

AGENDA

GENERAL ADMINISTRATION & PERSONNEL COMMITTEE VILLAGE OF HOFFMAN ESTATES May 11, 2009

Immediately following the Planning, Building and Zoning Committee

Members: Karen Mills, Chairperson
Ray Kincaid, Vice-Chairperson
Gary Pilafas, Trustee

- I. Roll Call**
- II. Approval of Minutes – March 9, 2009 and April 13, 2009**

NEW BUSINESS

- 1. Discussion regarding the legislative update.
- 2. Discussion regarding the Community Energy Challenge.
- 3. Request approval of amendment to the Administrative Adjudication Ordinance to include collection of debts owed to the Village.
- 4. Request approval of a contract with The History Press for publication of the History of the Village of Hoffman Estates in an amount not to exceed \$5,997.
- 5. Request acceptance of Cable TV Monthly Report.
- 6. Request acceptance of Human Resources Management Monthly Report.

III. President's Report

IV. Other

V. Items in Review

- 1. Revisions to the Board Policy Manual

VI. Adjournment

The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.

**GENERAL ADMINISTRATION & PERSONNEL
COMMITTEE MEETING MINUTES**

March 9, 2009

I. Roll Call

Members in Attendance:

**Karen Mills, Chairperson
Ray Kincaid, Vice Chairperson
Gary Pilafas, Trustee**

**Other Corporate Authorities
in Attendance:**

**Trustee Cary Collins
Trustee Jackie Green
Trustee Anna Newell
Mayor William McLeod**

**Management Team Members
in Attendance:**

**Dan O'Malley, Deputy Village Manager
Molly Norton, Asst. to Village Manager
Arthur Janura, Corporation Counsel
Mark Koplun, Asst. Vlg. Mgr., Dev. Services
Don Plass, Director of Code Enforcement
Mike Hankey, Director of Transportation
Pete Gugliotta, Director of Planning
Patrick Seger, Director of HRM
Bruce Anderson, CATV Coordinator**

Others in Attendance

Reporters from Daily Herald, Chicago Tribune

The General Administration & Personnel meeting was called to order at 8:14 p.m.

II. Approval of Minutes

Trustee Mills indicated that the minutes from February 16, 2009 should be changed to reflect that she is the Chair. The names of the Committee members are transposed.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the General Administration & Personnel Committee meeting minutes of February 16, 2009. Voice vote taken. All ayes. Motion carried.

NEW BUSINESS

- 1. Presentation by Harper College on free assistance programs for individuals affected by recent job loss.**

An item summary sheet from Molly Norton was presented to Committee.

Nancy Weiler, Harper College, addressed the Committee and stated that Harper College recognizes that individuals in the community are struggling with the economic downturn and they are trying to help individuals in these hard times. She reviewed several programs/workshops that are available to those who have lost their jobs or are struggling which include:

Career Stimulus Program, March 20, 9:30 a.m. – 2:30 p.m. This is a monthly support program designed for people in career transition or who have experienced a layoff due to the current economic conditions. Keynote speaker, networking sessions and breakout sessions that will cover a range of topics.

Coping with Economic Hardship: Seminar and Resource Fair - Wednesday, April 8 - Representatives from Harper and state and local agencies will provide information and consultation on how to access programs that assist people affected by career and financial transitions. Agencies addressing education, health care, housing, and mental health programs will be available. The Fair will also include wellness and stress management resources, health information and free blood pressure screenings. Both the Resource Fair and Seminar are free and open to the public.

Personal Finance on Main Street: Panel Discussion - Wednesday, April 8, 7- 9 p.m. – free and open to the public.

Resume Workshop - Get help writing your resume at this free workshop - Wednesday, April 29, 6-7:30 p.m.

Money Matters Series - Session 1: Making Your Dollars Stretch - Thursday, March 19, and Managing Debt - Tuesday, May 12.

Mayor McLeod requested that this information be put on the Village's website, newsletter and cable TV in order to get the word out.

2. Discussion regarding Legislative Update.

An item summary sheet from Becky Suhajda was presented to Committee.

Molly Norton addressed the Committee and stated that the legislature is just getting started in Springfield and staff is monitoring the stimulus program and distribution of funds.

Trustee Collins commented that HB 0923, the Expansion of Catastrophic Injury Health Insurance for Firefighters, is not true that it will be expanded. This Bill is the same as the existing Bill and will not provide additional benefits for firefighters.

Trustee Mills stated that letters should be sent in opposition to HB 0367, HB 0245, and HB 0462 regarding conceal and carry legislation.

3. Discussion regarding policy for use of Village Hall meeting rooms.

An item summary sheet from James Norris was presented to Committee.

Trustee Mills inquired if the Village should require a certificate of insurance from vendors who provide services to the group renting any of the rooms, such as a caterer.

Mayor McLeod stated that since the Village Hall is a public building, he would like to make the building more available for use for the public.

There was general discussion regarding a fee for groups using the building on the weekends or which require extra personnel. It was decided that the fee should be \$75 for a 2-hour minimum for any time booked on the weekends or for large groups that may need extra Public Works or security staff.

Motion by Trustee Collins, seconded by Mayor McLeod, to approve the policy for use of Village Hall meeting rooms. Voice vote taken. All ayes. Motion carried.

4. Request approval of the Cultural Awareness Commission's 2009 Unity Day solicitation plan.

An item summary sheet from Pearl Henderson and Patrick Seger was presented to Committee.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Cultural Awareness Commission's 2009 Unity Day solicitation plan. Voice vote taken. All ayes. Motion carried.

5. Request approval of the Cultural Awareness Commission's 2009 calendar of events.

An item summary sheet from Pearl Henderson and Patrick Seger was presented to Committee.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve Cultural Awareness Commission's 2009 calendar of events. Voice vote taken. All ayes. Motion carried.

6. Request approval of an ordinance authorizing the sale of personal property owned by the Village.

An item summary sheet from Rebecca Suhajda was presented to Committee.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve an ordinance authorizing the sale of personal property owned by the Village. Voice vote taken. All ayes. Motion carried.

7. Request approval of revisions to the Board Policy Manual:
a) Article III. Section C. Order of Business (Consent Agenda);
b) Article III. Section D. Electronic Attendance at Meetings;
c) Text Amendments (housekeeping items).

An item summary sheet from James Norris and Molly Norton was presented to Committee.

a) Article III. Section C. Order of Business (Consent Agenda).

Motion by Mayor McLeod, seconded by Trustee Pilafas, to approve revisions to the Board Policy Manual - Article III, Section C Order of Business (Consent Agenda). Voice vote taken. All ayes. Motion carried.

b) Article III. Section D. Electronic Attendance at Meetings.

There was discussion regarding electronic attendance at meetings. The Committee confirmed that the intent was to include Village Board Committee and Board meetings only, but could include Zoning Board and Plan Commission meetings also. Also confirmed that not more than

one member could attend electronically and not more than 2 times per year. If more than one member requests attendance by electronic means, it would be first come, first served. Notice will be given to Village Clerk or to either Legislative Assistant or Executive Assistant.

Motion by Trustee Collins, seconded by Trustee Pilafas, to defer this issue to the next Committee meeting. Voice vote taken. All ayes (Nay: Kincaid). Motion carried.

c) Text amendments (housekeeping items)

Motion by Mayor McLeod, seconded by Trustee Collins, to approve text amendments to the Board Policy Manual. Voice vote taken. All ayes. Motion carried.

8. Request acceptance of Cable TV Monthly Report.

The Cable TV Monthly Report was submitted to the Committee.

Motion by Mayor McLeod, seconded by Trustee Pilafas, to accept Cable TV monthly report. Voice vote taken. All ayes. Motion carried.

9. Request acceptance of Human Resources Management Monthly Report.

The Human Resources Management Monthly Report was submitted to the Committee.

Motion by Trustee Collins, seconded by Mayor McLeod, to accept Human Resources Management monthly report. Voice vote taken. All ayes. Motion carried.

III. President's Report

IV. Other

V. Items in Review

VI. Adjournment

Motion by Trustee Collins, seconded by Mayor McLeod, to adjourn the meeting at 9:04 p.m. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

Debbie Schoop, Executive Assistant

Date

**GENERAL ADMINISTRATION & PERSONNEL
COMMITTEE MEETING MINUTES**

April 13, 2009

I. Roll Call

Members in Attendance:

**Karen Mills, Chairperson
Ray Kincaid, Vice Chairperson
Gary Pilafas, Trustee**

**Other Corporate Authorities
in Attendance:**

**Trustee Cary Collins
Trustee Jackie Green
Trustee Anna Newell
Mayor William McLeod**

**Management Team Members
in Attendance:**

**Jim Norris, Village Manager
Dan O'Malley, Deputy Village Manager
Arthur Janura, Corporation Counsel
Molly Norton, Asst. to Village Manager
Mark Koplun, Asst. Vlg. Mgr., Dev. Services
Don Plass, Director of Code Enforcement
Mike Hankey, Director of Transportation
Pete Gugliotta, Director of Planning
Patrick Seger, Director of HRM
Algean Garner, Director of HHS
Bob Gorvett, Fire Chief
Bev Romanoff, Village Clerk
Becky Suhajda, Administrative Intern
Bruce Anderson, CATV Coordinator**

Others in Attendance

Reporters from Daily Herald, Chicago Tribune

The General Administration & Personnel meeting was called to order at 7:30 p.m.

II. Approval of Minutes

Minutes were inadvertently not included in packets. Motion by Trustee Collins, seconded by Trustee Kincaid, to defer the General Administration & Personnel Committee meeting minutes of March 9, 2009. Voice vote taken. All ayes. Motion carried.

OLD BUSINESS

- 1. Request approval of an ordinance amending the following sections of the Municipal Code:**
 - a. Section 2-2-7 ORDER OF BUSINESS (Consent Agenda).**
 - b. Section 2-2-8 RULES OF ORDER; Section 2-2-8.19, Electronic Attendance.**

An item summary sheet from Jim Norris, Art Janura and Molly Norton was presented to Committee.

Jim Norris reported that these revisions are being made now to the Code and a comprehensive update to the Village Board Policy Manual, including these two sections, will be brought back to a future General Administration & Personnel Committee meeting for review.

Motion by Trustee Collins, seconded by Trustee Green, to approve an ordinance amending Section 2-2-7, Order of Business (Consent Agenda), of the Hoffman Estates Municipal Code. Voice vote taken. All ayes. Motion carried.

Motion by Trustee Collins, seconded by Trustee Green, to approve an ordinance amending Section 2-2-8, Rules of Order (Electronic Attendance), of the Hoffman Estates Municipal Code. Voice vote taken (Nays: Kincaid, Mills). Motion carried.

NEW BUSINESS

1. Discussion regarding Legislative Update.

An item summary sheet from Becky Suhajda was presented to Committee.

Jim Norris reported that the State legislature is on a short hiatus right now and no major changes in any pending legislation since the last report. Trustee Collins commented that a Bill was signed by the Governor which allows firefighters to buy back service with the military.

2. Discussion regarding the direction and applicability of the Neighborhood Stabilization Program – State of Illinois Grant.

An item summary sheet from Becky Suhajda was presented to Committee.

Jim Norris indicated that Trustee Kincaid wanted this item brought to the Committee's attention. Staff attended seminars and webinars regarding this issue as well as has had several telephone conversations. It continues to become more difficult from a procedural standpoint to apply for funds due to the fact that foreclosures within the Village include condos and townhomes and unless the entire complex is in foreclosure, the Village would be required to purchase all units within a structure in order to rent, rehabilitate and/or sell to be eligible for the program. The Village would also have to create a housing authority to implement and maintain the program. All liability for purchased property falls onto the Village and the program requests "shovel ready" projects and entities with housing experience, which the Village has neither.

Trustee Kincaid stated that he understands the Village does not have a full fledged department and stated that with over 300 units in foreclosure, not all of them are condos or townhomes and that perhaps some properties would be available for the program. He would like to see the Village apply for any grant that may be available and staff should look into it. Trustee Kincaid stated that some individuals may just need some help. Becky Suhajda reported that the building has to be vacant and in foreclosure for 90 days in order to the Village to do anything.

3. Request approval of request by the Hoffman Estates Chamber of Commerce for waiver of Village fees associated with the Annual Community Fishing Derby.

An item summary sheet from Dan O'Malley was presented to Committee.

Motion by Trustee Collins, seconded by Trustee Kincaid, to approve request by the Hoffman Estates Chamber of Commerce for waiver of Village fees associated with the annual Community Fishing Derby. Voice vote taken. All ayes. Motion carried.

4. **Request approval to amend the enabling resolution to expand the number of members of the:**
 - a. **Arts Commission;**
 - b. **Emerging Technology Advisory Commission; and**
 - c. **Green Initiatives Commission.**

An item summary sheet from Molly Norton was presented to the Committee.

Trustee Pilifas reported that the Arts Commission has 15 members and at this time no more members are necessary. Both the Emerging Technologies and Green Initiatives Commissions will have two members added, bringing the total on each Commission to nine members.

Motion by Trustee Collins, seconded by Trustee Kincaid, to increase membership on both the Emerging Technology Advisory Commission and the Green Initiatives Commission to nine (9) members. Voice vote taken. All ayes. Motion carried.

5. **Request acceptance of Cable TV Monthly Report.**

The Cable TV Monthly Report was submitted to the Committee.

Motion by Trustee Collins, seconded by Trustee Green, to accept Cable TV monthly report. Voice vote taken. All ayes. Motion carried.

6. **Request acceptance of Human Resources Management Monthly Report.**

The Human Resources Management Monthly Report was submitted to the Committee.

Motion by Trustee Green, seconded by Mayor McLeod, to accept Human Resources Management monthly report. Voice vote taken. All ayes. Motion carried.

III. President's Report

Mayor McLeod reported that on April 9, Clint Herdegen and he visited Elk Grove Village's new Village Hall complex and expressed that it is a very nice facility. He attended a Q&A that Governor Quinn had with students from Harper College on Monday, April 13. Mayor McLeod reminded everyone of the Tartan Day Parade on Saturday, April 18 and the Sears Centre event that same evening.

IV. Other

V. Items in Review

1. **Revisions to the Board Policy Manual.**

VI. Adjournment

Motion by Trustee Collins, seconded by Trustee Newell, to adjourn the meeting at 7:55 p.m. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

Debbie Schoop, Executive Assistant

Date

COMMITTEE AGENDA ITEM

VILLAGE OF HOFFMAN ESTATES

SUBJECT: Discussion regarding legislative update

MEETING DATE: May 11, 2009

COMMITTEE: General Administration & Personnel Committee

FROM: Becky Suhajda, Administrative Intern

PURPOSE: To provide discussion and status of pending legislation that may impact the Village of Hoffman Estates.

DISCUSSION: The following bills proposed in the 96th Illinois General Assembly are highlighted in the attached memorandum:

- SB 2072 – Public Labor Manning Levels
- HB 650 – Firefighter Health Insurance Continuation
- SB 2011 – Pension Amortization Reset to 2049
- SB 43 – Prevailing Wage in Enterprise Zones
- SB 223 – Prevailing Wage – Public Works
- SB 1477 – TIF Extension – Hoffman Estates
- SB 50 – Local Government Road Salt Purchase Fund
- HB 895, HB 1041, HB 2540 – Pensions
- HB 2394 – STAR TIF

Status updates are provided for:

- HB 923 – Expansion of “Catastrophic” Injury

ATTACHMENTS: 9

VILLAGE OF HOFFMAN ESTATES

Memo

TO: James H. Norris, Village Manager
FROM: Becky Suhajda, Administrative Intern
RE: Legislative Update
DATE: May 11, 2009

The following provides a summary of the status of legislation, which may impact the Village of Hoffman Estates. A summary spreadsheet of all legislative items being tracked by staff is attached. Full text and current status of all bills can be found at: <http://www.ilga.gov/> (State) and <http://thomas.loc.gov/> (Federal).

Federal

Energy Efficiency and Conservation block Grant Funding in the House Cap and Trade Bill

House subcommittee on Energy and Environment

Synopsis

The week of May 4th the House subcommittee on Energy and Environment, chaired by Rep. Edward J. Markey (D-MA), plans to mark up the American Clean Energy and Security Act (ACESA) to establish a "cap and trade" system for the reduction of greenhouse gas emissions. The Energy and Commerce Committee, Chaired by Henry Waxman (D-CA) intends to report ACESA out of full committee by the Memorial Day recess.

Last year Senate Environment and Public Works Committee Chair Barbara Boxer (CA) included in her "cap and trade" bill a \$136 billion dedicated source of funding over the next forty years for our Energy Efficiency and Conservation Block Grant (EECBG). Boxer's bill received 54 votes, but fell short of the 60 needed for passage. The Senate is planning to take up cap and trade legislation in the 111th Congress in the Fall of this year.

House staff indicate that a portion of the funding will be given to "upstream" industries impacted by the legislation. However, a significant amount of funding will go to State-run programs that are specifically authorized in the bill. EECBG is not currently funded

in the draft bill and is unlikely to be included, unless a significant push is made by mayors and their congressional delegations.

Potential Impact on Hoffman Estates: The EECBG program allows the federal government to directly fund local government, community-based greenhouse gas reduction programs. EECBG, if funded, could be used to implement energy audits, or create programs to conserve energy used in transportation.

Recommendation: Staff recommends supporting EECBG funding.

Previous Action Taken: Letter of urging EECBG funding sent from Mayor McLeod to our federal representative delegation, 5/4/09 (attached).

State Legislation

Senate Bill 2072 – Public Labor Manning Levels Senator Radogno

Synopsis As Introduced

Amends the Illinois Public Labor Relations Act. Includes manning levels in the terms and conditions of employment subject to collective bargaining and, with respect to peace officers, within the scope of arbitration decisions.

Status: Assigned to House Executive Committee, 4/22/09

Potential Impact on Hoffman Estates: Historically, decisions regarding public safety manning levels in the Village have been an exclusive prerogative of the Village President and Board of Trustees. If passed, SB 2072 would limit the ability of management to control the number of police officers and firefighters employed by the municipality, determine the staffing of each shift and piece of equipment and expose municipal governments and taxpayers to higher personnel costs by requiring additional overtime pay.

Recommendation: IML and NWMC oppose; staff suggests **strong** opposition.

House Bill 0650 – Firefighter Health Insurance Continuation Representative Lang

Synopsis As Introduced

Amends the Illinois Insurance Code. Changes the definition of "retirement or disability period" to include the period when the disabled or retired fireman, if not enrolled in the municipal group insurance plan at the time of disability or retirement, may elect to enroll in the municipal group insurance plan during an open enrollment period. Makes corresponding changes in the provision. Effective immediately.

House Committee Amendment No. 1

Provides that the disabled or retired fireman, if not enrolled in the municipal group insurance plan at the time of disability or retirement, may elect to enroll in the municipal group insurance plan during an open enrollment period but not after the fireman becomes eligible for federal Medicare coverage and not more than once. Provides that the fireman must be insurable and must pay the cost of the insurance premium at a rate set in accordance with this Code in order to reenter the municipal group insurance plan.

Status: Assigned to Senate Insurance Committee 4/22/09. Postponed in committee 4/30/09. Sent to subcommittee on Insurance Mandates, 5/7/09.

Potential Impact on Hoffman Estates: HB 650, as presented, will allow retired Village firefighters who had previously opted out of the Village's insurance package to rejoin at anytime, no matter what the health condition on the retiree as long as they have a health insurance package. Currently, a decision not to elect the health insurance coverage is final. This legislation also provides an unfair benefit to retired firefighters over all other retired municipal government employees.

Recommendation: IML and NWMC oppose; staff recommends **strong** opposition. NWMC position synopsis attached.

Senate Bill 2011 – Pension Amortization Reset to 2049
Senator Althoff

Synopsis As Introduced

Amends the Downstate Police Article of the Illinois Pension Code. Provides that if a pension fund has a reserve of less than the accrued liabilities of the fund, the board of the pension fund, in making its annual report to the city council or board of trustees of the municipality, shall designate the amount, calculated as a level percentage of payroll, needed annually to insure the accumulation of the reserve to the level of the fund's accrued liabilities over a period of 40 years from July 1, 2009 (was, from July 1, 1993). Amends the Downstate Fire Article of the Illinois Pension Code. In provisions concerning financing of funds through taxes, provides that the annual actuarial requirements of the pension fund are equal to (1) the normal cost of the pension fund, or 17.5% of the salaries and wages to be paid to firefighters for the year involved, whichever is greater, plus (2) the annual amount necessary to amortize the fund's unfunded accrued liabilities over a period of 40 years from July 1, 2009 (was, from July 1, 1993). Effective immediately.

Status: Assigned to House Executive Committee, 4/20/09.

Potential Impact on Hoffman Estates: Pension investments suffered greatly in 2008 due to the economic recession. If passed, this legislation would reduce taxpayer's cost on five cents per dollar per year, to three cents for every dollar a pension fund lost.

Recommendation: IML and NWMC supports; staff recommends **strong** support. NWMC position synopsis attached.

Previous Action Taken: Letter of support sent from Mayor McLeod to our representative delegation 3/30/09.

Senate Bill 043 - Prevailing Wage in Enterprise Zones
Senator Frichey

Synopsis As Introduced

Amends the Downstate Police Article of the Illinois Pension Code. Provides that if a pension fund has a reserve of less than the accrued liabilities of the fund, the board of the pension fund, in making its annual report to the city council or board of trustees of the municipality, shall designate the amount, calculated as a level percentage of payroll, needed annually to insure the accumulation of the reserve to the level of the fund's accrued liabilities over a period of 40 years from July 1, 2009 (was, from July 1, 1993). Amends the Downstate Fire Article of the Illinois Pension Code. In provisions concerning financing of funds through taxes, provides that the annual actuarial requirements of the pension fund are equal to (1) the normal cost of the pension fund, or 17.5% of the salaries and wages to be paid to firefighters for the year involved, whichever is greater, plus (2) the annual amount necessary to amortize the fund's unfunded accrued liabilities over a period of 40 years from July 1, 2009 (was, from July 1, 1993). Effective immediately.

Status: Placed on House calendar second reading, 4/22/09.

Potential Impact on Hoffman Estates: The Hoffman Estates Enterprise Zone is co-terminus with Prairie Stone Business Park. The principle benefit of the Enterprise Zone is the exemption of state sales tax on any construction products purchased that become part of a building within an Enterprise Zone. SB43 would increase the cost of construction significantly across the state where non-union labor is more common. The bill also imposes penalties, fines, and interest on public bodies that do not provide written notice of the prevailing way to contractors and subcontractors. These penalties are punitive to tax payers. This is an unfunded mandate on municipalities.

Recommendation: IML and NWMC opposes; staff suggests opposition.

Senate Bill 223 – Prevailing Wage
Senator Forby

Synopsis As Introduced

Amends the Minimum Wage Law. Makes a technical change in a Section concerning the application of the Act.

Replaces everything after the enacting clause. Amends the definition of "public works" in

the Prevailing Wage Act. Provides that "public works" includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions. Provides that "public works" does not include: work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds; or projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. Makes other changes.

Status: Passed both houses, 4/28/09.

Potential Impact on Hoffman Estates: Union labor is typically employed in the Village for projects laid out in SB223.

Recommendation: NWMC and IML oppose; staff recommends opposing.

Senate Bill 1477 – TIF Extension – Hoffman Estates
Senator Noland

Synopsis As Introduced

Amends Public Act 95-1028 to provide that it takes effect upon the effective date of this amendatory Act. Public Act 95-1028 provides that the redevelopment project in the TIF district created by an ordinance that was adopted on December 22, 1986 by the Village of Hoffman Estates must be completed by December 31 of the 35th year after the year in which the ordinance was adopted. This amendatory Act is effective immediately.

