conflicts of interest. The provisions of this proposed section are consistent with and an enhancement of the models mandated by the State of Illinois and adopted by the City.

The following are key standards in this section:

- It applies to non-employees and allows for the debarment of suppliers who violate the provisions of the Procurement Ordinance.
- It defines gratuities.
- It expands the meaning of "kickback" to relations between subcontractors and prime contractors.
- It adds "influence peddling" as a violation of the Code.
- It provides a broader prohibition on the use of confidential information.
- It provides specific progressive disciplinary actions for non-employee violations of the Code.
- It provides for the recovery of value transferred or received in violation of the Code by either employees or non-employees.

Award Levels

It currently takes approximately three weeks to process an approval through the City Council award process. This time is spent in agenda item preparation, agenda distribution, and consideration and approval by the Council. By redirecting lower-value procurements through the City Manager approval process, the processing time would be reduced to just three days, because the City Manager process is not tied to meeting schedules. This shortened process will provide the City a greater ability to acquire goods and services from local vendors and to be nimble in times when quick action might save money.

The proposed Ordinance would raise the City Manager approval level to \$20,000 from \$10,000. This change would conform with the approval levels of the Illinois Municipal Code for public works contracts (65 ILCS 5/8-9-1) and is not uncommon among Illinois municipalities.

Cooperative Purchasing – Strength in Numbers

The primary role of public procurement is to obtain quality goods and services to support effective and efficient government while ensuring the prudent use of public funds. Effective public procurement adds value to government purchasing by:

- Providing efficient delivery of products and services;
- Obtaining best value through competition;
- Offering fair and equitable competitive contracting opportunities for suppliers; and
- Maintaining public confidence through ethical and transparent procurement practices.

Cooperative contracts are becoming increasingly popular at the federal, state, and local levels. Cooperative purchasing is popular because it can save significant time and money in contract production as well as lower contract prices through the power of aggregation.

In simple terms, cooperative purchasing involves sharing procurement contracts between governments. The Government Contract Reference Book defines cooperative purchasing as two or more governments purchasing under the same contract. The ABA Model Procurement Code for State and Local Governments definition is more expansive: “Cooperative Purchasing means procurement conducted by, or on behalf of, one or more Public Procurement Units, as defined in this Code.” Under this definition, one could construe state central procurement programs, many of which date back nearly 100 years, as the first form of cooperative purchasing.

In addition to the common concept of two or more governments sharing procurement contracts, cooperative purchasing may also include shared procurement programs and resources, including advice and assistance. Cooperative purchasing in Illinois is authorized by the Illinois Intergovernmental Cooperation Act (5 ILCS 220).

Existing Cooperative Purchasing

Two common cooperative purchasing programs that the City has taken advantage of in the past are the State of Illinois Joint Purchasing Program (State Program) and the Suburban Purchasing Cooperative (SPC).

In 1973, the City Council adopted a Resolution authorizing participation in the State Program for purchasing supplies and materials. Since that time, the City has regularly used the State Program for the purchasing of police squad cars and road salt. Per the Resolution, contract awards for goods or services through that program are authorized through the approval of Accounts Payable by the City Council.

Similarly, the City participates in the SPC. The SPC is a joint purchasing program sponsored by the Northwest Municipal Conference (NWMC), DuPage Mayors & Managers Conference (DMMC), South Suburban Mayors and Managers Association (SSMMA), and Will County Governmental League (WCGL) and represents a total of 135 municipalities and townships in the Chicagoland region.

Expansion of Cooperative Purchasing

Cooperative procurement contracts are usually based on the common requirements of multiple governments. Most early cooperative purchasing efforts involved bulk commodities with standard specifications, such as cleaning supplies, gasoline, and other fuel or services, including the pick-up and disposal of hazardous waste or used oil.

Today, more complicated procurements, including information technology services, software, and consulting, are often targeted for cooperative purchasing contracts. Other examples of cooperative contracts include office supplies and furniture, digital copiers and printers, carpeting, computer hardware, industrial lab supplies, electronic defibrillators, hazardous incident response equipment, wireless radios, cell phones, and fleet vehicles.

The proposed Ordinance would allow the City to take advantage of other cooperative purchasing opportunities by becoming a member of various other cooperative purchasing programs in addition to the State Program and the SPC. These additional cooperative purchasing programs fall into one of the following three categories:

1. **True Cooperatives** - Two or more organizations combine their requirements and solicit bids or offers for goods or services.
2. **Piggyback Options** - One or more organizations represent their requirements and include an option for other organizations to “ride” or “bridge” the contract as awarded.
3. **Third Party Aggregators** - An organization brings together multiple organizations.

The purchase of goods or services through cooperative purchasing programs would follow the award levels set forth in the proposed Ordinance. The specific programs that the City would partner with would include:

The GSA Schedules - The U.S. Government’s General Services Administration (GSA) maintains a large list of multiple-award purchasing schedules. Contractors are selected for GSA Multiple-Award Schedules through an open and continuous qualification process instead of competitive bids or proposals. GSA users seek competition from multiple GSA contractors at the point of sale by obtaining quotations. The GSA requires most-favored customer pricing, which provides state and local governments with a price advantage based on federal purchasing economies of scale. There is a surcharge associated with GSA purchases called the Industry Funding Fee (IFF).

Section 211 of the E-Government Act of 2002 opened GSA Schedule 70 Contracts (Information Technology and Telecommunications Hardware, Software and Professional Services) for state and local government use (www.gsa.gov). Likewise, the GSA’s 1122 Program permits use of GSA contracts for state and local government law enforcement and security purchases. Local governments are also authorized to purchase through the full GSA Schedules to aid in recovery before and after Presidentially declared disasters or acts of terrorism, as well as when expending Federal grant funds in response to public health emergencies declared by the Secretary of Health and Human Services. In addition, eligible local governments can acquire federal surplus personal property through State Agencies for Surplus Property.

National Joint Powers Alliance (NJPA) - The NJPA is a government-managed, public, national municipal contracting agency that facilitates the bidding and contracting process on behalf of its members. The NJPA contracts are solicited, awarded, and monitored by a public agency with a publicly elected board of directors. As a result, the NJPA offers its members the opportunity to purchase equipment through nationally leveraged contracts.

Minnesota statute #123A.21 identifies the NJPA as a “Public corporation and agency” with the specific directive to provide “cooperative purchasing services” to its members. Minnesota statute #471.345 identifies the NJPA as a “Municipal Agency” and Minnesota Statute #471.59 defines the ability of two government agencies to enter into an agreement to contract in common through the action of each of the governing bodies. Subd. 10 of that statute expands on the ability to enter into cooperative agreements. As previously noted above, cooperative purchasing in Illinois is authorized by the Illinois Intergovernmental Cooperation Act (5 ILCS 220).

HGACBuy – Similar to the NJPA, the Houston-Galveston Area Council (HGACBuy) is a government-managed, public, national, municipal contracting agency that facilitates the bidding and contracting process on behalf of its members.

Most states in the United States have either “inter-local cooperation” or “joint powers” authority similar to the Illinois Intergovernmental Cooperation Act to allow local governments in those states to join and participate in programs like HGACBuy.

In 1971, the Texas Legislature passed the Inter-local Cooperation Act [Texas Government Code, Title 7, Chapter 791] to promote activities among local governments. Any local government or non-profit providing government services may contract or agree with one or more local governments under the terms of this Act to conduct purchasing and other administrative functions. The Board of Directors of HGACBuy is composed of 35 elected officials who award all HGAC cooperative purchasing contracts. Because HGACBuy is a political subdivision of the State of Texas, its Board agendas are publicly posted in advance of its public meetings.

Public Sourcing Solutions - Public Sourcing Solutions (PSS), a not-for-profit cooperative purchasing organization, brings contract savings and efficiencies to public entities nationwide. As a division of Educational & Institutional Cooperative Purchasing (E&I), PSS draws on more than 75 years of experience in higher education procurement. E&I was established by members of the National Association of Educational Procurement to provide goods and services to its members at the best possible value. The cooperative is owned by its membership of more than 2,600 colleges, universities, K-12 schools, hospitals, medical research institutions, and hospital purchasing organizations located throughout the United States.

PSS aims to leverage its consortium purchasing expertise to connect state government agencies, cities, municipalities, counties, and school districts (K-12) with high quality, easily accessible contracts. PSS joins with public entities to offer publicly solicited contracts that take advantage of the pooled purchasing power of public agencies to lower the costs of goods and services.

U.S. Communities - U.S. Communities Government Purchasing Alliance is a government purchasing cooperative founded by the National Association of Counties (NACo), National League of Cities (NLC), Association of School Business Officials (ASBO), National Institute of

Governmental Purchasing (NIGP), and the U.S. Conference of Mayors (USCM). U.S. Communities is overseen by an Advisory Board of public procurement professionals.

Additionally, U.S. Communities coordinates the U.S. Communities Government Purchasing Alliance Go Green Program, which is a one-stop source for public agency access to buy green. They offer a broad line of green products, services, and resources. In addition to green contracts that offer eco-friendly products, the program offers green information and resources that can help lower carbon footprints and assist in making educated decisions about the products purchased.

National Intergovernmental Purchasing Alliance (National IPA), the Cooperative Purchasing Network (TCPN), and the National Cooperative Purchasing Alliance (NCPA) – The National IPA, TCPN, and NCPA were established through a collaborative effort of public agencies across the United States with the specific purpose of reducing procurement costs by leveraging group volume. Each program consolidates the purchasing power of participating public agencies in order to receive larger volume discounts from suppliers. The National IPA, TCPN, and NCPA programs are for public agencies operating for the benefit of the public.

All contracts offered by the National IPA, TCPN, and NCPA have been competitively solicited by a Principal Procurement Agency, incorporating language allowing intergovernmental contract usage (also known as a piggyback contract).

Recommendation:

It is staff's recommendation to adopt the attached Procurement Ordinance and Resolution amending the City Code regarding authorization for the City Manager to execute cooperative purchasing agreements and other standards and processes. The City's Special Counsel has reviewed the attached Ordinance and Resolution.

