



## AGENDA

### GENERAL ADMINISTRATION & PERSONNEL COMMITTEE VILLAGE OF HOFFMAN ESTATES

November 9, 2009

#### *Immediately Following Planning, Building, & Zoning Committee*

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

#### **I. Roll Call**

**II. Approval of Minutes – September 30, 2009 (Special Meeting);  
October 12, 2009 (Postponed Meeting);  
October 19, 2009**

#### **NEW BUSINESS**

1. Discussion regarding the legislative update.
2. Request approval of an Ordinance declaring Village property surplus and permitting the sale of personal property owned by the Village.
3. Request authorization to award contract for full-service professional printing of the Citizen Newsletter to Hagg Press for years 2010 and 2011, with an option for 2012.
4. Request approval of an Ordinance to enter into an Intergovernmental Agreement with various Illinois municipalities to form the Northern Illinois Municipal Natural Gas Franchise Consortium.
5. Request acceptance of Cable TV Monthly Report.
6. Request acceptance of Human Resources Management Monthly Report.

#### **III. President's Report**

#### **IV. Other**

#### **V. Adjournment – Executive Session – Collective Bargaining (5 ILCS 120/2-(c)-(2))**

*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 – SOCIAL MEETING**

September 30, 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:**

**James Norris, Village Manager  
Dan O'Malley, Deputy Village Manager  
Bev Romanoff, Village Clerk  
Mark Koplín, Asst. Vlg. Mgr., Dev. Services  
Mike DuCharme, Director of Finance  
Gary Salavitch, Director of Engineering  
Ken Hari, Director of Public Works  
Algean Garner, Dir. of Health & Human Svcs.  
Mike Hish, Deputy Police Chief  
Bob Gorvett, Fire Chief  
Dave Christensen, Emergency Svcs. Coord.**

**Others in Attendance**

**Reporter from the *Daily Herald*  
Nancy Harbottle, Arnstein & Lehr**

The General Administration & Personnel special meeting was called to order at 9:33 p.m.

**NEW BUSINESS**

- 1. Request waiver of certain fees by Rotary Club of Schaumburg and Hoffman Estates for the Touch a Truck Fundraiser on October 11, 2009.**

An item summary sheet was submitted to the Committee.

Trustee Pilafas asked if the event was previously held at a baseball field in a different town. Mr. Norris replied that it was.

Trustee Collins stated that events should not expect to always receive waived fees in light of the current economic conditions.

Ms. Marie Gildersleeve Rotarian, resident at 1385 Cooper Road, stated that they were planning to keep the event in the area for five years to raise \$250,000 for Alexian Brothers.

Motion by Mayor McLeod, seconded by Trustee Kincaid, to accept the request to waive certain fees by Rotary Club of Schaumburg and Hoffman Estates for the Touch a Truck Fundraiser on October 11, 2009. Voice vote taken. All ayes. Motion carried.

**2. Request wavier of certain fees by Amercian Cancer Society for the Making Strides against Breast Cancer 5 Mile Run/Walk on October 18, 2009.**

An item summary sheet was submitted to the Committee.

Trustee Green asked where the event would be held. Mr. Norris replied that the organization was still working on the route.

Trustee Pilafas stated that another not-for-profit, Bright Hope, had a similar request denied and asked why it was denied. Mr. Norris and Trustee Mills replied that the Board did not waive on-site employee fees.

Mr. Norris asked if the Board would like to waive certain fees up to a certain amount, not to include staff time. Trustee Mills asked to put that item on the next Committee meeting agenda.

Motion by Trustee Kincaid, seconded by Trustee Collins, to accept the request to wave certain fees by Amercian Cancer Society for the Making Strides against Breast Cancer 5 Mile Run/Walk on October 18, 2009. Voice vote taken. All ayes. Motion carried.

**II. Other**

**III. Adjournment**

Motion by Trustee Collins, seconded by Trustee Pilafas, to adjourn the meeting at 9:38 p.m. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

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Emily Kerous, Director of Operations  
Office of the Mayor & Board

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Date

GENERAL ADMINISTRATION & PERSONNEL  
COMMITTEE MEETING MINUTES

October 12, 2009

**I. Roll Call**

<b>Members in Attendance:</b>	<b>Karen Mills, Chairperson</b>
<b>Other Corporate Authorities in Attendance:</b>	<b>Trustee Cary Collins Trustee Anna Newell Mayor William McLeod</b>
<b>Management Team Members in Attendance:</b>	<b>Jim Norris, Village Manager Arthur Janura, Corporation Counsel Dan O'Malley, Deputy Village Manager</b>

The General Administration & Personnel meeting was called to order at 7:32 p.m.

Trustee Mills announced that due to a lack of quorum, the General Administration & Personnel Committee, as well as the Planning, Building & Zoning, and Transportation & Road Improvement Committee meetings would be postponed this evening. She inquired whether the meetings could be moved to Monday, October 19, 2009 at 7:45 p.m. Village Manager Norris responded that they could be moved and there was a consensus to do so.

**II. Adjournment**

Meeting ended at 7:37 p.m.

Minutes submitted by:

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Debbie Schoop, Executive Assistant

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Date

**GENERAL ADMINISTRATION & PERSONNEL  
COMMITTEE MEETING MINUTES**

October 19, 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  
Arthur Janura, Corporation Counsel  
Dan O'Malley, Deputy Village Manager  
Mark Koplun, Asst. Vlg. Mgr., Dev. Services  
Mike Hankey, Director of Transportation  
Patrick Seger, Director of HRM  
Clint Herdegen, Police Chief  
Robert Gorvett, Fire Chief  
Algean Garner, Director of HHS  
Michael DuCharme, Director of Finance  
Gordon Eaken, Director of IS  
Bev Romanoff, Village Clerk  
Bruce Anderson, CATV Coordinator  
Rebecca Suhajda, Administrative Intern  
Dave Christensen, Emergency Services**

**Others in Attendance**

**Reporter from Daily Herald**

The General Administration & Personnel meeting was called to order at 7:50 p.m.

**II. Approval of Minutes**

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve the General Administration & Personnel Committee meeting minutes of September 14, 2009. Voice vote taken. All ayes. Motion carried.

**NEW BUSINESS**

- 1. Request to add a section to the Board and Commission manual regarding event publicity.**

An item summary sheet from Doug Schultz was presented to Committee.

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve amendment to Boards and Commissions manual regarding event publicity. Voice vote taken. All ayes. Motion carried.

**2. Discussion regarding policy to allow administrative approval of special event license and fee waivers under certain conditions.**

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

Motion by Trustee Collins, seconded by Trustee Pilafas, to approve policy regarding administrative approval of special event license and fee waivers under certain conditions. Voice vote taken. All ayes. Motion carried.

**3. Update of Village Personnel Policy Manual (FMLA and other administrative policy changes).**

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

Jim Norris addressed the Committee and stated that the Personnel Policy Manual is amended occasionally and this amendment includes changes to FMLA, State of Illinois smoking policy and some minor changes related to overtime of non-union employees.

Trustee Mills expressed her thanks to staff for offering to take comp time in lieu of overtime for hours worked.

Motion by Trustee Green, seconded by Trustee Newell, to approve update of Village Personnel Policy Manual. Voice vote taken. All ayes. Motion carried.

**4. Request approval of the creation of the Tartan Day Commission.**

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

Motion by Trustee Collins, seconded by Trustee Green, to approve creation of the Tartan Day Commission. 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 Collins, seconded by Trustee Green, to accept Human Resources Management monthly report. Voice vote taken. All ayes. Motion carried.

**III. President's Report**

**IV. Other**

**V. Adjournment**

Motion by Trustee Collins, seconded by Trustee Green, to adjourn the meeting at 7:57 p.m. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

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Debbie Schoop, Executive Assistant

\_\_\_\_\_  
Date

# COMMITTEE AGENDA ITEM

## VILLAGE OF HOFFMAN ESTATES

**SUBJECT:** Discussion regarding legislative update

**MEETING DATE:** November 9, 2009

**COMMITTEE:** General Administration & Personnel Committee

**FROM:** Becky Suhajda, Administrative Intern

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**PURPOSE:** To provide a summary of significant legislation recently discussed in the 2009 Illinois General Assembly Veto Session.

**BACKGROUND:** The Veto Session is a six-day period during which the General Assembly can act on the bills that were either vetoed or amendatorally vetoed by the Governor during the spring legislative session. Rather than give the Governor the final word on a bill, the Illinois Constitution allows the General Assembly to either override or accept the Governor's actions. This opportunity presents itself during the Veto Session.

**DISCUSSION:** The attached memo outlines those bills significant to the Village of Hoffman Estates that advanced or failed during the 2009 Illinois General Assembly Veto Session.

Note: The General Assembly is scheduled to return on Tuesday, January 12. Following that week, the General Assembly is not in session again until February 3. The deadline to introduce bills is February 11.

**ATTACHMENTS:** Legislative Update Memorandum  
List of staff tracked legislation  
Northwest Municipal Conference Legislative Update  
IML 2009 Public Acts and Vetoes Synopsis



# VILLAGE OF HOFFMAN ESTATES

## Memo

**TO:** James H. Norris, Village Manager  
**FROM:** Rebecca Suhajda, Administrative Intern  
**RE:** Legislative Update  
**DATE:** November 9, 2009

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The following provides a summary of significant legislation recently discussed in the 2009 Illinois General Assembly Veto Session. Full text of all bills can be found at: <http://www.ilga.gov/>. A list of legislation previously reviewed and acted on by the Board is attached.

### **Bills of interest that advanced during the Legislative Veto Session**

#### **Senate Bill 1894 – Foreclosure Notification Senator William R. Haine**

**Summary** – Requires foreclosing entities to provide local governments notice when a foreclosure action is initiated and completed requires that notices include information that makes it easy for municipalities to contact the person responsible for maintaining and securing the property and gives priority to municipal liens for the cost of property maintenance in a foreclosure sale. Municipalities would be able to recover their costs if they are properly documented and the municipality made a good faith effort to contact the property owner.

**Status** – October 29, 2009, passed by both houses. The bill now advances to the Governor for his consideration.

**Impact on Hoffman Estates** - If made law, the amendment outlined in this bill would provide the Village with important knowledge pertaining to foreclosures that it currently does not possess. At present, Village personnel spend valuable time and resources to acquire contact information for foreclosures that pose a threat to the health and safety of our residents. Obtaining prior knowledge of foreclosure within the Village would provide the Village's Police and Code Enforcement Officers with current contact information for a foreclosed property in the case of an emergency or threatening code violations.

**Recommendation** – IML and NWMC support; staff recommends support.

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**Senate Bill 1866 and House Bill 2455 (Public Act 96-0653 and Public Act 96-0279)**

**Summary** - the General Assembly approved, and the Governor signed into law, two contradictory bills regarding “low-speed” or “non-highway” vehicles. These vehicles, generally speaking, include golf carts, all-terrain vehicles, non-highway motorcycles, and neighborhood vehicles. SB 1866, authorizes these vehicles on municipal roadways unless prohibited. HB 2455, prohibits these vehicles from municipal roads unless authorized.

**Status** – This issue was not resolved by the conclusion of the Legislative Veto Session, but will be addressed by IML and NWMC during Spring Session.

**Impact on Hoffman Estates** – Limited impact.

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**Bills of interest that failed to advance during the Legislative Veto Session**

**Senate Bill 2011 – Pension Fund Relief**

**Summary** - 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** – Despite the efforts of the NWMC and the IML negotiations of Senate Bill 2011 failed to result in a compromise during the veto session. Review the attached NWMC Legislative Update for further details.

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**House Bill 1306 – Video Gaming**

**Summary** - Amends the Video Gaming Act. In provisions concerning ordinances or referendums to prohibit video gaming, provides that if the ordinance or proposition passes, then each existing licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment covered by the ordinance or proposition may continue to conduct video gaming for up to 2 years after the date of the approval of the ordinance or proposition.

**Status** – The amendment was approved in the Senate, but the House voted not to concur.

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Tracked Pending Legislation

Bill Number	Bill Summary Name	Bill Summary	Status	Previous Action
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 violation, persons who carry or possess firearms in accordance with the Family and	Re-referred to House Rules Committee, 4/3/09	Letter of opposition sent to the Village's representative delegation, 3/23/09
HB 367	Conceal Carry of Firearm	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 violation persons who carry or possess firearms in accordance with the Family and Personal Protection Act. Effective immediately.	Re-referred to House Rules Committee, 4/3/09.	Letter of opposition sent to the Village's representative delegation, 3/23/09

Tracked Pending Legislation

<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 650</p> <p>FF Health Insurance Continuation</p> <p>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.</p> <p>Re-referred to Senate Assignments - 5/8/09</p> <p>Staff, IML, and NWMC suggests opposition.</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>
<p>HB 895</p> <p>Purchase Pension – 3% Increase of Disability Pension</p> <p>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.</p> <p>Re-referred to House Assignments, 5/8/09.</p> <p>Staff, IML, and NWMC suggest opposition.</p>

<p>HB 923</p>	<p>Expansion of "Catastrophic Injury" Health Insurance for FF</p>	<p>Amends the Downstate Firefighter Article of the Illinois Pension Code. Provides that the term "act of duty" shall include any term or condition of employment assigned to any firefighter, emergency medical technician (EMT), or paramedic by his or her employing entity and is not limited in any fashion to a firefighting activity that involves a special risk of the occupation. Specifies that any activity performed by a firefighter, EMT, or paramedic assigned by a supervisor directly or indirectly constitutes an act of duty, including, but not limited to, routine maintenance, housekeeping chores, clerical tasks, and other assigned duties. Effective immediately.</p>	<p>Re-referred to Senate Assignments - 5/8/09</p>	<p>Staff, IML, and NWM/C suggest opposition. Letter of opposition sent from Mayor McLeod to our representative delegation 3/19/09.</p>
<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>

Tracked Pending Legislation

<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 Control Program in a manner inconsistent with the requirements of this Act. Amends the State Mandates Act to require implementation without reimbursement. Effective</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>
<p>HB 1041</p>	<p>Retroactive Pension Increase</p>	<p>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. <b>House Floor Amendment No. 3</b> 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.</p>	<p>Re-referred to Senate Assignments - 5/8/09</p>	<p>Staff, IML, and NWM/C suggest opposition.</p>

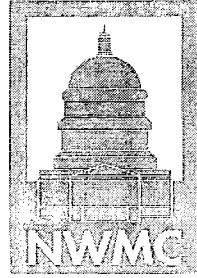
Tracked Pending Legislation

<p>HB 1135</p>	<p>Tort Liability for Sewer Back-ups</p>	<p>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.</p>	<p>Re-referred to House Rules Committee, 4/3/09.</p>	<p>Letter of opposition sent from Mayor McLeod to our representative delegation on 3/19/09</p>
<p>HB 2540</p>	<p>Retroactive Pension Increase</p>	<p>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.</p>	<p>Re-referred to Senate Assignments - 5/8/09</p>	<p>Staff, IML, and NWMC suggest opposition.</p>
<p>SB 50</p>	<p>Road Salt Reimbursement Fund</p>	<p>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.</p>	<p>Assigned to executive committee, 4/15/09</p>	<p>Staff suggests support. Letter of support sent from Mayor McLeod to our representative delegation.</p>
<p>SB 82</p>	<p>Local Tax Audit</p>	<p>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.</p>	<p>Rule 19(a) / Re-referred to Rules Committee, 5/31/09.</p>	<p>Staff suggests opposition in current form.</p>



Tracked Pending Legislation

SB 2072	Public Labor Manning Levels	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.	Re-referred to Rules Committee, 5/8/09	Staff, IML, and NWM/C suggests opposition.
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November 2, 2009

## ***Pension Relief Bill Fails to Advance***

Despite the persistent efforts of the Northwest Municipal Conference, Illinois Municipal League and others, negotiations on Senate Bill 2011 failed to result in a compromise during the veto session. Originally proposed to provide critical taxpayer relief by resetting the amortization of public safety pensions to 2049, negotiations with the Associated Fire Fighters of Illinois (AFFI) and the Fraternal Order of Police (FOP) ultimately reduced the bill to a 1 year, 10% cap on the increase, with a murky commitment to consider a second year. The municipal interests were seeking a two year, 10% cap. In exchange for the one year cap, the FOP demanded a last minute shift in municipal liability regarding insolvent police pension funds and the AFFI demanded legislative intent language to preserve public safety employment (something that was rejected by the municipal interests in the spring due to the creation of a protected class of municipal employees).

At the insistence of House leadership to advance an agreed bill, the parties met again on Wednesday afternoon in a final attempt to find middle ground. Representing the Conference were *NWMC President* and *Lincolnwood Mayor Jerry Turry*, *Wilmette Village President Chris Canning*, *Buffalo Grove Village President Elliott Hartstein* and *Des Plaines Mayor Marty Moylan*.

Prior to the meeting, the Illinois FOP Labor Council had indicated that a two year cap was acceptable in exchange for their language. The Illinois FOP State Lodge, however, said that they would only accept parity with the AFFI and could not agree to a two year cap. Despite further concessions by the municipal interests to identify language that would satisfy the union's demands, this flip to a one year cap with no surety of a second year proved unacceptable.

At each phase of negotiations, staff contacted the membership via email to solicit their input on the latest proposals. We thank each of you who provided input to help guide the NWMC negotiating team. We also thank Senators Pam Althoff and Susan Garrett and Representative Elaine Nekritz for their hard work to try and get this bill approved.

### ***Looking Ahead to Spring***

The General Assembly is scheduled to return to action on Tuesday, January 12. According to the House calendar, the Governor will be making his annual State of the State address on Wednesday, January 13. Following that week, the General Assembly is not in session again until Wednesday, February 3 (the day after the primary election).

The first major deadline, introduction of bills in their respective chambers, falls the following week on Thursday, February 11.

## ***Foreclosure Notification Legislation Advances to Governor***

Legislation that helps municipalities address the problems related to foreclosed properties passed both chambers during veto session. **Senate Bill 1894 (Sen. Haine / Rep. McCarthy)** requires foreclosing entities to provide local governments notice when a foreclosure action is initiated and completed, requires that notices include information that makes it easy for municipalities to contact the person responsible for maintaining and securing the property and gives priority to municipal liens for the cost of property maintenance in a foreclosure sale. Municipalities would be able to recover their costs if they are properly documented and the municipality made a good faith effort to contact the property owner. Several Conference members worked with the Metropolitan Mayors Caucus and Business and Professional People for the Public Interest (BPI) in drafting this legislation. The bill now advances to the Governor for his consideration.

## ***Bonding Authority Extension During Litigation Bill Advances***

Legislation protecting municipal bonding authority successfully passed both chambers. **Senate Bill 2188 (Sen. Clayborne / Rep. Winters)** amends the Local Government Debt Reform Act to toll the time period during which referendum approval for bond issuance remains active if the bonds are not issued because of a court action. As it currently stands, the five year deadline continues to run even if litigation prevents the bonds from being issued. The bill, an initiative of the Illinois Municipal League, now advances to the Governor for his consideration.

## ***Bills That Did Not Advance During Veto Session***

**Senate Bill 43 (Sen. Clayborne / Rep. Fritchey)** would apply the Prevailing Wage Act to all work done within TIF and Enterprise Zones, including private projects. Discussions on this bill continued during veto session but did not result in a compromise, leaving the bill stranded on second reading in the House.

**Senate Bill 1471 (Sen. E. Jones / Rep. M. Davis)** was drafted as a reform bill in response to the Burr Oaks Cemetery problems that imposes strict licensing and other oversights. Earlier versions of the bill would have applied to municipal and township run cemeteries. The version that passed out of the House last week included an amendment exempting local government run cemeteries. The bill is currently in the Senate awaiting concurrence with the House amendments.

**House Bill 1306 (Rep. Lang / Sen. Harmon)** was gutted in the Senate and amends the Video Gaming Act to allow, in cases when local ordinances or referendums are passed to prohibit video gaming, then each existing licensed establishment, licensed fraternal establishment, licensed veterans establishment, or licensed truck stop establishment covered by the ordinance or proposition may continue to conduct video gaming for up to two years after the date of the approval of the ordinance or proposition. The amendment was approved in the Senate but the House voted not to concur.

# 2009 Public Acts and Vetoes

November 3, 2009

## 2009 Public Acts and Vetoes – November 3, 2009

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**2009 Public Acts and Vetoes – November 3, 2009**

**I. INTRODUCTION**

This document contains a brief summary of each bill being tracked by the IML that has a public act number or will be assigned a public act number as a result of the General Assembly either overriding or accepting the Governor's vetoes. Bills initially sent to the Governor during the Veto Session are not listed in this report but will be listed if and when they receive public act numbers. The bills are presented in numeric order and categorized as either House Bills or Senate Bills.