Senate Floor Amendment No. 1

Deletes everything after the enacting clause. Reinserts the introduced bill with changes. Amends the Illinois Municipal Code. Allows a member of the corporate authorities of a municipality to acquire an interest in property located in a redevelopment area or a proposed redevelopment area for a period of 2 years after the effective date of the amendatory Act if (i) the property is used exclusively as the member's primary residence, (ii) the member discloses the acquisition to the municipal clerk, (iii) the acquisition is for fair market value, (iv) the member acquires the property as a result of the property being publicly advertised for sale, and (v) the member refrains from voting on, and communicating with other members concerning, any matter when the benefits to the redevelopment project or area would be significantly greater than the benefits to the municipality as a whole. Effective immediately.

Status: Assigned to House Revenue and Finance Committee, 4/28/09. Revenue & Finance Committee Hearing May 7 2009 9:00AM Capitol Building Room 115 Springfield, IL.

Senate Bill 0050 – Local Government Road Salt Purchase Reimbursement Fund
Senator P. Althoff

Synopsis As Introduced

Appropriates \$14,500,000 from the Local Government Road Salt Purchase Reimbursement Fund to the Department of Transportation for the purpose of providing grants to counties, municipalities, townships, and road districts for road salt reimbursement. Effective immediately.

Senate Committee Amendment No. 1

Changes the amount of the appropriation from \$14,500,000 to \$12,900,000.

Status: Assigned to executive committee, 4/15/09.

Potential Impact on Hoffman Estates: The Village spent \$825,000 on road salt last year. Reimbursement of these funds could supplement FY 09 salt purchases.

Recommendation: IML supports; staff recommends support.

The following legislation concerns increased pension benefits.

House Bill 895 – Purchase Pension – 3% Increase of Disability Pension
Representative McGuire

Synopsis As Introduced

Amends the Downstate Police Article of the Pension Code. Provides that the monthly pension of a police officer who receives a line of duty disability pension who was hired on or before January 1, 1979, who received a line of duty benefit on or after January 1, 1993 with at least 14 years of service, and who applies within 6 months after the effective date of the amendatory Act shall be increased in January of the year following the year he or she attains age 50 by 3% of the original grant of pension for each year he or she received pension payments, and, in each January thereafter, the police officer shall receive an additional increase of 3% of the original pension. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

Status: Assigned to Senate Pensions & Investments Subcommittee on Pension Benefit Enhancements, 4/30/09.

House Bill 1041 – Retroactive Pension Increase
Representative Moffitt

Synopsis As Introduced

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that, in July 2009, the monthly pension of a firefighter who retired before January 1, 1977 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2009 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments. In each January thereafter, provides that he or she shall receive an additional increase of 3% of the amount of the pension then being paid. Amends the State Mandates Act to require implementation without

reimbursement. Effective immediately.

House Floor Amendment No. 3

Provides that the monthly pension of a firefighter who retired before July 1, 1977 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2009 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments after January 1, 1986, plus any increases in pension received for each year prior to January 1, 1986.

Status: Assigned to Senate Pensions & Investments Subcommittee on Pension Benefit Enhancements, 4/30/09.

**House Bill – 2540 – Retroactive Pension Increase
Representative McAuliffe**

Synopsis As Introduced

Amends the Downstate Police Article of the Illinois Pension Code. Provides that certain disabled police officers who are receiving a disability pension on the effective date of the amendatory Act and who apply within 60 days after that effective date and annually thereafter while the pension remains payable shall be eligible to receive an annual noncompounded increase in his or her disability pension equal to 3% of the original pension. Effective immediately.

House Floor Amendment No. 1

Deletes language providing that within 60 days after accepting an initial application, the Fund shall pay to the disabled police officer, in a lump sum without interest, the amounts resulting from the annual increases that have accrued retroactively.

Status: Assigned to Senate Pensions & Investments Subcommittee on Pension Benefit Enhancements, 4/30/09.

Potential Impact on Hoffman Estates on these Three Bills: Due to the economic climate, pension cost on the Village will already increase to meet the demands of those already in or entering into retirement. The above legislation places further financial burden on the Village's pension costs.

Recommendation: IML and NWMC oppose; staff recommends opposition. NWMC pension question and answers attached

**House Bill 2394 – STAR TIF
Representative Walker**

Synopsis As Introduced

Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Adds to the definition of "redevelopment project costs" the costs of and the costs associated with the development or redevelopment of areas within a one-half mile radius

of an existing or proposed Regional Transportation Authority Suburban Transit Access Route station. Makes revisory changes. Includes a non-acceleration clause. Effective immediately.

House Committee Amendment No. 1

Deletes everything after the enacting clause. Amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. Provides that a redevelopment project area may include areas within a one-half mile radius of an existing or proposed Regional Transportation Authority Suburban Transit Access Route (STAR line) station without a finding that the area is classified as an industrial park conservation area, conservation area, or a blighted area. Provides that the municipality must receive the unanimous consent of the joint review board. Makes revisory changes. Includes a non-acceleration clause. Effective immediately.

Status: Placed on calendar order of 2nd reading May 5, 2009, 4/30/09.

Potential Impact on Hoffman Estates: Being apart of the proposed STAR line route, this legislation promotes transit oriented development at the STAR line station.

Recommendation: IML and NWMC support; staff recommends support

Held Legislation

House Bill 0923 – Expansion of “Catastrophic Injury” Health Insurance for Firefighters
Representative Burke

Status: Held in Pensions and Investments, 5/7/09.

Previous Action Taken: Letter of opposition sent from Mayor McLeod to our representative delegation 3/19/09.

Tracked Legislation

Bill Number	Bill Summary Name	Bill Summary	Status	Previous Action
HB 153	Foreclosure Notification	Amends the Code of Civil Procedure. Provides that any deed executed pursuant to the Mortgage Foreclosure Article or judgment vesting title by a consent foreclosure shall state the grantee's or mortgagee's name (and the name of a contact person), street and mailing addresses, and telephone number. Upon the receipt of a judgment vesting title by a consent foreclosure or deed executed pursuant to the Mortgage Foreclosure Article, the grantee or mortgagee shall post on the property, while the property is vacant, a notice that states the name (and the name of a contact person), street and mailing addresses, and telephone number of the grantee or mortgagee. Effective immediately.	Placed on Calendar Order of 2nd Reading April 30, 2009	At the direction of the Committee, a letter of support was sent to our House delegation on 3/23/09.
HB 245	Conceal Carry Permits	Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the Department of State Police the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Creates the Citizen Safety and Self-Defense Trust Fund administered by the Department. The moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons viola	Re-referred to House Rules Committee, 4/3/09	Letter of opposition sent to the Village's representative delegation, 3/23/09

Tracked Legislation

<p>HB 367</p>	<p>Conceal Carry of Firearm</p>	<p>Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the county sheriff the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Creates the Citizen Safety and Self-Defense Trust Fund in each county, to be administered by the sheriff. Provides that the moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts from an unlawful use of weapons and aggravated unlawful use of weapons violat</p>	<p>Re-referred to House Rules Committee, 4/3/09.</p>	<p>Letter of opposition sent to the Village's representative delegation, 3/23/09</p>
<p>HB 462</p>	<p>Firearms Concealment</p>	<p>Creates the Family and Personal Protection Act. Permits the county sheriff to issue permits to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Requires an applicant for a permit to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Amends the Illinois Police Training Act and the Criminal Code of 1961 to make conforming changes. Effective immediately.</p>	<p>Re-referred to House Rules Committee, 4/3/09.</p>	<p>Letter of opposition sent to the Village's representative delegation, 3/23/09</p>
<p>HB 652</p>	<p>LGDF</p>	<p>Amends the State Revenue Sharing Act and the Illinois Income Tax Act. Provides that, from each income tax payment that the Department of Revenue receives, the Department must deposit, directly into the Local Government Distributive Fund, an amount equal to 10% of the amount collected minus refund deposits (currently, the Department deposits the tax payment into the General Revenue Fund, the Department then certifies, to the Treasurer, an amount equal to 10% of the amounts of collected each month (minus refunds), and the Treasurer then transfers that certified amount to the Local Government Distributive Fund). Effective immediately.</p>	<p>Re-referred to House Rules Committee, 3/13/09.</p>	<p>At the direction of the Committee, a letter of support was sent to our House delegation on 3/23/09</p>

Tracked Legislation

<p>HB 967</p>	<p>Foreclosure Notification</p>	<p>Replaces everything after the enacting clause with provisions that are similar to the provisions of the bill as introduced except that it provides that: while the municipality within the boundaries of which the property is located, or the township, if the area is unincorporated, shall not be joined as a party unless it is joined as a party under the Act; and the municipality or township shall be provided a copy of the recorded notice of foreclosure, which shall be sent, within 15 days after it is recorded, by first class mail to the municipal or township clerk. Provides that the notice of foreclosure shall include: the names of all plaintiffs and the case number; the court in which the action was brought; the names, addresses, phone numbers and other known contact information of title holders of record (instead of the names of title holders of record); a legal description of the real estate sufficient to identify it with reasonable certainty; a common address or description of the location of the real estate; and identification of the mortgage sought to be foreclosed. Effective immediately.</p>	<p>Re-referred to House Rules Committee, 4/3/09.</p>	<p>At the direction of the Committee, a letter of support was sent to our representative delegation on 3/23/09</p>
<p>HB 974</p>	<p>Cross Connection Controls</p>	<p>Amends the Environmental Protection Act. Provides that the cross-connection control rules administered by the Agency, under title 35 of the Illinois Administrative Code, as well as any Cross-connection Control Program ordinances, tariffs, required conditions for service, plans, or other regulatory programs established under that authority shall continue but must be amended, within 180 days after the effective date, to the extent necessary to conform with the requirements of this Act. Requires each unit of local government, including each home rule unit, in which potable water is made available to consumers through a community or non-community public water supply system to adopt an active Cross-connection Control Program consisting of certain elements. Establishes reporting and educational requirements. Requires units of local government, including home rule units, to enforce Cross-connection Control Program violations. Authorizes units of local government, including home rule units, to collect charges for certain violations. Limits the power of home rule units to implement or administer its Cross-connection Contr</p>	<p>Re-referred to House Rules Committee, 4/3/09.</p>	<p>Letter of opposition sent from Mayor McLeod to our House delegation on 3/30/09</p>

Tracked Legislation

HB 1135	Tort Liability for Sewer Back-ups	Amends the Illinois Municipal Code. Provides that municipalities shall be liable for damages to real estate within or outside of the corporate boundaries of the municipality damaged by overflow or otherwise damaged by reason of the construction, enlargement or use of any channel, ditch, drain, outlet, or other improvement by the municipality. Provides that, if judgment is rendered against a municipality for damages, then the plaintiff may recover reasonable attorneys' fees. Specifies notice requirements. Amends the Local Governmental and Governmental Employees Tort Immunity Act. Provides that municipalities shall be liable for damages to real estate within or outside of the corporate boundaries of the municipality damaged under certain specified circumstances. Effective immediately.	Re-referred to House Rules Committee, 4/3/09.	Letter of opposition sent from Mayor McLeod to our representative delegation on 3/19/09
SB 82	Local Tax Audit	Amends the Electricity Infrastructure Maintenance Fee Law and the Illinois Municipal Code. Authorizes municipalities that impose certain taxes or fees on or collected by public utilities to conduct audits of those utilities to determine the accuracy of the taxes or fees paid to the municipality. Sets forth procedures under which a municipality may collect information from a public utility that is necessary to perform an audit. Sets forth procedures concerning the audit findings, liability for errors, penalties, confidentiality, and exemptions. Amends the Local Government Taxpayers' Bill of Rights Act. Limits the authority of municipalities (including home rule municipalities) to impose penalties with respect to certain taxes imposed under the Illinois Municipal Code or with respect to the municipal electricity infrastructure maintenance fee. Effective immediately.	Assigned to House Public Utilities Committee, 4/14/09.	Staff suggests opposition in current form.

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**HOUSE BILL 650 (REP. LANG)
RETIRED FIREFIGHTER INSURANCE ENROLLMENT**

POSITION: OPPOSE HOUSE BILL 650

Bill Summary

House Bill 650 amends the Illinois Insurance Code to change the definition of "retirement or disability period" to include the period when the disabled or retired firefighter, if not currently enrolled in the municipal group insurance plan at the time of disability or retirement, may elect to re-enroll in the municipal group insurance plan during an open enrollment period.

Why NWMC OPPOSES HOUSE BILL 650

- Retired and disabled firefighters already have the option of continuing their municipal group insurance coverage upon retirement or disability.
- Allowing retired or disabled firefighters to reenter the municipal health plan at open enrollment each year rather than remaining in the plan following retirement or disability creates an adverse selection problem where people choose coverage when they expect to need it rather than remaining in the risk pool and paying premiums all along. This could result in fewer insurance carriers willing to insure municipal benefits.
- According to a benefits analysis conducted by the City of Lake Forest, House Bill 650 would increase the cost to insure their retired firefighters by 11%, an unfunded cost of \$84,000. Lake Forest would need to eliminate at least one current position in order to cover the cost of House Bill 650 or pass the cost directly on to taxpayers.
- Extrapolating this impact statewide will produce millions of dollars in unfunded liabilities and possible elimination of hundreds of jobs.
- We know of no other employee group that, if offered the opportunity to continue their employer health insurance post employment and that employee chooses to decline, are allowed years later to opt to return to the previously declined insurance.

Short of inclusion of a mechanism that changes existing law to allow municipalities to adjust premiums for retired and disabled employees so that the retired or disabled employee fully bears the added cost for their later reenrollment in the municipal insurance pool, there is no way to make House Bill 650 cost neutral to municipalities.

WE URGE YOU TO OPPOSE HOUSE BILL 650

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**HOUSE BILL 923 (REP. BURKE / SEN. MARTINEZ)
FIREFIGHTER "ACT OF DUTY" APPLIES TO ANY INJURY**

POSITION: OPPOSE HOUSE BILL 923

House Bill 923 Summary

Provides that the term "act of duty" for suburban and downstate firefighters shall no longer be limited to firefighting activities that involve a special risk of the occupation. Specifies that any assigned activity performed by a firefighter, EMT, or paramedic constitutes an act of duty, including, but not limited to, routine maintenance, housekeeping chores, clerical tasks and other assigned duties.

Why NWMC OPPOSES House Bill 923

- The term "act of duty" takes into account the physical, potentially life threatening risks that firefighters are exposed to when performing their jobs.
- Injuries caused during the routine, non-life threatening phases of the job are already covered under worker's compensation. Under HB 923, any injury suffered on duty would be considered an "act of duty".
- If the injury creates a situation where the firefighter is unable to return to active duty, calling a routine injury an "act of duty" could entitle the injured firefighter to a "duty disability" pension (65% of pay *tax free*) plus possible lifetime eligibility for insurance benefits under PSEBA.
- If HB 923 were already in effect, the increased burden upon taxpayers in just three municipalities to cover non-duty disabilities which would now be classified as duty disabilities (only seven firefighters total) would amount to nearly **\$1 million dollars**, plus an average of nearly \$22,000 per employee annually in PSEBA insurance. Fortunately for their taxpayers, this bill is not retroactive.
- AFFI cites the case of Wozniak v Aurora Firefighters Pension Fund as the need for this law. The firefighter in question injured his knee but much later claimed a back injury that the Appellate Court ruled, in rejecting his claim, was possibly related to previous injuries from skiing, snow shoveling and youth football and therefore unrelated to firefighter activities.

House Bill 923 imposes a significant cost on taxpayers to pay for injuries that are far beyond the scope and intent of a duty disability. Why should a firefighter injured while performing routine maintenance, housekeeping chores or clerical tasks receive a much higher pension benefit (plus lifetime insurance) than any other municipal employee injured performing the exact same task?

WE URGE YOU TO OPPOSE HOUSE BILL 923

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Fox River Grove
Glencoe
Glenview
Golf*
Grayslake
Hanover Park
Harwood Heights
Hawthorn Woods
Highland Park
Hoffman Estates
Inverness
Kenilworth
Lake Barrington
Lake Forest
Lake Zurich
Libertyville
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2009 Public Safety Pension Questions and Answers

Why are municipalities raising taxes or cutting services in this economy?

The fastest growing portion of the average municipal tax bill is public safety pension costs, which have gone from under 11% of the tax levy in 1999 to nearly 17% by 2007. By the 2010 tax bill, average public safety pension costs will approach 20% or more of the tax bill through a combination of pension benefit increases and investment losses. During this time, it is important to note that municipalities have **doubled** the contribution amount per public safety employee.

Do police and firefighter receive fair pension benefits?

The pension benefits received by public safety employees are more than generous. At age 50, police and firefighters can retire with 50% of their final pay after only 20 years of service or 75% of their pay for 30 years of service. Plus, they may opt to retain their municipal health insurance. They and their families also receive a variety of other benefits all of which are guaranteed by taxpayers. Over the past decade, firefighters alone have benefited from 18 Public Acts approved by the General Assembly to increase their pension and insurance benefits or reduce the authority of their employer municipalities (see attachment).

What are public safety employees seeking this legislative session?

With many local taxpayers losing their jobs and/or watching their own pensions and retirement income evaporate, this is a terrible time to increase the burden on taxpayers to pay for pension and other benefits. However, this fact has not prevented the police and firefighter unions from advancing the following bills this session:

House Bill 923

Provides that the term "act of duty" for determining firefighter disabilities shall no longer be limited to firefighting activities that involve a special risk of the occupation and would now include routine maintenance, housekeeping chores, clerical tasks and any other assigned duties. ***Taxpayers would be liable for much higher pension payments plus lifetime health insurance.***

House Bill 650

Allows retired and disabled firefighters who refuse to continue their municipal health insurance coverage at the point they separate from their employment to re-enroll in the insurance pool at any future open enrollment period. ***Will increase the taxpayer's burden for insuring municipal employees.***

House Bill 1041

Provides a retroactive pension increase for firefighters who retired before 1977. ***All money for this increase would come directly from taxpayers.***

House Bill 2465

Allows police officers to serve as elected officials even in the municipality in which they are employed. ***A police officer could in effect serve as his/her own boss. Note: firefighters were recently provided this ability by the General Assembly.***

House Bill 2540

Provides a retroactive pension increase for disabled police officers. ***All money for this increase would come directly from taxpayers.***

2009 Public Safety Pension Questions and Answers

House Bill 1627

Creates an alternative system for evaluating potential firefighters. *Would allow the firefighter's union to determine how firefighters are hired.*

Senate Bill 1827

Imposes a specific fire pension credit transfer that only impacts the Village of Barrington. *Will cost Barrington taxpayers \$1.8 million.*

Are municipalities proposing any alternatives?

Municipal leaders understand that this is the worst possible time to increase the burden on taxpayers and/or reduce local services and infrastructure repairs. Municipal leaders also understand that measures must be undertaken to preserve the long-term solvency of these public safety pensions (no one wants to be the next Vallejo, California which declared bankruptcy last year as a result of their crushing public safety pension burden).

In fact, municipal leaders, though the Northwest Municipal Conference, are proposing a three step approach to address the public safety pension burden:

1. Stop increasing the burden on municipal taxpayers. In short, this means rejecting all of the bills proposed above.
2. Allow municipalities a longer period of time to bring their pension funds up to full funding. Investment losses suffered by pension funds in 2008 have significantly added to the burden. Senate Bill 2011 resets the amortization deadline for police and fire pension funds to 2049 from the current 2033. *Allows municipalities to spread the required taxpayer contributions towards these pensions over a longer period of time and reduce the immediate tax burden.*
3. Restructure the public safety pension system to ensure the benefits provided are aligned with the ability of local taxpayers to fund them.

How can I support my constituent taxpayers?

We urge legislators to support their constituent taxpayers and work with municipal officials to accomplish the following:

- OPPOSE any increases to public safety pension or other benefits including: House Bill 650, House Bill 923, House Bill 1041, House Bill 2465, House Bill 2540, House Bill 1627 and Senate Bill 1827.
- SUPPORT reducing the immediate tax burden for pensions through Senate Bill 2011.
- SUPPORT restructuring public safety pension systems.

Northwest Municipal Conference contact info:

Mark Fowler, Executive Director, 847-296-9200 ext. 25 or mfowler@nwmc-cog.org

Larry Bury, Policy Analyst, 847-296-9200 ext 25 or lbury@nwmc-cog.org

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**SENATE BILL 2011 (SEN. ALTHOFF / REP. SAVIANO)
PUBLIC SAFETY PENSION AMORTIZATION RESET**

POSITION: SUPPORT SENATE BILL 2011

Senate Bill 2011 Summary

Amends the Downstate Police and the Downstate Fire Articles of the Illinois Pension Code. Senate Bill 2011 resets the forty year amortization deadline for Police and Fire pension funds from the current 2033 to 2049.

Why NWMC SUPPORTS Senate Bill 2011

- The current economy has municipalities struggling to maintain public services without significantly increasing taxes or reducing services.
- The global financial market collapse has caused the assets of many of Police and Fire pension funds to decline by 10 to 15%. The average NWMC Police or Fire pension fund lost \$4.1 million in 2008.
- These lost assets, on top of any previous unfunded liabilities, must be fully replaced by taxpayers by 2033.
- Beginning in 2010, the cost of replacing these investment losses equates to approximately five cents for every dollar lost every year until 2033.
- Resetting the amortization deadline to 2049 would spread out the replacement cost of these investment losses to approximately three cents for every dollar lost. For most municipal taxpayers, Senate Bill 2011 significantly reduces the pension levy increase they will pay in 2010.
- On top of the public safety pension fund losses, the Illinois Municipal Retirement Fund (IMRF) lost 30% of its reserves in 2008. Municipalities have the option of either making the actuarially required contribution (which would boost the average IMRF payroll cost from 9.3% in 2009 to 14% in 2010) or accepting a phased in 10% increase per year until the losses are recovered.

Between the broader economic problems and the skyrocketing contributions required for all (police, fire and IMRF) pension funds, **municipalities are facing a major crisis in 2010.** The only two options municipal leaders have, increase taxes (which is not an option for non-home rule governments) and/or reduce municipal services, both have dire consequences. While Senate Bill 2011 does not solve the pension problem, it does mitigate some of the immediate impact on taxpayers (many of whom are losing their jobs and/or houses and have seen the values of their pension funds disappear). Senate Bill 2011 also provides “breathing room” for municipal leaders until a comprehensive pension stabilization plan can be approved.

WE URGE YOU TO SUPPORT SENATE BILL 2011

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Kenilworth
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April 27, 2009

Three Bills Where Your Action Can Make the Difference

Part of the aggressive approach in Springfield last week centered on reaching out to key committee members about bills that were assigned to their committee. One of the common refrains that legislators had when approached on these bills is that they need to hear more from local leaders, especially in their districts. Now that bills have been assigned, that approach can be enhanced by action from your community. The three bills below, all related to public safety pensions or benefits, need immediate action. Please note that with two of these bills, we were repeatedly told if they emerge from committee, they will likely pass. Providing committee members with the fiscal impact of these two bills and urging to reject these bills in committee is critical. The deadline for committee approval is Friday, May 8, so time is short.

The first bill needing your action is **House Bill 923**. This bill expands the term "act of duty" for firefighters, EMTs and paramedics to include any duties including, but not limited to, routine maintenance, housekeeping chores and clerical tasks. Currently, any injuries that occur during a fire or rescue situation are considered an "act of duty". The expansion of "act of duty" would now make a firefighter who is injured on the job eligible for not only a 65% or higher pension but also lifetime healthcare under PSEBA.