Votes Required to Pass:

Simple majority



DRAFT

AN ORDINANCE COMPREHENSIVELY AMENDING CHAPTER 102
OF THE CRYSTAL LAKE CITY CODE
GOVERNING PROCUREMENT STANDARDS AND PROCEDURES

WHEREAS, the City of Crystal Lake desires to update Chapter 102 of the Crystal Lake City Code as provided in this Ordinance to provide for fair, efficient, effective, and transparent standards and procedures for procurement of goods and services by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF CRYSTAL LAKE as follows:

SECTION I: Recital. The foregoing recital is incorporated into this Ordinance as a finding of the Mayor and City Council.

SECTION II: Comprehensive Amendment of Chapter 102. Chapter 102 of the Crystal Lake City Code is hereby amended in its entirety to read as follows:

Article 1 - Procurement

§ 102-1 General Provisions:

- A. Short Title: This Chapter 102 shall be known as the "Crystal Lake Procurement Code."
- B. Purpose: The purpose of this Chapter is to provide for fair and equitable standards and processes for purchasing by the City, to maximize the value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.
- C. Application: This Ordinance applies to contracts for the procurement of supplies, services, and construction. It shall apply to all expenditures of public funds within the scope of this Chapter irrespective of the source of the funds. When the procurement involves an expenditure regulated by Illinois law, by federal regulations, or by another regulatory agency with jurisdiction over the expenditure, the procurement shall be conducted as required by applicable laws and regulations. Nothing in this Chapter shall be construed to prohibit the City from complying with the terms of a grant or gift.
- D. Public Access to Procurement Information: Procurement information shall be a public record to the extent provided in the Freedom of Information Act and shall be available to the public as provided in such statute.

§ 102-2 Procurement Officer:

- A. Establishment of Position: There is hereby established the position of Procurement Officer.
- B. Authority: Except as otherwise provided in this Chapter or elsewhere in this Code, the Procurement Officer shall serve as the principal public purchasing official for the City and shall be responsible for the procurement of supplies, services, and construction in accordance with this Chapter.
- C. Appointment; Service; Removal. The City Manager shall be responsible for the appointment of the Procurement Officer. The Procurement Officer shall serve "at will." The City Manager shall be responsible for the removal of the Procurement Officer.
- D. Duties: In accordance with this Chapter, and subject to the supervision of the City Manager, the duties of the Procurement Officer are:
 - 1. To procure or supervise the procurement of all supplies, services, and construction needed by the City.
 - 2. To seek the highest quality in supplies and contractual services at the least expense to the City.
 - 3. To manage the procurement process.
 - 4. To enforce written specifications describing the standards established in conformity with this Chapter.
 - 5. To keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and to secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.
 - 6. To prescribe and maintain such forms as are necessary to the operation of this Chapter.
 - 7. To prepare and adopt a standard purchasing nomenclature for using agencies and suppliers.
 - 8. To engage in consolidated purchases when available and appropriate, for the purpose of maximizing the value of City expenditures.
 - 9. To preserve the integrity of the procurement system.
 - 10. To establish and maintain programs for specifications development and contract administration, inspection, and acceptance, in cooperation with other public agencies using the supplies, services, and construction.

11. To investigate all possibilities of cooperating in a joint purchasing program with other governmental units in order to obtain lower prices through bulk purchases.
 12. To confer regularly with the City Manager about the matters being undertaken by the Procurement Officer.
- E. Operational Procedures: Consistent with this Chapter, and with the approval of the City Manager, the Procurement Officer must adopt operational procedures relating to this Chapter.
- F. Delegation to Other City Officials: The City Manager may delegate authority to purchase certain supplies, services, or construction items to other City officials, if the City Manager determines that the delegation is necessary for the effective procurement of those items.

§ 102-3 Authorization and Methods for Procurements:

The City Manager and Director of Finance are authorized to enter into contracts on behalf of the City as provided in this Section. City Council approval is required for contracts that are not within the approval authority of the City Manager or Director of Finance. Unless provided otherwise by this Code or specially authorized by law, the methods set forth in Subsections A (Competitive Bidding), B (Competitive Proposals), C (Small Purchases), D (Sole Source), and E (Emergency) of this Section shall apply to contracts.

- A. Competitive Bidding: Contracts shall be awarded by competitive bidding except as otherwise provided in this Ordinance.
1. Invitation for Bids. An invitation for bids shall be issued and shall include specifications and all contractual terms and conditions applicable to the procurement.
 2. Public Notice. Public notice of the invitation for bids shall be given a reasonable time, not less than 15 calendar days prior to the date set forth therein for the opening of bids. The Procurement Officer shall designate a means of distribution of information to interested parties using methods that are reasonably available. Such methods may include publication in newspapers of general circulation, electronic or paper mailing lists, and web sites designated and maintained for that purpose. The notice shall state the place, date, and time of bid opening.
 3. Sealed Bids. Bids must be submitted in sealed envelopes, for opening only at the time and place designated in the invitation for bids.
 4. Bid Opening. The sealed bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, other information the Procurement Officer deems relevant and appropriate, and the name of each bidder shall be announced and recorded. The record shall be open to public inspection.

4. Bid Evaluation and Acceptance. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as expertise, experience, management skills, staffing, references, inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used.
5. Correction or Withdrawal of Bids:
 - (a) A bid may be withdrawn at any time before the bid opening by written or electronic notice received in the office designated in the invitation for bids prior to the time set for bid opening. Any modification prior to the bid opening must be submitted in a sealed envelope prior to the scheduled opening of the bid.
 - (b) The correction or withdrawal of inadvertent errors in a bid after the bid opening, or the cancellation of an award or contract based on an error in a bid, may be permitted only when the City has determined that it is appropriate. After the bid opening, no change in a bid price or other provision of a bid will be permitted if the City determines that the change would be prejudicial to the interest of the City or to fair competition. In lieu of a bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
 - [1] The mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - [2] The bidder submits evidence that clearly and convincingly demonstrates that a mistake was made.
 - (c) All decisions to permit the correction or withdrawal of bids, or to cancel awards of contracts based on bid mistakes, shall be supported by a written determination made by the Procurement Officer.
6. Award. The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsive and responsible bidder whose bid meets the requirements and criteria set forth in the invitation for bids and is determined to be in the best interests of the City (the "Most Responsible Bid"). In the event the Most Responsible Bid exceeds available funds, the Procurement Officer is authorized, when time, economic considerations, or other exigencies preclude re-solicitation of work of a reduced scope, to negotiate an adjustment of the Most Responsible Bid in order to bring the bid within the amount of available funds.
7. Two-Step Competitive Bidding. When it is considered impractical to prepare initially a purchase description to support an award based on price, a two-step bidding process may be used. Two-step competitive sealed bidding is a combination of competitive procedures designed to obtain the benefits of sealed

bidding when adequate specifications are not available. The objective of two-step sealed bidding is to permit the development of a sufficiently descriptive and not unduly restrictive statement of the City's requirements, including adequate technical requirements, so that subsequent acquisitions may be made by conventional sealed bidding. This method is especially useful in acquisitions requiring technical proposals. The two-step competitive sealed bidding procurement method is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder while also obtaining the benefits of the competitive sealed negotiation procedure through solicitation of technical offers and the conduct of discussions to arrive at technical offers. The City may request additional information from bidders to clarify material contained in their technical proposals. Such requests for additional information should always occur before the priced bids are considered.

B. Competitive Proposals: Solicitation of competitive proposals is a procurement option allowing the award to be based on an evaluation process using stated criteria to arrive at a contract that will be the most advantageous to the City.

1. Competitive proposals, typically solicited through a request for proposals (RFP), may be practical when the Procurement Officer determines that the use of a competitive bidding process either is not practicable or otherwise is not advantageous to the City, and one or more of the following conditions, or similar conditions, exist:
 - (a) The contract needs to be other than a fixed-price type.
 - (b) Oral or written discussions may need to be conducted with proposers concerning technical and price aspects of their proposals.
 - (c) The work is highly specialized or otherwise requires extraordinary, defined skills or experience in a particular area not generally available.
 - (d) Proposers may need to be afforded the opportunity to revise their proposals, including prices.
 - (e) Award may need to be based upon a comparative evaluation as stated in the RFP of differing price, quality, and contractual factors in order for the City to determine the most advantageous proposal. Quality factors may include technical and performance capability and the content of the technical proposal.
 - (f) Important criteria other than price will be considered in determining an award.
2. General RFP Process. Proposals generally shall be solicited through an RFP as follows:

- (a) Public notice of the request for proposals shall be given at least 15 calendar days before the proposals are due.
- (b) **Submission of Proposals.** Proposals must be submitted in sealed envelopes. All proposals shall be handled so that the identity of the proposers and the contents of the proposals remain confidential during the process of negotiation. A register of proposals shall be prepared containing the name of each proposer, the number of modifications to a proposal received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after the conclusion of negotiations and award of a contract.
- (c) **Evaluation Factors.** The request for proposals shall state the relative importance of price and other evaluation factors.
- (d) **Discussion with Responsible Proposers and Revisions to Proposals.** As provided in the request for proposals, discussions may be conducted with responsible proposers who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Proposers shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of the identity of competing proposers or of any information derived from proposals submitted by competing proposers.
- (e) **Award.** Award shall be made to the responsible proposer whose proposal is determined to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

C. **Small Purchases:** A "small purchase" is defined as a single, complete purchase, the price of which is less than \$20,000. Any purchase or contract for purchase for which the total price is \$20,000 or more is not a small purchase and may not be classified as a small purchase merely by making the purchase in installments or by otherwise dividing the purchase.

A small purchase may be made in accordance with the small purchase procedures authorized in this Subsection.

