

**CITY OF
BLOOMINGTON
COUNCIL MEETING
DECEMBER 13, 2021**



COMPONENTS OF THE COUNCIL AGENDA

RECOGNITION AND PROCLAMATION

This portion of the meeting recognizes individuals, groups, or institutions publically, as well as those receiving a proclamation, or declaring a day or event.

PUBLIC COMMENT

Each regular City Council meeting shall have a public comment period not to exceed 30 minutes. Every speaker is entitled to speak for up to 3 minutes. To be considered for public comment, please complete a public comment card at least 5 minutes prior to the start of the meeting. The Mayor will randomly draw from the cards submitted. Public comment is a time to give comment. It is not a question and answer period and the City Council does not respond to public comments. Speakers who engage in threatening or disorderly behavior will have their time ceased.

CONSENT AGENDA

All items under the Consent Agenda are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, City Manager or Corporation Counsel so requests; in which event, the item will be removed from the Consent Agenda and considered in the Regular Agenda, which typically begins with Item No. 8.

The City's Boards and Commissions hold Public Hearings prior to some Council agenda items appearing on the Council's Meeting Agenda. Persons who wish to address the Council should provide new information that is pertinent to the issue before them.

PUBLIC HEARING

Items that require receiving public testimony will be placed on the agenda and noticed as a Public Hearing. Individuals have an opportunity to provide public testimony on those items that impact the community and/or residence.

REGULAR AGENDA

All items that provide the Council an opportunity to receive a presentation, ask questions of City Staff, seek additional information, or deliberate prior to making a decision will be placed on the Regular Agenda.

MAYOR AND COUNCIL MEMBERS

Mayor - Mboka Mwilambwe

City Council Members

Ward 1 - Jamie Mathy
Ward 2 - Donna Boelen
Ward 3 - Sheila Montney
Ward 4 - Julie Emig
Ward 5 - Nick Becker
Ward 6 - De Urban
Ward 7 - Mollie Ward
Ward 8 - Jeff Crabill
Ward 9 - Tom Crumpler

City Manager - Tim Gleason

Deputy City Manager - Billy Tyus

CITY LOGO DESIGN RATIONALE

The **CHEVRON** Represents:
Service, Rank, and Authority
Growth and Diversity
A Friendly and Safe Community
A Positive, Upward Movement and
Commitment to Excellence!

MISSION, VISION, AND VALUE STATEMENT

MISSION

To Lead, Serve and Uplift the
City of Bloomington

VISION

A Jewel of the Midwest Cities

VALUES

Service-Centered,
Results-Driven,
Inclusive

STRATEGIC PLAN GOALS

- ❖ Financially Sound City Providing Quality Basic Services
- ❖ Upgrade City Infrastructure and Facilities Grow the Local Economy
- ❖ Strong Neighborhoods
- ❖ Great Place - Livable, Sustainable City
- ❖ Prosperous Downtown Bloomington

AGENDA



REGULAR SESSION CITY COUNCIL MEETING AGENDA
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
MONDAY, DECEMBER 13, 2021, 6:00 P.M.

1. Call to Order
2. Pledge of Allegiance to the Flag
3. Remain Standing for a Moment of Silent Prayer
4. Roll Call
5. Recognition/Appointments
 - A. Proclamation in Memory of Barbara J. Adkins, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*
 - B. Proclamation recognizing Grand Cafe's 100 Year Anniversary, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*
6. Public Comment

Individuals wishing to provide emailed public comment must email comments to publiccomment@cityblm.org at least 15 minutes before the start of the meeting. Individuals wishing to speak in-person or remotely may register at cityblm.org/register at least 5 minutes before the start of the meeting for in-person public comment and at least 15 minutes before the start of the meeting for remote public comment.
7. Consent Agenda
 - A. Consideration and action to approve the Minutes of the November 22, 2021 Regular City Council Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*
 - B. Consideration and action to approve Bills and Payroll in the amount of \$16,607,320.88, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*
 - C. Consideration and action to approve (a) the Second Amendment to the Contract between the City of Bloomington and Alexander Chemical Corporation, for Liquid Chlorine (Bid #2021-21), in the amount of \$1,375 per ton from December 1, 2021, to April 30, 2022, and (b) an Ordinance Authorizing the Mayor and City Manager to Approve Contract Amendments for Liquid Chlorine through April 30, 2022, as requested by the Public Works Department. *(Recommended Motion: The proposed Contract Amendment and Ordinance be approved.)*
 - D. Consideration and action on a Resolution Authorizing the City Manager to Execute a Contract for Emergency Repairs at the Market Street Garage, as

requested by the Facilities Department. *(Recommended Motion: The proposed Resolution be approved.)*

