

Village of Carol Stream

SPECIAL WORKSHOP MEETING

**MONDAY, JULY 15, 2013
6:00 P.M.**


**GREGORY J. BIELAWSKI MUNICIPAL CENTER
LOWER LEVEL TRAINING ROOM
500 N. GARY AVENUE
CAROL STREAM, ILLINOIS 60188**

AGENDA

1. CALL TO ORDER
2. ATTENDANCE
3. PUBLIC PARTICIPATION AT MEETINGS
4. NATIONAL FLOOD INSURANCE PROGRAM – FEMA'S 50% RULE
5. PACE'S BUS SHELTER PROGRAM
6. OTHER BUSINESS
7. ADJOURNMENT

Village of Carol Stream
INTER-DEPARTMENTAL MEMO

TO: Mayor and Trustees

FROM: Joseph E. Breinig, Village Manager 

DATE: July 11, 2013

RE: Public Participation – Village Board Meetings

Section 2.06(g) of the Open Meetings Act states “Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body”. As interpreted this has come to mean that the public should have the opportunity to address the public body during its meetings.

Agendas for Village board meetings have a standing heading entitled “Audience Participation & Public Hearings”. Customarily this has been used to recognize members of the community and staff or for required public hearings (budge, annexation, etc). It does not include addresses from the audience. I would note that the Village Board has historically welcomed comments on agenda items from audience members, but this has been situational. I do not recall a member of the audience being denied the opportunity to speak.

It would seem several options exist to provide the opportunity required by statute. These include:

1. Incorporate Listening Post into the Village Board meeting.

Listening Post has been a long standing forum for residents and the public to address the Village Board on matters of concern. Comments have included agenda and non-agenda matters. The starting time for Village Board meetings could become 7:30 p.m. and Listening Post would become an item on the agenda. An advantage would be the opportunity to eliminate the time between the end of the Listening Post and the 8:00 starting time for Village Board meetings. Often no one or a few people speak at Listening Post. Under these circumstances the Mayor, Village Board and staff wait until the posted time to start the meeting. Another advantage would be the opportunity for the Village Board to address the public during Listening Post. Open Meetings Act concerns about interactions with the public would no longer exist because Listening Post would become part of the noticed meeting. A disadvantage would be the

formalization of Listening Post. Listening Post would become part of the meeting, would be televised and would therefore increase in formality. An alternative would involve making Listening Post a regular meeting of the Village Board with the required notice, agenda, and minutes.

2. Add "Addresses From the Audience" to the Village Board meeting agenda. Many communities have an item on the agenda for addresses from the audience. In some cases, communities have two – one for agenda items and one for non-agenda items. Often, agenda items are at the beginning of the meeting and non-agenda items at the end. In our case it may be as simple as allowing the current "Audience Participation & Public Hearings" to include two-way communication. In considering this type of format the status and need for Listening Post may also need to be reviewed.
3. Make Listening Post a meeting of the Village Board. Listening Post would be noticed as a meeting of the Village Board with a simple agenda and minutes taken. This option would address situations where a member of the public addresses the Village Board but the Board is reticent to respond because of the Open Meetings Act concerns. Since this would be a separate meeting from the regular Village Board meeting it would not have to be televised. This would not satisfy the requirement to allow addresses during the regular meeting.

Staff recommends that the format and agenda for Village Board meetings be revised to allow public comment. Direction on how this can be best achieved is requested. There may be a number of additional permutations beyond those listed that could address the requirements of the Open Meetings Act. Once a consensus has been reached, staff will work with the Village Attorney to develop the rules allowed by statute. Any change in meeting format will be done by ordinance.

JEB/td
Attachment

Information maintained by the Legislative Reference Bureau

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as Public Acts soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the Guide.

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**GENERAL PROVISIONS
(5 ILCS 120/) Open Meetings Act.**

(5 ILCS 120/1) (from Ch. 102, par. 41)

Sec. 1. Policy. It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

(1) It is the intent of this Act to protect the citizen's right to know; and

(2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

(Source: P.A. 88-621, eff. 1-1-95.)

(5 ILCS 120/1.01) (from Ch. 102, par. 41.01)

Sec. 1.01. This Act shall be known and may be cited as the Open Meetings Act.

(Source: P.A. 82-378.)

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members

is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities and Services Review Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act, an ethics commission acting under the State Officials and Employees Ethics Act, or the Illinois Independent Tax Tribunal.

(Source: P.A. 96-31, eff. 6-30-09; 97-1129, eff. 8-28-12.)

(5 ILCS 120/1.05)

Sec. 1.05. Training.

(a) Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the designated employees, officers, and members must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Thereafter, whenever a public body designates an additional employee, officer, or member to receive this training, that person must successfully complete the electronic training curriculum within 30 days after that designation.

(b) Except as otherwise provided in this Section, each elected or appointed member of a public body subject to this Act who is such a member on the effective date of this amendatory Act of the 97th General Assembly must successfully complete the electronic training curriculum developed and administered by the Public Access Counselor. For these members, the training must be completed within one year after the effective date of this amendatory Act.

Except as otherwise provided in this Section, each elected or appointed member of a public body subject to this Act who becomes such a member after the effective date of this amendatory Act of the 97th General Assembly shall successfully complete the electronic training curriculum developed and administered by the Public Access Counselor. For these members, the training must be completed not later than the 90th day after the date the member:

(1) takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the public body; or

(2) otherwise assumes responsibilities as a member of the public body, if the member is not required to take an

oath of office to assume the person's duties as a member of the governmental body.

Each member successfully completing the electronic training curriculum shall file a copy of the certificate of completion with the public body.

Completing the required training as a member of the public body satisfies the requirements of this Section with regard to the member's service on a committee or subcommittee of the public body and the member's ex officio service on any other public body.

The failure of one or more members of a public body to complete the training required by this Section does not affect the validity of an action taken by the public body.

An elected or appointed member of a public body subject to this Act who has successfully completed the training required under this subsection (b) and filed a copy of the certificate of completion with the public body is not required to subsequently complete the training required under this subsection (b).

(c) An elected school board member may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization created under Article 23 of the School Code. The course of training shall include, but not be limited to, instruction in:

- (1) the general background of the legal requirements for open meetings;
- (2) the applicability of this Act to public bodies;
- (3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;
- (4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and
- (5) penalties and other consequences for failing to comply with this Act.

If an organization created under Article 23 of the School Code provides a course of training under this subsection (c), it must provide a certificate of course completion to each school board member who successfully completes that course of training.

(d) A commissioner of a drainage district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents the drainage districts created under the Illinois Drainage Code. The course of training shall include, but not be limited to, instruction in:

- (1) the general background of the legal requirements for open meetings;
- (2) the applicability of this Act to public bodies;
- (3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;
- (4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and
- (5) penalties and other consequences for failing to comply with this Act.

If an organization that represents the drainage districts created under the Illinois Drainage Code provides a course of training under this subsection (d), it must provide a certificate of course completion to each commissioner who successfully completes that course of training.

(e) A director of a soil and water conservation district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents soil and water conservation districts created under the Soil and Water Conservation Districts Act. The course of training shall include, but not be limited to, instruction in:

- (1) the general background of the legal requirements for open meetings;
- (2) the applicability of this Act to public bodies;
- (3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;
- (4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and
- (5) penalties and other consequences for failing to comply with this Act.

If an organization that represents the soil and water conservation districts created under the Soil and Water Conservation Districts Act provides a course of training under this subsection (e), it must provide a certificate of course completion to each director who successfully completes that course of training.

(Source: P.A. 96-542, eff. 1-1-10; 97-504, eff. 1-1-12; 97-1153, eff. 1-25-13.)

(5 ILCS 120/2) (from Ch. 102, par. 42)
Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

- (1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.
- (2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.
- (3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.
- (4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law,

to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public

body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(25) Meetings of an independent team of experts under Brian's Law.

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act.

(27) Confidential information, when discussed by one or more members of an elder abuse fatality review team, designated under Section 15 of the Elder Abuse and Neglect Act, while participating in a review conducted by that team of the death of an elderly person in which abuse or neglect is suspected, alleged, or substantiated; provided that before the review team holds a closed meeting, or closes an open meeting, to discuss the confidential information, each participating review team member seeking to disclose the confidential information in the closed meeting or closed portion of the meeting must state on the record during an open meeting or the open portion of a meeting the nature of the information to be disclosed and the legal basis for otherwise holding that information confidential.

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Public Aid Code or (ii) that pertain to appeals under Section 11-8 of the Public Aid Code.

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and

who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

(Source: P.A. 96-1235, eff. 1-1-11; 96-1378, eff. 7-29-10; 96-1428, eff. 8-11-10; 97-318, eff. 1-1-12; 97-333, eff. 8-12-11; 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff. 8-1-12.)

(5 ILCS 120/2.01) (from Ch. 102, par. 42.01)

Sec. 2.01. All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

A quorum of members of a public body must be physically present at the location of an open meeting. If, however, an open meeting of a public body (i) with statewide jurisdiction, (ii) that is an Illinois library system with jurisdiction over a specific geographic area of more than 4,500 square miles, or (iii) that is a municipal transit district with jurisdiction over a specific geographic area of more than 4,500 square miles is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and the public body provides public notice and public access as required under this Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion thereof owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action.

A quorum of members of a public body that is not (i) a public body with statewide jurisdiction, (ii) an Illinois library system with jurisdiction over a specific geographic area of more than 4,500 square miles, or (iii) a municipal transit district with jurisdiction over a specific geographic area of more than 4,500 square miles must be physically present at the location of a closed meeting. Other members who are not physically present at a closed meeting of such a public body may participate in the meeting by means of a video

or audio conference.

(Source: P.A. 96-664, eff. 8-25-09; 96-1043, eff. 1-1-11.)

(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website notice of any meeting or

the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

(c) Any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. The public body conducting a public meeting shall ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting. Posting of the notice and agenda on a website that is maintained by the public body satisfies the requirement for continuous posting under this subsection (c). If a notice or agenda is not continuously available for the full 48-hour period due to actions outside of the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting.

(Source: P.A. 97-827, eff. 1-1-13.)

(5 ILCS 120/2.03) (from Ch. 102, par. 42.03)

Sec. 2.03. In addition to the notice required by Section 2.02, each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is published, such 10 days' notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02.

(Source: Laws 1967, p. 1960.)

(5 ILCS 120/2.04) (from Ch. 102, par. 42.04)

Sec. 2.04. The notice requirements of this Act are in addition to, and not in substitution of, any other notice required by law. Failure of any news medium to receive a notice provided for by this Act shall not invalidate any meeting provided notice was in fact given in accordance with this Act.

(Source: Laws 1967, p. 1960.)

(5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

Sec. 2.05. Recording meetings. Subject to the provisions of Section 8-701 of the Code of Civil Procedure, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his

testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure.

(Source: P.A. 94-1058, eff. 1-1-07.)

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. Minutes; right to speak.

(a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. The minutes of meetings open to the public shall be available for public inspection within 10 days after the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with the other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. The failure of a public body to strictly comply with the semi-annual review of closed session written minutes, whether before or after the effective date of this amendatory Act of the 94th General Assembly, shall not cause the written minutes or related verbatim record to become public or available for inspection in any judicial proceeding, other than a proceeding

involving an alleged violation of this Act, if the public body, within 60 days of discovering its failure to strictly comply with the technical requirements of this subsection, reviews the closed session minutes and determines and thereafter reports in open session that either (1) the need for confidentiality still exists as to all or part of the minutes or verbatim record, or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(g) Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.