**II. HOUSE BILLS**

**Riverboat Fines Distributed to Municipalities – HB 14 (P.A.96-0224)**

House Bill 14 provides that, if a fine is imposed on an owner/ licensee for knowingly sending marketing or promotional materials to any person placed on the self-exclusion list, then the Illinois Gaming Board shall distribute an amount equal to 15% of the fine imposed to the unit of local government in which the riverboat is located for the purpose of awarding grants to non-profit entities that assist gambling addicts. Effective August 11, 2009.

**Creates the Lease of Closed State Properties Act – HB 37 (P.A.96-0557)**

House Bill 37 allows the Illinois Historic Preservation Agency and the Illinois Department of Natural Resources to offer to qualified interested local entities the opportunity to assume the operation and maintenance of any closed State park or closed State historic site through a lease agreement. The legislation includes many other provisions. Effective August 18, 2009.

**Fire Station Revolving Loans – HB 38 (P.A.96-0135)**

House Bill 38 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. Effective July 1, 2009.

**FOIA Exemptions for Law Enforcement – HB 47 (P.A.96-0558)**

House Bill 47 exempts from the Freedom of Information Act the copying and inspection requirements for data of law enforcement agencies on the mental and physical disabilities, defects, and maladies of individuals maintained for the safety of responding law enforcement officers, the individuals, and the public. Effective January 1, 2010.

**Procedures for Human Rights Hearings – HB 59 (Amendatory Veto Accepted)**

House Bill 59 amends the Human Rights Act to make various changes concerning the procedures for administrative hearings for alleged human rights violations. These changes concern the contents of a notice of dismissal or notice of default issued by the Director of Human Rights; filing a request for review or a complaint with the Human Rights Commission; filing deadlines; notice and procedure upon entry of a default order by the Human Rights Commission; and other matters.

**Public Building Commission – Design-Build Experts – HB 61 (P.A.96-0352)**

House Bill 61 provides that a public building commission has the power to employ and discharge "design-build" experts without regard to any Civil Services Act. Effective August 13, 2009.

**Ban on Use of Electronic Communications While Driving – HB 71 (P.A.96-0130)**

House Bill 71 provides that a person may not operate a motor vehicle on a roadway while using an electronic communication device to compose, send, or read an electronic message. The bill allows for exemptions. Effective January 1, 2010.

**Ban on Use of Wireless Telephones in School or Construction Speed Zones – HB 72 (P.A.96-0131)**

House Bill 72 provides that a person may not use a wireless telephone in a school speed zone or a construction or maintenance speed zone. It provides for an exception for a person engaged in a highway construction or maintenance project in a construction or maintenance speed zone. The bill includes specified exceptions. Effective January 1, 2010.

**U.S./Illinois State Flags Lowered Upon the Death of a Firefighter on Duty – HB 77 (P.A.96-0436)**

House Bill 77 requires that the U.S. national and Illinois State flags be displayed at half-staff when an Illinois firefighter is killed while on duty. Effective August 13, 2009.

**Foreclosure Notice – HB 153 (P.A.96-0110)**

House Bill 153 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. Effective January 1, 2010.

**Increase Bid Minimum for Public Improvements – HB 159 (P.A.96-0138)**

House Bill 159 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). Effective August 7, 2009.

**Prevailing Wage for Non-Bid Projects – HB 163 (P.A.96-0437)**

House Bill 163 requires public bodies to make contractors aware of the prevailing wage requirements for projects that are not awarded through the public bidding process. Effective January 1, 2010.

**Lawful Possession of Firearms – HB 182 (P.A.96-0742)**

House Bill 182 amends the Criminal Code of 1961. The bill states that it is not a violation of the statutes concerning unlawful use of weapons and aggravated unlawful use of a weapon to carry or possess any pistol, revolver, stun gun or taser, or other firearm in a legal dwelling or place where the person is an invitee and has the host's permission to possess the firearm. Effective August 25, 2009.

**Parole Officer Carrying Firearms – HB 202 (P.A.96-0230)**

House Bill 202 provides that the prohibitions on carrying concealed firearms or firearms in a vehicle and carrying firearms on a public way do not apply to parole agents and parole supervisors who meet certain qualifications and conditions. Effective January 1, 2010.

**Property Tax Senior Exemptions – HB 238 (P.A.96-0355)**

House Bill 238 provides that the Senior Citizens Homestead Exemption and the Senior Citizens Assessment Freeze Homestead Exemption continue if the taxpayer becomes a resident of a facility licensed under the Assisted Living and Shared Housing Act. Effective January 1, 2010.

**Extends the Tax Increment Financing (TIF) Districts for Downs & Libertyville – HB 241 (P.A.96-0439)**

House Bill 241 provides that the TIF District created by the Village of Downs must be completed by December 31, 2031 instead of 2022. It also extends the TIF District for the Village of Libertyville to December 31, 2021 instead of 2009. Effective August 14, 2009.

**PTL Debt Service Base – HB 242 (P.A.96-0501)**

House Bill 242 amends the Property Tax Extension Limitation Law to increase the debt service extension base 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. Effective August 14, 2009.

**Physical Therapy Coverage for Multiple Sclerosis – HB 244 (P.A.96-0139)**

House Bill 244 requires insurance policies offered by Illinois governmental bodies to provide coverage for medically necessary preventative physical therapy for insureds diagnosed with multiple sclerosis. Effective January 1, 2010.

**Provides for Seizure and Forfeiture of Vehicles under Certain Conditions – HB 253 (P.A.96-0502)**

House Bill 253 provides that a person's vehicle is subject to seizure and forfeiture when the person is cited for the offense of driving while under suspension or revocation due to reckless homicide. Effective January 1, 2010.

**Capital Infrastructure Revenue Bill – HB 255 (P.A.96-0034)**

House Bill 255 contains the revenue provisions of the capital infrastructure program. The bill also allows vehicles weighing no more than 80,000 pounds to travel on non-designated highways unless there is a sign prohibiting access. Effective July 13, 2009.



**Creates the Urban Development Authority Act – HB 264 (P.A.96-0234)**

House Bill 264 creates the Urban Development Authority to be governed by an 11-member board. It further provides for the board to make annual reports, sets forth the powers and duties, and makes the Illinois Finance Authority the body that supervises the bond issuances of the Authority. Effective January 1, 2010.

**Unclaimed Property in Criminal Investigations – HB 265 (P.A.96-0440)**

House Bill 265 amends the Uniform Disposition of Unclaimed Property Act to provide that, after consulting standards developed by the Department of State Police, unclaimed property that may have been used in the commission of a crime shall be transferred to the Department of State Police or to another appropriate law enforcement agency to allow the law enforcement authority to determine if a criminal investigation should be undertaken. The property must be held by the law enforcement authority in accordance with existing law and rules concerning evidence. Effective January 1, 2010.

**Reycling Wood – HB 266 (P.A.96-0235)**

House Bill 266 provides that, concerning the duties of an owner or operator of a facility accepting exclusively construction or demolition debris, inserts provisions that (i) specify that recovered wood that is processed for use as fuel must be sorted within 48 hours, (ii) specify that all non-recyclable general construction or demolition debris that is neither recyclable general construction or demolition debris nor recovered wood that is processed for use as fuel must be transported off site for disposal, and (iii) require the transport of certain materials within 45 days after their receipt by the facility. Effective August 11, 2009.

**Law Enforcement Training for Child Abduction and Missing Seniors – HB 282 (P.A.96-0442)**

House Bill 282 provides that the Illinois Law Enforcement Training Standards Board shall conduct training programs for law enforcement personnel of local governmental agencies in the statewide coordinated child abduction alert system and missing endangered senior alert system. The bill also adds a person with Alzheimer's disease or related dementias who is reported missing to the definition of "missing endangered senior." Effective January 1, 2010.

**Capital Infrastructure Appropriation Bill – HB 312 (P.A.96-0035)**

House Bill 312 is the first of two bills containing appropriation language for the capital infrastructure program. Effective July 1, 2009.

**Expansion of Campus Violence Prevention Plan Coordination – HB 336 (P.A.96-0356)**

House Bill 336 amends the Campus Security Enhancement Act of 2008 providing that the inter-disciplinary and multi-jurisdictional campus violence prevention plan shall include communication with governmental agencies and school districts that are contiguous with the boundaries of the higher education institution. Effective January 1, 2010.

**Creates the Local Government Electronic Reverse Auction Act – HB 379 (P.A.96-0588)**

House Bill 379 authorizes State purchasing officers under the jurisdiction of the Illinois Department of Central Management Services and units of local government to use an electronic reverse auction procurement method for purchases of supplies and services other than

professional and artistic services. The bill exempts contracts for construction projects from this process. Effective August 18, 2009

**Redevelopment Planning Area Designation – HB 441 (P.A.96-0606)**

Senate Bill 441 amends the Industrial Jobs Recovery Law to provide that, in the City of Rockford, an area shall not be designated as a redevelopment planning area for more than 10 years (instead of 5 years). Effective August 24, 2009.

**Local Government Wastewater Facilities – HB 460 (P.A.96-0503)**

House Bill 460 allows certain bonds and grants that are currently used for loans or grants to units of local government for wastewater facilities to also be used for loans or grants to serve unincorporated areas. Effective August 14, 2009.

**Annexation Ordinance Jurisdiction – HB 466 (P.A.96-0163)**

House Bill 466 provides that property located in Champaign County that is the subject of an annexation agreement is subject to the ordinances, control, and jurisdiction of the annexing municipality if the property is located (i) within 1.5 miles of the corporate boundaries of the municipality or (ii) more than 1.5 miles from the corporate boundaries of the municipality unless the county board retains jurisdiction. Effective January 1, 2010.

**Horse Racing/Museum Payments – HB 467 (P.A.96-0562)**

House Bill 467 amends the Illinois Horse Racing Act of 1975. The bill provides that if an inter-track wagering location licensee's facility changes its location, then the payments associated with that facility for museum purposes shall be paid to the park district in the area where the facility relocates, and the payments shall be used for museum purposes. The bill provides that if the facility does not relocate to a park district, then the payments shall be paid to the taxing district that is responsible for park or museum expenditures. Effective August 18, 2009.

**Sale of Alcohol Near Church – HB 470 (P.A.96-0744)**

House Bill 470 provides for the issuance or renewal of a retail license authorizing the sale of alcoholic liquor at certain premises located within a municipality in excess of 1,000,000 inhabitants and within 100 feet of a church if certain conditions are met. The bill also exempts a restaurant that is located within a municipality with a population in excess of 1,000,000 inhabitants and is within 100 feet of a church if it meets certain conditions. Effective August 25, 2009.

**Municipal Hotel Use Tax – HB 471 (P.A.96-0238)**

House Bill 471 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. August 11, 2009.

**Truth in Taxation Notice – HB 493 (P.A.96-0504)**

House Bill 493 authorizes a taxing district to include, with the required notice under the Truth in Taxation Law, a statement concerning the taxing district's limits under tax caps. Effective August 14, 2009.



**Limited Pension Service Credit Reinstatement and Transfers – HB 519 (P.A.96-0745)**  
House Bill 519 allows certain State-employed law enforcement officials to establish creditable service in several pension funds, including prior service in a downstate police pension fund and IMRF. Effective August 25, 2009.

**Cross Reporting of Animal and Child Abuse – HB 562 (P.A.96-0494)**  
House Bill 562 requires certain animal control officers to report suspected cases of child abuse or neglect to the Department of Children and Family Services, and it requires certain DCFS investigators to report cases of suspected animal abuse or neglect to Department of Agriculture's Bureau of Animal Health and Welfare. Contains a home rule and mandate preemption. The bill is similar to Senate Bill 90. Effective August 14, 2009.

**Cotermineous City Council Meetings – HB 564 (P.A.96-0241)**  
House Bill 564 provides that the city council of any cotermineous 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. While the township supervisor is presiding, the township supervisor has one vote and the mayor has no vote. Effective August 11, 2009.

**DCEO Federal Stimulus Report – HB 571 (P.A.96-0169)**  
House Bill 571 creates the Federal Stimulus Tracking Act. The bill requires the Office of the Governor, or a designated State agency, to track and report the State's spending of federal stimulus moneys. Effective August 10, 2009.

**Disarming Police Officers – HB 584 (P.A.96-0348)**  
House Bill 584 provides that disarming a peace officer or correctional institution employee is a non-probationable Class 1 felony. Provides that an attempt to disarm a peace officer or correctional institution employee is a Class 2 felony. Effective August 12, 2009.

**Foreign Fire Insurance Boards – HB 587 (P.A.96-0505)**  
House Bill 587 provides that a fire department foreign fire insurance board in a municipality with fewer than 500,000 (now, 250,000) inhabitants shall have 7 trustees, including the fire chief and 6 members of the fire department (now, the Board is established by ordinances of the corporate authorities). Provides that the annual municipal audit shall include funds appropriated to the foreign fire insurance board and shall determine whether the funds have been expended for specified purposes. Effective August 14, 2009.

**Distribution of Tobacco Samples – HB 604 (P.A.96-0446)**  
House Bill 604 amends the Sale of Tobacco to Minors Act. The bill changes the title of the Act to the Sale and Distribution of Tobacco Products Act. The bill provides that a person shall not distribute without charge samples of any tobacco product to any other person, regardless of age: (1) at a retail establishment selling tobacco products unless the retailer has verified the purchaser's age; (2) from a lunch wagon, or (3) on a public way as a promotion or advertisement of a tobacco manufacturer or tobacco product. Retains the same penalties as the penalties for distribution of tobacco products to minors. Amends the Liquor Control Act of 1934 and the Display of Tobacco Products Act to make conforming changes. Effective January 1, 2010.

**Addison Creek Restoration Commission – HB 606 (P.A.96-0244)**  
House Bill 606 extends the repeal date of the Addison Creek Restoration Commission from January 1, 2010 to January 1, 2015. Effective August 11, 2009.

**NPDES Construction Site Storm Water Permits – HB 629 (P.A.96-0245)**  
House Bill 629 sets the fee for NPDES construction site storm water permits at \$300. The bill also prohibits the imposition of a NPDES construction site storm water permit fee on any person for storm water discharges from a construction site that is smaller than 3 acres. Exempts NPDES construction-site storm water permittees who meet certain requirements from paying an annual NPDES construction-site storm water permit fee after payment of an initial annual fee of \$500 before January 1, 2010 or \$250 or \$750, depending on the number of acres disturbed, for applications received on or after January 1, 2010. Under existing law and this Act, the Agency may prorata the initial annual fee in the case of permits issued during the months of January through June. Effective August 11, 2009.

**Traffic Stop Statistical Study – HB 648 (P.A.96-0658)**  
House Bill 648 extends the repeal date of a provision of the Illinois Vehicle Code concerning a traffic stop statistical study. Effective January 1, 2010.

**Pharmaceutical Disposal Task Force – HB 658 (P.A.96-0369)**  
House Bill 658 creates the Medication Education Disposal Solutions (MEDS) collaborative for the purpose of encouraging the environmentally responsible disposal of pharmaceuticals. The bill requires the Agency and MEDS to focus on the development of an organization that will, among other things, provide information regarding best practices for the disposal of pharmaceuticals. Effective August 13, 2009.

**Fire Chief Plate Fee – HB 669 (Veto Overridden)**  
House Bill 669 provides that the registration fee for fire chief vehicles owned by the fire chief is the same as the standard registration fee, and the registration fee for fire chief vehicles owned by a municipal fire department or fire protection district is the same as the reduced registration fee for units of local government.

**Distressed Condominiums – HB 688 (P.A.96-0174)**  
House Bill 688 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. Effective January 1, 2010.

**Stalking No Contact Order Act – HB 693 (P.A.96-0246)**  
House Bill 693 creates the Stalking No Contact Order Act. The bill provides that a petition may be filed for a stalking no contact order when relief is not available to the petitioner under the Illinois Domestic Violence Act of 1986 by a victim of stalking or by a person on behalf of a minor child or an adult who is a victim of stalking but because of age, disability, health, or inaccessibility cannot file the petition. The bill also establishes procedures for seeking a petition and remedies. Effective January 1, 2010.

**Municipal Protections for Recycling Highway Metal Signs – HB 696 (P.A.96-0507)**  
House Bill 696 attempts to prevent highway metal signs from being stolen and turned in to a recyclable metal dealer for cash. Specifically, the recyclable metal dealer must obtain certain records before accepting highway metal signs. Effective August 14, 2009.

**Requires Secretary of State Approval of a Partial Census – HB 719 (P.A.96-0372)**  
House Bill 719 requires the Secretary of State to certify a partial census conducted by a municipality. The intent of this legislation is to provide that if a municipality's population is over 25,000, the municipality is officially home rule without having to wait for the next decennial census. Currently, the statute is not clear regarding if the Secretary of State may certify a partial census. Effective August 13, 2009.

**Order of Protection Definition – HB 721 (P.A.96-0447)**  
House Bill 721 amends the Human Rights Act to change the definition of the term "order of protection status" to mean a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state. Effective January 1, 2010.

**Local Government Aggregation of Electricity – HB 722 (P.A.96-0176)**  
House Bill 722 authorizes the corporate authorities of a municipality or county board to aggregate in accordance with specified provisions residential and small commercial retail electrical loads located within the municipality or the unincorporated areas of the county. The corporate authorities or the county board may seek through referendum to operate the aggregation program as an opt-out program for residential and small commercial retail customers. The corporate authorities or county board must work with the Illinois Power Agency to develop a plan of operation and governance for the aggregation program. The legislation also contains provisions concerning the process for soliciting bids for electricity and other related services. Effective January 1, 2010.

**Distribution and Approved Uses of the Municipal Economic Development Fund – HB 789 (P.A.96-0449)**

House Bill 789 provides that distributions from the Municipal Economic Development Fund may be used for cleanup of open dumping from vacant properties and the removal of structures condemned by the city, village, or incorporated town. Provides that the Municipal Economic Development Fund are distributed to each city, village, or incorporated town located within Cook county that has approved construction within its boundaries of an incinerator that will burn recovered wood processed for fuel to generate electricity and will commence operation after 2009 (rather than (1) uses or, on the effective date of Public Act 90-813, used municipal waste as its primary fuel to generate electricity; (2) was determined by the Illinois Commerce Commission to qualify as a qualified solid waste energy facility prior to the effective date of Public Act 89-448; and (3) commenced operation prior to January 1, 1998). Effective August 14, 2009.

**Expansion of Veteran's Preference – HB 849 (P.A.96-0083)**  
In a Section concerning veterans' preference, House Bill 849 provides that "active duty military or naval service of the United States" includes training at a service school that is ordered pursuant to certain provisions of federal law. Effective January 1, 2010.

**Extends the Tax Increment Financing (TIF) District for Sherman – HB 870 (P.A.96-0182)**  
House Bill 870 extends the TIF District created by the Village of Sherman to December 31, 2021 instead of 2009. Effective August 10, 2009.

**Retail Food Establishment Regulation – HB 926 (P.A.96-0749)**  
House Bill 926 allows Cook County to license and regulate retail food establishments. The bill also requires all municipalities in Cook County to regulate and inspect specified retail food establishments. Effective January 1, 2010.

**Prevailing Wage for Demolition Projects – HB 952 (P.A.96-0186)**  
House Bill 952 provides that demolition projects are included as "public works" under the Prevailing Wage Act. Effective January 1, 2010.

**Annexation Agreements – HB 1003 (P.A.96-0183)**  
House Bill 1003 provides that, except for Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will counties, if property that is the subject of an annexation agreement is located more than 1.5 miles from the corporate boundaries of the annexing municipality, that property is subject to the ordinances, control, and jurisdiction of the annexing municipality unless the county board retains jurisdiction by the affirmative vote of two-thirds of its members. This procedure now exists within Boone, DeKalb, Grundy, Kankakee, Kendall, LaSalle, Ogle, and Winnebago counties. The bill expands this procedure to the remaining 86 counties. HB 1003 is an attempt to resolve a dispute between Sangamon County and the Village of Chatham. Effective August 10, 2009.

**Taxing Districts Extension of Tax Recovery for the Will County Airport – HB 1055 (P.A.96-0192)**

House Bill 1055 extends provisions concerning tax recovery for taxing districts because of the lease of land for development of an airport in Will County. The provisions were set to expire on December 31, 2010 but will be extended 10 years to December 31, 2020 under this proposed legislation. Effective August 10, 2009.

**Eavesdropping Exemption for Peace Officers – HB 1057 (P.A.96-0670)**  
House Bill 1057 exempts various law enforcement activities from a violation of the eavesdropping statute. Requires the retention of recordings made by the peace officers. Effective August 25, 2009.

**Extends the Tax Increment Financing (TIF) District for Steeleville – HB 1086 (P.A.96-0454)**  
House Bill 1086 extends the TIF District created by the Village of Steeleville to December 31, 2033 instead of 2021. Effective August 14, 2009.



