

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

## INFRASTRUCTURE COMMITTEE

**Thursday, December 5, 2019  
7:00 P.M. – Committee Room A**

### AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
  - A. Infrastructure Committee of November 7, 2019
3. Public Participation / Presentations
4. Items for Consent
  - A. Ordinance No. 19-O-0038 – Amending the Municipal Code, Chapter 15, Article V – Siting Small Cell Antenna/Tower in the Rights-of-Way and Appendix G – Fee Schedule
  - B. Ordinance No. 19-O-0039 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago
  - C. Resolution No. 19-R-0064 – Resolution Authorizing the Expenditure of Local Funds for Construction Costs Related to the Washington Street Reconstruction Project
  - D. Resolution No. 19-R-0065 – Resolution Approving the Policy for Qualifications Based Selection (QBS) for Engineering and Professional Services Involving the Use of Federal, Motor Fuel Tax (MFT), State, or Township Bridge Program (TBP) Funds
5. Unfinished Business
6. New Business
  - A. Cancel January 2, 2020, Infrastructure Committee Meeting
7. Reports from Staff
8. Adjournment

**Draft**

**MINUTES**

**INFRASTRUCTURE COMMITTEE**

**November 7, 2019 7:00 P.M.**

1. **Call to Order, Roll Call, and Establishment of a Quorum.** Chairman Beifuss called the meeting to order at 7:00 P.M. Roll call found Aldermen James Beifuss, Heather Brown, Sandra Dimas, Alton Hallett, Noreen Ligino-Kubinski, and Jeanne Short present. Alderman Matt Garling was absent.

Staff present included Director of Public Works Robert Flatter, Water Treatment Plant Superintendent Joseph Munder, and Administrative Assistant Ashley Heidorn. Also in attendance was resident Paul Kubinski.

2. **Approval of Minutes**

A. **Infrastructure Committee Minutes of October 3, 2019.** Alderman Brown made a motion, seconded by Alderman Hallett to approve the Meeting Minutes of October 3, 2019.

**Voting Yea: Aldermen Beifuss, Brown, Dimas, Hallett, Ligino-Kubinski, and Short.**  
**Voting Nay: 0.**

3. **Public Participation / Presentations.** None.

4. **Items for Consent.** Alderman Beifuss requested discussion on Consent Item D. Alderman Dimas made a motion, seconded by Alderman Ligino-Kubinski to approve:

- A. Resolution No. 19-R-0053- Contract Award – Procurement of Dry Anionic Polymer for Fiscal Year 2020
- B. Resolution No. 19-R-0054 - Contract Award – Procurement of Liquid Carbon Dioxide for Fiscal Year 2020
- C. Resolution No. 19-R-0055 - Contract Award – Procurement of Liquid Sodium Hypochlorite for Fiscal Year 2020
- E. Resolution No. 19-R-0058 – Contract Award - Christopher B. Burke Engineering, Ltd. for Natural Areas Maintenance and Monitoring Services Related to the 1350 W. Hawthorne Lane Salt Storage Facility Project

- F. Resolution No. 19-R-0059 - Contract Amendment #1 & First Extension – 2019 Janitorial Services for Municipal Buildings
- G. RJN Group, Inc. – Change Order No. 1 and Final for Construction Oversight Services Related to the 2018 Sanitary Sewer Rehabilitation Project

**Roll call found the vote unanimous for approval. Voting Yea: Aldermen Beifuss, Brown, Dimas, Hallett, Ligino-Kubinski, and Short. Voting Nay: 0.**

**5. Items for Discussion.**

**4.D. Resolution No. 19-R-0056 - Contract Award – Procurement of Rotary Hydrated Lime For Fiscal Year 2020.** Alderman Beifuss asked why the apparent low bidder, Hickman, Williams & Company, was deemed not responsive. Mr. Munder explained that the specifications for the lime did not match what the City requested, the bid was unsigned by the bidder, and they did not offer a fixed delivery price as required. **Alderman Dimas made a motion, seconded by Alderman Brown to approve.**

**Roll call found the vote unanimous for approval. Voting Yea: Aldermen Beifuss, Brown, Dimas, Hallett, Ligino-Kubinski, and Short. Voting Nay: 0.**

**6. Unfinished Business. None.**

**7. New Business.**

**A. FY2020-2024 Capital Improvement Program.** Mr. Flatter presented the Five-Year Capital Improvement Program (CIP) and indicated he was looking for direction to present it to the City Administrator for inclusion in the 2020 Budget. Following some discussion, there was a consensus to send the CIP on to the City Administrator for the 2020 Budget.

**8. Reports from Staff.**

**A. Washington Street Reconstruction Project.** Mr. Flatter updated the Committee on the Project's progress and explained that the remaining work for 2019 will be solely focused on the section of Washington Street between the railroad tracks and Main Street. The intent is to get everything west of Main Street in asphalt binder and open it up to two-lane traffic; the asphalt surface course would not be completed until next spring. The intersection of Washington Street and Main Street, as well as the westbound lanes between Arbor Avenue and Main Street, will also be completed next spring.

**9. Adjournment.** At 7:24 P.M., Alderman Hallett made a motion to adjourn, seconded by Alderman Dimas. Motion was unanimously approved by voice vote.

Respectfully submitted,

Ashley Heidorn  
Administrative Assistant of Public Works



## CITY OF WEST CHICAGO

### INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

An Ordinance Amending the Municipal Code, *Chapter 15, Article V - Siting Small Cell Antenna/Tower in the Rights-of-Way* and *Appendix G – Fee Schedule*

Ordinance 19-O-0038

**AGENDA ITEM NUMBER:**

4.A.

**FILE NUMBER:****COMMITTEE AGENDA DATE:** Dec. 5, 2019**COUNCIL AGENDA DATE:****STAFF REVIEW:** Tom Dabareiner AICP**SIGNATURE** \_\_\_\_\_**APPROVED BY CITY ADMINISTRATOR:** Michael Guttman**SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

In the past several years, cell phone technology, tower requirements, and state and federal regulations have evolved rapidly. City Staff found that the current cell tower siting Ordinance was out of date and not helpful when considering new requests for antenna placement. The City contracted with Municipal Services Associates, Inc. to prepare an update to the Municipal Code in *Chapter 15, Article V - Siting of Small Cell Antenna/Tower in the Public Rights-of-Way*. The consultant also reviewed the City's antenna review fees (in *Appendix G*) and the master pole agreement to assure compliance with current law and consistency with the Code amendment. Changes were recommended in all cases.

Amendments to the Ordinance were numerous and comprehensive:

- Basic terminology was changed and necessitated a revised definitions section. This allows for better distinctions between small cell wireless and other towers and poles in the community.
- Small cells can now be placed in the ROW without needing a special use permit, which will bring the City into compliance with state and federal laws.
- Includes an interference prevention clause that requires the wireless provider to eliminate radio frequency interference with public safety frequencies.
- The City will be notified of a sale or transfer of wireless facilities within the City.
- Sets extensive permit issuance requirements consistent with the Illinois Small Wireless Facilities Deployment Act.
- Establishes "shot clocks" to assure timely review of various cell site proposals, to be consistent with state and federal laws.
- Permits have a five-year duration and may be renewed for an equivalent duration.
- In accordance with state law, the ordinance does not apply to the park district, forest preserve district and Metra.
- Federal law sets annual rent for a small cell occupying a municipal pole, and sets review fees for initial and latter co-locations, as well as for new pole structures, which the City must abide by.

Many significant changes have occurred from a regulatory standpoint at the state and federal level regarding small cell antenna siting. The proposed changes to the Municipal Code will bring the City into compliance with these laws and regulations. Staff recommends approval.

**ACTIONS PROPOSED:**

Consider the proposed Ordinance.

**COMMITTEE RECOMMENDATION:**

Pc: Ordinance 19-O-0038

ORDINANCE NO. 19-O-0038

AN ORDINANCE AMENDING ARTICLE V OF THE WEST CHICAGO MUNICIPAL CODE  
SITING OF SMALL ANTENNA/TOWERS IN THE PUBLIC RIGHTS-OF-WAY AND  
ON COMMERCIAL AND INDUSTRIAL PROPERTY  
AND AMENDING APPENDIX G – FEE SCHEDULE, SECTION 20.1 –  
SMALL WIRELESS FACILITY FEES AND PENALTIES

WHEREAS, the City of West Chicago (the “City”) is a home-rule municipality pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, and as such is authorized to take all reasonable action pertaining to its affairs in accordance therewith; and,

WHEREAS, the City is further authorized under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, and Illinois law to adopt ordinances pertaining to the public health, safety, and welfare; and,

WHEREAS, the City is further authorized to adopt the amendments contained herein pursuant to its authority to regulate the public right-of-way under section 11-80-1 *et seq.*, of the Illinois Municipal Code; and,

WHEREAS, the City uses public right-of-way within its City limits to provide essential public services to its residents and business. The public right-of-way within the City is a limited public resource held by the City for the benefit of its citizens and the City has a custodial duty to ensure that the public right-of-way is used, repaired, and maintained in a manner that best serves the public interest; and,

WHEREAS, growing demand for personal wireless telecommunications services has resulted in increasing requests nationwide and locally from the wireless industry to place small cell facilities, distributed antenna systems, and other personal wireless telecommunications facilities on utility and street light poles and other structures in the public right-of-way. While State and federal law limit the authority of local governments to enact laws that unreasonably discriminate among providers of equivalent services, prohibit, or have the effect of prohibiting the provision of telecommunications services by wireless service providers, the City is authorized, under existing State and federal law, to enact appropriate regulations and restrictions relative to small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installation in the public right-of-way; and,