(Source: P.A. 96-1473, eff. 1-1-11.)

(5 ILCS 120/2a) (from Ch. 102, par. 42a)

Sec. 2a. A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months of the vote. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting. Nothing in this Section or this Act shall be construed to require that any meeting be closed to the public.

At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02, hold a closed meeting in

accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

(5 ILCS 120/2b)

Sec. 2b. (Repealed).

(Source: Repealed by P.A. 88-621, eff. 1-1-95.)

(5 ILCS 120/3) (from Ch. 102, par. 43)

Sec. 3. (a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney.

Records that are obtained by a State's Attorney from a public body for purposes of reviewing whether the public body has complied with this Act may not be disclosed to the public. Those records, while in the possession of the State's Attorney, are exempt from disclosure under the Freedom of Information Act.

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney, reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 120/3.5)

Sec. 3.5. Public Access Counselor; opinions.

(a) A person who believes that a violation of this Act by a public body has occurred may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the alleged violation. The request for review must be in writing, must be

signed by the requester, and must include a summary of the facts supporting the allegation.

(b) Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines from the request for review that the alleged violation is unfounded, he or she shall so advise the requester and the public body and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the public body within 7 working days. The Public Access Counselor shall specify the records or other documents that the public body shall furnish to facilitate the review. Within 7 working days after receipt of the request for review, the public body shall provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. If a public body fails to furnish specified records pursuant to this Section, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to an alleged violation of this Act. For purposes of conducting a thorough review, the Public Access Counselor has the same right to examine a verbatim recording of a meeting closed to the public or the minutes of a closed meeting as does a court in a civil action brought to enforce this Act.

(c) Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the public body may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum. Upon request, the public body may also furnish the Public Access Counselor with a redacted copy of the answer excluding specific references to any matters at issue. The Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the public body.

(d) In addition to the request for review, and the answer and the response thereto, if any, a requester or a public body may furnish affidavits and records concerning any matter germane to the review.

(e) Unless the Public Access Counselor extends the time by no more than 21 business days by sending written notice to the requester and public body that includes a statement of the reasons for the extension in the notice, or decides to address the matter without the issuance of a binding opinion, the Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue to the requester and the public body an opinion within 60 days after initiating review. The opinion shall be binding upon both the requester and the public body, subject to administrative review under Section 7.5 of this Act.

In responding to any written request under this Section 3.5, the Attorney General may exercise his or her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion shall not be reviewable.

Upon receipt of a binding opinion concluding that a violation of this Act has occurred, the public body shall

either take necessary action as soon as practical to comply with the directive of the opinion or shall initiate administrative review under Section 7.5. If the opinion concludes that no violation of the Act has occurred, the requester may initiate administrative review under Section 7.5.

(f) If the requester files suit under Section 3 with respect to the same alleged violation that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

(g) Records that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act.

(h) The Attorney General may also issue advisory opinions to public bodies regarding compliance with this Act. A review may be initiated upon receipt of a written request from the head of the public body or its attorney. The request must contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the public body in order to facilitate the review. A public body that relies in good faith on an advisory opinion of the Attorney General in complying with the requirements of this Act is not liable for penalties under this Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 120/4) (from Ch. 102, par. 44)

Sec. 4. Any person violating any of the provisions of this Act, except subsection (b), (c), (d), or (e) of Section 1.05, shall be guilty of a Class C misdemeanor.

(Source: P.A. 97-504, eff. 1-1-12; 97-1153, eff. 1-25-13.)

(5 ILCS 120/5) (from Ch. 102, par. 45)

Sec. 5. If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.

(Source: Laws 1957, p. 2892.)

(5 ILCS 120/6) (from Ch. 102, par. 46)

Sec. 6. The provisions of this Act constitute minimum requirements for home rule units; any home rule unit may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings.

(Source: P.A. 78-448.)

(5 ILCS 120/7)

Sec. 7. Attendance by a means other than physical

presence.

(a) If a quorum of the members of the public body is physically present as required by Section 2.01, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference.

(b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

(c) A majority of the public body may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by rules adopted by the public body. The rules must conform to the requirements and restrictions of this Section, may further limit the extent to which attendance by other means is allowed, and may provide for the giving of additional notice to the public or further facilitate public access to meetings.

(d) The limitations of this Section shall not apply to (i) closed meetings of (A) public bodies with statewide jurisdiction, (B) Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, or (C) municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles or (ii) open or closed meetings of State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action. State advisory boards or bodies, public bodies with statewide jurisdiction, Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, and municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles, however, may permit members to attend meetings by other means only in accordance with and to the extent allowed by specific procedural rules adopted by the body.

(Source: P.A. 96-664, eff. 8-25-09; 96-1043, eff. 1-1-11.)

(5 ILCS 120/7.3)

Sec. 7.3. Duty to post information pertaining to benefits offered through the Illinois Municipal Retirement Fund.

(a) Within 6 business days after an employer participating in the Illinois Municipal Retirement Fund approves a budget, that employer must post on its website the total compensation package for each employee having a total compensation package that exceeds \$75,000 per year. If the employer does not maintain a website, the employer must post a physical copy of this information at the principal office of the employer. If an employer maintains a website, it may choose to post a physical copy of this information at the principal office of the employer in lieu of posting the information directly on the website; however, the employer must post directions on the website on how to access that information.

(b) At least 6 days before an employer participating in the Illinois Municipal Retirement Fund approves an employee's total compensation package that is equal to or in excess of \$150,000 per year, the employer must post on its website the

total compensation package for that employee. If the employer does not maintain a website, the employer shall post a physical copy of this information at the principal office of the employer. If an employer maintains a website, it may choose to post a physical copy of this information at the principal office of the employer in lieu of posting the information directly on the website; however, the employer must post directions on the website on how to access that information.

(c) For the purposes of this Section, "total compensation package" means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted.

(Source: P.A. 97-609, eff. 1-1-12.)

(5 ILCS 120/7.5)

Sec. 7.5. Administrative review. A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law (735 ILCS 5/Art. III). An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook or Sangamon County. An advisory opinion issued to a public body shall not be considered a final decision of the Attorney General for purposes of this Section.

(Source: P.A. 96-542, eff. 1-1-10.)

Village of Carol Stream
Interdepartmental Memorandum

TO: Joseph Breinig, Village Manager
FROM: James Knudsen, Director of Engineering Services
DATE: July 11, 2013
RE: FEMA's 50% Rule



The Federal Emergency Management Agency (FEMA) has many flood plain management regulations. One of those is what is commonly referred to as the 50% Rule. This rule can have a significant impact on property owners residing within the flood plain.

Engineering has prepared a presentation to be given at the workshop next Monday evening. The presentation will start by briefly covering the history of the National Flood Insurance Program (NFIP) as it relates to this Rule and explaining FEMA terms. The 50% Rule will be explained and how it affects property owners. Lastly, I will discuss the Village's methodology used to implement and enforce this regulation as required by FEMA. Attached are the slides to be used in the presentation for reference.

Cc: William N. Cleveland, Assistant Village Engineer

NFIP



FEMA

National Flood Insurance Program
Administered by FEMA

FEMA's 50% RULE

Substantial Improvement

and

Substantial Damage

(NFIP)

What is it?

What is its purpose?

- ◆ History
- ◆ Administration
- ◆ Membership
- ◆ Rates
- ◆ Changes

NFIP

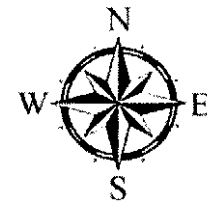
Terminology

- ◆ **Base Flood**
- ◆ **Base Flood Elevation (BFE)**
- ◆ **Special Flood Hazard Area (SFHA)**
- ◆ **Flood Insurance Rate Map (FIRM)**

VILLAGE OF CAROL STREAM

September 13-14, 2008 Flood
Special Flood
Hazard Area Map

Special Flood Hazard Area



0 200 400 800 1,200 Feet
1 inch equals 200 feet

Prepared By:
Engineering Services Department
November 5, 2008

Definition Of Substantial Improvement...

Any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement.

CUMULATIVE CALCULATION

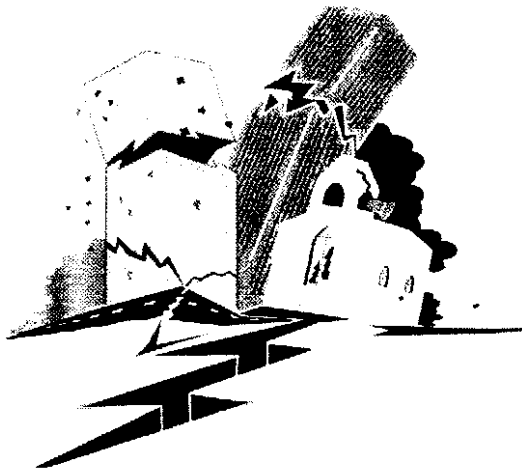
JULY 24, 2010

...Definition Of Substantial Improvement

This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed.

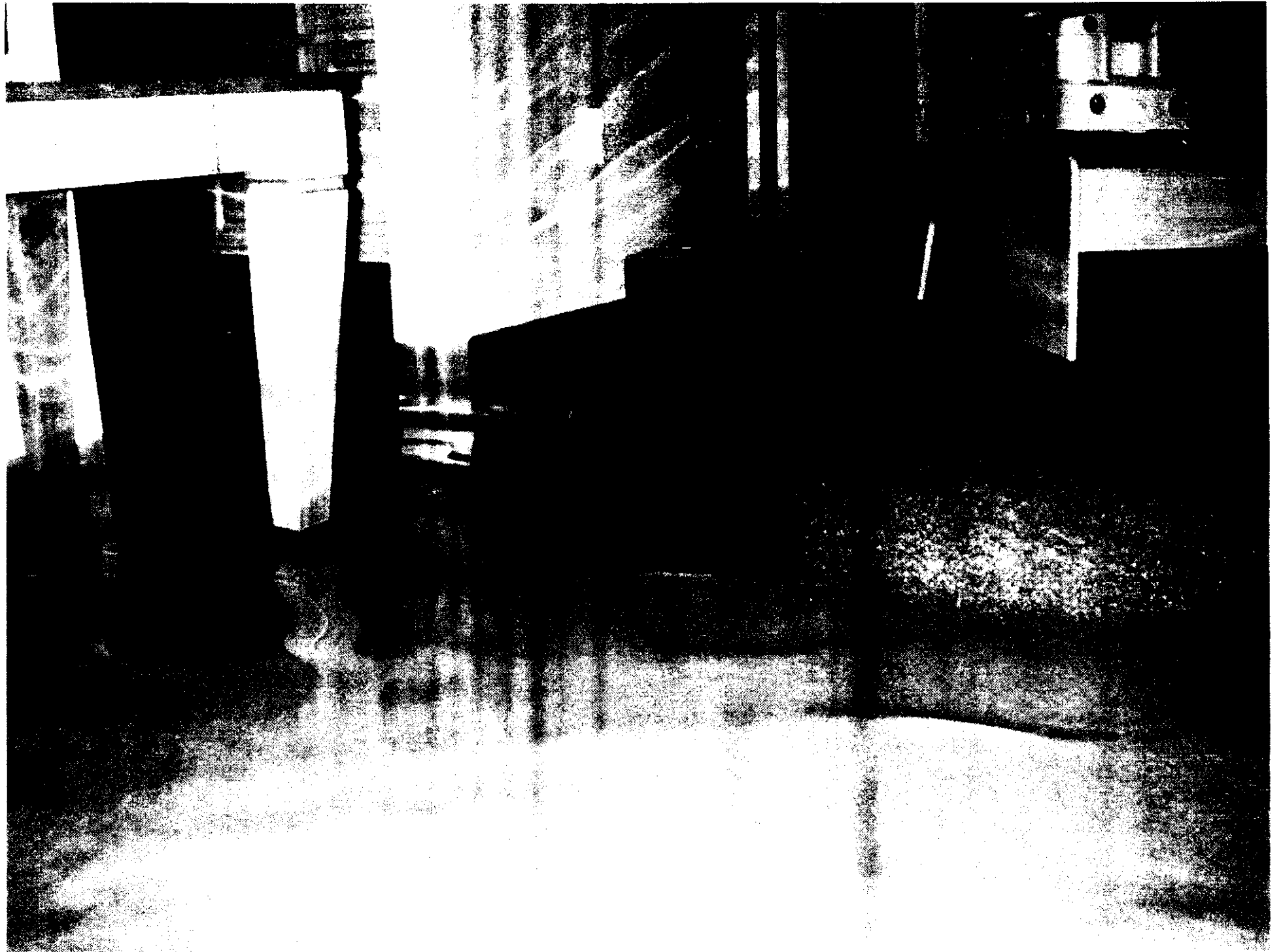
Definition of Substantial Damage...