1. **Purchases Greater Than \$10,000 But Less Than \$20,000.** Insofar as it is practical, the City shall allow three business days for the submission of written quotations by vendors for purchases greater than \$10,000 but less than \$20,000. The City Manager shall approve the purchase from the vendor with the lowest responsive, responsible quotation that is in the best interest of the City. Quotations shall be in

writing and authenticated by an appropriate officer of the vendor. A quotation shall include, at a minimum, the name of the vendor, the date, the description of the items offered, and the total amount of the quotation. The quotation shall be made part of the purchase record.

2. Purchases Greater Than \$1,000 But Not More Than \$10,000. Insofar as it is practical, the City shall allow three business days for the submission of written quotations by vendors for purchases greater than \$1,000 but not more than \$10,000. The Director of Finance shall approve the purchase from the vendor with the lowest responsive, responsible quotation that is in the best interest of the City. Quotations shall be in writing. A quotation shall include, at a minimum, the name of the vendor, the date, the description of the items offered, and the total amount of the quotation. The quotation shall be made part of the purchase record.
3. Purchases Not More Than \$1,000. The City Manager, with the advice of the Procurement Officer, shall adopt operational procedures for making purchases of \$1,000 or less. Those operational procedures shall provide for obtaining adequate and reasonable competition for the supply, service, or construction being purchased.

D. Sole Source Procurement: A contract may be awarded without competition when the Procurement Officer determines in writing submitted to the City Manager, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Procurement Officer, or his or her designee, shall conduct negotiations as appropriate as to price, delivery, and terms. A record of sole source procurements shall be maintained as a public record and shall list each contractor's name, the amount and type of each contract, a listing of the item(s) procured under each contract, and the identification number of each contract file. If a contract exceeds the established expenditure limit, then the City Council must authorize the contract.

E. Emergency Procurements: Notwithstanding any other provisions of this Chapter or this Code, the City Manager may make, or authorize the Procurement Officer and others to make, emergency procurements of supplies, services, or construction items when there exists an immediate threat to public health, welfare, or safety. An emergency procurement must be made with as much competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a record of each emergency procurement shall be made including the contractor's name, the amount and type of the contract, a listing of the items procured under the contract, and the identification number of the contract file.

F. Responsibility of Bidders and Proposers: If a bidder or proposer that otherwise would have been awarded a contract is found unresponsive or irresponsible (collectively "unqualified"), then the determination of unqualified shall be made in writing by the Procurement Officer, setting forth the basis for the finding. The failure of a bidder or proposer to supply information promptly in connection with an inquiry from the City

with respect to responsibility may be grounds for a determination of unqualified. The determination shall be made part of the contract file and be made a public record.

- G. Bid and Performance Bonds on Supply or Service Contracts: Bid bonds, labor and materials payment bonds, and performance bonds or other security may be requested for supply contracts or service contracts as the Procurement Officer, in consultation with the appropriate Department Head or City Manager, deems advisable to protect the City's interests. All bonding requirements should be established in the bid or solicitation documents. Bid bonds, labor and materials payment bonds, and performance bonds or other security may not be used as a substitute for a determination of a bidder or proposer's responsibility.
- H. Cancellation of Invitations for Bids or Requests for Proposals: The City may cancel an invitation for bids, a request for proposals, or any other solicitation and may reject any or all bids or proposals in whole or in part, when that cancellation or rejection is in the best interests of the City. The reasons for cancellation or rejection shall be made part of the contract file. Each bid issued or solicitation made by the City should state that the bid or solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part. The City shall attempt to send notice of cancellation to all potential bidders or proposers. The City shall provide the reason or reasons for cancellation or rejection at the request of an unsuccessful bidder or proposer.

§ 102-4 **Types of Contracts and Contract Administration:**

The City may use any form or type of contract that is, in the City's judgment, appropriate for the procurement and that will promote the best interests of the City. Contracts are subject to the following conditions and limitations.

- A. Multi-Term Contracts:
1. Specified Term. Unless otherwise provided by law, a contract for supplies or services may be for any stated term determined by the City. The term, and any renewal or extension options and the conditions of those options must be included in the bid or solicitation documents. Funds for the term or any renewal or extension must be available prior to the commencement of the term, renewal, or extension.
 2. Cancellation Due to Unavailability of Funds. When funds have not been appropriated or otherwise made available to pay the costs of performance for any term, renewal, or extension, then the contract must be allowed to expire or be cancelled.
- B. Multiple-Source Contracting: Multiple-source contract awards shall not be made when a single award will meet the City's needs without sacrifice of economy or service. Multiple-source contracts shall not be made for the purpose of dividing the work or business, or for creating the opportunity for contract awards based on criteria not directly related to utility, economy, or the City's best interests, or to avoid the resolution of tie

bids. Any multiple-source contract awards that are made shall be limited to the least number of contractors necessary to meet the valid requirements.

- C. Right to Inspect Premises: The City, at reasonable times, may inspect that part of the vendor's place of business or a contractor or subcontractor's workplace that is pertinent to the supply of goods or performance of services or work for the City under any contract, subcontract, or supply agreement.
- D. Reporting of Anticompetitive Practices: When for any reason the City suspects the existence of collusion or other anticompetitive practice among any bidders or proposers, the City shall notify the Office of the Illinois Attorney General and any other appropriate legal officer that would have jurisdiction over the matter.
- E. City Procurement Records:
 - 1. Contract File. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained in a contract file.
 - 2. Retention of Procurement Records. All procurement records shall be retained and disposed of by the City in accordance with records retention guidelines and schedules approved by the State of Illinois.

§ 102-5 Specifications Generally

All specifications shall be drafted so as to promote maximum value at the lowest cost, to promote overall economy for the purposes intended, and to encourage competition in satisfying the City's needs. Specifications must not be unduly or unnecessarily restrictive. The standards stated in this Section apply to all specifications, including without limitation specifications prepared on behalf of the City by architects, engineers, designers, and draftsmen.

§ 102-6 Brand Name or Equal Specifications

- A. Brand Name or Equal Specifications: Brand name or equal specifications may be used when the Procurement Officer determines that:
 - 1. No other design or performance specification or qualified products list is available;
 - 2. Time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - 3. The nature of the product or the nature of the City's requirements makes use of a brand name or equal specification suitable for the procurement; or
 - 4. Use of a brand name or equal specification is in the City's best interests.

- B. Designation of Several Brand Names: Brand name or equal specifications shall seek to designate as many different brands as are practicable, but at least three if possible, as “or equal” references and shall further state that substantially equivalent products to those designated will be considered for award.
- C. Required Characteristics: Unless the Procurement Officer determines that the essential characteristics of the brand names included in the specifications are commonly known in the industry or trade, the brand name or equal specifications shall include a description of the particular design, functional, or performance characteristics that are required.
- D. Nonrestrictive Use of Brand Name or Equal Specifications: When a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

§ 102-7 Construction Bidding and Contracts

- A. Definition: For purposes of this Chapter, “construction” means the process of building, altering, repairing, improving, or demolishing any public infrastructure facility, including without limitation any public structure, building, or other improvement of any kind to real property. Construction does not include routine operation, routine repair, or routine maintenance of an existing infrastructure facility.
- B. Method of Construction Contract Management: The Procurement Officer, in consultation with the appropriate Department Head and the City Manager as appropriate, shall have discretion to select the appropriate method of construction contract management for a particular project. In determining which method to use, the Procurement Officer shall consider the City’s requirements, its resources, and the potential contractor’s capabilities.
- C. Bid Security: A bid security shall be required for all competitively bid construction contracts, in accordance with applicable State law. The bid security shall be a bond provided by a surety company authorized to do business in the State, or the equivalent in cash, or otherwise supplied in a form satisfactory to the City. The bid bond must meet the following standards:
 - 1. Amount: The bid bond shall be in an amount equal to at least 10% of the amount of the bid.
 - 2. Payment on Bond: The bidding documents must provide the circumstances under which the City may take action against the bond due to material noncompliance of the bidder with the bid requirements.
 - 3. Withdrawal of Bid: When a bidder withdraws its bid before award as provided in this Code, no action will be taken against the bidder or the bid bond.

4. Performance and Labor and Materials Payment Bonds: When a construction contract is awarded in excess of \$20,000, the following bonds or security shall be delivered to the City and shall become binding on the parties upon the execution of the contract:
 - (a) A letter of credit or performance bond in a form provided by or otherwise satisfactory to the City, executed by a surety company authorized to do business in the State or otherwise secured in a manner satisfactory to the City, in an amount equal to 100% of the price specified in the contract; and
 - (b) A letter of credit or labor and materials payment bond in a form provided by or otherwise satisfactory to the City, executed by a surety company authorized to do business in the State or otherwise secured in manner satisfactory to the City, for the protection of all persons supplying labor and materials to the contractor or its subcontractors for the performance of the work provided for in the contract. The bond shall be in an amount equal to 100% of the price specified in the contract.
5. Authority to Require Additional Bonds: Nothing in this Section shall be construed to limit the authority of the Procurement Officer to require a performance bond or other security in addition to the bonds stated in this Subsection, or in circumstances other than those specified in this Section.
6. Copies of Letter of Credit and Bond Forms: Any person may request and obtain from the City a certified copy of a letter of credit or bond upon payment of the cost of reproduction of the letter of credit or bond and postage, if any. A certified copy of a letter of credit or bond shall be prima facie evidence of the contents, execution, and delivery of the original.
7. Suits on Labor and Materials Payment Bonds. Unless otherwise provided by law, any person who has furnished labor or materials to a contractor or subcontractor for the work provided in the contract, for which a bond is furnished under this Section, and who has not been paid in full within 90 days after the date on which that person performed the last of the labor or supplied the material, shall have the right to sue on the bond for any amount unpaid at the time the suit is instituted and to prosecute the action for the amount due that person. However, any person having a contract with a subcontractor of the contractor, but no express or implied contract with the contractor furnishing the bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within 90 days after the date on which that person performed the last of the labor or supplied the material. That person shall state in the notice the amount claimed and the name of the party to whom the material was supplied or for whom the labor was performed. The notice shall be served personally or by registered or certified mail, postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office or conducts business.

