



**VILLAGE OF LINCOLNWOOD
PRESIDENT AND BOARD OF TRUSTEES
COMMITTEE OF THE WHOLE MEETING
VILLAGE HALL COUNCIL CHAMBERS**
MEETING HELD VIA GOTO MEETING AND AVAILABLE LIVE AT
WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/

6:00 PM, AUGUST 17, 2021

Public hearings and meetings are currently being held virtually due to Section 7(e) of the Open Meetings Act. Please be advised that if, prior to the scheduled public meeting date, Governor Pritzker rescinds, or does not extend, his current disaster declaration, the Village will be required to conduct the public meeting in the traditional in-person format only, at Village Hall, 6900 N. Lincoln Ave., Lincolnwood, IL 60712. This will be the only notice of the meeting, and where and how the meeting will be conducted. Information regarding the location of the public meeting and instructions for participating in the public hearing will be posted on the Village's website (www.lincolnwoodil.org) and will include updates as needed. Please contact Carrie Dick, Executive Secretary, at (847) 745-4717 for confirmation of meeting location.

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Public Comment**
- IV. Approval of Minutes**
 - 1. Minutes of the Committee of the Whole Meeting of July 20, 2021
- V. Regular Business**
 - 1. Tax Increment Financing (TIF) Notes Presentation by Piper Sandler, William Blair and Foley & Lardner (Denise Joseph)
 - 2. Discussion Concerning Boards and Commissions Code Review (Chuck Meyer)
 - 3. Discussion Concerning Engineering Agreement (Nadim Badran)
- VI. Closed Session**
 - 1. Closed Session is Requested to Discuss to Consider the Selection of a Person to Fill a Public Office per Section 2 (c)(3) and Setting Price to Sell or Lease Property per Section 2 (c)(6)
- VII. Adjournment**

DATE POSTED: August 11, 2021

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JULY 20, 2021**

DRAFT

Call to Order

Village President Patel called the Meeting of the Committee of the Whole of the Lincolnwood Board of Trustees via GoToMeeting to order at 6:04 P.M. Tuesday, July 20, 2021, meeting held via GoToMeeting and available live at WWW.LINCOLNWOODIL.ORG/LIVE-CABLE-CHANNEL/, County of Cook, and State of Illinois.

Before calling the roll the Village President read into the record the requirements for public comments for later in the meeting.

Upon roll call by Village Clerk Beryl Herman the following were:

Present: Mayor Patel, Trustees Klatzco, Sargon, Herrera, Saleem, Halevi

Absent: None

A quorum was present.

Also present: Acting Village Manager, Chuck Meyer; Jon Bogue, Acting Assistant Village Manager; Jake Litz, Management Analyst; Nadim Badran, Public Works Director; Scott Mangum, Community Development Director; Doug Hammel, Development Manager; Brendon Mendoza, Assistant to the Public Works Director.

Approval of Minutes

The minutes of June 15, 2021 and the Special Meeting of June 22, 2021 Committee of the Whole Meetings were presented for approval.

Trustee Klatzco moved to approve the minutes of June 15, 2021 and the Special Meeting of June 22, 2021 Committee of the Whole Meetings, seconded by Trustee Sargon

Upon Roll Call the results were:

Ayes: Trustees Klatzco, Sargon, Herrera, Saleem, Halevi

Nays: None

The motion passed

Regular Business

1. Swearing in of Trustee Christopher Martel

Village Clerk, Beryl Herman, swore in appointed Trustee, Christopher Martel. The new Trustee was seated. Mayor Patel welcomed Trustee Martel and thanked Clerk Herman.

2. Discussion Concerning Boards and Commissions Code Review

This item was presented by Chuck Meyer, Acting Village Manager, using PowerPoint.

Earlier this year the Village Board approved the annual budget. Since then in various Committee of the Whole and Village Board meetings different elements of the budget have been reviewed for the Board and Public.

Acting Village Manager Meyer presented the Staff recommendation that the Environmental Ad-Hoc Committee be codified into a Commission. He also detailed the recommendation that the duties and membership of the Human Relations Commission and Parks and Recreation Board be combined. He put the question to the Board as to whether it would be desirable to combine these two entities. He also asked what the desired name of this new group would be. He suggested a few options including, "Parks and Recreation Board", "Community Engagement Commission" and "Parks and Community Engagement Commission".

Trustee Sargon suggested that the Board consider the thoughts of the members of these two Boards before proceeding, as they would be able to provide guidance for the discussion.

Mayor Patel reminded the Board that all previous members of HRC and Parks and Rec would remain as members.

Trustee Martel noted that it was refreshing that the Board was open to reassessing the makeup of the Village's various Commissions and Boards.

3. Discussion Concerning Small Wireless Facility

This item was presented by Chuck Meyer, Acting Village Manager.

Mr. Meyer provided an overview of the short history of small wireless facilities (SWF) in the public right-of-way. These provide wireless 5G coverage to a large number of people and can be installed on existing streetlamps and poles. Mr. Meyer presented an overview of the potential cost of one wireless facility. He then outlined the SWF Process, which begins with an engineering review at a potential SWF location. He showed a local map with about twenty approved SWF sites designated by engineers. He then turned to the Board for questions. It was noted that most of the locations displayed on the map are situated in East Lincolnwood and not evenly spread throughout the Village. It was asked whether there are any health risk surrounding these potential towers.

Mr. Meyer assured that there are no health risks.

Trustee Martel asked Mr. Meyer the reasoning behind choosing the specific sites identified. Mr. Meyer noted that it was an engineering issue as well as an aesthetic issue.

A discussion ensued regarding the matching of the SWF's design with the streetlamps and pole in the Village. It was decided that the SWF box should be matched to the color of the light poles in the Village.

Trustee Saleem asked whether the proliferation of these SWF boxes would be controlled in the future as competitors might come in and express concern over the boxes being too many in the community.

The pricing overview was considered once again and it was clarified that placing an SWF in the public right-of-way would cost \$200 annually, whereas placing one not in the right-of-way would cost \$3,600 annually.

Public Forum

None

Adjournment to Closed Session

At 7:18 P.M. Trustee Sargon made a motion to move the meeting into Closed Session for the purpose of discussion of pending litigation, seconded by Trustee Klatzco.