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition...



...Definition of Substantial Damage

**...would equal or exceed 50% of the
market value of the structure before the
damage occurred.**







Substantial Improvement or Damage Does Not Include...

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety codes which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or...



...Substantial Improvement or Damage Does Not Include



**...any alteration of an
“historic structure”,
provided that the
alteration will not
preclude the
structure’s continued
designation as a
“historic structure.”**

Requirements for Substantial Improvement...

Substantially improved structures are considered **NEW CONSTRUCTION** and must meet all of the minimum building standards of the NFIP regardless if they have flood insurance or not.

...Requirements for Substantial Improvement

**Must elevate (or floodproof) and meet
other applicable program requirements!**

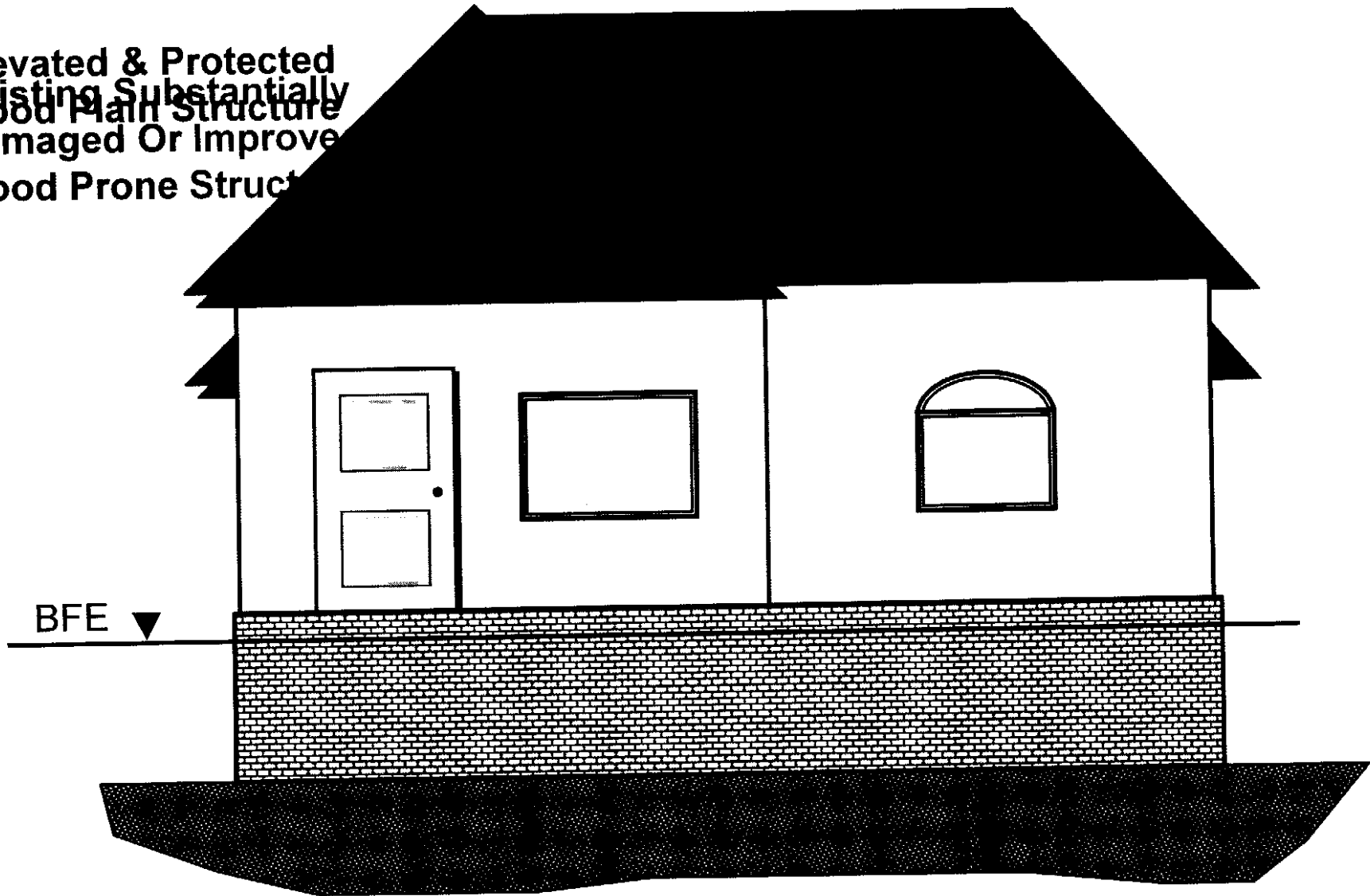
**Note: Only non-residential structures may
be dry-floodproofed in lieu of elevation.**

Reasoning Behind this Requirement

- ◆ **Structure has been noncompliant**
- ◆ **Reduces or eliminates costly flood insurance claims**
- ◆ **Reduces flood response cost**
- ◆ **Homeowners given time and assistance to become compliant**

Elevating Requirement

Elevated & Protected
Existing Substantially
Flood Prone Structure
Damaged Or Improve
Flood Prone Struct



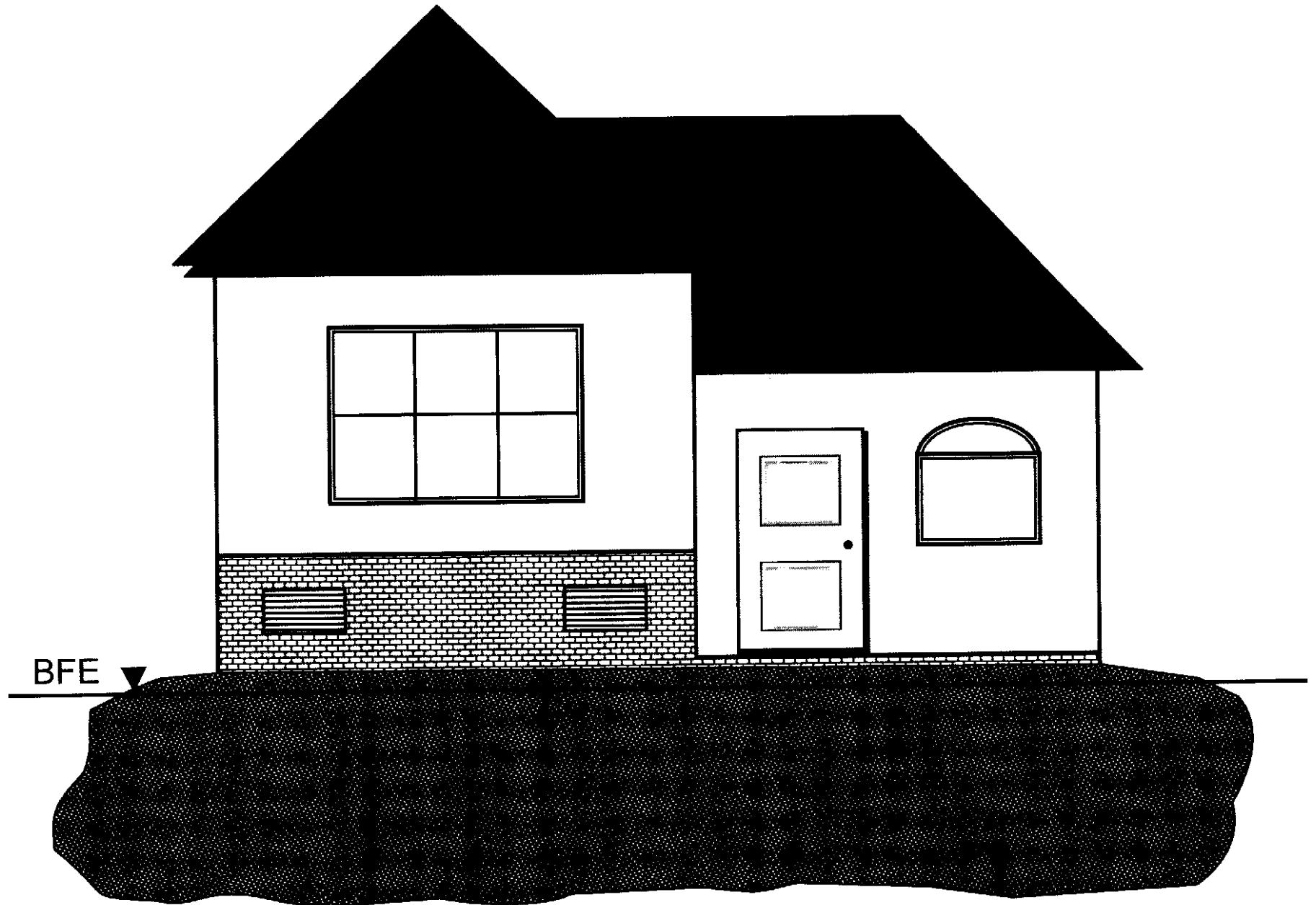
If the Structure is Substantially Damaged

- ◆ It automatically becomes a substantial improvement & must be elevated (or “dry” floodproofed if non-residential) to 1 foot above the BFE.
- ◆ It must meet other applicable program requirements.

