

**DuPAGE AIRPORT AUTHORITY
BOARD OF COMMISSIONERS**

**REGULAR MEETING
WEDNESDAY, SEPTEMBER 26, 2012; 3:00 p.m.**

AMENDED TENTATIVE AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** **TAB #1** **Page#1**
 - May 16, 2012 Regular Board Meeting
 - June 13, 2012 Regular Board Meeting
 - May 16, 2012 Internal Policy and Compliance Committee Meeting
 - June 13, 2012 Finance, Budget and Audit Committee Meeting
- 4. PUBLIC COMMENT**
- 5. DIRECTOR'S REPORT**
- 6. REVIEW OF JULY 2012 FINANCIAL STATEMENTS** **TAB #2** **Page #22**
- 7. REPORT OF OFFICERS/COMMITTEES**
 - a. Internal Policy and Compliance Committee
 - b. Finance, Budget & Audit Committee
 - c. Golf Committee
 - d. Capital Development, Leasing & Customer Fees Committee
 - e. DuPage Business Center
- 8. OLD BUSINESS**

NONE
- 9. NEW BUSINESS**
 - a. Discussion of the DuPage County Ethics Ordinance and the Intergovernmental Agreement. **TAB #3** **Page #33**
 - b. Proposed Resolution 2012-1684; Authorizing the Execution of an Intergovernmental Agreement with the County of DuPage Relating to Lobbyist Services. **TAB #4** **Page #76**
 - c. Proposed Resolution 2012-1675; Award of Procurement of Banking Services for the DuPage Airport Authority to MB Financial. **TAB #5** **Page #85**
 - d. Proposed Resolution 2012-1688; Award of Procurement of Financial Investment Services for the DuPage Airport Authority to PNC Capital Advisors. **TAB #6** **Page #88**

- e. **Proposed Resolution 2012-1685: Authorizing the Payment of Excess Shortfall Amount to CenterPoint Properties Trust.**

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 - f. **Proposed Resolution 2012-1676; Award of Bid to Dalmatian Fire Equipment Ltd. for the Procurement of On Call Fire Alarm Repair Services.**

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 - g. **Proposed Resolution 2012-1678; Award of Bid to Gary Spielman Plumbing, Inc. for the Procurement of On Call Plumbing Services.**

TAB #9 Page #97
 - h. **Proposed Resolution 2012-1679; Award of Bid to FDG Electrical Services, Inc. for the Procurement of On Call Electrical Services.**

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 - i. **Proposed Resolution 2012-1680; Award of Bid to Discipio Enterprises, Inc. for Snow Removal Services.**

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 - j. **Proposed Resolution 2012-1681: Award of Bid to Arlington Power Equipment for the Procurement of two (2) Zero Turn Diesel Power Mowers.**

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 - k. **Proposed Resolution 2012-1682; Award of Contract to NA-CHURS Plant Food Company d/b/a Nachurs Alpine Solutions Industrial for the Procurement of Runway Deicing Fluid.**

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 - l. **Proposed Resolution 2012-1683; Award of Bid to LNT Solutions Inc. for Procurement of Sodium Formate Deicing Materials.**

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- 10. RECESS TO EXECUTIVE SESSION FOR THE DISCUSSION OF PENDING, PROBABLE OR IMMINENT LITIGATION; EMPLOYEE MATTERS; THE PURCHASE OR LEASE OF REAL PROPERTY FOR THE USE OF THE DUPAGE AIRPORT AUTHORITY; THE SETTING OF A PRICE FOR SALE OR LEASE OF PROPERTY OWNED BY THE DUPAGE AIRPORT AUTHORITY; AND THE DISCUSSION AND SEMI ANNUAL REVIEW OF LAWFULLY CLOSED EXECUTIVE SESSION MINUTES.**
- 11. RECONVENE REGULAR SESSION**
- 12. OTHER BUSINESS**
- a. **Proposed Resolution 2012-1687; Disclosure of Executive Session Minutes.**

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- 13. ADJOURNMENT**

**DuPAGE AIRPORT AUTHORITY
REGULAR BOARD MEETING**

**Wednesday, May 16, 2012
DuPage Flight Center, 2700 International Drive, West Chicago
1st Floor Conference Room**

The Regular Meeting of the Board of Commissioners of the DuPage Airport Authority was convened at the DuPage Flight Center, 2700 International Drive, West Chicago, Illinois, 1st Floor Conference Room; Wednesday, May 16, 2012. Chairman Goodwin called the meeting to order at 3:10 p.m. and a quorum was present for the meeting.

Commissioners Present: Davis, Donnelly, Gillett, Goodwin, Gorski, LaMantia, Sabathne', Thompson.

Commissioners Absent: Huizenga

DuPage Airport Authority Staff Present: David Bird, Executive Director; Mark Doles, Director of Aviation Facilities and Properties; Patrick Hoard, Director of Finance; John Schlaman, General Manager of Prairie Landing Golf Club; Anna Marano, Procurement Analyst; Pam Miller, Executive Assistant and Board Liaison.

Others in Attendance: Phil Luetkehans, Schirott & Luetkehans; Edward Harrington, CenterPoint Properties Trust; Michael Vonic, CH2M Hill; Dan Pape, Crawford, Murphy and Tilly; Andrew Radtford, Gruen Gruen + Associates; Debra Jeans, Gruen Gruen + Associates; Chad Shaffer, DuPage County.

Members of the Press: None

APPROVAL OF MINUTES

Chairman Goodwin asked for additions or corrections to the minutes of the March 21, 2012 Finance, Budget and Audit Committee and there were none. Commissioner Davis made a **MOTION** to approve the minutes of the March 21, 2012 Finance, Budget and Audit Committee Meeting and Commissioner Donnelly **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

PUBLIC COMMENT

None

DIRECTOR'S REPORT

Executive Director Bird announced the FAA has signed the Land Release and the Airport Authority can move forward with the sale of land to IDOT for the Rt. 38 and Rt. 64 road improvements and to CenterPoint Properties for the Pella and N-26 parcels at the Business Park. He continued that construction for the Runway 2R 20L Extension will begin on Friday, May 18; all permits are in place, FAA approvals have been updated and mobilization has taken place. This project is anticipated to be approximately 4 months in duration and will create 33 full time jobs.

Executive Director Bird reviewed the operating statistics:

March Monthly Statistics: The overall number of gallons of fuel sold decreased 2.3%; Total Operations overall have shown a decrease of 9.7% and this decrease is reflected at all airports monitored with the exception of Centennial Airport.

April Monthly Statistics: Total fuel sales were down 19% overall; Jet A sales are down 20% comparing against April 2011 which was the largest month for fuel sales in 2011. For the month of May, fuel sales to this point are up over May 2011 due to 800,000 gallons of fuel purchased by the President's Security Detail, HMX 1.

Discussion followed regarding the Crowe Horwath Report recently completed by consultants hired by DuPage County Board Chairman Cronin. Chairman Goodwin stated there would be an opportunity to address these issues during his presentation to the DuPage County Board at their regular meeting held on May 22 at 7:00 p.m. Discussion continued.

Executive Director Bird then provided an update for the ongoing projects at the Airport:

Phase I Flight Center Renovations are approximately one month from completion. Phase II of the project will be presented for Board consideration later in the meeting; this phase is mostly cosmetic and will finish the remaining public areas on the first floor of the Flight Center Building.

Runway 10-28 Overlay Project: The final steps to allow for this project to begin appear on the Board agenda for consideration at this meeting.

The final phase of the *North East Quadrant Drainage Project* is finally underway. Dan Pape of Crawford, Murphy and Tilly along with Byron Miller reviewed this project.

Staff Reports:

Mark Doles, Director of Aviation Facilities and Properties, advised that Operations for April were decreased but financially April was a good month for fuel sales. He continued that May is a stronger month so far and DuPage Airport, as a designated reliever airport, should see increased activity during the NATO Summit in Chicagoland. He stated that on the Board Agenda for consideration at this meeting will be Phase II of the Flight Center Upgrade and also a request for ratification of the Executive Director's action to execute a lease for a new government agency located at the Airport.

John Schlaman, General Manager of Prairie Landing Golf Club, reported that the golf industry has been experiencing a decline since 2006 and at this time demand is remaining constant and supply is declining. He continued that golf courses are very price competitive with expenses having gone up due to the increased minimum wage rate and the increasing price of supplies and fuel. Mr. Schlaman added that 2012 began the first four months of the year significantly better than last year due to good weather conditions. He added that membership sales have increased with many new memberships coming to Prairie Landing from other courses; banquet sales are also up significantly from 2011. Mr. Schlaman then reviewed the ongoing construction projects at Prairie Landing Golf Club.

REVIEW OF APRIL 2012 FINANCIAL STATEMENTS

Executive Director Bird asked Patrick Hoard to review the April Financial Statements and discussion followed.

REPORT OF COMMITTEES

Internal Policy and Compliance Committee:

Commissioner Gillett reported that the Internal Policy Committee met earlier in the day with all members present. She advised the committee originally met on February 27 to review changes to three Ordinances and the Committee discussed and recommended to the full Board these changes to the Procurement Code Ordinance, two sections added to the Ethics Ordinance and minor revisions that add clarity to the policies of the Ordinance governing the Employee Handbook. Commissioner Gillett advised that in the interest of time and efficiency, all commissioners have before them three ordinances that are tabbed and in a redline version to note the recommended changes that the Committee has vetted in the past two committee meetings. She advised the first Ordinance to be discussed is the Procurement Policies and Procedures Manual with some minor revisions and additions to sections of the manual that need clarification. She continued that the second Ordinance amends the Ethics Ordinance with two new sections added that were recommended by Crowe Horwath to include in the Ordinance that will bring the Airport Authority's policy in compliance with the DuPage County Ethics Ordinance. Commissioner Gillett stated that in the interest of cooperation, the Internal Policy and Compliance Committee recommended these two sections related to employee conflict of interest be included in the DAA Ethics Ordinance. Commissioner Gillett stated that the third Ordinance is updating and revising the DAA Employee Handbook; the items addressed will clarify when the official work week begins and ends, include the Ethics Ordinance amendments and will update changes in the law regarding military service.

Finance, Budget and Audit Committee:

Commissioner Huizenga was absent from the Board Meeting. Commissioner Davis reported that the Finance Committee met earlier in the day and he served as Acting Chair in Commissioner Huizenga's absence. He reported that the April Financial Statements were discussed and the Committee considered Agenda items 9 b., c. and d. relating to various bid awards and the DuPage Airport Authority Investment Policy; all were favorably recommended for Board approval.

Golf Committee:

Commissioner Donnelly advised that the Golf Committee did not meet this month. He advised that he had met with John Schlaman at Prairie Landing and all appeared to be running very well. Chairman Goodwin advised the Golf Committee's responsibility is to observe the conditions on the golf course and to meet with Mr. Schlaman to review these conditions periodically.

Capital Development, Leasing and Customer Fees:

Commissioner Gorski reported that the Capital Development, Leasing and Customer Fees Committee met earlier with all committee members present. He advised the Committee recommended Board approval for Agenda Items 9.e. through 9.i., relating to various Airport construction projects and a lease agreement for a new tenant on the airfield.

DuPage Business Center:

Executive Director Bird advised that with the FAA's approval of the land release the Airport Authority can start moving forward with the sale of land to CenterPoint Properties and to Illinois Department of Transportation (IDOT). Attorney Luetkehans advised he is waiting to receive comments from IDOT on the documents provided for review and he anticipates having those documents for Board consideration at the June Meeting.

Executive Director Bird asked Ed Harrington to comment on CenterPoint's marketing effort for the DuPage Business Center. Mr. Harrington stated that the FAA's approval of the land release was very good news and expressed appreciation to the Board for holding a Special Meeting in April to approve the Amended Development Agreement for CenterPoint. He continued that some

interest has been expressed by companies wishing to purchase land in the business center. Discussion followed.

Chairman Goodwin moved to Agenda Item 9.a. for the presentation by Gruen Gruen + Associates regarding the updated Economic and Financial Impact Study.

Presentation by Gruen Gruen + Associates Relating to Results of the Economic and Financial Impact Study.

Executive Director Bird introduced Debra Jeans and Andy Radtford with Gruen Gruen + Associates and they provided a report on their latest findings relating to the Airport's economic and financial impact to surrounding communities. Discussion followed.

OLD BUSINESS

Proposed Ordinance 2012-252; An Ordinance Enacting a Revised Procurement Code and Procurement Policies and Procedures Manual of the DuPage Airport Authority and Repealing Ordinance 2012-233.

Executive Director Bird advised that within the scope of the review of various policies and procedures by Crowe Horwath, staff and the Internal Policy and Compliance Committee have recommended minor amendments to the procurement policies in order to align with DuPage County's policies. He asked Attorney Luetkehans to provide an overview of these amendments. Discussion followed.

A **MOTION** was made by Commissioner Thompson to approve Proposed Ordinance 2012-252; An Ordinance Enacting a Revised Procurement Code and Procurement Policies and Procedures Manual of the DuPage Airport Authority and repealing Ordinance 2012-233. The **motion was seconded** by Commissioner Gorski and was passed unanimously by roll call vote (8-0).

Proposed Ordinance 2012-253; An Ordinance Amending the Ethics Ordinance and Repealing Ordinance 2005-194.

Attorney Luetkehans reviewed the minor modifications to the Ethics Ordinance and discussion continued. Staff and the Internal Policy and Compliance Committee recommended Board approval.

A **MOTION** was made by Commissioner Gillett to approve Proposed Ordinance 2012-253; An Ordinance Amending the Ethics Ordinance and Repealing Ordinance 2005-194. The **motion was seconded** by Commissioner Gorski and was passed unanimously by roll call vote (8-0).

Proposed Ordinance 2012-254; Enacting a Revised Employee Handbook and Repealing Ordinance 2004-188.

Executive Director Bird reported that when Crowe Horwath reviewed the Employee Handbook they had no recommended changes. He advised that staff made some minor modifications for clarity and as clean up and he reviewed these recommended changes. Staff and the Internal Policy and Compliance Committee recommended approval.

A **MOTION** was made by Commissioner Gorski to approve Proposed Ordinance 2012-254; Enacting a Revised Employee Handbook and Repealing Ordinance 2004-188. The **motion was seconded** by Commissioner Gillett and was passed unanimously by roll call vote (8-0).

Proposed Ordinance 2012-255; An Ordinance Approving an Investment Policy for the DuPage Airport Authority.

Executive Director Bird advised that soon after Patrick Hoard came on board with the Airport Authority, he began to research various government accounting practices and determined that the Airport Authority should adopt an investment policy. He continued that Mr. Hoard had drafted this proposed policy and he explained the policy reflects criteria that government entities can utilize for investing and managing their investments. Staff and the Finance, Budget and Audit Committee recommended Board approval. Discussion followed.

A **MOTION** was made by Commissioner Davis to approve Proposed Ordinance 2012-255; An Ordinance approving an Investment Policy for the DuPage Airport Authority. The **motion was seconded** by Commissioner Donnelly and was passed unanimously by roll call vote (8-0).

Chairman recessed the meeting at 5:08 p.m. for a short break and the meeting reconvened at 5:22 p.m.

NEW BUSINESS

Proposed Resolution 2012-1657; Award of Bid to Builders Land, Inc. for the DuPage Airport Government Center Interior Renovation Project.

Executive Director Bird stated the building located on North Avenue is currently occupied by FAA Flight Services Center (FSDO) and the National Transportation and Safety Board (NTSB). Mark Doles advised that a new five-year lease with FSDO and a new three-year lease with NTSB have recently been executed for this space. He continued that there are a number of improvements that these tenants have requested; none of these improvements are structural, only cosmetic. Mr. Bird advised that the low bid received was determined to be nonresponsive due to the company's lack of experience with commercial property construction. He added that the second lowest bid from Builders Land Inc., at \$251,828, met all of the required specifications. Staff and the Finance, Budget and Audit Committee recommended Board approval. Discussion occurred.

A **MOTION** was made by Commissioner Davis to approve Proposed Resolution 2012-1657; Award of Bid to Builders Land, Inc. for the DuPage Airport Government Center Interior Renovation Project. The **motion was seconded** by Commissioner LaMantia and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1658; Award of Contract to E.C. Design Group, LLC. for the Procurement of a GPS Mapping Service.

Executive Director Bird asked John Schlaman to review this contract award. Mr. Schlaman explained the GPS Mapping Service is a requirement for the next planning stage of the bunker renovation project. Mr. Schlaman advised that three bids were received and upon evaluation the lowest bidder did not provide all of the required data relevant to the golf course irrigation system. The second lowest bidder was E. C. Design Group, LLC. Discussion continued and staff and the Finance Committee recommended approval by the Board.

A **MOTION** was made by Commissioner Donnelly to approve Proposed Resolution 2012-1658; Award of Contract to E.C. Design Group, LLC. for the Procurement of a GPS Mapping Service. The **motion was seconded** by Commissioner Thompson and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1656; Disposal/Destruction of Surplus Personal Property.

Executive Director Bird advised that the Airport Authority has accumulated surplus personal property that is no longer needed or has been replaced. He referred to Exhibit A indicating the items to be sold on *eBay* and also Exhibit B showing the items that are damaged or broken. He added that if these items do not sell on *eBay* they will be disposed of at a recycler or trash. Staff and the Finance Committee recommended Board approval.

A **MOTION** was made by Commissioner Davis to approve Proposed Resolution 2012-1656; Disposal/Destruction of Surplus Personal Property. The **motion was seconded** by Commissioner Gillett and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1659; Authorizing the Execution of a Participation Agreement with the State of Illinois for the Project Described as Runway 10/28 Overlay; DPA-4122.

Executive Director Bird explained the FAA requires the Airport Authority to enter into a Participation Agreement with the State of Illinois Division of Aeronautics (DOA) as our designated agent for all grant funded projects. He continued that the project to overlay Runway 10/28 is grant funded and is a \$1.7 million project; discussion occurred regarding the scope of this project. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Gorski to approve Proposed Resolution 2012-1659; Authorizing the Execution of a Participation Agreement with the State of Illinois for the Project Described as Runway 10/28 Overlay; DPA-4122. The **motion was seconded** by Commissioner LaMantia and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1665; Authorizing the Execution of an Engineering Agreement for Construction Phase Services for the Project to Overlay Runway 10/28; DPA-4122.

Executive Director Bird continued to discuss the Runway 10/28 Overlay Project. He stated that the State of Illinois Division of Aeronautics provided an independent fee analysis of the proposal submitted by CH2MHill for this Engineering Services Agreement and determined it to be a fair engineering fee. Staff and the Capital Development Committee recommended approval. Discussion continued briefly and Attorney Luetkehans pointed out an error in the figure shown on the Proposed Resolution regarding the Airport Authority's share of 5%; this figure will be corrected prior to the Board's execution of the Resolution.

A **MOTION** was made by Commissioner Gorski to approve Proposed Resolution 2012-1665; Authorizing the Execution of an Engineering Agreement for Construction Phase Services for the Project to Overlay Runway 10/28; DPA-4122 subject to the modification to Paragraph 4 of the Resolution altering the figure contained wherein as \$20,020 to \$5,005. The **motion was seconded** by Commissioner LaMantia and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1661; Authorizing the Execution of an Agreement with Ghafari Associates LLC. for Design Services for Flight Center Renovations Phase II.

Executive Director Bird asked Mark Doles to address this proposed resolution. Mr. Doles advised Phase I of Flight Center Renovations is currently underway and this will address the next phase of design and the preparation of construction documents for Phase II renovations. He continued that Phase II will include renovations in the remaining public areas on the First Floor of the Flight Center Building; Board Conference Room, VIP Lounge, Pilots Lounge, restrooms and the Kitty Hawk Cafe'. Mr. Doles added that completion of the project is anticipated for the end of the

year. Discussion continued; staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner LaMantia to approve Proposed Resolution 2012-1661; Authorizing the Execution of an Agreement with Ghafari Associates LLC. for Design Services for Flight Center Renovations Phase II. The **motion was seconded** by Commissioner Davis and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1662; Ratifying the Execution by the Executive Director of GSA Lease No. GS-058-18903 with the Government of the United States of America.

Mark Doles advised that staff has been working with this government agency for over a year to locate their operations on the airfield. He continued that due to timing issues it was necessary for the Executive Director to execute this lease prior to Board approval in order to facilitate their move to the Airport. Staff is seeking the Board's ratification of the Executive Director's action to execute this lease. Discussion continued on the specific terms of the lease agreement. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Thompson to approve Proposed Resolution 2012-1662; Ratifying the Execution of the Executive Director of GSA Lease No. GS-058-18903 with the Government of the United States of America. The **motion was seconded** by Commissioner Davis and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1663; Authorizing the Execution of a License Agreement with the US Geological Survey (USGS) Illinois Water Science Center for the Installation and Maintenance of Gaging Station.

Executive Director Bird advised that staff learned that a rain gauge was affixed to one of the hangars included in the recent residing project and the gauge was removed. He continued that staff, with some research, determined the rain gauge belonged to the USGS and is utilized to monitor and measure rain fall in the Kress Creek Watershed. Attorney Luetkehans advised the USGS did not have a written agreement with the Airport Authority in place initially and since there are no concerns that the rain gauge located on Airport property would impact the Airport, this License Agreement will authorize the USGS's continued use of this rain gauge. Executive Director Bird advised that the gauge would be moved to a more acceptable location on the airfield. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Sabathne' to approve Proposed Resolution 2012-1663; Authorizing the Execution of a License Agreement with the US Geological Survey (USGS) Illinois Water Science Center for the Installation and Maintenance of Gaging Station. The **motion was seconded** by Commissioner Donnelly and was passed by roll call vote (8-0).

Proposed Resolution 2012-1664; Authorizing the Execution of an Amendment to the Contract with Serafin and Associates Inc. for Marketing and Communications Services.

Executive Director Bird stated that it is necessary to extend the current agreement for Serafin and Associates through December 31, 2012. He advised that Serafin provides a valuable service to the Airport for business development and is essential for our marketing efforts. Discussion followed. Staff recommended Board approval.

A **MOTION** was made by Commissioner Gorski to approve Proposed Resolution 2012-1664; Authorizing the Execution of an Amendment to the Contract with Serafin and Associates Inc. for

Marketing and Communications Services. The **motion was seconded** by Commissioner LaMantia and was passed unanimously by roll call vote (8-0).

RECESS TO EXECUTIVE SESSION

A **MOTION** was made by Commissioner LaMantia to recess to Executive Session for the setting of a price for sale or lease of property owned by the DuPage Airport Authority. The **motion was seconded** by Commissioner Donnelly and was passed unanimously by roll call vote (8-0). The Regular Meeting was recessed to Executive Session at 5:50 p.m. and was reconvened at 6:10 p.m. Upon roll call, a quorum was present for the remainder of the Regular Meeting.

OTHER BUSINESS

None

A **MOTION** was made by Commissioner Thompson to adjourn the Regular Meeting of the DuPage Airport Authority Board of Commissioners. The **motion was seconded** by Commissioner Davis and was passed unanimously by voice vote; the meeting was adjourned at 6:20 p.m.

Daniel L. Goodwin, Chairman

(ATTEST)

Dayle M. Gillette, Secretary

**DuPAGE AIRPORT AUTHORITY
REGULAR BOARD MEETING**

**Wednesday, June 13, 2012
DuPage Flight Center, 2700 International Drive, West Chicago
1st Floor Conference Room**

The Regular Meeting of the Board of Commissioners of the DuPage Airport Authority was convened at the DuPage Flight Center, 2700 International Drive, West Chicago, Illinois, 1st Floor Conference Room; Wednesday, June 13, 2012. Chairman Goodwin called the meeting to order at 3:10 p.m. and a quorum was present for the meeting.

Commissioners Present: Davis, Donnelly, Gillett, Goodwin, Gorski, Huizenga, LaMantia, Sabathne'.

Commissioners Absent: Thompson

DuPage Airport Authority Staff Present: David Bird, Executive Director; Mark Doles, Director of Aviation Facilities and Properties; Byron Miller, Director of Operations; John Schlaman, General Manager of Prairie Landing Golf Club; Anna Marano, Procurement Analyst; Anna Normoyle, Marketing Coordinator; Pam Miller, Executive Assistant and Board Liaison.

Others in Attendance: Bruce Garner, Schirott & Luetkehans; Michael Vonic, CH2M Hill; Ben Schereers, Wolf and Company, LLP; John DeLand, Wolf and Company, LLP; Ben Goebel, Atkins.

Members of the Press: None

APPROVAL OF MINUTES

Chairman Goodwin asked for additions or corrections to the minutes of the March 21, 2012 Regular Board Meeting and there were none. Commissioner Gillett made a **MOTION** to approve the minutes of the March 21, 2012 Regular Board Meeting and Commissioner Donnelly **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the April 10, 2012 Special Board Meeting and there were none. Commissioner Davis made a **MOTION** to approve the minutes of the April 10, 2012 Special Board Meeting and Commissioner LaMantia **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the January 25, 2012 Capital Development, Leasing and Customer Fees Committee Meeting and there were none. Commissioner Sabathne' made a **MOTION** to approve the minutes of the January 25, 2012 Capital Development, Leasing and Customer Fees Committee and Commissioner LaMantia **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the March 21, 2012 Capital Development, Leasing and Customer Fees Committee Meeting and there were none. Commissioner Gorski made a **MOTION** to approve the minutes of the March 21, 2012 Capital Development, Leasing and Customer Fees Committee Meeting and Commissioner LaMantia **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the March 27, 2012 Special Capital Development, Leasing and Customer Fees Committee Meeting and there were none. Commissioner Gillett made a **MOTION** to approve the minutes of the March 27, 2012 Special Capital Development, Leasing and Customer Fees Committee Meeting and Commissioner Donnelly **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the May 16, 2012 Capital Development, Leasing and Customer Fees Committee Meeting and there were none. Commissioner Davis made a **MOTION** to approve the minutes of the May 16, 2012 Capital Development, Leasing and Customer Fees Committee Meeting and Commissioner LaMantia **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

Chairman Goodwin asked for additions or corrections to the minutes of the May 16, 2012 Finance, Budget and Audit Committee Meeting and there were none. Commissioner Donnelly made a **MOTION** to approve the minutes of the May 16, 2012 Finance, Budget and Audit Committee Meeting and Commissioner Davis **seconded this motion**. The motion was passed unanimously by roll call vote (8-0).

PUBLIC COMMENT

None

DIRECTOR'S REPORT

Executive Director Bird reviewed the *monthly operating statistics*:

During April the overall total fuel sales were down 19%. Local operations were up significantly as a result of increased flight training. May was an extremely good month for the Airport as fuel sales were increased in excess of 18%. An all time record for fuel sales was set during the NATO Summit held recently in Chicago; 28,000 gallons of fuel sold in one day. Line Service and Flight Center staff did an outstanding job handling that level of traffic. The President's Security Detail HMX 1 returned to the Airport on Tuesday, June 12, purchasing 3300 gallons of fuel with an additional 1300 gallons of fuel sold for their helicopters. The business side of the aviation industry is volatile month to month but the trend is up. Modest growth is expected for the rest of the year.