Upon Roll Call the results were:

AYES: Trustees Klatzco, Sargon, Herrera, Saleem, Halevi, Martel

NAYS: None

The motion passed.

Reconvention

At 7:32 P.M. President Patel reconvened Committee of the Whole

Adjournment

At 7:33 P.M. Trustee Sargon made a motion to adjourn the Meeting of the Committee of the Whole, seconded by Trustee Klatzco.

Upon roll call the results were:

Ayes: Trustees Klatzco, Sargon, Herrera, Saleem, Halevi, Martel

Nays: None

Motion Passed/ Meeting

Adjourned

Respectfully Submitted,

Beryl Herman
Village Clerk



MEMORANDUM

TO: President Patel and Members of the Village Board

FROM: Anne Marie Gaura, Village Manager

DATE: August 11, 2021

SUBJECT: **August 17, 2021 Meeting of the Committee of the Whole**

The Committee of the Whole (COTW) meeting is scheduled for **6:00 P.M.** on Tuesday evening. Please find below a summary of the items for discussion:

1. Tax Increment Financing (TIF) Notes Presentation by Piper Sandler, William Blair and Foley & Lardner) (6:00-6:20 P.M.)

On February 5, 2019, the Village Board approved a new North Lincoln Tax Increment Financing (TIF) District, to support development of the District 1860 mixed-use development on the northwest corner of Lincoln and Touhy Avenues. As part of this development, the Village will issue TIF Notes in October 2021. [Attached](#) is a memo from the Finance Director providing an overview of the issuance of TIF notes.

2. Discussion Concerning Boards and Commissions Code Review (6:20-6:50 P.M.)

As part of the Fiscal Year 2022 Budget the Village Board approved a review of the Village Board Code. During the June 1, 2021 Committee of the Whole Meeting the Village Board directed for the commencement of that review to begin with Chapter 3: Boards and Commissions. Following this direction from the Village Board staff reviewed the Village Code and applicable responsibilities for the Plan Commission, Zoning Board of Appeals (ZBA), and Economic Development Commission (EDC). The discussion will also include a review of the meeting rules previously adopted by the Village Board. [Attached](#) is a memo from the Assistant Village Manager outlining items for the Village Board to discuss in regard to possible changes to Boards and Commissions.

3. Discussion Concerning Engineering Agreement (6:50-7:10 P.M.)

On June 17, 2014 the Village Board authorized the execution of a contract with Christopher B. Burke Engineering, Ltd. (CBBEL) to serve as the Village Engineer. The Village has successfully completed several projects that have been designed and overseen by CBBEL. [Attached](#) is a memo from the Public Works Director seeking direction from the Village Board in regard to using CBBEL for some upcoming infrastructure projects.

If you should have any questions concerning this matter, please feel free to contact me.



MEMORANDUM

TO: Anne Marie Gaura, Village Manager

FROM: Denise Joseph, Finance Director

DATE: August 17, 2021

SUBJECT: Presentation on the Issuance of TIF Notes

Background

On February 5, 2019, the Village Board approved a new North Lincoln Tax Increment Financing (TIF) District, to support development of the District 1860 mixed-use development on the northwest corner of Lincoln and Touhy Avenues. As part of this development, the Village will issue TIF Notes in October 2021. TIF notes are a financial instrument in which property and sales tax revenues generated within the North Lincoln TIF District are pledged to pay off the Notes.

Discussion

As the Village prepares to issue TIF Notes to assist in the financing of this development, it is important to note that the Village is not pledging any revenues from the General Fund (which is used for the operating costs of the Village), and there will be no commitment from the Village to repay the Notes if pledged revenues from the TIF are not sufficient. In addition, any fees incurred for the financing including, but not limited to Bond Counsel, an Underwriter, Underwriter's Counsel, Financial Advisor, Developer's Counsel and Trustee will be paid by proceeds of the Note sale, with no cost to the Village's General Fund.

The role of the Bond Counsel is to provide legal guidance and an opinion regarding the proposed financing through TIF Notes, ensuring that the Village and the Developer are following a complicated series of applicable State and Federal laws to maintain tax-exempt status for the Notes. The Underwriter assists the Village with the sale of Notes to the Developer. The Underwriter may also assist the Developer in the sale of certificates of participation to monetize the TIF Notes, which will be sold to sophisticated investors, providing the up-front funds to the Developer for the development of the project. The investors are then paid-back through property and sales tax revenues generated in the North Lincoln TIF District. The Village's Financial Advisor serves in a fiduciary capacity assisting in the assembly of a financing team, reviews debt service schedules and other financing related documents on behalf of the Village. Developer's counsel will provide legal advice to the Developer. The Trustee's roles will be defined in a trust agreement. The Trustee will be responsible for maintaining certain accounts

established in the trust agreement in addition to facilitating payment of the notes and/or certificates of participation, among other things.

Representatives from Piper Sandler and D.A. Davidson will be present during the Committee of the Whole meeting to provide a detailed presentation on issuance of TIF Notes.

Financial Impact

There is no financial impact.

Recommendation

It is recommended that the Village's Financial Advisors and the Underwriter provide a presentation on matters related to issuance of TIF Notes to the Village Board at the August 17, 2021 Committee of the Whole meeting.

Documents Attached

1. PowerPoint Presentation

Village of Lincolnwood District 1860 Project Matters Related to Issuance of TIF Notes