§ 102-8 Procurement of Architect, Engineer, and Land Surveying Services

As a Home Rule unit, the City is not required to adhere to the requirements of the Illinois Local Government Professional Services Selection Act (50 ILCS 510) when hiring an architect, engineer, or land surveyor. Nevertheless, the City generally will apply the standards of that Act, except that the City always will consider cost as a selection factor, unless otherwise required by law, and the City may choose not to use a formal selection process for architectural, engineering, or land surveying services less than \$20,000. When the City does solicit such services, then the City must solicit proposals and adhere to the following requirements:

- A. Public Notice: Permitting firms to annually file a statement of qualifications and performance data with the City. The City must mail a notice requesting a statement of interest in a specific project to all firms who have a current statement on file with the City and must place an advertisement in a daily newspaper of general circulation throughout the City, requesting a statement of interest in the specific project and further requesting statements of qualifications and performance data from those firms which do not have such a statement on file with the City. Such advertisement shall state the day, hour and place the statement of interest and the statements of qualifications and performance data shall be due.
- B. Selection Procedure: The City then must evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time and budget requirements, location, workload of the firm, and such other factors as the City may determine in writing are applicable. The City may conduct discussions with and require presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.
- C. Selection: On the basis of evaluations, discussions and presentations, the City shall select no fewer than three firms which it determines to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The City shall then contact the firm ranked most preferred and attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. If fewer than three firms submit letters of interest and the City determines that one or both of those firms are so qualified, the City may proceed to negotiate a contract.
- D. Contract Negotiation:
 - 1. The City shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation the City determines in writing to be fair and reasonable. In making this decision, the City shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered.
 - 2. If the City is unable to negotiate a contract with the preferred firm, negotiations with that firm shall be terminated. The City shall then begin negotiations with the

firm that is next preferred. If the City is unable to negotiate a contract with that firm, negotiations with that firm shall be terminated. The City shall then begin negotiations with the firm that is next preferred.

3. If the City is unable to negotiate a satisfactory contract with any of the selected firms, it shall re-evaluate the architectural, engineering, or land surveying services requested, including the estimated value, scope, and complexity and fee requirements. The City shall then compile a second list of not less than three qualified firms and proceed in accordance with these procedures.

E. Federally Funded Projects: As part of the process for consultant selection for federally funded projects, the following procedure will be followed:

1. A price proposal will be required for each RFP. The price proposal will be required to be submitted in a separate sealed envelope.
2. City staff will select, in order of preference, the three most highly qualified firms without reviewing any pricing information.
3. City staff will then negotiate with the highest ranked firm and review only the pricing information provided by the firm, and not pricing information from any of the other firms.
4. If negotiation with the highest ranked firm is unsuccessful and is formally terminated, the City will negotiate with the next most highly qualified firm and the City may review the pricing provided by that firm during the negotiation.
5. This process will continue until a satisfactory agreement is reached with a firm.
6. After a contract is awarded, the remaining unsealed price proposals will be returned to the proposers.

§ 102-9 Outside Legal Services

The following procedures and requirements shall apply to any contracts for legal services to be provided by attorneys other than the City Attorney.

- A. Only the City Manager is authorized to secure legal services from an attorney other than the City Attorney. Any Department Head that desires such legal services shall submit a request to the Procurement Officer for those legal services.
- B. The Procurement Officer will make a recommendation to the City Manager who may determine to enter into an agreement for legal services so long as funding is available in the current fiscal year budget.

§ 102-10 Cooperative Purchasing

- A. Authorization. The City shall endeavor to use joint or cooperative purchasing whenever favorable prices can be obtained for required goods and services. The City Manager and Director of Finance are authorized to issue a purchase order or contract when the funds for that purchase order or contract have been previously budgeted and appropriated by the City Council, using the applicable process and standards set forth in this Chapter.
- B. Open Competition: All cooperative purchasing conducted under this Section shall be through open competition, including use of source selection methods substantially equivalent to those specified in Section §102-3.
- C. Intergovernmental Agreements: The Procurement Officer may participate in, sponsor, conduct, or administer cooperative purchasing of supplies, services, or construction with one or more units of local government in accordance with an agreement entered into by the participants. Such cooperative purchasing may include, without limitation, joint or multi-party contracts between public procurement units and open-ended public procurement unit contracts that are made available to other units of local government.

§ 102-11 Contract Funding

Neither the City Manager nor the Director of Finance may approve or enter into any purchase order, contract, or other obligation unless sufficient funds have been budgeted and allocated to that purchase order, contract, or other obligation in an amount sufficient to pay all required amounts.

§ 102-12 Assignment of Contracts

No purchase order, contract, or other obligation between the City and a vendor, services provider, or contractor shall be assignable or transferable in any manner by the vendor, services provider, or contractor without the written consent of the City Manager.

§ 102-13 Use of Electronic Transmissions

The City Manager, Director of Finance, and Procurement Officer, and their designees may use e-mail and other electronic media in the procurement processes authorized in this Chapter, including without limitation for electronic signatures, consistent with applicable law and subject to the condition that the City Manager shall establish a standard protocol for use of electronic media, including such matters as (1) appropriate security to protect against unauthorized access to information or processes and (2) the prompt provision of original documents when appropriate, such as signature pages, insurance documents, performance security, and similar matters.

§ 102-14 Claims Relating to Solicitations

- A. Claims: Any bidder, proposer, or vendor (claimant) that has a protest, dispute, or other claim (collectively a "claim") about a matter related to a City bidding process, City RFP process, or other form of City solicitation may file a written Notice of Claim with the

Procurement Officer within 10 days after the claimant knows or should have known of the facts giving rise to the claim. That Notice of Claim must (1) identify the particular transaction or process at issue, (2) include a detailed statement of the claim, and (3) provide all relevant facts and circumstances related to the claim, including without limitation dates, entities and persons involved, communications, and documents. The Notice of Claim must state whether the claimant desires to meet with the Procurement Officer regarding the claim.

- B. Meeting with Procurement Officer: If the claimant requests a meeting with the Procurement Officer regarding the claim, then the Procurement Officer shall promptly schedule and conduct that meeting.
- C. Procurement Officer Report and Recommendation: If no meeting is requested or if the claim is not resolved during the requested meeting between the claimant and Procurement Officer, then within 10 days after the filing of the claim or after the conclusion of the requested meeting, whichever is later, the Procurement Officer shall prepare a written report and recommendation regarding the claim for review and decision of the City Manager.
- D. Decision by City Manager: The City Manager shall issue a written decision on a claim within 10 days after receipt of the Procurement Officer's report and recommendation. The City Manager may accept the Procurement Officer's recommendation or make any other decision on the claim as the City Manager determines is proper. The decision of the City Manager will be final.

§ 102-15 **Suspensions**

- A. Authority to Suspend: The Procurement Officer, with the approval of the City Manager, may suspend a vendor, services provider, contractor, or other person (collectively, "contractor") for cause from eligibility to receive a purchase order, contract, or other order or agreement from the City for any period of time up to three years. Prior to making a decision to suspend, the Procurement Officer must give reasonable notice to the contractor and a reasonable opportunity for the contractor to be heard by the Procurement Officer. The Procurement Officer's decision shall be in writing and shall include the causes for the suspension, the time period of the suspension, and other relevant matters. The Procurement Officer shall promptly provide a copy of the decision to the contractor.
- B. Causes: The causes for suspension include the following:
 1. Conviction of the contractor for commission of a criminal offense related to obtaining or attempting to obtain any contract or subcontract, whether public or private, or relating to the performance of a contract or subcontract.
 2. Conviction of the contractor under any State or federal statute of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty.

3. Conviction of the contractor under any State or federal antitrust statute arising out of the submission of bids or proposals.
4. One or more contractor violations of contract provisions of a character that are regarded by the Procurement Officer or City Manager to be so serious as to justify suspension. Examples of such violations are, but are not limited to:
 - (a) A deliberate failure to perform in accordance with the terms or specifications provided in the contract.
 - (b) Repeated failures to perform, or repeated instances of unsatisfactory performance, without satisfactory excuse or mitigating circumstances.
5. Suspension or debarment by another governmental agency.
6. Any other cause the Procurement Officer or City Manager determines to be so serious and compelling as to affect responsibility as a contractor.
7. Violation by the contractor of an ethical standard related to contracts, contracting, or construction.

C. Appeal: A contractor may appeal a suspension by filing a written notice of appeal in the office of the City Clerk within five days . The notice of appeal must state each position and reason of the contractor in support of the appeal. The City Council shall consider the appeal and, considering all of the facts, circumstances, and decision of the Procurement Officer, shall deny the appeal, grant the appeal, or grant such other relief as the City Council determines is appropriate. The City Council, as part of its decision, may decrease or increase the length of any suspension. The City Council shall memorialize its decision in writing and promptly provide a copy of its decision to the contractor. The decision of the City Council is final.

§ 102-16 Ethical Standards

A. General Standards Of Ethical Conduct:

1. General Ethical Standard for Employees. Any attempt to realize personal gain through public employment by conduct inconsistent with the proper discharge of a City employee's duties is a violation of this Code.
2. General Ethical Standard for Non-Employees. Any effort to influence any City employee to breach the standards of ethical conduct set forth in this Code is a violation of this Code.

B. Employee Conflict Of Interest:

1. Conflict of Interest. It is a violation of this Code for any employee to participate directly or indirectly in a procurement when the employee has an ownership,

employment, prospective employment, or family interest pertaining to the procurement.