The Amended Development and Lease Agreement with CenterPoint Properties Trust has been executed and the Airport Authority can now move forward with the sale of land to CenterPoint for the Pella and N-26 Building land parcels; this is an agenda item for Board consideration.

Staff has met with the Ryder Cup PGA Team and DuPage Airport will be the preferred airport destination for this event. The PGA Team was very impressed with the Airport and because of the close proximity to the event being held at Medinah Country Club, the Airport will get the majority of the traffic.

The updated policies passed by the Board at the May Board Meeting have been submitted to DuPage County Board Chairman Cronin's Office. These updated policies have also been placed on the Airport Authority website.

Project Status:

Flight Center renovations continue to move forward and will be at the punch list stage within the next 30 days.

Much press attention has been received during the last 2-3 weeks as a result of public interest in the Airport Authority's updated economic impact study recently completed by Gruen Gruen +

Associates. Chairman Goodwin discussed an article appearing in the *Daily Herald* relating to the economic impact study and discussion followed.

Executive Director Bird continued that the Runway 2R 20L extension began approximately 2½ weeks ago and the project is on schedule for completion by the end of September. Michael Vonic reviewed this project briefly. Executive Director Bird also advised that the FAA Regional Administrator would be visiting the Airport on Friday, June 15, for a tour and to review the runway project.

Staff Reports:

Mark Doles, Director of Aviation Facilities and Properties, commented on the increased fuel sales for May advising it is the highest month for fuel sales since April 2008. Discussion followed. Mr. Doles continued there were no lease related agenda items however the Board would be considering the land transactions for IDOT and CenterPoint.

John Schlaman, General Manager of Prairie Landing Golf Club, reported that through the end of May, golf revenues are up \$109,000; a 25% increase. He continued that the total revenues for Food and Beverages are up \$65,000 over last year; a 4% increase. Mr. Schlaman reported that total revenues through the end of May were increased by 340%; \$174,000 and expenditures increased 6% or \$54,000. He related the overall increase from last year is 45%; \$120,000, and the net loss for 2012 versus 2011 is \$120,000 better. He continued that banquets revenues are very strong with several events scheduled.

REVIEW OF THE ANNUAL FINANCIAL AUDIT

Executive Director Bird asked John DeLand of Wolf and Company to review the 2011 Audit. Mr. DeLand stated that the Airport Authority had received a clean opinion; the audit went very well and staff was very cooperative and helpful with the process. He continued to summarize the Audit.

REVIEW OF MAY 2012 FINANCIAL STATEMENTS

Executive Director Bird reviewed the May Financial Statements and discussion followed.

REPORT OF COMMITTEES

Internal Policy and Compliance Committee:

Commissioner Gillett reported the Internal Policy and Compliance Committee had no reason to meet since the last Board Meeting. She reported that at the May 16 Board Meeting, the updated Procurement Policies and Procedures, Ethics Ordinance and Employee Handbook were presented to the Board and were recommended by the Committee for approval. These policies were unanimously passed by the Board.

Finance, Budget and Audit Committee:

Commissioner Huizenga reported that the Finance Committee met earlier in the day and covered the Ordinances and Resolutions presented; all were unanimously recommended for Board approval. He continued that the Financial Statements were also discussed as presented to the Board.

Golf Committee:

Commissioner Donnelly advised that the Golf Committee did not meet this month. He stated that prior to the Board Meeting, he met with John Schlaman. Commissioner Donnelly also agreed with Mr. Schlaman's staff report. He stated that Executive Director Bird had provided an

accurate report at the DuPage County Board Meeting in response to the Crowe Horwath report of Prairie Landing's financial condition.

Capital Development, Leasing and Customer Fees:

Commissioner Gorski reported that the Capital Development, Leasing and Customer Fees Committee met earlier with all committee members present. He advised the Committee recommended Board approval for Agenda items 10.d. through 10.f. relating to various Airport Projects and Agenda items 10.g. through 10.j. relating to the sale of land to the Illinois Department of Transportation (IDOT) and CenterPoint Properties.

DuPage Business Center:

Executive Director Bird advised that representatives from CenterPoint were not in attendance. He related that CenterPoint's renegotiated Development and Lease Agreement has been fully executed and a marketing meeting with CenterPoint and Jones Lang LaSalle is scheduled for next week. Executive Director Bird advised that the conveyance of the land parcels of Pella and the N-26 Building to CenterPoint is now in process and is on the Board Agenda for consideration.

OLD BUSINESS

None

NEW BUSINESS

Proposed Ordinance 2012-256; An Ordinance of the DuPage Airport Authority Levying Taxes for the Fiscal Year Beginning January 1, 2012 and Ending December 31, 2012.

Executive Director Bird advised that this Ordinance authorizes the annual filing with DuPage County for the Property Tax Levy. He continued that the Board permanently reduced the property tax levy from \$6.4 million to \$5 million earlier this year. Discussion followed. Staff and the Finance, Budget and Audit Committee recommended Board approval.

A **MOTION** was made by Commissioner Davis to approve Proposed Ordinance 2012-256; An Ordinance of the DuPage Airport Authority Levying Taxes for the Fiscal Year Beginning January 1, 2012 and Ending December 31, 2012. The **motion was seconded** by Commissioner Gorski and was passed unanimously by roll call vote (8-0).

Proposed Ordinance 2012-257; 2012-2013 Prevailing Rate of Wages.

Executive Director Bird advised this Ordinance is done annually to set the current prevailing rate of wages. He continued that this is a statutory requirement for passage by the Board. Discussion continued briefly and staff and the Finance Committee recommended Board approval.

A **MOTION** was made by Commissioner Gorski to approve Proposed Ordinance 2012-257; 2012-2013 Prevailing Rate of Wages. The **motion was seconded** by Commissioner Donnelly and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1666; Award of Contract to Geneva Construction Company for Pavement Rehabilitation.

Executive Director Bird advised the Finance Committee has reviewed this contract award to the low, responsive and responsible bidder, Geneva Construction Company. Discussion followed; Staff and the Finance Budget and Audit Committee recommended Board approval.

A **MOTION** was made by Commissioner Donnelly to approve Proposed Resolution 2012-1666; Award of Contract to Geneva Construction Company for Pavement Rehabilitation. The **motion was seconded** by Commissioner Gillett and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1669; Authorizing Task Order 8 with CH2MHill, Inc. – Construction Design Support and Observation.

Executive Director Bird stated that this Resolution will authorize a Task Order with CH2M Hill for construction observation of the pavement rehabilitation project at a cost not-to-exceed \$22,100. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner LaMantia to approve Proposed Resolution 2012-1666; Task Order 8 with CH2MHill, Inc. – Construction Design Support and Observation. The **motion was seconded** by Commissioner Davis and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1667; Award of Contract to KCW, Environmental Conditioning, Inc. for HVAC On Call Services.

Executive Director Bird stated that one of the changes in the recently passed Procurement Policies and Procedures will allow for a Master Agreement. He continued that the scope of the Master Agreement is for On Call HVAC services at a not-to-exceed amount of \$25,000; this will be a one (1) year agreement and will be rebid annually. Discussion occurred. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Davis to approve Proposed Resolution 2012-1667; Award of Contract to KCW, Environmental Conditioning, Inc. for HVAC On Call Services. The **motion was seconded** by Commissioner Donnelly and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1668; Authorizing the Execution of an Engineering Agreement for Architectural Services with FGM Architects for Design Development through Bidding Phase Services for Fire Station.

Executive Director Bird asked Byron Miller to address this proposed resolution. Mr. Miller advised that at a prior Board Meeting, FGM Architects presented the plans for the new Fire Station to be constructed in a more central location on the airfield. He advised this Engineering Agreement is for a fixed fee of \$75,000; an Independent Fee Analysis was obtained and the fee was determined to be reasonable. Discussion occurred. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Davis to approve Proposed Resolution 2012-1668; Authorizing the Execution of an Engineering Agreement for Architectural Services with FGM Architects for Design Development through Bidding Phase Services for Fire Station. The **motion was seconded** by Commissioner Sabathne' and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1670; Authorizing the Execution of Intergovernmental Agreement with the Illinois Department of Transportation (IDOT) for the Sale of Certain Real Property.

Attorney Bruce Garner stated that the FAA land release has been received and the Airport Authority, in accordance with the negotiations with IDOT, can move forward with the land sale. He explained that three (3) parcels would be considered at this meeting relating to the Route 38 improvements; the Route 64 documents will be considered as a separate agenda item at a future

Board meeting. He proceeded to review the terms of the Intergovernmental Agreement and discussion followed. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner LaMantia to approve Proposed Resolution 2012-1670; Authorizing the Execution of Intergovernmental Agreement with the Illinois Department of Transportation for the Sale of Certain Real Property. The **motion was seconded** by Commissioner Gorski and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1671; Authorizing the Execution of a Temporary Construction Easement Agreement with the Illinois Department of Transportation.

Attorney Garner continued that this Temporary Easement Agreement will allow IDOT access for the road improvements at the entrance to Prairie Landing Golf Club. Discussion followed. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner LaMantia to approve Proposed Resolution 2012-1671; Authorizing the Execution of a Temporary Construction Easement Agreement with the Illinois Department of Transportation. The **motion was seconded** by Commissioner Gorski and was passed unanimously by roll call vote (8-0).

Proposed Resolution 2012-1672; Authorizing the Execution of Purchase Agreement with CenterPoint Properties Trust for the Sale of Certain Real Property.

Attorney Garner proceeded to review the sale of property to CenterPoint for the Pella land parcel. Advising that the Amended Development and Lease Agreement with CenterPoint has been fully executed and, along with the FAA Land Release, will allow the Airport to move forward with this land sale. He continued that provisions for this land sale to CenterPoint are contained within the new Development and Lease Agreement for CenterPoint to purchase the N-26 Building parcel and the Pella land parcel. He discussed the terms of this purchase agreement for the N-26 Building land parcel and discussion followed. Staff and the Capital Development Committee recommended Board approval.

A **MOTION** was made by Commissioner Gorski to approve Proposed Resolution 2012-1672; Authorizing the Execution of Purchase Agreement with CenterPoint Properties Trust for the Sale of Certain Real Property. The **motion was seconded** by Commissioner LaMantia and was passed by roll call vote (8-0).

Proposed Resolution 2012-1673; Authorizing the Execution of Purchase Agreement with CenterPoint Properties Trust for the Sale of Certain Real Property.

Attorney Garner continued that this Resolution authorizes the Purchase Agreement for the sale of the Pella land parcel. Staff and the Capital Development Committee recommended Board approval. Discussion continued briefly.

A **MOTION** was made by Commissioner Davis to approve Proposed Resolution 2012-1673; Authorizing the Execution of Purchase Agreement with CenterPoint Properties Trust for the Sale of Certain Real Property. The **motion was seconded** by Commissioner Sabathne' and was passed unanimously by roll call vote (8-0).

RECESS TO EXECUTIVE SESSION

There was no Executive Session held.

OTHER BUSINESS

None

A MOTION was made by Commissioner LaMantia to adjourn the Regular Meeting of the DuPage Airport Authority Board of Commissioners. The motion was seconded by Commissioner Donnelly and was passed unanimously by voice vote; the meeting was adjourned at 5:00 p.m.

Daniel L. Goodwin, Chairman

(ATTEST)

Dayle M. Gillett
Secretary

**DuPAGE AIRPORT AUTHORITY
INTERNAL POLICY AND COMPLIANCE COMMITTEE
Wednesday, May 16, 2012**

The Internal Policy and Compliance Committee of the DuPage Airport Authority Board of Commissioners convened at the DuPage Airport Flight Center, 2700 International Drive, West Chicago, Illinois, First Floor Conference Room on Wednesday, May 16, 2012. Chairwoman Gillett called the meeting to order at 2:00 p.m. and a quorum was present for the meeting.

Commissioners Present: Gillett, Gorski, Thompson

Absent: None

DAA Staff Present: Executive Director David Bird; Patrick Hoard, Director of Finance; Mark Doles, Director of Aviation Facilities and Properties; John Schlaman, General Manager Prairie Landing Golf Club; Anna Marano, Procurement Analyst; Pam Miller, Executive Assistant and Board Liaison;

Others in Attendance: Phil Luetkehans, Attorney; Michael Vonic, CH2MHill; Dan Pape, Crawford, Murphy and Tilly.

Members of the Press: None

OLD BUSINESS

Chairwoman Gillett advised that because of the long agenda for the March Board meeting and the time constraints involved, the Internal Policy and Compliance Committee Meeting scheduled for March was cancelled; the Committee will review recommended revisions to the Procurement Policies and Procedures, the Ethics Ordinance and the Employee Handbook. Executive Director Bird commented that as a part of the Crowe Horwath report, each of these policies were compared to the policies of DuPage County and Crowe Horwath recommended alignment with DuPage County's policies. He continued that staff is in agreement with these recommendations. Executive Director Bird added that with regard to the Employee Handbook, the Crowe Horwath had no recommended changes. He continued that Staff has minor modifications for the Employee Handbook for update of changes in laws and needed clarification.

Proposed Ordinance 2012-252; An Ordinance Enacting a Revised Procurement Code and Procurement Policies and Procedures Manual of the DuPage Airport Authority and Repealing Ordinance 2010-233.

Executive Director Bird outlined the following recommended changes to the Procurement Policies and Procedure Manual, discussion followed and staff recommended approval.

Section 1.3:

Includes the provision for the Airport Authority to review the procurement Policies and Procedures no less than every five (5) years.

Section 2.5

Lowens the amount of a change order that can be approved within a department of the Airport Authority from 15% to 10%.

Section 2.8

Shortens the maximum length of multi-year contracts from 5 to 4 years.

Section 2.9

This will require any contractor with the Airport Authority to preserve their records for a minimum of three years after final payment and provide access to the Airport Authority of that contractor's records.

Section 3.84

Staff is recommending changes to the section discussing Master Agreements to clarify and update the policy based upon problem areas they have encountered in the past. This section is intended to be utilized for contractors who provide services and goods that the Authority uses on a regular basis but for smaller dollar amounts. This would include contractors such as electricians and plumbers who are regularly used for projects under \$2500. The contractors would go through an Invitation to Bid process that would result in a Master Agreement entered into with the Authority, after board approval. The contracts would max out at \$25,000 annually.

Section 3.85

This section is meant to provide the Airport Authority with a way to obtain relatively small goods at a price that is less than the normal retail price and for common type vendors such as Home Depot or Menards. The Airport Authority would obtain pricing for these commonly purchased items from at least three vendors. The staff would then make a recommendation to the full Board after evaluating the pricing options proposed by the vendors. This type of Master Agreement would be limited to items under \$1000, total purchases under \$2500 and shall not exceed \$25,000 annually.

Section 4.13

At the request of the County's consultants, Crowe Horwath, this will clarify that a violation of the Airport Authority's Ethics Ordinance by a vendor subjects that vendor to suspension or debarment. The maximum time period for a debarment has been shortened from three (3) years to two (2) years at the County's recommendation.

A **MOTION** was made by Commissioner Gorski to recommend Board approval for Proposed Ordinance 2012-252; An Ordinance Enacting a Revised Procurement Code and Procurement Policies and Procedures Manual of the DuPage Airport Authority and Repealing Ordinance 2012-233. The **motion was seconded** by Commissioner Thompson and was passed by roll call vote (3-0).

Proposed Ordinance 2012-253; An Ordinance Amending the Ethics Ordinance and Repealing Ordinance 2005-194.

Executive Director Bird advised that there were two paragraphs to be added to this ordinance after discussions with Crowe Horwath. The following recommendations were presented, discussion followed and staff recommended approval.

Section 14

This would prohibit discussion or acceptance of future employment with possible vendors by the Commissioners or employees who may have decision making powers relating to that vendor's contract. If an employment offer is made, the Commissioner or employee shall disclose the offer and withdraw from any future discussion or vote on the vendor's contract.

Section 15

The first part of this Section prohibits employees within their first year of employment with the Airport Authority from participating in a decision to award a contract to a former employer, unless the past relationship has been disclosed to the supervisor. The second part of the Section prohibits a Commissioner or employee from being employed by or having an ownership interest in any company where that relationship may interfere with his or her position or the full performance of duties.

A **MOTION** was made by Commissioner Thompson to recommend Board approval for Proposed Ordinance 2012-253; An Ordinance Amending the Ethics Ordinance and Repealing Ordinance 2005-194. The **motion was seconded** by Commissioner Gorski and was passed by roll call vote (3-0).

Proposed Ordinance 2012-254; Enacting a Revised Employee Handbook and Repealing Ordinance 2004-188.

Executive Director Bird advised that this document has been a good working document since 2001 and now it is time to clarify some sections of the handbook and provide conformity with new laws regarding military service. The following recommendations were presented, discussion followed and staff recommended approval.

Section 1 and 2: Code of Ethics

This section added to the Employee Handbook will cross reference to the Ethics Ordinance. The Code of Ethics is amended to make the language in the Ethics Ordinance consistent with this section.

Section 3-2: Work Schedules

This will include a definition of the work week; the work week runs concurrent with the pay period.

Section 4-2: Scheduling Vacations

This will clarify that an employee may not add on other paid time off to an 80-hour vacation.

Section 4-3: Holidays

Language is amended to clarify that holiday pay is applied only on the day designated as the observed holiday. This section was also amended to provide employees at Prairie Landing Golf Course with flexibility in taking Memorial Day, Independence Day, and Labor Day off because those are busy days and may preclude taking the observed holiday off.

Section 4-7: Military Leave of Absence

This will bring the Employee Handbook into compliance with the applicable laws.

A **MOTION** was made by Commissioner Gorski to recommend Board approval for Proposed Ordinance 2012-254; Enacting a Revised Employee Handbook and Repealing Ordinance 2004-188. The **motion was seconded** by Commissioner Thompson and was passed by roll call vote (3-0).

NEW BUSINESS

None

OTHER BUSINESS

None

A **MOTION** was made by Commissioner Thompson to adjourn the Internal Policy and Compliance Committee Meeting. The **motion was seconded** by Commissioner Gorski and was passed unanimously by voice vote. The meeting adjourned at 2:29 p.m.

Dayle M. Gillett, Chair
Internal Policy and Compliance Committee

**DuPAGE AIRPORT AUTHORITY
FINANCE, BUDGET AND AUDIT COMMITTEE
Wednesday, June 13, 2012**

A meeting of the Finance, Budget and Audit Committee of the DuPage Airport Authority Board of Commissioners was convened at the DuPage Flight Center, 2700 International Drive, West Chicago, Illinois, First Floor Conference Room, on Wednesday, June 13, 2012. Chairman Huizenga called the meeting to order at 1:05 p.m.

Commissioners Present: Davis, Donnelly, Huizenga.

Commissioners Absent: None

DuPage Airport Authority Staff Present: Executive Director David Bird; Mark Doles, Director of Aviation Facilities and Properties; Byron Miller, Director of Operations; John Schlaman, General Manager of Prairie Landing Golf Club; Anna Marano, Procurement Analyst; Pam Miller, Executive Assistant and Board Liaison.

Others: John DeLand, Wolf and Company; Ben Schereers, Wolf and Company.

OLD BUSINESS

None

NEW BUSINESS

Review of May 2012 Financial Statements

Executive Director Bird discussed the May Financial Statements. Patrick Hoard was absent from the meeting.

Revenues increased overall by 4%.

Airport Operations were increased 2.3%; Prairie Landing increased 16% and Fuel Operations revenues increased by 3%.

Expenditures decreased overall by 2%.

Airport Operations are down 4.6%; Flight Center expenditures are essentially flat and Prairie Landing is down .1%.

Net Profit is nearly \$300,000; significantly above budget for the year.

Non Operating Revenues are down which is driven by interest income; and Non Operating Expenses are up 1.5%.

Payments for Property Taxes will be received starting in August and September.

Cash Balance Beginning was \$26.9 million and *Cash Balance Ending* was \$23.9 million.

Discussion followed and Executive Director Bird advised that the Airport Authority will soon be completing a Request for Proposal (RFP) for Banking and Investment Services. He reviewed ongoing Airport capital projects and advised that increased expenditures for capital projects will be reflected in the coming months. Executive Director Bird reported that in terms of fuel sales, June 12 was a 17,000 gallon day with the President's Security Units HMX1 based at the Airport; however sales were above 50% for this day even without this large fuel purchase. Executive Director Bird reported that the trend is up but month to month sales are volatile; staff is taking a conservative posture and is forecasting modest growth.

REVIEW OF THE ANNUAL FINANCIAL AUDIT

Executive Director Bird asked John DeLand of Wolf and Company to provide a report on the 2011 Financial Audit. Mr. DeLand advised that the Internal Controls letter has not been issued yet but reported that the Audit process went very well. He proceeded to review the Audit Statement in detail and discussion followed. Mr. DeLand reported there were no significant discrepancies in the Audit findings, systems are working well and the information being provided to the Board is adequate.

Proposed Ordinance 2012-256; An Ordinance of the DuPage Airport Authority Levying Taxes for the Fiscal Year Beginning January 1, 2012 and Ending December 31, 2012.

Executive Director Bird stated that this is the annual ordinance done by the Airport Authority to levy taxes. The Airport Authority Board, at the March meeting, passed an Ordinance permanently reducing the annual levy by \$5,076,024. Discussion occurred. Staff recommended approval.

A **MOTION** was made by Commissioner Davis to recommend Board approval of Proposed Ordinance 2012-256; An Ordinance of the DuPage Airport Authority Levying Taxes for the Fiscal Year Beginning January 1, 2012 and Ending December 31, 2012. The motion was seconded by Commissioner Donnelly and was unanimously passed by roll call vote (3-0).

Proposed Ordinance 2012-257; 2012-2013 Prevailing Rate of Wages.

Executive Director Bird advised this Ordinance is done annually to set the current prevailing rate of wages. He continued that this is a statutory requirement for passage by the Board. Discussion continued briefly and staff recommended approval.

A **MOTION** was made by Commissioner Davis to recommend Board approval of Proposed Resolution 2012-257; 2012-2013 Prevailing Rate of Wages. The **motion was seconded** by Commissioner Donnelly and was passed unanimously by roll call vote (3-0).

Proposed Resolution 2012-1666; Award of Contract to Geneva Construction Company for Pavement Rehabilitation.

Executive Director Bird explained this project consists of pavement repairs of deteriorated roadways, ramp areas, taxiways and various other paved surfaces at the Airport. He advised that the low, responsive and responsible bid was submitted by Geneva Construction for a total project amount of \$275,713.08. Discussion followed and staff recommended approval.

A **MOTION** was made by Commissioner Donnelly to recommend Board approval of Proposed Resolution 2012-1666; Award of Contract to Geneva Construction Company for Pavement Rehabilitation. The **motion was seconded** by Commissioner Davis and was passed unanimously by roll call vote (3-0).

Proposed Resolution 2012-1667; Award of Contract to KCW Environmental Conditioning, Inc. for HVAC On Call Services.

Executive Director Bird advised that one of the changes in the recently passed Procurement Policies and Procedures allows the Airport Authority to utilize a Master Agreement for purchasing individual items at a not-to exceed amount of \$25,000. He continued that the scope of this Master Agreement is with KCW for On Call HVAC services. This will be a one (1) year agreement and will be rebid annually. Discussion followed and staff recommended approval.

A **MOTION** was made by Commissioner Donnelly to recommend Board approval of Proposed Resolution 2012-1667; Award of Contract to KCW Environmental Conditioning, Inc. for HVAC On Call Services. The **motion was seconded** by Commissioner Davis and was passed unanimously by roll call vote (3-0).

Other Business

None

A **MOTION** was made by Commissioner Davis to adjourn the Finance, Budget and Audit Committee; the **motion was seconded** by Commissioner Donnelly and was passed unanimously by voice vote. The meeting adjourned at 1:50 p.m.