House Bill 923 has been assigned to Senate Pensions and Investments Committee and could be heard in committee as early as this week. Please call the sponsor and committee members to urge them to not place this additional burden on your taxpayers (Springfield phone numbers listed below):

- Sen. Iris Martinez (Senate sponsor and committee vice-chair): (217) 782-8191
- Sen. Kwame Raoul (Committee chair): (217) 782-5338
- Sen. James Clayborne, Jr.: (217) 782-5399

Legislative Days Have Impact

With the General Assembly returning to action after a two week hiatus, Northwest Municipal Conference members who attended Legislative Days on April 21 and 22 had a significant impact on the legislative process. The trip to Springfield was a mix of tradition and aggressive innovation. Tradition took the form of our annual informal dinner with legislators on that Tuesday evening. The Conference thanks the following legislators for attending the dinner: Senators Dan Duffy, Susan Garrett, and Terry Link and Representatives, Mark Beaubien, Beth Coulson, Paul Froehlich, Julie Hamos, Elaine Nekritz and Kathy Ryg. Sen. Carole Pankau and Reps. Suzie Bassi and Karen May also stopped by earlier in the evening to chat with members.

Aggressive innovation was displayed with the sixteen members who assembled at the capital bright and early Wednesday morning to blitz legislators (both those representing our members and those from outside the Conference area). Key meetings were held with committee chairs and bill sponsors on our top legislative priorities. Some attendees even scored meetings with Governor Quinn and House Speaker Madigan.

- Sen. Jacqueline Collins: (217) 782-1607
- Sen. John Sullivan: (217) 782-2479
- Sen. Donne Trotter: (217) 782-3201
- Sen. Dan Duffy: (217) 782-8010
- Sen. Larry Bomke: (217) 782-0228
- Sen. Bill Brady: (217) 782-6216
- Sen. Chris Lauzen: (217) 782-0052

The second bill where your assistance is needed is **House Bill 650**. This legislation would allow retired and disabled firefighters to re-enroll in the insurance pool at any future open enrollment period (after they refuse to continue their municipal health insurance coverage at the point they separate from their employment). Although the House sponsor, *Rep. Lou Lang*, claims the bill is cost neutral since the reenrolling firefighter pays the same premium as all other participants in the municipal insurance pool, this assertion does not capture the actual cost of providing coverage for former employers who are now older and more likely to have serious medical issues that are much more expensive to cover. Nor does this assertion take into account the problem if insurers become less likely to cover municipalities due to the adverse selection problem this bill creates.

House Bill 650 has been assigned to the Senate Insurance Committee and could be heard in committee as early as this week. Please call the sponsor and committee members to urge them to not place this additional burden on your taxpayers (Springfield phone numbers listed below):

- Sen. Antonio Munoz (Senate sponsor and committee member): (217) 782-9415
- Sen. William Haine (Committee chair): (217) 782-5247
- Sen. Jacqueline Collins: (217) 782-1607
- Sen. Gary Forby: (217) 782-5509
- Sen. Rickey Hendon: (217) 782-6252
- Sen. Mike Jacobs: (217) 782-5957
- Sen. Ira Silverstein: (217) 782-5500
- Sen. Bill Brady: (217) 782-6216
- Sen. J. Bradley Burzynski: (217) 782-1977
- Sen. Dan Duffy: (217) 782-8010
- Sen. Dale Risinger: (217) 782-1942
- Sen. Dave Syverson: (217) 782-5413

The third bill where you can make a difference is **Senate Bill 2011**. This bill resets the amortization deadline for police and fire pension funds to 2049 from the current 2033 and would provide a measure of budget relief beginning next year by reducing the expected increases in police and fire pension contributions. In order to address the opposition of the police and fire fighter unions, the Conference has since proposed an alternative that would substitute the amortization reset with a two year, 10% cap on the amount the municipal pension contribution can rise along with a moratorium on any pension legislation until completion of an analysis by the Commission on Government Forecasting and Accountability (COGFA) and subsequent use of their recommendations to craft a pension system that ensures long term stability.

Rep. Skip Saviano pre-filed to sponsor the bill prior to its passage in the Senate. The bill has not been assigned to a substantive committee for a hearing. Therefore, please call your Representative(s) and let them know how important this bill is to your taxpayers. We also need you to call Rep. Saviano and urge him to either move the bill or transfer sponsorship to co-sponsor Rep. Kathy Ryg. His Springfield number is: (217) 782-3374.

Bills That Have Emerged Recently

The following bills have advanced out of their respective chambers but have not been mentioned in previous Legislative Updates:

House Bill 1345 – FOIA of Settlement Agreements (Rep. Joyce / Sen. Harmon)

Amends the Freedom of Information Act to redefine "public record" to include the portion of a settlement agreement entered into by or on behalf of a public body that shows the total amount of any moneys or total financial value of other agreements that resulted in a financial payment to or by the public body and the amount expended by or on behalf of the public body for the prosecution, defense, or settlement of any litigation.

Assigned to Senate Executive Committee

House Bill 3112 – Clerk Required at Executive Sessions (Rep. Winters / Sen. Koehler)

Requires that the municipal clerk attend all meetings of the corporate authorities including executive sessions, except if the clerk is the subject of the meeting and his or her presence creates a conflict of interest.

Assigned to Senate Local Government Committee

Senate Bill 1559 – Requirement to Purchase American Cars (Sen. Koehler / Rep. Hernandez)

Requires that all vehicles purchased or leased for use by a municipality have a Vehicle Identification Number that begins with the number one, the number 4, or the number 5 (signifying it was assembled in the United States). This would restrict the purchasing of hybrid vehicles manufactured outside the U.S. or trucks manufactured by Ford in Canada.

Assigned to House State Government Administration Committee

Senate Bill 2072 – Required Manning Levels Subject to Bargaining (Sen. Radogno / Rep. Brauer)

Includes manning levels in the terms and conditions of employment subject to collective bargaining and, with respect to peace officers, within the scope of arbitration decisions.

Assigned to House Executive Committee

Bills That Have Advanced So Far

The status of these bills is updated to include committee assignments:

House Bill 38 – Fire Station Revolving Loan Fund (Rep. Moffitt / Sen. Noland)

Authorizes the Illinois Finance Authority and the State Fire Marshal jointly to administer a revolving loan program for the construction, rehabilitation, remodeling, and expansion of fire stations and the acquisition of land for the construction or expansion of fire stations by fire departments and fire protection districts. Specifies terms of loans. Creates the necessary special fund in the State treasury.

Assigned to Senate Local Government Committee

NWMC Position: SUPPORT

House Bill 159 – Increase Project Bid Threshold (Rep. Mathias / Sen. Althoff)

In the Illinois Municipal Code Section pertaining to the letting of bids by certain municipalities, provides that any work or other public improvement, to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$10,000 (instead of \$500), shall be constructed by contract let to the lowest responsible bidder.

Assigned to Senate Local Government Committee

NWMC Position: SUPPORT

House Bill 242 – PTELL Debt Extension (Rep. Nekritz / Sen. Harmon)

Amends the Property Tax Extension Limitation Law in the Property Tax Code. Provides that the debt service extension base must be increased by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year.

Assigned to Senate Revenue Committee

NWMC Position: SUPPORT

House Bill 471 – Hotel Use Tax (Rep. Pritchard / Sen. Burzynski)

Creates the municipal hotel use tax. Authorizes municipalities to impose a tax upon the privilege of renting or leasing rooms in a hotel within the municipality at a rate not to exceed 5% of the rental or lease payment. Requires each hotel in the municipality to collect the tax from the person making the rental or lease payment at the time that the payment is tendered to the hotel. This bill would place the hotel tax in a higher position for collection.

Assigned to Senate Revenue Committee

NWMC Position: SUPPORT

House Bill 564 – Township/Coterminous City Meetings (Rep. Osmond / Sen. Althoff)

Amends the Township Code. Provides that the city council of any coterminous city may authorize the township supervisor to preside over portions of city council meetings when the city council is exercising powers that would ordinarily be exercised by the township board. Provides that, while the township supervisor is presiding, the township supervisor has one vote and the mayor has no vote.

In Senate Assignments Committee

NWMC Position: OPPOSE

House Bill 648 – Traffic Stop Statistical Study Extension to 2020 (Rep. Davis / Sen. Meeks)

Amends provisions of the Illinois Vehicle Code requiring the recording of specified information when a uniform traffic citation or warning citation is issued and providing for analysis of the information and traffic stop statistical study. Changes the repeal date of those provisions to July 1, 2020.

Assigned to Senate Criminal Law Committee

NWMC Position: OPPOSE

House Bill 719 – Special Census Certification (Rep. Mathias / Sen. Cullerton)

Provides that, whenever a partial census is conducted by a municipality, the Secretary of State shall certify the number of inhabitants of the municipality as the number of inhabitants reflected by the last complete municipal census adjusted by the net increase or decrease reflected by the partial census.

Passed by Senate Local Government Committee

NWMC Position: SUPPORT

House Bill 722 – Municipal Electric Aggregation (Rep. Fortner / Sen. Koehler)

Provides the corporate authorities of a municipality or county board of a county may adopt an ordinance under which it may aggregate residential and small commercial retail electrical loads located within the municipality or the unincorporated areas of the county.

Passed by Senate Energy Committee

NWMC Position: SUPPORT

House Bill 873 – Municipal Attorney Hiring (Rep. Osmond / Sen. Cullerton)

Provides that individual members of the board of trustees of certain villages may not hire a separate attorney using public funds unless the village attorney is disqualified from or recuses himself or herself from representing the member in his or her official capacity.

Assigned to Senate Local Government Committee

House Bill 952 – Prevailing Wage Act for Demolition (Rep. Beiser / Sen. Haine)

Provides that the Prevailing Wage Act applies to the demolition of public works.

Assigned to Senate Labor Committee

NWMC Position: OPPOSE

House Bill 1041 – Firefighter Pension Increase for Retirees pre-1977 (Rep. Moffitt / Sen. Harmon)

Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that, in July 2009, the monthly pension of a firefighter who retired before January 1, 1977 shall be recalculated and increased to reflect the amount that the firefighter would have received in July 2009 had the firefighter been receiving a 3% compounded increase for each year he or she received pension payments.

Assigned to Senate Pensions and Investments Committee

NWMC Position: OPPOSE

House Bill 1195 – Vacant Property/Foreclosure Notification/Land Banking Act (Rep. Yarbrough / Sen. Collins)

Amends the Illinois Municipal Code. Provides that a municipality may prescribe rules, regulations, or ordinances for the maintenance of vacant and abandoned properties. Provides that a municipality may collect the reasonable cost of maintaining vacant and abandoned properties. Amends the Code of Civil Procedure. Provides that a municipality shall be provided notice of foreclosures within the boundaries of the municipality. Creates the Illinois Land Banking Act. Authorizes a municipality to create a land bank authority. Sets forth the powers of a land bank authority. Authorizes a land bank authority to acquire property and issue bonds. Amends the Property Tax Code. Requires the county clerk to send notice of the sale of real property to the municipal clerk under specified circumstances.

Assigned to Senate Executive Committee

NWMC Position: SUPPORT

House Bill 2465 – Police as Elected Officials (Rep. Verschoore / Sen. Bond)

Amends the Local Governmental Employees Political Rights Act. Adds that a member of a police department or a sheriff's department may be elected or appointed to public office and may serve in public office. Provides that if the member is not in uniform and not on duty, the member may solicit votes and campaign funds and challenge voters. Adds that a police officer or sheriff's deputy who is elected to the Illinois General Assembly shall, upon written application to the employer, be granted a leave of absence without compensation during his or her term of office.

Assigned to Senate Elections Committee

NWMC Position: OPPOSE

House Bill 2540 – Disabled Police Officer Pension Increase (Rep. McAuliffe / Sen. Harmon)

Provides that certain disabled police officers who are receiving a disability pension shall be eligible to receive an annual noncompounded increase in his or her disability pension equal to 3% of the original pension.

Assigned to Senate Pensions and Investments Committee

NWMC Position: OPPOSE

House Bill 3729 – Hotel/Motel Tax Use (Rep. Mathias / Sen. Murphy)

Provides that a municipality may expend the money collected from the hotel/motel tax for any municipal purpose. Deletes the requirement that a municipality must expend the amounts collected from the tax solely to promote tourism and conventions and to attract nonresident overnight visitors.

In Senate Assignments Committee

NWMC Position: SUPPORT

House Bill 3840 – Police Disability Reinstatement (Rep. Rose / Sen. Jacobs)

Amends the Downstate Police and Chicago Police Articles of the Illinois Pension Code. In provisions concerning recovery from disability, provides that the police officer shall report to the chief of the department, who shall thereupon order immediate reinstatement into active service, and the municipality shall immediately return the police officer to its payroll, in the same rank or grade held at the date he or she was placed on disability pension. Provides that, if the police officer must file a civil action against the municipality to enforce his or her mandated return to payroll, then the police officer is entitled to recovery of reasonable court costs and attorney's fees. Amends the State Mandates Act to require implementation without reimbursement.

Assigned to Senate Pensions and Investments Committee

NWMC Position: OPPOSE

House Bill 4326 – TIF Reimbursement by Business (Rep. Fritchey / Sen. Cullerton)

Provides that any private individual or entity that receives benefits under the Tax Increment Allocation Redevelopment Act for the purpose of originating, locating, maintaining, rehabilitating, or expanding a business facility and that abandons or relocates its facility in violation of the agreement shall pay to the municipality an amount equal to the prorated value of the benefit.

Assigned to Senate Revenue Committee

Senate Bill 32 – Reclaimed Water Systems (Sen. Garrett / Rep. Ryg)

Amends the Illinois Plumbing License Law. Provides that, if a unit of local government regulates reclaimed water systems, then those reclaimed water systems must meet specific requirements.

Assigned to House Executive Committee

Senate Bill 43 – Prevailing Wage Applied to TIF and Enterprise Zone Projects (Sen. Clayborne / Rep. Fritchey)

Provides that "public works" includes all projects located in an enterprise zone as defined in the Illinois Enterprise Zone Act or located in an economic development project area as defined in the Economic Development Project Area Tax Increment Allocation Act of 1995, but does not include projects at an owner-occupied single family residence or owner-occupied multi-family residence.

Passed by House Labor Committee

NWMC Position: OPPOSE

Senate Bill 49 – Road Salt Reimbursement (Sen. Althoff / Rep. Ryg)

Creates the Local Government Road Salt Purchase Reimbursement Fund. Provides that moneys in the Fund shall be used by the Department of Transportation to make grants to counties, municipalities, townships, and road districts in the northeastern Illinois region that entered into contracts with CMS for the purchase of road salt for the 2008-2009 winter season.

Note: Senate Bill 50 provides the appropriation for this fund.

Both assigned to House Executive Committee

NWMC Position: SUPPORT

Senate Bill 82 – Utility Audits (Sen. Althoff / Rep. Mathias)

Authorizes municipalities that impose certain taxes or fees on or collected by public utilities to conduct audits of those utilities to determine the accuracy of the taxes or fees paid to the municipality. Sets forth procedures under which a municipality may collect information from a public utility that is necessary to perform an audit.

Assigned to House Public Utilities Committee

NWMC Position: Re-evaluating position

Senate Bill 148 – Automated Railroad Crossing Enforcement (Sen. Harmon / Rep. Mathias)

Provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement of railroad crossing violations. Establishes requirements for the system. Provides that local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance.

Assigned to House Railroad Industry Committee

NWMC Position: SUPPORT

Senate Bill 267 – Distressed Condos (Sen. Collins / Rep. Riley)

Amends the Condominium Property Act. Provides legislative findings concerning the importance of municipalities reclaiming housing stock that was used in fraudulent schemes. Provides procedures for addressing distressed condominium property that is a danger, blight, or nuisance to the surrounding community or the public and that is substantially unoccupied, without utilities, or in a serious negative condition. Provides definitions of "distressed condominium".

Assigned to House Executive Committee

NWMC Position: SUPPORT

Senate Bill 1254 – AED Exemption for Outdoor Municipal Facilities (Sen. Althoff / Rep. Burke)

Provides that "physical fitness facility" in the Physical Fitness Facility Medical Emergency Preparedness Act does not include outdoor facilities owned or operated by a municipality or township. This would exempt municipalities from the requirement to have automated external defibrillators (AED) available at these facilities.

Assigned to House Healthcare Licenses Committee

NWMC Position: SUPPORT

Senate Bill 1333 – Pay for Military Leave (Sen. Holmes / Rep. Zalewski)

Requires that a full-time employee of the State or a unit of local government who is a member of a reserve component of the U.S. Armed Forces or the Illinois State Militia must be given a leave of absence for any training or duty required by the U.S. Armed Forces not otherwise covered by the Act. If the employee's military pay for that training or duty is less than his or her compensation from the public employer, requires that during the leave the employee receive their public employment compensation, minus the amount of the military pay.

Assigned to House Personnel and Pensions Committee

NWMC Position: OPPOSE

Senate Bill 1974 – Public Safety Pension Fund Trustee Training (Sen. Harmon / Rep. McCarthy)

Requires all elected and appointed trustees of downstate police and fire pension funds to participate in a mandatory trustee certification training seminar that must consist of at least 32 hours of initial trustee certification at a training facility that is accredited and affiliated with a State of Illinois certified college or university. Provides guidelines for the training.

Assigned to House Personnel and Pensions Committee

Senate Bill 2212 – Pension Reform Trailer Bill (Sen. Garrett / Rep. Beaubien)

In provisions concerning Public Pension Division examinations or investigations of pension funds provides that the Division of Insurance may retain attorneys, independent actuaries, independent certified public accountants, and specialists as examiners as deemed necessary by the Director of Insurance and removes language providing that the costs of these professionals shall be borne by the pension fund. Provides that each fund shall be examined every five years (was three in reform bill).

Assigned to House Executive Committee

Orig: Beckley
cc: Molly, DAN, CFUN

LEGISLATIVE BULLETIN



Received

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APR 27 2009

I. INTRODUCTION

This *Bulletin* contains the key issues that were highlighted by IML staff at the legislative briefing and in the materials provided to attendees. Of the remaining bills that will affect municipal governments, the bills mentioned within this *Bulletin* are likely to be the most consequential.

Office of Village Mgt.
Hoffman Estates

HB 2451 (Senator Rutherford) allows municipalities to combine the annual costs of nuisance weed removal activities into a single lien and allows municipalities to foreclose on those liens. HB 2451 was assigned to the Senate Local Government Committee. **SUPPORT**

Not all critical issues have yet surfaced as legislation. Two overriding issues are the State budget and a capital infrastructure program. These two issues were the subject of many discussions among the municipal officials who participated in our Lobby Day activities. Municipal officials need to continue sending a clear message to their state legislators that local governments need: (1) a capital infrastructure program; and (2) an assurance that local governments will continue to receive their full 10 percent share of the State Income tax at whatever rate is finally agreed upon by State leaders.

On Tuesday, April 21, IML President Gary Graham addressed the Senate Transportation Committee on the importance of a capital infrastructure program. A summary of his remarks are included within this *Bulletin*.

II. IML LEGISLATIVE AGENDA

The following bills from the 2009 IML Legislative Agenda are working their way through the legislative process:

SB 1254 (Representative Burke) exempts any outdoor facility operated by a municipality or township from the Automated External Defibrillator (AED) mandate. SB 1254 was assigned to the House Health Care Licenses Committee. **SUPPORT**

HB 471 (Senator Burzynski) allows non-home rule municipalities to impose a hotel "use" tax as an alternative to the existing hotel "occupation" tax. In the event of a bankruptcy, the bill makes it more likely that a municipality will be able to recover any taxes owed. HB 471 was assigned to the Senate Revenue Committee. **SUPPORT**

III. MANDATORY BARGAINING OVER MANNING LEVELS

SB 2072 (Representative Brauer) will require municipal governments to bargain over manning levels in police and fire departments. The bill provides that, for police departments, manning decisions are subject to binding arbitration.

Decisions regarding public safety manning levels have historically been an exclusive prerogative of management. If approved, SB 2072 will limit the ability of management to: (1) control the number of police officers and firefighters employed by the municipality; (2) determine the staffing of each shift and piece of equipment; and (3) expose municipal governments and taxpayers to higher personnel costs by requiring additional overtime pay.

SB 2072 was assigned to the House Executive Committee. **STRONGLY OPPOSE**

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calendar year preceding the levy year. HB 242 was assigned to the Senate Revenue Committee. **SUPPORT**

VIII. MUNICIPAL PUBLICATION REQUIREMENT

SB 133 (Representative Graham) requires each municipality that employs an Americans with Disabilities Act Coordinator to publish contact information for that coordinator. The municipality must also publish information about any grievance procedure established to resolve complaints that allege a violation of Title II of the ADA. Publication must occur on the municipal website. If the municipality does not have a website, then publication must occur in a municipal newsletter, or in a newspaper of general circulation within the municipality.

The sponsors of the legislation are drafting an amendment to reduce the publication requirements for those municipalities that employ a coordinator or have adopted a grievance procedure but do not have a website. To find the specific requirements for local governments under Title II of the ADA, please paste the following link to your web browser: <http://www.ada.gov/pcatookit/chap2toolkit.htm>.

IX. PAID LEAVE OF ABSENCE FOR MILITARY DUTY OR TRAINING

SB 1333 (Representative Zalewski) requires that a full-time employee of the State, a unit of local government, or a school district who is a member of a reserve component of the U.S. Armed Forces or the Illinois State Militia must be given a leave of absence for any additional training beyond basic, annual, and special or advanced training. This allows the employee to take training at their election to increase their military status. If the employee's military pay for that training or duty is less than his or her compensation from the public employer, the law requires that, during the leave, the employee receive his or her public employment compensation, minus the amount of the military pay. The House State Government Administration Committee approved SB 1333 on Wednesday, April 22. **OPPOSE**

X. SENATE HEARING ON CAPITAL INFRASTRUCTURE NEEDS

The Illinois Municipal League (IML) would like to thank IML President and O'Fallon Mayor Gary Graham and Romeoville Mayor John Noak for testifying before the Senate Transportation Committee on Tuesday, April 21. Senator Martin Sandoval, Chair of the Senate Transportation

Committee, scheduled the meeting to permit Senators to hear about the significant need for a capital bill.

Mayor Graham reminded the Committee that units of local government have responsibility for over 88% of the public roads. Mayor Graham concluded his remarks by requesting that the needs of local governments be included as part of any final comprehensive capital infrastructure program, that each dollar remain divided among the state, municipalities, counties, and townships based upon the current allocation percentages, and that units of local government control what projects will be funded.