2. **Disclosure by Employees.** On discovery of an actual or potential conflict of interest, an employee shall promptly file a written disclosure with the Procurement Officer and shall withdraw from further participation in the transaction involved.
 3. **Disclosure by Public Official.** On discovery of an actual or potential conflict of interest, a public official shall promptly disclose the conflict and shall withdraw from participation in the decision-making process.
- C. **Gratuities:** Consistent with the provisions of Chapter 44 of this Code, it shall be violation of this Chapter for any person to offer, give, or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefor.
- D. **Kickbacks:** It shall be a violation of this Chapter for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.
- E. **Influence Peddling:** It shall be a violation of this Chapter for a person to be retained, or to retain a person, to solicit or secure a City contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business, which relationship shall be disclosed in any attempt to solicit or secure a City contract.
- F. **Use of Confidential Information:** It shall be a violation of this Article for any employee or former employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
- G. **Remedies Against Employees:** In addition to existing remedies for breach by an employee of the ethical standards of this Code, the City may impose any one or more of the following:
1. Oral or written warnings or reprimands;
 2. Suspension with or without pay for specified periods of time; and
 3. Termination of employment.

H. Remedies Against Non-Employees: In addition to existing remedies for violations of this Article by a non-employee, the City may impose any one or more of the following:

1. Written warnings or reprimands;
2. Termination of transactions; and
3. A suspension under Section 102-15 of this Chapter.

I. Recovery of Value Transferred or Received in Violation of this Chapter:

1. **General Provisions.** The value of anything transferred or received in violation of this Chapter by an employee or a non-employee may be recovered from both the employee and non-employee.
2. **Recovery of Kickbacks.** Upon a showing that a subcontractor made a kickback to a prime contractor or a higher tier subcontractor in connection with the award of a subcontract or order thereunder, it shall be conclusively presumed that the amount thereof was included in the price of the subcontract or order and ultimately borne by the City and will be recoverable by the City from the recipient. In addition, the amount may separately be recovered from the subcontractor making the kickback. The City's recovery from one offending party shall not preclude the City from recovery from other offending parties.

Article II Minority, Women, and Persons With Disabilities Business Enterprise Plan

Note: This Article was previously adopted by City Council. This is a requirement for State grants.

§ 102-17. Policy:

It is the policy of the City to promote and encourage the continuing economic development of businesses owned by minority persons ("MBE"), women ("WBE"), and persons with disabilities ("PDBE"), and that these businesses participate in the City's process of procuring bids, proposals, and services.

§ 102-18. Definitions:

A. For the purpose of this Business Enterprise Plan, the following terms have the following definitions:

BUSINESS OWNED BY A PERSON WITH A DISABILITY or PDBE

A business concern that is at least 51% owned by one or more persons with a disability and the management and daily business operations of which are controlled by one or more of the persons with disabilities who own it. A not-for-profit agency for persons with disabilities that is exempt from taxation under Section 501 of the Internal Revenue Code of 1986 also is considered a "business owned by a person with a disability."

CITY CONTRACT

A City construction or professional services contract funded in whole or in part by grants or loans from the State of Illinois of \$250,000 or more for capital construction costs or

professional services. This definition applies only to the state-funded portion of the project.

CONTROL

The exclusive or ultimate and sole control of the business, including but not limited to capital investment and all other financial matters, property, acquisitions, contract negotiations, legal matters, officer-director-employee selection and comprehensive hiring, operating responsibilities, cost-control matters, income and dividend matters, financial transactions and rights of other shareholders or joint partners. Control shall be real, substantial, and continuing, not pro forma. Control shall include the power to direct or cause the direction of the management and policies of the business and to make the day-to-day as well as major decisions in matters of policy, management and operations. Control shall be exemplified by possessing the requisite knowledge and expertise to run the particular business, and control shall not include simple majority or absentee ownership.

MINORITY-OWNED BUSINESS or MBE

A business:

- (1) That is at least 51% owned by one or more minority persons or, in the case of a corporation, at least 51% of the stock of which is owned by one or more minority persons and
- (2) The management and daily business operations of which business are controlled by one or more of the minority individuals who own it.

MINORITY PERSON

A person who is a citizen or lawful permanent resident of the United States and who is:

- (1) American Indian or Alaska Native (a person having origins in any of the original peoples of North and South America, including Central America, and who maintains tribal affiliation or community attachment).
- (2) Asian (a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, but not limited to, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam).
- (3) Black or African-American (a person having origins in any of the black racial groups of Africa).
- (4) Hispanic or Latino (a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race).
- (5) Native Hawaiian or other Pacific Islander (a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands).

PERSON WITH A DISABILITY

(1) A person who is a citizen or lawful permanent resident of the United States and who is qualified as being disabled. "Disabled" means a severe physical or mental disability that:

- (a) Results from amputation; arthritis; autism; blindness; burn injury; cancer; cerebral palsy; Crohn's disease; cystic fibrosis; deafness; head injury; heart disease; hemiplegia; hemophilia; respiratory or pulmonary dysfunction; mental retardation; mental illness; multiple sclerosis; muscular dystrophy; musculoskeletal disorders; neurological disorders, including stroke and epilepsy; paraplegia, quadriplegia, and other spinal cord conditions; sickle cell anemia; ulcerative colitis; specific learning disabilities; or end-stage renal failure disease; and
- (b) Substantially limits one or more of the person's major life activities.

(2) Another disability or combination of disabilities also may be considered as a disability for the purposes of this definition if it is determined by an evaluation of rehabilitation potential to cause a comparable degree of substantial functional limitation similar to the specific list of disabilities listed in this definition.

WOMAN

A person who is a citizen or lawful permanent resident of the United States and is of the female gender.

WOMEN-OWNED BUSINESS or WBE

A business concern:

- (1) which is at least 51% owned by one or more women or, in the case of a corporation, at least 51% of the stock of which is owned by one or more women and
- (2) the management and daily business operations of which business are controlled by one or more of the women who own it. See also Subsection B below.

B. NOTE: When a business is owned at least 51% by any combination of minority persons, females, or persons with disabilities, then the ownership requirements for purposes of this Business Enterprise Plan are considered to be met, even though none of the three classes alone holds an interest greater than 50%.

§ 102-19. City Goal:

The City's goal is that not less than 10% of the total dollar amount of City contracts, as defined in this Business Enterprise Plan, awarded in a fiscal year be awarded to MBEs, WBEs, and PDBEs and that contracts representing 50% of the total dollar amount of City contracts that are awarded to MBEs and WBEs be awarded to WBEs.

§ 102-20. Responsibility:

The City Manager, or the City Manager's designee, is charged with overall responsibility for the administration of this Business Enterprise Plan. The City Manager, or the City Manager's designee, shall establish procedures for the purpose of monitoring the City's overall performance with respect to this plan.

- A. The duties and responsibilities of the City Manager, or the City Manager's designee, include:
- (1) Adopting rules and regulations as necessary to effectuate this plan;
 - (2) Developing and distributing a directory of known MBEs, WBEs, and PDBEs;
 - (3) Providing information and assistance, when requested, to MBEs, WBEs, and PDBEs to increase their ability to compete effectively for the award of City contracts as defined in this plan;
 - (4) Investigating alleged violations of this plan and making written recommendations for remedial action when appropriate;
 - (5) Developing and distributing all necessary forms, applications, and documents necessary to comply with this plan;
 - (6) Reviewing, on a regular basis, the City's progress toward achieving the goals for the utilization of MBEs, WBEs, and PDBEs and reporting annually on such progress to the City Council;
 - (7) Making recommendations to appropriate City officials regarding methods to further the policies and goals of this plan;
 - (8) Monitoring contractors throughout the duration of a City contract, as defined in this plan, to ensure that all efforts are made to comply with the requirements of this plan; and
 - (9) Certifying that the requirements of this plan have been satisfied before a City contract, as defined in this plan, is signed.
- B. The City Manager, or the City Manager's designee, shall take the following actions to ensure that MBEs, WBEs, and PDBEs have maximum opportunity to participate on City contracts, as defined in this plan, for which bids or proposals are solicited:
- (1) Send a written notification to minority and women's trade and professional associations and contractors' associations about the availability of contracting opportunities on an annual basis;
 - (2) Include a copy of this plan in all City contract solicitations to which this plan applies;
 - (3) Evaluate all contracting opportunities in an effort to divide the total requirements of a City contract to provide reasonable opportunities for MBEs, WBEs, and PDBEs; and

DRAFT

- (4) Establish guidelines to ensure that a notice to proceed or purchase order is not issued for a City contract until signed letters of intent or executed agreements with MBEs, WBEs, and PDBEs proposed by contractors have been submitted.

§ 102-21. Bidder, Proposer Responsibility:

It shall be the responsibility of each bidder and proposer on a City contract, as defined in this Business Enterprise Plan, to adhere to the procedures and provisions set forth in this plan. To that end, the following provisions apply:

- A. Each bidder and proposer must complete an MBE, WBE, and PDBE utilization form and identify therein its commitment, if any, to utilize such businesses. Any failure to complete and sign the utilization form may result in the bid or proposal being declared nonresponsive. In its response to an invitation to bid or request for proposal, the bidder or proposer shall include the names of MBEs, WBEs, and PDBEs to which it intends to award subcontracts, if any, the dollar value of the subcontracts, and the scope of work to be performed;
- B. Each bidder and proposer must ensure that all MBEs, WBEs, and PDBEs projected for use have been certified by the City prior to bid opening;
- C. The successful bidder must submit copies of executed agreements with the MBEs, WBEs, and PDBEs being utilized; and
- D. The successful bidder must submit reports and documentation verifying payments to the MBEs, WBEs, and PDBEs being utilized.

§ 102-22. Contractor Guidelines.

Contractors and subcontractors under a City contract, as defined in this Business Enterprise Plan, shall consider and follow, where appropriate, the following guidelines, which are not all-inclusive, in making their good faith efforts to meet the goals of this plan:

- A. Attend pre-bid meetings scheduled by the City to inform MBEs, WBEs, and PDBEs of contracting and subcontracting opportunities;
- B. Formally advertise in general circulation, trade association, and MBE-, WBE-, and PDBE-oriented media regarding subcontracting opportunities;
- C. Provide written notice to selected MBEs, WBEs, and PDBEs soliciting their bids. Those solicitations should allow sufficient time for the businesses to review the plans and specifications and develop bids;
- D. Follow up the initial solicitation of interest by contacting those MBEs, WBEs, and PDBEs to determine whether they will submit a bid;
- E. Package portions of the work to be performed in such a manner as to encourage and increase the likelihood of participation from MBEs, WBEs, and PDBEs;

- F. Provide interested MBEs, WBEs, and PDBEs with adequate information regarding the plans, specifications, and requirements for bidding on a City contract;
- G. Negotiate in good faith with MBEs, WBEs, and PDBEs and never disqualify an MBE, WBE, or PDBE without sound reasons based on a thorough investigation of its capabilities;
- H. Assist interested MBEs, WBEs, and PDBEs in obtaining bonding, lines of credit, and insurance, if required;
- I. Effectively utilize the services of local, state, and federal minority, women's, and persons with disabilities business and assistance offices and other organizations that provide assistance in the recruitment and placement of such businesses; and
- J. Document all good faith efforts actions taken.