PIPER | SANDLER

 **DAVIDSON**
FIXED INCOME CAPITAL MARKETS

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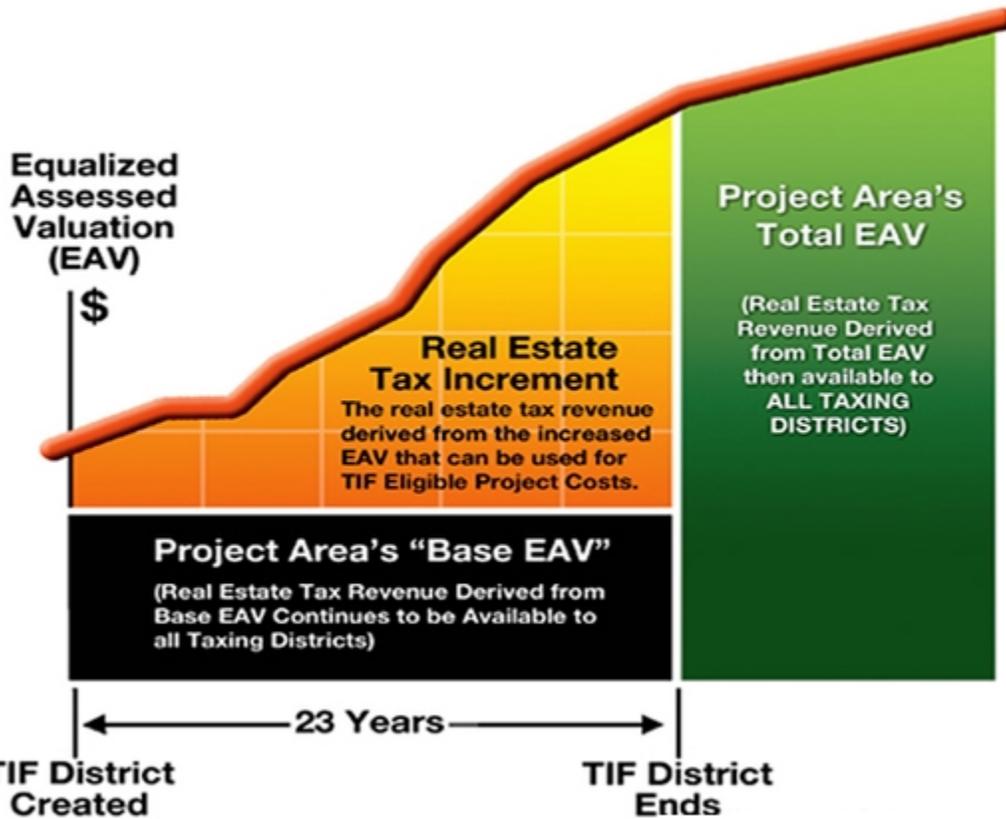
Email: praphael@dadco.com

What is TIF?

- TIF = Tax Increment Financing
- Special tool used to generate funding for economic development in a specific area
- Allows a municipality to reinvest new tax dollars over a 23-year period
- “New” revenues arise if new development takes place in the TIF district
 - or if the value of existing properties rises, resulting in higher tax bills
- Funds can be provided as subsidies to encourage private development or spent on public works projects
- TIFs can be a tool for implementing a community-based revitalization plan through encouraging:
 - putting vacant land to productive use,
 - creating well-paying jobs,
 - fixing basic infrastructure,
 - improving parks and schools,
 - affordable housing development,
 - and meeting other local needs.



Freezing the Tax Base and Collecting Increment



- ❖ When the TIF is established, the County looks at the value of all the property in the TIF. (The County uses the term "EAV," or "Equalized Assessed Value," to describe property value.) This is the "Base EAV."
- ❖ TIFs capture money by devoting all or a portion of new property taxes to redevelopment. The taxes on all the new property value in the TIF, aside from any intergovernmental agreements established for revenue sharing, go into the TIF fund and are reinvested in that area.
- ❖ Where does this new property value come from? It can happen in one of three ways:
 - First, there could be new development on vacant land that, before the new project was built, paid little or no taxes.
 - Second, there could be improvements to existing properties, such as an addition to a house, a factory, or a store.
 - Third, the taxes on existing properties could go up, either because of inflation (sometimes called "natural growth" in property values) or because of gentrification in the area. In any of these cases, the new tax dollars go to the project fund controlled by the TIF district (net of any IGA revenue sharing). Money can be transferred between TIFs, but only between adjacent TIFs.



Authorized Expenditures of TIF Funds

- ❖ Planning expenses, such as studies and surveys, legal and consulting fees, accounting, and engineering.
- ❖ Acquiring land and preparing it for redevelopment, including the costs of environmental cleanup and building demolition. Especially in older areas, where making a site ready for a developer reduces costs and eliminates a major barrier to redevelopment.
- ❖ Utility Improvements, Public Improvements / Facilities & Parking Structures
- ❖ Job training and day care expenses for companies located within the TIF, or for companies that are planning to locate within the TIF. There are also proposals on the table that advocate establishing job-training centers that would serve the job-training needs of all the companies within a TIF district, regardless of whether or not they have received a direct TIF subsidy.
- ❖ Renovation and rehabilitation of existing buildings.
- ❖ Financing and interest subsidies for the loans a developer takes out to pay for a project



General Obligation Bonds vs TIF Notes

The Village's issuance of General Obligation Bonds as an Unlimited Tax General Obligation for capital projects differs from its proposed issuance of TIF Notes in many key aspects, including:

	General Obligation Bonds	TIF Notes
Is a "full faith and credit general obligation" of the Village	Yes	No
Type of Offering	Competitive Sale	Issued directly to the Developer
Typical Buyers	Individuals, Banks, Bonds Funds, etc.	Developer can only monetize or sell the Note to Sophisticated Investors
Is the obligation secured by a tax levied upon all Village residents	Yes, and abated as directed by the Trustees	No, obligation secured only by tax on the project
Counts towards debt issuance amount designation in any calendar year	Yes	Yes



TIF Revenue Bonds vs TIF Notes

The Village can fulfill its agreement to provide economic development incentives secured by TIF revenues in a variety of different ways. Two of the most common are TIF Revenue Bonds and TIF Notes. Below are some similarities and differences of TIF Revenue Bonds versus Developer TIF Notes.

	TIF Revenue Bonds	TIF Notes
Issuer:	The Village	The Village and later monetized by the Developer
Is a “full faith and credit general obligation” of the Village	No	No
Type of Offering	Negotiated Sale / Limited Offering	Issued directly to the Developer
Typical Buyers	Sophisticated Investors	Developer can only monetize or sell the Note to Sophisticated Investors
Is the obligation secured by a tax levied upon all Village residents	No, obligation secured only by tax on the project	No, obligation secured only by tax on the project
Counts towards debt issuance amount designation in any calendar year	Yes	Yes



TIF Note Issuance Process

- ❖ Village and Developer agreed to terms of the incentive pursuant to a Redevelopment Agreement
- ❖ Developer procures a feasibility study to project if revenues are sufficient to repay the Notes
- ❖ Village issues TIF Notes privately placed with the Developer
- ❖ The Developer intends to “monetize” the first TIF Note to provide upfront funds through a sale of the Note
- ❖ Sale will be to a sophisticated investor through a limited offering by D.A. Davidson & Co. (the “Underwriter”)
- ❖ Village retains control over the Project Fund and approves disbursements