WHEREAS, in anticipation of continued increased demand for placement of small cell facilities, distributed antenna systems, and other personal wireless telecommunication facility installations within

the public right-of-way, and with the enacting of Public Act 100-0585 by the Illinois General Assembly, which is known as the Small Cell Wireless Facilities Deployment Act and became effective on June 1, 2018, , the City Council finds that it is in the best interests of the public health, safety and general welfare of the City to amend Article V – Siting of Small Antenna/Tower in the Public Rights-of-Way – by deleting it in its entirety and replacing with the ordinance below; and,

WHEREAS, this amendment will improve applicable standards for construction, installation, use, maintenance and repair of such facilities, systems and installation within the public right-of-way in the City so as to, among other things: (i) prevent interference with the facilities and operations of the City’s utilities and of other utilities lawfully located in public right-of-way or on public property, (ii) provide specific regulations and standards for the placement and siting of personal wireless telecommunication facilities within public right-of-way in the City, (iii) preserve the character of the neighborhoods in which facilities are installed, (iv) minimize any adverse visual impact of personal wireless telecommunication facilities and prevent visual blight in the neighborhoods in which facilities are installed, (v) facilitate the location of personal wireless telecommunication facilities in permitted locations within the public right-of-way in the City, and (vi) assure the continued safe use and enjoyment of private properties adjacent to personal wireless telecommunication facilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, DuPage County, Illinois, in regular session assembled, as follows:

SECTION 1. That the facts and statements contained in the preambles to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.

SECTION 2. That Article V of Chapter 15 of the Code of Ordinances of the City of West Chicago shall be deleted in its entirety and replaced with the following:

“Article V. – Siting of Small Antenna/Towers in the Public Rights-of-Way and on Commercial and Industrial Property

Sec 15-60. – Purpose and Scope.

- (a) Purpose. The purpose of this Ordinance is to establish regulations, standards, and procedures for the siting and collocation of small wireless facilities, distributed antenna systems, and other wireless facilities in rights-of-way within the City’s jurisdiction, or outside the right-of-way on property zoned by the City exclusively for commercial or industrial use, in a manner that is consistent with the Small Wireless Facilities Deployment Act, Public Act 100-0585,

the Middle Class Tax Relief and Job Creation Act of 2012. Section 6409(a), codified at 47 CFR §1.40001, and Subpart U -State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities, codified at 47 CFR §1.6001.

- (b) Conflicts with Other Ordinances. This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.
- (c) Conflicts with State and Federal Laws. In the event that applicable federal or State laws or regulations conflict with the requirements of this Ordinance, the wireless provider shall comply with the requirements of this Ordinance to the maximum extent possible without violating federal or State laws or regulations.

#### Section 15-61. – Definitions.

For purposes of this article, the following terms will have the following meanings:

*Alternative antenna structure:* An existing pole or other structure within the public right-of-way that can be used to support an antenna and is not a utility pole or a City-owned infrastructure.

*Antenna:* Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

*Applicable codes:* Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or municipal amendments to these codes.

*Applicant:* Any person submitting an application and is a wireless provider, for the purpose of installing wireless telecommunication facilities or structures to support the facilities within a public right-of-way, and the agents, employees, and contractors of such person.

*Application:* A written request submitted by an applicant to the City for a permit to erect or install a new wireless facility on a tower, pole, alternative antenna structure, or on City-owned infrastructure, or to co-locate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

*City:* The City of West Chicago, Illinois which has jurisdiction and control for use of public rights-of-way as provided by the Illinois Highway Code for placements within public rights-of-way or has zoning or land use control for placements not within public rights-of-way.

*City-owned infrastructure:* Infrastructure in public right-of-way within the boundaries of the City, including, but not limited to, towers, structures, or buildings owned, operated or maintained by the City. City-owned infrastructure excludes utility poles owned or operated by the City.

*City utility pole:* A utility pole, as defined herein, owned or operated by the City in public rights-of-way.

*Co-locate or Collocation:* To install, mount, maintain, modify, operate, or replace wireless facilities on, or adjacent to a pre-existing structure, a wireless support structure or utility pole.



*FCC:* The Federal Communications Commission of the United States.

*Fee:* A charge levied in accordance with the City's fee schedule established by ordinance.

*Historic Landmark:* A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an ordinance adopted by the City pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.

*Landscape screening:* The installation at grade of plantings, shrubbery, bushes or other foliage intended to screen the base of a wireless facility from public view.

*Law:* A federal or state statute, common law, code, rule, regulation, order, or City ordinance or resolution.

*Micro wireless facility:* A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

*Monopole:* A structure composed of a single spire, pole or tower designed and constructed with antennas or related equipment and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure.

*Owner:* Any person or entity responsible for installing, maintaining, operating, replacing, or removing wireless facilities or wireless support structures to support the facilities within a public right-of-way.

*Permit:* A written authorization required by an authority to perform an action or initiate, continue, or complete a project.

*Person:* An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

*Public safety agency:* The functional division of the federal government, the State, DuPage County, the City of West Chicago, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.

*Rate:* A recurring charge.



*Right-of-Way:* The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include City-owned aerial lines, if any.

*Small wireless facility:* A wireless facility that meets both of the following qualifications: (I) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

*Tower:* Any structure that is designed and constructed with antennas, including self-supporting lattice towers, guy towers, or monopole towers, and that is not a utility pole, an alternative antenna structure, or a City-owned infrastructure. Except as otherwise provided for by this article, the requirements for a tower and associated antenna facilities shall be those required in this article.

*Utility pole:* A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, which are used to provide lighting, traffic control, signage, or a similar function.

*Variance or variation:* A grant of relief by the City administrator or his/her designee.

*Wireless facility:* Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (I) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (I) the structure or improvements on, under, or within which the equipment is co-located; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

*Wireless infrastructure provider:* Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the City.

*Wireless provider:* A wireless infrastructure provider or a wireless services provider.

*Wireless services:* Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

*Wireless services provider:* A person who provides wireless services.

*Wireless support structure:* A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

Section 15-62. – Standards and regulations.

Small wireless facilities are permitted to be placed in rights-of-way within the jurisdiction of the City as attachments to existing utility poles, alternative antenna structures, or City-owned infrastructure, or outside the rights-of-way in property zoned by the City exclusively for commercial or industrial use subject to the following regulations:

- (a) *Permitted Use.* Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided herein regarding height exceptions or variances, but not subject to zoning review or approval if they are co-located in rights-of-way in any zone, or outside rights-of-way in property zoned exclusively for commercial or industrial use.
- (b) *Number limitation and co-location of wireless facilities, excluding small wireless facilities.* The City Administrator or his/her designee may regulate the number of small wireless facilities allowed on each utility pole or unit of City-owned infrastructure. No more than one (1) small wireless facility will be permitted on City-owned infrastructure. No more than two (2) wireless facilities will be permitted on utility poles or alternative antenna structures of ninety (90) feet or less. No more than three (3) wireless facilities will be permitted on utility poles or alternative antenna structures in excess of ninety (90) feet and less than one hundred twenty (120) feet. This article does not preclude or prohibit co-location of wireless facilities on towers or monopoles that meet the requirements as set forth elsewhere in this article or as required by federal law.
- (c) *Alternative placements.* With respect to an application for the collocation of a small wireless facility associated with a new utility pole, the City may propose that the small wireless facility be co-located on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternative structure on reasonable terms and conditions, and the alternative location and structure does not impose technical limits or additional material costs as determined by the applicant. The City shall require the applicant to certify in writing that the property rights, technical limits, or material costs do not satisfy the criterion set forth in this subsection. Other wireless facilities may be attached to an alternative antenna structure, monopole, or City-owned infrastructure only where such monopole tower, structure or infrastructure is located no closer than a distance equal to one hundred (100) percent of the height of such facility to any residential building and no closer than three hundred (300) feet from any other wireless facility. A separation or lesser clearance may be allowed by the City Administrator or his/her designee as an administrative variance to this article when the applicant establishes that the lesser separation or clearance is necessary to close a significant coverage or capacity

gap in the applicant's services or to otherwise provide adequate services to customers, and the proposed antenna or facility is the least intrusive means to do so.

- (d) *Schools and educational facilities.* With the exception of small wireless facilities, no wireless facilities may be located closer than five hundred (500) feet from any property owned by a school district or educational facility.
- (e) *City-owned infrastructure.* Small wireless facilities and other wireless facilities can only be mounted to City-owned infrastructure including, but not limited to, streetlights, traffic signals, monopoles, towers or buildings, if authorized by a license, pole attachment agreement, or other agreement between the wireless provider and the City. This subsection shall also apply to utility poles owned by the City.
- (f) *Historic Landmarks:* Except for facilities excluded from evaluation for effects on historic properties under 47 CFR §1.1307(a)(4), the City requires reasonable, technically feasible, and non-discriminatory design or concealment measures on historic landmarks. This subsection may not be construed to limit the City's enforcement of historic preservation in conformance with the requirements adopted pursuant to the Illinois State Agency Historic Resources Preservation Act or the National Historic Preservation Act of 1966, 54 USC Section 300101, *et seq.*, and the regulations adopted to implement those laws.
- (g) *Safety Codes.* A wireless provider shall comply with the applicable codes and municipal code provisions or regulations that concern public safety.
- (h) *New towers.* No new monopole or other tower designed and constructed with wireless facilities in excess of forty-five (45) feet is permitted to be installed in a right-of-way within the jurisdiction of the City unless the City council finds, based on clear and convincing evidence provided by the applicant, that locating the personal wireless telecommunications facilities in the right-of-way is necessary to close a significant coverage or capacity gap in the applicant's services or to otherwise provide adequate services to customers, and the proposed tower or utility pole within the right-of-way is the least intrusive means to do so.
- (i) *Attachment limitations.* No small wireless facility within the right-of-way will be attached to a utility pole, alternative antenna structure, monopole, tower, or City-owned infrastructure unless all of the following conditions are satisfied:
  - (1) *Surface area of antenna.* The personal wireless telecommunication antenna, including antenna panels, whip antennas or dish-shaped antennas, cannot have a surface area of more than seven (7) cubic feet in volume.
  - (2) *Size of above-ground small wireless facility.* A small wireless facility cannot exceed thirty-two (32) cubic feet, and shall meet the volume requirements for a small wireless facility as such is defined in Section 15-60 of this Ordinance.