- E. Consideration and action on a Resolution Authorizing the City of Bloomington's Participation in the Settlement Agreement Program Arising from the National Opioid Crisis Class Action Lawsuit, as requested by the Legal Department. *(Recommended Motion: The proposed Resolution be approved.)*

8. Regular Agenda

- A. Consideration and action on 1) an Ordinance Levying Taxes for the City of Bloomington, McLean County, Illinois for the Fiscal Year Beginning May 1, 2021 and Ending April 30, 2022 for the City of Bloomington, and 2) an Ordinance Levying Taxes for the City of Bloomington - Library, McLean County, Illinois for the Fiscal Year Beginning May 1, 2021 and Ending April 30, 2022 for the City of Bloomington, to approve the 2021 Tax Levy of \$20,920,384 for the City of Bloomington and \$5,867,785 for the Bloomington Public Library, as requested by the Finance Department. *(Recommended Motion: The proposed Ordinances be approved.) (Presentation by Scott Rathbun, Finance Director, 10 minutes; and City Council discussion, 10 minutes.)*
- B. Consideration and action on 1) a Resolution Abating All or a Portion of the Taxes Heretofore Levied to Pay Debt Service on Certain Obligation Bonds of the City of Bloomington, McLean County, Illinois, and 2) a Resolution Abating Tax Levy for Rent Payable Under Lease Agreement Between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the Expansion of the Parking Garage (two Resolutions for the abatement of property taxes totaling \$5,127,817.75), as requested by the Finance Department. *(Recommended Motion: The proposed Resolutions be approved.) (Presentation by Scott Rathbun, Finance Director, 10 minutes; and City Council discussion, 5 minutes.)*
- C. Presentation of the updated draft of the Americans With Disabilities Act Transition Plan, as requested by Ward 7 Mollie Ward. *(Recommended Motion: None; presentation only.) (Presentation by Michael Hurt, Chief Diversity and Inclusion Officer, 10 minutes; and City Council discussion, 15 minutes.)*

9. Finance Director's Report

<https://www.cityblm.org/government/advanced-components/documents/-folder-145>

10. City Manager's Discussion

11. Mayor's Discussion

12. Council Member's Discussion

13. Executive Session - Cite Section

- A. Semi-Annual Review of Minutes - Section 2 of (c)(21) of 5 ILCS 120 (15 minutes)

14. Return to Open Session and Adjourn

RECOGNITIONS



RECOGNITION/APPOINTMENTS ITEM NO. 5.A

FOR COUNCIL: December 13, 2021

SPONSOR: Administration Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Proclamation in Memory of Barbara J. Adkins, as requested by the Administration Department.

RECOMMENDED MOTION:

None; recognition only.

STRATEGIC PLAN LINK:

-Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

-Objective 4a. Residents feeling safe in their homes and neighborhoods

BACKGROUND: The included Proclamation is a public statement that brings attention to factors that affect our community.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Amy Overton, Executive Assistant

Reviewed by:

A handwritten signature in black ink, appearing to read "Billy Iyus".

Billy Iyus, Deputy City Manager

12/9/2021

A handwritten signature in black ink, appearing to read "Tara Henry".