Continuing Disclosure Reporting Requirements

- ❖ The Village is not required to make ongoing disclosures
- ❖ The Developer will have a hybrid agreement to provide investors with ongoing information
- ❖ Information is typically prepared by a third party on behalf of the Developer



Pre-Conditions to Note Closing

Note Closing A will occur only upon the satisfaction of each and all of the following conditions:

1. Retail Developer shall have delivered the Required Zoning Submittals to the Village in accordance with Section 3 of this Agreement.
2. The Corporate Authorities shall have adopted the Zoning Approval Ordinance .
3. The Corporate Authorities shall have approved the Final Plat as revised pursuant to Section 5.C of Village Ordinance No.____, adopted by the Corporate Authorities on July 20, 2021, and the Final Plat shall have been recorded in the Office of the Cook County Recorder of Deeds.
4. The Evidence of Property Acquisition Date shall have occurred.
5. Retail Developer shall be in material compliance with all the terms and conditions of this Agreement, to be performed and/or observed by Retail Developer, up until the time of the Note Closing A.
6. Retail Developer shall have provided to the Village a written confirmation from Retail Developer that, since November 20, 2018, there have been no changes in such party's financial condition which would adversely impact its ability to complete the Development on the Retail Parcel.
7. Retail Developer shall have provided to the Village a fully-executed set of documents evidencing the issuance of construction loans necessary for construction of that portion of the Development that is located on the Retail Parcel .
8. Retail Developer shall have provided the Village with a written confirmation that Retail Developer has entered into one or more third-party guaranteed maximum or lump sum contract(s) for the completion of the Retail Development .
9. Retail Developer shall have provided to the Village evidence that Retail Developer has executed leases for the Retail Parcel as required by the construction loan documents submitted pursuant to Section 9.C.7of this Agreement, which executed leases must include a lease to Amazon Fresh grocery store .
10. Retail Developer shall have provided to the Village with a written confirmation that IDOT has provided to both the Village and Retail Developer written or verbal confirmation that IDOT has approved the Final Development Plan with respect to all Improvements over which IDOT has jurisdiction (subject to Section 5.C.1 of this Agreement).
11. The Village shall have issued building permits for the following specific Improvements: (a) demolition of all existing structures and foundations on the Property as of the Effective Date of this Agreement; (b) footings and foundations for the Mixed-Use and Retail/Commercial Buildings to be constructed on the Property; (c) site grading; and (d) installation of all underground utilities.



Tentative TIF Note Timeline

Activity	Date
Introduction of Documents to the Village Board	10/14/2021
Village Approves Final Terms	10/19/2021
Village Issues TIF Note 1 & 3 to the Developer	10/20/2021
D.A. Davidson markets TIF Note 1 via Certificates of Participation to Investors	10/20/2021
Certificate closing	10/28/2021





MEMORANDUM

TO: Anne Marie Gaura, Village Manager

FROM: Charles Meyer, Assistant Village Manager

DATE: August 17, 2021

SUBJECT: Discussion Concerning Boards and Commissions Code Review

Background

As part of the Fiscal Year 2022 Budget the Village Board approved a review of the Village Board Code. During the June 1, 2021 Committee of the Whole Meeting the Village Board directed for the commencement of that review to begin with Chapter 3: Boards and Commissions. Following this direction from the Village Board staff reviewed the Village Code and applicable responsibilities for the Plan Commission, Zoning Board of Appeals (ZBA), and Economic Development Commission (EDC). The discussion will also include a review of the meeting rules previously adopted by the Village Board. The goal of the meeting of the August 17 Committee of the Whole is to discuss the changes desired by the Village Board.

Discussion

The Village Board has directed staff to review and present findings related to the Village Code starting with Chapter 3: Boards and Commissions. The schedule for this review is as follows:

- August 17 Committee of the Whole: Review Economic Development Commission (EDC), Plan Commission, and Zoning Board of Appeals (ZBA) along with general rules and procedures for meetings.
- August 17 Village Board Meeting: Consider changes proposed by the Village Board during July 20 Committee of the Whole related to HRC, Beautification Commission, Parks and Recreation Board, and the Ad-Hoc Environmental Committee and general changes and policy direction from the Village Board.
- September 23 Committee of the Whole: Review Telecommunications Advisory Commission, Traffic Commission, Emergency Telephone System Board (ETSB), Board of Trustees of Police Pension Fund, and Board of Police Commissioners (BFPC), along with standing Committees of the Village Board including Finance, Fire and Water, Ordinances, Rules and Buildings, and Police, License, and Health.

- September 23 Village Board Meeting: Consider changes proposed by the Village Board during the September 23 Committee of the Whole related to the ETSB, Police Pension Fund, BFPC, and Committees of the Board.
- October 19 Committee of the Whole: Discussion of future review of the Village Code requested by the Village Board.

The structure outlined above is designed to provide a time table for reviewing Chapter 3 of the Village Code in line with the policy direction to be provided by the Village Board.

The next review of the Village Code is in regards to the Plan Commission, ZBA, and EDC. A staff review of these bodies did not find any areas of improvement for the structure of these respective groups. In reviewing neighboring communities it was found that many cities will combine the duties of the Plan Commission and ZBA into a single body. However, the Village previously utilized a joint Plan Commission-ZBA structure and it would be staff's recommend to maintain those as two separate bodies.

The only modification that is being considered is related to the structure of Public Hearings as part of the rules that are adopted by the Plan Commission and ZBA. The most significant rule change that will be considered by the Plan Commission and ZBA will be to change the public comment portion of Public Hearing to occur prior to discussion by the respective body. Currently the public comment section occurs after Commissions and Board Members opine and ask questions and it would be recommended that the Plan Commission and ZBA consider modifying their rules to modify when public comment occurs during a Public Hearing.

Another consideration for the Village Board is in regards to the Protocols and Procedures for Meetings and Activities of the President & Board of Trustees. This policy, which is attached, was last amended by the Village Board in June 16, 2020. There are no changes proposed for this policy, but it being provided to the Village Board for consideration.