- (3) *Height location of small wireless facilities.* The owner of a small wireless facility shall locate the base of the equipment or appurtenances at a height of no lower than eight (8) feet above grade.
- (4) *Wireless facilities equipment mounted at grade or below grade.* In the event that the owner of a wireless facility, including a small wireless facility, proposes to install a facility where equipment or appurtenances are to be installed at grade, screening shall be installed to minimize the visibility of the facility on all sides, in accordance with section 15-61(g) below.- Wireless facilities shall be installed at least ten (10) feet from City-owned utilities, twenty (20) feet from any driveway or driveway apron, and a minimum of eleven (11) feet from a roadway. The wireless facility cannot obstruct the view of the motoring public and create an unsafe driving condition. In the event that the wireless provider requires to locate and install its wireless facility at distances from City-owned utilities, driveways, driveway aprons, or roadways, the wireless provider may seek a variance from the City Administrator through the process set forth in Section 15-63 below. In the event that a wireless provider proposes to install its cabling, equipment, or other appurtenances below grade, the wireless provider shall comply with provisions and regulations set forth in Article III, Section 15-23(b)(2)(a-d), Section 15-23( c)(1, 3, 5-6), and any other applicable provisions set forth in the Municipal Code regarding undergrounding of utility facilities.
- (5) *Height.* The top of the highest point of the antenna, including that of a small wireless facility, cannot extend more than ten (10) feet above the highest point of the utility pole, alternative antenna support structure, monopole, tower or City-owned infrastructure, or forty-five (45) feet above ground level, whichever is higher. If necessary, the replacement or new utility pole, alternative support structure or City-owned infrastructure located within the public right-of-way may be no more than ten (10) feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, on the date the application is submitted to the City. A monopole tower, City-owned infrastructure, or alternative antenna structure that does not include a small wireless facility located on City property or on private property where said tower or alternative antenna structure is allowed for location, may be no more than ~~to~~ seventy (70) feet higher than existing poles adjacent to the replacement or new pole or structure, or no more than ninety (90) feet in height overall, whichever is less. Subject to any applicable waiver, zoning, or other process that addresses wireless provider requests for a variance and does not prohibit granting of such variances, the City may limit the height of new or replacement utility poles to the height limitations set forth in this subsection. The types of utility poles, alternative antenna structures, or City-owned infrastructure shall not have the effect of prohibiting a wireless provider's technology.

- (6) *Color.* A wireless facility, including all related equipment and appurtenances, shall be of a color approved by the City. Any wiring shall be covered with an appropriate cover, or, in the case of a monopole tower, such wiring may be extended through the inside of the monopole tower from its base to an antenna array, where practicable.
- (7) *Antenna panel covering.* A small wireless facility antenna may include a radome, cap or other antenna panel covering or shield, to the extent such covering would not result in a larger or more noticeable facility and, if proposed, such covering shall be of a color that blends with the color of the utility pole, structure, monopole, tower or infrastructure on which it is mounted. Antenna panel coverings shall not be considered a part of the small wireless facilities for purposes of calculating the size restrictions of a small wireless facility as such is defined herein.
- (8) *Wiring and cabling.* Wires and cables connecting the antenna to the remainder of the wireless facility shall be installed in accordance with the electrical code currently in effect. No wiring and cabling serving the wireless facility will be allowed to interfere with any wiring or cabling installed by a cable television or video service operator, electric utility or telephone utility.

Small wireless facilities may be allowed to obtain electrical power from a source directly associated with or provided for a City-owned infrastructure where an agreement between the wireless provider and the City allows for the use of electrical power that is metered, and for which compensation for the use of such electrical power is provided.

- (9) *Grounding.* A wireless facility shall be grounded in accordance with the requirements of the electrical code currently in effect in the City.
- (10) *Guy wires.* No guy or other support wires shall be installed in connection with a new wireless facility installation.
- (11) *Interference.* A wireless provider's operation of any wireless facilities, including small wireless facilities, shall not interfere with the frequencies used by a public safety agency for public safety communications. A wireless provider shall install its wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment. Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency. In the event that a wireless facility, including a small wireless facility, causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall take all reasonable steps to correct and eliminate the interference, including, but not limited to, powering down the wireless facility and later powering up the wireless facility for



intermittent testing, if necessary. The City may terminate a permit for a wireless facility, including a small wireless facility, based on such interference if the wireless provider is not making a good faith effort to remedy the problem in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR § 22.970 through 47 CFR §22.973 and 47 CFR §90.672 through 47 CFR §90.675.

- (12) *Structural integrity.* A wireless facility, including the antenna, pole extension and all related equipment shall be designed to withstand a wind force and ice loads in accordance with applicable standards established in Chapter 25 of the National Electric Safety Code for utility poles, Rule 250-B and 250-C standards governing wind, ice, and loading forces on utility poles, in the American National Standards Institute (ANSI) in TIA/EIA Section 222-G established by the Telecommunications Industry Association (TIA) and the Electronics Industry Association (EIA) for steel wireless support structures and the applicable industry standard for other existing structures. An extension to a City-owned infrastructure, utility pole, monopole, tower, or alternative antenna structure utilized for the purpose of connecting a wireless antenna and its related wireless telecommunications equipment must be securely bound to the City-owned infrastructure, utility pole, monopole, tower, or alternative antenna structure in accordance with applicable engineering standards for the design and attachment of such extensions. For any facility attached to City-owned infrastructure or, in the discretion of the City, for a utility pole, monopole, tower, or alternative antenna structure, the owner of the facility shall provide the City with a structural evaluation of each specific location containing a recommendation that the proposed installation passes the standards described above. The evaluation shall be prepared by a professional structural engineer licensed in the State.
- (i) *Signage.* Other than signs required by federal law or regulations or identification and location markings, installation of signs on a wireless facility is prohibited.
- (k) *Screening.* If screening is required under subsection (e)(4) above, it shall be natural landscaping material subject to the approval of the City and shall comply with all regulations of the City. Appropriate landscaping shall be located and maintained by the owner and shall provide the maximum achievable screening, as determined by the City, from view of adjoining properties and public or private streets. Notwithstanding the foregoing, no such screening is required to extend more than nine (9) feet in height. Landscape screening when permitted in the right-of-way shall be provided with a clearance of three (3) feet in all directions from the facility and a minimum of eight (8) feet from a roadway. The color of housing for ground-mounted equipment shall blend with the surroundings as approved by the City. For a covered structure, the maximum reasonably achievable screening shall be provided between such facility and the view from adjoining properties and public or private streets, as determined appropriate by the City. In lieu of the owner installing the screening,



the City, at its sole discretion, may accept a fee from the owner of the facility for the acquisition, installation, or maintenance of landscaping material by the City.

- (l) *Permission to use utility pole or alternative antenna structure.* The owner of a wireless facility, including a small wireless facility, shall submit to the City written copies of the approval from the owner of a utility pole, monopole, tower, or an alternative antenna structure, to mount the wireless facility on that specific pole, tower, or structure, prior to issuance of the City permit. A wireless provider shall comply with requirements that are imposed by a contract between the City and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
- (m) *Licenses and permits.* The owner of a wireless facility shall verify to the City that all concurrent licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of said facility have been obtained and will be maintained within the corporate limits of the City.
- (n) *Abandonment and removal.* Any wireless facility located within the corporate limits of the City that is not operated for a continuous period of twelve (12) months, shall be considered abandoned and the owner of the facility shall remove same within ninety (90) days of receipt of written notice from the City notifying the owner of such abandonment. Such notice shall be sent by certified or registered mail, return-receipt-requested, by the City to such owner at the last known address of such owner. In the case of wireless facilities attached to utility poles, wireless support structures, alternative antenna structures, or City owned infrastructure, if such facility is not removed within ninety (90) days of such notice, the City may remove or cause the removal of such facility through the terms of the applicable license agreement or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.
- (o) *Transfer of ownership.* The City shall require a wireless provider to provide written notice to the City if it sells or transfers wireless facilities, including small wireless facilities, within the jurisdictional boundary of the City. Such notice shall include the name and contact information of the new wireless provider. In such cases where a wireless provider transfers ownership or control of a small wireless facility located on City-owned infrastructure or a utility pole owned by the City, the terms and conditions regarding transfer of ownership and control as stated in an agreement between the wireless provider and the City shall prevail.