Other Program Requirements

- ◆ **Foundation Openings**
- ◆ **Flood Resistant Materials Below the BFE**
- ◆ **Utilities Elevated / Protected**
- ◆ **Foundation is Anchored**
- ◆ **Basement Filled**

Basement Fill



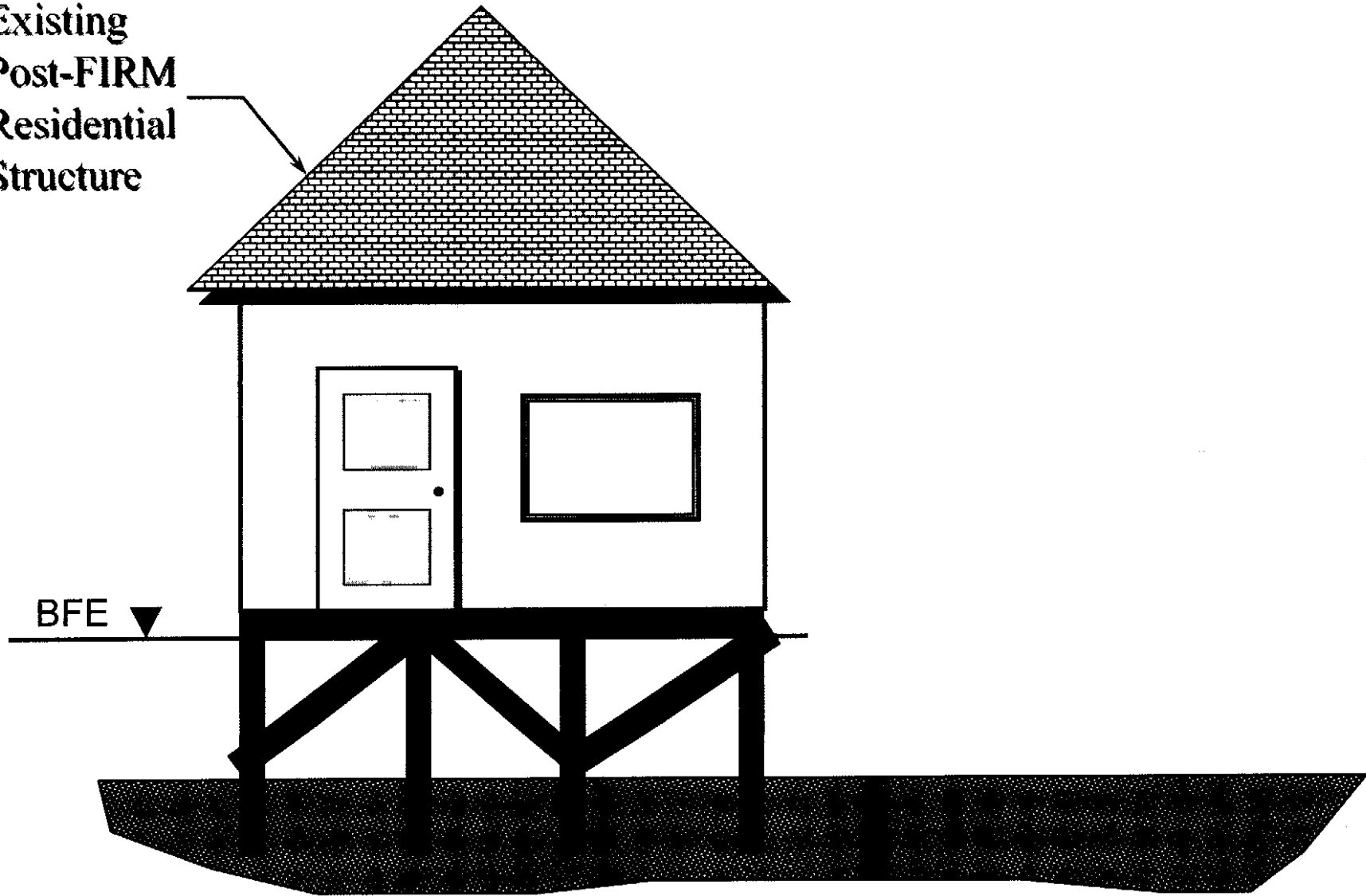
A Note About Additions to Post-FIRM Structures

Whether substantially improved or not, all lateral additions to Post-FIRM structures located in the SFHA

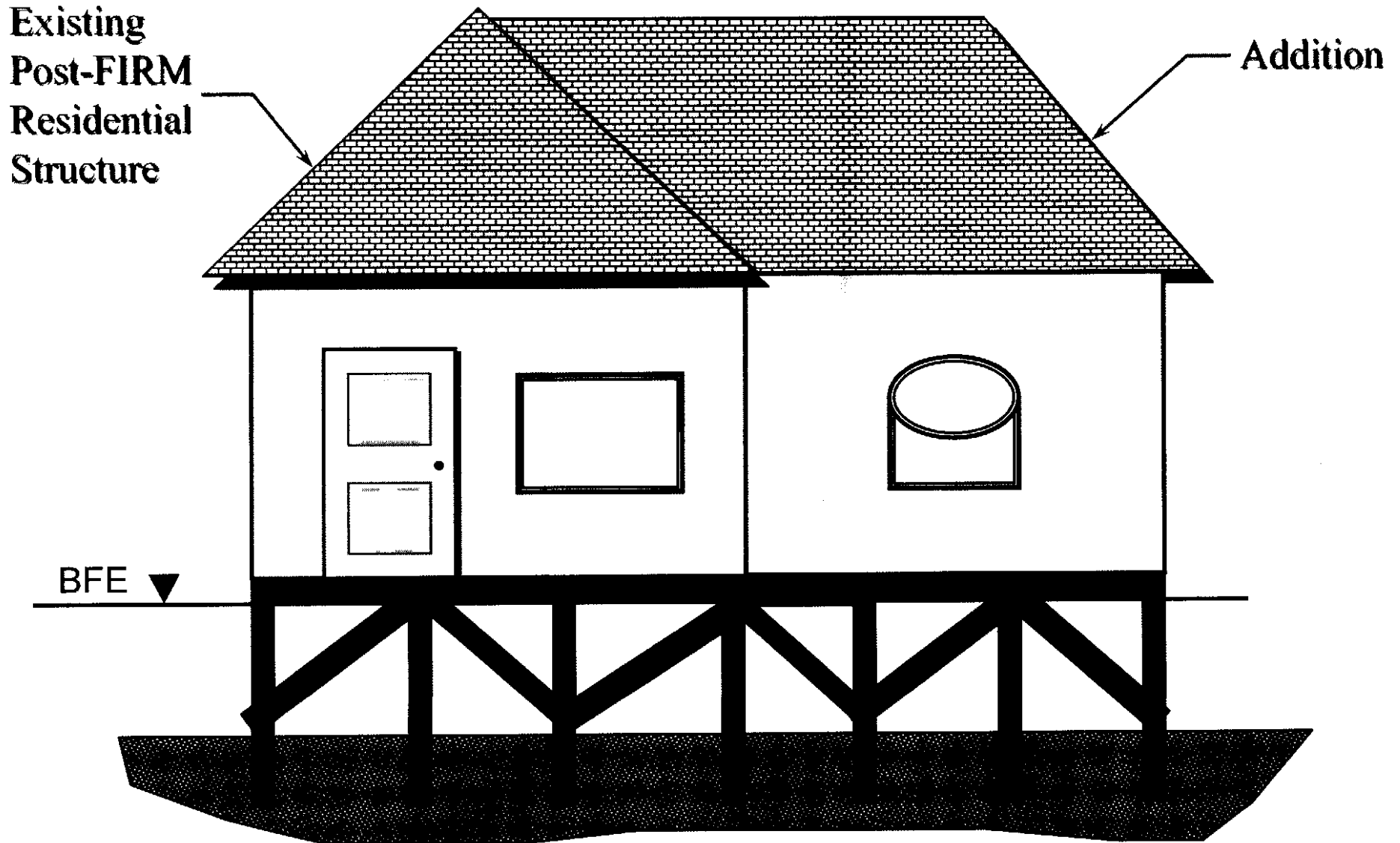
**MUST BE ELEVATED OR
FLOODPROOFED TO AT LEAST
1 FOOT ABOVE THE BASE FLOOD
ELEVATION!**

Lateral Addition to Post-FIRM Residential Structure

Existing
Post-FIRM
Residential
Structure



Lateral Addition to Post-FIRM Residential Structure



Community Responsibility

MUST ASSURE:

- ◆ **Compliance with all current stormwater regulations**
- ◆ **Accuracy of improvement cost or actual repair/ damage value**
- ◆ **Consistent structure market value estimates**



Improvement Cost Excludable Items...

- ◆ **Existing and pre-identified violations of state or local health, sanitary or safety codes**
- ◆ **Specifications**
- ◆ **Surveys**
- ◆ **Building Permits**
- ◆ **Plans**

...Improvement Cost Excludable Items

- ◆ **Septic Systems**
- ◆ **Wells/Water Supplies**
- ◆ **Landscaping**
- ◆ **Other items separate from or incidental to the improvement**

Estimation Methods...

“Improvement Cost and/or “Damage Value” can be determined in many ways:

- ◆ Itemized estimates from licensed contractors or professional estimators**
- ◆ Damage estimates from NFIP claims data**

...Estimation Methods

- ◆ **Local officials with knowledge of local costs can make “qualified estimates”**
- ◆ **Marshall and Swift**
- ◆ **Standard Building Code Mean Construction Cost Data**
- ◆ **Building Inspection Departments**

...Estimation Methods

- ◆ **Emergency Management Agencies**
- ◆ **Tax Assessment**
- ◆ **Damage assessment field surveys**
- ◆ **Other State or Local Agencies**

Determining “Market Value”...

Acceptable Methods for determining “Market Value” include:

- ◆ Independent appraisals by a professional appraiser
- ◆ Detailed estimates of the structure’s actual Cash-Value



...Determining “Market Value”

- ◆ **Adjusted property appraisals used for tax assessment**
- ◆ **Value of structure from NFIP claims data**
- ◆ **Qualified estimates from tax assessor’s or building department’s staff**

Replacement Cost vs. Market Value

- ◆ **Replacement Cost does not equal Market Value.**
- ◆ **Replacement cost may be used to estimate market value only if depreciated.**

Appeals

- ◆ **If the applicant objects to your market value estimate, then give them the option of providing a certified appraisal.**
- ◆ **Review appeals based on “reasonableness”, not emotions.**
- ◆ **APPLY IT CONSISTENTLY**

Carol Stream's Methodology

Community Development

- ◆ **Conducts damage assessments.**
- ◆ **Provides damage cost estimates on significantly damaged structures utilizing FEMA's Substantial Damage Estimator (SDE) and Means Guide.**

Carol Stream's Methodology

Community Development

- ◆ Provides improvement cost estimates from building permits on all improvements.
- ◆ Handles all cost estimate appeals.

Carol Stream's Methodology

Engineering Services

- ◆ **Determines fair market values (FMVs) from DuPage County's tax assessment database.**
- ◆ **Calculates percentage of improvement/damage cost vs. FMV.**
- ◆ **Calculates the cumulative percentage.**

Carol Stream's Methodology

Engineering Services

- ◆ **Advises Community Development of findings.**
- ◆ **Performs building permit reviews for compliance with other requirements.**
- ◆ **Reports to IDNR and DuPage County.**

Carol Stream's Methodology

Engineering Services

- ◆ **Handles all FMV determinations and percentage calculation appeals.**
- ◆ **Advises the homeowner on their status and answers NFIP requirement questions.**
- ◆ **Directs homeowners to appropriate agencies for further assistance.**

QUESTIONS?