§ 102-23. Human Rights Act Compliance:

All contractors and subcontractors working on City contracts shall comply with the provisions of Section 2-105 of the Illinois Human Rights Act, 775 ILCS 5/2-105, regarding equal employment opportunities.

SECTION III: Savings Provision. If any section, paragraph, subdivision, clause, sentence, or provision of this Ordinance is determined in a final order by a court of competent jurisdiction to be invalid such final order shall not affect, impair, invalidate, or nullify any other provision of this Ordinance, which other provisions shall remain and continue in full force and effect.

SECTION IV: Effectiveness. This Ordinance shall be in full force and effect from and after its passage and approval according to law.

SECTION V: Repeal of Conflicts. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

DATED at Crystal Lake, Illinois, this 18th day of December 2012.

APPROVED:

Aaron T. Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk

PASSED: December 18, 2012

APPROVED: December 18, 2012

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



DRAFT

RESOLUTION

WHEREAS, cooperative purchasing can be of great benefit to the City of Crystal Lake by achieving lower bids for services, supplies, or work through aggregation with other purchasers; and

WHEREAS, cooperative purchasing has been demonstrated to be an effective tool to help local officials save taxpayer dollars; and

WHEREAS, cooperative purchasing often represents a viable alternative to a conventional bidding process in which a single public entity undertakes the process by itself for only its own needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, that the City Manager be and he is hereby authorized to enroll the City of Crystal Lake as a participant in the following cooperative purchasing programs:

- Cooperative Purchasing through the U.S. Government's General Services Administration
- National Joint Powers Alliance
- H-GAC (Houston-Galveston Area Council)
- Public Sourcing Solutions
- U.S. Communities
- National Intergovernmental Purchasing Alliance Company
- The Cooperative Purchasing Network
- National Cooperative Purchasing Alliance
- The State of Illinois Joint Purchasing Program
- Northwest Municipal Conference Suburban Purchasing Cooperative

DATED this 18th day of December, 2012

CITY OF CRYSTAL LAKE, an Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 18, 2012

APPROVED: December 18, 2012



Agenda Item No: 20

City Council Agenda Supplement

Meeting Date:

December 18, 2012

Item:

An Intergovernmental Agreement for the Annual Dial-A-Ride Transit Services in 2013.

Staff Recommendation:

Motion to approve a Resolution authorizing the City Manager to execute an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry and the City of Woodstock for the Annual Dial-A-Ride Transit Services in 2013.

Staff Contact:

George Koczvara, Deputy City Manager
Brad Mitchell, Assistant to the City Manager

Background:

At the November 15, 2011 City Council meeting, the City Council approved an Intergovernmental Agreement (IGA) between the County and the City of Crystal Lake, the City of McHenry, and the City of Woodstock to combine local dial-a-ride programs into one contracted service called MCRide with Pace Suburban Bus. The MCRide program started on February 1, 2012. The combined local dial-a-ride services provide greater consistency between service fares and hours, improves service performance monitoring and enables direct accounting for federal grant funding. A condition of the IGA requires that partner agencies renew the IGA annually. The attached IGA will provide annual dial-a-ride transit services in 2013, and is similar to the IGA approved by the City Council for dial-a-ride transit services for 2012.

The County will continue to utilize the over \$800,000 in federal funding awarded from the Regional Transportation Authority to fund the MCRide program. The funding will continue to cover 50% of the operating costs associated with all identified work trips (about 35% of all trips) and trips provided to riders with a disability (about 35% of all riders). In addition, each partner agency will continue to commit 100% of the funding detailed in their current contract with Pace for dial-a-ride services. The County will pay the monthly Pace invoices, and each municipality will be invoiced 25% of the Operating Deficit by the County. The Operating Deficit to each community will be accounted for

separately and will be based on the total costs of trips with an origin and destination in the community after the fares are deducted. Anticipated grant monies will be estimated for each month and subtracted from the invoice amount. Should actual grant reimbursement differ from estimates, the appropriate amount will be added or subtracted on the earliest subsequent invoice.

Prior to the MCRide program, the City contracted directly with Pace for annual dial-a-ride services. The City's annual contribution under that contract structure with Pace for dial-a-ride services was approximately \$137,229. Since establishing the MCRide program, and due in large part to the awarded federal funding being used towards the MCRide program, the City's contribution for dial-a-ride services has been substantially reduced to approximately \$3,500 monthly, which is approximately \$42,000 annually.

By entering into this IGA, all parties agree to continue the MCRide program, which provides service standardization, related to fare structure, service hours, and trip reservation policies. The following is service information regarding the MCRide program:

Fare Structure – On February 2, 2012, the City of Crystal Lake experienced the first fare adjustment in a two-step process to adjust fares to be consistent throughout the MCRide service area. The current fares for Crystal Lake riders are \$1.75 for the general public and students and \$0.85 for seniors and riders with a disability. These fare rates will remain effective through 2013. Beginning January 2, 2014, Crystal Lake, as well as McHenry, will experience the second fare adjustment. Fares will be increased to \$2.00 for the general public and students, and \$1.00 for seniors and riders with a disability, which will equal the fares for the City of Woodstock and McHenry County, and adjust fares to be consistent throughout the MCRide service area.

Fare Type	Current Base Fare up to 5 miles and 25 cents for each additional mile		Starting January 2, 2014
	Crystal Lake & McHenry	Woodstock & Intercommunity	All
General	\$1.75	\$2.00	\$2.00
Senior	\$0.85	\$1.00	\$1.00
Disabled	\$0.85	\$1.00	\$1.00
Student	\$1.75	\$2.00	\$2.00

Standard Senior Definition – Persons 60 years and older will be considered seniors to be consistent with the federal Older Americans Act Title III regulations.

Service Hours – Service hours will be the same for all partner agencies.

Table 2	Monday-Friday Start	Monday-Friday End	Saturday Start	Saturday End
Service Hours	6:00 a.m.	7:00 p.m.	9:00 a.m.	5:00 p.m.
Reservation Hours	5:30 a.m.	6:00 p.m.	8:30 a.m.	4:00 p.m.

Trip Reservation – Trips can be reserved the day before the requested trip and up to 1 hour before the requested trip.

“No Show” Policy – Any ride cancelled with less than 2 hours notice is considered a “late cancel”. Any ride where the vehicle arrives and the client does not take the ride is considered to be a “no show”. Riders with habitual late cancels or no shows may be suspended from service for one week.

It should be noted, that as part of the IGA, partner agencies agree to monitor service-cost effectiveness and make additional changes to service hours, fares, and trip reservation policies only after all partner agencies have affirmed the changes in writing and the public has been given at least 4 weeks’ notice of these changes.

Also, if there is a time when it is agreed by all partners not to continue the MCRide program or if the City at anytime decides no longer to participate in the program, the City will be able to return to its original agreement with Pace for dial-a-ride services.

The IGA has been approved by McHenry County and is awaiting approval by the remaining partner agencies. There will be no service disruption to the MCRide program during the IGA renewal process.

Votes Required to Pass:

Simple majority vote of the City Council.



DRAFT

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, of McHenry County, Illinois, that the City Manager be and he is hereby authorized and directed to execute an intergovernmental agreement between McHenry County, the City of Crystal Lake, the City of McHenry, and the City of Woodstock for Annual Dial-A-Ride Transit Services in 2013.

DATED this 18th day of December, 2012.

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL

ATTEST

CITY CLERK

PASSED: December 18, 2012
APPROVED: December 18, 2012



Agenda Item No: 21

**City Council
Agenda Supplement**

Meeting Date: December 18, 2012

Item: REPORT OF THE PLANNING & ZONING COMMISSION

4814, 4902, 4908, 4910, 4914, 4916, 5002, 5004, and 5006 State Street rezonings

Rezoning for subject properties from "E" Estate to the "R-2" Single Family Residential district.

PZC Recommendation: Motion to approve the Planning and Zoning Commission recommendation and adopt an ordinance rezoning the subject properties along State Street.

Staff Contact: Michelle Rentzsch, Director of Planning and Economic Development

Background:

- The properties in question are 9 lots along the north side of State Street that the City invited to annex into the City. Their annexation was part of an overall strategy to involuntarily annex the Schults Auto Sales and Honda Northwest properties along Route 14, the latter property being the proposed location for a 35-foot tall, 242-square foot LED full-color billboard. The City was successful in ensuring that this large, out-of-place billboard not be built in this location.
- As time was of the essence, the lots were annexed via a public hearing at the City Council meeting, as is permitted by State Statute. This requires that the properties come in under the City's most restrictive zoning classification, which is "E" Estate zoning. A provision of the annexation agreements stipulated that the City would bring through rezoning for these properties to the more appropriate zoning classification of "R-2" Single Family residential, which is the purpose of this request.

PZC Highlights

- The PZC had no issues or concerns with this request and felt it met the criteria for the rezoning request.
- The PZC recommended **approval (9-0)** of the request.