#### Sec 15-63. – Permits and application fees and procedures.

Permits for placement of wireless facilities in right-of-way within the City are required. An applicant is required to obtain one or more permits to co-locate a small wireless facility. Except as otherwise provided for by in this article, the procedures for, the application for, approval of, and revocation of such a permit shall be in compliance with City permit application requirements in

Article III of this chapter; provided, however, that an application shall be received and processed. Permits shall be issued subject to the following requirements:

- (a) *Public safety space reservation.* The City may reserve space on its utility poles for future public safety uses, but a reservation of space may not preclude the collocation of a small wireless facility unless the City reasonably determines that the utility pole cannot accommodate both uses.
- (b) *Permit application requirements.* A wireless provider shall be required to provide the following information when seeking a permit to co-locate small wireless facilities on a utility pole or alternative antenna structure:
  - (1) Site specific structural integrity and make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, as amended;
  - (2) The location where each proposed small wireless facility, utility pole, or alternative antenna structure would be installed and photographs of the location and its immediate surroundings depicting the utility pole(s) or alternative antenna structure(s) on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed.
  - (3) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, as amended, for each proposed small wireless facility covered by the application as it is proposed to be installed.
  - (4) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility.
  - (5) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
  - (6) Certification that the collocation complies with the Requirements section of this Ordinance, to the best of the applicant's knowledge.
- (c) *Completeness of application; Tolling of incomplete application.* Within thirty (30) days after receiving an application, the City shall determine whether the application is complete and notify the applicant. If an application is incomplete, the City shall specifically identify the missing information. Processing deadlines are tolled from the time the City sends the notice of incompleteness to the time the applicant provides the missing information. The time period for an application may be further tolled by (i) The express agreement in writing by both the applicant and the City; or (ii) A local, state, or federal disaster declaration or similar emergency that causes the delay. An application shall be deemed complete if notification to the applicant is not provided by the City within thirty (30) days after when all documents,

information, and fees specifically enumerated in the permit application form are submitted by the applicant.

- (d) *Consolidated applications.* An applicant seeking to co-locate small wireless facilities within the jurisdiction of the City shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to twenty-five (25) small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure; provided, however, that multiple projects submitted under a consolidated application shall be batched in groups of no more than five (5) projects at a time in order for City staff to effectively and efficiently process such project plans and supporting information.
- (e) *Means of submitting applications.* Applicants shall submit applications, supporting information, and notices by personal delivery, U.S. mail, or by overnight delivery service, or other delivery means as otherwise required by the City.
- (f) *Application process for wireless facilities located on towers, monopoles, or wireless support structures:* A wireless provider shall submit an application for a wireless facility to be located on a tower, monopole, or wireless support structure to the City for determination of its status and review periods under the federal "Spectrum Act", 47 CFR §1.40001 *et seq.* The applicant shall identify whether its proposed wireless facility or wireless facility modifications constitutes or does not constitute a Substantial Change in a wireless facility as defined by the Spectrum Act, or is a new wireless facility as defined by the Spectrum Act. Where an applicant indicates that its proposed wireless facility or its modifications do not constitute a Substantial Change, the review period shall be sixty (60) days.

Where a Substantial Change has been indicated by the applicant, or where the application to co-locate a facility other than a small wireless facility is using an existing structure, the review period shall be ninety (90) days. In the event that a new wireless facility has been requested, such as a new monopole or lattice tower or wireless support structure, the review period shall be one hundred fifty (150) days.

- (1) *Insufficient applications:* Unless a written agreement between the applicant and the City provides otherwise, the City shall review the applicant's application materials within thirty (30) days from the date of the application's submission to the City, and shall notify the applicant in writing of any deficiencies in the application, and shall specify such deficiencies. During the period from which the City notifies the applicant of the deficient application to the date when the applicant's response is received, the time period for review of the application established by the Spectrum Act shall be tolled. Upon receipt of the applicant's response, the City shall determine if the response is complete and addresses the identified deficiencies. If the response does not address the deficiencies, the City shall have ten (10) days to notify the

applicant in writing that the application is not complete. The time period for review shall remain tolled until the applicant submits its response.

- (2) *Completion of review:* Upon the City's determination that the applicant has submitted a completed application, the time period for review shall resume from the date of the City's determination. The remaining time period shall include time for remaining staff review and recommendations, consideration by the City's Plan Commission and Zoning Board, and final approval by the City Council where a Special Use permit is required, or for completion of administrative review where a Permitted Use is allowed. The time periods required for review may be extended by joint agreement of the City and the applicant if an extension is necessary for the completion of final approval.

- (g) *Application process for small wireless facilities:* The City shall process applications as follows:

- (1) An application to co-locate a small wireless facility on an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within sixty (60) days. The permit shall be deemed approved on the latter of the sixtieth (60<sup>th</sup>) day after the submission of the completed application or the tenth (10<sup>th</sup>) day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Ordinance.
- (2) An application to co-locate a small wireless facility that includes the installation of a new utility pole, wireless support structure, or alternative antenna structure, shall be processed on a nondiscriminatory basis and deemed approved if the City fails to approve or deny the application within ninety (90) days. The permit shall be deemed approved on the latter of the ninetieth (90<sup>th</sup>) day after the submission of the completed application or the tenth (10<sup>th</sup>) day after the receipt of the deemed approved notice by the City. The receipt of the deemed approved notice shall not preclude the City's denial of the permit request within the time limits as provided under this Ordinance.
- (3) *Batched applications:* (i) If a single application seeks authorization for multiple deployments all of which are either small wireless facilities to be installed on existing utility poles or wireless facility structures, or alternative antenna structures, the period of review shall be for no more than sixty (60) days, or where the deployments are small wireless facilities to be installed on new utility poles or wireless facility structures, or alternative antenna structures, the period of review shall be no more than ninety (90) days. (ii) If a single application for multiple deployments, the components of which are a mix of deployments that include small wireless facility installations on existing utility poles or wireless facility structures, or alternative

antenna structures, and new utility poles or wireless facility structures, or alternative antenna structures, the review period shall be no more than ninety (90) days.

- (4) *Insufficient applications:* Unless a written agreement between the applicant and the City provides otherwise, the City shall review the applicant's application materials for the initial application to deploy a small wireless facility within ten (10) days from the date of the application's submission to the City, and shall notify the applicant in writing of any deficiencies in the application, and shall clearly and specifically identify such deficiencies and the specific rule or regulation creating the obligation to submit such documents or information. During the period from which the City notifies the applicant of the deficient application to the date when the applicant's response is received, the time period for review of the application shall be tolled. Upon receipt of the applicant's response, the City shall determine if the response is complete and addresses the identified deficiencies. The period for review date calculation shall restart at zero (0) on the date on which the applicant submits all the documents and information identified by the City to render the application complete. If the response does not address the deficiencies, the City shall have ten (10) days to notify the applicant in writing that the application is not complete. The time period for review shall remain tolled until the applicant submits its response.
- (5) The City shall approve an application unless the application does not meet the requirements of this Ordinance. If the City determines that applicable codes, municipal code provisions, or regulations that concern public safety or the requirements of this Ordinance require that the utility pole or wireless support structure, alternative antenna structure, or City-owned infrastructure be replaced before the requested collocation, approval may be conditioned on the replacement of the utility pole, wireless support structure, alternative antenna structure, or City-owned infrastructure at the cost of the wireless provider. In the event of a denial of the application, the City shall document the basis for the denial, including the specific code provisions or application conditions on which the denial was based, and shall send the documentation to the applicant on or before the day the City denies an application. The applicant may cure the deficiencies identified by the City and resubmit the revised application once within thirty (30) days after notice of denial is sent to the applicant. The applicant shall not be required to pay an additional application fee. The City shall approve or deny the revised application within thirty (30) days after the applicant resubmits the application or it is deemed approved. However, the applicant must notify the City in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the resubmitted application. Any subsequent review shall be limited to the deficiencies cited in the denial. However, this revised application cure does not apply if the cure requires the review of a new location, new or different structure to be co-located



upon, new antennas, or other wireless equipment associated with the small wireless facility.

- (h) *Clarification of Period of Review:* The period of review date for a siting application is determined by counting forward, beginning on the date when the application was submitted, by the number of calendar days of the review period identified pursuant to subsections (g)(1-3) and (g)(5) of this Section, provided, that if the date calculated in this manner is a “holiday” as defined by 47 CFR §1.4(e)(1) or a legal holiday as established by the State of Illinois or the City of West Chicago, the review period is the next business day. The term “business day” means any day as defined in 47 CFR §1.4(e)(2) and any day that is not a legal holiday as defined by the State of Illinois or the City of West Chicago.
- (i) *Collocation completion deadline.* Collocation for which a permit is granted shall be completed within one hundred eighty (180) days after issuance of the permit, unless the City and the wireless provider agree to extend this period or a delay is caused by make-ready work for a City-owned utility pole, or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within sixty (60) days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed three hundred sixty (360) days after issuance of the permit. Otherwise, the permit shall be void unless the City grants an extension in writing to the applicant.
- (j) *Duration of permits for small wireless facility.* The duration of a permit for a small wireless facility shall be for a period of not less than five (5) years, and the permit shall be renewed for equivalent durations unless the City makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable codes or regulations of this Ordinance. In the event that the Illinois Small Wireless Facilities Deployment Act (Public Act 100-0585) is repealed, renewals of permits shall be subject to the applicable municipal code provisions or regulations in effect at the time of renewal.
- (k) *Submission of permits and supporting information.* The City requires that permits, supporting information, and notices be submitted by personal delivery at West Chicago City Hall, by regular mail postmarked on the date due, or by overnight delivery service to West Chicago City Hall.
- (l) *Application Fee.* Any applications shall demonstrate compliance with the requirements of this chapter. Unless otherwise provided by franchise, license, or similar agreement, or federal, state or local law, all applications for permits pursuant to this section shall be accompanied by fee as prescribed in Appendix G. The application fee will reimburse the City for regulatory and administrative costs with respect to the work being performed.
  - (1) The City shall not require an application, approval, or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way for routine maintenance, the replacement of wireless facilities that are

substantially similar, the same size, or smaller if the wireless provider notifies the City at least ten (10) days prior to the planned replacement of equipment consistent with the requirements of subsection (g) under the section titled *Application process for small wireless facilities*; or the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables that are strung between existing utility poles in compliance with applicable safety codes. However, the City may require a permit to work within rights-of-way for activities that affect traffic patterns or require lane closure.