AGENDA ITEM
#5 7-15-13

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director *RJG*

DATE: July 12, 2013

RE: **Agenda Item for the July 15, 2013, Village Board Workshop - Discussion Regarding A Recommendation From Pace Suburban Bus That The Village Consider The Placement Of Bus Shelters Along Its Bus Routes.**

PURPOSE

The purpose of this memorandum is to provide information to the Village Board regarding a Pace Suburban Bus recommendation to place bus shelters in Carol Stream as part of an initiative to place more bus shelters throughout DuPage County, and to request direction.

DISCUSSION

In 2003, as reported by the Chicago Tribune in the attached article dated May 28, 2003, Pace Suburban Bus attempted to increase ridership in DuPage County by seeking to improve its bus shelters. A revenue source to fund the improvements was to be created by allowing advertising on the shelters ("ad shelters"). This initiative met with some resistance on the parts of municipalities, the primary concern being aesthetics, and so Pace's initial efforts to implement ad shelters in DuPage County were unsuccessful.

As reported in the attached recent Daily Herald article dated June 18, 2013, Pace has decided to renew its efforts to place ad shelters in DuPage County. Recently, Pace contacted staff and suggested that the *Caputo's Fresh Markets* development at North Avenue and Schmale Road could benefit from the installation of bus shelters at the west and south legs of the intersection, which are located on Pace's Route 711. Following internal staff discussions, and with the receipt of facts and documents from Pace, I am able to provide the following information to the Village Board:

- Pace operates two routes in Carol Stream - Route 709 and Route 711. Route maps and scheduling information are attached.

- Pace has suggested locating two shelters adjacent to the Caputo's development. Pace's preliminary suggestion is to locate a shelter on the west side of Schmale Road, approximately 200 feet south of North Avenue, and on the north side of North Avenue, approximately 100 feet west of S. Schmale Road. Staff has concerns with the viability of the latter location.
- Pace and DuPage County staff have discussed the location of bus shelters as part of the county's Gary Avenue improvement project. At this time, specific locations for shelters have not been identified.
- The shelters are managed for Pace by Titan Worldwide. Pace offers two types of shelters – with and without advertising.
- Pictures of shelters are attached. Information is available on the Pace website at <http://www.pacebus.com/sub/vision2020/shelters.asp>.
- Attached is a sample agreement for ad shelters, including advertising guidelines. The Village Board should note the following:
 - ✓ Pace bears the full installation costs for ad shelters, including the concrete pads, and obtains permitting from IDOT and DuPage County where necessary.
 - ✓ There are several design styles. The Village selects the preferred shelter design.
 - ✓ Shelters are maintained at least once per week by Titan Worldwide.
 - ✓ The shelters have solar-powered lighting.
 - ✓ The advertising revenue share is 37.5% to Titan, 31.25% to Pace, and 31.25% to the Village.
 - ✓ The Village would be free to advertise its own events at no cost if the ad space is unsold, or to pay for ad space if it so chooses.
 - ✓ Pace is currently in a trial period of allowing alcohol and tobacco ads. The Village may disallow such ads if it so chooses.
- Also attached is a sample agreement for shelters without ads. The Village Board should note the following:
 - ✓ Pace provides standard shelters. The Village provides the concrete pads, installs the shelters, and obtains permitting from IDOT and DuPage County where necessary.
 - ✓ Pace staff or Titan provides repair service on demand, and maintains and cleans the shelters up to four times per year.

- Pace is exploring ways to enhance the bus transit experience by upgrading and expanding bus stop amenities. Things which Pace is considering or is currently testing include:
 - ✓ Electronic “next bus” signs, which display the approximate arrival time for the next bus.
 - ✓ Solar lighting.
 - ✓ Lighted bus stop signs. A passenger would press a button and a light at the top of the bus stop sign pole would blink to signal to the bus driver that a passenger is waiting to board the bus.
 - ✓ Installing QR codes at each posted stop location. A passenger is able to scan the QR Code and obtain real-time information for the arrival of the next bus.

- Pace reports that the amount of ad revenue varies from shelter to shelter, but in recent years it has been averaging from \$900 to \$1000 per year. Pace provides each municipality with a check annually for revenue generated from the year prior.

RECOMMENDATION

For purpose of information and discussion. Staff requests direction from the Village Board regarding the following:

1. Support for placement of Pace bus shelters in the Village of Carol Stream.
2. Support for the use of ad shelters.
3. Preferences regarding allowing alcohol or tobacco ads.
4. Other direction or suggestions.

news

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DuPage considering bus shelters

Ad sales would pay for new structures

May 28, 2003 | By H. Gregory Meyer, Tribune staff reporter.



For the small, windblown fraction of DuPage County commuters that travels by bus, added shelter may be on the way.

A county panel has given a preliminary green light to seek proposals for bus shelters on several routes run by Pace, the suburban bus service. As many as 100 shelters would be run independent of the service.

Under the plan, a private company would lease land along county roads, erect the shelters and pay DuPage County using the money it makes selling advertising on the metal shelters' exteriors.

The project is much smaller than Chicago's recent installation of more than 2,000 bus shelters, but is a small step toward transit-friendliness in DuPage's car-dominated landscape, county officials say.

"We're not talking about 100 in the first year, by any measure," said John Noel (R-Glen Ellyn), chairman of the county's Public Transit Committee.

The first shelters could go up at major, central destinations such as Stratford Square Mall in Bloomingdale and Benedictine University in Lisle, according to county documents.

Pace already owns 620 shelters, said spokesman Blaine Krage, though he did not have details on the number in DuPage. Some Pace shelters bear posters put up by advertising firm Viacom Outdoor, he said.

In DuPage, 1,383 commuters--0.3 percent--take a bus, according to 2000 census data. Daily ridership averages, which include commuters among other riders, for some of the Pace routes that are shelter candidates range from 80 on the No. 653 Bloomingdale-Glendale Heights route to 1,350 on the No. 313 St. Charles Road bus, Krage said.

County officials hope the shelters will attract riders. "We do believe it will increase ridership," said Cristina Van Valkenburgh, principal planner with the DuPage County Department of Economic Development and Transportation.

Whether the plan will attract bidders is uncertain. In contrast to Chicago, where thousands of pedestrians walk past shelters every day, several of the county's suggested shelter spots lack sidewalks.

"This would probably be nowhere near an undertaking like that," said Bruce Campbell, president of Illinois Convenience & Safety Corp. of Chicago, which has installed more than 300 advertising shelters in the Chicago suburbs.

The black shelters would feature lighting, hookups for Global Positioning System bus tracking devices, glass walls and seats, "preferably with arms so as to discourage the use of seating as 'beds,'" the project plans say.

Related Articles

[Pace trims slam some commuters](#)
February 9, 2010

[Pace To Add Cross-suburb Routes](#)
June 1, 1990

[Taking the bus: Chicago commuters find public transit pays...](#)
April 3, 2009

[Keeping 'The Mile' magnificent](#)
November 18, 2002

[Commuters Sought For Bus Route](#)
January 30, 1991

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Article updated: 6/18/2013 6:19 PM

DuPage to make pitch for more bus shelters

By Robert Sanchez

To encourage people to use public transportation, DuPage officials want to add more bus shelters throughout the county.

But first, they must make another attempt to sell municipalities on the idea.

A proposal to build bus shelters with advertising was scrapped about eight years ago after several communities — including Glen Ellyn, Lombard, Villa Park and Wheaton — expressed concerns about the structures serving as mini-billboards.

County board member Elizabeth Chaplin, chairwoman of the board's public transit committee, says it may be time to revisit the issue because some towns, including Woodridge, have added bus shelters without any problems. Meanwhile, DuPage officials want to see increased use of Pace, the suburban bus service.

"Maybe if we had more shelters, more people would be willing to take a bus," Chaplin said.

County officials said Tuesday they plan to make a presentation to municipal leaders during a July meeting of the DuPage Mayors and Managers Conference.

Whether towns are receptive this time around remains to be seen. Wheaton Mayor Mike Gresk, however, said he's willing to listen to what county officials have to say.

"I know the demographics of DuPage are changing," Gresk said. "I know that public transportation needs to become important for that reason."

When county officials were pushing the issue years ago, they tried to get new bus shelters along Roosevelt Road because it's a heavily traveled route. Selling advertising was part of that plan because it would have generated the money needed to construct and maintain the shelters.

County board member Robert Larsen said he understands why there was opposition.

"You could have a nice looking shelter," Larsen said. "You throw in advertising all the time and that becomes obnoxious."

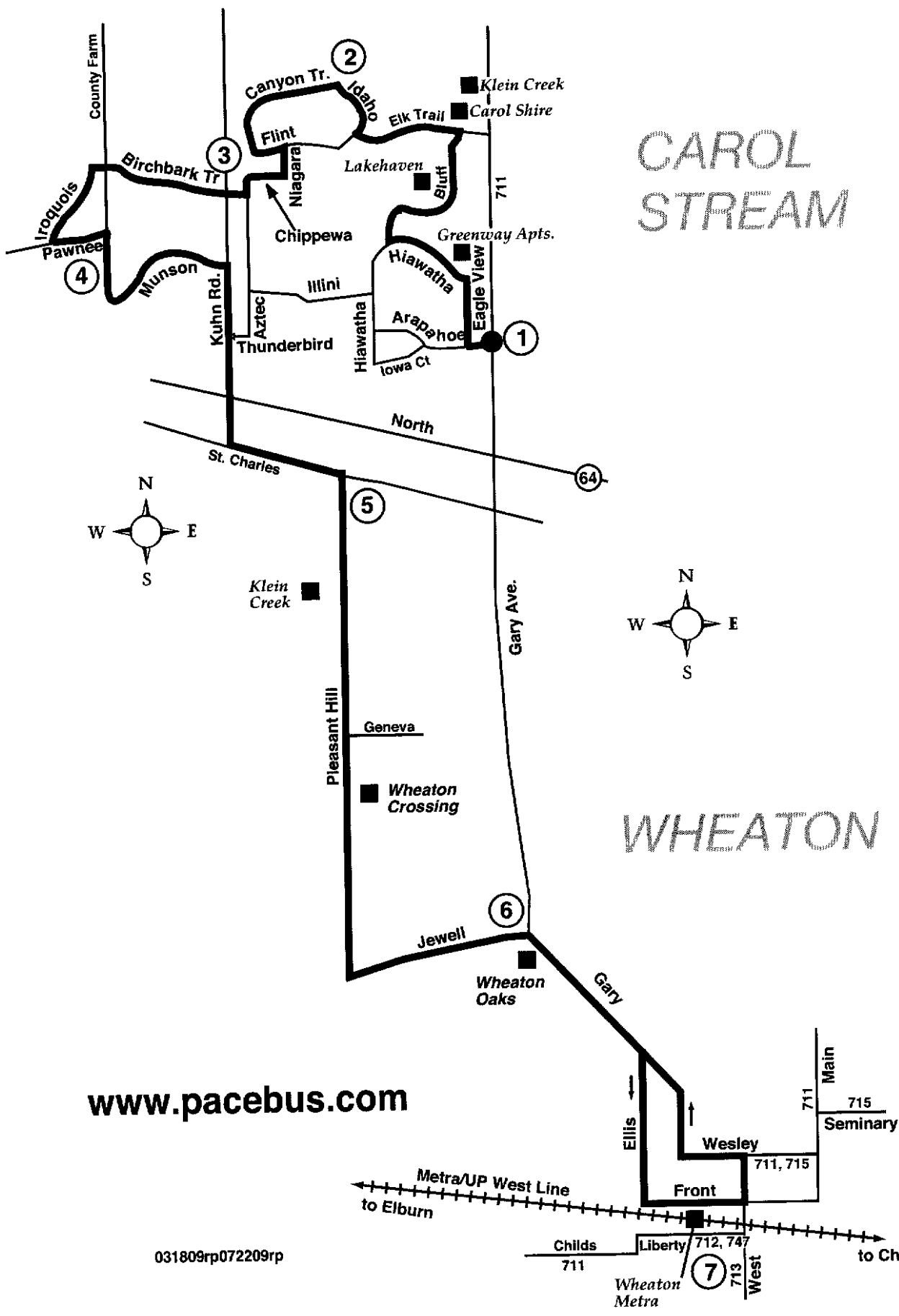
Still, adding bus shelters is an idea "worth exploring," Larsen said.