IV. PENSION LEGISLATION

The following bills require attention and action from our members:

SB 2011 (Representative Saviano) creates a new 40-year amortization period over which the financial obligations for police and firefighter pension funds can be financed. The new 40-year period will begin on July 1, 2009. SB 2011 will provide significant cost savings to municipal governments by allowing pension debt to be spread out over a longer period of time. SB 2011 was assigned to the House Executive Committee. **SUPPORT**

HB 923 (Senator Martinez) awards higher "special risk" duty disability benefits to firefighters injured performing common household chores and other tasks that millions of Illinoisans perform every single day. It also treats other municipal employees unfairly if the employees suffer similar injuries while performing the same task. For example, a firefighter injured while washing a fire truck will be eligible for a higher "special risk" disability pension, while a non-uniformed municipal employee similarly injured while washing a municipal fleet vehicle is only eligible for a lower, non-duty disability. HB 923 will increase the number of firefighters who retire on duty disabilities. It must be remembered that firefighters awarded duty disability benefits are also eligible to receive other expensive benefits. This includes the possibility that more firefighters could become eligible for "catastrophic injury" health insurance benefits. HB 923 was assigned to the Senate Pensions and Investments Committee. **OPPOSE**

HB 650 (Senator Munoz) allows older, retired firefighters to re-join the municipal group health insurance plan years after they left service. Firefighters already have a choice to elect to remain within the municipal health insurance plan 15 days prior to retiring. HB 650 allows retirees to take a pass on the guaranteed coverage, only to re-enter the plan several years later and at great expense to the municipality. As an example, a firefighter will be allowed to retire as early as age 50 and rejoin the municipal group health insurance plan at age 64! Proponents of the bill claim that this benefit is "free" and will not create any additional costs to municipalities. The data shows otherwise. For example, the Village of Skokie calculated that this supposed "free" benefit will cost the Village \$370,600 annually. The bill will negatively impact the cost of your municipal health insurance plan. HB 650 was assigned to the Senate Insurance Committee. **OPPOSE**

HB 1041 (Senator Harmon) provides compounded cost-of-living pension increases to firefighters who retired before

July 1, 1977. HB 1041 was assigned to the Senate Pensions and Investments Committee. **OPPOSE**

HB 2540 (Senator Harmon) increases the pension for police officers who have already retired on disability. Those retirees will receive 3% non-compounded increases to their pensions. HB 2540 was assigned to the Senate Pensions and Investments Committee. **OPPOSE**

V. PREVAILING WAGE

SB 43 (Representative Fritchey) mandates that all projects within an enterprise zone are subject to the prevailing wage – even projects that do not use public funds. The bill also imposes fines, penalties, and interest on local governments that inadvertently do not provide notice of prevailing wage requirements to contractors and subcontractors. The House Labor Committee approved SB 43 on Wednesday, April 22. **OPPOSE**

SB 1423 (Senator Link) expands the number of workers eligible for the prevailing wage by including individuals that perform work away from the main construction site. The prevailing wage must also be paid to workers involved in the transportation of aggregate or excavated materials between sites. SB 1423 is in the Senate. **OPPOSE**

HB 952 (Senator Haine) expands prevailing wage requirements to demolition projects. HB 952 is in the Senate. **OPPOSE**

VI. ENERGY EFFICIENCY BUILDING CODE

HB 3987 (Senator Harmon) creates a statewide energy efficiency building code and prohibits municipalities from adopting any energy conservation code (including those that would be more stringent) unless the standards are identical to the code adopted by the Capital Development Board. This legislation also prohibits municipalities from including energy conservation standards within any annexation agreement. Municipal governments will no longer be able to modify energy conservation standards to meet the needs of their communities. HB 3987 was assigned to the Senate Environment Committee. **OPPOSE**

VII. PROPERTY TAX CAP RELIEF

HB 242 (Senator Harmon) allows added flexibility under the tax cap law for local governments to levy for the purpose of financing bonded indebtedness when the bond was issued without a referendum. The debt service extension base could increase each year by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month

LEGISLATIVE BULLETIN



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I. INTRODUCTION

Both chambers are consumed with massive committee action. The deadline for moving legislation out of committee is May 8. At this time, the House is considering Senate bills, and the Senate is considering House bills.

The IML is intensely engaged in working to influence the fate of several bills. We continue to be astounded with the number of bills that remain viable with only four weeks to go until the scheduled adjournment date. That's what the new, more cooperative state government has produced...a HUGE VOLUME OF BILLS! This *Bulletin* contains committee-approved legislation on which the IML took a position. Also included are several bills of municipal interest that have been amended.

There are several bills with which the IML needs immediate help from our members. We have identified these bills and included them within this *Bulletin*. Please contact your legislators ASAP and make them aware of your position on these critical issues. Do not allow a legislator to claim that they never heard from you!

To date, there has not been much information about any budget negotiations between the Governor and the legislative leaders. According to some estimates, the State's FY2010 deficit is about \$12 billion. Cuts in state services and increases in state revenue will be proposed to close this gap. Municipalities are experiencing fiscal stress as well. The IML message to legislators has been clear: **MUNICIPAL GOVERNMENT MUST RETAIN THEIR CURRENT 10 PERCENT SHARE OF INCOME TAX REVENUE, INCLUDING ANY RATE INCREASES APPROVED THIS YEAR.** Deliver that message again and again – the competition for revenue is brutal.

The IML also continues to emphasize the **CRITICAL IMPORTANCE OF A CAPITAL INFRASTRUCTURE BILL** that contains money for local projects. Our communities desperately need this money for important projects, upgrades, and improvements. Make sure that your

legislators know just how important a comprehensive capital infrastructure plan is to your community. Call your legislators or bring a list of projects to their office. **Every local official must fight for a capital bill. Do not assume that a capital infrastructure bill will pass simply because your legislators may have expressed support for one.**

II. IMMEDIATE ACTION CALLS!

The IML desperately needs some additional help to defeat these bills:

Senate Bill 2072 – MANDATORY MANNING FOR POLICE AND FIRE PERSONNEL (Representative Brauer) SB 2072 is an effort by the General Assembly to force local officials to bargain over staffing levels in fire and police departments. What happens if the negotiations go to impasse? The matter goes to arbitration! An arbitrator, wholly unaccountable to the community (after all, who elected them), will be empowered to impose staffing levels – a decision that is a fundamental right of management! Keep in mind that arbitrators do not care if a municipality can financially afford to comply with their decisions. **Contact your State Representative and urge that he or she OPPOSE SB 2072!**

Senate Bill 43 – PREVAILING WAGE EXPANSION (Representative Fritchey) SB 43 will undermine economic development in Illinois communities at a time when unemployment is increasing to alarming levels. The bill will

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compel governments and private businesses to pay the prevailing wage for ALL projects within an enterprise zone – even projects that do not use ANY public funds! The bill may increase the wages for some, but these increases will come at the expense of unemployment for others. Is the General Assembly aware that we're in a recession?

Mt. Vernon Mayor Mary Jane Chesley joined several legislators, local officials, and business groups who participated in an April 29 press conference in opposition to Senate Bill 43. **Contact your State Representative and urge that he or she OPPOSE this community job-killer!**

House Bill 923 – FIREFIGHTER DUTY DISABILITY (Senator Martinez) HB 923 entitles firefighters to a 65% "special risk" duty-disability benefit for just about any injury that occurs during a shift. Washing a fire truck or cooking a meal is not even remotely the same as pulling a child out of a burning, 5-story building. This bill throws any reasonable duty disability standard out the window and represents the softening of the fire service. For more information about this bill, please read the IML *Issue Brief* available at www.iml.org. Visit the Legislative Website and click on "Publications." **Contact your State Senator and urge that he or she OPPOSE HB 923!**

House Bill 650 – FIREFIGHTER HEALTH INSURANCE CONTINUATION (Senator Munoz) HB 650 will allow firefighters at any age to re-enroll in the municipal group health insurance plan years after they left the fire service. For more information about this bill, please read the IML *Issue Brief* available at www.iml.org. Visit the Legislative Website and click on "Publications." **Contact your State Senator and urge that he or she OPPOSE HB 650.**

House Bill 3987 – ENERGY EFFICIENCY CODES (Senator Harmon) HB 3987 is an attempt by the General Assembly to establish energy efficiency building code standards. The State believes that local officials should be replaced when it comes to making sound decisions about minimum and maximum energy conservation building codes. HB 3987 was approved by the Senate Environment Committee on April 29. **Contact your State Senator and tell them that you could not disagree with this bill more! OPPOSE HB 3987.**

III. LEGISLATION APPROVED BY BOTH CHAMBERS

Senate Bill 1541 (Senator Bond/Representative Froelich) provides that a special parking decal or device for a person with disabilities may be used by the authorized holder, rather than the special parking decal or device being the property of

the person with disabilities. The bill further allows a police officer to seize the parking decal or device from any person who commits a violation of the unauthorized use of parking places reserved for persons with disabilities provision, may request that the Secretary of State revoke the parking decal or device or the disability license plate, and may seize the disability license plate upon authorization from the Secretary of State. SB 1541 will be sent to the Governor.

IV. LEGISLATION APPROVED BY SENATE

Senate Bill 1715 (Senator Harmon) amends the Illinois Public Labor Relations Act. With respect to collective bargaining of an initial agreement between non-public safety employees and an employer with fewer than 35 employees, the bill establishes a schedule for: (i) commencing bargaining; (ii) in the event of a dispute, requesting mediation from the Illinois Public Labor Relations Board; and (iii) in the event of an impasse, requesting binding arbitration. SB 1715 is the result of a labor conflict between the IBEW and the City of Geneseo. This is a new and late developing issue before the General Assembly. The bill was amended in the Senate Labor Committee on Thursday and approved by the full Senate with a vote of 51-0 later that day. SB 1715 is on First Reading in the House.

V. HOUSE BILLS APPROVED BY A SENATE COMMITTEE

House Bill 471 (Senator Burzynski) authorizes municipalities to impose a tax upon the privilege of renting or leasing rooms in a hotel within the municipality at a rate not to exceed 5% of the rental or lease payment. Under the use tax, each hotel in the municipality must collect the tax from the person making the rental or lease payment at the time that the payment is tendered to the hotel and, as trustee, to remit the tax to the municipality. If the municipality imposes this tax, it would be in place of the hotel occupation tax that currently exists in the Illinois Municipal Code. HB 471 was approved by the Senate Revenue Committee. **IML Initiative --Support**

House Bill 2451 (Senator Rutherford) provides for a uniform method of filing a lien to recover the costs of removing specified nuisances. The bill includes the removal costs of: (i) cutting and removing neglected weeds, grass, trees, and bushes; (ii) controlling pests; (iii) removing infected trees; and (iv) removing garbage and debris. The bill also requires that municipalities must provide reasonable notice to the property owners of any nuisances. HB 2451 was approved by the Senate Local Government Committee. **IML Initiative – Support**



House Bill 242 (Senator Harmon) allows added flexibility under the tax cap law for local governments to levy for the purpose of financing bonded indebtedness when the bond was issued without a referendum. The debt service extension base could increase each year by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The Senate Revenue Committee approved HB 242. **Support**

House Bill 1345 (Senator Harmon) redefines a "public record" under the Freedom of Information Act to include the portion of a settlement agreement entered into by or on behalf of a public body that shows the total amount of any moneys or total financial value of other agreements that resulted in a financial payment to or by the public body and the amount expended by or on behalf of the public body for the prosecution, defense, or settlement of any litigation. HB 1345 was approved by the Senate Executive Committee. **Oppose**

House Bill 952 (Senator Haine) provides that demolition projects are included as "public works" under the Prevailing Wage Act. HB 952 was approved by the Senate Labor Committee. **Oppose**

House Bill 926 (Senator Viverito) was amended in the Senate Public Health Committee to limit the application of the bill to municipalities in Cook County. The bill requires that every municipality in Cook County must regulate and inspect retail food establishments in their jurisdiction. HB 926 was approved by the Senate Public Health Committee. **Oppose**

House Bill 38 (Senator Noland) authorizes the Illinois Finance Authority and the State Fire Marshal to jointly administer a revolving loan program for the construction, rehabilitation, remodeling, and expansion of fire stations and the acquisition of land for the construction or expansion of fire stations by fire departments (including township fire departments) and fire protection districts. HB 38 was approved by the Senate Local Government Committee. **Support**

House Bill 159 (Senator Althoff) raises the minimum bid requirement from \$500 to \$10,000 pertaining to when certain municipalities provide public improvements, to be paid for in whole or in part by special assessment or special taxation. The legislation also allows municipalities to perform the work on a project if the amount of the project is under \$10,000 (instead of \$500). HB 159 was approved by the Senate Local Government Committee. **Support**

House Bill 688 (Senator Collins) amends the Condominium Property Act to provide procedures for municipalities to file

a petition in the circuit court to appoint a receiver to manage or sell distressed condominium property that is a danger, blight, or nuisance to the surrounding community or the public and that is substantially unoccupied, without utilities, or in a serious negative condition. HB 688 was approved by the Senate Judiciary Committee. **Support**

House Bill 2445 (Senator Sullivan) amends the Illinois Labor Relations Act and the Illinois Education Labor Relations Act to provide that all evidence submitted by an employee organization to demonstrate the intention for official recognition as a bargaining unit is confidential and shall not be submitted to the employer for review. No evidence of card check can be reviewed by an employer. HB 2445 was approved by the Senate Labor Committee. **Oppose**

House Bill 4088 (Senator Harmon) creates the Illinois Accurate Government Records Act (personal privacy act). The Act gives an individual a right to access his or her personal records maintained by a government agency and gives the individual the right to have any inaccurate information in his or her records corrected. The bill limits an agency's disclosure of personal records and limits an agency's maintenance of systems of personal records. The bill authorizes private rights of action and awards attorneys' fees. HB 4088 was approved by the Senate Consumer Protection Committee. **Oppose**

VI. SENATE BILLS APPROVED BY A HOUSE COMMITTEE

Senate Bill 148 (Representative Mathias) provides that the Illinois Commerce Commission, in cooperation with a local law enforcement agency, may establish in any county or municipality a system for automated enforcement (cameras) of railroad crossing violations. SB 148 was approved by the House Railroad Industry Committee. **Support**

Senate Bill 1559 (Representative Hernandez) requires municipalities and school districts to purchase or lease only those vehicles that are manufactured in the United States. This measure has some significant problems. Some police departments use either Chevy Impalas or Ford Crown Victorias for their police cars. These vehicles are made in Canada and do not fit the wording of the legislation. This means that municipalities cannot legally purchase the two most prevalent models of squad cars because they are manufactured in Canada. Under this legislation, it appears a school district or municipality can buy a Toyota made in the U.S. but not a Ford made in Canada. This measure also preempts home rule. **Oppose**

Senate Bill 2272 (Representative Chapa LaVia) provides that a municipality may enact an ordinance to prohibit or

regulate the orderly keeping of carrier, racing, hobby, or show pigeons (currently, municipalities located outside of Cook County could not prohibit). Also, this legislation provides that a county shall not enact an ordinance which prohibits or regulates the orderly keeping of carrier pigeons. SB 2272 was approved by the House Cities and Villages Committee. **Support**

Senate Bill 1255 (Representative Beaubien) was amended in the House Revenue and Finance Committee to remove the requirement written into the underlying bill that municipalities must pay Fire Protection Districts from TIF revenues when a fire protection district's increased cost is attributable to the redevelopment project area. The bill as amended provides an option for municipalities to pay a Fire Protection District from TIF revenues. This legislation sets forth a method of calculating amounts to be paid to the Fire Protection District. SB 1255 was approved by the House Revenue and Finance Committee.

Senate Bill 1555 (Representative Franks) was amended in the House Revenue and Finance Committee to require that 51 percent of the electors and 51 percent of the owners of record within a proposed Special Service Area must approve a Special Service Area before one can be created. The bill provides that, if a person who is registered to vote has died or has permanently moved from the special service area, and if certified documentation is submitted along with an authorization petition, then that person shall not be counted as an elector for purposes of determining whether or not at least 51% of the electors residing within the special service area have signed the petition. SB 1555 was approved by the House Revenue and Finance Committee.

Senate Bill 1685 (Representative Lyons) amends the Smoke Free Illinois Act. The bill was amended in the House Environmental Health Committee to exclude from the smoking ban any smoking associated with a native recognized religious ceremony, ritual, or activity by American Indians in accordance with the federal American Indian Religious Freedom Act. SB 1685 was approved by the House Environmental Health Committee.

VII. LOCAL GOVERNMENT CAUCUS

The Local Government Caucus met on Thursday, April 30th for a breakfast meeting at the Illinois Municipal League Offices. The Caucus was formed a few years ago to provide an avenue for legislators that have an interest in local government and those that are former local elected officials to share information and knowledge of key legislative issues impacting units of local government.

Meeting attendees heard a presentation by the Acting Director of the Illinois Department of Commerce and Economic Opportunity, Warren Ribley. Mr. Ribley has worked at (DCEO) for six years, served as a member of former Illinois State Treasurer Pat Quinn's office, and as a member of the Senate Democratic staff. Director Ribley provided an update on the American Recovery and Reinvestment Act (federal stimulus). He emphasized that the federal stimulus program was intended as an immediate, one-time infusion of dollars into the economy. An update on the federal stimulus program is available on the DCEO website at www.ildceo.net.



COMMITTEE AGENDA ITEM

VILLAGE OF HOFFMAN ESTATES

SUBJECT: Discussion regarding the Community Energy Challenge.

MEETING DATE: May 11, 2009

COMMITTEE: General Administration and Personnel

FROM: Molly Norton, Assistant to the Village Manager

PURPOSE: Discussion regarding the Community Energy Challenge.

BACKGROUND: The 2009 Community Energy Challenge was created through a partnership between ComEd, The Illinois Department of Commerce and Economic Opportunity (DCEO) and the Metropolitan Mayors Caucus. The Village of Hoffman Estates was chosen as one of twelve (12) communities in the State of Illinois invited to participate in the Challenge. The communities were chosen because they have demonstrated a commitment to energy efficiency and environmental sustainability.

The Community Energy Challenge is taking place between the City of Aurora; Village of Carol Stream; City of Elgin; City of Evanston; City of Highland Park; Village of Hoffman Estates; Village of Northbrook; Village of Oak Park; Village of Orland Park; Village of Palatine; City of Schaumburg and the Village of Wilmette.

The goal of the challenge is for the municipalities to implement programs and policy initiatives during the course of the evaluation year (June 1, 2009 through May 31, 2010) that will increase energy consumption and efficiency in their municipality. A major goal of the challenge is to promote the energy saving programs and incentives that ComEd offers to its residential and commercial customers. An additional pool of \$2 million in DCEO incentives has been made available to the Challenge communities to assist with these programs and initiatives. At the end of the evaluation year, the winning community will receive a \$100,000 prize.

A complete overview of the 2009 Community Energy Challenge guidelines and judging criteria is attached.

**May 11, 2009 GAP Committee
Community Energy Challenge**

DISCUSSION:

An initial Challenge Plan was submitted by staff on April 30, 2009. This plan highlights those policies and programs that are currently in place in the Village that will qualify for points in the Challenge. Additional suggested programs and policies are included in the plan that will be presented to the Village Board for consideration during the Challenge Evaluation Period. Given the competitive nature of the challenge, the draft plan is not included in the packet but is available upon request from the Village Manager's office.

As part of the Challenge, staff was able to work with consultants from Shaw Environmental Group at no charge to compile the draft plan. The plan will be evaluated in this proposal phase. The draft plan will account for 15% of the final score at the end of the Challenge year.

During the Challenge year, the Village will be able to amend the plan, adding and deleting programs that will count toward the remaining 85% of the evaluation score. The final component of the Challenge score will be the percentage of energy consumption that is saved by the entire community (residential and commercial customers) during the challenge year.

Staff plans to work closely with the Green Initiatives Commission during the challenge year to implement and enhance the Village's Challenge Plan.

RECOMMENDATION: For discussion.

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2009 COMMUNITY ENERGY CHALLENGE

MUNICIPAL ENERGY PLAN DESIGN GUIDELINES

SECTION 1: GENERAL INFORMATION

Background and Purpose

The ComEd Community Energy Challenge is a competitive program designed to help municipalities develop and implement energy efficiency projects that reduce electric use while advancing municipal sustainability objectives.

The Challenge is sponsored by ComEd in cooperation with the Illinois Department of Commerce and Economic Opportunity (DCEO) and the Metropolitan Mayors Caucus.



Twelve cities and villages with a demonstrated commitment to leadership in environmental and energy issues are being asked to design municipal energy plans to reduce the amount of energy used by municipal operations, residents and businesses while achieving complementary community objectives. Each energy plan will identify initiatives, plans or programs (collectively, "projects") the municipality will undertake to reduce energy use and advance sustainability objectives, such as reducing greenhouse gas emissions, decreasing water consumption or creating green jobs. *In designing its plan, each community should aim to capture the most cost-effective electric energy savings at the same time that it leverages resources to achieve its other sustainability goals.*

ComEd and DCEO have reserved a total of \$2 million in electric energy efficiency incentives to help implement municipal energy plans that deliver cost-effective and verifiable electric efficiency savings. The incentives will be used to increase electric energy efficiency in homes, businesses and public buildings in participating communities.

DCEO also has made \$500,000 in funding available to participating municipalities through the Renewable Energy Resources Program (RERP). The RERP will, to the extent funds are available, fund projects focused on increasing the utilization of alternative energy technologies in Illinois. Municipalities seeking funding for renewable energy systems, as defined by 20 ILCS 687/6-3 (f), will be eligible for up to 30 percent in RERP funding, subject to DCEO approval.

Municipal energy plans will be implemented between June 1, 2009 and May 31, 2010. At the end of that period, the outcomes of the municipal energy plans will be evaluated and each plan ranked according to its performance. ComEd will award \$100,000 to the municipality with the highest-ranked municipal energy plan.

Eligibility

ComEd invited twelve municipalities in its service territory to participate in the 2009 Community Energy Challenge. These municipalities have demonstrated a commitment to energy efficiency and environmental sustainability by actions such as supporting the Metropolitan Mayors Caucus' Greenest Region Compact, building LEED-certified buildings, adopting advanced energy codes and developing local climate action and sustainability plans. The twelve municipalities are the City of Aurora; Village of Carol Stream; City of Elgin; City of Evanston; City of Highland Park; Village of Hoffman Estates; Village of Northbrook; Village of Oak Park; Village of Orland Park; Village of Palatine; City of Schaumburg; and the Village of Wilmette.

Definitions

The terms used in this document have the meanings set forth below.

Award: the \$100,000 cash award to be made by ComEd to the Participant with the highest-ranking Plan.

Business Customer: a ComEd customer classified by ComEd as Business. A subset of this category is the Small Business Customer.

Challenge: the ComEd Community Energy Challenge.

Evaluation Credit: one of the components of the credit-based system used to score the Plans.

Guidelines: the 2009 ComEd Community Energy Challenge Municipal Energy Plan Design Guidelines.

Incentive: a grant award to increase electric energy efficiency made by either ComEd or DCEO as part of its portfolio of energy efficiency incentive programs approved by the Illinois Commerce Commission.

Participant: any of the twelve municipalities invited by ComEd to participate in the 2009 Community Energy Challenge.

Plan: a municipal energy plan prepared and submitted by a Participant in accordance with the Guidelines.

Program Year: the period beginning June 1, 2009 and ending May 31, 2010.

Residential Customer: a ComEd customer classified by ComEd as Residential.

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Small Business Customer: a ComEd business customer with electric demand of 100 kW or less or a ComEd business customer with no metering equipment or only watt-hour metering equipment installed and who generally uses less than 2,000 kWh during a monthly billing period.

SECTION 2: PLAN DEVELOPMENT

Required Components

Each Participant is invited to submit a Plan for the Program Year that describes the projects it will use to reduce energy consumption in municipal operations and in the community while helping to achieve other municipal sustainability objectives. The Plan should consist of a **Cover Page, Narrative, Project Implementation Schedule, Project Worksheet** and **Challenge Checklist**, as described below.

Cover Page

Participants shall submit a completed, signed Municipal Energy Plan Cover Page using the form appended to these Guidelines as Attachment A. The completed, signed Cover Page shall be signed by the Mayor or Village President, as applicable, or his or her designee, attesting to conformance with these Guidelines. The Cover Page should be the first page of the Plan.