(m) *Exceptions to applicability.* Nothing in this Ordinance authorizes a person to co-locate small wireless facilities on:

- (1) Property owned by a private party or property owned or controlled by the City or another unit of local government that is not located within rights-of-way, or a privately owned utility pole, wireless support structure, or alternative support structure without the consent of the property owner.
- (2) Property owned, leased, or controlled by the West Chicago Park District, the DuPage County Forest Preserve District, or a conservation district for public park, recreation, or conservation purposes within the City limits, without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or
- (3) Property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail, or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Ordinance do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed, and maintained consistent with the provisions of subsection (I) of Section 16-108.5 of the Public Utilities Act. For the purposes of this subsection, "Public Utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Ordinance shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities other than small wireless facilities subject to this Ordinance.

(n) *Annual Recurring Rate.* The City may charge an annual recurring rate to co-locate a small wireless facility on a City utility pole located in a right-of-way that equals (i) \$270.00 per year or (ii) the actual, direct, and reasonable costs related to the wireless provider's use of

space on the City utility pole, whichever is greater. Rates for collocation on City utility poles located outside of a right-of-way or City-owned infrastructure located outside of a right-of-way are not subject to these limitations. In any controversy concerning the appropriateness of a cost-based rate for a City utility pole located within a right-of-way, the City shall have the burden of proving that the rate does not exceed the actual, direct, and reasonable costs for the applicant's proposed use of the City utility pole.

(o) *Insurance and Indemnification.*

- (1) Insurance: The City may require a wireless provider to carry, at the wireless provider's own cost and expense, the following insurance: (i) property insurance for its property's replacement cost against all risks; (ii) workers' compensation insurance, as required by law; or (iii) general liability insurance with respect to its activities on the municipal improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of municipal improvements or rights-of-way, including coverage for bodily injury and property damage. The City shall require a wireless provider to include the City as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the City in a commercial general liability policy as reasonably required by the City.
- (2) Indemnification: A wireless provider shall indemnify and hold the City harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the municipal improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Ordinance and PA 100-0585. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the City or its employees or agents. A wireless provider shall further waive any claims that they may have against the City with respect to consequential, incidental, or special damages, however caused, based upon the theory of liability.

Section 15-64. – Variance, Appeal, and Dispute Resolution.

- (a) *Request for variance.* An applicant or owner requesting a variance from one (1) or more of the provisions of this article must do so in writing to the City Administrator as part of the permit application. The request shall identify each provision of this article from which a variance is requested and the reasons why a variance should be granted.
- (b) *Authority to grant variances.* The City administrator shall decide whether a variance is authorized for each provision of this article identified in the variance request on an individual basis.

- (c) *Conditions for granting of variance.* The City administrator may authorize a variance only if the applicant or owner requesting the variance has demonstrated that:
  - (1) One (1) or more conditions not under the control of the applicant or owner (such as terrain features or an irregular right-of-way line) create a special hardship that would make enforcement of the provision unreasonable, given the public purposes to be achieved by the provision; and
  - (2) All other designs, methods, materials, locations or facilities that would conform with the provision from which a variance is requested are impracticable in relation to the requested approach.
- (d) *Additional conditions for granting of a variance.* As a condition for authorizing a variance, the City administrator may require the applicant or owner requesting the variance to meet reasonable standards and conditions that may or may not be expressly contained within this article but which carries out the purposes of this article.
- (e) *Right to appeal.* Any applicant or owner aggrieved by any order, requirement, decision or determination, including denial of a variance, made by the City administrator under the provisions of this article shall have the right to appeal to the City council, or such other board or commission as it may designate. The application for appeal shall be submitted in writing to the City clerk within thirty (30) days after the date of such order, requirement, decision or determination. The City council shall commence its consideration of the appeal at the City council's next regularly scheduled meeting occurring at least seven (7) days after the filing of the appeal. The City council shall timely decide the appeal.
- (f) *Dispute Resolution.* A circuit court has jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on City utility poles within the right-of-way, the City shall allow the collocating person to co-locate on its poles at annual rates of no more than \$270.00 per year per City utility pole, with rates to be determined upon final resolution of the dispute.

#### Section 15-65. – Penalties.

Any person who violates any provision of this Ordinance or fails to comply with the requirements thereof, or who constructs, alters, repairs, disconnects, removes any facility within the City rights-of-way in violation of an approved plan or directive of the Director of Public works or his designee, or fails to apply for or obtain a permit issued under the provisions of this Ordinance shall be guilty of an offense punishable by a fine equal to the greater of:

Seven hundred fifty (\$750.00); or

Twice the assessment application fees under this Ordinance; or

An amount sufficient to correct any deficiencies or maintain the proper movement and safety of the City rights-of-way users.

Each day that a violation continues shall be deemed a separate offense. The imposition of any fine shall not exempt the offer from compliance with the requirements of this Ordinance.

Section 15-66. – Conflict of laws.

Where the conditions imposed by any provisions of this article regarding the siting and installation of personal wireless telecommunication facilities are more restrictive than comparable conditions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this article will govern.

Section 15-67. – Enforcement.

If any provision of this article or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this article is severable.”

SECTION 3. That Appendix G, Section 20.1 of the Code of Ordinances of the City of West Chicago entitled “Small Wireless Facility Fees and Penalties” shall be deleted in its entirety and replaced with the following:

“Sec. 20.1 Small Wireless Facility Fees

Permit Fees—All applications for permits pursuant to this Ordinance shall be accompanied by a non-refundable application fee according to the following schedule:

Single wireless telecommunications facility on an existing structure ..... \$650.00

Multiple wireless telecommunication facilities (maximum 25) included in a single application to collocate on existing structures ..... \$350.00 per each facility

Wireless telecommunication facility that includes the replacement or installation of a new structure or tower ..... \$1,000.00

Annual Recurring Rate—The wireless services provider shall pay to the City an annual recurring rate for each permitted location of two hundred seventy (\$270.00) dollars per year or an amount equal to the City's direct costs, whichever is greater, to collocate telecommunication facilities on City-owned infrastructure. Initial payment shall be received prior to permit issuance by the City. Thereafter, payment shall be received annually beginning on the second January 1 following the initial payment.”

SECTION 4. The findings and recitals herein are declared to prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.



SECTION 5. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 6. This Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

|                          |       |                   |       |
|--------------------------|-------|-------------------|-------|
| Alderman Beifuss         | _____ | Alderman Chassee  | _____ |
| Alderman Sheahan         | _____ | Alderman Brown    | _____ |
| Alderman Hallett         | _____ | Alderman Ferguson | _____ |
| Alderman Birch-Ferguson  | _____ | Alderman Dimas    | _____ |
| Alderman Swiatek         | _____ | Alderman Garling  | _____ |
| Alderman Stout           | _____ | Alderman Short    | _____ |
| Alderman Ligino-Kubinski | _____ |                   |       |

APPROVED as to form: \_\_\_\_\_  
City Attorney

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk Nancy M. Smith

PUBLISHED: \_\_\_\_\_

## CITY OF WEST CHICAGO

### INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Ordinance No. 19-O-0039 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City Of West Chicago

**AGENDA ITEM NUMBER:**4.B.**COMMITTEE AGENDA DATE:** December 5, 2019**COUNCIL AGENDA DATE:** December 16, 2019**STAFF REVIEW:** Robert E. Flatter, P.E., Public Works Director**SIGNATURE****APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE****ITEM SUMMARY:**

City staff has identified surplus equipment, stock inventory, and/or personal property that has no useful life and is no longer useful to the City, has little or no salvage value, and should be properly disposed of (please refer to Ordinance No. 19-O-0039 and Attachment A for additional information).

Therefore, staff is requesting that these items be declared surplus so that they may be traded in, disposed of through auction, disposed of through the City's contractual waste hauler, recycled, or sold to a local scrap dealer for scrap value; in a manner deemed appropriate by the City Administrator, with or without consideration.

**ACTIONS PROPOSED:**

Adopt Ordinance No. 19-O-0039 for the disposal or sale of surplus equipment, stock inventory, and/or personal property owned by the City of West Chicago.

**COMMITTEE RECOMMENDATION:**

**ORDINANCE NO. 19-O-0039**

**AN ORDINANCE AUTHORIZING THE DISPOSAL OR SALE OF SURPLUS EQUIPMENT,  
STOCK INVENTORY, AND/OR PERSONAL PROPERTY OWNED  
BY THE CITY OF WEST CHICAGO**

WHEREAS, in the opinion of the corporate authorities of the City of West Chicago, it is no longer necessary or useful to or for the best interests of the City of West Chicago, to retain ownership of the surplus equipment, stock inventory, and/or personal property hereinafter described; and,

WHEREAS, it has been determined by the City Council of the City of West Chicago to properly dispose of said surplus equipment, stock inventory, and/or personal property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of West Chicago, Illinois, in regular session assembled as follows:

SECTION 1. Pursuant to 65 ILCS 5/11-76-4, the City Council of the City of West Chicago finds that the surplus equipment, stock inventory, and/or personal property listed on Attachment A are no longer necessary or useful to the City of West Chicago and the best interests of the City of West Chicago will be served by their disposal.