Per the Village Board's direction, if Village Staff had any proposed changes for the Board and Commissions that would require codification or approval via Resolution that language would be presented for the Village Board's discussion at the Committee of the Whole and formal consideration during that night's Village Board meeting. As there is no language changes being proposed at this time there is not an item on the Village Board agenda for the August 17, 2021 Village Board Agenda related to the Plan Commission, ZBA, or EDC. However, the Village Board will be considering changes proposed from the July 20, 2021 Meeting related to the Human Relations Commission, Beautification Commission, Park and Rec Board, and Environmental Committee.

Financial Impact

The cost to have the Village Code reviewed was included in the Fiscal Year 2022 Budget.

Recommendation

It is the recommendation of this memorandum that this is discussed at the August 17, 2021 Committee of the Whole.

Documents Attached

- 1) Protocols and Procedures for Meetings and Activities President & Board of Trustees



VILLAGE OF LINCOLNWOOD

PROTOCOLS AND PROCEDURES FOR MEETINGS AND ACTIVITIES OF THE PRESIDENT & BOARD OF TRUSTEES

*(Approved by Resolution No. R-2011-1644, December 6, 2011
Amended by Resolution No. R-2020-2252, June 16, 2020)*

I. MEETING RULES AND PROCEDURES

A. Parliamentary Procedure.

1. Meetings shall be conducted in accordance with these Protocols and Procedures. For all matters not governed by these Protocols and Procedures, matters of the Village Board shall be governed by the most recent edition of *Robert's Rules of Order*. In the case of an inconsistency or conflict between these Protocols and Procedures and *Robert's Rules of Order*, these Protocols and Procedures shall apply and control. In the event that these Protocols and Procedures, or Robert's Rules of Order, are in conflict with a specific provision of a Village code or ordinance or a state statute, then the code, ordinance or statute shall apply and control.
2. The rules of parliamentary procedure may be temporarily suspended or altered by a majority vote of all the Trustees then in office.

B. Quorum. A quorum shall consist of a majority of the entire Board of Trustees, including the Village President.

1. A quorum shall be necessary to transact the business of the Village Board.
2. If no quorum is present, the Village Board shall not thereby stand adjourned, but the members present may adjourn or recess the Village Board by a majority vote.

C. Presiding Officer. The presiding officer has the responsibility and authority to control the meeting. The Village President shall be the presiding officer at all regular Village Board meetings and special meetings. At any meeting of the Village Board where a quorum is present and the President is temporarily absent, but not capable of

performing his or her official duties, the Trustee present with the longest tenure in office shall be the presiding officer for that meeting. the Village President or Village President Pro Tem is or will be only temporarily absent from a meeting of the Village Board of Trustees or of the Committee of the Whole of the Village Board of Trustees, but otherwise ready and able to assume his or her duties, the President or President Pro Tem, as the case may be, may appoint a Village Trustee to act as a temporary Chairman for such meeting by sending written notification of the appointment to the Village Clerk and to the Village Manager not less than two hours prior to the scheduled commencement of the meeting. If the President or President Pro Tem does not make an appointment of a temporary Chairman pursuant to section 2-1-7 of the Village Code, the Village Trustees shall elect one of its members to act as a temporary Chairman at the commencement of the meeting at which the President or President Pro Tem is temporarily absent. The temporary Chairman appointed pursuant to section 2- 1- 7 of the Village Code shall have only the powers of a presiding officer and the right to vote as a Trustee.

D. Questions of Order: Decisions.

1. All questions of order shall be addressed to, and decided by, the presiding officer. The presiding officer shall decide all questions of parliamentary procedure without debate.
2. Any member may appeal to the board from a ruling of the presiding officer and the member making the appeal may briefly state his or her reason for making the appeal, and the presiding officer may briefly explain his or her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the presiding officer be sustained?" If a majority of the members present vote "No", the decision of the presiding officer shall be overruled; otherwise it shall be sustained.

E. The Floor. The presiding officer shall determine who has the floor.

1. Members should act at all times so that the meeting is conducted in a smooth and orderly manner.
2. Members shall address all comments and discussion through the presiding officer. Every member, previous to his or her speaking or making a motion, shall address the presiding officer as "Mr./Ms. President" or "Mr./Ms. Presiding Officer", but shall not proceed with his or her remarks until recognized and named by the presiding officer.
3. A member recognized by the presiding officer shall confine

himself/herself to the question under debate.

4. No member shall speak more than once on the same question, except by permission of the presiding officer, and then not until every other member desiring to speak shall have had an opportunity to do so.
 5. No member shall speak longer than five minutes at any one time, except by consent of the presiding officer.
 6. While a member is speaking, no member shall hold any private discussion, nor pass between the speaker and the presiding officer.
 7. A member, when called to order by the presiding officer, shall thereupon discontinue speaking. The order or ruling of the presiding officer shall be binding and conclusive, subject only to the right to appeal pursuant to Section 1.D.2 of these Protocols and Procedures.
 8. The presiding officer shall have the power to require the meeting room to be cleared in case of any disturbances or disorderly conduct which prevents the meeting from being continued in an orderly manner.
- F. Motions. Any member can make a motion upon recognition by the presiding officer. A motion may be withdrawn by the maker thereof so long as the motion is withdrawn before the motion is put to a vote.
- G. Subsidiary Motions. When a question is pending before the Village Board, no other motion shall be in order except only one of the following motions:
1. to fix the time to adjourn;
 2. to adjourn;
 3. to take a recess;
 4. to raise a question of privilege;
 5. to call for the orders of the day;
 6. to lay on the table;
 7. to call the previous question;
 8. to postpone to a definite time;

9. to postpone indefinitely;
 10. to refer to committee;
 11. to amend; and
 12. to the main motion.
- H. Undebatable Motions and Exceptions to Order. A motion to adjourn or to lay on the table shall be decided without debate.
- I. Motion to Adjourn.
1. A motion to adjourn cannot be amended, but a motion to adjourn to a given day or time shall be open to amendment and debate.
 2. A motion to adjourn is always in order, except when:
 - a. A member is in possession of the floor;
 - b. A motion on the main question is pending;
 - c. A motion to reconsider is pending; or
 - d. The immediately preceding motion was a motion to adjourn.
- J. Motion to Postpone Indefinitely. When a question is postponed indefinitely, it shall not be taken up again before the next regular meeting.
- K. Motion to Amend. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be entertained.
- L. Voting.
1. A vote shall be taken in order to pass all ordinances and on all propositions to create any liability against the Village, or for the expenditure or appropriation of its money, and upon any question and in all other cases at the request of any member of the Village Board. The vote shall be commenced by the clerk, who will call the roll of the Village Board for taking of a vote by "yeas" and "nays".
 2. All debate on the question before the Village Board shall be

deemed concluded by the commencement of the vote. However, during the taking of the vote, a member shall be permitted to briefly explain his or her vote and shall respond to the calling of his or her name by the clerk by answering "yea" or nay".

