

AGENDA
SPECIAL PUBLIC HEALTH AND SAFETY COMMITTEE
Village of Hoffman Estates
September 3, 2019

7:00 p.m. – Board Room

Members: **Michael Gaeta, Chairman**
 Gary Pilafas, Vice Chairman
 Anna Newell, Trustee
 Karen Mills, Trustee
 Gary Stanton, Trustee
 Karen Arnet, Trustee
 William McLeod, Mayor

I. Roll Call

NEW BUSINESS

1. Request approval of an ordinance amending Section 6-2-1-HE-11-1401 of the Hoffman Estates Municipal Code (pedestrian solicitations).
2. Request approval to waive formal bidding and award the contract for purchase of a 2019 Aluminum 12-foot Walk-Around Responder Body Rescue vehicle to Maintainer Corporation of Iowa, Sheldon, Iowa in an amount not to exceed \$185,000.

II. President’s Report

III. Adjournment

(Further details and information can be found in the agenda packet attached hereto and incorporated herein and can also be viewed online at www.hoffmanestates.org and/or in person in the Village Clerk’s office).

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

**COMMITTEE AGENDA ITEM
VILLAGE OF HOFFMAN ESTATES**

SUBJECT: Request approval of an ordinance amending Section 6-2-1-HE-11-1401 of the Hoffman Estates Municipal Code

MEETING DATE: September 3, 2019

COMMITTEE: Special Public Health and Safety Committee

FROM: Arthur Janura, Corporation Counsel
Douglas LaSota, Associate Corporation Counsel

PURPOSE: Request approval of an ordinance amending Section 6-2-1-HE-11-1401 of the Hoffman Estates Municipal Code.

BACKGROUND: In accordance with Section 11-1006 of the Illinois Vehicle Code, Hoffman Estates Municipal Code Section 6-2-1-HE-11-1401 imposes certain restrictions on solicitation by pedestrians in the roadway.

DISCUSSION: Section 11-1006 of the Illinois Vehicle Code prohibits persons from standing in a road for the purpose of soliciting contributions, employment, business, or rides from the occupant of any vehicle. Certain registered non-profit organizations are exempted from this prohibition. Violation of this section is a Class A misdemeanor. Section 6-2-1-HE-11-1401 of the Hoffman Estates Municipal Code tracks the language of the state law.

On August 20, 2019, the American Civil Liberties Union, on behalf of certain individuals, filed a lawsuit against the Village of Downers Grove, challenging both the state law and that village's corresponding ordinance as unconstitutional in that the restrictions imposed are neither content-neutral nor narrowly tailored to serve a significant governmental interest.

Based upon a review of that lawsuit, Corporation Counsel recommends that Section 6-2-1-HE-11-1401 be deleted in its entirety from the Hoffman Estates Municipal Code, given the uncertainty of the constitutionality of the provisions contained therein. Note that in repealing the Village ordinance, the Illinois Vehicle Code's prohibition on solicitation would be extended to the activities of any person, including non-profit organizations. In spite of this unintended consequence, the Village's interests are best served by repealing the ordinance.

If the Board determines that limited restrictions on solicitation by pedestrians in the roadway are necessary to further the Village's safety interests, than restrictions that are content-neutral and narrowly tailored considering location, traffic volume, width of medians, time of day, weather conditions, and other factors relating to traffic or pedestrian safety may be developed upon direction from the Board.

RECOMMENDATION: Request approval of an ordinance amending Section 6-2-1-HE-11-1401 of the Hoffman Estates Municipal Code.

HE-11-1401 PEDESTRIAN SOLICITATION

Repeal

A. No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.

B. No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.

C. No person shall stand on a highway for the purpose of soliciting contributions from the occupant of any vehicle except with a license issued pursuant to Sec. 8-7-14 and compliance with requirements below. Solicitation on highways within this Village shall be allowed only at intersections where all traffic is required to come to a full stop.

1. The soliciting agency shall be:

a. Registered with the Attorney General as a charitable organization as provided by "An act to regulate solicitation and collection of funds for charitable purposes, providing for violations thereof, and making an appropriation therefor".

b. Engaged in a Statewide fund raising activity.

c. Liable for any injuries to any person or property during the solicitation which is causally related to an act of ordinary negligence of the soliciting agent.

2. Solicitation by any soliciting agency shall be limited to two (2) days per calendar year.

3. Any person engaged in the act of solicitation shall be sixteen (16) years of age or more and shall be wearing a high visibility vest.

D. No person shall stand on or in the proximity of a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a highway.

HE-12-101 SEAT BELT ENFORCEMENT

Any Village police officer may stop any motor vehicle, or driver or passenger of such vehicle solely on the basis of a violation or suspected violation by either the driver or passenger failing to have a fastened seat safety belt, in violation of this section while such motor vehicle is being operated on any roadway within the corporate limits of the Village of Hoffman Estates.