SECTION 2. Pursuant to said Statute, the City Administrator is hereby authorized and directed to dispose of the aforementioned surplus equipment, stock inventory, and/or personal property in any manner deemed appropriate, with or without consideration.

SECTION 3. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 4. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED this 16<sup>th</sup> day of December 2019.

|                             |       |                               |       |
|-----------------------------|-------|-------------------------------|-------|
| Alderman J. Beifuss         | _____ | Alderman L. Chassee           | _____ |
| Alderman J. Sheahan         | _____ | Alderman H. Brown             | _____ |
| Alderman A. Hallett         | _____ | Alderman M. Ferguson          | _____ |
| Alderman Birch-Ferguson     | _____ | Alderman S. Dimas             | _____ |
| Alderman C. Swiatek         | _____ | Alderman M. Garling           | _____ |
| Alderman R. Stout           | _____ | Alderman J. Short             | _____ |
| Alderman N. Ligino-Kubinski | _____ | Vacant - 7 <sup>th</sup> Ward | _____ |

APPROVED as to form: \_\_\_\_\_  
City Attorney

ADOPTED this 16<sup>th</sup> day of December 2019.

\_\_\_\_\_  
Mayor Ruben Pineda

ATTEST:

\_\_\_\_\_  
City Clerk, Nancy M. Smith

PUBLISHED: \_\_\_\_\_

**ATTACHMENT "A"**  
**LISTING OF SURPLUS ITEMS**  
**ORDINANCE NO. 19-O-0039**

[illegible]



## CITY OF WEST CHICAGO

### INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Resolution No. 19-R-0064 – Resolution Authorizing the Expenditure of Local Funds for Construction Costs Related to the Washington Street Reconstruction Project

**AGENDA ITEM NUMBER:**4.C.**FILE NUMBER:** \_\_\_\_\_**COMMITTEE AGENDA DATE:** December 5, 2019**COUNCIL AGENDA DATE:** December 16, 2019**STAFF REVIEW:** Robert E. Flatter, P.E., Director of Public Works**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

On June 6, 2019, the Infrastructure Committee authorized up to \$105,000.00 of the 2019 Sidewalk and Curb Maintenance Program budget to be used towards Washington Street sidewalk and ADA accessibility improvements. Following said authorization, City staff evaluated the sidewalk conditions along Washington Street and determined the limits of sidewalk replacement, curb and gutter replacement, driveway replacement, and ramp upgrades to address both trip hazard conditions and ADA accessibility issues; resulting in an estimated additional project cost of \$122,875.00. Additional funds are available in the Capital Projects Fund to cover the \$17,875.00 difference.

As the project is partially funded with Federal funds administered by the Illinois Department of Transportation (IDOT), increases in project costs must be approved by IDOT; staff submitted the appropriate Change Order Authorization form to IDOT. IDOT responded requesting a funding Resolution from the Local Agency for the additional improvements outside the scope of the original funding agreement.

The attached Resolution No. 19-R-0064 authorizes the expenditure of local funds in the amount of one hundred twenty-two thousand eight hundred seventy-five dollars and zero cents (\$122,875.00), or as much money as may be needed, to be used for sidewalk replacement, curb and gutter replacement, driveway replacement, and ramp upgrades to address both trip hazards and ADA accessibility issues in the completion of the Washington Street Reconstruction Project (MFT Section Number 16-00079-00-PV).

**ACTIONS PROPOSED:**

Approve Resolution No. 19-R-0064.

**COMMITTEE RECOMMENDATION:**

**RESOLUTION NO. 19-R-0064**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF LOCAL  
FUNDS FOR CONSTRUCTION COSTS RELATED TO THE  
WASHINGTON STREET RECONSTRUCTION**

**WHEREAS**, the City of West Chicago is attempting to improve a segment of Washington Street from Arbor Avenue to Town Road that is approximately 0.83 miles in length; and,

**WHEREAS**, the cost of said improvement has necessitated the use of federal funds; and,

**WHEREAS**, the federal fund source requires a match of local funds; and,

**WHEREAS**, on February 18, 2019, the City Council of the City of West Chicago, in regular session assembled, approved Resolution No. 19-R-0010 which authorized four hundred seven thousand five hundred twenty-five dollars and zero cents (\$407,525.00), or as much money as may be needed, to match federal funds in the completion of MFT Section Number 16-00079-00-PV; and,

**WHEREAS**, City staff has evaluated the sidewalk condition along Washington Street and has determined that additional sidewalk replacement, curb and gutter replacement, driveway replacement, and ramp upgrades to address both trip hazard conditions and ADA accessibility issues is warranted, resulting in an estimated additional project cost of \$122,875.00; and,

**WHEREAS**, on June 6, 2019, the City's Infrastructure Committee authorized up to \$105,000.00 of the 2019 Sidewalk and Curb Maintenance Program budget to be used towards Washington Street sidewalk and ADA accessibility improvements; and,

**WHEREAS**, additional funds are available in the Capital Projects Fund to cover the \$17,875.00 difference; and,

**WHEREAS**, The Illinois Department of Transportation has requested a Resolution from the City authorizing the additional funding and expenditure using local funds in the completion of MFT Section Number 16-00079-00-PV.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of West Chicago, in regular session assembled, that the City of West Chicago authorized one hundred twenty-two thousand eight hundred seventy-five dollars and zero cents (\$122,875.00.00), or as much money as may be needed, to be used for sidewalk replacement, curb and gutter replacement, driveway replacement, and ramp upgrades to address both trip hazard conditions and ADA accessibility issues in the completion of MFT Section Number 16-00079-00-PV.

**BE IT FURTHERE RESOLVED** by the City Council of the City of West Chicago, in regular session assembled, that the Clerk is hereby directed to transmit five certified copies of this Resolution to the Illinois Department of Transportation.

APPROVED this 16<sup>th</sup> day of December 2019.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## CITY OF WEST CHICAGO

### INFRASTRUCTURE COMMITTEE AGENDA ITEM SUMMARY

**ITEM TITLE:**

Resolution No. 19-R-0065 – Resolution Approving the Policy for Qualifications Based Selection (QBS) for Engineering and Professional Services Involving the Use of Federal, Motor Fuel Tax (MFT), State, or Township Bridge Program (TBP) Funds

**AGENDA ITEM NUMBER:** 4.D.**FILE NUMBER:** \_\_\_\_\_**COMMITTEE AGENDA DATE:** December 5, 2019**COUNCIL AGENDA DATE:** December 16, 2019**STAFF REVIEW:** Robert E. Flatter, P.E., Director of Public Works**SIGNATURE** **APPROVED BY CITY ADMINISTRATOR:** Michael L. Guttman**SIGNATURE** \_\_\_\_\_**ITEM SUMMARY:**

Occasionally, the City receives funding through a Surface Transportation Program (STP) grant, which is Federal funding administered by the Illinois Department of Transportation (IDOT), for roadway construction projects. Recent changes in CMAP's (Chicago Metropolitan Agency for Planning) policies now allows for construction engineering services to be included in STP grants (CE Funding). To be eligible for CE funding, IDOT procedures must be strictly observed and followed. One procedure is the adopting of a Qualifications Based Selection (QBS) Policy for engineering and professional services that complies with the requirements of 23 CFR 172 and the Brooks Act.

The attached QBS Policy was drafted using IDOT's recommended template. Said policy will be used for solicitation and evaluation of proposals for construction engineering oversight services when necessary.

**ACTIONS PROPOSED:**

Approve Resolution No. 19-R-0065.

**COMMITTEE RECOMMENDATION:**

**RESOLUTION NO. 19-R-0065**

**A RESOLUTION APPROVING THE POLICY FOR QUALIFICATIONS  
BASED SELECTION (QBS) FOR ENGINEERING AND PROFESSIONAL  
SERVICES INVOLVING THE USE OF FEDERAL, MOTOR FUEL TAX  
(MFT), STATE, OR TOWNSHIP BRIDGE PROGRAM (TBP) FUNDS**

**BE IT RESOLVED** by the City Council of the City of West Chicago, in regular session assembled, that the Policy for Qualifications Based Selection (QBS) for engineering and professional services involving the use of Federal, Motor Fuel Tax (MFT), State, or Township Bridge Program (TBP) funds be approved in substantially the form attached hereto and incorporated as Exhibit "A".

APPROVED this 16<sup>th</sup> day of December 2019.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





## **CITY OF WEST CHICAGO POLICY FOR QUALIFICATIONS BASED SELECTION (QBS) FOR ENGINEERING AND PROFESSIONAL SERVICES INVOLVING THE USE OF FEDERAL, MOTOR FUEL TAX (MFT), STATE, OR TOWNSHIP BRIDGE PROGRAM (TBP) FUNDS**

The City of West Chicago receives federal funds, which may be used to fund the engineering and design related consultants' services. Our written policies and procedures as describe herein for Qualifications Based Selection (QBS) for engineering and professional services involving Federal, Motor Fuel Tax (MFT), State, or Township Bridge Program (TBP) funds will meet the requirements of 23 CFR 172 and the Brooks Act.

**Initial Administration** – The City of West Chicago's QBS policy and procedures assign responsibilities to the Department of Public Works within the City of West Chicago organization for the procurement, management, and administration of consultant services.