3. Every member present shall vote unless he or she has an interest in the matter, in which event he or she shall disqualify himself/herself. Also, all members shall be seated.
 4. If any question under consideration contains several distinct propositions, the Village Board by a majority vote of the members present may divide such questions.
 5. The presiding officer shall announce the result of the Village Board's vote and such votes shall be entered into the journal of the proceedings, as provided by statute.
- M. Amendments. Only one amendment at a time may be offered to any question before the Village Board. The vote shall first be taken on the amendment, and then on any additional amendments that may be proposed. Finally, a vote shall be taken on the principal motion as finally amended.
- N. Reconsideration.
1. A vote or question may be reconsidered at any time during the same meeting, or at the first regular meeting held thereafter. A motion for reconsideration, once having been made and decided in the negative, shall not be renewed. If a matter has been decided, and a motion to reconsider such matter has been defeated, the matter may nonetheless come before the Village Board at a future time by way of a motion to rescind or as a new motion. If the presiding officer determines that new facts are to be presented to the Board or that there is a likelihood that the Board will reverse its previous decision, he or she shall rule the motion in order. If a motion is continuously brought before the Board and rejected, the presiding officer may rule its reintroduction under a motion to rescind or as a new motion to be out of order.
 2. No motion to reconsider the approval or denial of the recommendation of an advisory body required to hold public hearings shall be entertained except at the same meeting at which the original action was taken or after the matter has been referred to the advisory body for a further hearing and recommendation.

3. A motion to reconsider must be made by members who voted on the prevailing side of the question to be reconsidered, unless otherwise provided by law; provided, however, that where a motion has received a majority vote in the affirmative, but is declared lost solely on the ground that a greater number of affirmative votes is required by statute for the passage or adoption of such motion, then in such case a motion to reconsider may be made only by those who voted in the affirmative on such question to be reconsidered, so long as the issue presented is the same, no new information is forthcoming, and the rights of third parties have not intervened.
- O. Reports, Communications, and Petitions. All communications, reports, petitions or any other papers addressed to the Village Board shall be made available to the Village Clerk prior to the meeting. The Village Clerk shall distribute copies or read such materials to the members of the Village Board.
- P. Expulsion Of Members. Any member acting or appearing in a lewd or disgraceful manner, or who uses opprobrious, obscene or insulting language to or about any member, or who does not obey the order of the presiding officer, shall be, on motion, censured by a majority vote of the Village Board and, in addition, may be fined in an amount not to exceed \$25.00 for each occurrence. With the concurrence of two-thirds of the trustees, the Village Board may expel a trustee from a meeting, but not a second time for the same offense.

II. PUBLIC COMMENT AND PARTICIPATION

Except as allowed in the determination of the presiding officer, which determination may be overridden by a majority of the Village Board, members of the public, including residents and taxpayers of the Village and neighboring jurisdictions, federal, state, and local governmental officials and representatives, the media, petitioners, and applicants, will be allowed to address and make comments to the Village Board only: (i) during a "public hearing" convened by the Village Board, as provided in Section II.A below, or (ii) during the "public comment time," as provided and defined in Section 11.B below.

All public comment shall be subject to, and in accordance with, the general rules governing all public comment set forth in Section 11.D below.

- A. Rules Governing Public Hearings Convened by the Village Board.

1. During any and all public hearings convened by the Village Board, the presiding officer shall recognize and allow to speak any person desiring to speak. In the event that all persons desiring to speak are not able to do so within the time limit allowed for the public hearing, the presiding officer shall either extend the time limit for the public hearing, or adjourn the public hearing to a new date and time.
2. The time limit for comments by each person or group shall be set and announced in advance by the presiding officer. The time limits may vary for each public hearing. The presiding officer may allow representatives speaking on behalf of groups or associations a longer time limit than that allowed for individual speakers. In the event that no time limit is set or announced in advance of the public hearing, no person or group shall speak for more than five minutes.
3. The order of speakers shall be set and announced in advance by the presiding officer.
4. Advance speaker registration may be required by, and in the sole discretion of, the presiding officer.
5. Cross-examination of witnesses by petitioners, or members of the public, or their representatives, shall be allowed during public hearings, but only upon written request made to the presiding officer on a form provided by the Village Clerk, and submitted to the Village Clerk or to the presiding officer prior to the beginning of the public hearing.

B. Rules Governing the Public Comment Time.

1. The agenda of every regular and special meeting of the Village Board and committee of the whole shall include a reservation of time during the meeting for public comment (*"public comment time"*).
2. Except as provided in Section 11.B.3 below, the presiding officer shall recognize and allow to speak any person desiring to speak during public comment time.
3. In the event that a matter about which a person desires to speak is the subject of a specific item on the agenda of the same meeting as the public comment time, and public comment will be allowed in the determination of the presiding officer (which determination may be overridden by a majority of the Village

Board) during that agenda item, the presiding officer may refuse to allow such person to speak about such matter during the public comment time. If no public comment will be allowed by the presiding officer (which determination may be overridden by a majority of the Village Board) during the specific agenda item, then the person shall be allowed to speak about such matter during the public comment time even though it is the subject of a specific item on the agenda of the same meeting.