Peter Huizenga, Chairman
Finance, Budget and Audit Committee



DUPAGE AIRPORT AUTHORITY

July 2012

**FINANCIALS
PRE-AUDIT
COMMISSIONERS**

**Budget & Appropriations
DuPage Airport Authority
YTD JULY 2012**

	Budget 2012	Actual 2012	Percent Change Actual vs Budget
Estimated Cash Balance - Beginning	\$ 11,054,669	\$ 11,054,669	
Estimated Cash Balance - Beginning - <i>Restricted</i>	\$ 15,860,903	\$ 15,860,903	
	\$ 26,915,572	\$ 26,915,572	

REVENUES

OPERATING REVENUES

Airport Operations	\$ 2,685,887	2,762,018	2.8%
Flight Center Fuel Operations	\$ 7,011,824	7,176,952	2.4%
Prairie Landing Golf Course	\$ 1,507,582	1,592,102	5.6%
SUB-TOTAL OPERATING REVENUES	\$ 11,205,293	\$ 11,531,072	2.9%

EXPENDITURES

OPERATING EXPENSES

Airport Operations	\$ 3,568,925	3,249,871	-9.8%
Flight Center Fuel Operations	\$ 6,171,873	5,985,739	-3.1%
Prairie Landing Golf Course	\$ 1,290,284	1,307,199	1.3%
SUB-TOTAL OPERATING EXPENSES	\$ 11,031,082	10,542,810	-4.6%

Net profit from Operations	\$ 174,211	988,262	
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NON OPERATING - DEBT SERVICE/CAPITAL/TAXES

REVENUES

Miscellaneous Taxes	\$ 34,000	39,827	17.1%
Property Taxes/Abatement	\$ 3,308,012	3,111,028	-6.0%
Interest Income	\$ 75,875	15,585	-79.5%
Gain of Sale from Fixed Assets	\$ 32,083	31,699	-1.2%
SUB-TOTAL NON-OPERATING REVENUES	\$ 3,449,970	\$ 3,198,138	-7.3%

EXPENSES

Property Tax (DAA)	\$ 89,604	\$ 96,130	
Property Tax (PLGC)	\$ 125,000	\$ 122,105	
CenterPoint Advance - Interest	\$ 149,318	162,987	8.4%
SUB-TOTAL NON-OPERATING EXPENSES	\$ 363,922	381,221	4.5%

Net profit from Non - Operations	\$ 3,086,048	\$ 2,816,917	-41.0%
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Net Profit	\$ 3,260,259	\$ 3,805,179	
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CAPITAL DEVELOPMENT PROGRAM

Capital Projects	\$ 5,080,361	2,140,182	-137.4%
Projects from Capital Reserve	\$ 4,329,792	1,107,375	-291.0%
Golf Course Capital	\$ 612,208	6,012	-10083.2%
Equipment	\$ 351,458	655,599	46.4%
SUB-TOTAL NON-OPERATING EXPENSES	\$ 10,373,819	\$ 3,909,168	-165.4%

Total YTD Revenues	\$ 14,655,264	\$ 14,729,211	0.5%
Total YTD Expenditures	\$ 21,768,823	\$ 14,833,199	-46.8%
Add adjustment for AP and AR Timing		\$ 20,718	

Cash Balance - Ending	\$ 19,802,012	\$ 26,832,302	35.5%
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Combined Cash Flow
DuPage Airport Authority
July 31, 2012

	2012 YTD	JULY
CASH AND CASH EQUIVALENTS - Beginning of Year	\$ 26,915,572	\$ 26,562,749
CASH FLOW FROM OPERATING ACTIVITIES		
Receipts from customers	\$ 12,820,419	\$ 2,122,684
Misc Income	\$ 22,640	\$ 1,540
Payroll Related	\$ (2,698,532)	\$ (425,625)
Maintenance	\$ (439,840)	\$ (62,427)
Outside Suppliers	\$ (6,575,089)	\$ (1,058,064)
General & Admin	\$ (2,456,008)	\$ (158,105)
Reclass Non Capital	\$ (53,532)	\$ -
Net Cash Provided by Operating Activities	<u>\$ 620,058</u>	<u>\$ 420,003</u>
CASH FLOW FROM CAPITAL AND RELATED FINANCING ACTIVITIES		
Capital Projects	\$ (3,307,101)	\$ (251,931)
Equipment	\$ (655,599)	\$ -
Reclass Non Capital	\$ 53,532	\$ -
Net Cash Provided from Capital and Related Financing Activities	<u>\$ (3,909,168)</u>	<u>\$ (251,931)</u>
CASH FLOW FROM INVESTING ACTIVITIES		
Interest Income	\$ 15,621	\$ 2,576
Sale of fixed assets	\$ 39,363	\$ 8,813
Transfer from Flight Center	\$ -	\$ -
Transfer to DAA	\$ -	\$ -
Due from PLGC	\$ -	\$ -
Transfer from DAA	\$ -	\$ -
Net Cash Provided by Investing Activities	<u>\$ 54,985</u>	<u>\$ 11,389</u>
Net Cash Provided from Taxes	<u>\$ 3,150,855</u>	<u>\$ 90,091</u>
NET INCREASE IN CASH AND CASH EQUIVALENTS	\$ (83,270)	\$ 269,553
CASH AND CASH EQUIVALENTS - End of Period	<u><u>\$ 26,832,302</u></u>	<u><u>\$ 26,832,302</u></u>

Total DuPage Airport Authority
STATEMENT OF REVENUES AND EXPENSES
AS OF July 31, 2012

	Month Actual	Month Budget	Month Variance	YTD Actual	YTD Budget	YTD Variance	2012 Annual Budget	Month 2012	Month 2011	Month Variance	YTD 2012	YTD 2011	YTD Variance
REVENUES													
Airport Operations	\$ 426,905	\$ 413,699	\$ 13,206	\$ 2,762,018	\$ 2,685,887	\$ 76,131	\$ 4,545,516	\$ 426,905	\$ 415,277	\$ 11,628	\$ 2,762,018	\$ 2,935,746	\$ (173,727)
DuPage Flight Center	\$ 866,276	\$ 1,001,689	\$ (135,414)	\$ 7,176,952	\$ 7,011,894	\$ 165,128	\$ 12,020,270	\$ 866,276	\$ 1,030,610	\$ (164,335)	\$ 7,176,952	\$ 6,698,912	\$ 478,039
Prairie Landing Golf Club	\$ 383,795	\$ 412,100	\$ (28,305)	\$ 1,592,102	\$ 1,507,582	\$ 84,520	\$ 2,664,352	\$ 383,795	\$ 337,505	\$ 46,289	\$ 1,592,102	\$ 1,337,628	\$ 254,474
Total Revenues	\$ 1,676,975	\$ 1,827,488	\$ (150,513)	\$ 11,531,072	\$ 11,205,293	\$ 325,779	\$ 19,230,138	\$ 1,676,975	\$ 1,783,393	\$ (106,417)	\$ 11,531,072	\$ 10,972,286	\$ 558,786
COST OF SALES													
Airport Operations	\$ 198,105	\$ 283,476	\$ 85,371	\$ 1,699,995	\$ 1,984,329	\$ 284,334	\$ 3,395,707	\$ 198,105	\$ 245,886	\$ 47,781	\$ 1,699,995	\$ 1,830,126	\$ 130,131
DuPage Flight Center	\$ 599,910	\$ 757,040	\$ 157,130	\$ 5,169,519	\$ 5,299,280	\$ 130,761	\$ 9,084,480	\$ 599,910	\$ 778,810	\$ 178,900	\$ 5,168,519	\$ 5,145,808	\$ (22,711)
Prairie Landing Golf Club	\$ 196,020	\$ 186,984	\$ (9,036)	\$ 971,222	\$ 969,987	\$ (1,235)	\$ 1,806,133	\$ 196,020	\$ 211,962	\$ 15,942	\$ 971,222	\$ 983,324	\$ 12,102
Total Cost of Sales	\$ 994,034	\$ 1,227,499	\$ 233,466	\$ 7,839,736	\$ 8,253,596	\$ 413,860	\$ 14,286,320	\$ 994,034	\$ 1,236,657	\$ 242,623	\$ 7,839,736	\$ 7,959,258	\$ 119,523
Gross Profit/(Loss)	\$ 682,941	\$ 599,988	\$ 82,953	\$ 3,691,337	\$ 2,951,697	\$ 739,639	\$ 4,943,819	\$ 682,941	\$ 546,735	\$ 136,206	\$ 3,691,337	\$ 3,013,028	\$ 678,309
GENERAL AND ADMINISTRATIVE													
Airport Operations	\$ 226,158	\$ 217,978	\$ (8,180)	\$ 1,549,877	\$ 1,584,596	\$ 34,719	\$ 2,733,237	\$ 226,158	\$ 178,793	\$ (47,365)	\$ 1,549,877	\$ 1,470,490	\$ (79,387)
DuPage Flight Center	\$ 113,591	\$ 124,656	\$ 11,065	\$ 817,220	\$ 872,592	\$ 55,373	\$ 1,495,873	\$ 113,591	\$ 115,725	\$ 2,134	\$ 817,220	\$ 797,959	\$ (19,261)
Prairie Landing Golf Club	\$ 48,500	\$ 46,458	\$ (2,042)	\$ 335,978	\$ 320,298	\$ (15,680)	\$ 580,179	\$ 48,500	\$ 48,040	\$ (460)	\$ 335,978	\$ 327,277	\$ (8,700)
Total General and Administrative	\$ 388,250	\$ 389,092	\$ 842	\$ 2,703,074	\$ 2,777,486	\$ 74,412	\$ 4,809,283	\$ 388,250	\$ 342,559	\$ (45,692)	\$ 2,703,074	\$ 2,595,725	\$ (107,349)
Operating Income (Loss) Before Depreciation	\$ 294,691	\$ 210,896	\$ 83,795	\$ 988,262	\$ 174,211	\$ 814,051	\$ 134,531	\$ 294,691	\$ 204,177	\$ 90,514	\$ 988,262	\$ 417,302	\$ 570,960
NON OPERATING REVENUES (EXPENSES)													
Property and Other Taxes Rev	\$ 90,091	\$ 7,000	\$ 83,091	\$ 3,150,855	\$ 3,342,012	\$ (191,157)	\$ 6,604,024	\$ 90,091	\$ 64,130	\$ 25,961	\$ 3,150,855	\$ 3,139,195	\$ 11,660
Property Tax Expense	\$ -	\$ -	\$ -	\$ (218,235)	\$ (214,604)	\$ (3,631)	\$ (429,208)	\$ -	\$ -	\$ -	\$ (218,235)	\$ (208,010)	\$ (10,225)
Interest Income	\$ 2,571	\$ 15,125	\$ (12,554)	\$ 15,585	\$ 75,875	\$ (60,290)	\$ 151,500	\$ 2,571	\$ 4,492	\$ (1,921)	\$ 15,585	\$ 29,891	\$ (14,306)
Gain on Sale of Fixed Assets	\$ 8,813	\$ 4,583	\$ 4,230	\$ 31,699	\$ 32,083	\$ (384)	\$ 55,000	\$ 8,813	\$ -	\$ 8,813	\$ 31,699	\$ 40,000	\$ (8,301)
Total Non Operating Revenues	\$ 101,476	\$ 26,708	\$ 74,768	\$ 2,979,903	\$ 3,235,366	\$ (255,463)	\$ 6,381,316	\$ 101,476	\$ 68,622	\$ 32,854	\$ 2,979,903	\$ 3,001,076	\$ (21,173)
Net Income/(Loss) before Depreciation	\$ 396,167	\$ 237,605	\$ 158,562	\$ 3,968,166	\$ 3,409,577	\$ 558,588	\$ 6,515,847	\$ 396,167	\$ 272,799	\$ 123,368	\$ 3,968,166	\$ 3,418,379	\$ 549,787
Depreciation	\$ 780,097	\$ 784,167	\$ 4,070	\$ 5,464,160	\$ 5,489,167	\$ 25,006	\$ 9,410,000	\$ 780,097	\$ 758,477	\$ (21,620)	\$ 5,464,160	\$ 5,310,550	\$ (153,611)
Net Income/(Loss)	\$ (383,930)	\$ (546,562)	\$ 162,632	\$ (1,495,995)	\$ (2,079,589)	\$ 583,595	\$ (2,894,153)	\$ (383,930)	\$ (485,678)	\$ 101,748	\$ (1,495,995)	\$ (1,892,171)	\$ 396,176

Airport and Admin
STATEMENT OF REVENUES AND EXPENSES
AS OF July 31, 2012

	Month Actual	Month Budget	Month Variance	YTD Actual	YTD Budget	YTD Variance	2012 Annual Budget	Month 2012	Month 2011	Month Variance	YTD 2012	YTD 2011	YTD Variance
REVENUES													
Field Operations	\$ 139,029	\$ 139,828	\$ (799)	\$ 752,265	\$ 763,282	\$ (11,017)	\$ 1,246,197	\$ 139,029	\$ 150,908	\$ (11,879)	\$ 752,265	\$ 1,042,291	\$ (290,026)
Building Operations	\$ 252,893	\$ 247,640	\$ 5,253	\$ 1,805,333	\$ 1,739,029	\$ 66,304	\$ 2,984,585	\$ 252,893	\$ 243,540	\$ 9,353	\$ 1,805,333	\$ 1,694,111	\$ 111,222
Flight Center	\$ 17,970	\$ 14,632	\$ 3,339	\$ 120,108	\$ 102,377	\$ 17,732	\$ 175,534	\$ 17,970	\$ 16,497	\$ 1,474	\$ 120,108	\$ 121,186	\$ (1,078)
Administrative	\$ 17,012	\$ 11,599	\$ 5,413	\$ 84,312	\$ 81,199	\$ 3,112	\$ 139,200	\$ 17,012	\$ 4,332	\$ 12,680	\$ 84,312	\$ 88,158	\$ (3,846)
Total Revenues	\$ 426,905	\$ 413,699	\$ 13,206	\$ 2,762,018	\$ 2,685,887	\$ 76,131	\$ 4,545,516	\$ 426,905	\$ 415,277	\$ 11,628	\$ 2,762,018	\$ 2,935,746	\$ (173,727)
COST OF SALES													
Field Operations	\$ 97,946	\$ 136,826	\$ 38,881	\$ 805,679	\$ 957,783	\$ 152,105	\$ 1,641,914	\$ 97,946	\$ 128,493	\$ 30,548	\$ 805,679	\$ 870,661	\$ 64,983
Building Operations	\$ 69,264	\$ 81,862	\$ 12,597	\$ 570,794	\$ 573,033	\$ 2,239	\$ 976,342	\$ 69,264	\$ 71,258	\$ 1,994	\$ 570,794	\$ 581,425	\$ 10,631
Flight Center	\$ 11,015	\$ 26,293	\$ 15,277	\$ 123,860	\$ 184,049	\$ 60,189	\$ 315,512	\$ 11,015	\$ 29,082	\$ 18,067	\$ 123,860	\$ 160,966	\$ 37,105
Shop Equipment Operations	\$ 19,879	\$ 38,495	\$ 18,616	\$ 199,862	\$ 269,464	\$ 69,602	\$ 461,938	\$ 19,879	\$ 17,052	\$ (2,828)	\$ 199,862	\$ 217,074	\$ 17,412
Total Cost of Sales	\$ 198,105	\$ 283,476	\$ 85,371	\$ 1,699,995	\$ 1,984,329	\$ 284,334	\$ 3,395,707	\$ 198,105	\$ 245,886	\$ 47,781	\$ 1,699,995	\$ 1,830,126	\$ 130,131
Gross Profit/(Loss)	\$ 228,800	\$ 130,223	\$ 98,577	\$ 1,062,024	\$ 701,558	\$ 360,466	\$ 1,149,810	\$ 228,800	\$ 169,391	\$ 59,409	\$ 1,062,024	\$ 1,105,620	\$ (43,596)
GENERAL AND ADMINISTRATIVE													
Administration	\$ 187,435	\$ 173,209	\$ (14,227)	\$ 1,207,739	\$ 1,271,212	\$ 63,473	\$ 2,196,006	\$ 187,435	\$ 136,130	\$ (51,305)	\$ 1,207,739	\$ 1,161,181	\$ (46,558)
Commissioners	\$ 8,683	\$ 8,946	\$ 264	\$ 62,927	\$ 62,624	\$ (304)	\$ 107,355	\$ 8,683	\$ 8,622	\$ (61)	\$ 62,927	\$ 62,259	\$ (668)
Business Development/Marketing	\$ 11,207	\$ 13,840	\$ 2,633	\$ 115,079	\$ 96,879	\$ (18,199)	\$ 166,079	\$ 11,207	\$ 8,217	\$ (2,990)	\$ 115,079	\$ 88,673	\$ (26,406)
Accounting	\$ 18,834	\$ 21,983	\$ 3,150	\$ 164,132	\$ 153,881	\$ (10,250)	\$ 263,797	\$ 18,834	\$ 25,824	\$ 6,990	\$ 164,132	\$ 158,376	\$ (5,755)
Total General and Administrative	\$ 226,158	\$ 217,978	\$ (8,180)	\$ 1,549,877	\$ 1,584,596	\$ 34,719	\$ 2,733,237	\$ 226,158	\$ 178,793	\$ (47,365)	\$ 1,549,877	\$ 1,470,490	\$ (79,387)
Operating Income/(Loss)	\$ 2,642	\$ (87,755)	\$ 90,397	\$ (487,853)	\$ (883,038)	\$ 395,185	\$ (1,583,427)	\$ 2,642	\$ (9,402)	\$ 12,044	\$ (487,853)	\$ (364,870)	\$ (122,983)
NON OPERATING REVENUES (EXPENSES)													
Property and Other Taxes Rev	\$ 90,091	\$ 7,000	\$ 83,091	\$ 3,150,855	\$ 3,342,012	\$ (191,157)	\$ 6,604,024	\$ 90,091	\$ 64,130	\$ 25,961	\$ 3,150,855	\$ 3,139,195	\$ 11,660
Property Tax Expense	\$ -	\$ -	\$ -	\$ (96,130)	\$ (89,604)	\$ (6,526)	\$ (179,208)	\$ -	\$ -	\$ -	\$ (96,130)	\$ (89,604)	\$ (6,525)
Interest Income	\$ 2,571	\$ 15,000	\$ (12,429)	\$ 15,583	\$ 75,000	\$ (59,417)	\$ 150,000	\$ 2,571	\$ 4,433	\$ (1,862)	\$ 15,583	\$ 29,832	\$ (14,249)
Gain on Sale of Fixed Assets	\$ 8,813	\$ 4,583	\$ 4,230	\$ 31,699	\$ 32,083	\$ (384)	\$ 55,000	\$ 8,813	\$ -	\$ 8,813	\$ 31,699	\$ 40,000	\$ (8,301)
Total Non Operating Revenues	\$ 101,476	\$ 26,583	\$ 74,892	\$ 3,102,007	\$ 3,359,491	\$ (257,484)	\$ 6,629,816	\$ 101,476	\$ 68,563	\$ 32,913	\$ 3,102,007	\$ 3,119,423	\$ (17,416)
Net Income/(Loss) before adjustments	\$ 104,118	\$ (61,171)	\$ 165,289	\$ 2,614,154	\$ 2,476,453	\$ 137,701	\$ 5,046,389	\$ 104,118	\$ 59,161	\$ 44,957	\$ 2,614,154	\$ 2,754,553	\$ (140,399)
Depreciation	\$ 762,680	\$ 766,667	\$ 3,986	\$ 5,341,068	\$ 5,366,667	\$ 25,599	\$ 9,200,000	\$ 762,680	\$ 754,234	\$ (8,446)	\$ 5,341,068	\$ 5,279,641	\$ (61,427)
Net Income/(Loss)	\$ (658,562)	\$ (827,838)	\$ 169,276	\$ (2,726,914)	\$ (2,890,214)	\$ 163,300	\$ (4,153,611)	\$ (658,562)	\$ (695,073)	\$ 36,511	\$ (2,726,914)	\$ (2,525,088)	\$ (201,826)

DUPAGE FLIGHT CENTER
STATEMENT OF REVENUES AND EXPENSES
AS OF July 31, 2012

2300 REVENUE	Month Actual	Month Budget	Month Variance	YTD Actual	YTD Budget	YTD Variance	2012 Annual Budget	Month 2012	Month 2011	Month Variance	YTD 2012	YTD 2011	YTD Variance
Fuel and Oil Sales	\$ 849,721	\$ 977,673	\$ (127,951)	\$ 7,013,636	\$ 6,843,708	\$ 169,928	\$ 11,732,070	\$ 849,721	\$ 1,011,859	\$ (162,138)	\$ 7,013,636	\$ 6,536,508	\$ 477,128
Deice & Lav Service, APU, Preheats, Tows	\$ 1,605	\$ 6,833	\$ (5,228)	\$ 32,915	\$ 47,833	\$ (14,918)	\$ 82,000	\$ 1,605	\$ 1,945	\$ (340)	\$ 32,915	\$ 41,422	\$ (8,507)
Catering	\$ 3,290	\$ 2,683	\$ 607	\$ 21,974	\$ 18,783	\$ 3,191	\$ 32,200	\$ 3,290	\$ 2,780	\$ 510	\$ 21,974	\$ 15,868	\$ 6,106
Hangar - Transients	\$ 7,294	\$ 11,667	\$ (4,373)	\$ 86,399	\$ 81,667	\$ 4,732	\$ 140,000	\$ 7,294	\$ 8,587	\$ (1,293)	\$ 86,399	\$ 85,290	\$ 1,109
Overnight Fees - Transients	\$ 3,559	\$ 2,083	\$ 1,476	\$ 16,889	\$ 14,583	\$ 2,306	\$ 25,000	\$ 3,559	\$ 4,307	\$ (748)	\$ 16,889	\$ 14,275	\$ 2,614
Flowage Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Interest Income	\$ 0	\$ 125	\$ (125)	\$ 2	\$ 875	\$ (873)	\$ 1,500	\$ 0	\$ 59	\$ (59)	\$ 2	\$ 234	\$ (232)
Gain on Sale of Fixed Assets	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Conference Room Rental/Other Income	\$ 806	\$ 750	\$ 56	\$ 5,139	\$ 5,250	\$ (111)	\$ 9,000	\$ 806	\$ 1,132	\$ (326)	\$ 5,139	\$ 5,550	\$ (411)
TOTAL REVENUES	\$ 866,276	\$ 1,001,814	\$ (135,538)	\$ 7,176,953	\$ 7,012,699	\$ 164,254	\$ 12,021,770	\$ 866,276	\$ 1,030,669	\$ (164,394)	\$ 7,176,953	\$ 6,699,146	\$ 477,807
Cost of Sales													
Fuel and Oil	\$ 558,700	\$ 716,508	\$ 157,808	\$ 4,894,428	\$ 5,015,556	\$ 121,128	8,598,096	\$ 558,700	\$ 745,598	\$ 186,897	\$ 4,894,428	\$ 4,905,097	\$ 10,670
Deice Cost of Goods	\$ -	\$ 2,917	\$ 2,917	\$ 15,261	\$ 20,417	\$ 5,156	35,000	\$ -	\$ -	\$ -	\$ 15,261	\$ 17,402	\$ 2,141
Credit Card Expense	\$ 17,059	\$ 13,917	\$ (3,143)	\$ 104,667	\$ 97,417	\$ (7,250)	167,000	\$ 17,059	\$ 14,241	\$ (2,819)	\$ 104,667	\$ 98,648	\$ (6,019)
Catering	\$ 9,958	\$ 7,503	\$ (2,455)	\$ 50,250	\$ 52,519	\$ 2,270	90,033	\$ 9,958	\$ 2,690	\$ (7,267)	\$ 50,250	\$ 15,854	\$ (34,396)
Maintenance	\$ 14,193	\$ 16,196	\$ 2,003	\$ 103,914	\$ 113,372	\$ 9,458	194,351	\$ 14,193	\$ 16,281	\$ 2,089	\$ 103,914	\$ 108,807	\$ 4,893
TOTAL COST OF SALES	\$ 599,910	\$ 757,040	\$ 157,130	\$ 5,168,519	\$ 5,299,280	\$ 130,761	\$ 9,084,480	\$ 599,910	\$ 778,810	\$ 178,900	\$ 5,168,519	\$ 5,145,808	\$ (22,711)
Gross Profit/(Loss)	\$ 266,366	\$ 244,774	\$ 21,592	\$ 2,008,434	\$ 1,713,419	\$ 295,015	\$ 2,937,290	\$ 266,366	\$ 251,860	\$ 14,506	\$ 2,008,434	\$ 1,553,338	\$ 455,096
General and Administrative	\$ 113,591	\$ 124,656	\$ 11,065	\$ 817,220	\$ 872,592	\$ 55,373	\$ 1,495,873	\$ 113,591	\$ 115,725	\$ 2,134	\$ 817,220	\$ 797,959	\$ (19,261)
Depreciation	\$ 4,340	\$ 4,167	\$ (173)	\$ 31,554	\$ 29,167	\$ (2,387)	\$ 50,000	\$ 4,340	\$ 4,242	\$ (97)	\$ 31,554	\$ 30,909	\$ (645)
Net Income/(Loss)	\$ 148,435	\$ 115,951	\$ 32,483	\$ 1,159,660	\$ 811,660	\$ 348,000	\$ 1,391,417	\$ 148,435	\$ 131,892	\$ 16,543	\$ 1,159,660	\$ 724,471	\$ 435,190

PRAIRIE LANDING GOLF CLUB
STATEMENT OF REVENUES AND EXPENSES
AS OF July 31, 2012

REVENUE	Month Actual	Month Budget	Month Variance	YTD Actual	YTD Budget	YTD Variance	2012 Annual Budget	Month 2012	Month 2011	Month Variance	YTD 2012	YTD 2011	YTD Variance
Golf Operations	\$ 241,334	\$ 270,526	\$ (29,192)	\$ 1,038,773	\$ 993,206	\$ 45,567	\$ 1,683,206	\$ 241,334	\$ 245,235	\$ (3,901)	\$ 1,038,773	\$ 938,507	\$ 100,266
Food & Beverage	\$ 47,480	\$ 49,302	\$ (1,822)	\$ 154,348	\$ 137,405	\$ 16,943	\$ 251,745	\$ 47,480	\$ 47,879	\$ (399)	\$ 154,348	\$ 131,754	\$ 22,593
Kitty Hawk - Deli	\$ 3,351	\$ 9,636	\$ (6,285)	\$ 25,433	\$ 35,771	\$ (10,289)	\$ 56,061	\$ 3,351	\$ 9,944	\$ (6,593)	\$ 25,433	\$ 36,994	\$ (11,561)
Banquets	\$ 90,893	\$ 82,140	\$ 8,753	\$ 371,077	\$ 339,105	\$ 31,972	\$ 669,330	\$ 90,893	\$ 33,955	\$ 56,937	\$ 371,077	\$ 227,985	\$ 143,091
Administration	\$ 736	\$ 495	\$ 241	\$ 2,472	\$ 2,145	\$ 327	\$ 4,010	\$ 736	\$ 491	\$ 245	\$ 2,472	\$ 2,388	\$ 84
TOTAL REVENUES	\$ 383,795	\$ 412,100	\$ (28,305)	\$ 1,592,102	\$ 1,507,582	\$ 84,520	\$ 2,664,352	\$ 383,795	\$ 337,505	\$ 46,289	\$ 1,592,102	\$ 1,337,628	\$ 254,474
Cost of Sales													
Golf Operations	\$ 39,412	\$ 32,523	\$ (6,890)	\$ 192,449	\$ 176,003	\$ (16,446)	\$ 320,759	\$ 39,412	\$ 45,052	\$ 5,640	\$ 192,449	\$ 209,384	\$ 16,935
Food & Beverage	\$ 28,793	\$ 22,300	\$ (6,493)	\$ 127,293	\$ 123,487	\$ (3,806)	\$ 224,743	\$ 28,793	\$ 23,010	\$ (5,783)	\$ 127,293	\$ 118,195	\$ (9,098)
Kitty Hawk - Deli	\$ 1,642	\$ 6,473	\$ 4,831	\$ 30,263	\$ 33,546	\$ 3,283	\$ 56,062	\$ 1,642	\$ 11,551	\$ 9,909	\$ 30,263	\$ 55,893	\$ 25,629
Banquets	\$ 55,410	\$ 57,121	\$ 1,710	\$ 239,094	\$ 241,479	\$ 2,384	\$ 467,001	\$ 55,410	\$ 38,930	\$ (16,480)	\$ 239,094	\$ 203,958	\$ (35,136)
Golf Course Maintenance	\$ 70,762	\$ 68,568	\$ (2,194)	\$ 382,122	\$ 395,472	\$ 13,350	\$ 737,568	\$ 70,762	\$ 93,418	\$ 22,656	\$ 382,122	\$ 395,893	\$ 13,771
Total Cost of Sales	\$ 196,020	\$ 186,984	\$ (9,036)	\$ 971,222	\$ 969,987	\$ (1,235)	\$ 1,806,133	\$ 196,020	\$ 211,962	\$ 15,942	\$ 971,222	\$ 983,324	\$ 12,102
Gross Profit/(Loss)	\$ 187,775	\$ 225,116	\$ (37,341)	\$ 620,881	\$ 537,595	\$ 83,285	\$ 858,220	\$ 187,775	\$ 125,543	\$ 62,231	\$ 620,881	\$ 354,304	\$ 266,577
General and Administrative													
	\$ 48,500	\$ 46,458	\$ (2,042)	\$ 335,978	\$ 320,298	\$ (15,680)	\$ 580,179	\$ 48,500	\$ 48,040	\$ (460)	\$ 335,978	\$ 327,277	\$ (8,700)
Operating Profit/(Loss)	\$ 139,275	\$ 178,658	\$ (39,383)	\$ 284,903	\$ 217,298	\$ 67,605	\$ 278,041	\$ 139,275	\$ 77,504	\$ 61,771	\$ 284,903	\$ 27,027	\$ 257,876
Property Tax Expense	0	\$ -	\$ -	\$ 122,105	\$ 125,000	\$ 2,895	\$ 250,000	\$ -	\$ -	\$ -	\$ 122,105	\$ 118,405	\$ (3,700)
Net Profit/(Loss)	\$ 139,275	\$ 178,658	\$ (39,383)	\$ 162,798	\$ 92,298	\$ 70,500	\$ 28,041	\$ 139,275	\$ 77,504	\$ 61,771	\$ 162,798	\$ (91,379)	\$ 254,176
Depreciation	\$ 13,077	\$ 13,333	\$ 256	\$ 91,539	\$ 93,333	\$ 1,795	\$ 160,000	\$ 13,077	\$ -	\$ (13,077)	\$ 91,539	\$ -	\$ (91,539)
Net Profit/(Loss) after Dep.	\$ 126,198	\$ 165,325	\$ (39,127)	\$ 71,259	\$ (1,036)	\$ 72,294	\$ (131,959)	\$ 126,198	\$ 77,504	\$ 48,694	\$ 71,259	\$ (91,379)	\$ 162,638