**Written Policies and Procedures** – The City of West Chicago believes its adopted QBS written policies and procedures substantially follows Section 5-5 of the BLRS Manual and specifically Section 5-5.06(e), therefore; approval from IDOT is not required.

**Project Description** – The City of West Chicago will use the following five items when developing the project description and may include additional items when unique circumstances exist:

- Describe in general terms the need, purpose, and objective of the project;
- Identify the various project components;
- Establish the desired timetable for the effort;
- Identify any expected problems; and
- Determine the total project budget.

**Public Notice** – The City of West Chicago will post an announcement on its website [[www.westchicago.org](http://www.westchicago.org)] and/or publish an ad in a newspaper with appropriate circulation. The item will be advertised for at least 14 days prior to the acceptance of proposals, and at least twice in the newspaper and/or on continuous display on its website.

**Conflict of Interest** – The City of West Chicago require consultants to submit a disclosure statement with their procedures. The City of West Chicago requires the use of the IDOT BDE DISC 2 Template as the conflict of interest form.

**Suspension and Debarment** – The City of West Chicago will use the SAM Exclusions, IDOT's CPO's website and the three other state CPO's websites to verify suspensions and debarments actions to ensure the eligibility of firms short listed and selected for projects.

**Evaluation Factors** – The City of West Chicago allows the Director of Public Works to set the evaluation factors for each project, but must include a minimum of four criteria and stay within the established weighting ranges. The maximum percentage allowed for Disadvantaged Business Enterprise (DBE) and local presence combined will not be more than 10% on projects where federal funds are used. Project specific evaluation factors will be included at a minimum in the Request for Proposals [Project Understanding (30%), Project Team (30%), Similar Experience (30%), and Knowledge of West Chicago's Processes and Procedures (10%)].

**Selection** - The City of West Chicago requires a minimum two-person selection committee. Typically, the selection committee will include the Director of Public Works and the Assistant Director of Public Works. The selection committee members must certify that they do not have a conflict of interest. Additional selection committee members are chosen by the Director of Public Works for each project. West Chicago will require each member of the selection committee to provide an independent score for each proposal using the form below prior to the selection committee meeting.

| Criteria                                 | Weighting   | Points (Maximum)     |
|------------------------------------------|-------------|----------------------|
| Project Understanding                    | 20%         | 20                   |
| Project Team                             | 35%         | 35                   |
| Similar Experience                       | 35%         | 35                   |
| Knowledge of WC's Processes & Procedures | 10%         | 10                   |
| <b>Total</b>                             | <b>100%</b> | <b>100 (Maximum)</b> |

The selection committee members' scores are averaged for a committee score, which is used to establish a short list of three firms. The committee score is adjusted by the committee based on group discussion and information gained from proposals to develop a final ranking. If there are other firms within two percent of the minimum score, the Director of Public Works may choose to expand the short list to include more than three firms.

**Independent Estimate** – The City of West Chicago or its representatives will prepare an independent in-house estimate for the project prior to contract negotiation. The estimate is to be used in the negotiation.

**Contract Negotiation** – The City of West Chicago require a two-person team to negotiate with firms. The team consists of the Director of Public Works and the Assistant Director of Public Works. Members of the negotiation team may not delegate this responsibility to other staff members.

**Acceptable Costs** – The City of West Chicago requires the Director of Public Works to review the contract costs and the indirect cost rates to assure they are compliant with Federal cost principles prior to submission to the Illinois Department of Transportation (IDOT).

**Invoice Processing** – The City of West Chicago requires the Project Manager assigned to any project using federal funds to review and approve all invoices prior to payment and submission to IDOT for reimbursement.

**Project Administration** – The City of West Chicago requires the assigned Project Manager to monitor work on the project in accordance with the contract and to file reports with the applicable governing agency. The City of West Chicago's procedures require an evaluation of the consultant's work at the end of each project. These reports are to be maintained in the City of West Chicago consultant information database. The City of West Chicago follows IDOT's requirements and the required submission of Form BLR 05613 to the IDOT District at contract close-out along with the final invoice.

## CONSULTANT'S DISCLOSURE STATEMENT

PTB #: \_\_\_\_\_

Firm Name: \_\_\_\_\_

### RETURN WITH STATEMENT OF INTEREST

#### DISCLOSURES

- A. The disclosures hereinafter made by the firm are each a material representation of fact upon which reliance is placed should the Department enter into the contract with the firm. The firm further certifies that the Department has received the disclosure forms for each statement of interest.

The IDOT Chief Procurement Officer (CPO) may void the offer or contract if it is later determined that the firm or subconsultant rendered a false or erroneous disclosure. A consultant or subconsultant may be suspended or debarred for violations of the Procurement Code. If a false certification is made by the subconsultant, then the consultant's submitted offer and the executed contract may not be declared void, unless the consultant refuses to terminate the subcontract upon the State's request after a finding that the subconsultant's certification was false.

#### B. Financial Interests and Conflicts of Interest

1. Section 50-35 of the Illinois Procurement Code provides that all offers of more than \$50,000 and all subconsultant agreements with an annual value of more than 50,000 shall be accompanied by disclosure of the financial interests of the firm. This disclosed information for the successful firm will be maintained as public information, subject to release by request pursuant to the Freedom of Information Act, filed with the Procurement Policy Board, and shall be incorporated as a material term of the contract. Furthermore, pursuant to Section 5-5, the Procurement Policy Board may review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any violation of the Procurement Code or the existence of a conflict of interest as provided in subsections (b) and (d) of Section 50-35.

The financial interests to be disclosed shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the offering entity or its parent entity, whichever is less, unless the firm is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure. If a firm is a privately held entity that is exempt from Federal 10K reporting, but has more than 100 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any person or entity holding any ownership share that is in excess of 5%. The disclosure shall include the names, addresses, and dollar or proportionate share of ownership of each person making the disclosure, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial interest of each person making the disclosure having any of the relationships identified in Section 50-35 and on the disclosure form. **The current annual salary of the Governor is \$177,412.00.**

In addition, all disclosures shall indicate any other current or pending contracts, proposals, leases, or other ongoing procurement relationships the offering entity has with any other unit of state government and shall clearly identify the unit and the contract, proposal, lease, or other relationship.

2. Disclosure Forms. Disclosure Form A is attached for use concerning the individuals meeting the above ownership or distributive share requirements. Subject individuals should be covered each by one form. In addition, a second form (Disclosure Form B) provides for the disclosure of current or pending procurement relationships with other (non-IDOT) state agencies and a total ownership certification. **The forms must be included with each statement of interest.**

#### C. Disclosure Form Instructions

##### Form A: Instructions for Financial Information & Potential Conflicts of Interest

If the firm is a publicly traded entity subject to Federal 10K reporting, the 10K Report may be submitted to meet the requirements of Form A. If a firm is a privately held entity that is exempt from Federal 10K reporting, but has more than 100 shareholders, it may submit the information that Federal 10K companies are required to report, and list the names of any person or entity holding any ownership share that is in excess of 5%. If a firm is not subject to Federal 10K reporting, the firm must determine if any individuals are required by law to complete a financial disclosure form. To do this, the firm should answer each of the following questions. A "Yes" answer indicates Form A must be completed. If the answer to each of the following questions is "No", then the **NOT APPLICABLE STATEMENT** on Form A must be signed and dated by a person that is authorized to execute contracts for the offering firm. Note: These questions are for assistance only and are not required to be completed.

1. Does anyone in your organization have a direct or beneficial ownership share of greater than 5% of the offering entity or parent entity?  
YES ☐ NO ☐

2. Does anyone in your organization have a direct or beneficial ownership share of less than 5%, but which has a value greater than 60% of the annual salary of the Governor? YES ☐ NO ☐
3. Does anyone in your organization receive more than 60% of the annual salary of the Governor of the offering entity's or parent entity's distributive income? YES ☐ NO ☐

(Note: Distributive income is, for these purposes, any type of distribution of profits. An annual salary is not distributive income.)

4. Does anyone in your organization receive greater than 5% of the offering entity's or parent entity's total distributive income, but which is less than 60% of the annual salary of the Governor? YES ☐ NO ☐

(Note: Only one set of forms needs to be completed per person per statement of interest even if a specific individual would require a "Yes" answer to more than one question.)

A "Yes" answer to any of these questions requires the completion of Form A. The firm must determine each individual in the offering entity or the offering entity's parent company that would cause the questions to be answered "Yes". Each form must be signed and dated by a person that is authorized to execute contracts for your organization. **Photocopied or stamped signatures are not acceptable.** The person signing can be, but does not have to be, the person for which the form is being completed. The firm is responsible for the accuracy of any information provided.

If the answer to each of the above questions is "No", then the NOT APPLICABLE STATEMENT of Form A must be signed and dated by a person that is authorized to execute contracts for your company.

### RETURN WITH STATEMENT OF INTEREST

#### **Form B: Instructions for Identifying Other Contracts & Procurement Related Information**

Disclosure Form B must be completed for each statement of interest submitted by the offering entity. *Note: Checking the NOT APPLICABLE STATEMENT on Form A does not allow the firm to ignore Form B. Form B must be completed, checked, and dated or the firm may be considered nonresponsive and the statement of interest will not be accepted.*

The firm shall identify, by checking "Yes" or "No" on Form B, whether it has any pending contracts (including leases), statements of interest, bids, proposals, or other ongoing procurement relationship with any other (non-IDOT) state of Illinois agency. If "No" is checked, the firm only needs to complete the check box on the bottom of Form B. If "Yes" is checked, the firm must identify each such relationship by listing the state of Illinois agency name and other descriptive information such as project number, title, contract, etc.