Tara Henry, Legislative Assistant

12/9/2021

Attachments:

- ADM 1B Barbara J. Adkins Proclamation

PROCLAMATION

Dedicated to the Memory of Barb Adkins

WHEREAS, The City reflects on the life and accomplishments of former Deputy City Manager Barbara J. Adkins who passed away November 2020; and

WHEREAS, former Deputy City Manager Adkins is fondly remembered for 32-years of dedicated service with the City of Bloomington; and

WHEREAS, her influential career spanned from part-time Police Dispatcher, Community Relations Coordinator, and Community Affairs Specialist to the City's first African American Deputy City Manager; and

WHEREAS, Barb's guidance and support were instrumental to the Human Relations Commission, the annual Martin Luther King Jr. Luncheon, and other programs to support human rights; and

WHEREAS, always ready to stand up for justice, Barb helped initiate the Not In Our Town movement locally, served on the Bloomington Housing Authority, and was active with the NAACP; and

WHEREAS, to honor Barb's legacy of Public Service and City Engagement, the City's Administration Conference Room is dedicated to her and hereby named The Barb Adkins Conference Room.

NOW, THEREFORE, I, Mboka Mwilambwe, Mayor of the City of Bloomington, Illinois, do hereby urge you to fondly remember **Barbara J. Adkins**, a true servant leader.



Mboka Mwilambwe
Mayor



Leslie Yocum
City Clerk



RECOGNITION/APPOINTMENTS ITEM NO. 5.B

FOR COUNCIL: December 13, 2021

SPONSOR: Administration Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Proclamation recognizing Grand Cafe's 100 Year Anniversary, as requested by the Administration Department.

RECOMMENDED MOTION:

None; recognition only.

STRATEGIC PLAN LINK:

-Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

-Objective 4a. Residents feeling safe in their homes and neighborhoods

BACKGROUND: The included Proclamation is a public statement that brings attention to factors that affect our community.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Amy Overton, Executive Assistant

Reviewed by:

A handwritten signature in black ink, appearing to read 'Billy Iyus' followed by a large flourish.

Billy Iyus, Deputy City Manager

12/9/2021

A handwritten signature in black ink, appearing to read 'Tara Henry'.

Tara Henry, Legislative Assistant

12/9/2021

Attachments:

- ADM 2B Grand Cafe Proclamation

PROCLAMATION

In Recognition of Grand Café's 100 Year Anniversary

WHEREAS, the City of Bloomington appreciates its diverse restaurant scene which contributes to the vibrancy of our community; and

WHEREAS, we recognize that many of our beloved establishments have rich histories going back generations; and

WHEREAS, we are pleased to celebrate with the Grand Café as it marks its Centennial Anniversary in the City of Bloomington; and

WHEREAS, we congratulate current owners Jimmy and Kelly Mapugay as they build on the tradition that began in 1921 when Bing "Charlie" Lum bought the Grand Inn Chop Suey Café located on N. Center Street above a shoe store where it remained until 1948; and

WHEREAS, the popular restaurant moved to other locations in Bloomington through the years guided by four generations of the Lum/Chiu family who owned and operated the Grand Café until 2017 when the Mapugay family purchased the restaurant; and

WHEREAS, the Grand Café continues today with its traditional Chinese menu, including those famous egg rolls, and has added Filipino cuisine that is attracting a new following; and

NOW, THEREFORE, I, Mboka Mwilambwe, Mayor of the City of Bloomington, do hereby recognize 2021 as **Grand Café's 100-Year Anniversary** and congratulate all involved in this achievement.


Mboka Mwilambwe
Mayor




Leslie Yocum
City Clerk

CONSENT AGENDA



CONSENT AGENDA ITEM NO. 7.A

FOR COUNCIL: December 13, 2021

SPONSOR: City Clerk Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the November 22, 2021 Regular City Council Meeting, as requested by the City Clerk Department.

RECOMMENDED MOTION:

The proposed Minutes be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: The minutes of the meetings provided have been reviewed and certified as correct and complete by the City Clerk. In compliance with the Open Meetings Act, Council Proceedings must be approved thirty (30) days after the meeting or at the second subsequent regular meeting whichever is later. In accordance with the Open Meetings Act, Council Proceedings are available for public inspection and posted to the City's web site within ten (10) days after Council approval.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: N/A

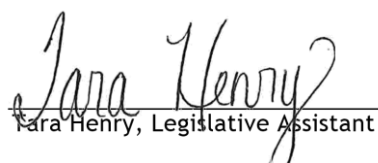
Respectfully submitted for Council consideration.