DuPAGE AIRPORT AUTHORITY
STATEMENT OF REVENUES AND EXPENSES
MONTH OF JULY 2012

	AIRPORT OPERATIONS	DuPAGE FLIGHT CENTER	PRAIRIE LANDING GOLF CLUB	TOTALS
Revenues				
Field Operations	139,029			139,029
Building Operations	252,893			252,893
Flight Center Building	17,970			17,970
Administrative	17,012			17,012
Fuel and Oil Sales		849,721		849,721
Deice, Lav Service, Preheats, APU, Tows		1,605		1,605
Overnight Fees - Transient		3,559		3,559
Hangar Rental		7,294		7,294
Golf Operations			241,334	241,334
Food and Beverage		3,290	47,480	50,771
Kitty Hawk - Deli			3,351	3,351
Banquet			90,893	90,893
Miscellaneous		806	736	1,542
Total Revenues	426,905	866,276	383,795	1,676,975
Cost of Sales				
Field Operations	97,946			97,946
Building Operations	69,264			69,264
Flight Center Building	11,015			11,015
Shop Equipment	19,879			19,879
Fuel and Oil		558,700		558,700
Maintenance		14,193		14,193
Credit Card Expense		17,059		17,059
Golf Course Maintenance			70,762	70,762
Golf Operations			39,412	39,412
Food and Beverage		9,958	28,793	38,751
Kitty Hawk - Deli			1,642	1,642
Banquet			55,410	55,410
Total Cost of Sales	198,105	599,910	196,020	994,034
Gross Profit/(Loss)	228,800	266,366	187,775	682,941
General and Administrative				
Administration	187,435	108,234	48,500	344,170
Commissioners	8,683			8,683
Business Development & Marketing	11,207	5,357		16,564
Accounting	18,834			18,834
Total General & Administrative	226,158	113,591	48,500	388,250
Operating Income (Loss) Before Depreciation & Principal Reductions	2,642	152,774	139,275	294,691
Non Operating Revenues (Expenses)				
Taxes - Property	79,871			79,871
Taxes - Other	10,220			10,220
Taxes - Paid	0		0	0
Pre-paid Land Lease	0			0
Interest Income	2,571	(2)		2,569
Amortization (Expense)	0			0
Gain on Sale of Fixed Assets	8,813	0		8,813
Total Non Operating Revenues (Expenses)	101,476	(2)	0	101,474
Net Income (Loss) before adjustments	104,118	152,773	139,275	396,165
Depreciation	762,680	4,340	13,077	780,097
Net Income	(658,562)	148,433	126,198	(383,932)

DuPAGE AIRPORT AUTHORITY
STATEMENT OF REVENUES AND EXPENSES
YTD - JULY 2012

	AIRPORT OPERATIONS	DuPAGE FLIGHT CENTER	PRAIRIE LANDING GOLF CLUB	TOTALS
Revenues				
Field Operations	752,265			752,265
Building Operations	1,805,333			1,805,333
Flight Center Building	120,108			120,108
Administrative	84,312			84,312
Fuel and Oil Sales		7,013,636		7,013,636
Deice, Lav Service, Preheats, APU, Tows		32,915		32,915
Overnight Fees - Transient		16,889		16,889
Hangar Rental		86,399		86,399
Golf Operations			1,038,773	1,038,773
Food and Beverage		21,974	154,348	176,322
Kitty Hawk - Deli			25,433	25,433
Banquet			371,077	371,077
Miscellaneous		5,139	2,472	7,611
Total Revenues	2,762,018	7,176,952	1,592,102	11,531,072
Cost of Sales				
Field Operations	805,679			805,679
Building Operations	570,794			570,794
Flight Center Building	123,860			123,860
Shop Equipment	199,662			199,662
Fuel and Oil		4,909,689		4,909,689
Maintenance		103,914		103,914
Credit Card Expense		104,667		104,667
Golf Course Maintenance			382,122	382,122
Golf Operations			192,449	192,449
Food and Beverage		50,250	127,293	177,543
Kitty Hawk - Deli			30,263	30,263
Banquet			239,094	239,094
Total Cost of Sales	1,699,995	5,168,519	971,222	7,839,736
Gross Profit/(Loss)	1,062,024	2,008,432	620,881	3,691,337
General and Administrative				
Administration	1,207,739	803,801	335,978	2,347,517
Commissioners	62,927			62,927
Business Development & Marketing	115,079	13,419		128,498
Accounting	164,132			164,132
Total General & Administrative	1,549,877	817,220	335,978	2,703,074
Operating Income (Loss) Before Depreciation & Principal Reductions	(487,853)	1,191,213	284,903	988,262
Non Operating Revenue (Expense)				
Taxes - Property	3,111,028			3,111,028
Taxes - Other	39,827			39,827
Taxes - Paid	(96,130)		(122,105)	(218,235)
Pre-paid Land Lease	0			0
Interest Income	15,583	(0)		15,583
Amortization (Expense)	0			0
Gain on Sale of Fixed Assets	31,699	0		31,699
Total Non Operating Revenues (Expenses)	3,102,007	(0)	(122,105)	2,979,902
Net Income (Loss) before adjustments	2,614,154	1,191,212	162,798	3,968,164
Depreciation	5,341,068	31,554	91,539	5,464,160
Net Income	(2,726,914)	1,159,658	71,259	(1,495,996)

DuPAGE AIRPORT AUTHORITY
COMBINING BALANCE SHEET
July 31, 2012

	AIRPORT OPERATIONS	DUPAGE FLIGHT CENTER	PRAIRIE LANDING GOLF CLUB	TOTAL ALL FUNDS
ASSETS				
Current Assets				
Cash and Cash Equivalents	21,899,158	1,449,416	402,073	23,750,647
Investments	3,085,072			3,085,072
Receivables				0
Property Taxes	6,060,813			6,060,813
A/R	524,894	332,792	10,812	868,497
Due from PLGC	530,198			530,198
Prepaid Expenses	322,467	80,770	25,507	428,744
Vehicle Fuel Inventory	32,121			32,121
Inventories		243,076	89,432	332,508
TOTAL CURRENT ASSETS	32,454,723	2,106,053	527,825	35,088,600
Other Assets - Water Rights	539,389			539,389
A/R - DuPage Business Park	0			0
	539,389	0	0	539,389
Capital Assets				
Cost	285,661,885	934,560	2,998,088	289,594,533
Investment in Business Park	0			
Construction in Progress 2004	49,666			49,666
Construction in Progress 2005	30,724		0	30,724
Construction in Progress 2006	42,956		0	42,956
Construction in Progress 2007	227,928			227,928
Construction in Progress 2008	233,599			233,599
Construction in Progress 2009	169,842			
Construction in Progress 2010	1,567,414			
Construction in Progress 2011	5,862,125			
Construction in Progress 2012	3,562,782			
	297,408,922	934,560	2,998,088	290,179,407
Accumulated Depreciation/Amortization	(150,115,840)	(698,094)	(2,468,050)	(153,281,984)
	147,293,082	236,466	530,039	148,059,586
TOTAL ASSETS	180,287,193	2,342,519	1,057,863	183,687,575

DuPAGE AIRPORT AUTHORITY
COMBINING BALANCE SHEET
July 31, 2012

	AIRPORT OPERATIONS	DUPAGE FLIGHT CENTER	PRAIRIE LANDING GOLF CLUB	TOTAL ALL FUNDS
LIABILITIES				
Current Liabilities (Payable from Current Assets)				
Accounts Payable	1,004,817	210,890	345,974	1,561,681
Accrued Liabilities	711,211	110,685	340,128	1,162,024
Accrued Liabilities, Other		0		0
Intrafund Payable		0	530,198	530,198
Deferred Property Tax Income	6,004,630			6,004,630
Deferred Income - Land	3,184,812			3,184,812
Deferred Income - Operations	2,381,731	84,478		2,466,209
	13,287,201	406,053	1,216,300	14,909,554
Long Term Liabilities				
Security Deposits	113,233		176,866	290,099
	113,233	0	176,866	290,099
TOTAL LIABILITIES	13,400,434	406,053	1,393,166	15,199,653
NET ASSETS				
Net Assets				
Investment in Capital Assets, January 1	144,685,444	270,287	825,154	145,780,885
Changes in Net Capital Assets	2,607,638	(33,823)	(295,115)	2,278,700
Net Investment in Capital Assets	147,293,082	236,464	530,039	148,059,584
Restricted Future Capital Assets, January 1	15,856,862			15,856,862
Changes in Future Capital Assets	0			0
Net Restricted Future Capital Assets	15,856,862			15,856,862
Unrestricted Net Assets, January 1	3,463,001	2,818,151	(1,231,716)	5,049,436
Changes in Net Capital Assets	1,891,363	(1,168,444)	295,115	1,018,034
Net Income (Loss)	(2,726,914)	1,159,660	71,259	(1,495,995)
Intrafund Transfers	1,109,365	(1,109,365)	0	0
Net Unrestricted Assets	3,736,815	1,700,003	(865,342)	4,571,476
TOTAL NET ASSETS	166,886,759	1,936,466	(335,303)	168,487,922
TOTAL LIABILITIES AND NET ASSETS	180,287,193	2,342,519	1,057,863	183,687,575

MEMORANDUM

To: Internal Policy and Compliance Committee
From: Phillip A. Luetkehans
Date: September 4, 2012
File: DuPage Airport Authority/2407
Re: DuPage County Ethics IGA

As you may recall, earlier this year the Authority revised particular provisions in its Ethics Ordinance at the request of the County pursuant to an audit performed by an outside consultant hired by the County.

The County has now passed Ordinance OFI-003C-04 amending its Ethics Ordinance seeking to have certain County-appointed agencies, including *inter alia* the DuPage Airport Authority (the "Authority"), enter into an Intergovernmental Agreement (the "IGA") with the County in an attempt to share Ethics Officers between the Authority and the County. The Ethics Officers to be shared under the IGA would be appointed by the County and would be an Ethics Officer, an Ethics Commission and an Investigator General.

If the Authority were to enter into the IGA, the Authority could modify its Ethics Ordinance to comply with the IGA or adopt the Ethics Ordinance enacted by the County. I have not yet gone through line by line to determine the differences in the Ordinances but I do recall that portions of the Authority's Ordinance are more stringent than those of the County's. I have attached a copy of the Authority's Ethics Ordinance to this memo.

Under the proposed IGA which is also attached to this memo, the significant terms are as follows:

Part 2 – Common Ethics Officer. The Authority under the IGA would utilize the County's Ethics Officer to provide guidance and assistance to the Authority and the County would be reimbursed for all fees and expenses by the Authority. A full list of the Ethics Officer's duties can be found in Section 2-408.2 of the County Ordinance attached hereto. Currently, the position of Ethics Officer does not exist in the Authority's Ethics Ordinance.

Part 3 – Common Ethics Commission. The Authority under the IGA would utilize the County-appointed Ethics Commission to serve as the Authority's Ethics Commission (or Ethics Committee as set forth in the Authority's Ethics Ordinance). Under Section 9 of the Authority's Ethics Ordinance, the Ethics Committee's main role is to investigate and conduct any necessary hearings related to alleged violations of the Ethics Ordinance. The Authority's Committee is made up of three Commissioners appointed by the Chairman. Under the County's Ethics Ordinance, the County's Commission has broader powers than does the Authority's. However,

the powers granted to the Ethics Commission under the IGA are limited to only those provided under the Authority's Ordinance.

Part 4 – Common Investigator(s) General. The Authority under the IGA would appoint the County's Investigator General to, in essence, investigate violations and file and prosecute complaints before the Ethics Commission. There is no such position currently in the Authority's Ethics Ordinance. The powers and duties of the Investigator General are set forth in Section 2-409.2 of the County's Ethics Ordinance. The Authority would be responsible for paying all fees and expenses of the Investigator General. The hourly rate would be \$185 per hour.

Part 5 – Additional Terms. The two most significant provisions of Part 5 require the Authority to indemnify and agree not to sue the County and its officers, commissioners, employees, etc. relating to the IGA. I am not sure why the County would need these provisions; however, the risk of the Authority having to sue the County under the IGA is probably minimal.

Part 6 – Term. The IGA appears to expire on December 1, 2012. Not sure why such a short time period. Further, the IGA can be terminated by either party with 30 days written notice, which is obviously a plus. However, any termination would not affect any ongoing investigation.

We have not yet prepared the necessary changes to the Authority's Ethics Ordinance to comply with the terms of the IGA. I did not want to have the Authority pay the legal fees necessary to make the modifications to the Authority's IGA until the Committee provides direction to our firm and staff as to how they wish to proceed.

**Intergovernmental Agreement
Shared Ethics Officers**

This INTERGOVERNMENTAL AGREEMENT (Agreement) is entered into by and between the County of DuPage (County), Illinois, a body corporate and politic and _____, a unit of local government, (collectively "the Parties").

Recitals

WHEREAS, the Illinois Constitution and Illinois law provide that any power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of this State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of this State except as prohibited by law; and

WHEREAS, the State Officials and Employees Ethics Act (Act) requires governmental entities to adopt an ordinance or resolution that regulates, in a manner no less restrictive than the provisions of the Act, (i) the political activities of officers and employees of the governmental entity and (ii) the soliciting and accepting of gifts by and the offering and making of gifts to officers and employees of the governmental entity; and

WHEREAS, in compliance with the Act, the County has adopted the Ethics Ordinance of DuPage County;

WHEREAS, in compliance with the Act, the _____ has adopted [the Ethics Ordinance of DuPage County by reference in its entirety] [an ethics ordinance substantially similar to the DuPage County Ethics Ordinance, a certified copy of which is attached to and incorporated into this document Agreement as Exhibit A];

WHEREAS, in order to promote uniformity, efficiency, and consistency in the application of ethical standards throughout DuPage County, the Parties desire to utilize a common Ethics Officer, Ethics Commission, and Investigator General to enforce their respective Ethics Ordinance; and

WHEREAS, the use of a common Ethics Officer, Ethics Commission, and Investigator General will result in a conservation of public resources and enhanced transparency; and

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties hereto hereby agree as follows:

Part 1 – Incorporation of the Recitals

Section 1.1 – Recitals Incorporated. The recitals set forth above are incorporated in this Agreement by reference and made a part of this Agreement.

Part 2 – Common Ethics Officer

Section 2.1 – Generally. The Ethics Officer of DuPage County appointed pursuant to the DuPage County Ethics Ordinance shall serve as the as the Ethics Officer of _____. In this capacity, he or she shall have all of the powers and duties conferred by the ethics ordinance of _____ on its Ethics Officer.

Section 2.2 – Reimbursement for Services and Expenses. The _____ shall reimburse the County for all expenses incurred through the use of its Ethics Officer pursuant to this agreement. The County shall provide the _____ with a detailed, itemized invoice for all services rendered by the Ethics Officer to the _____. _____ shall pay such invoice in accordance with the provisions of the Local Government Prompt Payment Act.

Section 2.3 – Rate of Compensation for Services. An hourly rate of \$185.00 an hour, billed at 1/6th hour increments, shall be the rate of compensation for the services of the Ethics Officer.

Section 2.4 – Expenses incurred by the Ethics Officer or the County. The _____ shall reimburse the County for all expenses incurred by the County or by the Ethics Officer.

Part 3 – Common Ethics Commission

Section 3.1 – Generally. The Ethics Commission of DuPage County appointed pursuant to the DuPage County Ethics Ordinance shall serve as the as the Ethics Commission of _____. In this capacity, the Commission and its members shall have all of the powers and duties conferred by the ethics ordinance of _____ on its Ethics Commission.

Part 4 – Common Investigator(s) General

Section 4.1 – Generally. The Investigator(s) General of DuPage County appointed pursuant to the DuPage County Ethics Ordinance shall serve as the as the Investigator(s) General of _____. In this capacity, the Investigator(s) General shall have all of the powers and duties conferred by the ethics ordinance of _____ on its Investigator General.

Section 4.2 – Reimbursement for Services and Expenses. The _____ shall reimburse the County for all expenses incurred through the use of its Investigaor General pursuant to this agreement. The County shall provide the _____ with a detailed, itemized invoice for all services rendered by the Investigator(s) General to the _____. _____ shall pay such invoice in accordance with the provisions of the Local Government Prompt Payment Act.

Section 4.3 – Rate of Compensation for Services. An hourly rate of \$185.00 an hour, billed at 1/6th hour increments, shall be the rate of compensation for the services of the Investigator(s) General.

Section 4.4 – Expenses incurred by the Investigator(s) General or the County. The _____ shall reimburse the County for all expenses incurred by the County or by the Investigator(s) General.

Part 5 – Additional Terms

Section 5.1 – Indemnification. The _____ hereby releases and agrees that it shall indemnify and hold harmless the County and all of its present, former and future officers, including board members, commissioners, employees, attorneys, agents and assigns from and against any and all losses, liabilities, damages, claims, demands, fines, penalties, causes of action, costs and expenses whatsoever, including, but not limited to, attorneys' fees and court costs, present or future, known or unknown, sounding in law or equity that arise out of or from or otherwise relate, directly or indirectly, to this Agreement to the extent authorized by law.

Section 5.2 - Covenant Not to Sue. The _____ hereby covenants and agrees that it shall not sue, institute, cause to be instituted or permit to be instituted on its behalf, or by or on behalf of its past, present or future officials, officers, employees, attorneys, agents or assigns, any proceeding or other action with or before any local, state and/or federal agency, court or other tribunal, against the County, its board members, officers, commissioners, employees, attorneys, agents or assigns, arising out of, or from, or otherwise relating, directly or indirectly, to this Agreement to the extent authorized by law.

Section 5.3 - No Joint Venture. This Agreement shall not be construed in such a way that either party is deemed to be, the representative, agent, employee, partner, or joint venture of the other. The Parties shall not have the authority to enter into any agreement, nor to assume any liability, on behalf of the other party, nor to bind or commit the other party in any manner, except as expressly provided herein.

Section 5.4 - Entire Agreement. This Agreement constitutes the entire agreement of Parties with respect to the subject matter hereof and supersedes all other prior and contemporary agreements, understandings, representations, negotiations, and commitments between the Parties with respect to the subject matter hereof.

Section 5.5- Verification of Expenses. The _____ shall retain the right to verify all costs associated with services and expenses billed pursuant to Part 2 and Part 4 of this Agreement. This shall include the right to request a current total of outstanding charges that have been provided to the County Billing Department which have not yet been submitted to the _____ for reimbursement. In no case does this verification process allow the agency to refuse to pay an invoice in accordance with the provisions of the Local Government Prompt Payment Act.

Section 5.6- Rights Reserved. Nothing in this Agreement shall prevent the _____ from taking action against any of its officers or employees (to include termination of employment) or from referring any matter to the State's Attorney's Office for investigation or prosecution.

Part 6 - Term

Section 6.1. - Term of Agreement. This Agreement shall become effective upon ratification by the Parties' respective corporate authority. The Agreement shall remain in effect until December 1, 2012 and shall remain in effect until or unless terminated in accordance with Section 6.2.

Section 6.2 - Termination of Agreement. Either Party may cancel this Agreement at any time upon thirty (30) day's written notice of such, authorized by the governing board of the cancelling Party, directed to the Chairman or Chairperson of the other Party. However, any cancellation of this Agreement shall not be effective as to any investigation by the County Investigator General or proceeding before the County Ethics Commission pending at the time the cancellation is effective and such investigation or proceeding shall remain with the County Investigator General or the County Ethics Commission until concluded by them.

WHEREFORE, the Parties have signed and executed this Agreement as of the date written below in the County of DuPage, State of Illinois.

COUNTY OF DUPAGE: _____:

Daniel J. Cronin
DuPage County Board Chairman

Attest: _____
DuPage County Clerk

Attest: _____

Date: _____

Date: _____

[Attachment List: Exhibit A - _____ Ethics Ordinance]

DuPage Airport Authority

ETHICS ORDINANCE

Introduction

The Illinois General Assembly enacted the State Officials and Employees Ethics Act (Public Act 93-615 effective November 19, 2003, as amended by Public Act 93-617 effective December 9, 2003), which is a comprehensive revision of state statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by Illinois State officials and employees. The Act requires all units of local government and school districts to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units "in a manner no less restrictive" than the provisions of the Act. It is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act. Accordingly, the DuPage Airport Authority, in compliance with the Act, enacts the following ordinance regulating its Commissioners, Officers and Employees.

Section 1 Definitions

1. **"Business"** shall include the actual business entity to which a DuPage Airport Authority contract is to be awarded as well as any of the business's principals, their immediate families and any other legal entities in which those principals have a controlling interest or otherwise have control over the disbursement of funds.
2. **"Chairman"** means the Chairman of the DuPage Airport Authority.
3. **"Commissioners"** means the Commissioners of the DuPage Airport Authority, both individually and as a group, including its Chairman.
4. **"Committee"** means an Ethics Committee created by the Chairman pursuant to this Ordinance.
5. **"Compensated Time"** for Employees means any time worked by or credited to an Employee that counts toward any minimum work time requirement imposed as a condition of employment with the DuPage Airport Authority, but does not include any designated DuPage Airport Authority holidays or any period when the Employee is on a Leave of Absence. The term Compensated Time for Commissioners means any time spent performing DuPage Airport Authority duties.
6. **"Compensatory Time Off"** means authorized time off earned by or awarded to an Employee to compensate, in whole or in part, for time worked in excess of the minimum work time required of that Employee as a condition of employment with the DuPage Airport Authority.

7. **"Contribution"** has the same meaning as that term is defined in Section 9-1.4 of the Election Code.
8. **"Employee"** means all full-time, part-time and contractual employees of the DuPage Airport Authority or any appointee, including the Executive Director.
9. **"Executive Director"** means the Executive Director of the DuPage Airport Authority.
10. **"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink and honoraria for speaking engagements related to or attributable to government employment or the official position of an Employee, member or officer.
11. **"Leave of Absence"** means any period during which an Employee does not receive (i) compensation for DuPage Airport Authority employment, (ii) service credit towards DuPage Airport Authority pension benefits, and (iii) health insurance benefits paid for by the DuPage Airport Authority.
12. **"Market Value"** means the price that the Gift would bring for assets of like type, quality and quantity in the local market at the time of acquisition.
13. **"Nominal Value"** means a Gift to any one Employee worth less than One Hundred Dollars (\$100.00) as an annual aggregate from a particular donor.
14. **"Political"** means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official DuPage Airport Authority duties.
15. **"Political Organization"** means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.
16. **"Prohibited Political Activity"** means any activity proscribed by Section 2 herein.
17. **"Prohibited Source"** means any source defined in Section 5 herein.
18. **"Retaliatory Action"** means the reprimand, discharge, suspension, demotion or denial of promotion or transfer of any Employee in the terms and conditions of employment that is taken in retaliation for an Employee's involvement in protected activity.

19. **"Ultimate Jurisdictional Authority"** means the following: for all Employees, the Executive Director; for the Commissioners and the Executive Director, the Chairman; and for the Chairman, the Vice-Chairman.
20. **"Vice-Chairman"** means the Vice-Chairman of the DuPage Airport Authority.

Section 2 Prohibited Political Activities

1. **"Prohibited Political Activity"** means:
 - a. preparing for, organizing or participating in any Political meeting, Political rally, Political demonstration or other Political event;
 - b. soliciting contributions, including but not limited to, the purchase of, selling, distributing or receiving payment for tickets for any Political fundraiser, Political meeting or other Political event;
 - c. soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign Contribution;
 - d. planning, conducting or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a Political Organization for Political purposes or for or against any referendum question;
 - e. surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a Political organization for Political purposes or for or against any referendum question;
 - f. assisting at the polls on election day on behalf of any Political Organization or candidate for elective office or for or against any referendum question;
 - g. soliciting votes on behalf of a candidate for elective office or a Political Organization or for or against any referendum question or helping in an effort to get voters to the polls;
 - h. initiating for circulation, preparing, circulating, reviewing or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
 - i. making Contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
 - j. preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a Political Organization for Political purposes;

- k. distributing, preparing for distribution or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
 - l. campaigning for any elective office or for or against any referendum question;
 - m. managing or working on a campaign for elective office or for or against any referendum question;
 - n. serving as a delegate, alternate, or proxy to a Political party convention; and
 - o. participating in any recount or challenge to the outcome of any election.
2. Commissioners and Employees shall not intentionally perform any Prohibited Political Activity during any Compensated Time (other than vacation, personal or Compensatory Time Off). Commissioners and Employees shall not intentionally misappropriate any DuPage Airport Authority property or resources by engaging in any Prohibited Political Activity for the benefit of any campaign for elective office of any Political Organization.
 3. At no time shall any Commissioner or Employee intentionally misappropriate the services of any Employee by requiring that Employee to perform any Political activity (i) as part of that Employee's DuPage Airport Authority duties, (ii) as a condition of employment, or (iii) during any time off that is compensated by the DuPage Airport Authority (such as vacation, personal or Compensatory Time Off).
 4. An Employee shall not be required at any time to participate in any Prohibited Political Activity in consideration for that Employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, Compensatory Time Off, continued employment or otherwise.
 5. An Employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, Compensatory Time Off, continued employment or otherwise, in consideration for the Employee's participation in any Prohibited Political Activity.
 6. Nothing in this Section prohibits activities that are otherwise appropriate for a Commissioner or Employee to engage in as part of his or her official employment duties or activities that are undertaken by a Commissioner or Employee on a voluntary basis as permitted by law.
 7. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a Political committee, of a Political party, or of a Political Organization or club.