Narrative

Each Participant shall submit a written narrative, of no more than 20 pages total (not including appendices), that provides the following:

- 1. An energy efficiency education and outreach plan designed to reach residents and businesses within the community.** At a minimum, the education and outreach plan shall address electric energy efficiency, but it may address natural gas efficiency as well. In its narrative, the Participant shall define the goals of the education and outreach plan; the specific audiences targeted; the media/vehicles used to reach those audiences; the content of the messages (e.g., ComEd Incentives, general energy efficiency tips); and the frequency of message delivery. In developing messages for the education and outreach plan, Participants are encouraged to include low-cost and no-cost actions that residents can take to reduce energy consumption.
- 2. A plan to reduce electricity and natural gas consumption used in municipal operations.** In its narrative, the Participant shall define its goals for electricity savings (kWh) and, if applicable, natural gas savings (therms), describe the pilot projects it will implement to reduce electricity use and, if applicable, natural gas use, and explain how progress towards energy reduction goals will be measured and tracked.
- 3. A plan to assist ComEd in the cost-effective delivery of Incentives to Residential Customers and/or Business Customers.** ComEd has a variety of Incentive programs for residences (ComEd's Smart Ideas for Your Home) and businesses (ComEd's Smart Ideas for Your Business) in its service territory. Each Participant can help its residents and businesses access these Incentives through projects built on strategic, targeted outreach. For example, municipalities have many existing programs with established budgets that reach ComEd's Residential Customers and Business Customers. Participants could use some of those programs to help ComEd deliver Incentives to targeted customer groups. In its narrative, the Participant shall describe how it will assist ComEd in the cost-effective delivery of Incentives to targeted groups. The Participant must define the geographic area targeted, the ComEd customer groups targeted within that area (Residential Customers, Business Customers and/or Small Business Customers) and the number of individuals or businesses within each group (if known). The Participant must describe the projects it will implement to reach the targeted groups and, for each group, estimate the number of individuals/businesses that will apply for Incentives, provide the total dollar amount of Incentives sought and estimate the total and average electricity savings to be achieved.
- 4. A plan to help achieve the Participant's municipal sustainability objectives.** In its narrative, the Participant shall define its sustainability objectives related to energy consumption, greenhouse gas emissions, water consumption, green job creation and/or the use of municipal authority to promote or mandate energy efficiency. The Participant shall describe the pilot projects it will use to help attain its stated objectives and define the metrics and process(es) it will use to measure progress towards those objectives.
- 5. A plan to integrate electric Smart Meters into one or more projects.** ComEd will file a plan with the Illinois Commerce Commission (ICC) in April or May 2009, requesting authority to deploy up to 200,000 smart meters in certain areas of its territory. It is likely that most smart meters will be installed in a single contiguous operating area. However, ComEd intends to request the authority to deploy up to 10,000 of these meters in the community of the Participant who proposes the most innovative strategy for how these meters could be integrated into its Plan.



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Smart meter technology, sometimes referred to as Automated Metering Infrastructure (AMI), helps improve the reliability and safety of the power delivery system. It also is capable of signaling outages to the utility, providing two-way communication between the utility and the meter to enable load control programs, and it provides electric customers with detailed usage information. AMI technology can be coupled with a variety of in-home devices for display of this information and with devices that can use this information and electricity price data to remotely control energy-using equipment based on customer preferences.

In its narrative, the Participant shall describe how it would use smart meters in its community to enhance the overall performance of its Plan. For the Participant who proposes the best strategy to integrate smart meters into its Plan, ComEd will install up to 10,000 smart meters in a contiguous area of the community, subject to the ICC's approval. If the ICC approves ComEd's request, the meters would likely be installed between the 4th quarter of 2009 and the 2nd quarter of 2010.

Project Implementation Schedule

Participants shall submit a project implementation schedule for the Program Year that reflects implementation dates and estimated electric and natural gas savings for each project by quarter, as follows:

1 st Quarter:	6/1/2009 – 8/31/2009
2 nd Quarter:	9/1/2009 – 11/30/2009
3 rd Quarter:	12/1/2009 – 2/28/2010
4 th Quarter:	3/1/2010 – 5/31/2010

Project Worksheet

A Project Worksheet (Attachment B) shall be completed for each project described in a Participant's Plan. The Project Worksheet is used to capture and summarize essential information for each project.

Challenge Checklist

Each Participant shall complete the 2009 ComEd Community Energy Challenge Checklist (included in Attachment B). The Challenge Checklist is used to capture information needed to evaluate and score the Participant's Plan.

Period Covered by the Plan

Projects set forth in a Participant's Plan must be implemented during the Program Year, with one exception. Due to the current availability of DCEO Incentives earmarked for

local government projects, public sector projects funded at least partly by these Incentives may be identified and implemented any time between February 1, 2009 and June 1, 2009, as well as during the Program Year, and will be included in the evaluation of Plan performance.

Customer Groups and Geographic Scope

For each project described in its Plan, Participants shall define the ComEd customer group(s) and geographic boundaries targeted. Customer groups shall be described as Residential Customer, Business Customer or Small Business Customer, in keeping with the definitions set forth in these Guidelines. Geographic boundaries shall be described using streets as borders or by identifying the USPS ZIP + 4 information for a targeted area. For example, a Participant may target the Residential Customers within the area defined by First Avenue, Main Street, Fifth Avenue and Elm Street. All projects must take place within a Participant's municipal boundaries or, if outside the boundaries (but within ComEd's service territory), must involve operations or processes that are controlled by the Participant with results that can be measured and verified.

Partnerships

Partnerships with chambers of commerce, units of local government, nonprofit organizations and other entities are an effective way for municipalities to leverage their resources to accomplish shared goals. Participants are encouraged to enter into partnerships to develop and implement their Plans. However, evaluation of each Plan's performance will be restricted to the Participant's municipal boundaries or, if outside the boundaries (but within ComEd's service territory), to operations or processes controlled by the Participant with results that can be measured and verified. Not all communities in Northern Illinois are in ComEd's territory, so Participants will need to verify that their partner is a ComEd customer.

Technical Assistance

ComEd has contracted with Shaw Environmental, Inc. to coordinate the provision of technical assistance to Participants. Each Participant will be assigned a Shaw program manager who will work with the Participant to schedule and provide needed assistance. Technical assistance will include:

- **A project kickoff meeting for all Challenge Participants, to be held January 30, 2009**
- **An individualized scoping session with each Participant to provide one-on-one assistance with Plan development**
- **Access to available electricity consumption data for ComEd customer rate classes within the targeted area(s)**



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Consumption data for individual ComEd customers also can be disclosed with written permission from the customer to ComEd.

- A One-2-Five® energy management and planning workshop for each Plan, subject to DCEO approval
- A minimum of one energy audit per Plan, performed by the Smart Energy Design Assistance Center (SEDAC) through DCEO's Smart Energy Design Assistance Program, subject to DCEO approval
- Case studies, online tools and other resources available to all Participants through the Challenge extranet site

SECTION 3: PLAN SUBMITTAL AND EVALUATION

Submittal Process

Plans must be submitted electronically by **5:00 pm on April 30, 2009** to Erin Daughton, Shaw Environmental, at erin.daughton@shawgrp.com.

Evaluation Process

All Plans will be evaluated by an independent panel convened by ComEd. Shortly after the Plans have been received, the panel will use a credit-based system (described in detail in Attachment C and summarized in the Evaluation Credits section below) to assign a score to each Plan. Each score will be based on the Plan's predicted performance over the Program Year. When all of the Plans have been scored, they will be ranked from highest score to lowest. Incentive funding will be allocated in an amount equal to that proposed by each Participant in its Plan, beginning with the highest-scoring Plan and continuing to the lowest-scoring Plan. ComEd assumes that the \$2 million in Incentives that it and DCEO have reserved for Participants will meet the estimated amount of Incentives needed by Participants. However, if the need exceeds available funding, Incentives will be apportioned among Participants so that all receive at least a minimum amount of Incentive funding.

At the conclusion of the Program Year, the actual performance of each Plan will be verified and compared to its predicted performance. If a Plan's actual performance differs from its predicted performance, the Plan's score will be adjusted accordingly. When all Plan scores have been adjusted (if needed), the Plans will be ranked. At that time, the Participant with the highest-ranking Plan will be named by ComEd as the recipient of the Award.

Evaluation Credits

A credit-based system will be used to evaluate the extent to which Participants' Plans reduce energy consumption in government operations and the community while achieving other municipal objectives (see Attachment C for a detailed description of the credit-based scoring system). The system is comprised of eight Evaluation Credits, one that is required and seven that are optional. Each Evaluation Credit offers a range of points that a Participant can earn, with more points awarded for higher performance.

All Participants who submit Plans prepared in accordance with these Guidelines will, at a minimum, reduce electric use in their own operations and in their communities, thus earning points under the required Evaluation Credit, "Total Energy Savings," as well as under the optional (but related) Evaluation Credit, "Total GHG Emissions Reduction." Participants can earn additional points under six other optional Evaluation Credits, which encourage the use of certain strategies to help achieve municipal sustainability objectives and promote energy efficiency. As an example, a Participant with a municipal objective to reduce potable water consumption may include a project focused on reducing water consumption in its Plan. By doing so, the Participant can score points under the optional Evaluation Credit, "Total Water Savings." Because reducing potable water use saves energy, too, the energy savings from the water reduction project will be included in the Participant's Total Energy Savings.

The required Evaluation Credit is:

- **Total Energy Savings.** Total Energy Savings consists of annualized electric and natural gas savings resulting from energy efficiency projects. Total Energy Savings also includes annualized electric savings resulting from water efficiency projects and the annualized electricity generated by renewables placed in service in the Participant's targeted geographic area during the Program Year. (For purposes of this Challenge, renewables are assumed to offset conventional electricity production.) Total Energy Savings data will be normalized to help ensure that no single Participant has an advantage over another due to size.

Annualized kilowatt hour (kWh) savings from electric efficiency projects, therm (Thm) savings from natural gas efficiency projects and kWh and Thm savings from renewable energy projects will be converted to British Thermal Units (BTUs). Total electric savings, measured in BTUs, must be greater than or equal to 75% of Total Energy Savings; annualized natural gas and renewable energy savings,



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measured in BTUs, should equal no more than 25% of Total Energy Savings. If the ratio of electricity savings to natural gas and renewable energy savings is less than 3:1, the Participant's natural gas and renewable energy savings will be reduced until the 3:1 ratio is met.

The optional Evaluation Credits are:

- **Total GHG Emissions Reduction.** This Evaluation Credit, measured in metric tons of carbon dioxide equivalent (MTCO_{2e}), consists of annualized greenhouse gas (GHG) emissions reductions associated with electric and natural gas efficiency and renewables projects and GHG emissions reductions associated with reduced consumption of gasoline and diesel fuels by mobile and stationary sources. Total GHG Emissions Reduction data will be normalized to help ensure that no single Participant has an advantage over another due to size.
- **Total Water Savings.** Total Water Savings consists of the annualized number of gallons of potable water saved by projects that increase water efficiency or conserve water. Total Water Savings data will be normalized to help ensure that no single Participant has an advantage over another due to size.
- **Using Municipal Authority to Promote Energy Efficiency.** This Evaluation Credit awards points to Participants who promote energy efficiency using municipal regulation, enhanced municipal operations and inducements.
- **Assisting ComEd in Delivering Incentives to Hard-to-Reach Customers.** This Evaluation Credit awards points to Participants who can help ComEd deliver Incentives to Small Business Customers or other groups that ComEd has classified, for the purposes of the Challenge, as hard-to-reach. Participants must obtain verification from ComEd that the targeted group qualifies as hard-to-reach.
- **Transforming the Market.** This Evaluation Credit awards points to Participants who promote energy efficiency by leveraging loans, grants, equity capital and tax incentives to finance projects, as well as to Participants who increase the use of efficiency-related or demand response technologies among targeted groups.

- **Demonstrating Superior Cost-Effectiveness in the Delivery of Incentives.** This Evaluation Credit awards points to Participants who can help ComEd deliver Incentives more cost-effectively than ComEd can alone by decreasing ComEd's program delivery costs, increasing market penetration or increasing the participation rate among a targeted group.
- **Creating Green Jobs.** This Evaluation Credit awards points to Participants who create jobs as a consequence of the Plan's implementation.

Payment of Incentives

All Incentive funding decisions shall be consistent with the Incentive program requirements approved by the ICC. The amounts and payments of Incentives will vary, depending on the terms of the Incentive program. The simplest Incentive programs offer rebates on compact fluorescent lights (CFLs) at the time of purchase or give rebates to residents when they turn in older, operable appliances. For more complicated projects involving equipment replacement or retrofit, applicants typically submit a program application for pre-approval to ComEd (or DCEO, if applying for a municipal incentive). Once pre-approved, the applicant implements the project, then provides documentation to ComEd to show that the project has been completed. After the documentation has been received and the energy savings verified, ComEd will issue a check in the amount of the Incentive. It can take four to six weeks for checks to be issued following project completion.

Payment of Award

ComEd has established a \$100,000 cash award for the Participant who submits the highest-scoring Plan. This Award will be paid to the Participant upon confirmation of the Plan's actual performance for the Program Year.



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Program Schedule

- January 26, 2009** Guidelines issued
- January 30, 2009** Project Kickoff Meeting
- February 2009** Individual scoping sessions with Participants
- April 30, 2009** Plans due to Shaw Environmental
- May 2009** Initial Plan scores determined
Participant with highest-scoring Plan announced
Incentive funding allocated based on initial Plan scores
Participant selected for AMI (Smart Meters) program
- June 1, 2009** Program Year begins
- May 31, 2010** Program Year ends
- June 2010** Performance of Plans verified; final Plan scores determined
- June/July 2010** Award issued to winning Participant

SECTION 4: PERFORMANCE MONITORING

Reporting Requirements

Each Participant shall submit an electronic written status update on a quarterly basis to the Participant's assigned program manager at Shaw Environmental. In each report, the Participant shall describe the progress achieved in implementing the projects set forth in the Participant's Plan and Implementation Schedule, and identify any obstacles or challenges that may impede future implementation goals. Status updates shall be submitted according to the following schedule:

Reporting Period	Status Update Due
6/1/2009 – 8/31/2009	9/15/2009
9/1/2009 – 11/30/2009	12/15/2009
12/1/2009 – 2/28/2010	3/15/2010
3/1/2010 – 5/31/2010	6/15/2010

Inspections

ComEd reserves the right to inspect all projects to verify compliance with these Guidelines and to confirm the accuracy of energy savings and other data estimated in the Participant's Plan.

Prepared by



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COMMITTEE AGENDA ITEM

VILLAGE OF HOFFMAN ESTATES

SUBJECT: Request approval of amendment to the Administrative Adjudication Ordinance to include collection of debts owed to the Village.

MEETING DATE: May 11, 2009

COMMITTEE: General Administration and Personnel

FROM: Arthur L. Janura, Jr., Corporation Counsel
Molly Norton, Assistant to the Village Manager

PURPOSE: Request approval of amendment to the Administrative Adjudication Ordinance to include collection of debts owed to the Village.

BACKGROUND: The Village of Hoffman Estates created the administrative adjudication program in January 2008 as a means to resolve local ordinance violations without involving the Cook County Circuit Court. To date, this program is widely used by the Village to collect fines related to Police, Fire and Code Enforcement citations for local ordinance violations.

DISCUSSION: The attached draft ordinance would amend Chapter 7 of the Hoffman Estates Municipal Code, specifically Article 12 (Penalty) and Article 13 (Administrative Adjudication of Charges of Municipal Code Violations). The amendment includes the addition of "debts owed the Village" to these sections.

Currently, if a debt is owed the Village by either a resident or commercial entity, the Village pursues these debts by issuing liens to the property related to the debt. The process of issuing a lien on a property can take many years to resolve as the debt is only collected when the property changes ownership. Even then, it is likely that only a fraction of the debt will be recovered if the owner that incurred the debt has passed away or declared bankruptcy.

In many cases where a debt is owed, there is a local ordinance violation that is tied to that debt. For example, a commercial developer may owe a debt to the Village that is in violation of its annexation agreement, or a resident may owe an outstanding

**May 11, 2009 GAP Committee
Amendment of Administrative Adjudication**

garbage bill that is in violation of the Solid Waste Code. By amending the sections of the code related to the Administrative Adjudication process, the Village can work to collect these outstanding debts without the burdensome process of placing liens on the properties in question.

In order to collect debts owed through the administrative adjudication process, the debtor will first be issued a notice of citation. This notice will allow full payment to be made or a payment plan to be initiated that will result in no citation being issued. If after the notice is made, no attempt is made to pay the debt, then the Village will issue a citation that will provide for further instructions. These instructions will involve the option to pay the debt in full, begin a repayment plan or appear before the administrative adjudication hearing officer. At the administrative adjudication, further attempts will be made to resolve the debt in question. Should the debtor fail to appear, the will be given a final opportunity to reschedule for another administrative adjudication hearing or repay the debt. After the final attempt is made, if the debt continues to go unpaid, then the debt will be turned over to the collection agency, as per the administrative adjudication process.

RECOMMENDATION: Staff recommends approval of the amendments to Chapter 7 Articles 12 and 13 of the Municipal Code.

##

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING
CHAPTER 7, OFFENSES, OF THE
HOFFMAN ESTATES MUNICIPAL CODE
(ADMINISTRATIVE ADJUDICATION SYSTEM)

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Article 7-12, PENALTY, of the Hoffman Estates Municipal Code shall be amended to read as follows:

Article 12

PENALTY

Section 7-12-1. PENALTY

A. Any person, firm or corporation violating any of the provisions of this Chapter shall, unless otherwise specifically provided in Section B or Section C herein, be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense.

B. Any person, firm or corporation violating any of the provisions of Article 7-11 of this Chapter shall be subject to the penalties provided by the Illinois Compiled Statutes for each offense adopted by reference in the Illinois Criminal Code.

C. Any person, firm or corporation owning a vicious dog as defined by Section 7-6-2-G of the Hoffman Estates Municipal Code that is found to violate Section 7-6-9-A of the Hoffman Estates Municipal Code shall, in addition to the penalty provided by subsection A above, be ordered to abate the nuisance by euthanization of the vicious dog.

D. Whenever a Police Officer is authorized to file a complaint in court because of a violation of the Hoffman Estates Municipal Code or Hoffman Estates Park District ordinance in respect of any violation, said Police Officer may, in lieu of the filing of a Complaint in court, in the first instance issue to such alleged violation, a CITATION:

- advising said person that he has violated a specified section of the Hoffman Estates Municipal Code or Hoffman Estates Park District Ordinance;
- requesting him to make payment in an amount applicable to said alleged violation as set forth in this Section 7-12-1-D of said violation claim; and
- informing him that upon failure to so settle, a Municipal Code Administrative Adjudication System Hearing (hereinafter "Hearing") will be held before in regard to such violation and a Hearing date shall be specified on the Citation.

Pursuant to said CITATION, the person so accused of said violation may settle and compromise the violation claim in respect of such violation by paying to the municipality or to the Hoffman Estates Park District if a violation of Hoffman Estates Park District is alleged, the applicable amount as shown in the schedule set forth in this Section 7-12-1-D at any time prior to or upon the day of the Hearing.

Such payment shall be made in accordance with the instructions contained in the aforesaid CITATION at any time prior to or upon the date of the Hearing at the office of the Village Clerk or the Hoffman Estates Park District, if designated, who shall issue a receipt for the money so received.

The violation claim described in said CITATION issued pursuant to the terms of the Hoffman Estates Municipal Code, may be settled, compromised and paid in the respective amount set forth in the following schedule:

1. In the event that said payment is made prior to the Municipal Code Administrative Adjudication Hearing, the following amounts shall be accepted as a settlement, any debt or fee owed the Village plus:

No Dog License	\$50.00
Regulating & Licensing Businesses.....	\$50.00
Dogs at Large.....	\$50.00
No Rabies Tag.....	\$50.00
Excessive Noise of Animal.....	\$50.00
Snowmobile Violations.....	\$50.00
Pedestrian Violations	\$50.00
Signs on or Over Public Property	\$50.00
Sprinkling Ban Violation	\$50.00
Curfew.....	\$50.00
Damage to Village Property.....	\$50.00
Open Burning.....	\$50.00
Minor in Possession of Alcohol.....	\$50.00
Trespassing	\$50.00
Discharge of BB Gun.....	\$50.00
Discharge or Possession of Fireworks	\$50.00
Loitering.....	\$50.00
Weed Accumulation.....	\$50.00
Garbage Accumulation	\$50.00
Sling Shot.....	\$50.00
Abandonment of Refrigerators	\$50.00
Hunting within Village Limits	\$50.00
Permitting Person under 21 to Imbibe Alcoholic Beverage	\$50.00
Excessive Noises.....	\$50.00
Littering.....	\$50.00
Misrepresenting Age to Purchase Alcoholic Liquor.....	\$50.00
Solicitors	\$50.00
Pedestrians on Highway.....	\$50.00
Turning or Tampering with Water Seals or Hydrants	\$50.00
Sale of Tobacco to Minors.....	\$50.00
Violation of Fish Code.....	\$50.00
Drinking in Public.....	\$50.00
Refuse Dumping	\$50.00
Violation of Pesticide Application and Notice	\$50.00
Street Number Identification.....	\$50.00
Closing Time of Park Property	\$50.00
Nuisance Prohibited.....	\$50.00
Responsibility for Removal of Excreta.....	\$50.00
Garbage and Waste Collection.....	\$50.00
Distribution of Handbills and Advertising Media	\$50.00

Crossing at other than Crosswalks.....	\$50.00
Hoffman Estates Park District Ordinance 98-03, Section 2-1-E-E, G-N, Q, T-W, Y, AA-DD Violations.....	\$50.00
Disorderly Conduct.....	\$50.00
Duty of Solicitor.....	\$50.00
Uninvited Solicitor.....	\$50.00
Festival Prohibitions.....	\$50.00
Delivery Hours.....	\$50.00
Hoffman Estates Park District Ordinance 99-02, Section C-2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18 19, 20, 21 Violations.....	\$50.00
Smoking Offense.....	\$100.00
Workplace/Public Smoking Offense.....	\$250.00

E. In the event that payment is not made prior to the Hearing, and there has been a failure to appear at the aforesaid Hearing, payment of any fine shall be \$100.00.

F. In the event that a Complaint has been filed in the Circuit Court of Cook County, payment of any fine and costs shall be in such amounts as may be determined and established by the Circuit Court of Cook County.

Section 2: That Article 7-13, ADMINISTRATION ADJUDICATION OF CHARGES OF MUNICIPAL CODE VIOLATIONS, shall be amended to read as follows:

Article 13

ADMINISTRATIVE ADJUDICATION OF CHARGES OF MUNICIPAL CODE VIOLATIONS

Section 7-13-1. ESTABLISHMENT OF MUNICIPAL CODE ADMINISTRATIVE ADJUDICATION

Pursuant to authority of 65 ILCS 5/1-2-1 through 5/1-2-12, and the Village’s home rule powers, there is established a system of administrative adjudication of charges of municipal code violations for the Village.

Section 7-13-2. PURPOSE

The purpose of the system of municipal code administrative adjudication of charges of municipal code violations is to provide a procedure and facility by which changes of certain municipal code violations can be administratively adjudicated by use of Village personnel and facilities without initial resort to the Circuit Court.

Section 7-13-3. JURISDICTION

Those matters that shall be subject to municipal code administrative adjudication provided for under ILCS 5/11-21.1-1- 65 ILCS 5/11-31.1-1-14, are charges of violation of any provision of the Hoffman Estates Municipal Code except matters not within the statutory home rule authority of the Village, if applicable, and matters under the jurisdiction of Traffic Code Administrative Adjudication under Article 6-4 of the Hoffman Estates Municipal Code.