Prepared by: Amanda Stutsman, Deputy Clerk

Reviewed by:


Leslie Yocum, City Clerk

12/9/2021


Tara Henry, Legislative Assistant

12/9/2021

Attachments:

- CLK 1B DRAFT 11-22-21 Council Meeting Minutes



MINUTES
REGULAR SESSION CITY COUNCIL MEETING
MONDAY, NOVEMBER 22, 2021, 6:00 P.M.

The City Council convened in regular session in-person in the Government Center Chambers at 6:00 p.m., Monday, November 22, 2021. The meeting was called to order by Mayor Mboka Mwilambwe.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Mayor	Present	
Jamie Mathy	Council Member, Ward 1	Present	
Donna Boelen	Council Member, Ward 2	Present	
Sheila Montney	Council Member, Ward 3	Present	
Julie Emig	Council Member, Ward 4	Present	
Nick Becker	Council Member, Ward 5	Present	
De Urban	Council Member, Ward 6	Present	
Mollie Ward	Council Member, Ward 7	Present	
Jeff Crabill	Council Member, Ward 8	Present	
Tom Crumpler	Council Member, Ward 9	Present	

Recognition/Appointments

A. Proclamation recognizing Diabetes Awareness Month, November 2021

Mayor Mwilambwe presented the Diabetes Awareness Month Proclamation. Rachel Lund, a local resident with diabetes, accepted the Proclamation and shared her experience with diabetes. She stressed the importance of monitoring symptoms and getting tested.

Public Comment

Mayor Mwilambwe read a statement of procedure for public comment. Jackie Beyer provided virtual public and the following individuals spoke in-person: (1) Marc Girdler; (2) Jenee Clark; (3) Surena Fish; (4) Matthew Toczko; (5) Gary Lambert; (6) Scott Stimeling; and (7) Peggy Wade.

Consent Agenda

Items listed on the Consent Agenda are approved with one motion; Items pulled by Council from the Consent Agenda for discussion are listed and voted on separately.

Council Member Boelen made a motion, seconded by Council Member Emig, that the Consent Agenda, including all items listed below, be approved as presented.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Item 7.A. Consideration and action to approve the Minutes of the October 11, 2021 Regular City Council Meeting, as requested by the City Clerk Department. (Recommended Motion: The proposed Minutes be approved.)

Item 7.B. Consideration and action to approve Bills and Payroll in the amount of \$7,905,197.05, as requested by the Finance Department. (Recommended Motion: The proposed Bills and Payroll be approved.)

Item 7.C. Consideration and action to approve Appointments to Boards & Commissions, as requested by the Administration Department. (Recommended Motion: The proposed Appointments be approved.)

Item 7.D. Consideration and action to approve the Purchase of rock salt from Compass Minerals, Inc., in the amount of \$64.65 per ton of rock salt, for a total purchase amount of up to \$452,550, using the Illinois State Department of Central Management Services Contract (#P-30920), as requested by the Public Works Department. (Recommended Motion: The proposed Purchase be approved.)

Item 7.E. Consideration and action to approve the John M. Scott Health Care Trust Fiscal Year 2021 Annual Court Report, as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Annual Court Report be approved.)

Item 7.F. Consideration and action on a Resolution Allowing the Closure of State Highway Business 51 for the Jaycees Christmas Parade on December 4, 2021 at 10 a.m., as requested by the Economic & Community Development Department. (Recommended Motion: The proposed Resolution be approved.)

Item 7.G. Consideration and action on an Ordinance Authorizing a Construction Contract Between the City of Bloomington and J & F Chiattello Construction Inc. for the Miller Park Pavilion Roof Removal and Replacement, in the amount of \$75,999, as requested by the Parks, Recreation and Cultural Arts Department. (Recommended Motion: The proposed Ordinance be approved.)

Item 7.H. Consideration and action on a Request from Lincoln Springs Center, LLC, d/b/a The Station Saloon, located at 1611 Morrissey Dr., Unit 1, for a redefinition of premises for their Class EAS (Entertainment, All Types of Alcohol, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed Redefinition of the Licensed Premises be approved.)