"Any opportunity we have to expand public ridership is a good thing for the environment," said Larsen, who serves on the public transit committee. "It's a good thing for traffic congestion."

Statistics show adding bus shelters helps boost ridership, according to county board member Tony Michelassi.

"We want to be able to finance bus shelters across the county, and we're setting up a framework to do that," said Michelassi, vice chairman of the public transit committee. "But it's up to the municipalities to decide if it's a priority."

Route 709 Effective Date May 10, 2004



www.pacebus.com

031809rp072209rp

Childs 711 Liberty 712, 747 West 713
Wheaton Metra



ROUTE 709 CAROL STREAM/N. WHEATON FEEDER

WEEKDAY - MORNING

①

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⑦

<u>GARY AVE./ ARAPAHOE</u>	<u>CANYON/ IDAHO</u>	<u>KUHN RD./ BIRCHBARK</u>	<u>PAWNEE/ COUNTY FARM</u>	<u>PLEASANT HILL/ ST. CHARLES</u>	<u>JEWELL/ GARY AVE.</u>	<u>WHEATON METRA STATION</u>	<u>TRAIN DEPARTS WHEATON</u>	<u>TRAIN ARRIVES CHICAGO</u>
5:30am	5:35am	5:40am	5:45am	5:50am	5:56am	6:00am	6:11am	7:02am
6:12	6:17	6:22	6:26	6:33	6:41	6:45	6:53	7:35
7:03	7:08	7:13	7:17	7:23	7:31	7:35	7:42	8:23

WEEKDAY - AFTERNOON

Afternoon buses meet the following trains and travel the entire route until the last passenger gets off.

⑦

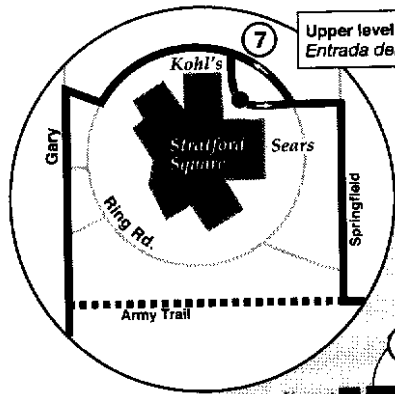
<u>TRAIN DEPARTS CHICAGO</u>	<u>TRAIN ARRIVES WHEATON</u>	<u>APPROXIMATE BUS DEPARTURE TIME (FRONT STREET)</u>
4:11pm	4:57pm	5:02pm
5:04	5:38	5:40
5:34	6:16	6:19
6:10	6:57	6:59

Weekdays only. No Saturday, Sunday or holiday service.

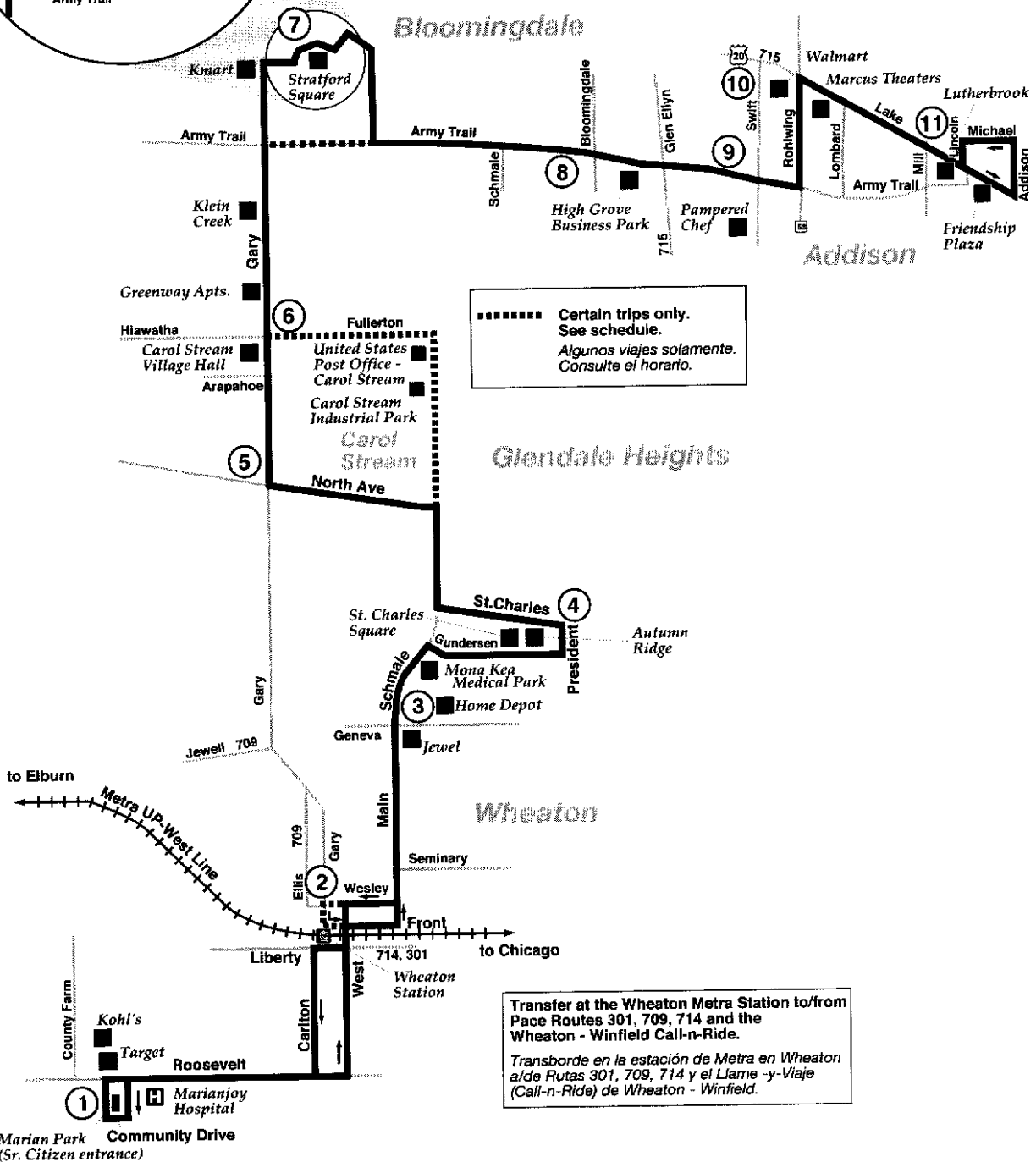
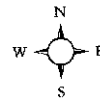


Route 711

Effective Date
December 13, 2010



Upper level entrance between Kohl's and Sears.
Entrada del segundo nivel entre Kohl's y Sears.



----- Certain trips only.
See schedule.
Algunos viajes solamente.
Consulte el horario.

Transfer at the Wheaton Metra Station to/from
Pace Routes 301, 709, 714 and the
Wheaton - Winfield Call-n-Ride.
Transborda en la estación de Metra en Wheaton
a/dde Rutas 301, 709, 714 y el Llame -y- Viaje
(Call-n-Ride) de Wheaton - Winfield.

ROUTE 711 WHEATON - ADDISON

WEEKDAY NORTHBOUND ENTRE SEMANA HACIA EL NORTE



MARIAN PARK	LIBERTY/WEST	GENEVA/SCHMALE	ST. CHARLES/PRESIDENT	NORTH/GARY	GARY/HIAWATHA	STRATFORD SQUARE	ARMY TRAIL/BLOOMINGDALE	ARMY TRAIL/SWIFT	ADDISON WALMART	LINCOLN LAKE
6:44AM	6:50AM	6:59AM	7:03AM	7:08AM	7:11AM	-	7:19AM	7:24AM	7:30AM	7:39AM
7:33	7:39	7:48	7:52	-	8:00	-	8:08	8:13	8:19	8:28
8:46	8:52	9:01	9:05	9:10	9:13	-	9:21	9:26	9:32	9:41
9:34	9:42	9:51	9:55	10:00	10:03	10:11AM	10:19	10:23	10:27	10:36
10:56	11:04	11:13	11:17	11:22	11:25	11:33	11:41	11:45	11:49	11:58
11:51	11:59	12:08PM	12:12PM	12:17PM	12:20PM	12:28PM	12:36PM	12:40PM	12:44PM	12:53PM
1:13PM	1:21PM	1:30	1:34	1:39	1:42	1:50	1:58	2:02	2:06	2:15
2:08	2:16	2:25	2:29	2:34	2:37	2:45	2:53	2:57	3:02	3:11
3:31	3:39	3:48	3:52	3:57	4:00	4:08	4:16	4:22	4:28	4:37
4:34	4:42	4:51	4:55	-	5:03	5:11	5:18	5:25	5:31	5:40
-	5:50 B	5:59	6:03	-	6:11	6:20	6:28	6:34	6:40	6:49
7:03	7:11	7:20	7:24	7:29	7:32	7:40	7:48	7:54	8:00	8:09

WEEKDAY SOUTHBOUND ENTRE SEMANA HACIA EL SUR



LINCOLN LAKE	ADDISON WALMART	ARMY TRAIL/SWIFT	ARMY TRAIL/BLOOMINGDALE	STRATFORD SQUARE	GARY/HIAWATHA	NORTH/GARY	ST. CHARLES/PRESIDENT	GENEVA/SCHMALE	LIBERTY/WEST ARRIVE	LIBERTY/WEST DEPART	MARIAN PARK
5:46AM	5:53AM	5:57AM	6:01AM	-	6:09AM	-	6:17AM	6:21AM	6:28AM	6:36AM	6:44AM
6:35	6:42	6:46	6:50	-	6:58	-	7:06	7:10	7:17	7:25	7:33
7:48	7:55	7:59	8:03	-	8:11	-	8:19	8:23	8:30	8:38	8:46
8:37	8:44	8:48	8:52	-	9:00	9:03AM	9:07	9:11	9:18	9:26	9:34
9:50	9:56	9:59	10:05	10:12AM	10:20	10:23	10:27	10:32	10:39	10:48	10:56
10:45	10:51	10:54	11:00	11:07	11:15	11:18	11:22	11:27	11:34	11:43	11:51
12:07PM	12:13PM	12:16PM	12:22PM	12:29PM	12:37PM	12:40PM	12:44PM	12:49PM	12:56PM	1:05PM	1:13PM
1:02	1:08	1:11	1:17	1:24	1:32	1:35	1:39	1:44	1:51	2:00	2:08
2:24	2:30	2:33	2:39	2:46	2:54	2:57	3:01	3:06	3:13	3:23	3:31
3:21	3:28	3:33	3:39	3:46	3:56	3:59	4:04	4:09	4:16	4:26	4:34
4:47	4:54	4:59	5:05	5:12	5:22	-	5:30	5:35	5:42 B	-	-
5:50	5:57	6:02	6:08	6:15	6:25	6:28	6:33	6:38	6:45	6:56	7:03
6:58	7:05	7:10	7:16	7:23	7:33	7:36	7:41	7:46	-	7:53	8:01

B - Bus arrives/departs from the bus stop located along Front Street on the north side of the Wheaton Metra Station.