Section 7-13-4. HEARING OFFICER –APPOINTMENT

Charges of municipal code violations and debts owed may be heard and adjudicated by a hearing officer appointed by the Village Board at such compensation as may be from time to time established by the Village Board.

Section 7-13-5. HEARING OFFICER – QUALIFICATIONS

Any person appointed as hearing officer shall:

- A. be an attorney licensed to practice law in the State of Illinois for not less than three (3) years.
- B. Prior to conducting any administrative adjudication hearing hereunder, have successfully completed the formal training program which includes the following:
 1. Instruction on rules of procedure of the administrative hearings to be conducted.
 2. Orientation to each subject area of the code violations to be adjudicated.
 3. Observation of administrative hearings.
 4. Participation in hypothetical cases, including ruling on evidence and issuing final orders.

Section 7-13-6. PROCEDURE

All proceedings hereunder shall be commenced upon service of written notice of a violation of the Hoffman Estates Municipal Code upon the party alleged to have committed such violation and the following procedure shall be followed:

- A. The notice shall be prepared and served by any persons authorized to exercise Village code enforcement.
- B. A copy of such notice shall be filed with the hearing officer as soon as practicable at the place and in the manner he or she shall from time to time direct.
- C. Parties shall be served with notice in a manner reasonably calculated to give them actual notice, including, as appropriate, personal service notice upon a party or its employees or agents; service by first class mail at a party's address; or notice that is posted upon the property where the alleged violation is found when the party is the owner or manager of the property.
- D. Parties shall be given notice of the adjudicatory hearing which includes the type and nature of the code violation to be adjudicated, the date and location of the adjudicatory hearing, the legal authority and jurisdiction under which the hearing is to be held, and the penalties for failure to appear at the hearing.
- E. Parties shall be provided with an opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine opposing witnesses. Parties may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, provided that the time for hearings scheduled in all non-emergency situations, if requested by the respondent, the respondent shall have at least fifteen (15) days after service of notice to prepare for the hearing. For purposes of this subsection, "non-emergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by first class mail, the fifteen (15) day period shall begin to run on the date that the notice is deposited in the mail.

F. Rules of evidence shall not govern. The formal and technical rules of evidence do not apply in an adjudicatory hearing provided for hereunder. Evidence may be admitted so long as it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Hearsay may be admitted if more reliable evidence is not available, and if in the end the hearing officer's finding is supported by the kind of evidence on which reasonable people are accustomed to rely in serious affairs.

G. Burden of Proof. The burden shall be upon the Village to prove by a preponderance of the evidence that the alleged violation occurred.

H. Judicial Review. Any final decision by the hearing officer that a code violation does or does not exist shall constitute a final determination for purposes of judicial review and shall be subject to review under the Illinois Administrative Review Law.

Section 7-13-7. ENFORCEMENT OF JUDGMENT

A. Any fine, debt, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the Village and may be collected in accordance with applicable law.

B. After expiration of the period in which judicial review under the Illinois Administrative Review Law may be sought for a final determination of a code violation, unless stayed by a court of competent jurisdiction, the findings, decision and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

C. In any case in which a respondent has failed to comply with a judgment ordering a respondent to correct a code violation or imposing any fine or other sanction as a result of a code violation, any expenses incurred by the Village to enforce the judgment, including, but not limited to, attorney's fees, court costs, and costs related to property demolition or foreclosure, after they are fixed by a court of competent jurisdiction or hearing officer, shall be a debt due and owing the Village and may be collected in accordance with applicable law. Prior to any expenses being fixed by a hearing officer pursuant to this subsection, the Village shall provide notice to the respondent that states the respondent shall appear at a hearing before the administrative hearing officer to determine whether the respondent has failed to comply with the judgment. The notice shall set the date for such a hearing, which shall not be less than seven (7) days from the date that the notice is served. If notice is served by mail, the seven (7) day period shall begin to run on the date the notice was deposited in the mail.

D. Upon being recorded in the manner required by Article XII of the Code of Civil Procedure or by the Uniform Commercial Code, a lien shall be imposed in the real estate or personal estate, or both, of the respondent in the amount of any debt due and owing the Village under this Section. The lien may be enforced in the same manner as judgment lien pursuant to a judgment of a court of competent jurisdiction.

E. The hearing officer may set aside any judgment entered by default and set a new hearing date, upon a petition filed within twenty-one (21) days after the issuance of the order of default, if the hearing officer determines that the petitioner's failure to appear at the hearing was for good cause or at any time if the petitioner establishes that the Village did not provide proper service of notice. If any judgment is set aside pursuant to this subsection, the hearing officer shall have authority to enter an order extinguishing any lien which has been recorded for any debt due and owing the Village as a result of the vacated default judgment.

Section 3: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS _____ day of _____, 2009

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Cary J. Collins	_____	_____	_____	_____
Trustee Raymond M. Kincaid	_____	_____	_____	_____
Trustee Jacquelyn Green	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Mayor William D. McLeod	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2009

Village President

ATTEST:

Village Clerk

Published in pamphlet form this _____ day of _____, 2009.

COMMITTEE AGENDA ITEM

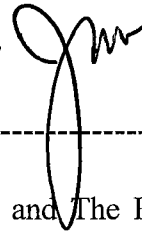
VILLAGE OF HOFFMAN ESTATES

SUBJECT: Consider a contract with The History Press for publication of the History of the Village of Hoffman Estates

MEETING DATE: May 11 2009

COMMITTEE: General Administration and Personnel

FROM: James H. Norris, Village Manager



PURPOSE: To present estimates from Brio Press and The History Press for printing/publishing of the Village history.

BACKGROUND: The 50th Anniversary Commission recommended to the Village Board to hire an outside historian to write the history of Hoffman Estates, to be released by September 15, 2009. In September 2008, Cheryl Lemus was hired as the historian to write the history of Hoffman Estates. In the course of the last seven months, Cheryl has been conducting interviews, doing research, and writing. The manuscript is scheduled to be completed by July 1, 2009.

DISCUSSION: In October, Cheryl contacted Brio Press in Minnesota regarding printing the book. She received estimates for both hardcover and soft cover books. The 50th Anniversary Commission was considering recommending Brio Press, however, approximately five weeks ago, Cheryl submitted a book proposal to The History Press who had issued an open request for new book proposals in the midwest. The History Press specializes in publishing regional and local history. They expressed interest and submitted a contract to publish the history.

There are numerous differences between Brio Press and The History Press. The History Press incurs the costs of publishing manuscripts because they expect to make a profit in the long run, and Brio Press charges to print each book, which the Village pays upfront.

The History Press will market the book to a larger percentage of readers and there will be more exposure for Hoffman Estates. The History Press will only publish solid and sound historical work and analysis.

FINANCIAL IMPACT:

BRIO PRESS (128 pages – 6 x 9 soft cover book – perfect bind)

<u>Quantity</u>	<u>Price</u>
600	\$5,101 (\$8.50 each)
750	\$5,255 (\$7.00 each)
1000	\$5,496 (\$5.50 each)

Graphic artist cost - \$1,000+
Marketing, editing – extra based on need

THE HISTORY PRESS (128 pages – 6 x 9 soft cover book – paper and bindery – 70# bookwove paper)

<u>Quantity</u>	<u>Price</u>
600	\$5,397 (\$9.00 each)
750	\$5,997 (\$8.00 each)
1000	\$6,997 (\$7.00 each)

Graphic artist cost – included
Marketing, editing - included

The difference between the two estimates is slight; however, the quote from Brio Press does not include the graphic designer charge, which is approximately \$1,000 additional. Also, there are extra costs, based on need, for marketing and editing with the Brio Press quote.

RECOMMENDATION:

The 50th Anniversary Commission recommends acceptance of the contract with The History Press and the purchase of 750 books in an amount of \$5,997.

Welcome!

Thank you for joining The History Press in a publishing venture.

This booklet will guide you through the process of publishing with us and answer many of the questions you may have as you prepare your manuscript and as we produce your book.

The History Press is committed to producing high-quality trade books on a variety of topics and regions. Our experience has taught us that one of the keys to a successful project is an efficient editorial and production system. In order for us to craft your work into an attractive and accurate publication, we ask that you follow the guidelines presented in this booklet.

If you have any questions about these guidelines, or would like additional information about our collaboration with you, please contact your editor.

Our Services

Our services include the following:

- Reviewing the sales potential of your project and working with you to determine the appropriate format and content of the publication
- Copyediting text supplied by you and presenting you with the copyeditor's queries for your review
- Preparing your images for print (including scanning where necessary)
- Designing a cover and laying out internal pages
- Providing you with two review stages—following the copyedit and following pagination
- Proofreading the cover and internal pages
- Incorporating all proof corrections and carrying out pre-press technical checks
- Carrying out imagesetting and other pre-press work
- Printing and binding
- Carrying out all relevant registrations, including ISBN (Bowker) and CIP
- Carrying out a wide range of sales and marketing activities, both before and after publication

THE HISTORY PRESS PUBLISHING AGREEMENT

THIS PUBLISHING AGREEMENT made this ___day of _____200__ between The Village of Hoffman Estates of 1900 Hassel Road, Hoffman Estates, IL 60169 (hereinafter "Author") (Contact is Cheryl Lemus) and The History Press, Inc., with principal offices at 18 Percy Street, Charleston, South Carolina, 29403 (hereinafter "Publisher").

In consideration of the mutual covenants contained herein, the parties agree as follows concerning a work original to the Author and provisionally entitled: *Hoffman Estates, Illinois: A Brief History* (hereinafter, "Work");

The Author hereby represents and warrants to the Publisher that the Author has full power to enter into this Agreement, and that the Author's Federal Tax Identification number or Social Security number (as applicable) is _____.

SECTION ONE LICENSE AND ROYALTIES

1.1 License. In consideration of the payments described herein, the Author hereby grants to the Publisher the sole and exclusive right and license to print, produce, publish, sell, lease and to further license the Work in any and all forms in all languages within the United States and in all other countries throughout the world for the full legal term of copyright in the United States and each other applicable jurisdiction, along with the subsidiary rights specified herein.

1.2 Payments, Royalties. On the actual sale of published, complete copies of the Work, the Publisher agrees to pay the Author or Royalty Payee (if indicated on an attached addendum) royalties as follows:

- a) On any paperback edition: 7% (seven percent) on the first 1,000 copies sold; 8% (eight percent) on the subsequent 1,000 copies sold; 10% (ten percent) on all sales thereafter of the net amounts actually received from those sales by the Publisher.
- b) On any hardback edition: 5% (five percent) on the first 1,000 copies sold; 7% (seven percent) on all sales thereafter of the net amounts actually received from those sales by the Publisher.
- c) On any electronic or digital edition in any form: 7% (seven percent) on all sales.
- d) On any abridgement (publication of more than 75% of the Work), whether in book or electronic form: 7% (seven percent) on all sales of the net amounts actually received from those sales by the Publisher.

The Publisher shall pay royalties only from the amounts actually received by the Publisher.

Notwithstanding the foregoing, no royalties shall be payable with respect to: a) copies sold to any party at cost or less; b) copies sold to any party at a discount of 80% or more; c) copies presented to the Author; d) copies sold to the Author as stated in this Agreement or any Addendum to this Agreement executed by these Parties; e) copies presented to any party in the interest of the sale of the Work; f) copies presented to any party in the interest of publicity for the Work; g) copies lost through theft, or damaged or destroyed by fire, water, earthquake or otherwise; h) copies lost in the course of shipment; i) copies returned by retailers damaged or otherwise not saleable; j) copies sold and later returned to the Publisher; k) partial copies in any form made available for the purpose of promoting the Work. Whether any transaction is exempt from the payment of royalties as described in (a)-(k) above is within the sole discretion of the Publisher.

Author initial _____

Publisher initial _____

The Publisher shall render semi-annual accounts of the sales of the Work and subsidiary rights to the Author for the six (6) month periods ending January 31st and July 31st of each year following publication of the Work. The accounts of sales of the Work together with any sums that may become due shall be delivered to the Author and settled within three (3) months of the end of the immediately preceding accounting period. However, no account need be submitted, unless specifically demanded, nor payment made, in respect of any period in which the sum due is less than seventy-five dollars (\$75.00), in which case the amount will be carried forward to the next accounting date. Should the Author be thirty (30) days or more in arrears of payment for books purchased from the Publisher, the Publisher may, at its discretion, deduct said payments from royalties due to the Author.

The Author or the Author's authorized representative shall have the right upon written request to examine the records of account of the Publisher in so far as they relate to the sales and receipts in respect of the Work, which examination shall be at the cost of the Author unless errors in excess of five percent (5%) undercalculation of total royalties shall be found, in which case the cost shall be paid by the Publisher. Any such examination of the account of sales in respect of the Work shall be made under the supervision of the Chief Financial Officer or other designee of the Publisher. Unless the Publisher shall be responsible for the costs of the record examination as provided above, the Author shall promptly pay to the Publisher the expenses related to such supervision, which shall be deemed to be one hundred dollars (\$100.00) for every hour or part of an hour spent by the Publisher's designee in supervision of such an examination.

As a provision against sales of the Work during the first accounting period which may be returned to the Publisher for full credit during subsequent accounting periods, the Publisher shall be entitled to make a reserve against royalties for the first six-month accounting period of the Work of a sum not exceeding thirty-five percent (35%) of the royalties deemed to be payable. Any such retention of royalties will be paid with interest at the prevailing bank rate for saving accounts at a federally chartered institution to be named by the Publisher at the payment date of the second accounting period.

1.3 Subsidiary Rights. By this Agreement, the Author expressly, completely and unconditionally grants the Publisher any and all rights to exploit the Work in any and all forms available to the Publisher, as now exists and as may exist in the future. For all sales made relating to these below described subsidiary rights of the Work, the Publisher agrees to divide the net amounts actually received in the proportion of fifty percent (50%) to the Author or Royalty Payee (if indicated on an attached addendum) and fifty percent (50%) to the Publisher. These rights that are granted to the Publisher include, but are not limited to, the following:

- A. Quotation Rights
- B. Anthology Rights
- C. Digest Rights (i.e. the right to publish an abridgment of the Work in a single issue of a journal, periodical or newspaper)
- D. Digest Book Condensation Rights (i.e. the right to publish a shortened form of the Work in volume form)
- E. Mechanical Reproduction Rights (i.e. the right to produce or reproduce the Work or to license the reproduction of the Work or any part thereof by any means of audio or visual reproduction or by means of any other contrivance whether by sight or sound or a combination of both, whether now in existence or hereinafter invented)
- F. One-Shot Periodical Rights (i.e. the right to publish the complete Work or any extract from it in a single issue of a journal, periodical or newspaper)
- G. Strip Cartoon Book/ Graphic Novel or Picturization Book Rights
- H. Translation Rights, in all languages
- I. Sound Broadcasting Rights (i.e. readings from the text of the Work)
- J. Television Rights (readings from the text or showing of illustrations from the Work)
- K. Dramatization and Documentary Rights on stage, film, radio, television or any other medium
- L. Merchandising Rights
- M. First Serial Rights (i.e. the right to publish one or more extracts from the Work in successive issues of a periodical or newspaper beginning before publication of the Work in volume form)
- N. Second and Subsequent Serial Rights (i.e. the right to publish one or more extracts from the Work in successive issues of a periodical or newspaper following publication of the Work in volume form)
- O. Commercial Rights (i.e. the rights in and to the Author's name in connection with the Work)

Author initial _____ Publisher initial _____

P. The rights in and to the Author's name, likeness and personality in connection with the Work, and in any all intellectual property rights associated with the Work in any of its forms (aside from the copyright, as provided herein), including trademarks and trade dress

1.4 Abridgements, Other Works. During the term of this Agreement, the Author agrees not to sell, distribute or otherwise make available earlier versions of the Work nor to prepare any work, or publish or authorize the publication of any work which may be an expansion or an abridgment of or of a nature similar to the Work, or that is likely to affect prejudicially the sales of the Work or to otherwise adversely affect the value of the rights granted to the Publisher hereunder.

SECTION TWO

PUBLISHER'S RIGHTS AND DUTIES IN PUBLISHING THE WORK

2.1 Publication. The Publisher shall publish the Work at its expense. The Publisher shall use all reasonable efforts to publish the Work (unless prevented by circumstances outside its control) within eighteen (18) months of delivery of the complete Work ready for printing in form and substance acceptable to the Publisher. The name of the Author will appear in its customary form with due prominence on the title-page, dust-jacket, or cover of every copy of the Work published by the Publisher and will be in the name of the Author as supplied to the Publisher or in such other form as may be required by law from time to time. The copyright notice printed upon every copy of the Work on the title verso page will be in the name of the Author as supplied to the Publisher with the year of first publication or in such other form as may be required by the law from time to time.

2.2 Not Responsible for Loss. While proper care will be taken of the Work, the Publisher shall not be responsible for any loss or damage to it while it is in the Publisher's possession or control, or in the course of production or in the course of shipment. The photographs and illustrations supplied by the Author will be returned to the Author. However, while reasonable care will be taken of the Work and the photographs and illustrations supplied by the Author, the Publisher shall not be responsible for any loss or damage to the illustrations while they are in the Publisher's possession or control, or in the course of production or in the course of shipment. The Author agrees that the Publisher shall not be liable for any loss resulting to the Author from destruction or other loss of any material delivered to the Publisher.

2.3 Publisher's Duties Contingent on Acceptable Work. The Publisher's obligations under this Agreement, including without limitation its obligation to publish the Work and pay royalties, are subject to the Author's delivery of the Work in form and substance satisfactory to the Publisher in its sole discretion. If the Work is delivered in a condition unacceptable to the Publisher, the Publisher will provide the Author with a written request outlining the requirements of an acceptable work and give the Author thirty (30) days to respond. If, after receiving such written notice, the Author fails to produce a satisfactory and acceptable final, revised Work, or if the revised Work produced by the Author after receipt of such written notice is nevertheless unacceptable by the Publisher, in its sole discretion, the Publisher may at its option terminate this Agreement.

2.4 Publisher's Control over Publication and Sales. The appearance and form of the Work, including paper, printing, binding, jackets or covers and embellishments, and jacket or cover design; the promotion; the marketing; the terms of sale; the manner and extent of advertisement; the number and distribution of freed copies for the press or otherwise; the reprinting, pricing and terms of sale of the first and any subsequent edition of the Work issued by the Publisher shall be at the sole discretion of the Publisher, who shall in all respects, except as expressly herein provided, have the entire control of the publication of the Work and subsidiary rights.

2.5 Remainder Sales. If, at any time after a period of one year from the date of first publication, the Work shall in the opinion of the Publisher have ceased to have a remunerative sale, the Publisher shall be at liberty to dispose of any copies remaining on hand as a remainder or overstock. The Author shall be given a right of first

Author initial _____ Publisher initial _____

refusal on any such disposal at the same price offered by the remainder or overstock dealer. The Author shall have a period of fourteen (14) days after receipt of notification from the Publisher to accept the offer and advise the Publisher in writing of the number of copies the Author will purchase, failing which the Publisher shall be entitled to dispose of all remaining copies of the Work.

2.6 Right of First Refusal for Future Works of Author. In consideration of the investment made by the Publisher in the promotion of the Work and the Author, the Author hereby agrees to grant the Publisher an exclusive right of first refusal to publish future book-length work product by the Author as follows:

A. As long as this Work is in print in any form (see 6.1 below) the Publisher shall have the exclusive first right of refusal to publish subsequent book-length work product by the Author on the same or similar subject to the Work.

B. For twenty-four months following the publication of the Work, the Publisher shall have the exclusive first right of refusal to publish any and all book-length work product by the Author.

The Author shall submit a proposal for the work product, when complete, to the Publisher for review under this Agreement in the same manner as provided for Notice in Section 7.6 herein. The Publisher shall then have sixty (60) days to notify the Author whether it wishes to publish the subsequent work. If it chooses to publish, the Publisher and Author will execute a Publishing Agreement similar in form and content to this Agreement to govern the publication. If the Publisher chooses not to publish the subsequent work, the Author is then free to contract with other parties for publication of that subsequent work.

SECTION THREE AUTHOR'S RIGHTS AND DUTIES IN CREATING THE WORK

3.1 Specifications. The Author will supply the following materials prepared according to the requirements set out in the Publisher's "Notes for Authors" booklet:

A. Text: A minimum of 33,000 and a maximum of 35,000 words of text as agreed

B. Illustrative Materials: Between sixty-five (65) and seventy-five (75) illustrations; this may consist of photographs, line drawings or other graphic material.

The Publisher retains the right to request that the Author make alterations to the way in which the text and images are presented in order that they align with the content accepted by the Publisher at the time of completing this contract or in subsequent communications or in order to meet the needs of the design developed by the Publisher. These alterations must be made within ten (10) days of the Publisher's written or verbal request.

3.2 Production Schedule. Subject to only those delays resulting from the Publisher's exercise of its rights described in Section 2.1 above, the Author shall adhere to the following Production Schedule. Any noncompliance with these deadlines will constitute a material default of this Agreement and the Publisher may, at its option, re-negotiate of the terms of this agreement, including royalty rates.

A. Text: The Author agrees to deliver the text in the Work to the Publisher by the date of: July 1, 2009

B. Illustrative Materials: The Author agrees to deliver the images in the Work by the date of: June 15, 2009;

C. The Author agrees to complete and deliver the Marketing Questionnaire to the Publisher by the date of: June 15, 2009

Author initial _____ Publisher initial _____

D. The Author shall undertake to read, check and correct proofs of the Work and return them to the Publisher within five (5) days of their receipt, failing which the Publisher may consider the proofs as passed for press. The cost of all alterations and corrections made by the Author in the finished artwork and in proofs (other than the correction of artists', copy editors', and printers' errors) above five percent (5%) of the Publisher's original cost of composition shall be borne by the Author. Should any change arise under this clause, the amount may be deducted from any sum that may become due under this Agreement. If there are no sums to become due, the Author shall remit the sum due within sixty (60) days of receiving an invoice summarizing the costs.

E. The Author shall supply or bear the cost of supplying the Publisher with an index, tables, bibliography, acknowledgments entry, author biography and other similar material for the Work, if in the opinion of the Publisher such material is desirable.

3.3 Obtaining Rights in Incorporated Material. The Author shall obtain appropriate assignments or licenses from the copyright owner(s) of the photographs, pictures, diagrams, drawings, maps and other material to be used in the Work (collectively "photographs"), granting all rights necessary or desirable in connection with creation, publication, and sale of the Work and all rights granted hereunder. The Author agrees to pay all fees for the use of such material. The Author shall provide evidence of written permission to use any copyrighted material not original to the Author promptly upon the Publisher's request.

3.4 Complimentary Copies of the Work. The Publisher shall send to the Author on publication six (6) complimentary copies of the Work.

3.5 Author's Purchases of the Work. Unless the Author and the Publisher enter into an additional written agreement related to the purchase of copies of the Work by the Author, the Author shall have the right to purchase copies of the Work at the Publisher's trade terms on the understanding that any copies sold by the Author will be at the full retail price (unless specifically agreed otherwise by the Publisher in writing) and shall not be discounted to the disadvantage of the Publisher. The Author or any agent of the author shall not (unless specifically agreed otherwise by the Publisher in writing) resell copies of the Work to any third party, including, but not limited to, retail stores, bookstores, pharmacies, grocery stores, gift stores, wholesale book distributors, book clubs, online bookstores, libraries or any organizations intending to resell the Work.

3.6 Author May Appoint Agent. The Author may authorize and empower an Agent to collect and receive all sums of money payable to the Author under the terms of this Agreement by notification to the Publisher in writing. The Author declares that the Agent's receipt to the Publisher or the Agent's acceptance of any sums of money paid by the Publisher shall be a good and valid discharge to all persons paying such monies to the Agent. The Agent shall be empowered to act in all matters arising out of this Agreement until cancellation of such authorization is received by the Publisher in writing.