**Radon-Resistant Building Codes Task Force – HB 1088 (P.A.96-0195)**

House Bill 1088 creates the Radon-Resistant Building Codes Task Force to make recommendations concerning the adoption of rules for building codes. Effective August 10, 2009.

**Modular Housing Buyer Protection Act – HB 1142 (P.A.96-0750)**

House Bill 1142 creates the Modular Housing Buyer Protection Act. The bill defines "modular home." Provides that the state-approved modular dwelling unit must comply with all applicable State laws; that failure to comply is grounds for suspension, revocation, or refusal to grant approval to a manufacturer or an authorized inspection agency and that such actions shall be governed by the Department of Public Health's Rules of Practice and Procedure in Administrative Hearings; that approved modular housing units shall have a specific seal in one of two designated locations; and that local building officials may require construction requirements in addition to the minimum State requirements. Effective January 1, 2010.

**Notice to Fire Departments of Fire Sprinkler Systems Inspections – HB 1175 (P.A. 96-0256)**

House Bill 1175 provides that a copy of the fire sprinkler systems and control equipment inspection report must be forwarded by the entry performing the inspection to the local fire department or fire protection district in which the sprinkler system is located. Effective January 1, 2010.

**Renames a Motorized Pedal-cycle as a Moped in the Illinois Vehicle Code – HB 1181 (P.A.96-0554)**

House Bill 1181 redefines a moped as a motor-driven cycle, with or without optional power derived from manually operated pedals, whose speed attainable in one mile is at least 20 mph but not greater than 30 mph, and is equipped with a motor that produces 2 brake horsepower or less. The bill allows that the Secretary of State may provide an expedited process for the issuance of vehicle titles at a cost of \$30. Registration discounts are also provided for senior citizens and disabled persons. Effective January 1, 2010.

**Creates the Ambulance Service Equipment Grant Program – HB 1307 (P.A.96-0386)**

House Bill 1307 requires the office of the State Fire Marshal to establish and administer the Ambulance Service Equipment Grant Program. Fire departments, fire protection districts and volunteer, non-profit, and stand-alone ambulance services are eligible for the grants. The bill further provides that this program could include such items as defibrillators and communication equipment. Effective August 13, 2009.

**United States Flag Act – HB 1332 (P.A.96-0513)**

House Bill 1332 creates the Official United States Flag Act. The bill provides that each agency of the State government and each unit of local government shall ensure that each United States flag that is flown at each building, structure, or facility that is owned or occupied entirely by the agency or unit of local government is manufactured in the United States. Effective January 1, 2010.

**Chicago TIF Extensions – HB 1345 (P.A. 96-0773)**

House Bill 1345 extends the financing period for several TIF Districts in the City of Chicago and requires the posting of all Chicago TIF ordinances on a website. Effective August 28, 2009.

**Eavesdropping Exemption – HB 1348 (P.A.96-0547)**

House Bill 1348 provides that it is an exemption to the statute concerning eavesdropping with approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting in the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of aggravated child pornography, indecent solicitation of a child, child abduction, luring of a minor, sexual exploitation of a child, predatory criminal sexual assault of a child, aggravated criminal sexual abuse in which the victim of the offense was at the time of the commission of the offense under 18 years of age, criminal sexual abuse by force or threat of force in which the victim of the offense was at the time of the commission of the offense under 18 years of age, or aggravated criminal sexual assault in which the victim of the offense was at the time of the commission of the offense under 18 years of age (rather than only an investigation of child pornography). Effective January 1, 2010.

**Consideration of Veteran Status of Defendant – HB 2281 (P.A.96-0086)**

House Bill 2281 amends the Unified Code of Corrections. The bill provides that before the sentencing hearing and as part of the presentence investigation, the court shall inquire of the defendant whether the defendant is currently serving in or is a veteran of the Armed Forces of the United States. The bill provides that if the defendant is currently serving in the Armed Forces of the United States or is a veteran of the Armed Forces of the United States and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may: (1) order that the officer preparing the presentence report consult with the United States Department of Veterans Affairs, Illinois Department of Veterans Affairs or another agency or person with suitable knowledge or experience for the purpose of providing the court with information regarding treatment options available to the defendant, including federal, State, and local programming; and (2) consider the treatment recommendations of any diagnosing or treating mental health professionals together with the treatment options available to the defendant in imposing sentence. Effective January 1, 2010.

**Continuing Health Insurance Coverage – HB 2325 (P.A. 96-0013)**

House Bill 2325 amends the Illinois Insurance Code to provide that, under specified conditions, an employee or member is eligible for continuing coverage under a group insurance policy for up to 12 months (current law is 9 months) after the date the employee's or member's insurance under the policy would have terminated because of termination of employment or membership or reduction in employment hours. Effective June 18, 2009.

**TIF Transportation Projects – HB 2394 (P.A.96-0680)**

House Bill 2394 amends the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code. It 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 if the costs are related to the existing or proposed STAR line station and without a finding that the area is classified as an "industrial park conservation area," a "conservation area," or a "blighted area." The municipality must receive the unanimous consent of the joint review board. Effective August 25, 2009.

**Capital Infrastructure Bonding Bill – HB 2400 (P.A. 96-0036)**

House Bill 2400 contains the bonding provisions of the capital infrastructure program. Effective July 1, 2009.

**Municipal Officials Serving on a Not-For-Profit Board – HB 2410 (P.A. 96-0277)**

House Bill 2410 allows for limited circumstances when a municipal officer may hold a position on the board of not-for profit corporation that is interested in a contract, work, or business of the municipality. Effective January 1, 2010.

**No Employer Review of Evidence for Union Representation – HB 2445 (Amendatory Veto Overridden)**

House Bill 2445 amends the Illinois Labor Relations Act and the Illinois Education Labor Relations Act to provide that all evidence submitted by an employer organization to demonstrate the intention for official recognition as a bargaining unit is confidential and shall not be submitted to the employer for review.

**Combined Nuisance Liens – HB 2451 (P.A. 96-0462)**

House Bill 2451 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. Effective August 14, 2009.

**Changes the Definition of a Non-Highway Vehicle – HB 2455 (P.A. 96-0279)**

House Bill 2455 defines a "non highway vehicle" as a motor vehicle not specifically designed to be used on a public highway including the following: all-terrain vehicles, golf carts, neighborhood vehicles, and off-highway motorcycles. The bill provides that the same set of standards that currently apply to the operation of a neighborhood vehicle on a street, road or highway apply to all non-highway vehicles. It further provides that non-highway vehicles are subject to the mandatory insurance provisions when operated on a public street. Effective January 1, 2010.

**Private College Campus Police – HB 2507 (P.A. 96-0594)**

House Bill 2507 provides that, with respect to the members of a campus police department having the powers of municipal peace officers and county sheriffs, the powers are for the protection of students, employees, visitors and their property, and the property, branches, and interests of the college or university in the county where the college or university is located (instead of requiring that these powers be exercised only on college or university property); makes related changes. The bill also gives members of the campus police department the ability to regulate and control traffic on the public way contiguous to the college or university property. The bill further provides that the uniforms, vehicles, and badges of the campus police department officers shall be distinctive from those of the local law enforcement agency where the main campus (instead of just campus) is located. Effective January 1, 2010.

**Biodiesel Blend Percentage Requirements for State and Local Vehicles – HB 2535 (P.A. 96-0281)**

House Bill 2535 increases the percentage of biodiesel blend required to be used by diesel power vehicles owned by the State or units of local government. This requirement is mandated when refueling at a bulk central fueling facility. The increase is from 2% to 5%, unless the engine is designed to operate on a higher percentage. Effective July 1, 2009.

**Liquor License Exemption from the City of Princeton – HB 2544 (P.A. 96-0283)**

House Bill 2544 allows for the renewal of a liquor license for a liquor establishment located near a church in the City of Princeton. Effective August 11, 2009.

**Economic Opportunity Investments – HB 2557 (P.A. 96-0753)**

House Bill 2557 provides that each pension fund, except pension funds created under the Downstate Police and Firefighters Articles of the Code, shall submit a report to the Governor and the General Assembly by September 1 of each year that identifies the economic opportunity investments made by the fund, the primary location of the business or project, the percentage of the fund's assets in economic opportunity investments, and the actions that the fund has undertaken to increase the use of economic opportunity investments. The bill requires certain pension funds, and any State agency investing funds on behalf of those pension funds, to make reasonable efforts to invest in economic opportunity investments. The bill requires every pension fund, retirement system, and investment board created under this Code, except downstate police and fire pension funds, to instruct the fund's, system's, or board's investment advisors to utilize investment strategies designed to ensure that all securities transactions are executed in such a manner that the total explicit and implicit costs and total proceeds in every transaction are the most favorable under the circumstances. Effective August 25, 2009.

**Fire Investigation Act Changes – HB 2592 (P.A. 96-0286)**

House Bill 2592 provides that not more than 25% of any unspent appropriations from the previous year's Fire Prevention Fund may be transferred to the Fire Truck Revolving Loan Fund, the Ambulance Revolving Loan Fund, and the Fire Service and Small Equipment Fund. These fund transfers are at the discretion of the Office of the State Fire Marshal for the purpose of implementation of the Fire Investigation Act. The bill also adds an additional \$20 for such offenses as driving under the influence or similar violations of a local ordinance. Effective July 1, 2009.

**Education Programs for Municipal Violations – HB 2612 (P.A. 96-0288)**

House Bill 2612 provides that the corporate authorities of each municipality may require a defendant to complete an education program for each ordinance violation committed. Vehicle owners may have to complete a traffic education program for a violation of the Illinois Vehicle Code or a local ordinance recorded by an automated traffic law enforcement system. Fees imposed for a traffic education program may not exceed \$25. In a provision pertaining to vehicle immobilization, this legislation adds that a vehicle shall be eligible for immobilization when the registered owner of the vehicle has failed to complete a specific number of traffic education programs as determined by ordinance. Effective August 11, 2009.



**Public Utilities Locating in Railroad Right-of-Way – HB 2626 (P.A. 96-0595)**

House Bill 2626 creates the Crossing of Railroad Right-of-Way Act by stating that public utilities that locate their facilities within the railroad right-of-way (that is owned by a land management company and not a registered rail carrier) for a crossing shall pay the land management company a one-time standard crossing fee of \$1,500 for each crossing. Under special circumstances, the standard crossing fee is not imposed. If the parties cannot agree that special circumstances exist, the dispute shall be submitted to non-binding arbitration. If the parties cannot resolve their dispute, binding arbitration proceedings may commence. Effective August 18, 2009.

**Peace Officers Memorial Day – HB 2644 (P.A. 96-0518)**

House Bill 2644 recognizes each May 15 as National Peace Officers Memorial Day. Effective January 1, 2010.

**Public Contractor Misconduct for Failing to Deliver Services – HB 2651 (P.A. 96-0575)**

House Bill 2651 provides that a public contractor, employee of a public contractor, or a person seeking a public contract also commits the offense of public contractor misconduct when he or she knowingly or intentionally seeks or receives compensation or reimbursement for goods and services he or she purported to deliver or tender, but failed to do pursuant to the term of the contract with the State or unit of local government. The bill further provides that any person convicted of public contractor misconduct shall be barred for 10 years from contracting with, employment by, or holding public office with the State or unit of local government. The Attorney General or the State's Attorney may bring a civil action to recover the amount of monetary cost involved in the violation. Effective August 18, 2009.

**Emergency Response Reimbursement – HB 2669 (P.A. 96-0400)**

House Bill 2669 provides that a person convicted of arson, aggravated arson, residential arson, or place-of-worship arson, in addition to any other sentence imposed, shall be ordered by the court to reimburse the emergency responders for the costs of responding to the fire that the offender was convicted of setting. The bill also requires that the money collected from arson fines be deposited into the Fire Service and Small Equipment Fund instead of the Fire Prevention Fund, and it provides that the State Fire Marshal distributes that money. Effective August 13, 2009.

**Clerks Required to Attend Executive Session – HB 3112 (P.A. 96-0294)**

House Bill 3112 requires municipal clerks to attend executive sessions unless the subject matter of the executive session would create a conflict of interest with the presence of the clerk. Effective August 11, 2009.

**tinted Film Windows – HB 3325 (Amendatory Veto Overridden)**

House Bill 3325 amends the Illinois Vehicle Code to provide that a person may drive a motor vehicle with a non-reflective material tinted film that does not allow less than 50% light transmittance (or less than 35% light transmittance if the windows to the rear of the driver already have certain window treatment applied) upon the side windows immediately adjacent to each side of the driver. The bill provides that is a petty offense and a Class C misdemeanor for a second offense for an installer to install window treatment on motor vehicles that do not have specified license plates or stickers.

**Firefighter Retiree Pension Increase – HB 3606 (Public Act 96-0775)**

House Bill 3606 provides 3% compounded pension increases to the pensions of firefighters who retired prior to 1977. The pensions are increased as if the 3% compounding took effect in 1986. Eligible retirees will begin receiving the recalculated pension upon the bill becoming law. The pensions will continue to accrue annual 3% compounded increases prospectively. The bill contains other provisions. Effective August 28, 2009.

**Equal Pay Records – HB 3634 (P.A. 96-0467)**

House Bill 3634 provides that, in provisions imposing penalties, those penalties shall be imposed after a failure to comply with a demand of the Director of Labor or an order of the court (rather than an order of the Director of Labor or the court). The bill further provides that an employee or former employee may file a complaint with the Department of Labor alleging a violation of the Act by submitting a signed, completed complaint form, and all complaints shall be filed with the Department within one year from the date of the underpayment. The bill requires an employer subject to the Act to preserve specified records for not less than 5 (rather than 3) years and shall make reports from the records as prescribed by rule or order of the Director of Labor, unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until their destruction is authorized by the Department or by court order. The bill provides that a legal action to collect a wage claim shall be brought within 5 years from the date of the underpayment (rather than within 3 years from the date the employee learned of the underpayment). The bill defines "date of the underpayment" as each time wages are underpaid. Effective August 14, 2009.

**Vacant Building Loans – HB 3637 (P.A. 96-0296)**

House Bill 3637 allows the Department of Commerce and Economic Opportunity to implement and administer a pilot program during fiscal years 2010 and 2011 to encourage businesses to restore, refurbish, and retrofit existing buildings that have been vacant for at least 90 continuous days so that a business is able to occupy the building as a retail, professional, corporate, manufacturing, assembly, or distribution business. Effective July 1, 2009.

**Downstate Police Pension Credit Transfers/Reduced Credit – HB 3656 (P.A. 96-0297)**

House Bill 3656 allows a police officer that is transferring creditable service from one downstate police pension fund to another to elect to have his or her creditable service reduced rather than paying the difference between the amount transferred and the true cost of allowing that creditable service to be established. Effective August 11, 2009.

**Property Tax Certificates of Error – HB 3664 (P.A. 96-0522)**

House Bill 3664 amends the Property Tax Code to provide that a certificate of error may be issued if an owner fails to file an application for any homestead exemption. Currently, the provision exists only if the owner failed to file an application for the senior assessment freeze exemption. Effective August 14, 2009.

**Vehicle Code Violation Dismissal Prohibition – HB 3681 (P.A. 96-0694)**

House Bill 3681 amends the Illinois Vehicle Code to provide that in any case alleging a violation of the Illinois Vehicle Code or similar local ordinance which would be chargeable as a misdemeanor, a case shall not be dismissed due to an error by the arresting officer or the clerk of



the court, or both, in setting a person's first appearance date, subject to the right of speedy trial. Effective January 1, 2010.

**Allows IDOT to Erect Excessive Engine Braking Noise Signs – HB 3721 (P.A. 96-0523)**

House Bill 3721 amends the Illinois Vehicle Code allowing the Illinois Department of Transportation to erect and maintain excessive engine braking noise signs on interstate highways near weigh stations that are adjacent to residential areas or communities. Effective January 1, 2010.

**Yield Signs at Highway Intersections and Railroad Crossings – HB 3730 (P.A. 96-0470)**

House Bill 3730 amends the Illinois Vehicle Code providing that yield signs shall be installed at all highway intersections with every grade crossing not equipped with automatic warning devices. The only exception is when train crews provide flagging at the crossing. The bill further allows a stop sign to be used in place of a yield sign when the highway authority and the Illinois Department of Transportation have determined that a stop sign is warranted. If the Illinois Commerce Commission has ordered the installation of flashing signals or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at highway intersections with a grade crossing unless an engineering study has shown that they are not warranted. The permanent signs shall be installed by July 1, 2011. Effective August 14, 2009.

**Limiting Setback Requirements for Wind Towers – HB 3746 (P.A. 96-0306)**

House Bill 3746 provides that a county or municipality, including a home rule unit, may not require a wind tower or other renewable energy system that is used exclusively by an end user to be setback more than 11 times the height of the renewable energy system from the end user's property line. Effective January 1, 2010.

**Great Lakes Task Force – HB 3828 (P.A. 96-0471)**

House Bill 3828 creates the Task Force on the Conservation and Quality of the Great Lakes for the protection of the water quality and supply of the Great Lakes. The bill sets forth the membership, powers, and duties of the Task Force. Effective August 14, 2009.

**Increases Maximum Age for Police Officer Applicants – HB 3877 (P.A. 96-0472)**

House Bill 3877 provides that applicants for a police department may exceed the maximum age of 35 years by the number of years served on active military duty, but by no more than 10 years of active military duty. Effective August 14, 2009.

**Redefines Fire Station in Relation to the Abandoned Newborn Infant Protection Act – HB 3925 (P.A. 96-0345)**

House Bill 3925 redefines fire station as a fire station within the State with at least one staff person. Under current law it is defined as a fire station within the State that is staffed with at least one full time emergency medical professional. The bill further defines a newborn infant as a child who a licensed physician reasonable believes is 30 (now 7) days old or less at the time the child is initially relinquished to a hospital, police station, fire station, or emergency medical facility, and who is not an abused or a neglected child. Relinquish is also redefined to mean to bring a newborn infant, who a licensed physician reasonably believes is 30 (now 7) days old or less, to a hospital, police station, fire station, or other safe haven. Effective January 1, 2010.



**Energy Efficiency Building Code – HB 3987 (P.A. 96-0078)**

House Bill 3987 creates a statewide energy efficiency building code for residential buildings. The Capitol Development Board (CDB) will be required to adopt the latest published edition of the International Code Council's International Energy Conservation Code (IECC). Residential buildings may not use an energy efficiency standard that is less stringent than the code adopted by the CDB. Municipalities will be prohibited from adopting any energy conservation code after the bill is enacted unless the standards are identical to the code adopted by the CDB. Municipalities will also be prohibited from imposing energy efficiency standards in annexation agreements. Municipalities with an energy conservation code that is equivalent to or more stringent than the 2006 IECC at the time of the bill's enactment may continue to regulate those standards if: (1) the code was adopted prior to May 16, 2009, or (2) the proposed code was provided to CDB by May 16, 2009. Municipalities will no longer be able to modify energy conservation standards to meet the needs of their community. The bill further provides that municipalities that do not regulate energy efficiency standards are not required to adopt, regulate, or enforce the State code. Effective August 28, 2009.

**FIDID Card Revocation – HB 3991(P.A.96-0701)**

House Bill 3991 requires the Department of State Police to deny an application or to revoke and seize a Firearm Owner's Identification Card previously issued under the Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance the subject to an existing order of protection. The bill amends the Domestic Violence Article of the Code of Criminal Procedure of 1963 and the Illinois Domestic Violence Act of 1986 to provide that if the court is satisfied that there is any danger of the illegal use of firearms, and the respondent is present in court, it shall issue an order that the respondent's Firearm Owner's Identification Card be turned over to the local law enforcement agency for safekeeping. Upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency, or that the firearms be turned over to a third party who is lawfully eligible to possess firearms, and who does not reside with respondent. In the amendatory changes to the Illinois Domestic Violence Act of 1986, the bill provides that an emergency order of protection may be granted if there is good cause to prohibit the respondent from possessing firearms. The bill further provides that the court may prohibit the respondent from entering or remaining in any household or premises of the petitioner. Effective January 1, 2010.

**Vehicle Forfeiture – HB 4013 (P.A. 96-0313)**

House Bill 4013 provides that any vessel, vehicle, or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit, theft if the theft is of precious metal or of scrap metal is subject to seizure and forfeiture. Effective January 1, 2010.



**Notification of IEPA Alerts – HB 4021 (P.A.96-0603)**

House Bill 4021 provides that water suppliers must provide notice to residents of any notices issued by the Illinois Environmental Protection Agency concerning the purity of the water supply. The bill establishes timelines and penalties for non-compliance. Effective August 24, 2009.

**Tax Exemption for Designated Property – HB 4046 (P.A. 96-0779)**

House Bill 4046 provides that property and any leasehold interest in property that is owned by a municipality with home rule powers that is contiguous to a municipality with a population of over 500,000 inhabitants is exempt from taxation under the Property Tax Code. Effective August 28, 2009.