4. The total amount of time allocated for public comment time at any meeting shall not exceed 30 minutes, unless determined otherwise by the presiding officer, which determination may be overridden by a majority of the Village Board. In the event that all persons desiring to speak during the public comment time are not able to do so within the time limit allowed for the public hearing, the presiding officer shall either extend the time allocated for public comment time, or allow for continuation of the public comment time after the completion of all other matters on the agenda for the Village Board meeting.
 5. No person shall speak during the public comment time for more than three minutes, unless the presiding officer specifies a longer or shorter time period at the outset of the presiding officer, which specification may be overridden by a majority of the Village Board. Such longer or shorter time period shall be applicable to all persons participating in the public comment time at the same meeting.
- C. Prohibition of Public Comment. No person shall be allowed, or have the right, to address or make comments to the Village Board during a public meeting (other than during a duly convened public hearing or during the public comment time), unless the presiding officer determines (which determination may be overridden by a majority of the Village Board) otherwise and recognizes such person. The presiding officer shall have the right to refuse to recognize any person, other than a member of the Village Board, at any time during a public meeting, except as expressly provided herein during a public hearing or during the public comment time.
- D. Rules Governing All Public Comment.
1. Each speaker shall be required to state his or her name and address in a clear manner so that it can be recorded by the Village Clerk.
 2. If a speaker is representing, or speaking on behalf of, an individual, group, or association, the speaker shall be required to state the nature of such representation.
 3. Speakers desiring to use audio or visual equipment in connection with a

presentation shall make arrangements with the Village Manager for such use in advance of the meeting.

4. Public comment on a subject related to a matter for which a public hearing is required should be provided to the body conducting the public hearing at the time such hearing is held.
 5. In the interest of promoting the efficient conduct of public business, speakers should refrain from repeating their own testimony and comments, and should refrain from repeating testimony and comments that have previously been provided to the Village Board by other individuals.
 6. Speaker time limits shall be strictly enforced by the presiding officer.
 7. No person may be discourteous, belligerent, impertinent, threatening, disparaging, or otherwise uncivil. The presiding officer may limit the comments of any person who engages in such conduct. No person may continue to speak after the presiding officer has taken the floor from that person.
 8. All questions or statements from the floor must be directed to the presiding officer. All others will be ruled out of order.
 9. No member should interrupt a speaker during a presentation. The presiding officer shall have the right to interrupt a speaker in order to enforce these, or other applicable, rules.
- E. Interruptions and Other Disturbances. No person shall interrupt the proceedings of a Village Board meeting or cause any other form of disturbance or disruption.



MEMORANDUM

TO: Anne Marie Gaura, Village Manager

FROM: Nadim Badran, Director of Public Works

DATE: August 17, 2021

SUBJECT: Engineering Services Review

Background

On June 17, 2014 the Village Board authorized the execution of a contract with Christopher B. Burke Engineering, Ltd. (CBBEL) to serve as the Village Engineer. The existing contract includes the following services to be performed on a monthly retainer while the Village Engineer is providing 16 office hours on site at the Public Works Facility:

- Budgeting
- Procurement and Requisitions
- Utilization Reports
- Utility Permit Review
- External Agency Coordination (e.g. CDOT, IDOT, MWRD)
- NPDES and other regulatory programs
- Attend Board, Commission, and staff meetings as necessary
- Respond to Resident/Business/Board inquiries
- Seeking grant opportunities in a proactive manner and completing grant applications
- Other duties coordinated with the Village Manager
- Construction and capital project management of work and/or services provided by a firm or company, other than the Village Engineer firm; shall include, but is not limited to:
 - Review of bid proposals
 - Contract preparation
 - Pre-construction meetings
 - Review of pay requests
- Oversight of the implementation of the Village's Stormwater Management Plan
- Coordinate with the Village's Geographic Information System (GIS) Specialist for accuracy of data in the Village's GIS system

The contract also states that for capital project design and construction oversight services performed by the firm, the firm shall submit a scope and price proposal. This work shall be billed separately from the retainer. Additionally, the review of plans and specifications pertaining to private development applications are also billed separately from the retainer and this cost is recouped by the Village. Since commencement of the contract, CBBEL has performed exceptionally well, completing several projects and securing grant funding for the Village, without increasing the rates paid by the Village.

Capital Projects

The Village has successfully completed several projects that have been designed and overseen by CBBEL. The table below summarizes the recent projects that have been awarded to CBBEL and the resulting budgetary impacts. In each case, CBBEL has completed their design and oversight within the awarded budget, and has worked with staff and contractors to help minimize construction costs.

Project	Design		Oversight			Construction	
	Contract Award	Actual Cost	Contract Award	Actual Cost	% of Construction	Contract Award	Actual Cost
Transmission Main*	\$679,760	\$679,760	\$899,981	\$838,204	7.3%	\$11,826,493	\$11,436,679
North Shore Outfall Sewer	\$190,598	\$190,598	\$306,288	\$257,888	6.5%	\$3,954,886	\$3,953,949
Infrastructure Plan - Year 1	\$85,266	\$85,265	\$79,483	\$79,483	9.9%	\$839,700	\$805,295
Infrastructure Plan - Year 2	\$171,965	\$122,384	\$146,964	\$146,930	7.3%	\$2,396,961	\$2,006,007
Pratt Sidewalk Installation	\$27,069	\$27,069	\$11,356	\$11,356	7.8%	\$167,446	\$145,452
Police/Fire Roof*	\$14,102	\$11,875	\$16,464	\$10,980	3.7%	\$312,000	\$297,000
Public Works Roof	\$14,000	\$7,967	\$24,000	\$7,967	2.8%	\$281,475	\$281,474
Community Center Roof	\$19,022	\$9,646	\$17,074	\$16,701	10.4%	\$183,100	\$160,527
Street Storage Stage II*	\$289,522	\$260,132	\$195,166	In Progress	9.0%	\$2,159,605	In Progress
Standpipe Rehabilitation	\$54,941	\$37,371	\$37,400	\$36,621	4.3%	\$860,100	\$860,000

*denotes projects that are in progress but are substantially complete.

Previous direction provided by the Village Board in 2019 was to seek engineering quotes for new projects and to utilize the same firm for subsequent phases of a project if the firm is performing well. Since 2018, the Village has had several projects managed by firms other than CBBEL as shown in the table below. Staff has bid these projects locally, and via the Federal Qualification Based Selection Process (QBS). Projects that utilize federal funding require the Village to complete QBS process, which does not allow cost as a consideration of award.