SECTION FOUR REPRESENTATIONS, COVENANTS AND INDEMNIFICATION

4.1 Representations, Covenants and Warranties: The Author represents, warrants, covenants and agrees as follows:

A. Except with respect to copyrighted material that the Author shall have obtained proper rights to use, the Author is and shall be the sole owner of the Work and all rights herein licensed to the Publisher; the Work is and will be original to the Author and has not previously been published in any form.

B. The Work shall in no way whatsoever violate or infringe any existing copyright or license or other proprietary right.

C. The Work shall contain nothing obscene, libelous or defamatory, or otherwise contrary to law and all

Author initial _____ Publisher initial _____

statements contained therein purporting to be facts shall be true.

4.2 Author's Indemnification of Publisher. The Author shall indemnify and hold harmless the Publisher, its officers, directors, employees and agents from and against all actions, suits, proceedings, claims, demands, damages, losses and expenses (including any attorneys' fees incurred and any amounts paid by the Publisher on the advice of its attorneys to compromise or settle any claim) caused by, resulting from, arising out of or occurring in connection with any misrepresentation by the Author of, or breach by the Author of this Agreement or any of its provisions. The Publisher reserves the right to alter the Work in such a way as may appear to the Publisher appropriate for the purpose of removing any material which in the Publisher's opinion may be considered objectionable or likely to be actionable at law, but any such alteration or removal shall be without prejudice to and shall not affect the Author's indemnification obligations hereunder. The representations, warranties, covenants, and indemnities contained in this Section 4 shall survive expiration or termination of this Agreement.

SECTION FIVE COPYRIGHT AND TRADEMARK, TRADE DRESS

5.1 Registration and Copyright. The Publisher may, at its option, register the copyright for the Work in the name of the Author with the United States Copyright Office as well as in countries other than the United States, whether or not such countries are parties to the Universal Copyright Convention. The Author agrees to supply free of charge to the Publisher any authorizations or other documents necessary to carry out these provisions, including all assignments or transfers of copyright for material heretofore copyrighted elsewhere.

5.2 Infringement. If the Publisher believes that the copyright or any other right in the Work granted to the Publisher by this Agreement is being or may be infringed, it may, at its own cost and expense, take such legal action in the Author's name, if necessary, as may be required to restrain such infringement or to seek damages therefore. The Publisher, however, shall not be liable to the Author for its failure to take such legal steps. If the Publisher does not bring such action within thirty (30) days after receipt of a written request from the Author to do so, the Author may do so in the name of the Author and at his own cost and expense. Any money damages recovered by either shall be applied first toward the repayment of the Author's and the Publisher's expenses of bringing and maintaining this action, and the balance shall be divided equally between the Author and the Publisher.

5.3 Trademark and Trade Dress. The Author acknowledges that Publisher shall be the sole owner of all rights in the trademark and trade dress of any and all copies of the Work produced in any form or media under the terms of this Agreement.

SECTION SIX TERMINATION OF AGREEMENT

6.1 Discontinuance of Publication. The Work shall be considered in print if it is on sale in any form under the Publisher's own imprint, or under the imprint of another publisher, or is under contract for publication. If, at any time after five (5) years from the date of publication the Publisher allows the Work to go out of print or off the market in all editions issued or authorized by the Publisher, and further if within twelve (12) months of having received a written request from the Author to do so the Publishers have not reprinted and placed on the market a new edition or authorized the same, then all licenses granted under this Agreement shall forthwith and without further notice revert to the Author, subject, however, to all rights of the Publisher in respect of any contracts or negotiations entered into by it with any third party prior to the date of such reversion and without prejudice to any rights that have accrued under this Agreement prior to the date of reversion.

6.2 Default. This Agreement may be terminated by the Publisher in the event of a material default by the Author under the terms of this Agreement.

Author initial _____

Publisher initial _____

In the event of material default by the Publisher under the terms of this Agreement, which default has not been cured within sixty (60) days of receipt of notice thereof by the Author, along with a notice of the Author's intent to terminate therefore, all licenses granted under this Agreement shall revert to the Author forthwith and without further notice, and neither party shall have any further rights and liabilities under this Agreement, subject however to all rights of the Publisher and third parties under or with respect to any contracts or negotiations properly entered into by the Publisher with any third party prior to the date of such termination, and except that such termination shall be without prejudice to any rights that have accrued under this Agreement prior to the date of termination.

SECTION SEVEN OTHER PROVISIONS

7.1 Laws, Jurisdiction and Arbitration. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of South Carolina, without giving effect to principles of conflict laws.

Any controversy or claim arising out of or relating to this Agreement which cannot be resolved by the Publisher and Author shall be settled by arbitration in accordance with the commercial arbitration rules of the American Arbitration Association and the South Carolina Uniform Arbitration Act. Such decision shall be final and binding on the parties hereto, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. The arbitration shall be held at such location within Charleston County in the State of South Carolina as the Publisher may direct. The parties hereby submit to the jurisdiction of any State or Federal Court within the State of South Carolina having jurisdiction of subject matter in connection with any suits or proceedings to enforce the provisions of this Agreement.

7.2 Execution of Additional Documents. The Author agrees to execute any and all documents reasonably requested by the Publisher from time to time to effect and evidence the agreements contained herein.

7.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes any prior agreements and understandings, both oral and written. This Agreement may be amended only in writing executed by the parties hereto.

7.4 Successors and Assigns; No Assignment. This Agreement shall inure to the benefit of and be binding on the heirs, personal representatives, successors and assigns of the parties hereto. The Author may not assign this Publishing Agreement without the express written consent of the Publisher, which the Publisher may decline to grant, in its sole discretion. No such assignment, even if granted, shall relieve the Author of its obligations hereunder.

7.5 Time. Time shall be of the essence with respect to each and every provision of this Agreement; provided, however, any time period provided for herein that shall end on a non-Business Day, shall extend to 5:00 p.m. eastern time of the next full Business Day. For purposes of this Agreement, a "Business Day" is defined as a day of the week other than a Saturday, Sunday or legal holiday of the United States government or the State of South Carolina.

7.6 Notices. All notices, demands or other written communications required under this Agreement shall be made in writing, signed by the party(ies) serving the same (or its legal counsel) and hand delivered including prepaid delivery service by any reputable courier or delivery service that provides written evidence of delivery, or sent via facsimile. Notice given in accordance herewith shall be effective upon receipt at the address of the addressee, regardless of whether it is actually accepted by the addressee, provided, however, in the case of a notice via facsimile, such notice shall be deemed effective on the day received by the addressee if transmitted no later than 5:00 p.m. on a Business Day or if transmitted on a non-Business Day, such notice shall be deemed effective on the next Business Day (defined in 7.5 above). For purposes of notice, the address and facsimile number of each party shall be as follows or such other address or facsimile number as a party may hereafter

Author initial _____ Publisher initial _____

designate upon no less than five (5) days prior notice to this Paragraph:

A. If intended for Publisher, such notice shall be addressed to

Kirsty Sutton
The History Press, Inc.
18 Percy Street
Charleston, South Carolina, 29403
Fax: 843.577.6712

With a copy to:

W. Andrew Gowder Jr., Esquire
Pratt-Thomas Walker
16 Charlotte Street
Charleston, South Carolina, 29403
Fax: 843.727.2238

B. If intended for Author, such notice shall be addressed to

7.7 Partial Invalidity. If any term or provision of this Agreement, shall, to any extent, be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement or the application of such invalid term or provision to other persons or circumstances shall not be affected thereby.

7.8 Captions. The paragraph captions of this Agreement have been inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this Agreement.

7.9 Interpretation Presumption. This Agreement has been negotiated by the parties hereto and by the respective legal counsel or other advisors for such party. The parties represent and warrant to one another that each has, by counsel or otherwise, actively participated in the finalization of the Agreement, and in the event of a dispute concerning the interpretation of this Agreement, each party hereby waives the doctrine that an ambiguity should be interpreted against the party which has drafted the document.

Signed on behalf of the Author

Signed on behalf of the Publisher

___ day of _____, 20__

___ day of _____, 20__.

Author initial _____

Publisher initial _____

ADDENDUM FOR ROYALTY PAYEE

This Addendum is executed as an additional provision of the Publishing Agreement between Tom Wilson ("Author") and The History Press, Inc. ("Publisher") for *Hoffman Estates, Illinois: A Brief History* ("Work") dated _____ ("Publishing Agreement" or "Agreement"). This Addendum is incorporated fully into the above referenced Publishing Agreement as an additional provision of that same agreement and each and every provision of that Agreement applies fully to this Addendum.

In reference to the royalty payment amounts set forth in section 1.2 of the above Agreement, the Publisher agrees to make all payments to the below-named Royalty Payee, on behalf of or by request of the Author.

Cheryl Lemus
Village of Hoffman Estates
1900 Hassell Road
Hoffman Estates, IL 60169

The named Royalty Payee's Federal Tax Identification number or Social Security number (as applicable) is _____.

Signed on behalf of the Author

Signed on behalf of the Publisher

___ day of _____, 20___

___ day of _____, 20___

Author initial _____

Publisher initial _____

ADDENDUM FOR AUTHOR PURCHASE

This Addendum is executed as an additional provision of the Publishing Agreement between The Village of Hoffman Estates ("Author") (Contact is Cheryl Lemus) and The History Press, Inc. ("Publisher") for *Hoffman Estates, Illinois: A Brief History* ("Work") dated _____ ("Publishing Agreement" or "Agreement"). This Addendum is incorporated fully into the above referenced Publishing Agreement as an additional provision of that same agreement and each and every provision of that Agreement applies fully to this Addendum.

1 Cost of copies to be acquired.

The Author hereby agrees to commit to a total purchase of 750 copies of the Work, at 60% discount off the retail price, on the following terms and conditions.

The Publisher will set the retail price of no more than \$19.99 per unit for a 128 page book.

If the final page extent of the designed Work exceeds 128 pages, the Publisher reserves the right to increase the retail price, but will not increase the retail price to more than \$21.99.

An additional fee of \$190.00 will be charged to the Author for shipping by UPS or similar carrier to one location of the Author's election, by September 15, 2009 assuming the Author meets all deadlines stated herein.

2 Schedule of acquisition and payment.

Upon execution of this Agreement and Addendum, the Author shall pay \$599.70, or ten percent (10%) of the total purchase price of the units to be acquired as provided above. Thereafter, the Author will pay the balance of the cost, including the shipping fee, upon the Author's receipt of the printed and bound copies.

3 No Royalties.

As provided in Section 1.2 of the Agreement, the acquisition of these copies of the Work by the Author shall not entitle the Author to any payment of royalties or other payment of any kind.

4 Default.

Failure by the Author to make payment to the Publisher as provided in Section 3 of this Addendum is a material breach of the Agreement under Section 6.2 of the Agreement and entitles the Publisher to any and all remedies it may have under the terms of the Agreement, Addendum and applicable law.

Signed on behalf of the Author

Signed on behalf of the Publisher

___ day of _____, 20__

___ day of _____, 20__.

Author initial _____

Publisher initial _____

Welcome!

Thank you for joining The History Press in a publishing venture.

This booklet will guide you through the process of publishing with us and answer many of the questions you may have as you prepare your manuscript and as we produce your book.

The History Press is committed to producing high-quality trade books on a variety of topics and regions. Our experience has taught us that one of the keys to a successful project is an efficient editorial and production system. In order for us to craft your work into an attractive and accurate publication, we ask that you follow the guidelines presented in this booklet.

If you have any questions about these guidelines, or would like additional information about our collaboration with you, please contact your editor.

Our Services

Our services include the following:

- Reviewing the sales potential of your project and working with you to determine the appropriate format and content of the publication
- Copyediting text supplied by you and presenting you with the copyeditor's queries for your review
- Preparing your images for print (including scanning where necessary)
- Designing a cover and laying out internal pages
- Providing you with two review stages—following the copyedit and following pagination
- Proofreading the cover and internal pages
- Incorporating all proof corrections and carrying out pre-press technical checks
- Carrying out imagesetting and other pre-press work
- Printing and binding
- Carrying out all relevant registrations, including ISBN (Bowker) and CIP
- Carrying out a wide range of sales and marketing activities, both before and after publication

VILLAGE OF HOFFMAN ESTATES

Memo

To: Jim Norris
From: Bruce Anderson
Regarding: Cable TV Report
Date: May 6, 2009

Citizen

Covers: 2008 Year-In-Review

Citizen Segments in development:

French Evening
Arbor Day
Willy Wonka Reception
Village Improvement Day
Reception of New Board
Celebrations Movie
Spring Tea
Clean Sweep

Tartan Day Festivities

Will run through May

Houses of Worship

This 45 minute program will run through April.

Emerald Ash Borer

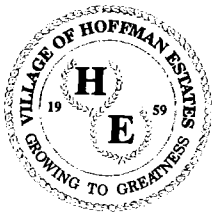
This half-hour program will run in May and June.

Franchise Renewal

Renewal discussions with Comcast are on-going with the Regional Cable Group. The latest proposal is currently being reviewed and it is believed that we are near an agreement.

Complaints/Inquiries

This month the Village received two inquiries: one about an unburied phone line and abandoned spool of wire. One issue is outstanding..



HOFFMAN ESTATES

DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

HUMAN RESOURCES MANAGEMENT DEPARTMENT

Monthly Report

April 2009

Staffing Activity

New Starts: 0
 Separations: 0
 Transfers: 0
 Retirees: 0
 Promotions: 0
 Downgrades: 0
 Reclassifications: 0

Staffing:	Full Time Employees	372 budgeted	368 current
	Part Time Employees	61 budgeted	60 current
	Temporary Employees	3 budgeted	2 current
	Seasonal Employees	20 budgeted	0 current
	Paid Interns	3 budgeted	3 current

Month & Year-to-Date Activity:

0 Seasonal with	0 for year
0 Promotions with	2 for year
0 Separations with	3 for year
0 Retirements with	2 for year
0 Transfers with	1 for year

Recruitment Activity

Recruitment: Part-time Shop Assistant – 75 applications received. Position is frozen.

Maintenance I (Internal Only) – 4 applications received. Position will be filled after internal posting for maintenance II promotion is completed.

Transportation and Engineering Intern – One intern will begin May 18th and one May 26th.

Labor/Management Relations

Contract Status: **Police** (Metropolitan Alliance of Police - MAP Chapter 96) – Contract (Jan. 1, 2008 - December 31, 2012).

Fire (International Association of Firefighters - Local 2061) – Contract (Jan. 1, 2006 – December 31, 2008). Negotiations underway.

Public Works (International Brotherhood of Teamsters, Local 714) – Three (3) year contract (Jan. 1, 2007 – Dec. 31, 2009).

Police Sergeants (Metropolitan Alliance of Police – MAP-97) Contract (Jan. 1, 2009 – December 31, 2013).

Grievances: Eleven (11) IAFF Local 2061 Grievances

Three (3) MAP Grievances –

Two (2) MAP 96 - Arbitrator selection in process

One (1) MAP 96 Chapter Grievance - Arbitrator selection in process

One (1) Unfair Labor Practice (ULP) filed against the Village by IAFF Local 2061 – pending review by ILB

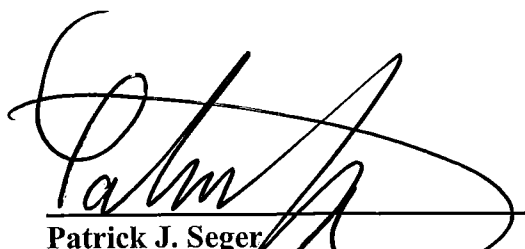
One (1) Unfair Labor Practice (ULP) filed against the Village by IAFF Local 2061 – Parties agree to discuss ULP during negotiations

Personnel/Benefits/Employee Services

- Director of HRM participated in several budget discussions with the Village Manager, Deputy Village Manager and Director of Finance.
- As Vice-President of IPELRA, Director of HRM, attended the IPELRA training committee meeting.
- Director of HRM participated in several Step 4 grievance hearings with MAP 96.
- The Director of HRM facilitated meeting with the Finance Director and ICMA-RC representative regarding new IRA offering for employees.
- Director of HRM participated in the Management Team Meeting.
- Director of HRM and Police Chief met informally with MAP 96 officers to discuss the issues of grievance.
- The Human Resources Department held several staff meetings to discuss deadlines for current and upcoming projects.
- Director of HRM attended a meeting with Management regarding House Bill 1627.
- Director of HRM participated in negotiation meeting with IAFF Local 2061 union representatives. Several negotiation team preparatory meetings and conference calls were held during the month.
- Director of HRM and HR Coordinator held several benefit education sessions for employees at various Village locations. IPBC and insurance representatives presented information regarding the insurance plans offered and the cost associated with each. The purpose of the sessions was to help employees make informed decisions at open enrollment in May.
- Director of HRM attended the IPBC Operational meeting.
- Director of HRM and HR Coordinator presented information to the Management Team on the recent changes in the Family Medical Leave Act.
- HRM staff attended training for the new panic alarm system at Village Hall.

Risk Management/Safety/Loss Control

- Continued to facilitate the proper handling of all open workers' compensation claims. Two (2) third party claims administrators are currently being used to administer the Village's workers' compensation claims.
- Facilitated the medical examination by the Village's occupational health physician for an employee returning to full duty.
- Conducted a mandatory random Federal Department of Transportation drug and alcohol test. All results were reported as negative.
- Discussed and bound coverage for protecting the Village related to the construction of the new Police Department Facility.
- The Risk Manager administered two general liability claims against the Village. The claims were brought to conclusion during the reporting period.
- Conducted a hazard survey of the new Fire Station 24. All work was observed as being done in a safe manner.
- Provided continual written updates to appropriate management staff related to the status of several open workers' compensation claims.
- Conducted three training programs for the Public Works Department: Hazard Communication, Hearing Protection, and Sexual Harassment Policy Training.
- Met with one of the Village's workers' compensation defense attorneys and the third party claims administrator to discuss the disposition of high exposure workers' compensation claims.
- Directed the negotiation of the settlement of a high exposure workers' compensation claim. The claim is still being negotiated amicably between both parties.



Patrick J. Seger
Director of Human Resources Management

HUMAN RESOURCES MANAGEMENT MONTHLY STAFFING REPORT APRIL 2009

RECRUITMENTS

POSITION TITLE: Maintenance I (Internal Only)
DEPARTMENT: Public Works
DATE POSTED: 03/06/09
AD DEADLINE: 03/20/09
APPLICATIONS REC'D: 4

STATUS: Position will be filled after internal posting for Maintenance II promotion is completed.

POSITION TITLE: Part-time Shop Assistant
DEPARTMENT: Public Works
DATE POSTED: 01/27/09
AD DEADLINE: 02/10/09
APPLICATIONS REC'D: 75

STATUS: Position is currently frozen.

POSITION TITLE: Transportation and Engineering Intern (2)
DEPARTMENT: Development Services
DATE POSTED: 01/29/09
AD DEADLINE: Until Filled
APPLICATIONS REC'D: 10

STATUS: One intern will begin May 18th and one May 26th.

NEW STARTS

N/A

SUMMARY OF EMPLOYMENT ACTIVITY APRIL 2009

	<u>Total Number</u>	<u>Position</u>
New Starts	0	
Separations	0	
Promotions	0	
Upgrades	0	
Downgrades	0	
Transfers	0	
Retirements	0	
Reclassifications	0	

SUMMARY OF UNPAID INTERNS/ADDITIONAL ACTIVITY

Unpaid Internships

1 unpaid Nursing internship began 4/20/09.

Additional Activity

(See HRM Employment Activity Report attached for details)

ANTICIPATED ACTIVITY NEXT MONTH

	<u>Total Number</u>	<u>Position</u>
New Starts	13	11 Seasonal Public Works employees 2 Engineering Interns
Separations	0	
Promotions	0	
Transfers	0	
Reclassifications	0	
Retirements	0	
New Positions	0	
Eliminated Positions	0	

EMPLOYEE COUNT

	<u>Budgeted</u>	<u>Actual</u>
FULL TIME EMPLOYEES	372	368
PART TIME EMPLOYEES	61	60
TEMPORARY EMPLOYEES	3	2 (Historian/M1)
SEASONAL EMPLOYEES	20	0
INTERNS (PAID)	3	3
TOTAL	459	433

Total Vacancies:

Full Time

Budgeted – Posted	1	Maintenance I (Internal)
Budgeted - Not Posted	3	Police Officers (Retirement) Administrative Services Officer II (New position) Administrative Services Officer I (<i>position frozen</i>)
TOTAL FULL TIME	4	

Part Time

Budgeted – Posted	1	Shop Assistant (<i>position frozen</i>)
Budgeted-Not Posted	1	Part-time Staff Assistant (<i>Police Retirement - frozen</i>)
TOTAL PART TIME	2	

Seasonal

Budgeted – Posted	2	Engineering Interns
Budgeted – Not Posted	18	Seasonal PW (16) Seasonal Code Enforcement Officers (2) <i>Positions frozen</i>
TOTAL SEASONAL	20	

RECRUITMENT ACTIVITY

	<u>Month</u>	<u>Year To Date</u>
Full Time – Response to Recruitments	0	86
Walk-Ins	22	85
Part Time – Response to Recruitments	0	182
Walk-Ins	0	0
Seasonal Applicants	8	29
TOTAL RECRUITMENTS	30	394

**HUMAN RESOURCES MANAGEMENT
EMPLOYMENT ACTIVITY
APRIL 2009**

NEW HIRES

<u>Name</u>	<u>Date of Hire</u>	<u>Position</u>	<u>Replacement for</u>
N/A			

SEPARATIONS

<u>Name</u>	<u>Termination Date</u>	<u>Position</u>	<u>Reason</u>
N/a			

PROMOTIONS

<u>Name</u>	<u>Effective Date</u>	<u>Current Position</u>	<u>New Position</u>
N/A			

TRANSFERS

<u>Name</u>	<u>Effective Date</u>	<u>Current Position</u>	<u>New Position</u>
N/A			

<u>Name</u>	<u>Effective Date</u>	<u>Current Position</u>	<u>New Position</u>
N/A			

RECLASSIFICATIONS

<u>Name</u>	<u>Effective Date</u>	<u>Current Position</u>	<u>New Position</u>
N/A			

CANCELLATIONS

<u>Name</u>	<u>Effective Date</u>	<u>Current Position</u>	<u>New Position</u>
N/A			

UNPAID INTERNSHIPS

<u>Name</u>	<u>Date of Hire</u>	<u>Position</u>	<u>Replacement for</u>
Jennifer Carajaval	04/20/09	Nursing Internship	N/A