Section 3 Prohibited Offer or Promise

A Commissioner or Employee may not promise anything of value related to the DuPage Airport Authority, including but not limited to positions with the DuPage Airport Authority, promotions or salary increases, in consideration for a Contribution to a Political committee, Political party or other entity that has as one of its purposes the financial support of a candidate for elective office.

Nothing in this Section prevents the making or accepting of voluntary Contributions otherwise in accordance with law.

Section 4 Contributions on DuPage Airport Authority Property

Contributions shall not be intentionally solicited, accepted, offered or made on DuPage Airport Authority Property by public officials, by Employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees or agents of any Political organization, except as provided in this Section. For purposes of this Section, "DuPage Airport Authority Property" means any building or portion thereof owned or exclusively leased by the DuPage Airport Authority at the time the Contribution is solicited, offered, accepted or made. "DuPage Airport Authority Property" does not, however, include any portion of a building that is rented or leased from the DuPage Airport Authority by a private person or entity.

An inadvertent solicitation, acceptance, offer or making of a Contribution is not a violation of this Section so long as reasonable and timely action is taken to return the Contribution to its source.

The provisions of this Section do not apply to the residences of the DuPage Airport Authority Commissioners or its Employees, except that no fundraising events shall be held at residences owned by the DuPage Airport Authority or paid for, in whole or in part, with DuPage Airport Authority funds.

Section 5 Gift Ban

"Prohibited Source" includes any person or entity who:

- a. is seeking official action from, does business or seeks to do business with, or conducts activities regulated by (i) a Commissioner or (ii) in the case of an Employee, the Employee or a Commissioner or other Employee directing the Employee;
- b. has interests that may be substantially affected by the performance or non-performance of the official duties of the Commissioners or Employee; or
- c. is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, 25 ILCS 170/1 *et seq.*, except that an entity not

otherwise a Prohibited Source does not become a Prohibited Source merely because a registered lobbyist is one of its members or serves on its board of directors.

Except as otherwise provided in this Ordinance, no Commissioner or Employee shall intentionally solicit or accept any Gift from any Prohibited Source or in violation of any federal or state statute, rule, regulation or DuPage Airport Authority Ordinance. This ban applies to and includes spouses and immediate family living with a Commissioner or Employee. No Prohibited Source shall intentionally offer or make a Gift that violates this Section.

Section 6 Exceptions

The restrictions in Section 5 of this Ordinance shall not apply to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which a Commissioner or Employee pays the Market Value.
3. Any (i) contribution as defined in Article 9 of the Election Code, 10 ILCS 5/9-1 *et seq.*, that is lawfully made under that Act or under this Ordinance or (ii) activities associated with a fundraising event in support of a Political Organization or candidate.
4. Travel expenses for a meeting to discuss DuPage Airport Authority business.
5. A Gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great uncle, great aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather or grandmother of the individual's spouse and the individual's fiancé or fiancée.
6. Anything provided by an individual on the basis of a personal friendship, unless a Commissioner or Employee has reason to believe that, under the circumstances, the Gift was provided due to the official position or employment of the recipient rather than due to the personal friendship.

In determining whether a Gift has been provided on the basis of a personal friendship, a Commissioner or Employee shall consider the circumstances under which the Gift was offered, such as:

- a. the history of the relationship between the individual giving the Gift and the recipient of the Gift, including any previous exchange of Gifts between those individuals;

- b. whether to the actual knowledge of a Commissioner or Employee the individual who gave the Gift personally paid for the Gift or sought a tax deduction or business reimbursement for the Gift; and
 - c. whether to the actual knowledge of a Commissioner or Employee the individual who gave the Gift also at the same time gave the same or similar Gift to another Commissioner or Employee.
7. Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any Gift given to a Commissioner or Employee of the DuPage Airport Authority from another Commissioner or Employee of the DuPage Airport Authority; and "inter-governmental gift" means any Gift given to a Commissioner or Employee of the DuPage Airport Authority from any member, officer or employee of any other governmental entity.
 8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
 9. Food, lodging, refreshments, transportation and other benefits resulting from the outside business or employment activities (or outside activities not connected to the duties of a Commissioner or Employee as an officeholder or employee) of a Commissioner or Employee, or the spouse of a Commissioner or Employee, if the benefits have not been offered or enhanced because of the official position or employment of a Commissioner or Employee and are customarily provided to others in similar circumstances.
 10. Educational materials and missions, including meetings with government officials, either foreign or domestic, intended to educate public officials on matters of public policy to which a Commissioner or Employee may be invited to participate alone or with other federal, state or local public officials and community leaders.
 11. Bequests, inheritances and other transfers at death.
 12. Any item or items from any one Prohibited Source during any calendar year having a Nominal Value.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

Section 7 Disposition of Gifts

The recipient of a Gift that is given in violation of this Ordinance does not violate this Ordinance if the recipient promptly takes reasonable action to return the item to its source or give the item or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 8 Protected Activity (Whistle-Blower Protection)

- A. Commissioners or Employees shall not take any Retaliatory Action against an Employee or Commissioner because the Employee or Commissioner does any of the following:
 - 1. discloses or threatens to disclose to a supervisor or to a public body an activity, policy or practice of any Commissioner or other Employee that the Employee reasonably believes is in violation of a law, rule, regulation or ordinance;
 - 2. provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule, regulation or ordinance by any Commissioner or other Employee; and
 - 3. assists or participates in a proceeding to enforce the provisions of this Ordinance.
- B. The DuPage Airport Authority and its Commissioners shall conspicuously display notices of Employee protection under this Ordinance.

Section 9 Ethics Committee

- 1. When a complaint is received, the Chairman shall create an Ethics Committee with a minimum of three (3) Commissioners to conduct proceedings relating solely to that complaint. Should the complaint be against the Chairman, the Vice-Chairman shall create an Ethics Committee with a minimum of three (3) Commissioners and shall then also have all powers of the Chairman under this Ordinance.
- 2. The Committee may be composed of as many Commissioners as the Chairman determines are necessary.
- 3. The Committee shall meet as often as necessary to perform its duties.
- 4. Upon a final resolution of the complaint, the Committee shall be disbanded.
- 5. The Committee shall utilize existing staff, as necessary, and may contract for services that cannot be satisfactorily performed by the staff.
- 6. The Committee shall have the following powers and duties:
 - A. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
 - B. To investigate, conduct research, conduct closed hearings and deliberations, issue recommendations and impose a penalty or fine.

- C. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this Ordinance.
 - D. To subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Ordinance.
 - E. To request that the Attorney General provide legal advice without charge.
7. The powers and duties of the Committee are limited to matters clearly within the purview of this Ordinance.

Section 10 Complaint Procedure

1. Complaints alleging a violation of this Ordinance shall be filed with the Executive Director. Such complaints shall be written and shall contain the complainant's address.
2. Upon receipt of a written complaint, the Executive Director shall forward same to the Chairman, who shall then appoint an Ethics Committee within a reasonable time period.
3. Within seven (7) business days after the creation of the Ethics Committee, the Committee shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The Committee shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within seven (7) business days after the creation of the Committee. The notices to the respondent and the complainant shall also advise them of the date, time and place of the meeting on the sufficiency of the complaint and probable cause.
4. Upon at least forty-eight (48) hours' public notice of the session, the Committee shall meet in closed session to review the sufficiency of the complaint and, if the complaint is deemed to sufficiently allege a violation of this Ordinance, to determine if there is probable cause to proceed based on evidence presented by the complainant. The Committee shall issue notice to the complainant and the respondent of the Committee's ruling on the sufficiency of the complaint and, if necessary, on probable cause within fourteen (14) business days after the closed session meeting. If the complaint is deemed to sufficiently allege a violation of this Ordinance and there is a determination of probable cause, then the Committee's notice to the parties shall include a hearing date scheduled within four (4) weeks after the closed session meeting. If the complaint is deemed not to sufficiently allege a violation, or if there is no determination of probable cause, then the Committee shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint and that notice shall be made public.
5. On the scheduled date and upon at least forty-eight (48) hours' public notice of the meeting, the Committee shall conduct a closed meeting on the complaint and allow both parties the opportunity to present testimony and evidence.

6. Within eight (8) weeks after the creation of the Committee, the Committee shall (i) dismiss the complaint or (ii) issue a preliminary recommendation to the alleged violator and to the violator's Ultimate Jurisdictional Authority or impose a fine upon the violator, or both. The particular findings in the instant case, the preliminary recommendation and any fine shall be made public.
7. Within seven (7) business days after the issuance of the preliminary recommendation or imposition of a fine, or both, the respondent may file a written demand for a public hearing on the complaint. The filing of the demand shall stay the enforcement of the preliminary recommendation or fine. Within two (2) weeks after receiving the demand, the Committee shall conduct a public hearing on the complaint after at least forty-eight (48) hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within five (5) business days, the Committee shall publicly issue a final recommendation to the alleged violator and to the violator's Ultimate Jurisdictional Authority or impose a fine upon the violator, or both.
8. If a complaint is filed during the sixty (60) days preceding the date of any election at which the respondent is a candidate, the Committee shall render its decision as required under subsection (5) within fourteen (14) days after the Committee is created, and during the fourteen (14) days preceding that election, the Committee shall render such decision before the date of that election, if possible.
9. The Committee may levy a fine of up to \$5,000 against any person who knowingly files a frivolous complaint alleging a violation of this Ordinance.
10. A complaint alleging the violation of this Ordinance must be filed within one (1) year after the alleged violation.

Section 11 Enforcement

1. The Committee may recommend to a person's Ultimate Jurisdictional Authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe the following courses of action:
 - a. reprimand;
 - b. to cease and desist the offensive action;
 - c. a return or refund of money or other items, or an amount of restitution for services received in violation of this Ordinance;
 - d. dismissal, removal from office, impeachment or expulsion; and
 - e. donation to a charity of an amount equal to the Gift.
2. The Committee may impose a fine of up to \$5,000 per violation to be deposited into the General Revenue Fund.

3. The Ultimate Jurisdictional Authority of a person who violates an ethics provision may take disciplinary action against the person as recommended by the Committee or as it deems appropriate, to the extent it is constitutionally permissible for the Ultimate Jurisdictional Authority to take that action. The Ultimate Jurisdictional Authority shall make its action, or determination to take no action, available to the public.
4. If after a hearing the Committee finds no violation of this Ordinance, the Committee shall dismiss the complaint.

Section 12 Penalty

1. An individual who intentionally violates Section 2 or 3 of this Ordinance is guilty of a Class A misdemeanor, as that offense is defined in the Illinois Criminal Code, 720 ILCS 5/1-1, *et seq.*
2. An individual who intentionally violates Section 4 or 5 of this Ordinance is guilty of a business offense, as that offense is defined in the Illinois Criminal Code, 720 ILCS 5/1-1, *et seq.*, and is subject to a fine of at least \$1,001 and up to \$5,000.

Section 13 Review

The Committee's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.

Section 14 Future Employment

The Commissioners, nor any Employee may accept or discuss an offer of future employment with any person or entity doing or seeking to do business with the DuPage Airport Authority if either:

1. The Commissioner or Employee knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence DuPage Airport Authority action pertaining to the business;
2. The Employee has decision making responsibility for a matter and that person or entity is offering employment to the decision maker; the exception will be if the Employee has disclosed in writing to his or her Ultimate Jurisdictional Authority that the Employee intends to discuss future employment with this person or business. In this case, the Employee shall be relieved from any decision making relative to this person or business. A decision maker shall have the approval authority, or input on approval or selection, and shall not include those employees who fill a compliance function in the approval/selection process.
3. In the situation where a Commissioner or Employee is offered future employment by a person doing business with the DuPage Airport Authority, the Commissioner or Employee must disclose to the Committee, in writing, the intention of discussing future

employment. The Commissioner or Employee shall withdraw from discussion and not vote on any contract with this business or person.

Section 15 Former Employment Relationships

No Employee, within one year of entering employment with the DuPage Airport Authority, may participate in the decision making or awarding of a contract to a business or a person by whom they were previously employed unless the Employee, in writing, has disclosed the prior employment relationship to his or her superior before participating in any decision making regarding the former employer.

Prohibited Employment. No Commissioner or Employee shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with his/her position at the DuPage Airport Authority or the full and proper performance of his/her duties, including, but limited to:

- (a) any employment with any vendor, individual or entity that transacts any business with the DuPage Airport Authority;
- (b) any employment that interferes with or compromises the Employee's position with the DuPage Airport Authority to further his or her own personal interests;
- (c) any employment that may be in conflict with the Employee's position with the DuPage Airport Authority;
- (d) any employment that conflicts with the DuPage Airport Authority's purpose, duties and interests; and
- (e) any ownership interest in any company or entity which transacts or engages in any business with the DuPage Airport Authority.

Section 16 Severance

- 1. It is hereby declared to be the intention of the DuPage Airport Authority that the several provisions of this Ordinance are severable.
- 2. If any court of competent jurisdiction shall adjudge any provisions, or part thereof, of the State Officials and Employees Ethics Act to be invalid, the corresponding provisions, or part thereof, of this Ordinance shall also be deemed null and void without any further action of the Board. Such judgment shall not affect any other provision or part thereof of this Ordinance declared invalid which are not declared to be invalid in said judgment.
- 3. If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this Ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this Ordinance declared invalid which are not declared to be invalid in said judgment.

4. If any court of competent jurisdiction shall adjudge invalid the application, provision, or part thereof, of this Ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person specifically included in said judgment.

Section 17 Effective Date

This Ordinance shall be effective upon approval by the DuPage Airport Authority Board of Commissioners.

OFFICE OF THE DuPAGE COUNTY CLERK

GARY A. KING
COUNTY CLERK
630/407-5500
FAX 630/407-5501



421 N. COUNTY FARM ROAD
P.O. BOX 1028
WHEATON, ILLINOIS 60187



July 9, 2012

To Whom It May Concern,

Enclosed please find a certified copy of Ordinance
#OFI-003C-04, Amendment to the DuPage County Ethics Ordinance,
passed by the DuPage County Board on June 26, 2012 for your
records.

I am pleased to be of some assistance in this matter.

Very truly yours,

Gary A. King

Gary A. King
DuPage County Clerk

GAK: hhp
Enclosure

O R D I N A N C E

OFI-003C-04

Amendment to the DuPage County Ethics Ordinance

WHEREAS, on September 14, 2004, the DuPage County Board enacted and approved the Ethics Ordinance OFI-003-04; and on October 25, 2005 amended the Ethics Ordinance OFI-003A-04; and on January 12, 2010 amended the Ethics Ordinance OFI-003B-04; and

WHEREAS, it is a priority of the DuPage County Board Chairman and the DuPage County Board to ensure that County-appointed agencies are held to a common set of ethical standards that instill accountability in the conduct of public business; and

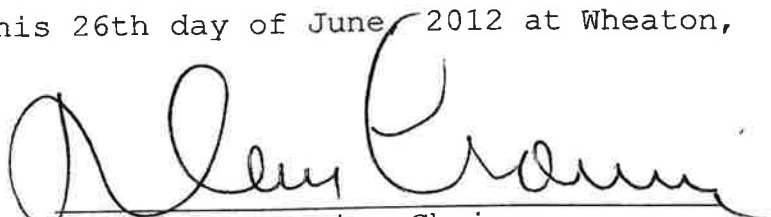
WHEREAS, it is essential that County-appointed agencies act in an impartial and honest fashion in their public transactions and decisions regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees;

WHEREAS, it is in the best interests of DuPage County residents to allow County-appointed agencies to adopt the Ethics Ordinance and enter into an intergovernmental agreement with the County for its application to appointed officials and employees of the public agency.

NOW, THEREFORE, BE IT ORDAINED that Ethics Ordinance OFI-003B-04 be amended to enact the attached revisions; and

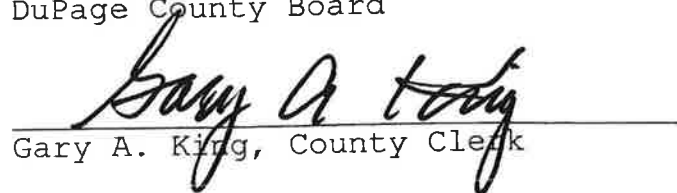
BE IT FURTHER ORDAINED that the County Clerk publish notice hereof and send copies of the foregoing to: the DuPage County Ethics Commission, DuPage County Ethics Officer, DuPage County Investigator General, the Chairman or President of all County-appointed agencies listed in OCB-001-11 (from the attached specified list of agencies), and the Municipal Code Corporation for update of the DuPage County Code.

Enacted and approved this 26th day of June, 2012 at Wheaton, Illinois.


Daniel J. Cronin, Chairman
DuPage County Board

Ayes: 17
Absent: 1

ATTEST:


Gary A. King, County Clerk

List of Specified Agencies:

- Century Hill Street Lighting District
- Downers Grove Sanitary District
- DuPage Airport Authority
- DuPage County Election Commission
- DuPage Fair & Exposition Authority
- DuPage County Board of Health
- DuPage Housing Authority
- DuPage Water Commission
- Emergency Telephone System Board
- Fairview Fire Protection District
- Glenbard Fire Protection District
- Highland Hills Sanitary District
- Lisle-Woodridge Fire Protection District
- Naperville Fire Protection District
- North Westmont Fire Protection District
- Roselle Fire Protection District
- Salt Creek Sanitary District
- Sheriff's Merit Commission
- Warrenville Fire Protection District
- West Chicago Fire Protection District
- West Chicago Mosquito Abatement District
- Wheaton Mosquito Abatement District
- Wheaton Sanitary District
- Yorkfield Fire Protection District

ETHICS ORDINANCE
Adopted pursuant to 5 ILCS 430/70-5

CODE OF DU PAGE COUNTY
CHAPTER 2. ADMINISTRATION.
ARTICLE VII ETHICS ORDINANCE

Section 2-400 Purpose.

It is the goal of the DuPage County Board to guarantee fair, efficient, and honest government and to ensure the integrity and objectivity of its Chairman, County Board Members and employees. The purpose of this Ordinance is to provide a framework for ethical activities that are to be followed in conducting the business of DuPage County government, including county-wide elected officials and their employees as well as for the officers and employees of County-appointed agencies that have adopted this ordinance. No one policy can comprehensively encompass all aspects of appropriate business behavior. The fundamental principle underlying all policies is that all activities of public officials and employees must meet appropriate ethical and legal standards.

Section 2-400.5 Short Title.

This Ordinance may be cited as the “Ethics Ordinance” of DuPage County, or of the county-wide elected official or County-appointed agency which has adopted it.

Section 2-400.7 Application of Ordinance.

This Ordinance shall apply to all elected and appointed officials and employees of the County of DuPage, including the Chairman and all members of the County Board, who are under the jurisdiction of the DuPage County Board, as well as to those of any county-wide elected official or County-appointed agency which has adopted this Ordinance as set forth in Section 2-404 and Section 2-404.1.

Section 2-401 Definitions.

For purposes of this Ordinance, the following terms shall be given these definitions:

“Appointee” or “Appointed official” means any person appointed by DuPage County and any person appointed by any County-appointed agency which has adopted this Ordinance, with or without the consent of the corporate authorities thereof, to a position in or with any authority, agency, board, or commission regardless of whether the position is compensated.

“Business or entity” means the actual organization or person to which a DuPage County contract has been awarded or contract is to be awarded and includes any of the business’s principals, family members of the business’s principals and any other legal entities in which those principals or family members have a controlling interest or have control over the disbursement of funds of the business.

“Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election or appointment of any individual to any federal, State or local public office or office in a political organization, or the selection, nomination, or election of Presidential or

Vice-presidential electors, but does not include activities (i) relating to the support of opposition of any executive, legislative or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of person's official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 315/3).

"Chairman" means the Chairman of the DuPage County Board.

"Collective Bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to an elected or appointed official, employee, or appointee whose hours are not fixed, "compensated time" includes any period of time when such person is executing his or her official duties, regardless of location.

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of minimum work time required of that employee as a condition of his or her employment.

"Contribution" has the same meaning as the term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Commission" means Ethics Commission created pursuant to this Ordinance.

"County Board Member or "Member" means an elected or appointed member of the DuPage County Board.

"County-appointed agency" means a unit of local government or other agency, not otherwise subject to this Ordinance, governed or managed by a statutorily-defined board or commission where a majority of the members of such board or commission are authorized to be appointed by the Chairman of the DuPage County Board or by the DuPage County Board or nominated by the Chairman of the DuPage County Board and approved with the advice and consent of the DuPage County Board.

"County-wide elected officials" means the following office holders elected at-large in DuPage County: Auditor, County Clerk, Circuit Clerk, Coroner, Regional Superintendent, Sheriff, States Attorney, and Treasurer.

"DuPage County" means the County of DuPage or any County-appointed agency that has adopted this Ordinance.

“Elected Official” or “officer” means an individual serving as the Chairman of the DuPage County Board, a member of the County Board, or a county-wide elected official who has adopted this Ordinance. For the purposes of this Ordinance, “elected official” or “officer” also includes a member of the corporate authorities or similar governing board of a County-appointed agency that has adopted this Ordinance notwithstanding the fact that he or she holds office by virtue of appointment.

“Employee” means all full time, part time, temporary, and contractual employees appointed and elected officials of DuPage County but does not include an independent contractor. “Employee” includes current employees and any person who was employed at the time of the conduct which is the subject of the complaint filed with the Ethics Commission in conformance with the provisions of Section 2-410 of this Ordinance.

“Family Member” means those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister.

“Gift” means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having a fair cash market value including but not limited to cash, food, drink and honoraria for speaking engagements related to or attributable to government employment or the official position of any official or employee subject to this Ordinance.

“Market value” means the price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.

“Political Organization” means a party, committee, association, fund or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code [10 ILCS 5/9-3], but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

“Political” means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative or administrative action or (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official County duties.

“Principals” of a business shall mean an officer of a business entity, a majority shareholder of a corporation or the majority equity owner of a business entity.

“Prohibited political activity” means:

- (i) preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event;
- (ii) soliciting contributions, including but not limited to the purchase of, selling, distributing or receiving payment for tickets for any political fundraiser, political meeting, or other political event;
- (iii) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution;

- (iv) planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (v) surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question;
- (vi) assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question;
- (vii) soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls;
- (viii) initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question;
- (ix) making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office;
- (x) preparing or reviewing responses to candidate questionnaires;
- (xi) distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question;
- (xii) campaigning for any elective office or for or against any referendum question;
- (xiii) managing or working on a campaign for elective office or for or against any referendum question;
- (xiv) serving as a delegate, alternate, or proxy to a political party convention;
- (xv) participating in any recount or challenge to the outcome of any election.

“Prohibited source” means any person or entity who (i) is seeking official action by an elected official subject to this Ordinance or in the case of an employee, by the employee or by an elected official subject to this Ordinance, or another employee directing that employee; (ii) does business or seeks to do business with the elected official subject to this Ordinance or in the case of an employee, by the employee or by the elected official subject to this Ordinance, or another employee directing the employee; (iii) conducts activities regulated by the elected official subject to this Ordinance or in the case of an employee, by the employee or by the elected official subject to this Ordinance, or another employee directing the employee; (iv) has interests that may be substantially affected by the performance or non-performance of the official duties of the elected official subject to this Ordinance or employee; (v) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act or the DuPage County Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; (vi) is a Political Action Committee to which a prohibited source has contributed.

“Ultimate Jurisdictional Authority” means the Department Head of the employee; the parent committee of the Department; the DuPage County Board; the Chairman of the DuPage County Board, the county-wide elected official who has adopted this Ethics Ordinance, or the chief executive officer of a County-appointed agency that has adopted this Ethics Ordinance as the case may be depending on the direct reporting authority of the subject individual. With regard to an individual County Board member or the Chairman of the DuPage County Board who is the subject of an

Ethics Commission decision, the remaining members of the County Board shall constitute the Ultimate Jurisdictional Authority.

“USPS” means the United States Postal Service.

Section 2-402 Gift Ban and Political Contribution Limit.

1. Except as otherwise provided in this Ordinance, no elected official nor employee, spouse or family member of such official or employee (collectively hereinafter referred to as recipients) subject to this Ordinance shall intentionally solicit or accept any gift from any prohibited source or in violation of any ordinance, federal or State statute, rule or regulation. No prohibited source shall intentionally offer or make a gift that violates this Section.

2. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept cumulative campaign contributions of more than \$1,000 per calendar year from any contractor, union and vendor or their affiliated Political Action Committee who has obtained or is seeking contracts or change orders, or from lobbyists, agents or representatives in which their owners, officers, managers, lobbyists, agents or consultants are members who have obtained or are seeking contracts or change orders with the County. This prohibition applies to contracts for and vendors of all goods and services, including those for professional services as defined in 1-200 and 4-108 and those otherwise exempt from bid under Illinois law or any ordinance or policy applicable to the agency, unit of local government, or county-wide elected official subject to this Ordinance.

3. Except as otherwise provided in this Ordinance, no elected official subject to this Ordinance shall intentionally solicit or accept a campaign contribution in excess of \$1000 from any individual appointed or applying for appointment by the elected official to serve on a board, commission, authority, task force, advisory committee or other governmental entity when that elected official is empowered by law to nominate or vote to give his or her advice and consent to such appointment.

Section 2-403 Exceptions.

The restriction in Section 2-402 of this Ordinance, titled Gift Ban, shall not apply to the following:

1. Opportunities, benefits and services that are available on the same conditions as for the general public.
2. Anything for which the recipient pays the fair cash market value.
3. Any (i) contribution that is lawfully made under the Election Code or under this Ordinance or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
4. Educational materials and missions.

5. Travel expenses for a meeting to discuss business of DuPage County.

6. A gift from a relative, meaning (for the purposes of the gift ban provisions of this Ordinance only) those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

7. Anything provided by an individual on the basis of a personal friendship, unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient and not because of the personal friendship. In determining whether a gift is provided on the basis of a personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient receiving the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient, the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other persons included within the term "recipient."

8. Food or refreshments not exceeding \$25 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purpose of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

9. Food, refreshments, lodging, transportation and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the recipients) of the recipients if the benefits have not been offered or enhanced because of the official position or employment of the recipient and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an elected official or employee of an agency or unit of local government subject to this Ordinance to another elected official or employee of the same agency or unit, and "inter-governmental gift" means any gift given to the recipient by an officer or employee of another county, State agency, federal agency or any governmental entity.

11. Bequests, inheritances and other transfers at death.

12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$25.

13. The recipient does not violate this Section if the recipient promptly takes reasonable action to return the prohibited gift to its source.

14. The recipient does not violate this Section if the recipient gives the gift or an amount

equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986 as now or hereafter amended, renumbered or succeeded.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

Section 2-404 Adoption by County-wide Elected Officials.

Any county-wide elected official of DuPage County may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section.

Section 2-404.1 Adoption by County-appointed Agencies.