Unless otherwise noted, bus will stop upon signal to driver at any intersection along the route where it is safe to do so.

No Saturday, Sunday or holiday service.

B - El autobús llega/sale de la parada que esta por Front Street al lado norte de la estación de Metra de Wheaton.

A menos que se indique de otra manera, el autobús parara al hacerle señal al conductor en cualquier intersección donde este seguro para parar.

No servicio los sábados, domingos, y días de feriado.

Ad Shelters



Fairview Shelter



Vista Shelter



Clarion Shelter



Courier Shelter

Pace offers four styles of advertising shelters to better suit the aesthetics of a particular community. Ordered shelters come in standard black, but alternative colors are available upon request.



COURIER SHELTER



COURIER SHELTER
No Front Wall, Half Side Walls

Typical Non-Ad Shelter



This design is prevalent in many communities in northeastern Illinois.



[Pace Home](#) > [Vision 2020](#) > [New Strategies for Growth](#) > [Passenger Amenities](#)

More Information:

- [Vision 2020 Welcome/Overview](#)
- [Moving into the Future Newsletter](#)
- [The Blueprint for the Future](#)
- [New Strategies for Growth](#)
- [Improved Passenger Amenities](#)
- **Shelter Program**
- [Bike Racks](#)
- [Bus Tracker](#)
- [Active Transit Station Signs](#)
- [Audio and Visual Announcements](#)
- [Help Support Vision 2020](#)
- [Restructuring Initiatives](#)
- [Informacion en Espanol](#)
- [Fare Information](#)

Passenger Amenities

Shelter Program

Bus stop shelters greatly improve the public transportation experience by providing riders with a safe waiting area, protection during inclement weather and service information. Pace's multifaceted shelter program can meet the needs of all northeastern Illinois communities.

Bus stop shelters are generally located in roadway rights-of-way unless private property owners have consented to the shelter being placed on their property. In situations in which a sidewalk connection to the shelter location is needed, Pace can partner with the municipality or property owner to complete that construction work.

Pace's shelter program includes other amenities that improve the experience for waiting passengers. Most shelters have a map and schedule of the bus route, either inside the shelter itself or in a "transit tube" located on a pole just outside the shelter.

Types of shelters

Non-Ad Shelters

There are already approximately 500 non-ad shelters in the Pace region. New shelters are most often installed in response to external requests, for which Pace obtains the necessary approvals from the municipality, IDOT and the county.

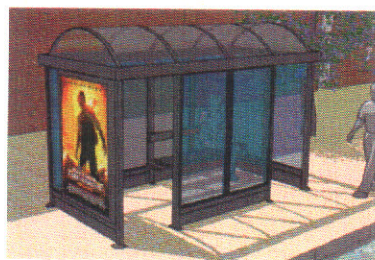


This non-ad shelter design is prevalent in many communities in northeastern Illinois.

For all non-ad shelters, Pace staff provides repair service on demand, and maintains and thoroughly cleans the shelters up to four times a year.

Advertising Shelters

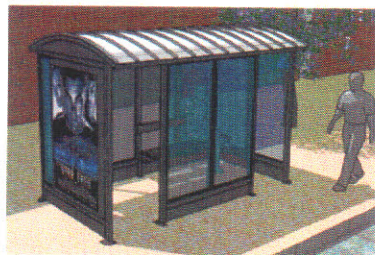
There are nearly 300 advertising shelters, implemented jointly by Pace and Titan Worldwide, in communities throughout the region. The revenue stream generated from advertisers offsets the cost of regular maintenance and cleaning, as well as electric lighting in the shelter for enhanced passenger security.



The Fairview shelter



The Vista shelter



The Clarion shelter



The Courier shelter

Pace offers four styles of advertising shelters to better suit the aesthetics of a particular community. Ordered shelters come in standard black, but alternative colors are available upon request

Pace sets forth strict advertising guidelines for these shelters, and allows free ad space for municipalities and non-profits for the promotion of local events. In addition to providing their constituents a more hospitable environment to wait for the bus, municipal governments or private property owners who approve ad shelters on their property also share in the advertising revenue generated by these shelters; Pace distributes thousands of dollars each year to municipalities as part of this program.



[Pace Online Store](#)



[ADA/Paratransit Service](#)



[Fixed Route Bus System](#)



[Vanpool Incentive Program](#)

Requesting a shelter

Individuals or communities interested in recommending that a bus stop shelter be installed at a particular location should contact [Doug Sullivan](#).

Pace staff will review ridership statistics for the recommended site to determine its viability. If a unit of local government or property owner desires a special shelter design, Pace can usually accommodate the request, but Pace will pay only up to \$5,000 towards the cost of any non-standard shelter.

To report damage to a Pace bus stop sign or shelter in northeastern Illinois, contact [Allan Lee](#).

Other Passenger Amenities

Lighted Signs

Nearly every Pace route has bus stop signs posted along the route with the bus route number and Pace's customer relations phone number. Some bus stop signs are on poles with solar-powered lamps that can be illuminated at night by a passenger to enhance security and more effectively alert the driver that a passenger is waiting at the stop.

Transit Centers

Pace, through partnerships with its external stakeholders, has invested heavily in building transit centers at locations with significant passenger activity. This [page](#) shows the list of current transit centers.



Some bus stop signs are on poles with solar-powered lamps.



Advertising Transit Shelter Agreement

THIS AGREEMENT is made and entered into this _____ day of _____, 2013 by and between the Suburban Bus Division of the Regional Transportation Authority, a unit of local government and municipal corporation created under the Regional Transportation Authority Act (hereinafter "Pace"); the Village of Carol Stream, a unit of local government and municipal corporation created under the laws of the State of Illinois (hereinafter "Municipality"); and Titan Outdoor, a private corporation (hereinafter "Titan").

WHEREAS, Municipality and Pace recognize the importance of providing passenger shelters within Municipality corporate limits to riders of public transportation, and

WHEREAS, Pace and Titan have entered into an agreement for the acquisition, installation and maintenance of passenger shelters placed within Pace's service region and for the sale of advertising space on such shelters (Pace Contract #103193C, (hereinafter "Contract")); and

WHEREAS, the Parties wish to set forth revenue sharing principles applicable to the income received from advertising shelters placed within Municipality's corporate limits, and to establish other parameters of the Program,

NOW THEREFORE, the Parties agree as follows:

- 1. Duration.** This agreement shall remain in force for a minimum term of ten (10) years from the date of enactment.
- 2. Type and location of Shelters.** For any shelter installation at any time during the duration of the Agreement, Municipality shall approve of the shelter's design from the shelter types available to Pace at the time of construction. Any proposed concrete shelter pads shall require approval of the appropriate permitting authorities.
- 3. Inspection, Maintenance and Repair.** Pace and/or Titan agrees that the shelters will be in conformity with applicable building codes of the Municipality. Pace and/or Titan are also responsible for obtaining state highway permits for all shelter locations on state routes, and municipal and/or county permits for other locations. Titan will inspect, maintain, repair, clean and service the shelters at least once per week. Titan shall repair or remove, if necessary, any shelter so in need, or if the shelter's condition presents a threat to public safety, within forty-eight (48) hours of notification from the Municipality.
- 4. Electricity.** Ad shelters are electrified for nighttime illumination via a solar-powered unit. If solar power is unavailable, Pace/Titan shall connect to another source and pay all sums that may become due for electrical energy supplied to the shelters and shall keep the Municipality indemnified against being called on to pay these sums.

5. Type of Advertising. Titan and Pace agree that they will utilize the shelters only for advertising material that is consistent with the Pace Advertisement Guidelines. Per those Guidelines, the Municipality [does/does not] permit advertising for alcohol beverage products. Titan is responsible for the installation and removal of all advertising material as well as removal of any debris created by the aforementioned installation and removal.

6. Duty to Remove. In the event the Municipality exercises its right of termination pursuant to Paragraph 1 above, Pace and Titan agree to remove all of their shelters within 60 days of request for removal and if they fail to do so, Municipality shall have the right to remove them, and Pace and Titan jointly and severally shall be obligated to pay Municipality its costs for such removal.

7. Advertising Revenue Shares. Under the Contract, Pace is entitled to certain percentages of "gross billings", defined as the invoiced price to advertisers, less advertising agency commission and taxes, if any. For any advertising transit shelters placed within Municipality's corporate limits as a result of the Program, Municipality shall receive one-half (1/2) of Pace's share of gross advertising billings. Pace's share is 62.5%, so the Municipality's share is 31.25%.

8. Payment. Pace shall pay Municipality annually its share of advertising revenues referred to in Paragraph 7. Payments shall be made in March of the next succeeding year after any year in which Pace receives advertising income from the Program for shelter(s) placed within Municipality's corporate limits.

9. Hold Harmless. Municipality assumes no responsibility as to the condition of the shelters under the Program (i.e. maintenance, upkeep, or repair necessary to keep the premises or shelters in a safe and serviceable condition). Titan assumes liability for and shall indemnify and hold harmless Municipality and Pace against any and all liabilities, losses, damages, costs, payments and expenses of any kind and nature, including attorney's fees, as a result of claims, demands, actions, suits, proceedings, judgments or settlements arising out of or in any way related to Titan's negligence or the execution, performance, non-performance, or enforcement of this Agreement or the Contract by Titan, including enforcement of this indemnification provision, upon notice to Titan from Municipality or Pace and shall pay all costs and expenses incidental thereto. The indemnities contained in this Paragraph shall survive termination of this Agreement and the Contract. Notwithstanding the forgoing, nothing herein shall be deemed to indemnify municipality and/or Pace or release either of them from any liability or damage attributable to their negligence or willful misconduct. Titan will carry indemnity insurance against the above-mentioned liability in a sum of not less than \$1,000,000.00. The Municipality, Pace and the Regional Transportation Authority (RTA), its officers, officials and employees shall be named as Additional Insureds to the General Liability coverage of this policy for the erection, maintenance and operation of the bus shelters located in the Municipality. Proof of said insurance will be provided upon request by the Municipality, Pace or the RTA.

10. Public Service Advertising. Municipality shall have the right to advertise community events or other public service notices if the advertising space is unsold. Municipality shall be responsible for any production costs, and must contact Titan for production, posting and removal.

11. Applicable Laws. This agreement shall be governed by the laws of the State of Illinois. Placement of shelters under the Program shall be subject to all applicable state and local permit procedures, and all advertising content shall be subject to local ordinances. Any suit commenced pursuant to this Agreement shall be brought in the Twelfth Judicial Circuit, Will County, Illinois

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed and made as of the date written first above.