**Emergency Response Reimbursement – HB 4049 (P.A.96-0413)**

House Bill 4049 amends the Criminal Code of 1961 relating to the offenses of disorderly conduct, making a terrorist threat, and falsely making a terrorist threat. The bill provides that, if a person makes a threat that a bomb or explosive device has been placed in a school, then, regardless of whether that threat is true, the court must order that person to reimburse the unit of government responded to the emergency. Effective August 13, 2009.

**Relationship of Election Code to Local Records Act – HB 4051 (P.A.96-0475)**

House Bill 4051 provides that the provisions of the Election Code do not supersede the provisions of the Local Records Act with regard to procedures for the disposal of election records. The bill provides that local election authorities must comply with the provisions of the Local Records Act when destroying or disposing of public records. The bill relocates the statutory changes to the general provisions Article. Effective August 14, 2009.

**Conveys Parcels from the Illinois Department of Natural Resources to Several Municipalities – HB 4075 (P.A.96-0316)**

House Bill 4075 authorizes the Illinois Department of Natural Resources to convey parcels of land to Arcola, Arthur, Hindsboro, Lovington, Oakland, and to several townships. Each parcel is conveyed for \$1.00. Effective August 11, 2009.

**Elected Officials Misconduct Forfeiture Act – HB 4078 (P.A.96-0597)**

House Bill 4078 Creates the Elected Officials Misconduct Forfeiture Act. The bill provides that the Attorney General may file an action in circuit court on behalf of the people of Illinois against an elected official who has, by his or her violation of the Official Misconduct Article of the Criminal Code of 1961 or violation of a similar federal offense, injured the people of Illinois. Provides that the purpose of such suit is to recover all proceeds traceable to the elected official's offense and by so doing, prevent, restrain or remedy violations of the Official Misconduct Article of the Criminal Code of 1961 or similar federal offenses. Effective August 18, 2009.

**Property Tax Optional Abatement – HB 4120 (P.A.96-0755)**

House Bill 4120 provides for an optional property tax abatement by a taxing district for new businesses that occupy vacant facilities. Effective January 1, 2010.

**Recapturing TIF Funds – HB 4326 (P.A.96-0324)**

House Bill 4326 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. Effective January 1, 2010.

**III. SENATE BILLS**

**Local Government Reverse Auctions Act – SB 51 (Amendatory Veto Overridden)**

Senate Bill 51 authorizes the use of electronic reverse auctions by units of local government. The bill also amends several other Acts.

**Sex Offender Vehicle Operation Restrictions – SB 62 (P.A.96-0118)**

Senate Bill 62 provides that it is unlawful for a child sex offender to knowingly operate any of the following vehicles: (1) a vehicle which is specifically designed, constructed or modified and equipped to be used for the retail sale of food or beverages, including but not limited to an ice cream truck; (2) an authorized emergency vehicle; or (3) a rescue vehicle. Effective August 4, 2009.

**Certification Requirements for 9-1-1 System Providers – SB 74 (P.A. 96-0025)**

Senate Bill 74 requires all 9-1-1 system providers to receive a Certificate of 9-1-1 System Provider Authority from the Illinois Commerce Commission. Incumbent local exchange carriers, (as of the effective date of the amendatory Act), 9-1-1 network or database services used or intended to be used by any Emergency Telephone System Board or 9-1-1 system, shall not be required to obtain a Certificate. Enforcement authority granted to the Commission under specified provisions shall apply exclusively to 9-1-1 system providers granted a Certificate of Service Authority. Effective June 30, 2009.

**School Zone Violation Surcharges – SB 75 (P.A.96-0052)**

Senate Bill 75 amends provisions of the Illinois Vehicle Code setting forth the school safety purposes for which surcharges imposed for certain violations of the special school zone speed limit may be used by school districts. The bill provides that those purposes include the Safe Routes to School Program and safety programs within the School Safety and Educational Improvement Block Grant Program (in addition to the existing purposes of school zone safety education and the purchase, installation, and maintenance of caution lights mounted on school speed zone signs). Effective July 23, 2009.

**Property Tax Settlement Agreements – SB 89 (P.A.96-0609)**

Senate Bill 89 provides that real property that is used for a natural gas extraction and fractionation and olefin and polymer manufacturing may be the subject of a property tax assessment settlement agreement if litigation with respect to the property's assessed valuation is pending or was pending as of January 1, 2003 or thereafter and if the property is located within a county of less than 1,000,000 inhabitants. Effective August 24, 2009.

**Income Tax Withholding for Support – SB 100 (P.A.96-0055)**

Senate Bill 100 amends the Income Withholding for Support Act to provide that a finding of a payor's nonperformance within the time required under the Act must be documented by a certified mail return receipt or a sheriff's or private process server's proof of service (instead of



by a certified mail return receipt) showing the date that the income withholding notice was served on the payor. Effective January 1, 2010.

**Juvenile Law Enforcement Records – SB 104 (P.A. 96-0419)**

Senate Bill 104 amends the Juvenile Court Act of 1987. The bill permits persons charged by a unit of local government with the duty of investigating the conduct of law enforcement officers to inspect and copy law enforcement records maintained by law enforcement agencies that relate to a minor who has been arrested or taken into custody before his or her 17th birthday. The records may be disclosed to an independent agency created by ordinance and charged by a unit of local government with the duty of investigating the conduct of law enforcement officers. Effective August 13, 2009.

**Municipal Posting of Americans with Disabilities Act Coordinator – SB 133 (P.A. 96-0650)**

Senate Bill 133 requires counties, townships and municipalities to post information pertaining to their Americans with Disabilities Act Coordinator on their website. The grievance procedures for handling complaints must also be posted. If the unit of local government does not maintain a website, then the information must be published in a newspaper or a newsletter. Effective January 1, 2010.

**Commercial Building Code – SB 138 (P.A. 96-0704)**

Senate Bill 138 requires the Capital Development Board to adopt a commercial building code for areas of the state that are not within a jurisdiction that has a building code. Municipalities will not be required to adopt, administer and enforce a building code. Nothing in the amendment prohibits a municipality that is currently without a building code from adopting its own code at any point in the future. This language will not affect those municipalities that have existing building codes. Effective January 1, 2010.

**Railroad Crossing Cameras – SB 148 (P.A. 96-0478)**

Senate Bill 148 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. Effective January 1, 2010.

**Elevator Safety and Regulation – SB 149 (P.A. 96-0054)**

Senate Bill 149 amends the Elevator Safety and Regulation Act to define "Local Administrator" as a municipality or municipalities or county or counties that enters into an agreement with the Administrator to operate its own elevator safety program in accordance with the Act and the adopted administrative rules. The bill outlines the powers of local administrators. The bill makes other changes in provisions concerning temporary limited authority, the Board, compliance, permits, new conveyance installations, enforcement and investigations, liability, retroactivity of provisions, and home rule. The bill also repeals the Elevator Installation Act. Effective July 23, 2009.

**FOIA Reforms – SB 189 (P.A. 96-0542)**

Senate Bill 189 contains significant changes to the Freedom of Information Act. The IML has prepared an analysis of SB 189 that can be viewed at [www.imal.org](http://www.imal.org). Effective January 1, 2010.



**Use of School Buildings During Emergencies – SB 204 (P.A. 96-057)**

Senate Bill 204 requires that a school board shall make school buildings available for use as civil defense shelters for all persons, cooperate with the Illinois Emergency Management Agency, local organizations for civil defense, disaster relief organizations, and federal agencies concerned with civil defense. School boards are also required to cooperate with these entities in the use of other resources, equipment, facilities, and building design. The bill also requires a board of trustees of a community college district to make the buildings of the college available for emergency purposes, upon the request of the Illinois Emergency Management Agency or the State-accredited emergency management agency with jurisdiction, and to cooperate in all matters with the Illinois Management Agency, local emergency management agencies, local health departments, the American Red Cross, and federal agencies concerned with emergency preparedness and response. Effective July 23, 2009.

**Expansion of Prevailing Wage Applicability – SB 223 (P.A. 96-0058)**

Senate Bill 223 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. The bill 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. The bill makes other changes. Effective January 1, 2010.

**Low-Speed Electric and Gas Bicycles – SB 236 (P.A. 96-0125)**

Senate Bill 236 allows for the operation of low-speed electric and gas two or three-wheeled bicycles on any highway, street or road provided that the operator is at least 16 years of age and is going at a speed less than 20 miles per hour. Effective January 1, 2010.

**Extends the Tax Increment Financing (TIF) District for Macomb – SB 242 (P.A. 96-0127)**

Senate Bill 242 provides that the TIF District created in the city of Macomb will expire in 2021 instead of 2009. Effective August 4, 2009.

**Secret Compartments in Vehicles – SB 243 (P.A. 96-0202)**

Currently, the law prohibits false or secret compartments in motor vehicles that are used conceal firearms or drugs. Senate Bill 243 amends the Illinois Vehicle Code to extend that prohibition to all vehicles—not just motor vehicles. The bill also adds a criminal intent requirement to the law and it prohibits the seizure of the vehicle by law enforcement unless the compartment is used in violation of the law. Effective January 1, 2010.

**Sales Tax Exemption Concerning Municipal Convention Halls – SB 271 (P.A. 96-0532)**

Senate Bill 271 amends the State sales tax Acts to exempt tangible personal property sold to a public-facilities corporation for purposes of constructing or furnishing a municipal convention hall. Effective August 14, 2009.

**Military Training Compensation Differential – SB 337 (P.A. 96-0346)**

Senate Bill 337 amends the Military Leave of Absence Act to require 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 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 his or her public employment compensation, minus the amount of the military pay. Effective January 1, 2010.

**Pension Ethics Reform – SB 364 (P.A. 96-00061)**

Senate Bill 364 introduces sweeping ethics reforms throughout the Illinois Pension code. Some of the provisions affect the downstate and suburban police and firefighter pension funds as well as IMRF. The IML has published an *Issue Brief* on this Public Act at [www.iml.org](http://www.iml.org). Effective April 3, 2009.

**Final Pension Calculation – SB 369 (P.A. 96-02071)**

Senate Bill 369 provides that the final salary calculation for retirement pensions under the General Assembly and Judges Retirement Systems shall be based upon an averaging of the salary earned over the highest four consecutive years during the last ten years of employment. Effective August 10, 2009.

**Expansion of Governmental Joint Purchasing Act – SB 420 (P.A. 96-0584)**

Senate Bill 420 amends the Governmental Joint Purchasing Act. The bill authorizes the State, through the Department of Central Management Services, to purchase personal property, supplies, and services jointly with a governmental entity of another state or with a consortium of governmental entities of one or more other states. The bill also provides that subject to provisions of the joint purchasing solicitation with other states, the Department of Central Management Services may designate the resulting contract as available to governmental units in Illinois. Effective January 1, 2010.

**Sales Tax Exemption Concerning Aircraft – SB 450 (P.A. 96-07591)**

Senate Bill 450 amends the sales tax Acts to exempt the following from taxation under the Acts: materials, replacement parts, and equipment purchased for use directly upon or for the modification, replacement, repair, or maintenance of aircraft; aircraft power plants; or aircraft accessories. Effective January 1, 2010.

**Assessed Value of Certain Platted and Subdivided Property – SB 543 (P.A. 96-0480)**

Senate Bill 543 amends the Property Tax Code relative to the plating and subdividing of property into lots in counties with less than 3,000,000 inhabitants. The bill provides that, prior to the initial sale of any platted lot, the assessed valuation of platted and subdivided property that (i) does not contain a completed habitable structure and (ii) is not used for business, commercial, or residential purposes shall be the assessed value assigned to the property when last assessed prior to its last transfer or conveyance. These changes apply only through December 31, 2011. Effective August 14, 2009.

**Financing Renewable Energy Resources – SB 583 (P.A. 96-0481)**

Senate Bill 583 authorizes a municipality to enter into voluntary agreements with the owners of property within the municipality to provide for contractual assessments to finance the installation of distributed generation renewable energy sources or energy efficiency improvements that are permanently fixed to real property. Effective January 1, 2010.

**Guidelines for Use of Electronic Employment Verification System – SB 1133 (P.A. 96-0623)**

Senate Bill 1133 provides that employers are urged to consult the Illinois Department of Labor's website for current information on the accuracy of E-Verify and to review and understand an employer's legal responsibilities relating to the use of the voluntary E-Verify program. The bill also provides that an employer or applicant for employment for certain E-Verify violations award may be awarded \$500 per affected employee plus costs, reasonable attorney's fees, and actual damages only if the employer's conduct is willful and knowing. Effective January 1, 2010.

**State Licensure of Veterans with EMT Training – SB 1254 (P.A. 96-0540)**

Senate Bill 1254 allows the Department of Public Health to administer an exam and licensure to eligible, honorably discharged veterans who acquired emergency medical training during military service. Effective August 17, 2009.

**Pyrotechnic Use Act – SB 1267 (P.A. 96-0708)**

Senate Bill 1267 amends the Fireworks Use Act. Changes short title of the Act to the Pyrotechnic Use Act. The bill provides that each pyrotechnic service shall be conducted by a licensed lead pyrotechnic operator employed by a licensed pyrotechnic distributor or a licensed production company. The bill further provides that at the time an individual applies for an indoor pyrotechnic display permit from the local jurisdiction, written notice of the permit application and the indoor display or pyrotechnic service information shall be made in writing at least 15 days in advance of the date of the pyrotechnic display or pyrotechnic service to the Office, unless agreed to otherwise by the Office. The bill states that "person" may also mean a municipality, or political subdivision of a state or any agency, department, or instrumentality of the United States and any officer, agent, or employee of these entities. The State Fire Marshal may adopt necessary rules and regulations for the administration of this Act which shall be based upon National Fire Protection Association (NFPA) 140 for motion picture and television production studio soundstages, approved production facilities, and production locations. The bill further regulates pyrotechnic services and pyrotechnic displays. Effective August 25, 2009.

**Provides for Quick-Take Authority for the City of Johnsbury – SB 1296 (P.A. 96-0709)**

Senate Bill 1296 grants quick-take eminent domain powers for a one-year period for the Village of Johnsbury for the construction of a METRA rail station and rail storage yard. Effective August 25, 2009.

**Court Costs and Fines for Vehicle Code Violations – SB 1341 (P.A. 96-0625)**

Senate Bill 1341 amends the Illinois Vehicle Code, Clerks of Courts Act, and the Unified Code of Corrections to provide that any person who receives court supervision shall pay an additional fee of \$30 (instead of \$20). The bill provides that any person who receives a disposition of court supervision for a Vehicle Code violation or a similar local ordinance shall pay an additional fee of \$30 (instead of \$20). The bill explains how these monies are to be allocated. The bill further amends provisions of the Illinois Vehicle Code and Unified Code of Corrections to eliminate a requirement that a person make a court appearance in order for certain fees to apply when a person receives a disposition of court supervision for a violation of the Illinois Vehicle Code. Effective January 1, 2010.



**Fire Protection Training for Retired Firefighters – SB 1353 (P.A. 96-0215)**

Senate Bill 1353 specifies that persons who are retired from active fire service duties and are officially affiliated with fire service training, mutual aid, incident command, fire ground operations, or staff support for "public" fire service organizations may receive training certification. Effective August 10, 2009.

**Underground Utility Damage Prevention Act Update – SB 1357 (P.A. 96-0714)**

Senate Bill 1357 updates the Illinois Underground Utility Facilities Damage Prevention Act by including provisions to incorporate the internal electric grid of a wind turbine generation farm into the definition of an underground utility. The legislation states the procedures and time limits for re-marking in emergency and non-emergency conditions. The legislation also lists the steps an excavator must take if the excavator damaged an underground utility. The bill also adds language to provide that "underground utility facilities" or "facilities" means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground by: (1) a holder, as that term is defined in the Cable and Video Competition Law of 2007; (2) any other entity owning or operating underground facilities that transport generated electrical power to other utility owners or operators or transport generated electrical power within the internal electric grid of a wind turbine generation farm; and (3) an electric cooperative as defined in the Public Utilities Act. Effective January 1, 2010.

**Termination of Downstate Police Pension Fund – SB 1401 (P.A. 96-0216)**

Senate Bill 1401 provides that a municipality having a population of less than 5,000 has a 60-day window to terminate its participation under the Downstate Police Article and close its fund under specified circumstances. Effective August 10, 2009.

**Budgetary Fund Sweeps – SB 1433 (P.A. 96-0044)**

Senate Bill 1433 authorizes transfers from various special funds to the General Revenue Fund during fiscal year 2010. Effective July 15, 2009.

**Pension Distributions – SB 1440 (P.A. 96-0586)**

Senate Bill 1440 provides that each pension fund or retirement system operating under this Code may, and to the extent required by federal law shall, at the request of any person entitled to receive a refund, lump-sum benefit, or other non-periodic distribution from the pension fund or retirement system, pay the distribution (rather than pay the taxable portion of that distribution) directly to any entity that: (1) is designated in writing by the person, (2) is qualified under federal law to accept an eligible rollover distribution from a qualified plan, and (3) has agreed to accept the distribution. Effective August 18, 2009.

**Business Enterprise Exemption from Additional Utility Bill Charges – SB 1448 (P.A. 96-0716)**

Senate Bill 1448 provides that a business enterprise which is located within an area designated by a county or municipality as an enterprise zone or located in a federally designated Foreign Trade Zone or Sub-Zone is exempt, under certain conditions, from the additional charges added to the business enterprise's utility bills as a pass-on of municipal and state utility taxes. Effective August 25, 2009.

**Six Inch Increase in Vehicle Width Limitation on Illinois Roads – SB 1450 (P.A. 96-0220)**

Senate Bill 1450 changes the maximum allowable width for a motor vehicle or its load on Illinois highways from 8 feet wide to 8 feet, 6 inches wide. Effective January 1, 2010.

**Extends the Tax Increment Financing (TIF) District for Hoffman Estates – SB 1477 (P.A. 96-0717)**

Senate Bill 1477 provides a new effective date for a TIF District extension involving the Village of Hoffman Estates that was initially extended by P.A. 95-1028. Effective August 25, 2009.

**Green Infrastructure Report – SB 1489 (P.A. 96-0026)**

Senate Bill 1489 creates the Green Infrastructure for Clean Water Act by requiring the Illinois Environmental Protection Agency, in consultation with other agencies and entities, to submit a report to the General Assembly and Governor that reviews the latest available scientific research and institutional knowledge relating to storm water management. Effective June 30, 2009.

**Pension Beneficiary Trusts – SB 1510 (P.A. 96-0484)**

Senate Bill 1510 amends the Downstate Police Article of the Illinois Pension Code to provide that any benefit to be received by or paid to a dependent beneficiary may be received by or paid to a trust established for such dependent beneficiary if the dependent beneficiary is living at the time such benefit would be received by or paid to such trust. Effective August 14, 2009.

**Residential Dwelling Occupancy Permits – SB 1511 (P.A. 96-0721)**

Senate Bill 1511 provides that a county board may by resolution or ordinance require that an occupancy permit be obtained for each newly constructed residential dwelling located outside the limits of cities, villages, and incorporated towns. The bill specifies that the county board may not require more than one occupancy permit per newly constructed residential dwelling. The bill provides that a county board may not impose a fee on an "occupancy" permit for a newly constructed residential dwelling unless it imposed a fee before the effective date of the amendatory Act. Effective January 1, 2010.

**Confidential Identification Cards, License Plates, and Registrations – SB 1512 (P.A. 96-0549)**

SB 1512 amends the Illinois Identification Card Act and the Illinois Vehicle Code to provide procedures for the issuance and cancellation of confidential State identification cards, drivers' licenses, and license plates and registrations to local, state, and federal government agencies for bona fide law enforcement purposes. The bill provides that those confidential materials may be issued with fictitious names and addresses, and may be used only for confidential, investigative, or undercover law enforcement operations. Provides that the Secretary of State Police Department may cancel or refuse to renew those confidential materials when they have reasonable cause to believe they are being used for purposes other than those set forth in the application form or authorized by this Act. Effective August 17, 2009.

**Allows Police Officers to Seize Disability Parking Decals or License Plates – SB 1541 (P.A. 96-0072)**

Senate Bill 1541 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. Effective January 1, 2010.

**Extends the Tax Increment Financing (TIF) District in Several Municipalities – SB 1553 (P.A.96-0722)**

Senate Bill 1553 extends the TIF district financing authority for Downs, Hoffman Estates, Libertyville, and Pontiac. Effective August 25, 2009.

**Industrialized Residential Structure Deed Restriction Act – SB 1560 (P.A.96-0724)**

Senate Bill 1560 creates the Industrialized Residential Structure Deed Restriction Act. The bill provides that a deed restriction or restrictive covenant may not prohibit or restrict the erection of an industrialized residential structure on real property, except for a deed restriction, restrictive covenant, or agreement that applies uniformly to all homes and industrialized residential structures in a subdivision may impose the same aesthetic compatibility requirements on an industrialized residential structure in the subdivision that are applicable to all residential structures in the subdivision. The bill applies only to deed restrictions or restrictive covenants recorded after the effective date of the amendatory Act. Effective January 1, 2010.