Any County-appointed agency may adopt this Ethics Ordinance or maintain an ethics policy that is more restrictive than those set forth in Section 2-403 and may continue to follow any existing policies, ordinances, rules or regulations that are more restrictive and are in addition to those set forth in this Section. In all aspects of this Ordinance where the Chairman of the County Board is to act, the presiding officer of the unit of government or agency is to act, and where the County Board is to act, the corporate authorities of the unit of government or governing board or commission of the agency is to act. Provisions of this Ordinance which set forth the duties of elected officers, appointees, and employees of DuPage County, including any prohibitions applicable to them, shall apply to all elected officers, appointees and employees of an agency adopting this Ordinance.

Section 2-405 Prohibited Political Activity.

1. No elected officer or employee of a unit of local government or agency subject to this Ordinance shall intentionally perform any prohibited political activity during any compensated time. Nor shall such person intentionally use any public property or resources in connection with any prohibited political activity for the benefit of any campaign for elective office, any political organization or for or against any referendum question.

2. At no time shall any elected officer or employee of a unit of local government or agency subject to this Ordinance intentionally misappropriate the services of any employee by requiring that employee to perform any prohibited political activity (i) as part of that employee's duties, (ii) as a condition of employment, or (iii) during any time off that is compensated, including, but not limited to vacation, holidays or personal time off.

3. An employee shall not be required at any time to participate in any prohibited political activity in consideration for that employee being awarded any additional compensation or employee benefit, in the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of participating in any prohibited political activity.

4. An employee shall not be awarded any additional compensation or employee benefit, in

the form of salary adjustment, bonus, compensatory time off, continued employment or otherwise awarded any additional compensation or employee benefit in consideration of voluntarily participating in any prohibited political activity.

5. An employee shall not be denied or deprived of employment by a public entity or elected official subject to this Ordinance or tenure solely because he or she is a member or an officer of a political committee, or a political party, or a political organization, or political club.

6. An employee shall not be required to (i) purchase tickets, solicit others to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (ii) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.

7. Political contributions shall not be intentionally solicited or accepted on County property by any employee or candidate for elective office. An inadvertent acceptance of a political contribution shall not be considered a violation of this Ordinance, if reasonable and timely action is taken to return the contribution to its source.

8. Nothing in this Section prohibits activities that are otherwise appropriate for an employee to engage in as a part of his or her official employment duties or activities that are undertaken by an employee on a voluntary basis as permitted by law.

Section 2-406 Training.

All elected officials and employees subject to this Ordinance, including, but not limited to the Chairman and members of the DuPage County Board and all officers of a County-appointed agency which has adopted this Ordinance must complete, within six months after adoption of this amended Ordinance and at least regularly thereafter, an ethics training program conducted by the DuPage County Department of Human Resources in conjunction with other appropriate officials. A new employee must complete his or her initial ethics training during orientation within the first month of employment. Elected officials other than employees shall attend a training program within six months of being elected or appointed (or as soon thereafter as an ethics training is offered) and at least regularly thereafter, an ethics training program coordinated through the Human Resources Department in conjunction with the Ethics Officer. The Ethics Officer shall assist the Human Resources Department in maintaining records indicating each employee's attendance at such training programs.

Section 2-407.1 Ethics Commission of DuPage County.

There is hereby created a commission known as the Ethics Commission of DuPage County. The Commission shall consist of five (5) commissioners. No more than three (3) commissioners shall belong to the same political party at the time of such appointments are made. Party affiliation shall be determined by affidavit of the appointed commissioner.

1. The Chairman of the DuPage County Board shall appoint five (5) commissioners, with the advice and consent of the DuPage County Board.

2. Commissioners shall be from the general public, residents of DuPage County, outside of DuPage County government who have experience holding governmental office or employment. The initial appointment of commissioners shall be made within thirty (30) days following the effective date of this Ordinance and all commissioners shall take an oath to faithfully perform their duties.

3. The term of each commissioner shall be two years and until their successors are appointed and qualified. Initially three (3) of the Commissioners shall be appointed to a two (2) year term and two (2) of the commissioners shall be appointed to a one (1) year term. Thereafter commissioners shall be appointed to a two (2) year term. Commissioners may be reappointed to serve an unlimited number of subsequent terms. Vacancies shall be filled by the Chairman as provided hereinabove in this Section and shall serve for the balance of the term of the commissioner whose office was vacant. The Chairman shall appoint the Chair of the Ethics Commission.

4. The Ethics Commission shall have jurisdiction over the Chairman, County Board Members and employees of DuPage County under each Ultimate Jurisdictional Authority of DuPage County.

5. The Commission shall hold an organizational meeting within thirty (30) days of their appointment and thereafter as often as necessary to perform its duties and shall meet at least annually on the anniversary of its first meeting. Meetings shall be held at the call of the Chair or any two (2) commissioners. Action by the Commission shall require the affirmative vote of four (4) commissioners. Commissioners may be reimbursed for reasonable expenses actually incurred in the performance of their duties.

6. No commissioner may during his or her term of office: (i) become a candidate for any elective public office; or (ii) hold any other elected or appointed public office except for appointment to a governmental advisory board, study commission, or ethics commission of another public agency or unit of local government; provided, however, a commissioner may resign to become a candidate for elective office or to accept an appointment to a public office.

7. The Chairman may remove a commissioner, with or without cause upon a written notice to remove presented to the County Board, with a copy sent to the Commissioner by USPS certified mail, return receipt requested. The County Board may overrule the removal of the commissioner within sixty (60) days of the notice at a regularly-scheduled meeting by a majority vote of the County Board Members elected.

Section 2-407.2 Powers and Duties.

The Ethics Commission shall have the following powers and duties:

1. To promulgate procedures and rules in addition to those contained in this Ordinance governing the performance of its duties and the exercise of its powers and those of the Investigator General.

2. To receive ethics complaints and refer them to an Investigator General for inquiry.

3. To act only upon the receipt of a report or petition from the Investigator General and not on its own prerogative. To consider an Investigator General's petition to proceed to a hearing on a formal Complaint and to consider any written argument of the Respondent which is filed within thirty (30) days of Respondent's receipt of the petition of the Investigator General.

4. The Commission shall receive, review and rule on the record of the Investigator General and Respondent's submission. The Ethics Commission shall either concur in the Investigator General's recommendation to issue a formal Complaint or reject the recommendation of the Investigator General and dispose of the original complaint.

5. To refer to an Investigator General for investigation any allegations of violations of this Ordinance received by the Commission.

6. To the extent authorized by this Ordinance and in accordance with law to deliberate, issue recommendations for disciplinary actions, impose fines and/or penalties, if appropriate, and refer to the appropriate authority violations of law outside the purview of this Ordinance.

7. To conduct a fair administrative hearing, receive evidence, under oath, in support of the Complaint and from the subject of the Complaint in defense of the allegations in the Complaint. The Commission may compel attendance of witnesses and the production of documents relevant to matters to be heard and, if necessary, petition the DuPage County Circuit Court for an order that a party comply with the Commission's requests. The Commission shall employ a court reporter, the reasonable cost shall be paid by DuPage County after submission and approval of an invoice.

8. To prepare, file and serve a written report to include findings of fact and a decision regarding the Complaint, assessment of fines, penalties and recommendation for disposition by the Ultimate Jurisdictional Authority.

9. To exercise its powers and duties strictly limited to matters clearly within the purview of this Ordinance.

10. To seek and receive legal advice from the DuPage County State's Attorney who shall provide legal advice without charge to the Commission

11. To employ necessary staff persons and contract for services that cannot be satisfactorily performed by the County employees; provided, however, that the costs thereof shall be paid by DuPage County pursuant to approved budget, or if there is no budget, to a maximum of \$5,000 without specific authorization of the Ultimate Jurisdictional Authority.

Section 2-408.1 Ethics Officer.

The Chairman, with the advice and consent of the DuPage County Board, shall appoint an Ethics Officer for DuPage County. If the Ethics Officer is not a County employee, he or she shall be compensated at a reasonable hourly rate determined by the Chairman prior to the appointment. The Ethics Officer shall be appointed for a term of two (2) years and until their successors are appointed and qualified. The Chairman may remove the Ethics Officer, with or without cause, by notice to the Ethics

Officer, by USPS certified mail, return receipt requested. The County Board may overrule the removal of the Ethics Officer at its next regularly scheduled meeting by a majority vote of the members elected. The Ethics Officer shall not (i) become a candidate for any elective office; or (ii) hold any other elected or appointed public office except for appointment to a governmental advisory board or study commission; provided, however, an Ethics Officer may resign to become a candidate for elective office or to accept an appointment to a public office.

Section 2-408.2 Duties of Ethics Officer.

The Ethics Officer shall:

1. provide guidance to the Chairman, any County Board Member or employee in the interpretation and implementation of this Ordinance, upon a written inquiry, with a written response;
2. review statements of economic interest and disclosure forms of the Chairman, County Board Members or employees filed with the DuPage County Clerk upon request of the Chairman, County Board Member, employee or upon receipt of a written request from a member of the public at large;
3. assist the Human Resources Department in preparing and publishing manuals and guides explaining the duties of individuals covered by this Ordinance;
4. assist the Human Resources Department in preparing public information materials to facilitate compliance, implementation, and enforcement of this Ordinance; and
5. assist the Human Resources Department in keeping accurate records of attendance of individuals at training seminars and appropriate distribution of compliance materials.
6. provide such guidance and assistance as set forth in this Section to the officers, employees, and departments of a County-appointed agency which has adopted this Ordinance following the execution of an intergovernmental agreement as set forth in Section 2-414.1.

Section 2-409.1 Investigator General.

The Chairman, with the advice and consent of the County Board, shall appoint one or more Investigators General with the first appointed Investigator General acting as the principal one and others acting in the event that a conflict exists to preclude the principal Investigator General from carrying out his/her duties. An Investigator General shall not be an employee of DuPage County or any other unit of government. An Investigator General shall be appointed within 30 days of the adoption of this Ordinance for an initial term ending February 1, 2007. Following terms shall be for a period of four (4) years and until their successors are appointed and qualified. The Chairman may remove an Investigator General with or without cause, by notice to the Chair of the Ethics Commission and the Investigator General, by USPS certified mail, return receipt requested. The County Board may overrule the removal of the Investigator General at its next regularly scheduled meeting by a majority vote of the members elected. An Investigator General shall not (i) become a candidate for any elective office, or (ii) hold any other elected or appointed public office except for appointment to an uncompensated advisory board or study

commission; provided, however, an Investigator General may resign to become a candidate for elective office or to accept an appointment to a public office.

Section 2-409.2 Powers and Duties.

An Investigator General shall:

1. provide guidance to the Ethics Commission and assist the Commission in the discharge of its duties, including the presentation of evidence of alleged violations to the Commission;
2. provide fair notice to each person alleged to have violated this Ordinance in accordance with the procedures set forth in this Ordinance;
3. receive complaints, conduct a preliminary investigation, and provide a status report to the Ethics Commission within thirty (30) days after the complaint was filed unless extended for good cause by the Chair of the Ethics Commission;
4. if the Investigator General finds that there is a reasonable cause to believe that the Respondent has violated one or more of the provisions of this Ordinance, then the Investigator General shall follow the procedures set forth in this Ordinance;
5. subject to the provisions of this Ordinance and in the discretion of the Commission compel the attendance of witnesses for the purpose of testimony and the production of documents and other items for inspection and copying and, if necessary, petition the Circuit Court of DuPage County for an order compelling compliance; and
6. compile and refer to the Chairman an annual statistical report for each year consisting of (i) the number of complaints filed, (ii) the number of complaints deemed to sufficiently allege a violation of this Ordinance, (iii) the number of complaints resolved, (iv) the decision issued for each complaint and (v) the status of pending complaints.

Section 2-410 Complaint Filing Procedure and Whistleblower Protection.

1. Complaints alleging a violation of this Ordinance shall be in writing, signed by the Complainant and filed with the Ethics Commission. If the complaint is filed other than with the Ethics Commission the complaint shall be transmitted by the receiving officer, supervisor, department or employee to the Ethics Commission within seventy-two (72) hours of receipt of the complaint.
 - (a) The complaint shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts.
 - (b) The complaint shall contain the Complainant's home address, business telephone number and personal telephone number.
2. The Ethics Commission shall forward all complaints it receives to the Investigator General who shall conduct a confidential investigation of the complaint to determine the facts regarding the allegations in the complaint.

3. Any employee making a good faith effort report under this section or cooperating under Section 2-413 of this Article shall have all protections afforded to a whistleblower under the personnel ordinance and state statute.

Section 2-411 Complaint Review Procedure.

1. The Investigator General shall notify the Respondent (subject of the complaint) of the fact and nature of the complaint filed, within five (5) business days of receipt of a complaint, by USPS certified mail, return receipt requested, unless in his or her discretion such notice would interfere with a potential or ongoing investigation being conducted by a law enforcement agency. At all times the Investigator General shall comply with the Confidentiality clause of this Ordinance, Section 2-422. However, the Investigator General is authorized to provide information to any law enforcement agency with jurisdiction to investigate any matter that has come to his or her attention. The notice may request a written response or other information from the Respondent and shall indicate the date that the Investigator General desires to receive testimony and other evidence concerning the complaint. Any party may represent himself or herself or be represented by legal counsel of their own choice and at their own expense.

2. The Investigator General may inquire and take testimony under oath from witnesses or may require production of any records from any source within DuPage County relevant or material to the investigation. The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the Investigator General's inquiry, but all extended testimony shall be tape recorded and given under oath.

3. If the Investigator General, upon conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Investigator General shall issue a summary report of the investigation within fourteen (14) days of the conclusion of the informal investigation. The report shall be delivered to the Respondent, the appropriate Ultimate Jurisdictional Authority and the Ethics Commission Chair. The report shall include the following:

- a. A description of any allegations or other information received by the Investigator General pertinent to the investigation.
- b. A description of any alleged misconduct discovered during the course of the investigation.
- c. Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to termination.
- d. Other information that the Investigator General deems relevant to the investigation and resulting recommendations.

4. Not less than 30 days after delivery of the report, if the Inspector General desires to file a petition for leave to file a formal Complaint ("Complaint"), the Inspector General shall notify the Commission. The petition shall set forth the alleged violation and the grounds that exist to support a Complaint. A copy of the petition shall be served by USPS certified mail, return receipt requested on all respondents named in the Complaint and on each respondent's Ultimate Jurisdictional Authority.

5. A respondent may file objections to the petition for leave to file a formal Complaint within 30 days after the service date of notice of the petition.

6. The Commission shall meet, either in person or by telephone, in a closed session as allowed by law to review the sufficiency of the complaint which is the subject of the petition. If the Commission finds that the Complaint is sufficient, the Commission shall grant the petition for leave to file a formal complaint. The Commission shall issue notice to the Inspector General and all respondents of the Commission's ruling and shall include a hearing date scheduled within six (6) weeks after the date of the notice, unless all of the parties consent to a later date. If the Complaint is deemed not to sufficiently allege a violation, then the Commission shall send by USPS certified mail, return receipt requested, a notice to the parties of the decision to deny the petition and dismiss the original complaint.

7. If the Investigator General, upon conclusion of an investigation, determines that no reasonable cause exists to believe that a violation has occurred, then the Investigator General shall close the investigation within fourteen (14) days of the conclusion of the informal investigation and notify the Complainant, the Respondent, the appropriate Ultimate Jurisdictional Authority and the Ethics Commission Chair in writing. At the request of the Respondent, the Inspector General shall provide a written statement to the respondent and to the Chair of the Inspector General's decision to close the investigation. Closure of an investigation does not bar the Inspector General from resuming the investigation if the circumstances warrant. Closure of an investigation by the Investigator General is not subject to review by any court or administrative tribunal absent fraud on the part of the Investigator General.

Section 2-412 Hearing Procedure by Ethics Commission.

1. The proceedings on any Complaint authorized to be filed with the Commission shall be conducted fairly pursuant to rules promulgated by the Commission.

2. The rules of evidence applicable to civil and/or criminal trials shall not strictly apply to the proceedings, but irrelevant, immaterial, incompetent or unduly repetitious material may be excluded by ruling of the Chair.

3. On the hearing date(s) as scheduled by the Commission, the Commission shall conduct a closed meeting to the extent permitted by law either in person or, if the parties consent, by telephone, to allow all parties the opportunity to present testimony and evidence pertaining to the complaint. All such proceedings shall be recorded by a tape recording device, and at the sole discretion of the Commission may be transcribed by a court reporter.

4. Within the appropriate time proscribed by rules of the Commission, but not later than 45 days from the close of the hearing, the Commission shall (i) dismiss the Complaint or (ii) issue findings and a recommendation of discipline to the Respondent and the Respondent's Ultimate Jurisdictional Authority or impose a penalty upon the respondent, or both.

5. A copy of the Commission's decision, including findings of fact if there is a recommendation for discipline by the Ethics Commission, excluding a copy of the evidence received, shall be sent to the Complainant, the Respondent, the Ultimate Jurisdictional Authority and the Inspector General by USPS certified mail, return receipt requested.

6. The notice to the Respondent shall inform the Respondent of the right to petition the Ethics Commission for reconsideration. The petition for reconsideration shall be in writing and filed with the Ethics Commission within ten (10) days of mailing the Report to the Respondent. The Ethics Commission shall decide the petition for reconsideration only on the formal record. The decision of the Ethics Commission becomes final upon the expiration of ten (10) days of the date of its recommendation or ten (10) days following the decision on a petition for reconsideration of the Ethics Commission.

7. A decision by the Ethics Commission to impose a penalty is subject to judicial review under the Administrative Review Act. All other decisions by the Ethics Commission are final and not subject to review administratively or judicially.

Section 2-413 Employee Cooperation.

Each employee shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the Investigator General and Ethics Commission. Failure or refusal to comply with reasonable requests for information shall constitute a violation of this Ordinance and may be considered by the Ultimate Jurisdictional Authority as grounds for discipline consistent with the enforcement provisions of this Ordinance.

Whistleblower Protection. Whenever any employee subject to this Ordinance reasonably believes evidence exists that another employee has perpetrated gross mismanagement, gross misuse or waste of public resources or funds; abuse of authority in connection with the administration of a public program or execution of a public contract; a violation of a federal, state, or local law, rule or regulation which is not merely of a technical or minimal nature; or a substantial and specific danger to the public health and safety exists, the employee shall bring this evidence to the immediate attention of the County Board Chairman, the County Board, the State's Attorney's Office, the County Auditor, Chief of Staff or Human Resources Department. In the case of an employee of a County-appointed agency that has adopted this Ordinance, he or she may also bring such evidence to the attention of the agency's chief executive officer, corporate authorities or governing board, or legal counsel.

A supervisor, elected official or other employee subject to this Ordinance shall not threaten to take or take any retaliation against an employee because of the employee's disclosure of any alleged prohibited activity or because of an employee's refusal to comply with an illegal order. Any supervisor or other employee who retaliates against someone who has reported a violation in good faith is subject to but not limited to; a demotion, denial of promotion or merit increase, reassignment of responsibilities or disciplinary action not to exclude termination of employment.

An employee who reports a violation or concern, in good faith, will not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

An employee who reports a violation or concern in good faith, on behalf of another employee, shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.

This Section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

The Human Resources Department is authorized to develop formal procedures and forms for reporting complaints of improper or unethical behavior and will make this information available on the county's intranet.

Section 2-414 Enforcement.

1. The Commission may recommend to a person's Ultimate Jurisdictional Authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe one or more of the following courses of action:

- (a) A reprimand.
- (b) To cease and desist the offensive action.
- (c) A return or refund of money or other items, or an amount of restitution for services, received in violation of this Ordinance.
- (d) Suspension or termination of an employee.
- (e) Donation to a charity of an amount equal to a gift.

2. The Ultimate Jurisdictional Authority of a person who violates any provision of this Ordinance may take disciplinary action against the person, as recommended by the Ethics Commission or as it deems appropriate, to the extent it is constitutionally permissible for the Ultimate Jurisdictional Authority to take that action. The Ultimate Jurisdictional Authority shall make its action, or determination to take no action available to the public.

3. In addition, the Commission may impose a penalty per violation and/or fine as provided in this Ordinance to be deposited into the General Revenue Fund of the County, or a similar fund of a County-appointed agency that has adopted this Ordinance. Such fines shall not be waived or reduced by any Ultimate Jurisdictional Authority.

4. The Ethics Commissioners, Ethics Officer and Investigator General shall be entitled to all immunities and defenses available to employees and officers of a local public entity, including those immunities and defenses granted by the "Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 1011-101", for any claims, lawsuits or actions brought against them for injuries arising out of the performance of their duties under this Ordinance or state law. Additionally, the Ethics Commissioners, Ethics Officer and Investigator General shall be entitled to the indemnification provided pursuant to the provisions of the "Ordinance to Indemnify County Officers and Employees," OFI-008A-99, enacted on September 14, 1999.

Section 2-414.1 Intergovernmental Agreements with County-appointed Agencies.

Any County-appointed agency that has adopted this Ethics Ordinance may voluntarily enter into an intergovernmental agreement with the county to utilize the Ethics Commission, Ethics Officer and Investigator General as a means of enforcing all provisions of this Ordinance as applied to its officers and employees. All costs related to the investigation or adjudication of any ethics complaint executed

pursuant to this Section shall be the sole responsibility of the County-appointed agency which entered into the agreement with the county. Within 20 days of execution of an agreement made under this Section, the County-appointed agency shall furnish a copy of said agreement to the Ethics Commission, Ethics Officer and Investigator General, respectively.

Section 2-415 Collective Bargaining Restriction.

Any recommendation for discipline or any action taken against any employee pursuant to this Ordinance by the Ethics Commission is subject to the provisions of any collective bargaining agreement or merit commission action that apply to the employee on the effective date of this Ordinance. Collective bargaining agreements that are executed after the effective date of this Ordinance shall include a provision which incorporates the substantive terms of this Ordinance as part of such agreement.

Section 2-416 Employee Ethics.

All employees shall conduct themselves in a way that complies with the DuPage County Personnel Policy as adopted and amended from time to time as if it were reproduced in this Ordinance in its entirety, or the written personnel policies of a County-appointed agency which has adopted this Ordinance.

Section 2-417 Contractor Disclosure.

Prior to award, every contractor, union, or vendor who is seeking or who has obtained contracts or change orders to contracts or ~~two or~~ more individual contracts with a public entity subject to this Ordinance which exceed the threshold amount set forth in this Section shall disclose to the public entity all political campaign contributions made within the last 12 months to any current elected official that will in any way participate in, or whose office will benefit from, the awarding of such contract or change order. Such disclosure shall be in writing, made to the principal purchasing officer or purchasing department of the public entity, and updated annually during the term of a multi-year contract and prior to any change order or renewal which exceeds the threshold amount. For the purposes of this Section, "threshold amount" means an amount at or in excess of \$5,000 less than an amount set by the statute applicable to the public entity that would otherwise require procurement through a competitive bidding process. In the event that no statute imposes a competitive bidding requirement upon the public entity, the threshold amount shall be \$5,000 less than the amount set forth in Section 5-1022(a) of the Counties Code at the time of the procurement. The requirements of this Section apply to all procurements in excess of the threshold amount including those in which the public entity employed a procurement process other than competitive bidding to award the contract for such goods or services.

For purposes of this disclosure requirement, "contractor or vendor" shall include owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and Political Action Committees to which the contracting person has made contributions.

All Contractors and Vendors who have obtained or are seeking contracts with DuPage County must disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with county employees or officials in relation to the

contract or bid. This information disclosure must be updated when any changes to the information should occur. Penalties for knowingly violating disclosure requirements will potentially result in immediate cancellation of the contract, and possible disbarment from future county contracts.

Section 2-418 Financial Interest Disclosure.

All elected officials subject to this Ordinance shall disclose their financial interests and holdings in any business seeking a relationship with DuPage County where the elected official has an ownership interest of 7 ½% or greater. These disclosures shall be in compliance with the Public Officer Prohibited Activities Act, 50 ILCS 105/01 et seq. and shall include (i) publicly disclosing the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract and (ii) withdrawing from discussion and shall not vote on the award of the contract.

Section 2-419 Conflict of Interest.

1. Neither the Chairman, County Board Member, county-wide elected official who adopts this Ordinance nor an officer of a County-appointed agency who adopts this Ordinance, nor any of their employees, while representing or employed by their agency or unit of local government, shall engage in any act that is in conflict with the performance of his or her official duties. A conflict of interest exists whenever official action could result in a personal advantage or disadvantage to the interested employee, Member of the County Board, or Chairman, or county-wide elected official or officer of a County-appointed agency, as the case may be, including, but not limited to the following:

- (a) receives or has any financial interests in any purchase, sale or lease to or by the County where that purchase, sale or lease was obtained with prior knowledge that the County intended to take such action;
- (b) represents, or whose firm represents, any person who would receive direct financial benefit as a result of the official action under consideration;
- (c) accepts or seeks any employment, travel, compensation or gift from any person doing business or seeking to do business with the County for which the employee has responsibility;
- (d) receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence County action where a reasonable and prudent person would believe that the purpose was to obtain special consideration or to influence County action;
- (e) violates any provision of the Public Officer Prohibited Activities Act. (50 ILCS 105/0.1, et seq.)

2. The Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or any employee thereof who has a conflict situation should abstain from discussion and shall not vote on any contract with the person or business involved in the conflict. If the conflict situation is an action that is prohibited by the Public Officer Prohibited Activities Act, a member cannot avoid the conflict by abstaining from discussion or vote on the contract.

3. Any employee who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify, in writing, his or her Ultimate Jurisdictional

Authority or the Ethics Officer of such conflict. The disposition of the potential conflict shall be stated in writing and maintained by the Ethics Officer. A County Board Member, Chairman of the County Board, county-wide elected official or officer of a County-appointed agency shall not participate in deliberations where they have a conflict of interest as defined under this Ordinance and must not participate in the decision making in any manner.

4. Notwithstanding any other law or ordinance, on and after February 1, 2004, a person, his or her family members living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by the DuPage County Board (i) if that person is entitled to receive more than 7 ½% of the total distributable income under a DuPage County contract other than an employment contract or (ii) that person together with his or her family member living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a DuPage County contract other than an employment contract; except this provision does not apply to any of the following:

- (a) a person, his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and
- (b) a person, his or her family member living with that person, who is serving on a DuPage advisory body that makes non-binding recommendations to an agency of DuPage County but does not make binding recommendations or determinations or take any other substantive action.

Section 2-420 Future Employment.