MUNICIPALITY

Pace

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Titan

Name: _____

Title: _____

Date: _____

**Advertising Transit Shelter Agreement
Addendum A**

THIS ADDENDUM is made and entered into this ____ day of _____, 2013 by and between the Suburban Bus Division of the Regional Transportation Authority, a unit of local government and municipal corporation created under the Regional Transportation Authority Act (hereinafter "Pace"); the City/Village of _____, a unit of local government and municipal corporation created under the laws of the State of Illinois (hereinafter "Municipality"); and Titan Outdoor, a private corporation (hereinafter "Titan"), collectively referred to herein as "the Parties".

WHEREAS, Pace's Advertising Guidelines were amended, allowing the Municipality input into the content of the advertising installed in advertising shelters within its corporate limits.

NOW THEREFORE, Titan and Pace agree as follows:

Type of Advertising. Each will utilize the shelters only for advertising material that is consistent with the Pace Advertising Guidelines. Per those Guidelines, Municipality _____ permit advertising for alcohol beverage products. [does/does not]

IN WITNESS WHEREOF, the Parties have caused this agreement to be executed and made as of the date written first above.

MUNICIPALITY

Pace

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Titan

Name: _____

Title: _____

Date: _____

EXHIBIT A

PACE ADVERTISING GUIDELINES

1. The ad space owned by Pace, the Suburban Bus Division of the Regional Transportation Authority, is offered for sale to create revenue for the agency. Pace or its designee may offer such space to advertisers. Pace restricts advertising content for such reasons as viewpoint neutrality, passenger safety, ridership maximization and revenue maximization.
2. All advertising must be truthful and be for a commercial purpose, not a non-commercial message. False, deceptive or misleading commercial advertising is not permitted. All advertising must comply with all applicable laws and regulations.
3. Advertising containing copy and/or art which is legally obscene or otherwise sexually explicit is not permitted. Copy and/or art which portrays violent acts or other graphic violence, including the depiction of bodies, body parts and fetuses which are in states of mutilation, dismemberment, disfigurement and/or decomposition, is not permitted.
4. Advertising for tobacco products is not permitted.
5. Advertisements for alcohol beverage products are permitted, as a demonstration for one year from January 1, 2013, on or in Pace-owned advertising space. Extension of the demonstration is subject to approval by the Pace Board of Directors. If Pace chooses not to continue the demonstration beyond the first twelve-month period, Pace must notify any advertising sales agent with written notice by October 1 of 2013 or any subsequent calendar year. The cancellation shall be effective December 31 of that calendar year. Advertisements for alcohol beverage products are subject to the following conditions:
 - a. The geographic distribution of the advertisements must refrain from geographic or racial/ethnic targeting. Buyers of alcohol advertisements to be placed on or in vehicles, or their agents, must purchase and install identical advertisements at a minimum of four bus garages, and must choose at least two garages from each group listed below:
 - i. Group A – North, River, Fox Valley, Heritage, South, Southwest
 - ii. Group B – West, McHenry, Northwest, North Shore, Highland Park, Batavia, Naperville, WestmontAlcohol advertising creative must be identical across all garages as outlined above; however, translation of copy to languages other than English is permitted.
 - b. The only buyer of alcohol advertisements who is exempted from rule 5(a) is a local business in possession of a liquor license. Such buyer shall be allowed single-garage or single-shelter selection of advertising space.
 - c. Advertisements for beer, wine and spirits are permitted. Advertisements for malt liquor are not permitted.
 - d. Advertisements for alcohol beverage products are not permitted on or inside shelters unless approved by the municipality in which the shelter is located.
 - e. Advertisements for alcohol beverage products are not permitted on paratransit vehicles or trolleys.
 - f. For general market advertising campaigns, all sizes of exterior bus displays are permitted except fully wrapped buses. Fully wrapped bus advertisements are permitted on “express bus to popular destination” services to all major sporting stadiums/arenas.
 - g. Alcohol advertisements on the interior of buses are limited to “Drink Responsibly” messaging or a maximum of (4) interior car cards that advertise alcohol products. The maximum number of interior displays is not subject to increase even if multiple advertisers purchase the space.
 - h. Alcohol advertisements are permitted within all bus terminals where advertising displays are approved.
 - i. Every alcohol advertisement, if in print format, shall contain a disclaimer that shall cover no less than 3 percent of the advertisement’s total space. The disclaimer shall read as follows: **THE LEGAL DRINKING AGE IN THE STATE OF ILLINOIS IS 21 YEARS OLD. GOVERNMENT WARNING: (1) ACCORDING TO THE SURGEON GENERAL, WOMEN SHOULD NOT DRINK ALCOHOLIC BEVERAGES DURING PREGNANCY BECAUSE OF**

THE RISK OF BIRTH DEFECTS AND (2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR, OR OPERATE MACHINERY, AND MAY CAUSE HEALTH PROBLEMS. PLEASE DRINK RESPONSIBLY.

- j. Advertisements for alcohol beverage products may not contain images of persons under age 21 using the product.
 - k. All proposed alcohol advertisements ("the creative") are to be reviewed by Pace management prior to actual production.
 - l. Revenue from alcohol advertising and the total number of alcohol ad displays sold are to be reported to Pace on a monthly basis by the advertising sales agent.
 - m. All large-format displays (Fullbacks, Ultra Super Kings, Wrapped Buses) containing alcohol advertising are to be removed at the conclusion of the client's media contract.
6. If an advertisement contains a testimonial then, upon request, the sponsor shall provide to Pace documentation that the person making the testimonial has authorized its use in the advertisement. The sponsor must indemnify Pace against any legal action by any person quoted or referred to in any testimonial advertisement placed in the Pace system. Such indemnity shall be in a form and substance acceptable to Pace.
 7. Advertisers shall avoid illustrations or references which encourage persons to refrain from using safety precautions normally used in any activity.
 8. Commercial advertising offering premiums or gifts must not misstate their value.
 9. Use of Pace graphics, explicit Pace representations or indirect references to Pace or its employees in advertising is subject to approval by Pace.
 10. No implied or declared endorsement of any product or service by Pace is permitted.
 11. Advertisement advocating or proposing transactions which would constitute unlawful discrimination, or which would be illegal for any other reason, are not permitted. Advertisements which are directed to inciting or producing imminent lawless or discriminatory action and which are likely to incite or produce such action are not permitted. Advertisements containing profanity, defamatory or inflammatory statements directed at any individual or group, including but not limited to statements based on a person's or people's race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital or parental status, military discharge status or source of income, are not permitted.
 12. All advertisements of a political nature are to contain the statement: "Paid political advertisement. No Pace endorsement implied" in bold type of at least 84 points (1 inch) for exterior bus ads, 18 points (0.25 inches) for interior bus ads, and 9 points (0.125 inches) for web site ads.
 13. Prior to installation, the camera-ready artwork and copy must be submitted by an advertiser to the Advertising Offeror for approval, based on these Guidelines. Any advertising which may violate the guidelines will be submitted to Pace by the Offeror for review and approval by Pace in accordance with these guidelines.
 14. Pace reserves the right to reject or remove any advertising which it deems to not be in full compliance with these guidelines. Pace's Executive Director or his/her designee shall make the final determination as to whether such advertising meets these Guidelines.

Amended and adopted December 12, 2012

**PACE SUBURBAN BUS
PASSENGER SHELTER AGREEMENT**

THIS AGREEMENT made _____, 2013, between the SUBURBAN BUS DIVISION of the REGIONAL TRANSPORTATION AUTHORITY, an Illinois municipal corporation (hereinafter called "Pace") and the Village of Carol Stream, a municipal corporation created under the laws of the State of Illinois (hereinafter called "Municipality").

W I T N E S S E T H :

WHEREAS, Pace has purchased certain passenger shelters for installation along bus routes within the Municipality; and

WHEREAS, Pace and the Municipality have ascertained it to be in the best public interest to install bus stop shelters on public right-of-way within the Municipality;

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, it is agreed as follows:

- 1) Pace, at its expense, has procured bus stop shelters (hereinafter "shelters"), which in its exclusive discretion are considered acceptable, retaining exclusive capacity to accept same for installation and use within the Municipality. Pace shall retain title to the shelters at all times and the Municipality agrees to do nothing to affect such title in any way.
- 2) Pace shall determine the locations wherein the shelters shall be placed within the Municipality with regard to optimum passenger usage and bus route access. Municipality shall approve such locations.
- 3) Pace shall develop all specifications relating to the erection of the shelters and shall provide all graphic and identification media for application thereto. Graphics shall be affixed to the shelters according to attached drawings and specifications. There shall be no commercial advertising placed on the shelters at any time. No marks shall be affixed to the shelters other than that which is done at the specific direction of Pace.
- 4) Municipality shall, at its expense, pour concrete shelter pads and install the shelters in accordance with guidance and approval from Pace and, when applicable, County or State authorities.
- 5) The Municipality shall create or cause to be created, a simple license or permanent easement in favor of Pace allowing use of the affected parcel for the shelter itself and for access thereto for purposes of installation, maintenance, removal, and inspection. All costs, fees and disbursements incidental to the creation of such easement shall be borne by the Municipality.
- 6) Pace shall maintain the shelters in a clean and satisfactory manner at its own expense. Pace shall provide the necessary replacements for damaged parts at Pace's expense.

7) The Municipality and Pace agree to indemnify and hold harmless each other's municipal entity, its directors, officers, employees and agents from and against any and all liabilities, losses, damages, costs, payments and expenses of every kind (including attorney's fees and disbursements) as a result of claims, demands, actions, suits, proceedings, judgments or settlements arising out of or in any way relating to its own negligence. The Municipality and Pace agree to notify the other entity in writing within fourteen (14) days of any claim, of which it becomes aware, which may fall within this indemnity provision. The Municipality and Pace agree to defend each other and its directors, officers, employees and agents against any claims, suits, actions or proceedings filed against any of them with respect to the subject matter of this indemnity provision whether such claims, suits, actions or proceedings are rightfully or wrongfully made or filed. The provisions of this indemnity paragraph shall survive termination of this Agreement.

8) In connection with the execution and performance of this agreement, the Municipality certifies that it shall not discriminate against any employee, applicant for employment, or contractor because of race, religion, color, sex, or national origin; and that it shall comply with all respects with federal and state law concerning Equal Employment Opportunity and Fair Employment Practices.

9) This agreement shall remain in force for a minimum term of ten (10) years from the date of enactment. This agreement shall be automatically renewed for an additional five-year term unless written notice to terminate is given by either party within thirty (30) days of the end of the initial term. After the initial 10-year period and any subsequent renewals, this Agreement shall terminate on sixty (60) days written notice from either party. Pace reserves the right to remove the shelters at any time. All obligations, with the exception of those identified in paragraph seven (7) shall terminate upon actual removal of the shelters from the Municipality.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the date above written.

PACE, the SUBURBAN BUS DIVISION of
the REGIONAL TRANSPORTATION
AUTHORITY

By: _____
T.J. Ross, Executive Director

Date: _____

ATTEST:

By: _____

MUNICIPALITY

By: _____

Title: _____

Date: _____

ATTEST:

By: _____