**Authorizes the State to Convey Land to the City of Marion – SB 1587 (P.A.96-0587)**

Senate Bill 1587 authorizes the Illinois Department of Central Management Services to convey real estate to the City of Marion for \$1. It also includes a clause where the property would revert to the state if it ceases to be used for public purposes. Effective August 18, 2009.

**Waiving Late Fees on Economic Interest Statements – SB 1592 (P.A.96-0550)**

Senate Bill 1592 permits the Secretary of State and county clerks to waive fees and penalties when a person files a statement of economic interests late, or fails to file the statement, due to his or her serious or catastrophic illness or military service. Effective August 18, 2009.

**Inclusion of LEEDs Certified Construction Elements in Project Costs – SB 1601 (P.A.96-0630)**

Senate Bill 1601 provides that "redevelopment project costs" include any direct or indirect costs relating to LEED certified construction elements. The bill provides that "LEED certified" means any certification level of construction elements by a qualified Leadership in Energy and Environmental Design Accredited Professional as determined by the U.S. Green Building Council. The bill makes revisory changes. The bill contains a non-acceleration clause. The bill also provides that redevelopment project costs also include any direct or indirect costs relating to Green Globes certified construction elements or construction elements with an equivalent certification. Effective January 1, 2010.

**Prohibition of Disconnection of Street Lighting District – SB 1661 (P.A.96-0336)**

Senate Bill 1661 provides that territory shall not be disconnected from a street lighting district if the following criteria are met: (i) the municipality which contains all or part of the street lighting district does not levy a property tax on the taxable property in the territory, (ii) the municipality

passes an ordinance permitting the street lighting district to operate and levy a tax, and (iii) the municipality does not collect a franchise fee from an electrical utility. Effective August 11, 2009.

**Smoking Ban Exemption for Religious Ceremonies – SB 1685 (Amendatory Veto Override)**

Senate Bill 1685 amends the Smoke Free Illinois Act to provide that the definition of "smoke" or "smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity that is in accordance with the federal American Indian Religious Freedom Act.

**Sales Tax Exemption for Certain Equipment – SB 1691 (P.A.96-0116)**

Senate Bill 1691 amends the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act to reauthorize the exemption for graphic arts machinery and equipment and the manufacturer's purchase credit until August 30, 2014. The bill also amends the Illinois Income Tax Act with regard to property-related costs with respect to the investment credit. Effective July 31, 2009.

**Firefighter Pension Transfer – SB 1705 (P.A.96-0727)**

Senate Bill 1705 allows an active fireman who is a member of the Firemen's Annuity and Benefit Fund of Chicago to transfer up to a total of 10 years of service credit in 6-month increments for service for covered employment under the Downstate Firefighters Article. The bill requires payment within 5 years after the date of application of an amount equal to the difference between the amount of employee and employer contributions transferred to the Fund and the amounts determined by the Fund. The bill provides guidelines to the Fund in determining the amount. Effective August 25, 2009.

**Binding Arbitration for Newly-Certified Bargaining Units – SB 1715 (P.A.96-0598)**

Senate Bill 1715 makes binding arbitration available for newly-certified bargaining units with fewer than 35 members if the union and public body cannot agree to the terms of an initial contract. The bill is a significant departure from current labor law in that non-public safety employees would be allowed to go to binding arbitration while preserving their right to strike. Effective January 1, 2010.

**Acquisition of Equipment for Intercity Passenger Rail Service – SB 1729 (P.A.96-0728)**

Senate Bill 1729 authorizes the Illinois Department of Transportation, on behalf of the State, to enter into public-private partnerships for the acquisition of equipment for intercity passenger rail service. Effective January 1, 2010.

**Include Purpose of Increased PTEIL Limiting Rate – SB 1750 (P.A.96-0764)**

Senate Bill 1750 provides that a referendum to increase the limiting rate under the Property Tax Extension Limitation Law shall include a statement of the purpose for the increase. The bill also amends the Community Mental Health Act to provide that, if a governmental unit levies a tax under the Act and the rate specified in the referendum question is less than 0.15%, then the governing body of the governmental unit may increase that rate to not more than 0.15% upon referendum approval. Effective August 25, 2009.



**Purchase of American-Made Flags – SB 1753 (P.A.96-0344)**

Senate Bill 1753 amends the Flag Display Act to provide that no State institution or agency may purchase any American flags except those manufactured in the United States of America. Effective August 11, 2009.

**Victims' Economic Security and Safety Act Changes – SB 1770 (P.A.96-0635)**

Senate Bill 1770 amends the Victims' Economic Security and Safety Act. The bill makes changes and additions concerning: legislative findings; the definitions of "domestic or sexual violence," "domestic violence," "electronic communications," "employer," "employment benefits," "family or household member," "prevailing employee," and "stalking;" the purposes of the Act; notice to an employer of an employee's intention to take leave; confidentiality and penalties; use of existing leave; prohibited acts; documentation of domestic or sexual violence at the workplace or in work-related settings; compensatory damages; notices to employers; and other matters. The bill adds language providing that: an employee working for an employer that employs at least 15 but not more than 49 employees is entitled to a total of 8 (rather than 12) workweeks of leave during any 12-month period; and the total number of work weeks to which an employee is entitled shall not decrease during the relevant 12-month period. Effective August 24, 2009.

**Early Voting Periods During Holidays – SB 1801 (P.A.96-0637)**

Senate Bill 1801 requires that permanent early voting polling places designated in certain municipalities by election authorities of certain populous counties and municipalities must remain open additional hours on holidays during the early voting period and on the final weekend of the early voting period. Effective January 1, 2010.

**Eavesdropping Exemption for Peace Officers – SB 1814 (P.A.96-0425)**

Senate Bill 1814 amends the Criminal Code of 1961. The bill exempts from an eavesdropping violation, with prior notification to the State's Attorney, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting in the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting in the direction of law enforcement, in the course of an investigation of a felony offense involving any weapon listed in the statute concerning unlawful use of weapons. Effective August 13, 2009.

**Creates the Definition of a Low Speed Vehicle – SB 1866 (P.A.96-0653)**

Senate Bill 1866 defines a "low speed vehicle" as any 4-wheeled vehicle with a maximum speed between 20 and 25 miles per hour. The vehicle also must conform to federal motor vehicle safety standards. The fee for a certificate of title is \$30 and the registration fee is \$18. Allows for the operation of these vehicles on any street in Illinois where the posted speed limit is 30 miles per hour or less and cross a street that has a posted speed limit of 45 miles per hour or less. The Illinois Department of Transportation or a unit of local government may prohibit their operation by passing a resolution or ordinance. Operators of these vehicles must have a driver's license and insurance. Effective January 1, 2010.

**Insurance Plan Wellness Coverage – SB 1877 (P.A.96-0639)**

Senate Bill 1877 amends the State Employees Group Insurance Act of 1971, the Illinois Insurance Code, and the Health Maintenance Organization Act to provide that a policy or plan that provides coverage for hospital or medical treatment on an expense incurred basis, may offer a reasonably designed program for wellness coverage that allows for certain incentives for participation in health behavior wellness programs that are approved or offered by the insurer or plan. Effective January 1, 2010.

**Changes the Definition of an All-Terrain Vehicle – SB 1897 (P.A.96-0428)**

Senate Bill 1897 changes the definition of an all-terrain vehicle to any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, and has a manufacturer's dry weight of 2,000 pounds or less. They also must travel on 3 or more non-highway tires designed with a seat or saddle and have handlebars or a steering wheel. The bill specifically excludes lawnmowers in the definition. Effective August 13, 2009.

**Safe Pharmaceutical Disposal Act – SB 1919 (P.A.96-0221)**

Senate Bill 1919 creates the Safe Pharmaceutical Disposal Act. The bill provides that except for medications contained in intravenous fluids, syringes, or transdermal patches, no health care institution, nor any employee, staff person, contractor, or other person acting under the direction or supervision of a health care institution, may discharge, dispose of, flush, pour, or empty any unused medication into a public wastewater collection system or septic system. The bill provides that a violation of the Act is a petty offense subject to a fine of \$500. Effective January 1, 2010.

**High Impact Businesses Designation for Wind Power Facilities – SB 1923 (P.A.96-0028)**

Senate Bill 1923 designates businesses that intend to establish a new wind power facility placed in service on or after July 1, 2009 in Illinois may be considered "high impact businesses" and qualify for certain occupation tax exemptions. Businesses that intend to establish new wind power facilities are not required to meet the high impact designation provisions. Payment of prevailing hourly wages is required. Effective July 1, 2009.

**Mandatory Police and Fire Pension Board Trustee Training – SB 1974 (P.A.96-0429)**

Senate Bill 1974 requires all elected and appointed trustees of downstate police and firefighter 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. The bill exempts active or appointed trustees serving on the effective date of the law from the initial 32-hour trustee certification training. The training shall be paid by the pension fund. Effective August 13, 2009.

**2016 Olympic Games Act – SB 2016 (P.A. 96 – 0007)**

Senate Bill 2016 has many provisions including limiting the state indemnification of any net financial deficit to \$250 million. The Chicago Olympic Public Safety Command is created for providing security and public safety planning, management and administration if Chicago is selected as the host city for the 2016 games. It also sets up a Diversity Program Commission to ensure diversity in contracting, etc. The Chicago Metropolitan Exposition Authority, the



Chicago Park District and the University of Illinois are to provide support to Chicago's bid for the 2016 games. Effective April 3, 2009.

**Various Fine & Fee Increases – SB 2024 (P.A. 96-0735)**

Senate Bill 2024 amends the Clerks of Courts Act. The bill provides that the fine for speeding in a school zone is increased by \$5, which shall go to the school district or districts in which the offense occurred. A county with a drug court may adopt a mandatory fee of \$5 to fund the drug court, less a 5% clerk processing charge, assessed against any defendant found guilty in a traffic case or who is ordered to pay a fine under the Unified Code of Corrections. A person found guilty, including court supervision, of a DUI, in addition to any other fine, is fined \$500 (or \$1,000 for other than a first offense), payable to the clerk to be distributed as follows: \$100 to the law enforcement agency or agencies that made the arrest, and \$400 to the General Revenue Fund. If a person has been adjudged guilty of a DUI and a crime lab DUI analysis was completed, then, in addition to any other disposition or fine, the defendant must pay a crime lab DUI analysis fee of \$150, but the court may suspend payment of the fee if the defendant does not have the ability to pay. The bill also provides that, if the fine assessed for a first offense of speeding in a construction zone is \$250 or greater, then the defendant must pay an additional fee of \$125, which must be deposited into the Transportation Safety Highway Hire-back Fund. The bill increases the fine for violating the requirement to yield to a pedestrian in a school cross walk by \$50, which goes to the school district or districts in which the offense occurred. Effective January 1, 2010.

**Eavesdropping Exemption for Peace Officers – SB 2026 (P.A. 96-0643)**

Senate Bill 2026 amends the Criminal Code of 1961 to exempt, from an eavesdropping violation, any law enforcement officer or individual acting on behalf of a law enforcement officer investigating incidents involving hostages or barricaded subjects necessitating the use of eavesdropping cameras or audio devices intended to ensure the safety of the general public or any law enforcement officer. Effective January 1, 2010.

**Income Tax Veteran's Wage Credit – SB 2046 (P.A. 96-0101)**

Senate Bill 2046 amends the Illinois Income Tax Act to extend an existing credit applicable to wages paid to qualified veterans to 10% (but in no event to exceed \$1,200) of the gross wages paid to qualified veterans in the course of that veteran's sustained employment during the taxable year. Effective January 1, 2010.

**Creates the Premise Alert Program – SB 2057 (P.A. 96-0738)**

Senate Bill 2057 establishes the Premise Alert Program database to ensure persons with disabilities or special needs or both have the same access to public safety services as provided to all citizens. Public safety agencies are required to make reasonable efforts to publicize how a family member or caregiver of a special needs person, or special needs persons themselves can register for the database. Except in the case of willful or wanton misconduct, public safety agencies are exempt from civil liability as to their reporting of special needs individuals under the Illinois Premise Alert Program. Effective August 28, 2009.

**Penalties for Improper Storage and Disposal of Used Tires – SB 2103 (P.A. 96-0737)**

Senate Bill 2103 authorizes the Environmental Protection Agency to issue an administrative citation and impose a civil penalty if any person (i) causes or allows water to accumulate in used

tires, (ii) fails to collect the new or used tire fee, (iii) fails to file a State tax return listing the number of tires sold at retail during the past calendar year, or (iv) transports used or waste tires in violation of the registration requirements. The bill exempts tires stored on residential premises as long as no more than 12 tires are located on site. Effective August 25, 2009.

**Computation of Property Tax Installments in Cook County – SB 2125 (P.A. 96-0490)**

Senate Bill 2125 amends the Property Tax Code. In a Section concerning property tax installments in counties with 3,000,000 or more inhabitants, the bill provides that, beginning with taxes payable in 2010, the first installment shall be computed at 55% (instead of 50%) of the total of each tax bill for the preceding year. Effective August 14, 2009.

**High Capacity Wells – Reporting and Restrictions – SB 2184 (P.A. 96-0222)**

Senate Bill 2184 requires the reporting of any new high capacity well located in areas served by Lake Michigan. Restrictions of withdrawal may be placed upon the occupier of a high capacity well by the District and the Department of Agriculture if it is necessary to preserve an adequate water supply for all residents in the District (current law applies to all other areas of the state). Persons or land occupiers who are responsible for a high-capacity well, high-capacity intake, or public water supply are required to participate in the Illinois Water Inventory Program, but exempt high-capacity intakes used for agricultural irrigation and high-capacity wells used for agricultural irrigation from this requirement for 5 years. Effective January 1, 2010.

**Regulation of Pigeons – SB 2272 (P.A. 96-0646)**

Senate Bill 2272 provides that a municipality in a county other than Cook County may not enact an ordinance to prohibit the orderly keeping of carrier, racing, hobby, or show pigeons. Also, this legislation provides that a county other than Cook County shall not enact an ordinance that prohibits the orderly keeping of carrier pigeons. SB 2272 provides that all municipalities are allowed to regulate the orderly keeping of carrier, racing, hobby, or show pigeons. Effective August 24, 2009.

# COMMITTEE AGENDA ITEM VILLAGE OF HOFFMAN ESTATES

**SUBJECT:** Request for approval an ordinance declaring Village property surplus and permitting the sale of personal property owned by the Village.

**MEETING DATE:** November 9, 2009

**COMMITTEE:** General Administration and Personnel Committee

**FROM:** Becky Suhajda, Administrative Intern

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**PURPOSE:** Approval an ordinance declaring Village property surplus and permitting the sale of personal property owned by the Village, utilizing [www.govdeals.com](http://www.govdeals.com).

**DISCUSSION:** The Village is required to declare surplus all property deemed no longer necessary, useful to, or in the best interests of the Village to retain prior to properly disposing of such property.

**BACKGROUND:** In the past, the Village has been able to dispose of surplus property by way of online public auction so as to reduce waste and derive any further value in the form of revenues to the extent possible. Surplus items not sold at auction can then be properly disposed of or recycled.

**FINANCIAL IMPACT:** The sale of Village surplus items is expected to generate marginal revenues from the online auction.

**RECOMMENDATION:** Approval of an Ordinance authorizing the sale of personal property owned by the Village, per the attachment.

**ATTACHMENTS:** 1

ORDINANCE NO. \_\_\_\_\_ - 2009

VILLAGE OF HOFFMAN ESTATES

**AN ORDINANCE AUTHORIZING THE SALE  
OF PERSONAL PROPERTY OWNED BY  
THE VILLAGE OF HOFFMAN ESTATES**

WHEREAS, in the opinion of at least three-fourths of the corporate authorities of the Village of Hoffman Estates, it is no longer necessary or useful to or for the best interests of the Village of Hoffman Estates to retain ownership of the personal property hereinafter described; and

WHEREAS, it has been determined by the President and Board of Trustees of the Village of Hoffman Estates to sell said personal property at a public auction to be held on the internet auction website [www.obenaufactions.com](http://www.obenaufactions.com).

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 pursuant to 65 ILCS 5/11-76-4 of the Illinois Revised Statutes, the President and Board of Trustees of the Village of Hoffman Estates find that the described personal property attached as Exhibit "A" now owned by the Village of Hoffman Estates, is no longer necessary or useful to the Village of Hoffman Estates and that the best interests of the Village of Hoffman Estates will be served by its sale.

Section 2: That pursuant to 65 ILCS 5/11-76-4, the Village Manager is hereby authorized and directed to sell the aforementioned property now owned by the Village of Hoffman Estates at public auction at the internet auction website [www.obenaufactions.com](http://www.obenaufactions.com), to the highest bidder of said personal property.

Section 3: That the Village Manager is hereby authorized and directed to advertise the sale of the aforementioned personal property in a newspaper published within the community not less than ten (10) days before the date of said public auction.

Section 4: That no bid which is less than the minimum price set forth in the list of property to be sold shall be accepted.

Section 5: That the Village Manager is hereby authorized and directed to enter into an agreement for the sale of said personal property.

Section 6: That upon payment of the full auction price, the Village Manager is hereby authorized and directed to convey and transfer title to the aforesaid personal property to the successful bidder.



Section 7: That if said personal property is not sold at such auction, then the Village Manager is authorized to sell without bid any such property.

Section 8: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 9: That this ordinance shall be in full force and effect immediately 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.

**EXHIBIT "A"**

<b>Item</b>	<b>Quantity</b>	<b>Minimum Price</b>
Blue Lazy Boy Reclining Chairs	4	\$25.00
Universal Training Machine	1	\$50.00
Schwinn Stationary Bicycle	1	\$10.00
ProMaxima Crunch Machine	1	\$10.00
Brown Chairs & Ottoman	3	\$10.00
Four Drawer File Cabinets	3	\$10.00
Metal Lockers	15	\$25.00
Personal Floatation Vests	9	\$9.00
Metal Cabinets	3	\$5.00
Halogen Floor Lamp	1	\$5.00
Desk	1	\$5.00
Table	1	\$5.00
Microwave Oven	1	\$10.00
White pressboard Cabinet	1	\$5.00
Metal Wire Clothes Rack	1	\$5.00
Tennsco Open Shelving Unit	1	\$5.00
Metal Book Cases	3	\$5.00
Metal Shelving Unit	1	\$5.00
24" <i>Super Vac</i> Smoke Ejector Fan	1	\$10.00
Turn-out Pants	29	\$50.00
Suspenders	6	\$5.00
Turn-out Jackets	20	\$50.00
50 <sup>th</sup> Anniversary Banners	103	\$5.00 each depending on condition

# COMMITTEE AGENDA ITEM

## VILLAGE OF HOFFMAN ESTATES

**SUBJECT:** Request approval of a proposal for full-service professional printing to complete production of the monthly Citizen newsletter to residents and businesses for both 2010 and 2011, with an option for 2012, which will be at the discretion of the Village.

**MEETING DATE:** November 9, 2009

**COMMITTEE:** General Administration and Personnel

**FROM:** Doug Schultz, Community Relations Coordinator

**PURPOSE:** Request approval of a proposal for full-service professional printing to complete production of the monthly Citizen newsletter to residents and businesses for both 2010 and 2011, with an option for 2012, which will be at the discretion of the Village.

**BACKGROUND:** The Village Board authorized staff to seek Requests for Proposals (RFPs) for full-service professional printing services for the Citizen newsletter. To be considered for the project, proposals had to contain evidence of the firm's experience and abilities to provide typesetting, layout and design, printing, folding, bundling, and delivery of the Village's newsletters to the Schaumburg/Hoffman Estates Post Offices for mailing to residents and businesses. The final output of 21,000 copies of 8, 12, and 16-page issues of the Citizen should be printed on 70# gloss text recycled paper using soy inks.