~~NE~~ Neither the Chairman, County Board Member, county-wide elected official who adopts this Ordinance or officer of a County-appointed agency that adopts this Ordinance, nor any of their respective employees may accept or discuss an offer of future employment with any person or entity doing or seeking to do business with the County if either:

1. The Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or employee knows or has reason to believe that the offer of employment was intended as compensation or reward or to influence official action pertaining to the business;

2. The employee has decision making responsibility for a matter and that person or entity is offering employment to the decision maker; the exception will be if the employee has disclosed in writing to his or her Ultimate Jurisdictional Authority that the employee intends to discuss future employment with this person or business. In this case, the employee shall be removed from any decision-making relative to this person or business. A decision maker shall have approval authority, or input on approval or selection, and shall not include those employees who fill a review or compliance function in the approval/selection process.

3. In the situation where the Chairman, County Board Member, county-wide elected official or officer of a County-appointed agency or employee, is offered future employment by a person doing business with DuPage County, the Chairman, Countywide elected official, County Board Member or officer of a County-appointed agency or employee must disclose to the Ethics Officer, in writing, the intention of discussing future employment. The Chairman, County Board Member, county-wide official, or officer of a County-appointed agency or employee shall withdraw from discussion and shall not vote

on any contract with this business or person.

Section 2-421 Former Employment Relationships.

No employee, within one year of entering county employment, may participate in the decision making or awarding of a contract to a business or a person by whom they were formerly employed unless the employee, in writing, has disclosed the prior employment relationship to his or her superior before participating in any decision making regarding the former employer.

Prohibited Employment. No officer or employee of the County or of a County-appointed agency that has adopted this Ordinance shall be employed in any other business, position or occupation (including self-employment) or have an ownership interest in any company that interferes with his/her official position or the full and proper performance of his/her duties, including, but not limited to:

- (a) Employment with any vendor, individual or entity that transacts any business with the County.
- (b) Any employment that interferes with or compromises the employee(s) position with the County to further their own personal interests.
- (c) Any employment that may be interpreted by the public to be in conflict with the employee's position with the County or County-appointed agency.
- (d) Any employment that conflicts with the County's purpose, duties and interests or those of the applicable or County-appointed agency.
- (e) Any ownership interest in any company or entity which transacts or engages in any business with the County or the County-appointed agency.

Section 2-422 Use of Proprietary or Confidential Information.

1. No employee, Ethics Officer, Investigator General, Ethics Commissioner, County Board Member, Chairman or Ultimate Jurisdictional Authority, or officer or employee of a County-appointed agency that has adopted this Ordinance, may intentionally disclose or use for his or her personal benefit or for the benefit of his or her family members any information acquired in the course of official duties, which is not available as a matter of public knowledge or public record. Violations of this Section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this Ordinance.

2. The identity of any individual providing information or reporting any possible or alleged misconduct to the Ethics Commission or Investigator General shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this section does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation. Ethics Commissioners, Inspectors General, persons appearing before the Commission and their representatives shall not disclose information exempted from disclosure under the Freedom of Information Act or this Ordinance.

3. No elected or appointed official, employee, or Ultimate Jurisdictional Authority subject to this Ordinance may intentionally disclose any information discussed during a meeting lawfully closed pursuant to the Illinois Open Meetings Act.

Section 2-423 Severability.

1. It is hereby declared to be the intention of the County Board and of the corporate authorities of a County-appointed agency which adopts this Ordinance that the several provisions of this Ordinance are separable.
2. If any court of competent jurisdiction shall adjudge any provision, or part thereof, of this Ordinance to be invalid, such judgment shall not affect any other provision, or part thereof, of this Ordinance which are not declared to be invalid in said judgment.
3. If any court of competent jurisdiction shall adjudge invalid the application of any provision, or part thereof, of this Ordinance to a particular person, such judgment shall not affect the application of said provision, or part thereof, to any other person not specifically included in said judgment.

Section 2-424 Penalties and Fines.

1. Any individual who knowingly violates Section 2-402 of this Ordinance may be subject to a fine of up to \$5,000.
2. After reference to the DuPage County States Attorney for prosecution, any individual who is found to have knowingly violated Section 2-402 of this Ordinance shall be subject to criminal penalties and fines.
3. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the Ethics Commission, an Inspector General, the State's Attorney or Attorney General or any of their assistants or investigators or any person appointed to act in their stead, or Ultimate Jurisdictional Authority shall be subject to criminal penalties and fines upon prosecution.
4. The Ethics Commission may levy an administrative fine of up to \$5,000 against any person who violates this Ordinance, who intentionally obstructs or interferes with an investigation conducted under this Ordinance, or who intentionally makes a false, frivolous, or bad faith allegation.

Section 2-425 Exemptions.

1. Documents generated by the Investigator General under this Ordinance are exempt as allowed by law from the provisions of the Freedom of Information Act.
 - (a) Any allegations and related pleadings submitted to the Ethics Commission are exempt from the Freedom of Information Act so long as the Ethics Commission does not make a finding of a violation of this Ordinance.
 - (b) If the Ethics Commission finds that a violation has occurred, the entire record of proceedings before the Commission, the decision and recommendations and the mandatory report are not exempt from the provisions of the Freedom of Information Act but information contained therein that is otherwise exempt from the Freedom of

Information Act must be redacted before disclosure as provided in Section 8 of the Freedom of Information Act.

2. Meetings of the Ethics Commission under this Ordinance are exempt from disclosure pursuant to the provisions of the Open Meetings Act.

Section 2-426 Review.

The decision of the Ethics Commission to dismiss a complaint is not subject to Administrative Review under the Illinois Code of Civil Procedure. The imposition by the Ethics Commission of any penalty, fine or sanction is a final decision and subject to Administrative Review pursuant to the Illinois Code of Civil Procedure.

Section 2-427 Effective Date.

Ordinance OFI-003-04 shall take effect September 14, 2004.

Ordinance OFI-003A-04 amended October 25, 2005


Ordinance OFI-003B-04 amended January 12, 2010

Ordinance OFI-003C-04 amended June 26, 2012



DUPAGE AIRPORT AUTHORITY

TO: DuPage Airport Authority Board of Commissioners

FROM: David Bird 
Executive Director

RE: Proposed Resolution 2012-1684; Authorizing the Execution of an Intergovernmental Agreement with the County of DuPage Relating to Lobbyist Services.

DATE: September 17, 2012

SUMMARY:

In 2007 the DuPage Airport Authority began partnering with DuPage County through an Intergovernmental Agreement, for the purpose of having a lobbyist in Washington D.C. In 2011 the BGR Group was utilized to provide lobbyist services and the Airport Authority agreed to compensate the County for these services in the amount of \$40,000. For the period of 2012-2013 the County will continue with the BGR Group and the Airport Authority, with the execution of this Intergovernmental Agreement, will continue this partnership with the County in the amount of \$40,000.

PREVIOUS COMMITTEE/BOARD ACTION:

Beginning in 2007 the Board has annually approved the IGA with the County for lobbyist services.

REVENUE OR FUNDING IMPLICATIONS:

Under the proposed IGA, the DuPage Airport will contribute \$40,000. Funds are available in FY-12 operating budget and will be budgeted in FY-13.

STAKEHOLDER PROCESS:

N/A

LEGAL REVIEW:

Phil Luetkehans initially prepared the Intergovernmental Agreement with DuPage County and has reviewed all related documents.

ATTACHMENTS:

- Intergovernmental Agreement
- Proposed Resolution 2012-1684; Authorizing the Execution of an Intergovernmental Agreement with the County of DuPage Relating to Lobbyist Services.

ALTERNATIVES:

None

RECOMMENDATION:

I recommend approval of the IGA between DuPage County and the DuPage Airport Authority.

INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT ("Agreement") is effective as of the 1st day of September, 2012 and is entered into by and between the County of DuPage, a body politic and corporate (the "County") and the DuPage Airport Authority, an Illinois Special District (the "Authority"), collectively referred to as the "Parties".

RECITALS

WHEREAS, the Parties, as units of local government, are authorized to contract and otherwise associate amongst themselves and to obtain or share services and to exercise, combine or transfer any power or function that either unit of local government may have in any manner not prohibited by law or ordinance under the authority of Article VII, Section 10 (Intergovernmental Cooperation) of the Constitution of the State of Illinois;

WHEREAS, the Parties have determined that it is in their best interests to enter into this Agreement, pursuant to the lawful authority conferred upon the Parties as units of local government;

WHEREAS, the County and the Authority have authorized the execution of this Agreement by the passage of an ordinance or resolution providing for such execution, passed or adopted upon the affirmative vote of the majority of each party's Board;

WHEREAS, the County has hired a lobbyist, BGR Group ("Lobbyist") to render certain services more fully described herein;

WHEREAS, the services to be performed by the Lobbyist will proportionately benefit the Authority and the Authority is willing to share in the cost of the Lobbyist's services; and

WHEREAS, the Lobbyist has demonstrated expertise in providing such services, has represented that it has the requisite knowledge, skill, experience and other resources necessary to perform such services and is desirous of providing such services for the County and the Authority.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the Parties hereby agree as follows:

1. **Incorporation of Recitals:** The matters recited above are hereby incorporated into and made a part of this Agreement.
2. **Terms:** This Agreement is for a term commencing September 1, 2012 and continuing through August 31, 2013 ("Term"), unless terminated sooner as provided herein.
3. **Scope of Services:** Lobbyist has agreed to provide the services required as set forth on the attached Exhibit A including the deliverables set forth therein ("Services"), in

accordance with the terms and conditions of an agreement entered into between Lobbyist and the County set forth on the attached Exhibit B. The Authority acknowledges that it will benefit proportionately from these Services. The Authority may, from time to time, request changes in the scope of Services. Any such changes, including any increase or decrease in Lobbyist's fees, shall be documented by an amendment to this Agreement in accordance with all applicable regulations, ordinances and laws. If a change of scope is created by the Authority's request and significantly alters the proportion of benefit to the Authority, the Parties will alter the payment terms herein.

4. **Compensation and Payment:** The Authority has agreed to compensate the County for Services during the initial Term at a monthly rate of Three Thousand Three Hundred Dollars (\$3,333.33) and shall not exceed Forty Thousand Dollars (\$40,000), with no reimbursement for expenses. Payment shall be made on September 30, 2012 and monthly thereafter for the following eleven months, unless the Agreement is terminated as provided herein. The Authority shall not be obligated to pay for any Services not in compliance with this Agreement to the extent the County is not liable to Lobbyist for said payment. In the event of early termination of this Agreement, the Authority shall only be obligated to pay the fees incurred up to the date of termination. The Authority shall not be liable for any costs incurred or Services performed after the effective date of termination as provided herein.
5. **Non-Appropriation:** Expenditures not appropriated in the current fiscal year budget are deemed to be contingent liabilities only and are subject to appropriation in subsequent fiscal year budgets. In the event sufficient funds are not appropriated in a subsequent fiscal year by the Authority for performance under this Agreement, the Authority shall notify the County and this Agreement shall terminate on the last day of the fiscal period for which funds were appropriated. In no event shall the Authority be liable to the County or Lobbyist for any amount in excess of the cost of the Services rendered up to and including the last day of the fiscal period.
6. **Events of Default and Remedies.**
 - 6.1 **Events of Default.** Events of default include, but are not limited to, any of the following: (i) any material misrepresentation by the County or Lobbyist in the inducement of this Agreement or the performance of Services; (ii) breach of any agreement, representation or warranty made by the County in this Agreement; or (iii) failure of either Party to perform in accordance with or comply with the terms and conditions of this Agreement.
 - 6.2 **Remedies.** In the event either Party defaults under this Agreement and such default is not cured within twenty (20) calendar days after written notice is given by the non-defaulting Party, this Agreement may be terminated immediately by the non-defaulting Party. The remedies stated herein are not intended to be exclusive and the non-defaulting Party may pursue any and all other remedies available at law or equity.

7. **Standards of Performance.** The County acknowledges and accepts a relationship of trust and confidence with the Authority and agrees to cooperate with the Authority in obtaining Services to further the mutual interests of the Parties.
8. **Conflict of Interest:** The Parties acknowledge that the Lobbyist may perform similar services for other clients. In the performance of services for others, the Lobbyist will not advocate for a position contrary to the interests of the County or the Authority without the County first having given timely notice to the Authority of such conflict. Upon receipt of such notice, the Authority may pursue its interests through other resources without breach of contract, or may waive the conflict on such conditions as it deems appropriate or, at its sole option, may terminate this Agreement, paying for services to date.
9. **Assignment:** This Agreement shall be binding on the Parties and their respective successors and assigns, provided however, that neither party may assign this Agreement or any obligations imposed hereunder without the prior written consent of the other party.
10. **Ownership of Documents:** All records, reports, documents, and other materials prepared by Lobbyist in performing Services, as well as all records, reports, documents, and other materials containing Confidential Information prepared or generated as a result of this Agreement, shall at all times be and remain the property of the County and the Authority, respectively. Any Confidential Information relating to the Authority shall be delivered to the Authority upon demand at any time and in any event shall be promptly delivered to the Authority upon expiration or termination of this Agreement. In the event any of the above items are lost or damaged while in Lobbyist's possession, such items shall be restored or replaced at the County's expense.
11. **Representations and Warranties of County:** The County represents and warrants that the following shall be true and correct as of the effective date of this Agreement and shall continue to be true and correct during the Term of this Agreement.
 - 11.1 **Licensed Professionals.** In its Contract with the Lobbyist, the County has required that Services required to be performed by professionals shall be performed by professionals licensed to practice by the State of Illinois in the applicable professional discipline. It has also required that the Lobbyist will comply with all applicable Lobbyist Registration Acts and regulations.
 - 11.2 **Authorization.** The County represents that it has taken all action necessary for the approval and execution of this Agreement, and execution by the person signing on behalf of the County is duly authorized by the County and has been made with complete and full authority to commit the County to all terms and conditions of this Agreement which shall constitute valid, binding obligations of the County.
12. **Indemnification:** To the extent that the County is able to obtain indemnification from the Lobbyist, the County agrees to indemnify and hold harmless the Authority, its members, trustees, employees, agents, officers and officials, from and against any and all

liabilities, taxes, tax penalties, interest, losses, penalties, damages and expenses of every kind, nature and character, including costs and attorney fees, arising out of, or relating to, any and all claims, liens, damages, obligations, actions, suits, judgments, settlements, or causes of action of every kind, nature and character, in connection with or arising out of the acts or omissions of the County, the Lobbyist or their employees or subcontractors under this Agreement. This includes, but is not limited to, the unauthorized use of any trade secrets, U.S. patent or copyright infringement. The indemnities set forth herein shall survive the expiration or termination of this Agreement. Notwithstanding the foregoing, the Authority and the County shall not be deemed to have waived any rights, protections or immunities under 745 ILCS 10/1-101, *et. seq.*

13. **Favored Nation:** Lobbyist has agreed to a "Favored Nation" clause in Exhibit 2. If Lobbyist overcharges, in addition to all other remedies, the Authority is entitled to a refund in the amount of the pro-rata share of the overcharge, plus a pro-rata share of any interest paid by the Lobbyist.
14. **Insurance.** To the extent the County is being held harmless by the Lobbyist for waiving its requirement that Lobbyist carry Commercial General Liability Insurance, Professional Liability Insurance and Worker's Compensation and Employer's Liability Insurance, the County agrees to hold the Authority, its members, trustees, employees, agents, officers and officials, harmless from all liability in any claim or action made by Lobbyist or any third party, and harmless from any judgment awarded by any court or administrative body, for personal injury, disability or death, or damage or destruction of property resulting from or connected with the Services, unless caused by the gross negligence of the Authority.
15. **Notices:** All notices required under this Agreement shall be in writing and sent to the addresses and persons set forth below, or to such other addresses as may be designated by a party in writing. All notices shall be deemed received when (i) delivered personally; (ii) sent by confirmed telex or facsimile (followed by the actual document); or (iii) one (1) day after deposit with a commercial express courier specifying next day delivery, with written verification of receipt.

IF TO THE COUNTY:

DuPage County Finance Department
421 North County Farm Road
Wheaton, IL 60187
Attn: Frederic Backfield

Copy to: DuPage County Procurement Services Division
421 North County Farm Road
Wheaton, IL 60187-3978

Copy to: Rick Veenstra, Assistant State's Attorney
DuPage County State's Attorney's Office
505 North County Farm Road
Wheaton, IL 60187-2521

IF TO THE AUTHORITY:

DuPage Airport Authority
2700 International Drive, Suite 200
West Chicago, IL 60185-1658
Attn: David Bird, Executive Director

Copy to: Phillip A. Luetkehans
Schriott, Luetkehans & Garner, P.C.
105 E. Irving Park Road
Itasca, IL 60143

16. **Entire Agreement and Amendment:** This Agreement, including all exhibits and referenced documents, constitutes the entire agreement of the Parties with respect to the matters contained herein. All attached exhibits are incorporated into and made a part of this Agreement. No modification of or amendment to this Agreement shall be effective unless such modification or amendment is in writing and signed by both Parties hereto. Any prior agreements or representations, either written or oral, relating to the subject matter of this Agreement are of no force or effect.
17. **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois without regard to any conflict of law or choice of law principles.
18. **Waiver:** No delay or omission by the Authority to exercise any right hereunder shall be construed as a waiver of any such right and the Authority reserves the right to exercise any such right from time to time as often as may be deemed expedient.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

COUNTY OF DU PAGE

DU PAGE AIRPORT AUTHORITY

By: _____
JOHN MENEGHINI
PROCUREMENT OFFICER

By: _____
DAVID BIRD
EXECUTIVE DIRECTOR

Exhibit A

SCOPE OF SERVICES

This Scope of Services is for the provision to the Authority of certain Services as described below.

1. DESCRIPTION OF WORK:

Consulting services as a lobbyist representing the DuPage Airport Authority before the federal government, specifically Congress and the Executive Branch.

2. MILESTONE/DELIBERABLE INFORMATION:

In addition to regular updates and reports as directed, quarterly reports to the DuPage Airport Authority Chairman, Commissioners and state as follows:

<u>Milestone/Deliverable Description</u> Note: include enough detail to enable someone not familiar with the Project to understand what is being delivered.	<u>Delivery Dates</u>
Quarterly activity report of major activities	11/15, 2/15, 5/15, 8/15

RESOLUTION 2012-1684

AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF DUPAGE RELATING TO LOBBYIST SERVICES

WHEREAS, the DuPage Airport Authority (the "Authority") and the County of DuPage (the "County"), as units of local government, are authorized to contract and otherwise associate amongst themselves and to obtain or share services and to exercise, combine or transfer any power or function that either unit of local government may have in any manner not prohibited by law or ordinance under the authority of Article VII, Section 10 of the Constitution of the State of Illinois;

WHEREAS, the Authority and the County have determined that it is in their best interests to enter into this Agreement, pursuant to the lawful authority conferred upon them as units of local government;

WHEREAS, the County has hired a lobbyist, BGR Group ("Lobbyist") to render certain lobbying services with the federal government;

WHEREAS, the services to be performed by the Lobbyist will also benefit the Authority and the Authority is willing to share in the cost of the Lobbyist's services;

WHEREAS, the Lobbyist has demonstrated expertise in providing such services, has represented that it has the requisite knowledge, skill, experience and other resources necessary to perform such services and is desirous of providing such services for the County and the Authority; and

WHEREAS, the Authority and the County have negotiated an Intergovernmental Agreement, attached hereto as Exhibit 1, relating to the provision of lobbying services.

NOW THEREFORE BE IT RESOLVED, that the Authority hereby agrees to enter into the Intergovernmental Agreement and authorizes the Executive Director of the Authority to take whatever steps necessary on behalf of the Authority to enter into and comply with the terms of this Intergovernmental Agreement with the County of DuPage.

This Resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen L. Davis _____
Charles E. Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____

Gerald M. Gorski _____
Peter H. Huizenga _____
Gina R. LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed & approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN


SECRETARY

RESOLUTION 2012-1684



TO: Board of Commissioners

FROM: Patrick Hoard
Director of Finance

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1675; Award of Procurement of
Banking Services for the DuPage Airport Authority to MB
Financial.

DATE: September 19, 2012

SUMMARY:

On August 1, 2012 the DuPage Airport Authority advertised a Request for Proposal for Banking Services. The services to be provided included but are not limited to the following:

- Checking, Payroll, Flex Spending and Money Market Accounts
- Compensating Balance Arrangement to Pay for Banking Service Costs
- Online Bank Services
- Payee Positive Pay
- ACH Processing
- Remote Deposit
- Wire Transfers
- Two (2) ATMs

Based on the written proposals, the top three (3) banks were invited to the Airport Authority on September 18, 2012 to provide a 15 minute presentation followed by a question and answer period. A selection panel was established made up of DAA Commissioners Peter Huizenga and Stephen Davis; DuPage County Treasurer Gwen Henry; Baker Tilly Capital, LLC Managing Director Bill Chapman and DAA Finance Director Patrick Hoard. It was the consensus of the Selection Panel to award the procurement of banking services to MB Financial.

PREVIOUS COMMITTEE/BOARD ACTION:

No previous action.

REVENUE OR FUNDING IMPLICATIONS:

There is no direct revenue or funding impact as the DuPage Airport Authority uses a compensating balance approach to offset any fees. However, the new proposal reduces the funds needed on account to offset the fees by \$400,000. This money can now be invested.

STAKEHOLDER PROCESS:

No stakeholders have been identified at this time

LEGAL REVIEW:

Legal counsel has not yet reviewed the contractual documents, but agreed to review the selected Bank's contracts and agreements and to negotiate any changes deemed necessary.

ATTACHMENTS:

- Proposed Resolution 2012-1675; Award of Procurement of Banking Services for the DuPage Airport Authority to MB Financial.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

Subject to the favorable recommendation of the Finance Committee at their September 26, 2012 meeting, and Legal Review; it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1675; Award of Procurement of Banking Services for the DuPage Airport Authority to MB Financial.

RESOLUTION 2012-1675

**Award of Procurement of Banking Services for the
DuPage Airport Authority to MB Financial**

WHEREAS, the DuPage Airport Authority ("Authority"), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited Request for Proposals for the procurement of Banking Services for the DuPage Airport Authority; and

WHEREAS, the Authority received and reviewed (6) six proposals; and

WHEREAS, a panel reviewed the proposals and interviews were held with (3) three respondents; and

WHEREAS, it was the consensus of the review panel that MB Financial be retained to provide said Banking Services to the DuPage Airport Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to generate the necessary agreement for the procurement of Banking Services for an amount agreed upon pending negotiations with the DuPage Airport Authority and MB Financial; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, Authority Staff and Legal Counsel to conduct such negotiations for said contract with MB Financial, and authorizes the Executive Director to execute said contract on behalf of the Authority; and

FURTHER, BE IT RESOLVED, if an acceptable contract cannot be negotiated with MB Financial, the Executive Director, Authority Staff and Legal Counsel shall conduct such negotiations for an acceptable contract with the next highest ranked respondent, until an acceptable contract for Banking Services is reached and executed by the Executive Director.

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN


(ATTEST)

SECRETARY



TO: Board of Commissioners

FROM: Patrick Hoard
Director of Finance

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1688; Award of Procurement of
Financial Investment Services for the DuPage Airport Authority to
PNC Capital Advisors.

DATE: September 19, 2012

=====

SUMMARY:

On August 1, 2012 the DuPage Airport Authority advertised a Request for Proposal for Investment Services. The selected advisor will work within the guidelines of the DuPage Airport Authority's Investment Policy and State of Illinois Statue to develop and implement a portfolio of investments with the primary goal to preserve capital, reduce risks, manage liquidity and maximize yield. Based on the written proposals, the top four (4) advisors were invited to provide a 40 minute presentation to a selection panel made up of the following individuals: DAA Commissioners Peter Huizenga and Stephen Davis; DuPage County Treasurer Gwen Henry; Baker Tilly Capital, LLC Managing Director Bill Chapman and DAA Finance Director Patrick Hoard. It was the consensus of the Selection Panel to award the Procurement of Financial Investment Services to PNC Capital Advisors.

PREVIOUS COMMITTEE/BOARD ACTION:

May 16, 2012 the Board approved Ordinance 2012-255 approving an investment policy for DuPage Airport Authority

REVENUE OR FUNDING IMPLICATIONS:

There are no funding obligations. Based on the very recent past we expect to be able to substantially improve our investment income with currently is derived entirely from Money Market Investments.

STAKEHOLDER PROCESS:

No stakeholders have been identified at this time.

LEGAL REVIEW:

Legal counsel has not yet reviewed the contractual documents, but agreed to review the selected advisor's contracts and agreements and to negotiate any changes deemed necessary.

ATTACHMENTS:

- Proposed Resolution 2012-1688; Award of Procurement of Financial Investment Services for the DuPage Airport Authority to PNC Capital Advisors.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

Subject to the favorable recommendation of the Finance Committee at their September 26, 2012 meeting and pending Legal review, it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1688; Award of Procurement of Financial Investment Services for the DuPage Airport Authority to PNC Capital Advisors.

RESOLUTION 2012-1688

**Award of Procurement of Financial Investment Services for the
DuPage Airport Authority to PNC Capital Advisors.**

WHEREAS, the DuPage Airport Authority (“Authority”), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited Request for Proposals for the procurement of Financial Investment Services for the DuPage Airport Authority; and

WHEREAS, the Authority has received and reviewed (6) six proposals; and

WHEREAS, a panel reviewed the proposals and interviews were held with (4) four respondents; and

WHEREAS, it was the consensus of the review panel that PNC Capital Advisors be selected to provide said Financial Investment Services for the DuPage Airport Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to generate the necessary agreement for the procurement of Financial Investment Services for an amount to be agreed upon pending negotiations with the DuPage Airport Authority and PNC Capital Advisors; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, Authority Staff and Legal Counsel to conduct such negotiations for said contract with PNC Capital Advisors, and authorizes the Executive Director to execute said contract on behalf of the Authority; and

FURTHER, BE IT RESOLVED, if an acceptable contract cannot be negotiated with PNC Capital Advisors, the Executive Director, Authority Staff and Legal Counsel shall conduct such negotiations for an acceptable contract with the next highest ranked respondent, until an acceptable contract for Financial Investment Services is reached and executed by the Executive Director.

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

RESOLUTION 2012-1688

**DuPAGE AIRPORT AUTHORITY
BOARD OF COMMISSIONERS**

**REGULAR MEETING
WEDNESDAY, SEPTEMBER 26, 2012**

AMENDED TENTATIVE AGENDA

9. NEW BUSINESS

- e. Proposed Resolution 2012-1685;
Authorizing the Payment of Excess
Shortfall Amount to CenterPoint
Properties Trust.**

**Supporting materials are provided
under separate cover.**

RESOLUTION 2012-1685

Authorizing the Payment of the Excess Shortfall Amount to CenterPoint Properties Trust

WHEREAS, on May 1, 2012, the DuPage Airport Authority (the "Authority") and CenterPoint Properties Trust ("CPT") entered into the Amended and Restated Agreement to Develop and Lease the land known as the DuPage Business Center (the "Amended DLA"); and

WHEREAS, pursuant to the Amended DLA, there is an Excess Shortfall Amount owed to CPT by the Authority, which balance is paid down monthly through fees collected from CPT; and

WHEREAS, the Authority finds it to be in the best interests of the Authority and the general public to pay the Excess Shortfall Amount in a lump sum.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Authority hereby authorizes the Executive Director, David Bird, to pay CenterPoint Properties Trust the Excess Shortfall Amount and to take whatever steps are necessary to effectuate the terms of this Resolution on behalf of the Authority.

This Resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles E. Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed & approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY


RESOLUTION 2012-1685



DUPAGE AIRPORT AUTHORITY

TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1676; Award of Bid to Dalmatian Fire
Equipment, Ltd. For the Procurement of On Call Fire Alarm Repair Services

DATE: September 26, 2012

SUMMARY:

The service contracts were reevaluated and the staff solicited sealed bids on an hourly basis for On Call Fire Alarm Repair Services in the August 7, 2012 edition of the *Daily Herald Newspaper*.

Seven (7) sealed bids were received and opened at 2:00 p.m. CST on August 28, 2012. Bid tabulations are as follows:

Vendor	M-F Journey	M-F Apprentice	Sat Journey	Sat Apprentice	Holiday Journey	Holiday Apprentice	Parts
Dalmatian Fire Dolton, Illinois	\$85	\$70	\$127.50	\$127.50	\$125.50	\$105.00	30%
First Security Systems, Naperville, Illinois	\$106		\$158		\$205		15%
Fox Valley Elgin, Illinois	\$112	\$112	\$168	\$168	\$224	\$224	20%

Upon evaluation of the bids, it is apparent that Dalmatian Fire Equipment, Ltd. is the low, responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget, and Audit Committee – this item is being reviewed by the Committee.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract utilized for the procurement of this item.

ATTACHMENTS

- ❑ Proposed Resolution 2012-1676; Award of Bid to Dalmatian Fire Equipment, Ltd
- ❑ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

- ❑ Subject to the favorable recommendation of the Finance Budget and Audit Committee at their September 26, 2012, meeting; it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1676 Award of Bid to Dalmatian Fire Equipment, Ltd.

RESOLUTION 2012-1676

**Award of Bid to Dalmatian Fire Equipment, Ltd. for the Procurement of
On Call Fire Alarm Repair Services**

WHEREAS, the DuPage Airport Authority ("Authority"), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of On Call Fire Alarm Services; and

WHEREAS, the Authority has received and reviewed (3) three sealed bids on August 28, 2012; and

WHEREAS, It is apparent that Dalmatian Fire Equipment, Ltd. is the low, responsive and responsible bidder at an hourly rate of \$85/\$70 Journeyman/Apprentice weekday with a markup rate of 30% on parts; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to execute the necessary Contract documents to procure on call fire alarm repair services at an hourly rate of \$85/\$70 Journeyman/Apprentice weekdays with a markup rate of 30% on parts; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird, to execute said contract with Dalmatian Fire Equipment, Ltd., and to take whatever steps necessary to effectuate the terms of said contract,

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

**DUPAGE AIRPORT AUTHORITY
ON CALL FIRE ALARM REPAIR SERVICE
SOLICITATION NO. 2012-0708**

STATEMENT OF POLITICAL CONTRIBUTIONS

Dalmatian Fire Equipment LTD
(name of entity or individual)

531 MONROE ST
DOLTON IL 60419
(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form
<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>	<u>NONE</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."


8/24/2012 John Rydzewski President
(date) (signature) (title of signer, if a business)



DUPAGE AIRPORT AUTHORITY

TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1678; Award of Bid to Gary Spielman Plumbing, Inc.
for the Procurement of On Call Plumbing Services

DATE: September 26, 2012

SUMMARY:

The service contracts were reevaluated and the staff solicited sealed bids on an hourly basis for On Call Plumbing Service in the August 15, 2012 edition of the Daily Herald Newspaper.

Three (3) sealed bids were received and opened on September 5, 2012 at 2:00 p.m. CST. Bid tabulations are as follows:

Vendor	M-F Journey	M-F Apprentice	Sat Journey	Sat Apprentice	Holiday Journey	Holiday Apprentice	Parts
Gary Spielman Plumbing, Inc. West Chicago, IL	\$109	\$80	\$163	\$163	\$163	\$120	15%
Hogans Plumbing Warrenville, IL	\$115	\$115	\$172	\$172	\$172	\$172	15%
T & J Plumbing Chicago, IL	\$130	\$50	\$155 6:30am- 3:30pm	\$70 6:30am- 3:30pm	\$175	\$100	15%

Upon evaluation of the bids, it is apparent that Gary Spielman Plumbing, Inc. is the low, responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget, and Audit Committee – this item is being reviewed by the Committee.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract utilized for the procurement of this item.

ATTACHMENTS

- ❑ Proposed Resolution 2012-1678; Award of Bid to Gary Speilman Plumbing, Inc.
- ❑ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

- ❑ Subject to the favorable recommendation of the Finance Budget and Audit Committee at their September 26, 2012, meeting; it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1678 Award of Bid to Gary Speilman Plumbing, Inc.

RESOLUTION 2012-1678

Award of Bid to Gary Spielman Plumbing, Inc. for the Procurement of On Call Plumbing Services

WHEREAS, the DuPage Airport Authority ("Authority"), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of On Call Plumbing Services; and

WHEREAS, the Authority has received and reviewed (3) three sealed bids on September 5, 2012; and

WHEREAS, It is apparent that Gary Speilman Plumbing, Inc. is the low, responsive and responsible bidder at an hourly rate of \$109/\$80 Journeyman/Apprentice weekday with a markup rate of 15% on parts; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to execute the necessary contract documents to procure on call plumbing services at an hourly rate of \$109/\$80 Journeyman/Apprentice weekdays with a markup rate of 15% on parts; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird, to execute said contract with Gary Speilman Plumbing, Inc., and to take whatever steps necessary to effectuate the terms of said contract,

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 13th day of September 26, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

**DUPAGE AIRPORT AUTHORITY
ON CALL PLUMBING SERVICE
SOLICITATION NO. 2012-1508**

STATEMENT OF POLITICAL CONTRIBUTIONS

GARY SPIELMAN
(name of entity or individual)

(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."


8/23/12 Ken Spielman President
(date) (signature) (title of signer, if a business)



DUPAGE AIRPORT AUTHORITY

TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1679; Award of Bid to FDG Electrical Services, Inc.
For the Procurement of On Call Electrical Services.

DATE: September 26, 2012

SUMMARY:

Earlier this year the Board approved master agreements for on call services. The electric service contracts were reevaluated and the staff solicited sealed bids on an hourly basis for electric on call services in the June 5, 2012 edition of the Daily Herald Newspaper.

Four (4) sealed bids were received and opened at 2:00 p.m. CST on July 3, 2012. Bid tabulations are as follows:

BIDDER	HOURLY RATE JOURNEY/ APPRENTICE	HOURLY RATE ON SAT, SUN OR HOLIDAY JOURNEY/ APPRENTICE	% OF MARK UP ON PARTS
FDG Electric Service, Inc. Elburn, Il	\$74.50/\$37.25	\$74.50/\$37.25	0%
Rehm Electric Shop, Inc. St. Charles, Il	\$90/00/\$135.00	\$180.00	10%
Cambridge Electric, Inc. Elburn, Il	\$95.00	\$130.00	15%
Austin Electric Joliet, Il	\$100.00	\$140.00	10%

Upon evaluation of the bids, it is apparent that FDG Electrical Service, Inc. is the low, responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget, and Audit Committee – this item is being reviewed by the Committee.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract utilized for the procurement of this item.

ATTACHMENTS

- ❑ Proposed Resolution 2012-1679; Award of Bid to FDG Electrical Services, Inc.
- ❑ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

- ❑ Subject to the favorable recommendation of the Finance Budget and Audit Committee at their September 26, 2012, meeting it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1679; Award of Bid to FDG Electrical Services, Inc.

RESOLUTION 2012-1679

**Award of Bid to FDG Electrical Services, Inc. for the Procurement of
On Call Electric Services**

WHEREAS, the DuPage Airport Authority (“Authority”), Dupage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of On Call Electric Services; and

WHEREAS, the Authority has received and reviewed (4) four sealed bids on July 3, 2012; and

WHEREAS, It is apparent that FDG Electrical Services, Inc. is the low, responsive and responsible bidder at an hourly rate of \$74.50 weekdays, Saturday, Sunday and Holidays with a mark up rate of 0% on parts; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to execute the necessary Contract documents to procure on call electric services at an hourly rate of \$74.50 with 0% mark up for one year; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the Dupage Airport Authority hereby authorizes the Executive Director, David Bird, to execute said contract with FDG Electrical Services, Inc., and to take whatever steps necessary to effectuate the terms of said contract,

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

**DUPAGE AIRPORT AUTHORITY
ON-CALL ELECTRICAL REPAIR AND MAINTENANCE SERVICES
SOLICITATION NO. 2012-0506**

STATEMENT OF POLITICAL CONTRIBUTIONS

FDG Electrical Services Inc.
(name of entity or individual)

4N121 Country View Ln.
Elburn, IL 60119
(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form
<u>NONE</u>	<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>	<u></u>	<u></u>

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."


June 27, 2012  President
(date) (signature) (title of signer, if a business)



DUPAGE AIRPORT AUTHORITY

TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1680; Award of Bid to Discipio Enterprises, Inc. for
Snow Removal Services;

DATE: September 26, 2012

SUMMARY:

Each snow season the Airport Authority utilizes a snow removal contractor for plowing parking lots, roadways and shoveling sidewalks. The contractor responds to Airport property upon the accumulation of (2") of snow or when notified by Airport Staff.

The term of such contract commences on November 1, 2012 and continues through April 15, 2013.

Staff solicited proposals for procurement of these services in the July 19, 2012 edition of the *Daily Herald Newspaper*.

Six (6) sealed proposals were received and opened at 2:00 p.m. on August 9, 2012. Proposal results are as follows:

VENDOR	PICK UPS	SHOVELING	SKID LOADER	END LOADER	BOMBERS	3 YARD LOADER
Discipio Enterprises West Chicago, IL	\$55	\$21	\$80	\$150	\$120	\$150
Snow Systems, Wheeling, Illinois	\$55	\$22	\$82	\$130	\$102	\$130
Millieu Design, Wheeling, Illinois	\$75	\$29	\$89	-0-	\$75	-0-
Brancato Landscaping Elk Grove Village, Illinois	\$85	\$30	\$95	\$150	\$120	\$150
WA Mgmt, Inc. West Chicago, Illinois	\$87	\$80	\$95	\$160	\$110	-0-
Tim's Snowplowing, Inc Chicago, Illinois	\$95	\$36.50	\$125	\$225	\$100	\$225

Upon evaluation of the bids by applying historical hours under each category, it was calculated that Discipio Enterprises, Inc. is the low, responsive and responsible bidder. In addition, we received positive responses from the references we contacted.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget, and Audit Committee – this item is being reviewed by the Committee.

REVENUE OR FUNDING IMPLICATION

\$37,619 remains in the 2012 budget to fund snow contractor expenses that occur in November or December. Funds for 1/1/13 – 4/15/13 will be included in the 2013 budget. Based on a historical usage of primary equipment and shoveling labor, average seasonal costs are estimated to be \$82,000.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard Contract utilized for the procurement of this item.

ATTACHMENTS

- ☐ Proposed Resolution 2012-1680; Award of Bid to Discipio Enterprises, Inc. for Snow Removal Services.
- ☐ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

Subject to the favorable recommendation of the Finance, Budget and Audit Committee at their September 26, 2012, meeting it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1680; Award of Bid to Discipio Enterprises, Inc. for Snow Removal Services.

RESOLUTION 2012-1680

Award of Bid to Discipio Enterprises, Inc. for Snow Removal Services

WHEREAS, the DuPage Airport Authority (“Authority”), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of snow removal services; and

WHEREAS, the Authority has received and reviewed six (6) sealed bids on August 9, 2012; and

WHEREAS, it is apparent that Discipio Enterprises, Inc. is the low, responsive and responsible bidder; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to enter into a written Contract with Discipio Enterprises, Inc. for providing snow removal services during the period of November 1, 2012 through April 15, 2013 at the hourly rates attached hereto as Exhibit A; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird to execute said Contract with Discipio Enterprises, Inc. and to take whatever steps necessary to effectuate the terms of said Contract.

This resolution shall be in full force and effective immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

EXHIBIT A

**RESOLUTION NO. 2012-1680
AWARD OF BID FOR SNOW REMOVAL SERVICES**

COMPANY	PICK UP HOURLY RATE	SHOVELING HOURLY RATE	SKID STEER HOURLY RATE
DISCIPIO ENTERPRISES, INC.	\$55	\$21	\$80

**DUPAGE AIRPORT AUTHORITY
2012-2013 SNOW REMOVAL SERVICES
SOLICITATION NO. 2012-1907**

STATEMENT OF POLITICAL CONTRIBUTIONS

Discipin Enterprises, Inc
(name of entity or individual)

2400 E. Main Street
Suite 103 PMB 316
St Charles, IL 60174
(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."

8/8/12
(date)

Joseph J. Discipin
(signature)


(title of signer, if a business)



DUPAGE AIRPORT AUTHORITY

TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1681; Award of Bid to Arlington Power Equipment
For Procurement of two (2) Zero Turn Diesel Power Mowers

DATE: September 26, 2012

SUMMARY:

We currently are utilizing three (3) Exel UTR mowers that are used for mowing around runway/taxiway lights and signs. The mowers that we use for this purpose need the ability to mow rough turf as well as the ability to have a 6" mowing diameter without touching the frangible coupler that the lights are mounted on. Excel stopped manufacturing the UTR mowers over 16 years ago and no longer support them. We have rented and tested the Zero Turn Diesel Power Mowers and feel they are a suitable replacement for the UTR mowers.

The lowest bid unit takes three exceptions of which two are very significant. The first is a 60" deck instead of the specified 72" deck. We require the larger mowing width because the edge lighting is 10' from the pavement and the narrower deck would require a third pass to get beyond the lights and add 50% to the mowing time. The second significant exception is no suspension on the unit. We specified four wheel suspensions because the ground along the edges of the pavement is very rough and without the suspension it is very hard on the operator as well as the machine itself. Without suspension the operator has to travel at lower speeds and the potential for mechanical failure increases. With consideration of these two items I feel this bid is non compliant.

Staff solicited sealed bids for the procurement of two (2) "Rough Terrain Zero Turn Diesel Mower" in the July 16, 2012 edition of the *Daily Herald Newspaper*. Three bids were opened on August 6, 2012 at 2:00 cst.

Bidder	Model	Amount
Arlington Power Equipment Palatine, Illinois	Ferris 5100/C33D & 5100/72R	\$33,820
Kruegers Parts & Repair Somonauk, Illinois	Ferris 5100Z	\$34,496
Shorewood Home and Auto Shorewood, Illinois	John Deere	Non Responsive

Upon evaluation of the bids, it is apparent that Arlington Power Equipment is the responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget, and Audit Committee – this item is being reviewed by the Committee.

REVENUE OR FUNDING IMPLICATIONS

In 2012, staff budgeted \$60,000 for the Procurement of Two (2) Zero Turn Diesel Powered Mowers.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract utilized for the procurement of this item.

ATTACHMENTS

- ✦ Proposed Resolution 2012-1681; Award of Bid to Arlington Power Equipment for the Procurement of Two (2) Zero Turn Diesel Power Mowers
- ✦ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

Subject to the favorable recommendation of the Finance Budget and Audit Committee at their September 26, 2012, meeting; it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1681; Award of Bid to Arlington Power Equipment for the Procurement of two (2) Zero Turn Diesel Power Mowers.

RESOLUTION 2012-1681

Award of Bid to Arlington Power Equipment for Procurement of two (2) Zero Turn Diesel Power Mowers

WHEREAS, the DuPage Airport Authority ("Authority"), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of two (2) Zero Turn Diesel Power Mowers; and

WHEREAS, the Authority has received and reviewed (3) three sealed bids on August 6, 2012; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to generate the necessary purchase order for the procurement of two (2) Zero Turn Diesel Power Mowers for an amount of \$33,820 FOB DuPage Airport; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird to execute said Purchase Order Contract with Arlington Power Equipment and to take whatever steps necessary to effectuate the terms of said Contract.

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

RESOLUTION 2012-1681

**DUPAGE AIRPORT AUTHORITY
ZERO-TURN DIESEL POWERED MOWER
SOLICITATION NO. 2012-1607**

STATEMENT OF POLITICAL CONTRIBUTIONS

Arlington Power Equipment Inc.
(name of entity or individual)

20175 N. Rand Rd.
Palatine IL 60074
(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form
<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>[Signature]</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:


"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."

7/31/12 [Signature] President
(date) (signature) (title of signer, if a business)



TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1682 Award of Contract to NA-CHURS Plant Food Company d/b/a Nachurs Alpine Solutions Industrial for the Procurement of Runway Deicing Fluid.

DATE: September 26, 2012

SUMMARY:

Each Snow season the Airport Authority procures Potassium Acetate (runway deicing fluid) for anti-icing and deicing runway applications.

During the 2011/2012 snow season, the Airport utilized 550 gallons of Potassium Acetate. On average over a 3-year period 4,000 gallons were used. Currently the Airport has approximately 6,723 gallons of Potassium Acetate in its inventory.

In preparation of the 2012/2013 snow season, staff solicited sealed bids for the procurement of runway deicing materials in the July 11, 2012 edition of the Daily Herald newspaper. Bids were received and opened at 2:00 p.m. on August 1, 2012. Bid results are as follows:

Bidders	Price per Gallon	Delivery Time
NA-CHURS Plant Food Co. d/b/a Nachurs Alpine Solutions Industrial Marion, Ohio	\$4.33 per gallon 4400 min gal per order	2 days
Old World Industries, Inc. Northbrook, IL	\$4.49 per gallon 4300 min gal per order	2 days
LNT Solutions Exton, PA	\$5.89 per gallon 4400 min gal per order	2 days
Dart Seasonal Woodmere, New York	\$7.00 per gallon 3000 min gal per order	2-5 days

Upon evaluation of the bids, it is apparent that NA-CHURS Plant Food Co. d/b/a Nachurs Alpine Solutions Industrial is the low, responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget and Audit Committee will review this item.

REVENUE OR FUNDING IMPLICATIONS

Staff requests authorization to purchase up to 2 loads of Potassium Acetate on an as-needed basis for the amount not to exceed \$38,104 (8,000 gallons). Sufficient monies will be included in the 2013 budget to fund this item.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract that is being utilized for this procurement.

ATTACHMENTS

- ❑ Proposed Resolution 2012-1682; Award of Bid to NA-CHURS Plant Food Company d/b/a/ Nachurs Alpine Solutions Industrial for the Procurement of Potassium Acetate.
- ❑ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

- ❑ Subject to the favorable recommendation of the Finance Committee at their September 26, 2012 meeting, it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1682; Award of Bid to NA-CHURS Plant Food Company d/b/a/ Nachurs Alpine Solutions Industrial for the Procurement of Potassium Acetate.

RESOLUTION 2012-1682

**Award of Contract to NA-CHURS Plant Food Company d/b/a Nachurs Alpine Solutions
Industrial for the Procurement of Runway Deicing Fluid**

WHEREAS, the DuPage Airport Authority ("Authority"), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of Runway Deicing Fluid; and

WHEREAS, the Authority has received and reviewed (4) four sealed bids on August 1, 2012; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to generate the necessary purchase order for the procurement of 8,800 gallons of Potassium Acetate from NA-CHURS Plant Food Company d/b/a Nachurs Alpine Solutions Industrial for an amount not-to-exceed \$38,104 FOB DuPage Airport; and

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird to execute said Purchase Order Contract with NA-CHURS Plant Food Company d/b/a Nachurs Alpine Solutions Industrial and to take whatever steps necessary to effectuate the terms of said Contract.

This resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

(ATTEST)

SECRETARY

**DUPAGE AIRPORT AUTHORITY
RUNWAY DEICING FLUID
SOLICITATION NO. 2012-1107**

STATEMENT OF POLITICAL CONTRIBUTIONS

NACHURS PLANT FOOD COMPANY
dba Nachurs Alpine Solutions Industrial

(name of entity or individual)

421 Leader Street
Marion, OH 43302

(address of entity or individual)

1. List the name and office of every elected official, as that term is defined in the DuPage Airport Authority's Procurement Policy, whom a contribution, exceeding \$150.00 total, was made to in the 24 months preceding the execution of this form. For each elected official, provide, in the space provided, the date of the contribution(s), the amount of the contribution(s) and the form of the contribution(s). If additional space is needed, please attach a separate sheet of paper containing a full and complete list.

Elected Official	Office	Date	Amount	Form
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

NOTE: If this statement of political contributions is being made on behalf of a business entity or other type of organization, a separate, additional, statement of political contributions may be required by the DuPage Airport Authority. When making this statement of political contributions in an individual capacity, you must include contribution(s) made by your spouse and dependant children. See pages 11-13 of the Procurement Policy of the DuPage Airport Authority for said requirements.

VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."

7/30/12
(date)



(signature)

CFO
(title of signer, if a business)



TO: Board of Commissioners

FROM: Anna Marano
Procurement Analyst

THROUGH: David Bird 
Executive Director

RE: Proposed Resolution 2012-1683; Award of Bid to LNT Solutions
Incorporated for procurement of Sodium Formate Deicing Materials

Date: September 26, 2012

SUMMARY:

Each snow season the Airport Authority procures sodium formate runway deicing materials for anti-icing and deicing runway applications.

During the 2011/2012 snow season, the Airport utilized 1 ton of sodium formate. On average over a 3-year period 7 1/2 tons were used. Currently the Airport has approximately 12 tons of sodium formate in its inventory.

In preparation of the 2012/2013 snow season, staff solicited sealed bids for the procurement of runway deicing materials in the July 10, 2012 edition of the *Daily Herald Newspaper*. Bids were received and opened at 2:00 p.m. on July 31, 2012. Bid results are as follows:

Bidders	Deicing Material	Price per Ton
LNT Solutions, Inc. Exton PA	Sodium Formate	\$1,675.00
Dart Seasonal Products, Inc. Woodmere, NY	Sodium Formate	\$2,950.00

Upon evaluation of the bids, it is apparent that LNT Solutions Incorporated is the low, responsive and responsible bidder.

PREVIOUS COMMITTEE/BOARD ACTION:

September 26, 2012 Finance, Budget and Audit Committee will review this item.

REVENUE OR FUNDING IMPLICATIONS

Staff requests authorization to purchase up to 10 tons of Sodium Formate on an as-needed basis for an amount not to exceed \$16,750. Sufficient monies will be included in the 2013 budget to fund this item.

STAKEHOLDER PROCESS

No stakeholders have been identified at this time.

LEGAL REVIEW

Legal counsel has previously drafted the standard contract that is being utilized for this procurement.

ATTACHMENTS

- ❑ Proposed Resolution 2012-1683; Award of Bid to LNT Solutions Incorporated for the Procurement of Sodium Formate Deicing Materials.
- ❑ Statement of Political Contributions.

ALTERNATIVES:

The Board can deny, modify or amend this issue.

RECOMMENDATION:

Subject to the favorable recommendation of the Finance Committee at their September 26, 2012 meeting, it is the recommendation of the Executive Director and Staff that the Board approve Proposed Resolution 2012-1683; Award of Bid to LNT Solutions Incorporated for procurement of Sodium Formate Deicing Materials.

RESOLUTION 2012-1683

**Award of Bid to LNT Solutions Incorporated for the Procurement of
Sodium Formate Deicing Materials**

WHEREAS, the DuPage Airport Authority (“Authority”), DuPage County, Illinois is a duly authorized and existing Airport Authority under the laws of the State of Illinois; and

WHEREAS, the Authority has solicited sealed bids for the procurement of runway deicing materials; and

WHEREAS, it is apparent that LNT Solutions Incorporated is the low, responsive and responsible bidder at a cost \$1,675.00 per ton of Sodium Formate; and

NOW, THEREFORE, BE IT RESOLVED, that the Authority be authorized to generate the necessary purchase order for the procurement of Runway Deicing Materials for up to 10 tons of Sodium Formate on an as-needed basis for the amount not to exceed \$16,750.00.

FURTHER, BE IT RESOLVED, that the Board of Commissioners of the DuPage Airport Authority hereby authorizes the Executive Director, David Bird to execute said Purchase Order Contract with LNT Solutions Incorporated and to take whatever steps necessary to effectuate the terms of said Contract.

This resolution shall be in full force and effective immediately upon its adoption and approval.

Stephen Davis _____
Charles Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012

CHAIRMAN

(ATTEST)

SECRETARY

**DUPAGE AIRPORT AUTHORITY
RUNWAY DEICING MATERIALS
SOLICITATION NO. 2012-1007**

STATEMENT OF POLITICAL CONTRIBUTIONS

LNT SOLUTIONS INCORPORATED
(name of entity or individual)

64 E. WACHLAN AVENUE, #210
EXTON, PA 19341
(address of entity or individual)

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Elected Official	Office	Date	Amount	Form
<u>NONE</u>				

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VERIFICATION:

"I declare that this statement of political contributions (including any accompanying lists of contributions) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my (or the entities) political contributions as required by the Procurement Policy of the DuPage Airport Authority. Further, by signing this document I authorize the DuPage Airport Authority to disclose this information as it sees fit."

7/27/2012  VICE PRESIDENT, US
(date) (signature) (title of signer, if a business)

RESOLUTION 2012-1687
Disclosure of Executive Session Minutes

WHEREAS, pursuant to the Illinois Open Meetings Act, 5 ILCS 120/2.06, the Board of Commissioners of the DuPage Airport Authority semi-annually reviews and makes available for public inspection non-confidential portions of executive session minutes;

WHEREAS, the Board of Commissioners met in executive session on September 26, 2012 to review the minutes of all previously non-disclosed executive sessions;

WHEREAS, after consultation with legal counsel, the Board of Commissioners has determined that the need for confidentiality still exists for certain executive session minutes; and

WHEREAS, after consultation with legal counsel, the Board of Commissioners has determined that the executive session minutes attached hereto no longer require confidential treatment and should be made available for public inspection in their final form within seven (7) days from the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that, pursuant to the Illinois Open Meetings Act, the DuPage Airport Authority hereby makes available for public inspection those portions of the executive session minutes, which are attached hereto.

This Resolution shall be in full force and effect immediately upon its adoption and approval.

Stephen Davis _____
Charles E. Donnelly _____
Dayle M. Gillett _____
Daniel L. Goodwin _____
Gerald M. Gorski _____

Peter H. Huizenga _____
Gina LaMantia _____
David J. Sabathne' _____
Perry R. Thompson _____

Passed and approved by the Board of Commissioners of the DuPage Airport Authority this 26th day of September, 2012.

CHAIRMAN

SECRETARY

RESOLUTION 2012-1687