Votes Required to Pass: A simple majority vote.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4814 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-55) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 18 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN McHENRY COUNTY, ILLINOIS.

commonly known as 4814State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4902 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-56) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 15 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN McHENRY COUNTY, ILLINOIS.

commonly known as 4902State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4910 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-57) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

LOT 11 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION UNIT NO. 2, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT NO. 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY CERTIFICATE RECORDED JULY 22, 1954 AS DOCUMENT NO. 280898 AND CERTIFICATE RECORDED MARCH 11, 1955 AS DOCUMENT NO. 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 4910 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4916 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-58) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 8 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 4916 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 5006 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-59) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 5 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 2012-59 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 5002 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-62) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

LOT 7 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION UNIT NO. 2, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT NO. 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY CERTIFICATE RECORDED JULY 22, 1954 AS DOCUMENT NO. 280898 AND CERTIFICATE RECORDED MARCH 11, 1955 AS DOCUMENT NO. 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 5002 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4908 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-69) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 12 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 4908State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 5004 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-72) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

LOT 6 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION UNIT NO. 2, A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT NO. 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY CERTIFICATE RECORDED JULY 22, 1954 AS DOCUMENT NO. 280898 AND CERTIFICATE RECORDED MARCH 11, 1955 AS DOCUMENT NO. 289813, IN MCHENRY COUNTY, ILLINOIS

commonly known as 5004 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.

DRAFT

ORDINANCE NO. _____
FILE NO. _____

AN ORDINANCE GRANTING REZONING
AT 4914 STATE STREET

WHEREAS, pursuant to the terms of a Application (File #2012-71) before the Crystal Lake Planning and Zoning Commission, the Applicant has requested Rezoning from "E" Estate to "R-2" Single Family Residential; and

WHEREAS, it is in the best interests of the CITY OF CRYSTAL LAKE that the Rezoning be granted as requested in said Application.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, McHENRY COUNTY, ILLINOIS, as follows:

Section I: That the following described property be and same is rezoned from "E" Estate to "R-2" Single Family Residential

at the property legally described as follows:

Lot 18 IN BLOCK 1 IN PLATT DEMARCE SUBDIVISION, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 21, 1954 AS DOCUMENT 279705 IN BOOK 11 OF PLATS, PAGE 114, AS AMENDED BY THE INSTRUMENT RECORDED JULY 22, 1954 AS DOCUMENT NUMBER 280898 AND INSTRUMENT RECORDED MARCH 11, 1955 AS DOCUMENT 289813, IN MCHENRY COUNTY, ILLINOIS.

commonly known as 4914 State Street, currently under development in Crystal Lake, McHenry County, Illinois.

Section II: That the City Clerk be and is hereby directed to amend the official zoning map of the City of Crystal Lake and all pertinent records of the City of Crystal Lake to show the granting Rezoning in accordance with the provisions of this Ordinance, as provided by law.

Section III: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

DATED at Crystal Lake, Illinois, this _____ day of _____, _____.

DRAFT

MAYOR

ATTEST:

CITY CLERK

Published in pamphlet form by the authority of the Mayor and City Council of the City of Crystal Lake.



Agenda Item No: 22

**City Council
Agenda Supplement**

Meeting Date: December 18, 2012

Item: Designation of additional City Councilmember as a liaison to the Crystal Lake Public Library Expansion Planning Group

Recommendation: Motion to adopt a resolution designating an additional City Councilmember as a liaison to the Crystal Lake Public Library Expansion Planning Group.

Staff Contact: Aaron T. Shepley, Mayor

Background:

At the November 6, 2012 City Council meeting, the City Council adopted a Resolution providing direction for the planning of the future expansion of the Crystal Lake Public Library. An element of that resolution was the designation of two Councilmembers as liaisons to the working group that will plan options for any potential future library expansion.

At the November 20, 2012 City Council meeting, the City Council designated Councilmember Ralph Dawson as one of the liaisons and sought meeting date information prior to designating the second liaison.

The Crystal Lake Public Library Expansion Planning Group is set to meet on the 2nd Wednesday of each month at 7 p.m.

Votes Required to Pass:

Simple majority



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RESOLUTION

WHEREAS, at the November 6, 2012 City Council meeting, the City Council adopted a Resolution providing direction for the planning of the future expansion of the Crystal Lake Public Library; and

WHEREAS, an element of that Resolution was the designation of two Councilmembers as liaisons to the working group that will plan options for any potential future library expansion.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Crystal Lake, McHenry County and State of Illinois, as follows:

Section 1: Recitals. The foregoing recitals are incorporated into this Resolution as findings of the Mayor and City Council.

Section 2: Library Expansion Working Group City Council Representation. The Crystal Lake City Council designates: 1. Ralph Dawson and 2. _____ as liaisons to the Crystal Lake Library Board for the purpose of transmitting information as part of planning for the future direction of the library expansion. The two City Council representatives shall have no authority to act or give direction on behalf of the entire City Council, but shall periodically provide updates to the full City Council.

DATED this 18th day of December, 2012

CITY OF CRYSTAL LAKE, an
Illinois municipal corporation,

By: _____
MAYOR

SEAL
ATTEST

CITY CLERK

PASSED: December 18, 2012
APPROVED: December 18, 2012



Agenda Item No: 23

**City Council
Agenda Supplement**

<u>Meeting Date:</u>	December 18, 2012
<u>Item:</u>	Property Tax Levy Ordinance/Truth in Taxation Public Hearing
<u>Staff Recommendation:</u>	Motion to adopt the 2012 property tax levy ordinance and certificate of compliance.
<u>Staff Contact:</u>	Gary J. Mayerhofer, City Manager Mark F. Nannini, Director of Finance

Background:

In order to collect a property tax, government agencies in the State of Illinois are required to establish a "tax levy" and comply with the Truth in Taxation Act. The tax levy is a projection of monies the government agency expects to obtain through the annual property tax. The Truth in Taxation law requires taxing districts to disclose by publication and to hold a public hearing on their intention to adopt an aggregate levy in amounts more than 105% of the amount of property taxes extended the prior levy year.

The City of Crystal Lake City Council must adopt a property tax levy by ordinance and submit the ordinance to the McHenry County Clerk no later than the last Tuesday in December. Since the last Tuesday in December this year is also Christmas, the deadline to file the 2012 tax levy with the McHenry County Clerk is Wednesday, December 26th. The process for the adoption of the tax levy ordinance is as follows:

- 1) Adopt a resolution determining the maximum 2012 tax levy.
- 2) Hold a public hearing.
- 3) Adopt the tax levy ordinance.
- 4) File the levy with the McHenry County Clerk by Wednesday, December 26th.

The resolution determining the maximum 2012 tax levy was adopted on November 20, 2012. Adoption of this resolution was merely a procedural requirement and the actual levy ordinance is considered during the public hearing at the December 18, 2012 City

Council meeting. The City of Crystal Lake is not required by law to either publish or hold a public hearing given the proposed tax levy is less than a 5% increase over the previous year. In the past, even when not required, we have historically done both for transparency purposes.

The process in determining the actual tax levy is challenging because the actual dollars collected from the 2012 tax levy are not received until fiscal year 2013/2014, for which the City has not yet considered an annual budget. The City's 2012 tax levy will be incorporated into property tax bills, which homeowners will receive during the calendar year 2013, and will be utilized by the City to fund a portion of the 2013/2014 City Budget (the City operates on a May 1 through April 30 fiscal/budget year). The tax levy ordinance adopted by the City of Crystal Lake is filed with the McHenry County Clerk, whose office determines the actual "tax rate" necessary in order to raise the dollars levied by the City. The City levies in dollars needed rather than a specific tax rate. As a result, the City does not receive any additional dollars if the assessed valuation of property in the City increases. Rather, the amount of the City tax levy remains the same and is spread over a greater total assessed valuation of property (which can result in a decrease in the actual City tax rate).

Property owners in the City of Crystal Lake will note that the City is only one of many taxing bodies that appear on the property tax bill. Since 1997, the City has not levied a property tax for the General Fund. The City's tax levy, therefore, is made up of the following funds:

- Crossing Guard Fund
- Fire Pension Fund
- Fire Rescue Fund
- Illinois Municipal Retirement Fund (IMRF)
- Library Operating Fund
- Library IMRF Fund
- Police Pension Fund

The impact of a proposed property tax levy is determined by estimating the Equalized Assessed Value (EAV). The actual City EAV will be calculated by the County Assessor and is not known at this time. It is estimated that the City's 2012 EAV will be \$1,162,568,154, which is a 3% decrease over the 2011 EAV. As a comparison, the 2011 EAV decreased 8.608% from 2010, the 2010 EAV decreased 7.565% over 2009 and the 2009 EAV decreased 1.201% from 2008. As home values begin to recover, the City's EAV will rise.

The tax levies for the Fire and Police Pensions have been actuarially determined. The State of Illinois' actuary determines an amount and each of the Pension Funds retains a third party actuary to verify the amounts. The intention of the actuaries' study is to continue to fund the pension benefits outlined in the State Statutes. Both the Fire and Police Pension Boards have recommended that the City Council adopt the levy amounts in the actuarial reports. The levy amounts are \$1,621,810 for the Fire Pension and

\$1,848,771 for the Police Pension. The Fire Pension Fund is currently 63.69% funded and the Police Pension Fund is currently 57.13% funded.

The recommended levy for the Illinois Municipal Retirement Fund (IMRF), which also pays the employer's share of Social Security and Medicare taxes (FICA), is \$1,400,264, \$10,219 less than the 2011 levy. The levy for the City's Crossing Guard Fund has also been reduced by \$10,000. There are sufficient reserves in both the IMRF Fund and Crossing Guard Fund that can be utilized again in fiscal year 2013/2014 in order to keep the aggregate tax levy for 2012 below the percent change in the consumer price index from 2010 to 2011. The State of Illinois uses the change in the consumer price index in its calculation of "tax caps" for non-home rule communities.

It is anticipated that the Fire Rescue operating budget will increase by approximately 1.86% in fiscal year 2013/2014 before a reallocation of 9-1-1 dispatch charges (SEECOM) to the City's General Fund. The increase in operations is the result of increased personnel costs due to the Firefighters' Collective Bargaining Agreement. All other operational accounts have been kept at a zero percent increase. Fund reserves will be utilized again in fiscal year 2013/2014 for capital purchases.