**DISCUSSION:** Proposals were received from Bell Litho, Inc.; CL Graphics, Inc.; Creekside Printing; Hagg Press; McGrath Press, Inc.; Presstech; RR Donnelley; The Strathmore Company; and Trend Graphics, Inc. (nine [9] companies, total). An analysis of their bids follows:

### 21,000 8-page

Bidder	70# gloss text
Bell Litho, Inc.	\$6,389.00
CL Graphics, Inc.	\$3,238.00 *
Creekside Printing	\$2,712.00
<b>Hagg Press</b>	<b>\$2,703.00</b>
McGrath Press, Inc.	\$4,740.45 *
Presstech	\$2,765.00 *
RR Donnelley **	\$3,374.00 *
The Strathmore Company	\$2,858.00
Trend Graphics, Inc.	\$3,800.00 (matte)

### 21,000 12-page

Bidder	70# gloss text
Bell Litho, Inc.	\$9,753.00
CL Graphics, Inc.	\$4,338.00 *
Creekside Printing	\$4,075.00
<b>Hagg Press</b>	<b>\$4,056.00</b>
McGrath Press, Inc.	\$6,821.12 *
Presstech	\$3,955.00 *
RR Donnelley **	\$5,010.00 *
The Strathmore Company	\$4,213.00
Trend Graphics, Inc.	\$3,800.00 (matte)

### 21,000 16-page

Bidder	70# gloss text
Bell Litho, Inc.	\$10,336.00
CL Graphics, Inc.	\$5,465.00 *
Creekside Printing	\$4,381.00
<b>Hagg Press</b>	<b>\$4,343.00</b>
McGrath Press, Inc.	\$8,401.12 *
Presstech	\$4,575.00 *
RR Donnelley **	\$5,756.00 *
The Strathmore Company	\$4,777.00
Trend Graphics, Inc.	\$3,800.00 (matte)

*Lowest proposal in **bold***

*\* Includes extra costs for shipping/delivery to Post Offices and Village Hall*

*\*\* RR Donnelley also included quotes for a smaller version of the newsletter (8.5" x 10.875"). These proposals came in at: \$2,637.06\* (8 page), \$3,972.89\* (12 page), and \$3,707.26\* (16 page). However, these quotes include extra costs for delivery, which would make them more expensive than the lowest proposals above that meet the requested specifications.*

**FINANCIAL IMPACT:** The Communications Division budget provides funds for printing services for the Citizen newsletter. There will be sufficient funds to continue printing the Citizen newsletter in full color on 70# gloss text recycled paper.

**RECOMMENDATION:** The Village has a strong history with Hagg Press (they currently print the Citizen). They are dedicated to customer service, they are committed to maintaining our timeline, and their quality of work is very good. Most importantly, their proposal was the lowest bid, even lower than what we're paying right now. Given this, staff recommends approval to utilize Hagg Press for printing services for the Citizen newsletter in full color on 70# gloss text recycled paper for the next two years, with an option for an additional third year.

##

# COMMITTEE AGENDA ITEM

## VILLAGE OF HOFFMAN ESTATES

**SUBJECT:** Request approval of an Ordinance to enter into an Intergovernmental Agreement with various Illinois municipalities to form the Northern Illinois Municipal Natural Gas Franchise Consortium.

**MEETING DATE:** November 9, 2009

**COMMITTEE:** General Administration & Personnel Committee

**FROM:** Becky Suhajda, Administrative Intern

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**PURPOSE:** Request approval of an Ordinance to enter into an Intergovernmental Agreement with various Illinois municipalities to form the Northern Illinois Municipal Natural Gas Franchise Consortium.

**BACKGROUND:** The Village has an existing franchise agreement for Natural Gas service with Northern Illinois Gas Company (d/b/a NICOR Gas Company). The agreement was entered into in 1959 for a period of fifty (50) years. The Current franchise agreement is set to expire December 31, 2009.

In May 2008, the Public Works and Utilities Committee approved the request of the Northwest Municipal Conference (NWMC) to participate with 74 other municipalities in the creation of a Model Natural Gas Franchise Agreement. In June of 2009, the Public Works and Utilities Committee approved a \$500 contribution to the Natural Gas Model Franchise Agreement.

**DISCUSSION:** The attached Intergovernmental Agreement defines the Consortium's membership, creates structure and procedures for doing business, provides for management of contributed funds, and sets standards for withdrawal and dissolution. This joint effort will give participating municipalities greater negotiating power with the natural gas utilities and will reduce the cost to each municipality of drafting, negotiating, and finalizing a new gas franchise. Here is a list identifying key terms (with references to the draft Agreement in parentheses):

- Each municipality that signs the Agreement and makes the first, nonrefundable \$500 payment becomes a Member of the Consortium (*Preamble*).

- Membership on the Steering Committee is coordinated through the Councils of Governments (the “COGs”). Each COG appoints positions on the Steering Committee from among the municipalities that are members of that COG (§ 3C2). The number of Steering Committee members that each COG gets to appoint is based on the number of Consortium members in that COG, as follows:
  - COGs with 10 or fewer Members = 1 Steering Committee member.
  - COGs with 11 to 20 Members = 2 Steering Committee members.
  - COGs with 21 or more Members = 3 Steering Committee members.

**RECOMMENDATION:**

Staff recommends approval of an Ordinance to enter into an Intergovernmental Agreement with various Illinois municipalities to form the Northern Illinois Municipal Natural Gas Franchise Consortium.

**ATTACHMENTS:**            2

**DRAFT**

[Template approval ordinance]

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS MUNICIPAL GAS FRANCHISE CONSORTIUM

WHEREAS, by granting a natural gas franchise to [name of utility] (the "Utility"), the [Village/City], makes natural gas and related facilities and utilities available to the [Village's/City's] residents, businesses, and land owners; and

WHEREAS, the [Village's/City's] current franchise agreement with the Utility [expired/will expire] on [date of expiration] (the "Existing Franchise Agreement"); and

WHEREAS, the Existing Franchise Agreement provides the terms and conditions under which the Utility utilizes the [Village's/City's] public rights-of-way in the provision of natural gas; and

WHEREAS, it is in the best interests of the [Village/City] and its residents, businesses, and land owners to negotiate and enter into a new franchise agreement with the Utility that includes all of the standard and necessary terms, provisions, and protections, plus modern provisions and protections such as energy efficiency provisions that require not only levels of efficiencies on the part of utilities, but also energy audits and other conservation-related services from the Utility; and

WHEREAS, a number of northern Illinois municipalities plan to create a consortium of participating municipalities to cooperate and jointly prepare and negotiate a model franchise agreement for natural gas with the Utility and with other utilities that serve these northern Illinois municipalities; and

WHEREAS, participating in this joint effort will give the [Village/City] greater negotiating power with the natural gas utilities and will reduce the cost to the [Village/City] of drafting, negotiating, and finalizing a new gas franchise agreement; and

WHEREAS, a steering committee of the participating municipalities has prepared an intergovernmental agreement that will establish the "Northern Illinois Municipal Natural Gas Franchise Consortium" (the "Consortium") for the purpose of preparing and negotiating a model franchise agreement for natural gas utilities; and

WHEREAS, the Corporate Authorities of the [Village/City] have determined that it is in the best interests of the [Village/City] to approve and authorize the execution of the intergovernmental agreement and become a member of the Consortium pursuant to the terms of the agreement;

NOW, THEREFORE, BE IT ORDAINED BY THE [PRESIDENT/MAYOR] AND [BOARD OF TRUSTEES/CITY COUNCIL] OF THE [VILLAGE/CITY] OF [NAME OF MUNICIPALITY], \_\_\_\_\_ COUNTY, ILLINOIS, as follows:



Section 1. Recitals.

The foregoing recitals are incorporated into this Ordinance as the findings of the [Board of Trustees/City Council] of the [Village/City].

Section 2. Approval of Intergovernmental Agreement.

The "Intergovernmental Agreement Establishing the Northern Illinois Municipal Gas Franchise Consortium," in form and substance substantially the same as Exhibit A to this Ordinance (the "*Intergovernmental Agreement*"), is hereby approved.

Section 3. Authorization to Execute the Agreement.

The [President/Mayor] and the [Village/City] Clerk are authorized and directed to execute and attest the Intergovernmental Agreement on behalf of the [Village/City].

Section 4. Effective Date.

This Ordinance shall be effective following passage by the [Board of Trustees/City Council] of the [Village/City] in the manner required by law.

PASSED this \_\_\_ day of \_\_\_\_\_, 2009, by vote of the [Board of Trustees/City Council] of the [Village/City] of [name of municipality], as follows:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
[Village/City] [President/Mayor]

ATTEST:

\_\_\_\_\_  
Village Clerk  
# 8936297\_v1

**EXHIBIT A**

**Intergovernmental Agreement**

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ORDINANCE NO. 2009-\_\_

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**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN  
INTERGOVERNMENTAL AGREEMENT ESTABLISHING THE NORTHERN ILLINOIS  
MUNICIPAL GAS FRANCHISE CONSORTIUM**

Passed by the *[Board of Trustees/City Council]*, \_\_\_\_\_, 2009

Printed and Published, \_\_\_\_\_, 2009

Printed and Published in Pamphlet Form  
by Authority of the  
*[President/Mayor]* and *[Board of Trustees/City Council]*

*[VILLAGE/CITY]* OF *[NAME OF MUNICIPALITY]*

\_\_\_\_\_ COUNTY, ILLINOIS

I hereby certify that this document  
was properly published on the date  
stated above.

\_\_\_\_\_  
*[Village/City]* Clerk

**AN INTERGOVERNMENTAL AGREEMENT  
ESTABLISHING  
THE NORTHERN ILLINOIS MUNICIPAL  
NATURAL GAS FRANCHISE CONSORTIUM**

**Entered Into By Various Illinois Municipalities**

**as of**

**\_\_\_\_\_ 1, 2009**

**AN INTERGOVERNMENTAL AGREEMENT  
ESTABLISHING  
THE NORTHERN ILLINOIS MUNICIPAL  
NATURAL GAS FRANCHISE CONSORTIUM**

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into as of \_\_\_\_\_ 1, 2009, (the "**Effective Date**") by each of the Illinois home rule and non home rule municipalities that (i) have executed a signature page confirming that they are parties to this Agreement as of the Effective Date and (ii) have paid the initial \$500 contribution required under Paragraph 5.A.3 of this Agreement (individually the "**Parties**" and collectively the "**Consortium**," with each Party automatically a "**Member**" of the Consortium only for so long as the Member is a Party to this Agreement):

W I T N E S S E T H:

WHEREAS, Illinois municipalities make natural gas and related facilities and utilities available to the residents, businesses, and land owners within their respective corporate boundaries by granting franchises to natural gas utilities; and

WHEREAS, natural gas franchise agreements provide the terms and conditions under which gas utility companies may utilize public rights-of-way in the provision of natural gas; and

WHEREAS, natural gas franchise agreements ordinarily have lengthy terms of years and contain numerous important fiscal and regulatory requirements regarding, for example, rights-of-way standards, municipal compensation, customer service standards, equipment maintenance and capital commitments, and emergency response and preparedness; and

WHEREAS, the terms of many existing natural gas franchise agreements for many Illinois municipalities have expired or will expire in the near future; and

WHEREAS, new natural gas franchise agreements should include modern provisions and protections for Illinois municipalities and their constituents and significant energy efficiency provisions that require not only levels of efficiencies on the part of the utilities, but also energy audits and other conservation-related services from utilities; and

WHEREAS, the Parties have individually and collectively determined that it is appropriate and in each of their best interests to jointly develop and negotiate a model franchise agreement for natural gas utilities; and

WHEREAS, to achieve these and other related objectives, the Parties desire to utilize the powers and authority granted to them under Article VII, Section 10 of the Illinois Constitution of 1970; the Intergovernmental Cooperation Action, 5 ILCS 220/1 *et seq.*; the Local Land Resource Management Planning Act, 50 ILCS 805/1 *et seq.*; and other applicable authority, including without limitation the home rule powers of various Consortium Members; and

WHEREAS, after full consideration of all planning, fiscal, and other intergovernmental issues effecting this matter, each of the Parties has determined that it is in the best interests of its residents and the general public welfare that this Agreement be executed and implemented by all of the Parties; and

WHEREAS, each of the initial Parties to this Agreement (the "**Founding Parties**") has approved this Agreement by an ordinance or resolution duly adopted by the Party's corporate authorities, which approval is evidenced by the signature page of the Party attached to this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein made and pursuant to all applicable statutes and local ordinances noted above, all of the Parties enter into the following:

## SECTION 1. RECITALS

The foregoing recitals are, by this reference, incorporated into and made a part of this Agreement.

## SECTION 2. PURPOSE

This Agreement is made for the purpose of establishing the Northern Illinois Municipal Natural Gas Franchise Consortium and endowing it with all of the authority, powers, and resources necessary and convenient to allow the Parties jointly to most effectively and efficiently address common and necessary issues related to the establishment of a model franchise agreement for natural gas utilities. This Agreement is further intended to allow the Parties to jointly seek any available local, state, and federal funds and other resources to assist in addressing the natural gas utility issues identified by the Parties as necessary, and being appropriate for, the joint action of the Parties.

## SECTION 3. ESTABLISHMENT AND ORGANIZATION

A. Formation of Consortium. By this Agreement, the Parties establish the Northern Illinois Municipal Natural Gas Franchise Consortium. The Consortium shall act in the manner set forth in this Agreement in furtherance of the preparation and negotiation of a model natural gas utility franchise agreement.

B. Membership and Member Representatives. Each Party is a Member of the Consortium. As such, each Party must designate as its representative on the Consortium (the "**Member Representative**") either (i) the Member's chief administrative officer or the chief administrator officer's duly authorized representative or (ii) if the Member does not have a chief administrative officer, then the Member's mayor or president or the mayor's or president's duly authorized representative. Each Member Representative shall operate and act with respect to Consortium affairs and actions only pursuant to action duly authorized by the Member Representative's corporate authorities.

C. Steering Committee Governance. The Consortium shall be managed and operated by a Steering Committee comprised of Member Representatives from the Parties as determined pursuant to this Subsection.

1. Councils of Government. The municipalities that are Parties to this Agreement are members of various councils of government each separately established, organized, and managed under Illinois law to provide joint planning and intergovernmental cooperation among their respective members. The councils of government represented by the Members of the Consortium are listed in **Exhibit A** to this Agreement ("**Consortium COGs**").

2. Selection of Steering Committee Members.

(a) COG Appointments. Each Consortium COG will appoint from among its municipalities Consortium Members to serve on the Steering Committee. Appointments to, and the length of service on, the Steering Committee will be at the discretion of the appointing Consortium COG. Only COG members that are Parties to this Agreement may have a Member Representative sit on the Steering Committee.

(b) Allotment of Appointments. The number of Steering Committee appointments for each Consortium COG will be based on the number of members of a COG that are Parties to this Agreement. A COG with 10 or fewer Parties to this Agreement will have one appointment to the Steering Committee; a COG with at least 11 but no more than 20 Parties to this Agreement will have two appointments to the Steering Committee; and a COG with more than 20 Parties to this Agreement will have three appointments to the Steering Committee. A Party will be counted in the total for each Consortium COG of which that Party is a member.

(c) Initial Steering Committee Composition and Roster. Based on the Founding Parties, the Steering Committee will initially have sixteen (16) members. The specific composition of the Committee and the distribution of its members and appointments among the Consortium COGs is set forth in **Exhibit B** to this Agreement ("**Steering Committee Roster**").

(d) Adjustments. On a yearly basis, the "**Administrator**" (as set forth in Paragraph 3(f) of this Section) shall monitor COG member participation in the Consortium and shall make adjustments to the Steering Committee membership as necessary to ensure compliance with this Subsection. The Administrator will distribute to all Consortium Members any amended Steering Committee Roster. Amended Steering Committee Rosters will be deemed to replace automatically the Steering Committee Roster attached to this Agreement as of the Effective Date and any subsequent amended Roster, as the case may be, without the need for an amendment to this Agreement.

(e) Replacements. If a Member designated to appoint a Member Representative to the Steering Committee does not name its Member Representative within fourteen (14) calendar days after its designation, the Member's COG shall immediately appoint another of its Members to name a Member Representative to serve on the Steering Committee.

3. Steering Committee Responsibilities. The Steering Committee is responsible for the following matters:

(a) Consortium Operations. The Steering Committee is responsible for all Consortium operations, management, and activities, including without limitation establishing the contribution amounts to be paid by Consortium members in order to maintain membership in the Consortium, as further provided in Section 5 of this Agreement.

(b) Draft Franchise Agreement. The Steering Committee will provide for the preparation of a draft model natural gas franchise agreement (the "**Draft Franchise Agreement**") that will be used in negotiation with natural gas utility companies that serve Consortium members (the "**Gas Utilities**"). The Steering Committee is authorized to establish a

drafting committee and other subcommittees as it deems necessary to prepare the Draft Franchise Agreement.

(c) Negotiation of Franchise Agreement. After preparation of the Draft Franchise Agreement and concurrence of the Consortium, the Steering Committee will undertake negotiations with the Gas Utilities. The Steering Committee may establish a negotiating committee and other subcommittees as it deems necessary to prepare for and undertake negotiations for a final model franchise agreement for natural gas (a "**Final Franchise Agreement**").

(d) Communications. The principal goals of the Consortium are preparation of a Draft Franchise Agreement and negotiation of a Final Franchise Agreement that is acceptable to the greatest number of the Members as possible. Accordingly, in preparing the Draft Franchise Agreement and negotiating the Final Franchise Agreement, the Steering Committee shall advise and consult with Member Representatives from time to time regarding procedural, substantive, and strategic issues in a continuing effort to achieve these goals.

(e) Appointed Counsel. The Steering Committee shall retain legal counsel to represent the interests of the Consortium in the preparation of this Agreement, the preparation of the Draft Franchise Agreement, and the preparation and negotiation of the Final Franchise Agreement.

(f) Consortium Administrator. The Steering Committee shall select a person or agency to administer the business affairs of the Consortium and to undertake such other activities as assigned by the Steering Committee (the "**Administrator**"). The Administrator will not be paid a fee for services, but the Steering Committee may reimburse the Administrator for reasonable and appropriate costs and expenses, including without limitation administrative overhead costs. The Administrator is specifically responsible for, among other things (i) overseeing the finances of the Consortium, (ii) compiling and maintaining cost and expenditure information regarding Consortium activities, and (iii) making recommendations to the Steering Committee on Consortium costs and expenditures and on establishing required contribution amounts from the Members as further set forth in Section 5 of this Agreement. The Administrator, in consultation with the Steering Committee, also is responsible for preparing periodic status reports not less than once every two (2) months, which reports will include the status of all drafting and negotiations and a financial report including all expenditures from the Consortium Fund established pursuant to Section 5 of this Agreement. The Members approve the selection of the DuPage Mayors and Managers Conference and its executive director Mark Baloga as the Administrator as of the Effective Date.

#### 4. Officers.

(a) Chairperson. Steering Committee Member Representatives shall choose from among themselves a Member Representative to serve as Chairperson of the Steering Committee. The Chairperson will preside at all meetings of the Steering Committee and will perform all other duties as may be prescribed by the Steering Committee.

(b) Vice Chairperson. Steering Committee Member Representatives shall choose from among themselves a Member Representative to serve as Vice Chairperson of the Steering Committee. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson at any Steering Committee meeting and the Vice Chairperson shall have and be assigned the additional powers and duties as the Steering Committee may prescribe.



(c) **Secretary.** The Administrator shall serve as Secretary of the Steering Committee, responsible for taking and keeping the minutes of all Steering Committee meetings and for undertaking any additional powers and duties as the Steering Committee may prescribe.

5. **Steering Meetings and Notices.** The Steering Committee will meet periodically at times and places determined by the Steering Committee. A majority of the then-current Steering Committee Members will be necessary to establish a quorum. All Member Representatives may attend all meetings of the Steering Committee and provide comments. Unless otherwise determined by the Steering Committee, all meetings of the Steering Committee shall be kept confidential. The Steering Committee will provide notice of its meetings to each Consortium Member as far in advance of the meeting as practicable, preferably at least seven (7) calendar days, except when a time-sensitive matter demands attention sooner. Notices will include, at a minimum, the time and place of the meeting and a description of the topics to be covered at the meeting.

6. **Full Consortium Meetings.** In addition to Steering Committee meetings, the Steering Committee will schedule and hold, at a minimum, two (2) meetings of the Member Representatives from all Consortium Members, one of which will be to review and obtain the concurrence of the Consortium on the terms and conditions of the Draft Franchise Agreement. One third of the then-current Members of the Consortium will be necessary to establish a quorum for Consortium meetings. As it deems necessary, the Steering Committee will schedule additional meetings as negotiations are undertaken with the Gas Utilities and as the Final Franchise Agreement is prepared and finalized. The Steering Committee will provide notice to each Consortium Member of all full meetings of the Consortium as far in advance of the meeting as practicable, preferably at least seven (7) calendar days, except when a time-sensitive matter demands attention sooner. Notices will include, at a minimum, the time and place of the meeting and a description of the topics to be covered at the meeting. The Chairperson of the Steering Committee, or in the Chairperson's absence, the Vice Chairperson of the Steering Committee, shall preside at all full Consortium meetings. The Administrator will take and keep the minutes of all full Consortium meetings.

7. **Telephone Meeting Participation.** Members may participate in Steering Committee meetings and in full Consortium meetings by telephone. The Steering Committee and the Administrator will establish appropriate rules and procedures to govern telephonic participation in these meetings. Participation by telephone shall constitute the presence of a Member at the meeting for purposes of establishing a quorum.