ADDITIONAL MONTHLY REPORT INFORMATION
April 2009

Anniversaries attended 1

Interviews conducted during month 0

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/ Claim	Paid	Outstanding	Total Incurred	% Of Total
00 102	Planning	(Dept) 1	1.8%	1	0	0	1	0	0.00	0.00		0.00	0.0%
00 1	Community Development	(Sub-Loc) 1	1.8%	1	0	0	1	0	0.00	0.00		0.00	0.0%
00 206	Customer Service	(Dept) 1	1.8%	0	1	0	1	1	3,974.20	3,974.20		3,974.20	1.4%
00 2	Finance	(Sub-Loc) 1	1.8%	0	1	0	1	1	3,974.20	3,974.20		3,974.20	1.4%
00 250	PPO Payments	(Dept) 1	1.8%	1	0	1	0	0	129,187.80	129,187.80		129,187.80	44.6%
00 25	PPO Payments	(Sub-Loc) 1	1.8%	1	0	1	0	0	129,187.80	129,187.80		129,187.80	44.6%
00 300	Administration	(Dept) 1	1.8%	0	1	0	1	0	193.50	193.50		193.50	0.1%
00 301	Fire Suppression	(Dept) 12	21.4%	6	6	1	11	3	8,166.95	92,574.64	5,428.75	98,003.39	33.8%
00 303	Emergency Medical Services	(Dept) 7	12.5%	5	2	0	7	1	2,302.35	16,116.43		16,116.43	5.6%
00 3	Fire	(Sub-Loc) 20	35.7%	11	9	1	19	4	5,715.67	108,884.57	5,428.75	114,313.32	39.5%
00 400	Manager's Office	(Dept) 1	1.8%	0	1	0	1	0	4,452.45	4,452.45		4,452.45	1.5%
00 401	Cable TV	(Dept) 1	1.8%	1	0	0	1	0	260.40	260.40		260.40	0.1%
00 402	Boards & Commissions	(Dept) 1	1.8%	1	0	0	1	0	413.43	413.43		413.43	0.1%
00 4	General Government	(Sub-Loc) 3	5.4%	2	1	0	3	0	1,708.76	5,126.28		5,126.28	1.8%
00 600	Administration	(Dept) 1	1.8%	0	1	0	1	0	0.00	0.00		0.00	0.0%
00 6	Human Resources Management	(Sub-Loc) 1	1.8%	0	1	0	1	0	0.00	0.00		0.00	0.0%
00 700	Patrol	(Dept) 16	28.6%	13	3	0	16	2	1,761.71	28,187.36		28,187.36	9.7%
00 704	Traffic	(Dept) 1	1.8%	1	0	0	1	0	1,159.40	1,159.40		1,159.40	0.4%
00 7	Police	(Sub-Loc) 17	30.4%	14	3	0	17	2	1,726.28	29,346.76		29,346.76	10.1%
00 801	Water & Sewer	(Dept) 4	7.1%	2	2	0	4	0	733.76	2,935.02		2,935.02	1.0%
00 802	Building & Grounds	(Dept) 1	1.8%	0	1	0	1	0	1,411.10	1,411.10		1,411.10	0.5%
00 804	Forestry	(Dept) 5	8.9%	5	0	0	5	0	565.72	2,828.60		2,828.60	1.0%
00 805	Clerical	(Dept) 1	1.8%	1	0	0	1	0	452.50	452.50		452.50	0.2%
00 8	Public Works	(Sub-Loc) 11	19.6%	8	3	0	11	0	693.38	7,627.22		7,627.22	2.6%
00 9	Information Systems	(Sub-Loc) 1	1.8%	1	0	0	1	0	168.50	168.50		168.50	0.1%
00 01	Village of Hoffman Estates	(Loc) 56	100.0%	38	18	2	54	7	5,174.00	284,315.33	5,428.75	289,744.08	100.0%
Totals for 2000 Claims:		56	100.0%	38	18	2	54	7	5,174.00	284,315.33	5,428.75	289,744.08	100.0%
01 300	Administration	(Dept) 2	3.1%	1	1	0	2	0	538.72	1,077.44		1,077.44	0.1%
01 301	Fire Suppression	(Dept) 8	12.3%	3	5	1	7	2	38,114.77	265,039.41	39,878.75	304,918.16	24.4%

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/Claim	Paid	Outstanding	Total Incurred	% Of Total
01 303	Emergency Medical Services	7	10.8%	2	5	2	5	4	43,956.56	207,726.70	99,969.22	307,695.92	24.7%
01 304	ESDA	1	1.5%	1	0	0	1	0	425.39	425.39		425.39	0.0%
01 3	Fire	18	27.7%	7	11	3	15	6	34,117.61	474,268.94	139,847.97	614,116.91	49.2%
01 400	Manager's Office	1	1.5%	1	0	0	1	0	4,374.81	4,374.81		4,374.81	0.4%
01 4	General Government	1	1.5%	1	0	0	1	0	4,374.81	4,374.81		4,374.81	0.4%
01 505	Immunization	1	1.5%	1	0	0	1	0	391.50	391.50		391.50	0.0%
01 5	Health & Human Services	1	1.5%	1	0	0	1	0	391.50	391.50		391.50	0.0%
01 700	Patrol	20	30.8%	11	9	0	20	7	10,615.24	212,304.82		212,304.82	17.0%
01 702	Crime Prevention	1	1.5%	1	0	0	1	0	5,663.17	5,663.17		5,663.17	0.5%
01 704	Traffic	3	4.6%	1	2	0	3	2	2,887.00	8,660.99		8,660.99	0.7%
01 707	Records	4	6.2%	1	3	0	4	3	14,372.31	57,489.25		57,489.25	4.6%
01 7	Police	28	43.1%	14	14	0	28	12	10,147.08	284,118.23		284,118.23	22.8%
01 800	Streets	5	7.7%	3	2	0	5	1	48,719.89	243,599.47		243,599.47	19.5%
01 801	Water & Sewer	4	6.2%	2	2	0	4	1	24,096.40	96,385.58		96,385.58	7.7%
01 802	Building & Grounds	3	4.6%	3	0	0	3	0	422.63	1,267.88		1,267.88	0.1%
01 803	Equipment & Supply	1	1.5%	1	0	0	1	0	210.60	210.60		210.60	0.0%
01 804	Forestry	3	4.6%	2	1	0	3	0	1,150.17	3,450.50		3,450.50	0.3%
01 8	Public Works	16	24.6%	11	5	0	16	2	21,557.13	344,914.03		344,914.03	27.6%
01 9	Information Systems	1	1.5%	1	0	0	1	0	301.50	301.50		301.50	0.0%
01 01	Village of Hoffman Estates	65	100.0%	35	30	3	62	20	19,203.34	1,108,369.01	139,847.97	1,248,216.98	100.0%
Totals for 2001 Claims:		65	100.0%	35	30	3	62	20	19,203.34	1,108,369.01	139,847.97	1,248,216.98	100.0%
02 102	Planning	1	2.6%	0	1	0	1	0	28,933.52	28,933.52		28,933.52	4.1%
02 1	Community Development	1	2.6%	0	1	0	1	0	28,933.52	28,933.52		28,933.52	4.1%
02 301	Fire Suppression	5	13.2%	1	4	0	5	2	11,335.45	56,677.26		56,677.26	8.1%
02 303	Emergency Medical Services	8	21.1%	4	4	0	8	1	7,441.19	59,529.50		59,529.50	8.5%
02 306	Technical Rescue	1	2.6%	0	1	0	1	0	5,830.00	5,830.00		5,830.00	0.8%
02 3	Fire	14	36.8%	5	9	0	14	3	8,716.91	122,036.76		122,036.76	17.4%
02 700	Patrol	11	28.9%	5	6	1	10	6	24,047.80	259,046.95	5,478.89	264,525.84	37.7%
02 704	Traffic	1	2.6%	0	1	1	0	1	272,228.30	246,288.23	25,940.07	272,228.30	38.8%

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/Claim	Paid	Outstanding	Total Incurred	% Of Total
02	706	1	2.6%	1	0	0	1	0	1,777.50	1,777.50		1,777.50	0.3%
02	7	13	34.2%	6	7	2	11	7	41,425.51	507,112.68	31,418.96	538,531.64	76.8%
02	800	5	13.2%	4	1	0	5	0	1,511.20	7,556.00		7,556.00	1.1%
02	801	2	5.3%	0	2	0	2	0	1,227.90	2,455.80		2,455.80	0.4%
02	803	1	2.6%	1	0	0	1	0	281.70	281.70		281.70	0.0%
02	804	2	5.3%	2	0	0	2	0	642.60	1,285.20		1,285.20	0.2%
02	8	10	26.3%	7	3	0	10	0	1,157.87	11,578.70	31,418.96	11,578.70	1.7%
02	01	38	100.0%	18	20	2	36	10	18,449.49	669,661.66	31,418.96	701,080.62	100.0%
Totals for 2002 Claims:		38	100.0%	18	20	2	36	10	18,449.49	669,661.66	31,418.96	701,080.62	100.0%
03	301	5	14.3%	2	3	0	5	2	25,542.01	127,710.07		127,710.07	31.2%
03	303	12	34.3%	9	3	0	12	2	15,553.15	186,637.80		186,637.80	45.7%
03	305	1	2.9%	1	0	0	1	0	785.49	785.49		785.49	0.2%
03	3	18	51.4%	12	6	0	18	4	17,507.41	315,133.36		315,133.36	77.1%
03	700	7	20.0%	5	2	0	7	1	1,467.76	10,274.35		10,274.35	2.5%
03	701	1	2.9%	0	1	0	1	1	79,722.54	79,722.54		79,722.54	19.5%
03	704	3	8.6%	1	2	0	3	0	88.33	265.00		265.00	0.1%
03	7	11	31.4%	6	5	0	11	2	8,205.63	90,261.89		90,261.89	22.1%
03	801	3	8.6%	3	0	1	2	0	699.33	2,098.00		2,098.00	0.5%
03	802	2	5.7%	2	0	0	2	0	477.00	954.00		954.00	0.2%
03	803	1	2.9%	1	0	0	1	0	310.50	310.50		310.50	0.1%
03	8	6	17.1%	6	0	1	5	0	560.42	3,362.50		3,362.50	0.8%
03	01	35	100.0%	24	11	1	34	6	11,678.79	408,757.75		408,757.75	100.0%
Totals for 2003 Claims:		35	100.0%	24	11	1	34	6	11,678.79	408,757.75		408,757.75	100.0%
04	201	1	2.1%	1	0	0	1	0	1,295.10	1,295.10		1,295.10	0.1%
04	2	1	2.1%	1	0	0	1	0	1,295.10	1,295.10		1,295.10	0.1%
04	301	10	20.8%	6	4	1	9	2	7,430.42	24,339.98	49,964.25	74,304.23	6.9%
04	303	11	22.9%	7	4	0	11	0	12,225.62	134,481.79		134,481.79	12.5%
04	3	21	43.8%	13	8	1	20	2	9,942.19	158,821.77	49,964.25	208,786.02	19.5%
04	504	1	2.1%	1	0	0	1	0	405.00	405.00		405.00	0.0%

EMPLOYERS CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/Claim	Paid	Outstanding	Total Incurred	% Of Total
04 5	Health & Human Services (Sub-Loc)	1	2.1%	1	0	0	1	0	405.00	405.00		405.00	0.0%
04 600	Administration (Dept)	1	2.1%	1	0	0	1	0	248.68	248.68		248.68	0.0%
04 6	Human Resources Management (Sub-Loc)	1	2.1%	1	0	0	1	0	248.68	248.68		248.68	0.0%
04 700	Patrol (Dept)	16	33.3%	12	4	0	16	4	40,543.58	648,697.32		648,697.32	60.4%
04 703	Tactical (Dept)	2	4.2%	2	0	0	2	0	137.84	275.68		275.68	0.0%
04 7	Police (Sub-Loc)	18	37.5%	14	4	0	18	4	36,054.06	648,973.00		648,973.00	60.5%
04 800	Streets (Dept)	3	6.3%	1	2	0	3	2	43,878.25	131,634.74		131,634.74	12.3%
04 801	Water & Sewer (Dept)	1	2.1%	1	0	0	1	0	0.00	0.00		0.00	0.0%
04 803	Equipment & Supply (Dept)	1	2.1%	0	1	0	1	1	81,422.11	81,422.11		81,422.11	7.6%
04 804	Forestry (Sub-Loc)	6	12.5%	3	3	0	6	3	35,589.73	213,538.35		213,538.35	19.9%
04 8	Public Works (Loc)	48	100.0%	33	15	1	47	9	22,359.29	1,023,281.90	49,964.25	1,073,246.15	100.0%
04 01	Village of Hoffman Estates (Loc)	48	100.0%	33	15	1	47	9	22,359.29	1,023,281.90	49,964.25	1,073,246.15	100.0%
Totals for 2004 Claims:		48	100.0%	33	15	1	47	9	22,359.29	1,023,281.90	49,964.25	1,073,246.15	100.0%
05 301	Fire Suppression (Dept)	6	11.3%	4	2	0	6	0	1,012.80	6,076.77		6,076.77	1.9%
05 303	Emergency Medical Services (Dept)	20	37.7%	12	8	2	18	3	13,593.25	231,565.90	40,299.03	271,864.93	84.5%
05 3	Fire (Sub-Loc)	26	49.1%	16	10	2	24	3	10,690.07	237,642.67	40,299.03	277,941.70	86.4%
05 504	Health Screening (Dept)	1	1.9%	1	0	0	1	0	184.50	184.50		184.50	0.1%
05 5	Health & Human Services (Sub-Loc)	1	1.9%	1	0	0	1	0	184.50	184.50		184.50	0.1%
05 700	Patrol (Dept)	7	13.2%	5	2	0	7	1	3,015.10	21,105.71		21,105.71	6.6%
05 701	Investigations (Dept)	1	1.9%	1	0	0	1	0	297.00	297.00		297.00	0.1%
05 704	Traffic (Dept)	1	1.9%	1	0	0	1	0	1,186.85	1,186.85		1,186.85	0.4%
05 707	Records (Dept)	1	1.9%	0	1	0	1	1	10,253.45	10,253.45		10,253.45	3.2%
05 7	Police (Sub-Loc)	10	18.9%	7	3	0	10	2	3,284.30	32,843.01		32,843.01	10.2%
05 800	Streets (Dept)	4	7.5%	4	0	0	4	0	627.99	2,511.94		2,511.94	0.8%
05 801	Water & Sewer (Dept)	5	9.4%	5	0	0	5	0	1,066.50	5,332.50		5,332.50	1.7%
05 802	Building & Grounds (Dept)	1	1.9%	1	0	0	1	0	437.00	437.00		437.00	0.1%
05 803	Equipment & Supply (Dept)	2	3.8%	2	0	0	2	0	697.05	1,394.10		1,394.10	0.4%
05 804	Forestry (Dept)	4	7.5%	3	1	0	4	0	259.88	1,039.50		1,039.50	0.3%
05 8	Public Works (Sub-Loc)	16	30.2%	15	1	0	16	0	669.69	10,715.04		10,715.04	3.3%

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/Claim	Paid	Outstanding	Total Incurred	% Of Total
05 01	Village of Hoffman Estates (Loc)	53	100.0%	39	14	2	51	5	6,069.51	281,385.22	40,299.03	321,684.25	100.0%
Totals for 2005 Claims:		53	100.0%	39	14	2	51	5	6,069.51	281,385.22	40,299.03	321,684.25	100.0%
06 201	Water Billing (Dept)	1	1.8%	0	1	0	1	0	1,527.37	1,527.37		1,527.37	0.1%
06 2	Finance (Sub-Loc)	1	1.8%	0	1	0	1	0	1,527.37	1,527.37		1,527.37	0.1%
06 301	Fire Suppression (Dept)	9	16.1%	5	4	0	9	2	38,029.36	342,264.26		342,264.26	32.3%
06 303	Emergency Medical Services (Dept)	14	25.0%	7	7	2	12	3	37,377.85	403,487.17	119,802.78	523,289.95	49.4%
06 3	Fire (Sub-Loc)	23	41.1%	12	11	2	21	5	37,632.79	745,751.43	119,802.78	865,554.21	81.7%
06 700	Patrol (Dept)	17	30.4%	11	6	1	16	3	4,087.87	65,654.42	3,839.35	69,493.77	6.6%
06 701	Investigations (Dept)	1	1.8%	1	0	0	1	0	0.00	0.00		0.00	0.0%
06 703	Tactical (Dept)	4	7.1%	3	1	0	4	0	2,311.32	9,245.26		9,245.26	0.9%
06 704	Traffic (Dept)	2	3.6%	2	0	0	2	0	3,850.97	7,701.94		7,701.94	0.7%
06 707	Records (Dept)	1	1.8%	0	1	0	1	1	24,709.39	24,709.39		24,709.39	2.3%
06 7	Police (Sub-Loc)	25	44.6%	17	8	1	24	4	4,446.01	107,311.01	3,839.35	111,150.36	10.5%
06 800	Streets (Dept)	1	1.8%	1	0	0	1	0	4,201.51	4,201.51		4,201.51	0.4%
06 801	Water & Sewer (Dept)	2	3.6%	1	1	0	2	0	112.50	225.00		225.00	0.0%
06 802	Building & Grounds (Dept)	1	1.8%	0	1	0	1	0	70,689.99	70,689.99		70,689.99	6.7%
06 804	Forestry (Dept)	3	5.4%	3	0	0	3	0	2,038.90	6,116.71		6,116.71	0.6%
06 8	Public Works (Sub-Loc)	7	12.5%	5	2	0	7	0	11,604.74	81,233.21		81,233.21	7.7%
06 01	Village of Hoffman Estates (Loc)	56	100.0%	34	22	3	53	9	18,919.02	935,823.02	123,642.13	1,059,465.15	100.0%
Totals for 2006 Claims:		56	100.0%	34	22	3	53	9	18,919.02	935,823.02	123,642.13	1,059,465.15	100.0%
07 301	Fire Suppression (Dept)	9	18.8%	7	2	2	7	2	40,203.79	165,388.58	196,445.52	361,834.10	61.1%
07 303	Emergency Medical Services (Dept)	7	14.6%	7	0	0	7	0	1,683.07	11,781.51		11,781.51	2.0%
07 3	Fire (Sub-Loc)	16	33.3%	14	2	2	14	2	23,350.98	177,170.09	196,445.52	373,615.61	63.1%
07 600	Administration (Dept)	1	2.1%	0	1	0	1	0	0.00	0.00		0.00	0.0%
07 6	Human Resources Management (Sub-Loc)	1	2.1%	0	1	0	1	0	0.00	0.00		0.00	0.0%
07 700	Patrol (Dept)	10	20.8%	6	4	1	9	2	5,577.20	53,909.49	1,862.50	55,771.99	9.4%
07 703	Tactical (Dept)	2	4.2%	2	0	0	2	0	356.16	712.31		712.31	0.1%
07 704	Traffic (Dept)	4	8.3%	2	2	0	4	1	4,376.80	17,507.19		17,507.19	3.0%
07 7	Police (Sub-Loc)	16	33.3%	10	6	1	15	3	4,624.47	72,128.99	1,862.50	73,991.49	12.5%

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/ Claim	Paid	Outstanding	Total Incurred	% Of Total
07 800	Streets	(Dept) 3	6.3%	2	1	0	3	1	8,294.56	24,883.69		24,883.69	4.2%
07 801	Water & Sewer	(Dept) 4	8.3%	4	0	0	4	0	1,093.37	4,373.47		4,373.47	0.7%
07 802	Building & Grounds	(Dept) 1	2.1%	1	0	0	1	0	743.84	743.84		743.84	0.1%
07 803	Equipment & Supply	(Dept) 3	6.3%	3	0	0	3	0	1,148.10	3,444.30		3,444.30	0.6%
07 804	Forestry	(Dept) 4	8.3%	3	1	1	3	1	27,686.26	65,019.14	45,725.90	110,745.04	18.7%
07 8	Public Works	(Sub-Loc) 15	31.3%	13	2	1	14	2	9,612.69	98,464.44	45,725.90	144,190.34	24.4%
07 01	Village of Hoffman Estates	(Loc) 48	100.0%	37	11	4	44	7	12,329.11	347,763.52	244,033.92	591,797.44	100.0%
Totals for 2007 Claims:		48	100.0%	37	11	4	44	7	12,329.11	347,763.52	244,033.92	591,797.44	100.0%
08 200	Accounting	(Dept) 1	1.6%	1	0	0	1	0	0.00	0.00		0.00	0.0%
08 206	Customer Service	(Dept) 1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 2	Finance	(Sub-Loc) 2	3.3%	1	1	0	2	0	0.00	0.00		0.00	0.0%
08 300	Administration	(Dept) 1	1.6%	1	0	0	1	0	3,466.28	3,466.28		3,466.28	0.7%
08 301	Fire Suppression	(Dept) 14	23.0%	11	3	2	12	1	1,255.65	13,860.13	3,719.03	17,579.16	3.5%
08 303	Emergency Medical Services	(Dept) 20	32.8%	17	3	4	16	2	11,398.99	108,887.94	119,091.80	227,979.74	46.0%
08 3	Fire	(Sub-Loc) 35	57.4%	29	6	6	29	3	7,115.01	126,214.35	122,810.83	249,025.18	50.2%
08 400	Manager's Office	(Dept) 1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 4	General Government	(Sub-Loc) 1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 700	Patrol	(Dept) 7	11.5%	5	2	1	6	1	5,058.95	17,615.03	17,797.59	35,412.62	7.1%
08 701	Investigations	(Dept) 1	1.6%	0	1	1	0	1	91,783.79	66,897.97	24,885.82	91,783.79	18.5%
08 703	Tactical	(Dept) 2	3.3%	2	0	0	2	0	782.53	1,565.06		1,565.06	0.3%
08 704	Traffic	(Dept) 1	1.6%	0	1	0	1	0	8,049.19	8,049.19		8,049.19	1.6%
08 705	Canine	(Dept) 1	1.6%	1	0	0	1	0	5,940.13	5,940.13		5,940.13	1.2%
08 7	Police	(Sub-Loc) 12	19.7%	8	4	2	10	2	11,895.90	100,067.38	42,683.41	142,750.79	28.8%
08 800	Streets	(Dept) 4	6.6%	4	0	0	4	0	460.65	1,842.60		1,842.60	0.4%
08 801	Water & Sewer	(Dept) 5	8.2%	4	1	1	4	0	410.40	2,052.00		2,052.00	0.4%
08 804	Forestry	(Dept) 2	3.3%	1	1	1	1	1	50,082.41	72,460.14	27,704.68	100,164.82	20.2%
08 8	Public Works	(Sub-Loc) 11	18.0%	9	2	2	9	1	9,459.95	76,354.74	27,704.68	104,059.42	21.0%
08 01	Village of Hoffman Estates	(Loc) 61	100.0%	47	14	10	51	6	8,128.45	302,636.47	193,198.91	495,835.38	100.0%
Totals for 2008 Claims:		61	100.0%	47	14	10	51	6	8,128.45	302,636.47	193,198.91	495,835.38	100.0%

EMPLOYER'S CLAIM SERVICE, INC.
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY
 From: 12/31/1999 Through: 04/30/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/Claim	Paid	Outstanding	Total Incurred	% Of Total
09 301	Fire Suppression	4	66.7%	3	1	3	1	0	11,400.39	24,164.35	21,437.22	45,601.57	37.1%
09 303	Emergency Medical Services	1	16.7%	0	1	1	0	0	75,644.79	38,789.20	36,855.59	75,644.79	61.5%
09 3	Fire	5	83.3%	3	2	4	1	0	24,249.27	62,953.55	58,292.81	121,246.36	98.5%
09 700	Patrol	1	16.7%	0	1	1	0	0	1,800.00	1,303.53	496.47	1,800.00	1.5%
09 7	Police	1	16.7%	0	1	1	0	0	1,800.00	1,303.53	496.47	1,800.00	1.5%
09 01	Village of Hoffman Estates	6	100.0%	3	3	5	1	0	20,507.73	64,257.08	58,789.28	123,046.36	100.0%
Totals for 2009 Claims:		6	100.0%	3	3	5	1	0	20,507.73	64,257.08	58,789.28	123,046.36	100.0%
250	Village of Hoffman Estates	466		308	158	33	433	79	13,546.94	5,426,250.96	886,623.20	6,312,874.16	

Open Medical: 7
 Open Comp: 5
 Open Legal: 21