Below is the projected effect that the recommended 2012 tax levy will have on property tax rates as compared to the effects of the City's 2011 property tax levy. The projections below reflect an estimated decrease of -3% in the City's overall EAV for tax year 2012. In aggregate, the recommended 2012 levy for the City's contribution for IMRF and FICA is \$10,219 less than the 2011 levy. State Statute, however, requires the City to separate the levy for IMRF from the levy for FICA.

Fund	Actual 2011 Levy Rate	Estimated 2012 Levy Rate
General	0.000000	0.000000
City IMRF	0.117685	0.050489
City FICA	0.000000	0.069957
Library Operations	0.308472	0.321816
Library IMRF	0.038601	0.024265
Library FICA	0.000000	0.014692
Police Pension	0.153298	0.159025
Fire Rescue	0.455615	0.489690
Crossing Guard	0.002921	0.002150
Fire Pension	0.129516	0.139502
Total	1.206108	1.271586

Determining the impact of the City's tax levy on area home values is dependent on several factors: the assessed value of a property as determined by each township's

assessor, the equalization multiplier assigned by each township supervisor, the equalization multiplier assigned by the State and exemptions specific to each property and property owner, (homestead, senior, senior freeze, etc.). The City of Crystal Lake spans four different townships: Algonquin Township, Nunda Township, Dorr Township and Grafton Township.

Assuming a home valued at \$250,000 has experienced the same decline in EAV as the City overall since 2008, then the impact of the City's recommended 2012 property tax levy is estimated to add \$15.75 to the annual tax bill, or \$1.31 per month.

Summary:

The adoption of the attached ordinance would:

- 1) Maintain a zero General Fund levy, which has been in place since 1997. The General Fund, which is the largest fund of the City's Budget, funds general City services, such as police, public works, planning, building, vehicle and equipment maintenance, administration and legal. This fund would continue to be supported primarily through sales and income tax revenues.
- 2) Provide funding for pension and IMRF obligations as mandated by Illinois law.
- 3) Keep the percent change between the 2011 and the recommended 2012 levy (2.61%) below the percent change in the Consumer Price Index (3.0%). The percent change in the Consumer Price Index is used by the State of Illinois in computing "tax caps" for non-home rule communities.

The attached spreadsheet shows the total 2011 rates for neighboring communities with similar municipal services.

Recommendation:

It is the recommendation of the City Manager and Director of Finance to adopt the 2012 property tax levy ordinance and certificate of compliance.

Votes Required to Pass:

Simple majority

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**AN ORDINANCE FOR THE LEVY
AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE
FOR THE FISCAL YEAR BEGINNING
THE 1ST DAY OF MAY, 2012 TO
THE 30TH DAY OF APRIL, 2013**

**ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF CRYSTAL LAKE**

December 18, 2012

**Published in pamphlet form by the authority of the City Council of the
City of Crystal Lake, McHenry County, Illinois, this 18th day of December, 2012.**

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**AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES
FOR THE CITY OF CRYSTAL LAKE FOR THE FISCAL YEAR BEGINNING THE 1ST
DAY OF MAY, 2012 TO
THE 30TH DAY OF APRIL, 2013**

WHEREAS, the City Council of Crystal Lake in the County of McHenry and State of Illinois did on the 17th day of April, 2012, pass the Annual Budget in accordance with Chapter 65 5/8-2.-9.1, *et. seq.* of the Illinois Compiled Statutes, for the City for the fiscal year beginning on the 1st day of May 2012 the amount of which is ascertained to be Eighty Million Two Hundred Ninety-Seven Thousand Two Hundred Thirty-Six Dollars and No Cents (\$80,297,236), including inter-fund transfers, which said Budget Resolution was duly published on the 17th day of April, 2012.

WHEREAS, the Mayor and City Council of the City of Crystal Lake did on the 20th day of November, 2012, determine that the levy of the City of Crystal Lake for 2012 would not exceed \$14,783,056 exclusive of debt service (or \$17,844,387 inclusive of debt service) and, therefore, the City of Crystal Lake did on the 8th day of December, 2012, publish a Notice pursuant to Chapter 35, Illinois Compiled Statutes 200/18-55 *et. seq.*, entitled "Truth in Taxation Act" and all provisions of said Act were fully complied with by the City of Crystal Lake.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Crystal, McHenry County, Illinois:

Section 1: That the total amount of appropriations for all corporate purposes legally made to be collected from the tax levy of the current fiscal year is hereby ascertained to be the sum of Fourteen Million Seven Hundred Eighty-Three Thousand Fifty-Six Dollars and No Cents (\$14,783,056).

Section 2: That the sum of Fourteen Million Seven Hundred Eighty-Three Thousand Fifty-Six Dollars and No Cents (\$14,783,056) being the total of appropriations heretofore legally made that are to be collected from the tax levy of the City of Crystal Lake for the purpose of providing for the Illinois Municipal Retirement Fund (the City's contributions to IMRF and Social Security), Police Pension Fund, Fire Pension Fund, Library Operating Fund, Library Pension Fund (the Library's contributions to IMRF and Social Security), Fire Rescue Fund and School Crossing Guard Fund, and Debt Service Funds as appropriated for the current fiscal year by annual appropriation of

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the City of Crystal Lake for the Fiscal Year 2012-2013, passed by the Mayor and City Council of said City at the legally convened meeting of April 17, 2012 be, and the same is hereby levied upon all of the taxable property in the City of Crystal Lake subject to taxation for the current year, the specific amounts as levied for the various funds heretofore named being included herein by being placed in separate columns under the heading "Tax Levy" that appears over them, the tax so levied being for the current fiscal year of said City, and for the said appropriation to be collected from said tax levy, the total of which has been ascertained as aforesaid and being as follows:

	<u>AMOUNT</u> <u>APPROPRIATED</u>	<u>TAX LEVY</u>
GENERAL FUND	\$28,773,169	\$0
HOME RULE SALES TAX	\$4,998,394	\$0
WATER & SEWER FUND	\$8,121,251	\$0
WATER AND SEWER CAPITAL IMPROVEMENT	\$5,441,337	\$0
FIRE RESCUE FUND	\$9,887,189	\$5,692,981
SCHOOL CROSSING GUARD FUND	\$62,705	\$25,000
MOTOR FUEL TAX FUND	\$5,973,833	\$0
ROADS & VEHICLE LICENSE FUND	\$2,193,300	\$0
DEBT SERVICE FUNDS	\$2,136,311	\$0
FOREIGN FIRE INSURANCE FUND	\$61,238	\$0
CAPITAL CONSTRUCTION FUNDS	\$103,296	\$0
CAPITAL REPLACEMENT FUND	\$1,972,166	\$0
THREE OAKS RECREATION AREA FUND	\$587,891	\$0

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	<u>AMOUNT</u> <u>APPROPRIATED</u>	<u>TAX LEVY</u>
ILLINOIS MUNICIPAL RETIREMENT FUND		
IMRF	\$980,974	\$642,218
SOCIAL SECURITY	\$758,046	\$758,046
INSURANCE FUND	\$1,230,983	\$0
POLICE PENSION FUND	\$1,672,000	\$1,848,771
FIRE PENSION FUND	\$843,000	\$1,621,810
LIBRARY-OPERATING FUND	\$3,819,187	\$3,741,330
LIBRARY-PENSION FUND		
IMRF	\$290,544	\$282,100
SOCIAL SECURITY	\$170,800	\$170,800
LIBRARY-CONSTRUCTION & REPAIR FUND	\$21,440	\$0
LIBRARY-AMES TRUST FUND	\$0	\$0
LIBRARY-GIFT & MEMORIAL FUND	\$16,750	\$0
LIBRARY-PER CAPITA FUND	\$81,432	\$0
LIBRARY-WORKING CASH	\$0	\$0
LIBRARY-SPECIAL RESERVE FUND	<u>\$100,000</u>	<u>\$0</u>
GRAND TOTAL - ALL FUNDS	\$80,297,236	\$14,783,056

Section 3: That the total amount of Fourteen Million Four Hundred Seven Hundred Eighty-Three Thousand Fifty-Six Dollars and No Cents (\$14,783,056) ascertained above, be and is hereby levied and assessed on all property subject to taxation within the City of Crystal Lake according to the value of said property as assessed and equalized for state and county purposes for the current year.

Section 4: That this Levy Ordinance is adopted pursuant to the procedures set forth in the Illinois Municipal

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Code.

Section 5: That there is hereby certified to the County Clerk of McHenry County, Illinois, the several sums above, constituting said total amount, and the total amount of Fourteen Million Seven Hundred Eighty-Three Thousand Fifty-Six Dollars and No Cents (\$14,783,056), which total amount the City of Crystal Lake requires to be raised by taxation for the current fiscal year of the City, and the City Clerk of the City is hereby ordered and directed to file with the County Clerk of the County on or before the time required by law, a certified copy of this Ordinance.

Section 6: That the rate percent be ascertained and tax extended as provided by law against the property included in the City of Crystal Lake.

Section 7: That the provisions of the Truth in Taxation Act, Chapter 35, Illinois Compiled Statutes, 200/18-55 *et. seq.*, were complied with by the City of Crystal Lake.

Section 8: Pursuant to Statute, in compliance with Public Act 83-881, the City of Crystal Lake did file on May 4, 2011 an Estimate of Revenue by Source with the McHenry County Clerk's office.

Section 9: Pursuant to the Illinois State Constitution of 1970, the City of Crystal Lake is a Home Rule unit of government, and as such, is not subject to the Act adopted by the Legislature in 1991 providing for tax levy limitations, nor is the City of Crystal Lake subject to individual fund rate limitations.

Section 10: That this Ordinance shall take effect and be in full force and effect immediately on and after its passage and approval.

ADOPTED this 18th day of December 2012, pursuant to a roll call vote as follows:

DRAFT

AYES:

NAYS:

APPROVED this 18th day of December 2012.

Aaron Shepley, Mayor

ATTEST:

Nick Kachiroubas, City Clerk