D. **Additional Members.** The Steering Committee may accept additional municipalities as parties to this Agreement and as Members of the Consortium ("**New Members**") provided that a prospective New Member, prior to acceptance (1) must pay to the Consortium the full amount of the contributions assessed pursuant to Paragraph 5.A.3 of this Agreement as of the date of acceptance and (2) must properly approve and execute this Agreement and deliver the fully-executed signature page to the Administrator.

E. **Duration of Commission.** The Consortium will remain in place unless dissolved and terminated as provided in Subsection 6.D of this Agreement.

#### SECTION 4. GENERAL COOPERATION

The Members agree to cooperate with each other in furtherance of the purposes, goals, and objectives of the Consortium. Cooperation required by this Agreement specifically includes, but without limitation, the sharing and joint use by and among the Members of information and other materials possessed or developed by the Members, either individually or collectively, and necessary to investigate, identify, and otherwise document matters relevant to the preparation and negotiation of the Draft Franchise Agreement and the Final Franchise Agreement and to otherwise provide information and documents necessary to promote and achieve the purposes and objectives of the Consortium as provided in this Agreement.

#### SECTION 5. REVENUES AND EXPENSES

##### A. Franchise Fund.

1. Establishment and Administration. The Consortium shall create and maintain a fund (the "**Franchise Fund**") to pay the costs and expenses incurred or to be incurred by the Consortium (the "**Shared Costs**"). The Franchise Fund will be administered by the Administrator as set forth in this Agreement and as determined by the Steering Committee.

2. Shared Costs. Shared Costs include only costs incurred directly by the Consortium for the common purposes of the Members as set forth in this Agreement. Shared Costs include, without limitation, attorney's fees and costs for the Appointed Counsel, extraordinary out-of-pocket expenses incurred by the Consortium in preparing the Draft Franchise Agreement and in preparing and negotiating the Final Franchise Agreement, the Administrator's costs and expenses, and any other professional services determined by the Steering Committee to be necessary for the Consortium to meet its objectives as provided in this Agreement. As specifically determined by the Steering Committee, Shared Costs may also include extraordinary expenses incurred by a Consortium COG in furtherance of the purposes, goals, and intent of this Agreement and the Consortium. The Members agree to use their staffs and resources, including the Member Representatives, at no cost to the Consortium for joint projects or actions undertaken by or on behalf of the Consortium. Shared Costs specifically but without limitation do not include (a) fees and costs of attorneys other than the Appointed Counsel and (b) salaries or other compensation paid to employees or agents of a Member. The service to the Consortium of a Member and the Member's Representative is not a Shared Cost as a general matter, the Members expecting and intending that each Member will contribute to the operation of the Consortium at its own expense except as otherwise specifically approved in advance by the Steering Committee.

3 Funding the Franchise Fund. The Franchise Fund will be funded by contributions from the Members as determined from time to time by the Steering Committee on the recommendation of the Administrator. The Steering Committee will set contribution amounts only to the extent reasonably necessary to pay Shared Costs. The contribution required from each Member as of the Effective Date is a nonrefundable five hundred dollars (\$500.00) (the "**Initial Contribution**"). As Consortium operations proceed, the Steering Committee, through the Administrator, will provide notice and direction to all Consortium members of additional contribution amounts necessary to fund the Franchise Fund in order to pay Shared Costs (the "**Additional Contributions**"). Additional Contributions may be equal among the Members or may be on a pro rata basis based on Member populations or other factors as determined by the Steering Committee. For the purpose of permitting voluntary withdrawal from the Consortium under Subsections 6.B and 6.C of this Agreement without

liability for an Additional Contribution, an Additional Contribution will not be binding on a voluntarily withdrawing Member until thirty (30) calendar days after the notice required by this Paragraph.

4. Contributions Non-Refundable. No contribution to the Franchise Fund is refundable, regardless of a Member's withdrawal or expulsion or any other circumstance. Any funds remaining in the Franchise Fund at the time of dissolution of the Franchise Fund will be distributed as provided in Paragraph 5.A.5 of this Agreement.

5. Franchise Fund Dissolution; Distribution of Remaining Funds. The Franchise Fund must remain in place until all monetary obligations of the Consortium have been fulfilled and no future obligations are anticipated. After all monetary obligations have been fulfilled and when no future obligations are anticipated, the Steering Committee shall dissolve the Franchise Fund. All money remaining in the Franchise Fund at the time of its dissolution will be distributed only to the Members as of the date of the dissolution (the "**Final Members**"). Distributions will not necessarily be equal among the Final Members, but may be based, to the extent practicable and in the discretion of the Steering Committee, on Additional Contributions made by the Final Members or other factors.

B. Official Payee. For purposes of documentation and receipt of all funds and other resources obtained by or on behalf of the Consortium pursuant to this Agreement, the DuPage Mayors and Managers Conference will serve as the official payee for the Consortium.

## **SECTION 6. EXPULSION; WITHDRAWAL**

A. Automatic Expulsion for Breach. If a Member does not (1) pay a contribution as provided in Section 5 of this Agreement within the time provided by the Steering Committee for payment or (2) commits a significant violation of a provision of this Agreement as determined by the Steering Committee, then that Member is in breach of this Agreement. If the breach is not cured within fourteen (14) calendar days after notice from the Administrator, or within such additional time granted by the Steering Committee in advance of the expiration of the fourteen (14) calendar day deadline, then that Member is expelled from the Consortium automatically and without any vote or other action required by the remaining Members, the Steering Committee, or the Administrator.

B. Voluntary Withdrawal. Any Member may voluntarily withdraw as a Member by delivering to the Administrator, not later than twenty-one (21) calendar days before the intended effective date of withdrawal, a certified copy of an ordinance or resolution of that Member's corporate authorities declaring the Member's withdrawal from the Consortium as of a date certain set forth in the ordinance or resolution.

C. Required Terms of Expulsion or Withdrawal. Any Member that has been expelled or that is withdrawing (1) must pay in full all Additional Contributions to the Franchise Fund approved and binding under Paragraph 5.A.3. of this Agreement, (2) is not entitled to any refund of any money from the Franchise Fund at any time, and (3) must continue to keep all business of the Consortium confidential to the fullest extent permitted by law. The provisions of this Subsection C survive, and are enforceable against a Member after, expulsion or withdrawal.

D. Dissolution of the Consortium. The Consortium will be declared dissolved (1) upon the written notice executed by no less than two-thirds of the then-current Members, or (2) as otherwise determined by the Steering Committee.

## SECTION 7. COMPLIANCE

The Consortium and each Member must, and hereby agrees to, comply with all federal, State of Illinois, and municipal laws, ordinances, rules, regulations, and orders, and the rules, regulations, and orders of all duly constituted governmental agencies and authorities now in force or that may hereafter be in force.

## SECTION 8. GENERAL PROVISIONS

A. Notices. All notices and other materials required to be delivered to the Consortium must be delivered to the Administrator. All notices and other materials required to be delivered to the Members must be delivered to the Member Representatives. All notices provided or required under this Agreement will be delivered using e-mail, to the e-mail addresses provided to the Consortium by each Member. It is the responsibility of each Member Representative to ensure that the Administrator has the correct e-mail address for the Member Representative. The Administrator will provide a service list for notices on a periodic basis, updated as necessary with current Member Representatives and their e-mail addresses.

B. Entire Agreement. There are no representations, covenants, promises, or obligations not contained in this Agreement that form any part of this Agreement or on which any Party is relying in entering into this Agreement.

C. Severability. If any provision of this Agreement is construed or held to be void, invalid, or unenforceable in any respect, then the remaining provisions of this Agreement will not be affected thereby but will remain in full force and effect until and only if determined otherwise by the Steering Committee.

D. Interpretation. It is the express intent of the Parties that this Agreement will be construed, interpreted, and applied so as to preserve its validity and enforceability as a whole. In case of any conflict among provisions of this Agreement, the provision that best promotes and reflects the intent of the Parties will control.

E. Amendments and Modifications. This Agreement may be modified, changed, altered, or amended only with the duly authorized and written consent of three-fourths of the then-current Members by their corporate authorities and pursuant to ordinances or resolutions duly adopted and approved by the Members' corporate authorities. No amendment or modification to this Agreement will be effective until it is reduced to writing and approved by the corporate authorities of three-fourths of the then-current Members and properly executed in accordance with all applicable statutory procedures.

F. Authority to Execute. Each Party hereby warrants and represents to each other Party and to the Consortium that the person executing this Agreement on its behalf has been properly authorized to do so by the corporate authorities of the Party.

G. No Third Party Beneficiaries. This Agreement does not create any rights or interests in any third party and no provision of this Agreement may be interpreted, construed, or applied to create any such right or interest.

H. Execution. This Agreement may be executed by the Parties in identical original duplicates, and all of the executed duplicates taken together constitute one Agreement.

IN WITNESS WHEREOF, the duly authorized representative of each Member has executed this Agreement by signing this Page as of the Effective Date.

Name of Member: \_\_\_\_\_  
Signature of Member Representative: \_\_\_\_\_  
Printed Name of Member Representative: \_\_\_\_\_  
Title of Member Representative: \_\_\_\_\_  
E-Mail Address of Member Representative: \_\_\_\_\_

**[ADDITIONAL EXECUTION PAGES ATTACHED]**

**ATTACHMENT A**  
**CONSORTIUM COGs**

**ATTACHMENT B**  
**STEERING COMMITTEE ROSTER**

# 8817124\_v6

# VILLAGE OF HOFFMAN ESTATES

## Memo

To: Jim Norris  
From: Bruce Anderson  
Regarding: Cable TV Report  
Date: November 5, 2009

### **Citizen**

Covers: The Platzkonzert, Business Under the Big Top, Scarecrow Fest, the Kratochvil and St. Alexius Receptions, and Health & Human Services Activities.

#### Citizen Segments and Programs in development:

Harvest Luncheon  
Veterans Day  
Environmental Fair  
Park District Award  
French Cooking  
50<sup>th</sup> Gala  
Chamber Fashion Show

### **Behind the Badge**

Covers: A Day in the Life, and Fire Equipment Expo.

### **High School Sports**

HETV is following Fremd through the IHSA playoffs, as long as the games are available. Other sports coverage is being investigated, such as basketball, gymnastics and wrestling.

### **Comcast Digital Service**

Comcast will be switching their service to mostly digital in the near future. Each subscriber, and municipal building, school, etc will receive three digital boxes to convert the signals for analog TVs. TVs with digital tuners should continue to work. We will need to identify which TVs will get these boxes. Additional boxes are available for \$1.99 each.

### **Complaints/Inquiries**

The Village received four inquiries in the last month, one regarding cable competition, one about U-Verse non-availability, a low hanging drop, and a restoration issue. There is one issue outstanding.





# HOFFMAN ESTATES

DEPARTMENT OF HUMAN RESOURCES MANAGEMENT

## HUMAN RESOURCES MANAGEMENT DEPARTMENT

### Monthly Report

October 2009

#### Staffing Activity

New Starts:	19	Auxiliary Snowplow Drivers
Separations:	2	Administrative Service Officer I Administrative Service Officer II
Transfers:	0	
Retirees:	1	Maintenance III / Storekeeper
Promotions:	0	
Reclassifications:	0	
Change in Status:	0	

Staffing:	Full Time Employees	374 budgeted	353 current
	Part Time Employees	59 budgeted	53 current
	Temporary Employees	2 budgeted	0 current
	Seasonal Employees	21 budgeted	19 current
	Paid Interns	4 budgeted	3 current

#### Month & Year-to-Date Activity:

19 Seasonal with	37 for year
0 Promotions with	2 for year
2 Separations with	42 for year
1 Retirements with	9 for year
0 Transfers with	3 for year

## Recruitment Activity

Recruitment: Maintenance I/HEO (Internal Only) – Position posted on 9/18/09. Deadline for application is 10/02/09. No internal applications received. Superintendent was notified on 10/6/09.

Maintenance II Water/Sewer Systems Operator (Internal Only) – Position posted on 9/18/09. Deadline for application is 10/02/09. 3 applications received and forwarded to Superintendent for review on 10/6/09.

Auxiliary Snow Plow Driver (15 – 20) – Position posted on 9/17/09. 98 applications reviewed by the Superintendent. 12 interviewed on 9/29/09 and 12 interviewed on 10/06/09. 19 hired.

Cable TV Production Intern (3 - Unpaid) – Positions posted on 10/19/09. 3 applications received to date. Applications sent to Cable TV Coordinator for review. 2 interviews scheduled for 11/5/09.

## 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 continue.

**Public Works** (International Brotherhood of Teamsters, Local 714) – Contract (Jan. 1, 2007 – Dec. 31, 2009). Negotiations continue.

**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 – Arbitration hearings complete, briefs to be filed.
- One (1) MAP 96 Chapter Grievance - Arbitration hearing complete, brief to be filed.

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

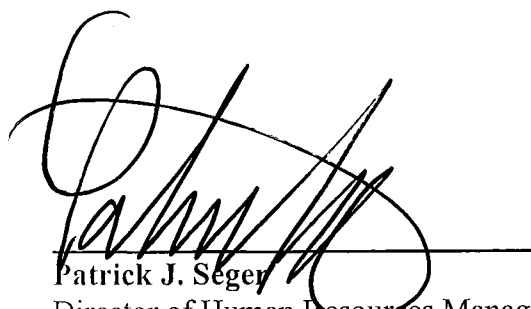
One (1) Unfair Labor Practice (ULP) filed against the Village by IAFF Local 2061 – Parties agree to discuss ULP during negotiations

### Personnel/Benefits/Employee Services

- Director of HRM participated in two MAP 96 arbitration hearings scheduled for October.
- As newly elected President of IPELRA and Conference Chair, Director of HRM attended the annual IPELRA conference on 10/26, 10/27 and 10/28.
- Director of HRM participated in budget discussions with the Public Works and Fire unions.
- HR Coordinator attended the Holiday Planning Committee meeting for October.
- Director of HRM participated in two negotiation meetings with PW Local 714 union representatives. Several preparation meetings for these negotiations were also scheduled.
- Director of HRM, HR Coordinator and Risk Manager met on several occasions to discuss the 2009 and 2010 Human Resources budget and budget narratives.
- Director of HRM participated in the Management Team Meetings.
- HR Coordinator attended the monthly User Group meeting.
- Director of HRM and Director of Health & Human Services hosted two H1N1 informational sessions for employees at the Village Hall.
- The Human Resources Department held several staff meetings to discuss current and upcoming projects.
- As Village liaison to the Cultural Awareness Commission, the Director of HRM organized set up for Hispanic Heritage Day and attended the event on Saturday, October 17.
- Director of HRM participated in two negotiation meetings with IAFF Local 2061 union representatives. Several preparatory meetings with legal counsel were required.

### 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.
- Conducted a mandatory random Federal Department of Transportation drug and alcohol test. All results were reported as negative.
- Coordinated the administration of several litigated liability claims being handled by the Village's third party claims administrator.
- The Risk Manager met with the Assistant Village Manager to discuss insurance and liability issues related to a potential large property acquisition. Provided consultation related to risk management issues related to the acquisition.
- Provided continual written updates to appropriate management staff related to the status of several open workers' compensation claims.
- Conducted a hazard survey of the new water tower. No serious hazards were identified.
- 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.
- Met with the Village's insurance broker to discuss the process related to the renewal of the Village's excess insurance program for 2010. Completed several insurance applications and submitted them to the broker.



Patrick J. Seger  
Director of Human Resources Management

# HUMAN RESOURCES MANAGEMENT

## MONTHLY STAFFING REPORT

### OCTOBER 2009

#### RECRUITMENTS

**POSITION TITLE:** Maintenance I/HEO (Internal Only)  
**DEPARTMENT:** Public Works  
**DATE POSTED:** 09/18/09  
**AD DEADLINE:** 10/02/09  
**APPLICATIONS REC'D:** 0  
**STATUS:** No internal applications were received. Superintendent was notified.

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**POSITION TITLE:** Maintenance II Water/Sewer Systems Operator (Internal Only)  
**DEPARTMENT:** Public Works  
**DATE POSTED:** 09/18/09  
**AD DEADLINE:** 10/02/09  
**APPLICATIONS REC'D:** 3  
**STATUS:** Applications were forwarded to Superintendent on 10/06/09 for review.

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**POSITION TITLE:** Cable TV Production Intern (3 – Unpaid)  
**DEPARTMENT:** General Government  
**DATE POSTED:** 10/19/09  
**AD DEADLINE:** Until Filled  
**APPLICATIONS REC'D:** 3 applications  
**STATUS:** Applications forwarded to Cable TV Coordinator for review. 2 applicants scheduled for interview on 11/05/09.

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#### NEW STARTS

**POSITION TITLE:** Auxiliary Snow Plow Driver  
**DEPARTMENT:** Public Works  
**DATE POSTED:** 09/17/09  
**AD DEADLINE:** Until filled  
**APPLICATIONS REC'D:** 98 applications  
**STATUS:** 12 applicants interviewed on 9/29/09 and 12 interviewed on 10/06/09. 19 applicants were hired and began training on October 19, 21 and 22.

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## SUMMARY OF EMPLOYMENT ACTIVITY OCTOBER 2009

	<u>Total Number</u>	<u>Position</u>
New Starts	19	Auxiliary Snowplow Driver
Separations	2	Administrative Service Officer I Administrative Service Officer II
Promotions	0	
Upgrades	0	
Downgrades	0	
Transfers	0	
Retirements	1	Maintenance III/Storekeeper
Reclassifications	0	
Change in Status	0	

### SUMMARY OF UNPAID INTERNS/ADDITIONAL ACTIVITY

#### Unpaid Internships

#### Additional Activity

(See HRM Employment Activity Report attached for details)

### ANTICIPATED ACTIVITY NEXT MONTH

	<u>Total Number</u>	<u>Position</u>
New Starts	3	Cable TV Production Intern – (3 Unpaid)
Separations	0	
Promotions	2	Maintenance II–Water/Sewer Systems Oper. Maintenance I / HEO
Transfers	0	
Reclassifications	0	
Changes in Status	0	
Retirements	0	
New Positions	0	
Eliminated Positions	0	

## 2009 EMPLOYEE COUNT

	<u>Budgeted</u>	<u>Actual</u>
FULL TIME EMPLOYEES	374	353
PART TIME EMPLOYEES	59	53
TEMPORARY EMPLOYEES	2	0
SEASONAL EMPLOYEES	21	19
INTERNS (PAID)	4	3
<b>TOTAL</b>	<b>460</b>	<b>428</b>

**Total Vacancies:**

**Full Time**

Budgeted – Posted	2	Maintenance II – Water/Sewer Systems Oper Maintenance I/HEO
Budgeted - Not Posted	15	Police Officer Administrative Services Officer II (2) Administrative Services Officer I (3) Assistant to Village Manager Fire Inspector Technology Support Specialist Staff Assistant Firefighter/Paramedic (2) Maintenance I Customer Service Rep Maintenance III/Storekeeper
<b>TOTAL FULL TIME</b>	<b>17</b>	

**Part Time**

Budgeted – Posted	1	Shop Assistant ( <i>position frozen</i> )
Budgeted-Not Posted	9	Water Meter Readers ( <i>3 positions eliminated</i> ) Staff Assistant – PT Admin. Staff Assistant - PT(2) Data Technician – PT Data Processor – PT Staff Therapist – PT
<b>TOTAL PART TIME</b>	<b>10</b>	

**Seasonal**

Budgeted – Not Posted	5	Seasonal Finance Seasonal Code Enforcement ( <i>3 Positions</i> )
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**TOTAL SEASONAL 5**

**Interns (Paid)**

Budgeted – Not Posted 1

General Government Intern

**RECRUITMENT ACTIVITY**

	<u>Month</u>	<u>Year To Date</u>
Full Time – Response to Recruitments	3	106
Walk-Ins	4	134
Part Time – Response to Recruitments	4	202
Walk-Ins	2	10
Seasonal Applicants	5	34
<b>TOTAL RECRUITMENTS</b>	<b>18</b>	<b>486</b>