Project	Firm	Phase	Contract Value
Bike Lane Lining and Signing	Gewalt Hamilton	Oversight	\$10,500
Touhy/Cicero improvements	Stanley	Design	\$205,000
Infrastructure Plan - Year 3	Baxter and Woodman	Design	\$145,000
Infrastructure Plan - Year 3	Baxter and Woodman	Oversight	\$339,812
Devon Avenue Street Lighting	Gewalt Hamilton	Oversight	\$65,000

Discussion

In 2019 and 2020, CBBEL has overseen four high profile projects in the Transmission Main, North Shore Outfall Sewer, and years one and two of the Infrastructure Plan. Collectively, the construction costs of these projects summed \$19,018,040, and final completion costs totaled \$18,201,930 for a savings of \$816,110 (the transmission main project has minor punch list work remaining which will add approximately another \$10,000). Oversight contracts totaled \$1,432,716, and were completed at an actual combined cost of

\$1,322,505 for a total savings of \$110,211 over the past two years. The average cost of construction between the four major projects for oversight totaled 7.8%. CBBEL has completed these projects with a high level of customer service and attention to detail.

In 2020, the Village awarded a contract to Baxter and Woodman, Inc., for the design of the third year of the Infrastructure Program due to the slightly lower project cost. This project remains in progress and on schedule; however, there were a number of issues that have arisen that required CBBEL to intervene and provide guidance to Baxter and Woodman. Specifically, important details were omitted from the design of the project due to the designer not being familiar with the Villages standards, expectations, and past designs. Additionally, during oversight, customer service and communication levels were not met by the resident engineer assigned to the project, requiring staff to change personnel midway through the project. CBBEL has spent a significant amount of time assisting staff with managing this project and correcting the design prior to the project being bid.

As the Village's stormwater and infrastructure plan continues over the next several years, there is value to utilizing the same engineering firm for projects that fall into these categories. Best management practices call for the utilization of the same firm when possible due to historical knowledge of the Village's systems and specifications. These factors allow for more cost effective designs to be completed as the firm has already designed and overseen construction in the Village. Additionally, capital projects are invasive in nature to residents. Utilization of the same firm allows the consultant to continue building relationships and deliver a high level of customer service. Projects can also proceed in a more timely manner as the bid process can take up to 45 days to complete.

Requested Direction

The FY22 Budget includes funding for various engineering designs including the Devon/Lincoln TIF lighting project, Street Storage Stage III, and year four of the 10 year Infrastructure Program. Staff is seeking direction on whether or not the Village Board would like staff to obtain proposals for design of these and other public projects or to waive the bidding process and authorize agreements with CBBEL. Staff previously sought proposals for Street Storage Stage II, to which only CBBEL submitted a proposal due to the unique nature of the program.

Due to CBBEL's intimate familiarity with the Village's standards, infrastructure, and expectations, as well as their past performance of providing excellent, budget conscious service, staff believes there is benefit to utilizing the firm for projects relating to the Village's Public Infrastructure. Therefore, staff is recommending the Village Board return to allowing for waiver of bids for engineering projects related to the Village's public infrastructure. If the Village Board directs staff to waive the bidding process for engineering services, staff will return with proposals for design of Street Storage Stage III and the 2022 Infrastructure Program in September. For projects that obtain federal funding, or projects that are outside of CBBEL's range of services, staff will continue to obtain proposals based on qualifications.

Attachments

1. PowerPoint Presentation



Engineering Agreements

AUGUST 17, 2021

Background

In 2014 the Village Contracted CBBEL to serve as the Village's Consulting Engineer

Scope of Services includes 16 hours of retainer work each week

- Procurement
- Budgeting
- Permit Reviews
- NPDES Permit Management
- Grant writing
- Review of Capital Projects
- Stormwater Management
- External Agency Coordination

The goal was to work with a firm that provided a range of services to meet the Village's operational and planning needs

Background

Retainer does not cover capital projects

- Agreement specifies firm will be responsible for providing a price for capital project design and oversight

Prior to 2019, the Village primarily waived competitive bidding and awarded agreements to CBBEL based on their familiarity with the Village's expectations and processes

In 2019, the Village Board directed staff to obtain proposals for any new engineering projects

- Waivers of bids were authorized for continuing phases of projects

Discussion

CBEL has performed exceptionally well managing capital projects over the last several years, with competitive pricing

Project	Design		Oversight			Construction	
	Contract Award	Actual Cost	Contract Award	Actual Cost	% of Construction	Contract Award	Actual Cost
Transmission Main*	\$679,760	\$679,760	\$899,981	\$838,204	7.3%	\$11,826,493	\$11,436,679
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Standpipe Rehabilitation	\$54,941	\$37,371	\$37,400	\$36,621	4.3%	\$860,100	\$860,000

Discussion

CBBEL has managed four of the Village's largest projects in the last two years:

Project	Oversight		Construction	
	Contract Value	Actual Cost	Contract Value	Actual Cost
Transmission Main	\$899,981	\$838,204	\$11,826,493	\$11,436,679
North Shore Outfall Sewer	\$306,288	\$257,888	\$3,954,886	\$3,953,949
Infrastructure Plan - Year 1	\$79,483	\$79,483	\$839,700	\$805,295
Infrastructure Plan - Year 2	\$146,964	\$146,930	\$2,396,961	\$2,006,007
Total	\$1,432,716	\$1,322,505	\$19,018,040	\$18,201,930
Savings		\$110,211		\$816,110

Average cost of construction for oversight is 7.8%

Discussion

Best management practices call for utilization of the same firm for ongoing capital projects

- Continuity of design yields a symmetrical project
- Operational efficiencies are achieved as firm understands expectations and is familiar with Village systems and processes
- Reduces project timelines as the bidding process can exceed 45 days

Utilizations of different firms causes projects to be designed differently

- 2021 Infrastructure Program is designed and managed by Baxter and Woodman
 - The Program has experienced a number of conflicting design flaws and customer service inefficiencies requiring adjustments to staffing provided by the engineering firm
 - CBBEL working with staff and Baxter and Woodman to address design and construction issues despite not being the awarded consultant

Requested Direction

Village will continue to make updates to aging infrastructure over the next seven years including water mains, roadways, and stormwater improvements

Staff is seeking direction on whether or not proposals should be obtained for engineering designs

- Staff recommends utilization of CBBEL for engineering projects related to the public infrastructure based on their past performance, competitive pricing, and to ensure customer services levels remain high
- Should the Board provide this direction, staff will return to the Board in September with waivers of bids for Stage III of the Street Storage Program and Year Four of the Infrastructure Program