ORDINANCE NO. _____ - 2019

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING
SECTION 6-2-1-HE-11-1401, PEDESTRIAN SOLICITATION,
OF THE HOFFMAN ESTATES MUNICIPAL CODE

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 Section 6-2-1-HE-11-1401, PEDESTRIAN SOLICITATION, of the Hoffman Estates Municipal Code be and is hereby deleted in its entirety.

Section 2: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 3: That this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS _____ day of _____, 2019

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Trustee Gary G. Stanton	_____	_____	_____	_____
Trustee Michael Gaeta	_____	_____	_____	_____
Trustee Karen Arnet	_____	_____	_____	_____
President William D. McLeod	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2019

Village President

ATTEST:

Village Clerk

Published in pamphlet form this _____ day of _____, 2019.

**COMMITTEE AGENDA ITEM
VILLAGE OF HOFFMAN ESTATES**

SUBJECT: **REQUEST APPROVAL TO WAIVE FORMAL BIDDING AND AWARD THE CONTRACT FOR PURCHASE OF A 2019 ALL ALUMINUM 12 FOOT WALK-AROUND RESPONDER BODY RESCUE VEHICLE TO MAINTAINER CORPORATION OF IOWA, SHELDON, IOWA IN AN AMOUNT NOT TO EXCEED \$185,000.**

MEETING DATE: **September 3, 2019**

COMMITTEE: **Public Health and Safety Committee**

FROM: **Patrick Fortunato, Fire Chief**

PURPOSE: To request authorization to waive formal bidding and award the contract for a 2019 All Aluminum 12-foot Walk-Around Responder Body Rescue vehicle to Maintainer Corporation of Iowa, in an amount not to exceed \$185,000.

BACKGROUND: The Fire Department has requested to purchase a rapid response vehicle in FY 2019 to be used as a support vehicle for EMS and auto extrication responses.

DISCUSSION: At the July 2, 2019 CIB – Mid Year Review, the Fire Department communicated our desire to continue to provide high-quality services and extend the life expectancy of our larger fire apparatus (Engines and Towers). Our Emergency Medical Responses continue to increase. This increase in call volume continues to cause additional wear and tear on our larger fire apparatus that respond in a support role on EMS calls. Placing a Rapid Response Unit in service provides the support capabilities needed and also carries all the vehicle extrication equipment and other tools needed for non-emergency responses in a smaller and more cost-effective vehicle.

The new Rapid Response Unit would be placed in service at Fire Station 22 as Squad 22. The primary functions of this apparatus will be EMS support for all EMS responses in District 22 auto accident extrication and non-emergency responses through-out the Village. This operational model

provides us the ability to reduce the number of responses for Engine 22 and Tower 22. In turn, this will help to prolong the life-expectancy of these costly apparatus.

The Fire Department began researching and reviewing several manufacturers and their ability to build the type of vehicle needed. As a result, our research focused on three (3) companies. Our goal is to get the best apparatus possible that most closely meets the needs within our community at the best price.

To help reduce the costs associated with this purchase, the Fire Department reviewed purchasing cooperatives including the Northwest Municipal Conference and the Houston-Galveston Area Council. These co-ops develop base specifications for a variety of vehicles, including fire rescue apparatus. The specifications are then distributed to fire apparatus manufacturers and bids are submitted. Bids returned from vendors that choose to participate include a base price as well as costs associated with optional alterations to that base bid.

Based on the research, reviews of manufacturers, and types of apparatus available in the purchasing co-op programs, the Fire Department began to focus on Maintainer Corporation, and their bid contained within the Houston-Galveston Area Council (HGAC) bid FS12-17 – Fire Service Apparatus.

During our research, we found that the Rolling Meadows Fire Department purchased a similar designed vehicle from Maintainer Corporation last year. Members of the committee were able to conduct a site visit and inspect the apparatus. In summary, we did not find any issues or concerns related to Maintainer. In fact, most comments were positive.

Throughout the review process, the Fire Department has worked closely with Fleet Services to make sure they approved of this manufacturer. The Fire Department has taken Fleet Services' recommendations and worked these into the apparatus changes (from the HGAC base bid). Fleet Services is supportive of this purchase.

FINANCIAL IMPACT: The CIP Budget for 2019 includes funding for the purchase of a 2019 Rapid Response Rescue vehicle. This funding was approved by the Village Board on August 19, 2019.

The Fire Department believes that the Village will realize significant savings by using the Houston-Galveston Area Council for this purchase.

RECOMMENDATION: It is the recommendation of the Fire Department to waive formal bidding and award the contract for a 2019 All Aluminum 12-foot Walk-Around Responder Body Rescue Vehicle to Maintainer Corporation of Iowa, in an amount not to exceed \$185,000.