**RETURN WITH STATEMENT OF INTEREST**

**ILLINOIS DEPARTMENT  
OF TRANSPORTATION**

**Form A  
Financial Information &  
Potential Conflicts of Interest  
Disclosure**

|                  |               |                           |
|------------------|---------------|---------------------------|
| Contractor Name  |               |                           |
| Legal Address    |               |                           |
| City, State, Zip |               |                           |
| Telephone Number | Email Address | Fax Number (if available) |

Disclosure of the information contained in this form is required by Section 50-35 of the Illinois Procurement Code (30 ILCS 500). Vendors desiring to enter into a contract with the state of Illinois must disclose the financial information and potential conflict of interest information as specified in this Disclosure Form. This information shall become part of the publicly available contract file. This Form A must be completed for statements of interest in excess of \$50,000, and for all open-ended contracts. This Form A must also be completed for subconsultant agreements with an annual value of more than \$50,000 from subconsultants identified in Section 20-120 of the Illinois Procurement Code and all open-ended subconsultant agreements. **A publicly traded company may submit a 10K disclosure (or equivalent if applicable) in satisfaction of the requirements set forth in Form A. See Disclosure Form Instructions.**

**The current salary of the Governor is \$177,412.00.**

**DISCLOSURE OF FINANCIAL INFORMATION**

1. **Disclosure of Financial Information.** The individual named below has an interest in the FIRM (or its parent) in terms of ownership or distributive income share in excess of 5%, or an interest which has a value of more than 60% of the annual salary of the Governor. **(Make copies of this form as necessary and attach a separate Disclosure Form A for each individual meeting these requirements.)**

**FOR INDIVIDUAL (type or print information)**

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**Type of ownership/distributable income share:**

Stock ☐ Sole Proprietorship ☐ Partnership ☐ Other ☐ (explain on separate sheet):  
% or \$ value of ownership/distributable income share: \_\_\_\_\_

2. **Disclosure of Potential Conflicts of Interest.** Check "Yes" or "No" to indicate which, if any, of the following potential conflict of interest relationships apply. If the answer to any question is "Yes", please attach additional pages and describe.

- (a) State employment, currently or in the previous three years, including contractual employment of services.  
Yes ☐ No ☐

If your answer is yes, please answer each of the following questions.

- 1) Are you currently an officer or employee of either the Capitol Development Board or the Illinois State Toll Highway Authority? Yes ☐ No ☐
- 2) Are you currently appointed to or employed by any agency of the state of Illinois? If you are currently appointed to or employed by any agency of the state of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, provide the name of the state agency for which you are employed and your annual salary: \_\_\_\_\_



## RETURN WITH STATEMENT OF INTEREST

- 3) If you are currently appointed to or employed by any agency of the state of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, are you entitled to receive (i) more than 7-1/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of the salary of the Governor? Yes ☐ No ☐
- 4) If you are currently appointed to or employed by any agency of the state of Illinois, and your annual salary exceeds 60% of the annual salary of the Governor, are you and your spouse or minor children entitled to receive (i) more than 15% in the aggregate of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of two times the salary of the Governor? Yes ☐ No ☐

- 
- (b) State employment of spouse, father, mother, son, or daughter, including contractual employment services in the previous two years? Yes ☐ No ☐

If your answer is yes, please answer each of the following questions.

- 1) Is your spouse or any minor children currently an officer or employee of the Capitol Development Board or the Illinois State Toll Highway Authority? Yes ☐ No ☐
- 2) Is your spouse or any minor children currently appointed to or employed by any agency of the state of Illinois? If your spouse or minor children is/are currently appointed to or employed by any agency of the state of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, provide the name of your spouse and/or minor children, the name of the state agency for which he/she is employed and his/her annual salary. \_\_\_\_\_
- 
- 3) If your spouse or any minor children is/are currently appointed to or employed by any agency of the state of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, are you entitled to receive (i) more than 7-1/2% of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of 100% of the annual salary of the Governor? Yes ☐ No ☐
- 4) If your spouse or any minor children are currently appointed to or employed by any agency of the state of Illinois, and his/her annual salary exceeds 60% of the annual salary of the Governor, are you and your spouse or minor children entitled to receive (i) more than 15% in the aggregate of the total distributable income of your firm, partnership, association or corporation, or (ii) an amount in excess of two times the salary of the Governor? Yes ☐ No ☐

- 
- (c) Elective status; the holding of elective office of the state of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the state of Illinois or the statutes of the state of Illinois currently or in the previous three years? Yes ☐ No ☐

- 
- (d) Relationship to anyone holding elective office currently or in the previous two years; spouse, father, mother, son or daughter? Yes ☐ No ☐

- 
- (e) Appointive office; the holding of any appointive government office of the state of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the state of Illinois or the statutes of the state of Illinois, which office entitles the holder to compensation in excess of the expenses incurred in the discharge of that office currently or in the previous three years? Yes ☐ No ☐

- 
- (f) Relationship to anyone holding appointive office currently or in the previous two years; spouse, father, mother, son or daughter? Yes ☐ No ☐

- 
- (g) Employment, currently or in the previous three years, as or by any registered lobbyist of the state government? Yes ☐ No ☐

- 
- (h) Relationship to anyone who is or was a registered lobbyist in the previous two years; spouse, father, mother, son, or daughter? Yes ☐ No ☐
-

## RETURN WITH STATEMENT OF INTEREST

- (i) Compensated employment, currently or in the previous three years, by any registered election or re-election committee registered with the Secretary of State or any county clerk of the state of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections?

Yes ☐ No ☐

- (j) Relationship to anyone; spouse, father, mother, son, or daughter; who was a compensated employee in the last two years by any registered election or re-election committee registered with the Secretary of State or any county clerk of the state of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections?

Yes ☐ No ☐

3. **Communication Disclosure.** Disclose the name and address of each lobbyist and other agent of the firm or offeror who is not identified in Section 2 of this form, who has communicated, is communicating, or may communicate, with any state officer or employee concerning the statement of interest, bid or offer. This disclosure is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract. If no person is identified, enter "None" on the line below:

Name and address of person(s): \_\_\_\_\_

4. **Suspension or Debarment Disclosure.** For each of the persons identified under Sections 2 and 3 of this form, disclose whether any of the following has occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. This disclosure is a continuing obligation and must be promptly supplemented for accuracy throughout the procurement process and term of the contract, if the bid or offer is successful. If no person is identified, enter "None" on the line below:

Name of person(s): \_\_\_\_\_

Nature of disclosure: \_\_\_\_\_

### APPLICABLE STATEMENT

This Disclosure Form A is submitted on behalf of the **INDIVIDUAL** named on previous page. Under penalty of perjury, I certify the contents of this disclosure to be true and accurate to the best of my knowledge.

Completed by: ☐ \_\_\_\_\_

Signature of Individual or Authorized Officer

\_\_\_\_\_ Date

### NOT APPLICABLE STATEMENT

Under penalty of perjury, I have determined that no individuals associated with this organization meet the criteria that would require the completion of this Form A.

This Disclosure Form A is submitted on behalf of the **FIRM** listed on the previous page.

☐ \_\_\_\_\_

Signature of Authorized Officer

\_\_\_\_\_ Date

The firm has a continuing obligation to supplement these disclosures under Sec. 50-35 of the Procurement Code.

**RETURN WITH STATEMENT OF INTEREST**

**ILLINOIS DEPARTMENT  
OF TRANSPORTATION**

**Form B  
Other Contracts &  
Procurement Related Information  
Disclosure**

|                  |               |                           |
|------------------|---------------|---------------------------|
| Contractor Name  |               |                           |
| Legal Address    |               |                           |
| City, State, Zip |               |                           |
| Telephone Number | Email Address | Fax Number (if available) |

Disclosure of the information contained in this form is required by Section 50-35 of the Illinois Procurement Code (30 ILCS 500). This information shall become part of the publicly available contract file. This Form B must be completed for statements of interest in excess of \$50,000, and for all open-ended contracts. This Form B must also be completed for subconsultant agreements with an annual value of more than \$50,000 from subconsultants identified in Section 20-120 in the Illinois Procurement Code and for all open-ended subconsultant agreements.

**DISCLOSURE OF OTHER CONTRACTS AND PROCUREMENT RELATED INFORMATION**

1. **Identifying Other Contracts & Procurement Related Information.** The firm shall identify whether it has any pending contracts (including leases), statements of interest, bids, proposals, or other ongoing procurement relationship with any other state of Illinois agency: Yes ☐ No ☐

If "No" is checked, the firm only needs to complete the signature box on the bottom of this page.

2. If "Yes" is checked, identify each such relationship by showing state of Illinois agency name and other descriptive information such as PTB or project number (attach additional pages as necessary). SEE DISCLOSURE FORM INSTRUCTIONS.

**THE FOLLOWING STATEMENT MUST BE CHECKED**

|                                                                          |               |
|--------------------------------------------------------------------------|---------------|
| <input type="checkbox"/> _____<br>Signature of Authorized Representative | _____<br>Date |
|--------------------------------------------------------------------------|---------------|

**OWNERSHIP CERTIFICATION**

Please certify that the following statement is true if the individuals for all submitted Form A disclosures do not total 100% of ownership.

Any remaining ownership interest is held by individuals receiving less than \$106,447.20 of the bidding entity's or parent entity's distributive income or holding less than a 5% ownership interest.

☐ Yes
 ☐ No
 ☐ N/A (Form A disclosure(s) established 100% ownership)