**HUMAN RESOURCES MANAGEMENT  
EMPLOYMENT ACTIVITY  
OCTOBER 2009**

**NEW HIRES**

<u>Name</u>	<u>Date of Hire</u>	<u>Position</u>	<u>Replacement for</u>
Joseph Augello	10/22/09	Auxiliary Snowplow Driver	
Ronald Cassidy	10/19/09	Auxiliary Snowplow Driver	
Raymond Gennetti	10/22/09	Auxiliary Snowplow Driver	
Vernon Gliot	10/19/09	Auxiliary Snowplow Driver	
David Groch	10/21/09	Auxiliary Snowplow Driver	
Douglas Hawk	10/22/09	Auxiliary Snowplow Driver	
Richard Hodorowich	10/21/09	Auxiliary Snowplow Driver	
Daniel Hughes	10/19/09	Auxiliary Snowplow Driver	
Steven King	10/22/09	Auxiliary Snowplow Driver	
Richard Kuczmariski	10/21/09	Auxiliary Snowplow Driver	
Samuel Lopez	10/22/09	Auxiliary Snowplow Driver	
Christopher Mest	10/19/09	Auxiliary Snowplow Driver	
John Seely	10/22/09	Auxiliary Snowplow Driver	
Gregory Slowik	10/21/09	Auxiliary Snowplow Driver	
Charles Wieser	10/21/09	Auxiliary Snowplow Driver	
Dane Willman	10/22/09	Auxiliary Snowplow Driver	
Craig Wisniewski	10/21/09	Auxiliary Snowplow Driver	
Ted Wronkiewicz	10/21/09	Auxiliary Snowplow Driver	
Victor Zawisza	10/22/09	Auxiliary Snowplow Driver	



**SEPARATIONS**

<u>Name</u>	<u>Termination Date</u>	<u>Position</u>	<u>Reason</u>
Elizabeth Crandall	10/20/09	ASO II	Resignation
Danielle Lindman	10/25/09	ASO I	Resignation
Jay Jeffrey	10/30/09	Maintenance III	Retirement

**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>
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**RECLASSIFICATIONS**

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

**CHANGE IN CLASS**

<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			

**SEASONAL/UNPAID INTERNSHIPS**

**ADDITIONAL MONTHLY REPORT INFORMATION  
OCTOBER 2009**

# Anniversaries	<u>6</u>
# Interviews conducted during month	<u>0</u>

EMPLOYERS CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

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	1	1.8%	1	0	0	1	0	0.00	0.00	0.00	0.00	0.0%
00 1	Community Development	1	1.8%	1	0	0	1	0	0.00	0.00	0.00	0.00	0.0%
00 206	Customer Service	1	1.8%	0	1	0	1	1	3,974.20	3,974.20	0.00	3,974.20	1.3%
00 2	Finance	1	1.8%	0	1	0	1	1	3,974.20	3,974.20	0.00	3,974.20	1.3%
00 250	PPO Payments	1	1.8%	1	0	1	0	0	147,498.90	147,498.90	0.00	147,498.90	47.9%
00 25	PPO Payments	1	1.8%	1	0	1	0	0	147,498.90	147,498.90	0.00	147,498.90	47.9%
00 300	Administration	1	1.8%	0	1	0	1	0	193.50	193.50	0.00	193.50	0.1%
00 301	Fire Suppression	12	21.4%	6	6	1	11	3	8,166.95	92,574.64	5,428.75	98,003.39	31.8%
00 303	Emergency Medical Services	7	12.5%	5	2	0	7	1	2,302.35	16,116.43	5,428.75	16,116.43	5.2%
00 3	Fire	20	35.7%	11	9	1	19	4	5,715.67	108,884.57	5,428.75	114,313.32	37.1%
00 400	Manager's Office	1	1.8%	0	1	0	1	0	4,452.45	4,452.45	0.00	4,452.45	1.4%
00 401	Cable TV	1	1.8%	1	0	0	1	0	260.40	260.40	0.00	260.40	0.1%
00 402	Boards & Commissions	1	1.8%	1	0	0	1	0	413.43	413.43	0.00	413.43	0.1%
00 4	General Government	3	5.4%	2	1	0	3	0	1,708.76	5,126.28	5,126.28	5,126.28	1.7%
00 600	Administration	1	1.8%	0	1	0	1	0	0.00	0.00	0.00	0.00	0.0%
00 6	Human Resources Management	1	1.8%	0	1	0	1	0	0.00	0.00	0.00	0.00	0.0%
00 700	Patrol	16	28.6%	13	3	0	16	2	1,761.71	28,187.36	28,187.36	28,187.36	9.2%
00 704	Traffic	1	1.8%	1	0	0	1	0	1,159.40	1,159.40	0.00	1,159.40	0.4%
00 7	Police	17	30.4%	14	3	0	17	2	1,726.28	29,346.76	29,346.76	29,346.76	9.5%
00 801	Water & Sewer	4	7.1%	2	2	0	4	0	733.76	2,935.02	2,935.02	2,935.02	1.0%
00 802	Building & Grounds	1	1.8%	0	1	0	1	0	1,411.10	1,411.10	0.00	1,411.10	0.5%
00 804	Forestry	5	8.9%	5	0	0	5	0	565.72	2,828.60	2,828.60	2,828.60	0.9%
00 805	Clerical	1	1.8%	1	0	0	1	0	452.50	452.50	0.00	452.50	0.1%
00 8	Public Works	11	19.6%	8	3	0	11	0	693.38	7,627.22	7,627.22	7,627.22	2.5%
00 9	Information Systems	1	1.8%	1	0	0	1	0	168.50	168.50	0.00	168.50	0.1%
00 01	Village of Hoffman Estates	56	100.0%	38	18	2	54	7	5,500.99	302,626.43	5,428.75	308,055.18	100.0%
Totals for 2000 Claims:		56	100.0%	38	18	2	54	7	5,500.99	302,626.43	5,428.75	308,055.18	100.0%
01 300	Administration	2	3.1%	1	1	0	2	0	538.72	1,077.44	1,077.44	1,077.44	0.1%
01 301	Fire Suppression	8	12.3%	3	5	1	7	2	38,114.77	265,039.41	39,878.75	304,918.16	24.3%

EMPLOYER'S CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

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	44,742.27	211,409.20	101,786.72	313,195.92	25.0%
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	34,423.16	477,951.44	141,665.47	619,616.91	49.4%
01 400	Manager's Office	1	1.5%	1	0	0	1	0	4,374.81	4,374.81		4,374.81	0.3%
01 4	General Government	1	1.5%	1	0	0	1	0	4,374.81	4,374.81		4,374.81	0.3%
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	16.9%
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	22.7%
01 800	Streets	5	7.7%	3	2	0	5	1	48,719.89	243,599.47		243,599.47	19.4%
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	27.5%
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	19,287.95	1,112,051.51	141,665.47	1,253,716.98	100.0%
Totals for 2001 Claims:		65	100.0%	35	30	3	62	20	19,287.95	1,112,051.51	141,665.47	1,253,716.98	100.0%
02 102	Planning	1	2.6%	0	1	0	1	0	28,933.52	28,933.52		28,933.52	3.9%
02 1	Community Development	1	2.6%	0	1	0	1	0	28,933.52	28,933.52		28,933.52	3.9%
02 301	Fire Suppression	5	13.2%	1	4	0	5	2	11,335.45	56,677.26		56,677.26	7.6%
02 303	Emergency Medical Services	8	21.1%	4	4	0	8	1	7,441.19	59,529.50		59,529.50	8.0%
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	16.4%
02 700	Patrol	11	28.9%	5	6	1	10	6	24,275.08	261,316.95	5,708.89	267,025.84	36.0%
02 704	Traffic	1	2.6%	0	1	1	0	1	310,828.16	310,828.16		310,828.16	41.9%

EMPLOYERS CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/ Claim	Paid	Outstanding	Total Incurred	% Of Total
02	706	Communication	(Dept) 1	2.6%	1	0	0	1	0	1,777.50	1,777.50	1,777.50	0.2%
02	7	Police	(Sub-Loc) 13	34.2%	6	7	2	11	7	44,587.04	573,922.61	579,631.50	78.1%
02	800	Streets	(Dept) 5	13.2%	4	1	0	5	0	1,511.20	7,556.00	7,556.00	1.0%
02	801	Water & Sewer	(Dept) 2	5.3%	0	2	0	2	0	1,227.90	2,455.80	2,455.80	0.3%
02	803	Equipment & Supply	(Dept) 1	2.6%	1	0	0	1	0	281.70	281.70	281.70	0.0%
02	804	Forestry	(Dept) 2	5.3%	2	0	0	2	0	642.60	1,285.20	1,285.20	0.2%
02	8	Public Works	(Sub-Loc) 10	26.3%	7	3	0	10	0	1,157.87	11,578.70	11,578.70	1.6%
02	01	Village of Hoffman Estates	(Loc) 38	100.0%	18	20	2	36	10	19,531.07	736,471.59	742,180.48	100.0%
		Totals for 2002 Claims:	38	100.0%	18	20	2	36	10	19,531.07	736,471.59	742,180.48	100.0%
03	301	Fire Suppression	(Dept) 5	14.3%	2	3	0	5	2	25,542.01	127,710.07	127,710.07	31.2%
03	303	Emergency Medical Services	(Dept) 12	34.3%	9	3	0	12	2	15,553.15	186,637.80	186,637.80	45.7%
03	305	Underwater Rescue	(Dept) 1	2.9%	1	0	0	1	0	785.49	785.49	785.49	0.2%
03	3	Fire	(Sub-Loc) 18	51.4%	12	6	0	18	4	17,507.41	315,133.36	315,133.36	77.1%
03	700	Patrol	(Dept) 7	20.0%	5	2	0	7	1	1,467.76	10,274.35	10,274.35	2.5%
03	701	Investigations	(Dept) 1	2.9%	0	1	0	1	1	79,722.54	79,722.54	79,722.54	19.5%
03	704	Traffic	(Dept) 3	8.6%	1	2	0	3	0	88.33	265.00	265.00	0.1%
03	7	Police	(Sub-Loc) 11	31.4%	6	5	0	11	2	8,205.63	90,261.89	90,261.89	22.1%
03	801	Water & Sewer	(Dept) 3	8.6%	3	0	1	2	0	699.33	2,098.00	2,098.00	0.5%
03	802	Building & Grounds	(Dept) 2	5.7%	2	0	0	2	0	477.00	954.00	954.00	0.2%
03	803	Equipment & Supply	(Dept) 1	2.9%	1	0	0	1	0	310.50	310.50	310.50	0.1%
03	8	Public Works	(Sub-Loc) 6	17.1%	6	0	1	5	0	560.42	3,362.50	3,362.50	0.8%
03	01	Village of Hoffman Estates	(Loc) 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	Water Billing	(Dept) 1	2.1%	1	0	0	1	0	1,295.10	1,295.10	1,295.10	0.1%
04	2	Finance	(Sub-Loc) 1	2.1%	1	0	0	1	0	1,295.10	1,295.10	1,295.10	0.1%
04	301	Fire Suppression	(Dept) 10	20.8%	6	4	1	9	2	7,430.42	24,339.98	49,964.25	6.9%
04	303	Emergency Medical Services	(Dept) 11	22.9%	7	4	0	11	0	12,225.62	134,481.79	134,481.79	12.5%
04	3	Fire	(Sub-Loc) 21	43.8%	13	8	1	20	2	9,942.19	158,821.77	49,964.25	19.5%
04	504	Health Screening	(Dept) 1	2.1%	1	0	0	1	0	405.00	405.00	405.00	0.0%

EMPLOYER'S CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

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 (Dept)	1	2.1%	1	0	0	1	0	481.50	481.50		481.50	0.0%
04 8	Public Works (Sub-Loc)	6	12.5%	3	3	0	6	3	35,589.73	213,538.35		213,538.35	19.9%
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	232,150.90	39,714.03	271,864.93	84.5%
05 3	Fire (Sub-Loc)	26	49.1%	16	10	2	24	3	10,690.07	238,227.67	39,714.03	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: 10/31/2009

Year Code	Description	Claim Cnt	% of Total	Med Only	Comp	Open	Clsd	Legl	Avg Cost/ Claim	Paid	Outstanding	Total	
												Incurred	% Of Total
05	Village of Hoffman Estates	53	100.0%	39	14	2	51	5	6,069.51	281,970.22	39,714.03	321,684.25	100.0%
Totals for 2005 Claims:		53	100.0%	39	14	2	51	5	6,069.51	281,970.22	39,714.03	321,684.25	100.0%
06	Water Billing	1	1.8%	0	1	0	1	0	1,527.37	1,527.37		1,527.37	0.1%
06	Finance	1	1.8%	0	1	0	1	0	1,527.37	1,527.37		1,527.37	0.1%
06	Fire Suppression	9	16.1%	5	4	0	9	2	38,029.36	342,264.26		342,264.26	32.1%
06	Emergency Medical Services	14	25.0%	7	7	3	11	4	37,777.36	406,893.17	121,989.83	528,883.00	49.7%
06	Fire	23	41.1%	12	11	3	20	6	37,875.97	749,157.43	121,989.83	871,147.26	81.8%
06	Patrol	17	30.4%	11	6	1	16	3	4,087.87	65,654.42	3,839.35	69,493.77	6.5%
06	Investigations	1	1.8%	1	0	0	1	0	0.00	0.00		0.00	0.0%
06	Tactical	4	7.1%	3	1	0	4	0	2,311.32	9,245.26		9,245.26	0.9%
06	Traffic	2	3.6%	2	0	0	2	0	3,850.97	7,701.94		7,701.94	0.7%
06	Records	1	1.8%	0	1	0	1	1	24,709.39	24,709.39		24,709.39	2.3%
06	Police	25	44.6%	17	8	1	24	4	4,446.01	107,311.01	3,839.35	111,150.36	10.4%
06	Streets	1	1.8%	1	0	0	1	0	4,201.51	4,201.51		4,201.51	0.4%
06	Water & Sewer	2	3.6%	1	1	0	2	0	112.50	225.00		225.00	0.0%
06	Building & Grounds	1	1.8%	0	1	0	1	0	70,689.99	70,689.99		70,689.99	6.6%
06	Forestry	3	5.4%	3	0	0	3	0	2,038.90	6,116.71		6,116.71	0.6%
06	Public Works	7	12.5%	5	2	0	7	0	11,604.74	81,233.21		81,233.21	7.6%
06	Village of Hoffman Estates	56	100.0%	34	22	4	52	10	19,018.90	939,229.02	125,829.18	1,065,058.20	100.0%
Totals for 2006 Claims:		56	100.0%	34	22	4	52	10	19,018.90	939,229.02	125,829.18	1,065,058.20	100.0%
07	Fire Suppression	9	18.8%	7	2	2	7	2	41,759.34	224,210.21	151,623.89	375,834.10	59.2%
07	Emergency Medical Services	7	14.6%	6	1	1	6	1	4,290.48	12,059.01	17,974.35	30,033.36	4.7%
07	Fire	16	33.3%	13	3	3	13	3	25,366.72	236,269.22	169,598.24	405,867.46	63.9%
07	Administration	1	2.1%	0	1	0	1	0	0.00	0.00		0.00	0.0%
07	Human Resources Management	1	2.1%	0	1	0	1	0	0.00	0.00		0.00	0.0%
07	Patrol	10	20.8%	6	4	0	10	2	5,390.95	53,909.49		53,909.49	8.5%
07	Tactical	2	4.2%	2	0	0	2	0	356.16	712.31		712.31	0.1%
07	Traffic	4	8.3%	2	2	0	4	1	4,376.80	17,507.19		17,507.19	2.8%
07	Police	16	33.3%	10	6	0	16	3	4,508.06	72,128.99		72,128.99	11.4%

EMPLOYER'S CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

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	3	6.3%	2	1	0	3	1	8,294.56	24,883.69		24,883.69	3.9%
07 801	Water & Sewer	4	8.3%	4	0	0	4	0	1,093.37	4,373.47		4,373.47	0.7%
07 802	Building & Grounds	1	2.1%	1	0	0	1	0	743.84	743.84		743.84	0.1%
07 803	Equipment & Supply	3	6.3%	3	0	0	3	0	1,148.10	3,444.30		3,444.30	0.5%
07 804	Forestry	4	8.3%	3	1	1	3	1	30,860.12	84,140.96	39,299.52	123,440.48	19.4%
07 8	Public Works	15	31.3%	13	2	1	14	2	10,459.05	117,586.26	39,299.52	156,885.78	24.7%
07 01	Village of Hoffman Estates	48	100.0%	36	12	4	44	8	13,226.71	425,984.47	208,897.76	634,882.23	100.0%
Totals for 2007 Claims:		48	100.0%	36	12	4	44	8	13,226.71	425,984.47	208,897.76	634,882.23	100.0%
08 200	Accounting	1	1.6%	1	0	0	1	0	0.00	0.00		0.00	0.0%
08 206	Customer Service	1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 2	Finance	2	3.2%	1	1	0	2	0	0.00	0.00		0.00	0.0%
08 300	Administration	1	1.6%	1	0	0	1	0	3,466.28	3,466.28		3,466.28	0.6%
08 301	Fire Suppression	14	22.6%	11	3	1	13	1	1,373.51	15,637.63	3,591.53	19,229.16	3.4%
08 303	Emergency Medical Services	21	33.9%	16	5	4	17	3	12,328.02	119,746.19	139,142.19	258,888.38	46.2%
08 3	Fire	36	58.1%	28	8	5	31	4	7,821.77	138,850.10	142,733.72	281,583.82	50.3%
08 400	Manager's Office	1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 4	General Government	1	1.6%	0	1	0	1	0	0.00	0.00		0.00	0.0%
08 700	Patrol	7	11.3%	4	3	3	4	3	9,437.62	44,113.05	21,950.29	66,063.34	11.8%
08 701	Investigations	1	1.6%	0	1	1	0	1	91,783.79	72,069.87	19,713.92	91,783.79	16.4%
08 703	Tactical	2	3.2%	2	0	0	2	0	953.81	1,907.61		1,907.61	0.3%
08 704	Traffic	1	1.6%	0	1	0	1	0	8,049.19	8,049.19		8,049.19	1.4%
08 705	Canine	1	1.6%	1	0	0	1	0	5,940.13	5,940.13		5,940.13	1.1%
08 7	Police	12	19.4%	7	5	4	8	4	14,478.67	132,079.85	41,664.21	173,744.06	31.0%
08 800	Streets	4	6.5%	4	0	0	4	0	649.43	2,597.70		2,597.70	0.5%
08 801	Water & Sewer	5	8.1%	4	1	0	5	0	410.40	2,052.00		2,052.00	0.4%
08 804	Forestry	2	3.2%	1	1	1	1	1	50,082.41	76,539.62	23,625.20	100,164.82	17.9%
08 8	Public Works	11	17.7%	9	2	1	10	1	9,528.59	81,189.32	23,625.20	104,814.52	18.7%
08 01	Village of Hoffman Estates	62	100.0%	45	17	10	52	9	9,034.55	352,119.27	208,023.12	560,142.39	100.0%
Totals for 2008 Claims:		62	100.0%	45	17	10	52	9	9,034.55	352,119.27	208,023.12	560,142.39	100.0%

EMPLOYER'S CLAIM SERVICE, INC.  
 POLICY YEAR (12/31 - 12/30) CUMULATIVE CLAIM SUMMARY  
 From: 12/31/1999 Through: 10/31/2009

Year Code	Description	Claim Cnt	% of Total	Med					Avg Cost/ Claim	Paid	Outstanding	Total Incurred	% Of Total
				Only	Comp	Open	Clsd	Legl					
09 300	Administration	2	5.4%	1	1	1	1	0	2,534.79	3,804.80	1,264.77	5,069.57	1.4%
09 301	Fire Suppression	8	21.6%	7	1	4	4	0	3,896.76	31,174.07		31,174.07	8.4%
09 303	Emergency Medical Services	17	45.9%	12	5	6	11	1	14,567.81	134,619.34	113,033.36	247,652.70	66.7%
09 3	Fire	27	73.0%	20	7	11	16	1	10,514.68	169,598.21	114,298.13	283,896.34	76.5%
09 600	Administration	1	2.7%	0	1	1	0	0	11,330.00	780.00	10,550.00	11,330.00	3.1%
09 6	Human Resources Management (Sub-Loc)	1	2.7%	0	1	1	0	0	11,330.00	780.00	10,550.00	11,330.00	3.1%
09 700	Patrol	6	16.2%	1	5	6	0	3	12,370.11	27,709.31	46,511.37	74,220.68	20.0%
09 7	Police	6	16.2%	1	5	6	0	3	12,370.11	27,709.31	46,511.37	74,220.68	20.0%
09 801	Water & Sewer	1	2.7%	1	0	1	0	0	726.30	726.30		726.30	0.2%
09 804	Forestry	2	5.4%	2	0	2	0	0	551.70	1,103.40		1,103.40	0.3%
09 8	Public Works	3	8.1%	3	0	3	0	0	609.90	1,829.70		1,829.70	0.5%
09 01	Village of Hoffman Estates	37	100.0%	24	13	21	16	4	10,034.51	199,917.22	171,359.50	371,276.72	100.0%
Totals for 2009 Claims:		37	100.0%	24	13	21	16	4	10,034.51	199,917.22	171,359.50	371,276.72	100.0%
250	Village of Hoffman Estates	498		326	172	50	448	88	13,532.13	5,782,409.38	956,590.95	6,739,000.33	

Open Medical: 11  
 Open Comp: 10  
 Open Legal: 29