Item 7.I. Consideration and action on a Request from Walking Visions Photography, Inc., located at 1102 S. Main St., for a Class EB (Entertainment/Recreational Sports Venue, Beer and Wine Only) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved with the condition that alcohol is not served after 9:00 p.m.)

Item 7.J. Consideration and action on a Request from Hacienda Leon, Inc., d/b/a Hacienda Leon, located at 407 N. Hershey Rd., for an internal change of ownership of their Class RAS Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed Change of Ownership be approved.)

Item 7.K. Consideration and action on a Request from Airavath Royale, LLC, d/b/a Signature India Restaurant and Bakery, located at 1407 N. Veterans Parkway, Suite #26, for a

Class RBS (Restaurant, Beer and Wine Only, and Sunday Sales) Liquor License, as requested by the City Clerk Department. (Recommended Motion: The proposed License be approved with the conditions that all tax obligations are paid in full, and applicant's financial documentation is received.)

Regular Agenda

The following item was presented:

Item 8.A. Presentation of the FY2021 Comprehensive Annual Financial Report as audited, delivered by the audit firm of Baker Tilly Virchow Krause LLP, as requested by the Finance Department.

City Manager Tim Gleason introduced the item, explaining that the presentation was part of an annual presentation.

Scott Rathbun, Finance Director, addressed Council and provided an overview of the lengthy audit process. He informed Council that Baker Tilly Virchow Krouse LLP ("Baker Tilly"), the audit company, had performed the City's annual audit, which included the Bloomington Public Library Foundation and some pensions. He noted that other portions of City funds were also audited by other companies. He commended the work of the Baker Tilly staff.

Jason Coule, Partner with Baker Tilly Virchow Krouse LLP, addressed Council. He acknowledged the City's transparency to the community through the publishing of the Annual Comprehensive Audit Report, adding that it was much more detailed than required. He went on to discuss various portions of the Report and noted that while Baker Tilly did not audit the Zoological Society and police pension fund, the audits were included in the Report. He briefly reviewed the statement of expenditures and revenues, noting an increase in the general fund balance and that current charges for service also included operating expenses. Mr. Coule explained that Corona Virus Relief federal funding had also been audited for compliance and internal controls, resulting in a positive outcome. He highlighted various improvements that had been implemented since the previous year and stated that because of those improvements, Baker Tilly's audit resulted in no improvement recommendations for the year. He congratulated the City on improvements and a successful year.

The following item was presented:

Item 8.B. Consideration and action to approve the 2021 Tax Levy Estimate for the City of Bloomington and the Bloomington Public Library, as requested by the Finance Department.

Scott Rathbun, Finance Director, addressed Council and presented the 2021 Property Tax Levy estimate for Fiscal Year 2023 ("FY23"). He explained the required process to approve a tax levy adoption and provided a brief background on levy terms, as well as a property tax example. He then provided an Equalized Assessed Value ("EAV") history from the past four years compared to the preliminary 2021 EAV. He broke down the EAV-related levy increase and noted a 5% increase in inflation over the past 12 months. He addressed the Bloomington Public Library ("BPL") expansion and potential tax implications and then presented an overview of the combined tax levy rate over the previous 5 years. He shared the 2021 tax levy allocation in comparison to multiple taxing bodies and concluded with next steps.

Council Member Ward asked for additional clarification on what items property taxes can be used. Mr. Rathbun did not believe there were restrictions beyond what was approved by Council. Council Member Ward and Mr. Rathbun then discussed boundaries for property tax spending.

Council Member Emig asked how much of the property tax levy funded the City directly. Mr. Rathbun stated that it funded approximately 20% of the City general fund balance. Jeanne Hamilton, BPL Director, added that property taxes funded 90% of BPL's operating balance under a normal year, but only 68% of expenses during a construction year.

Council Member Boelen noted that property tax was about 12% of the City's total budget. Mr. Rathbun confirmed that it made up 20% of the general fund budget.

Council Member Crumpler expressed his support in the BPL expansion and provided facts that demonstrated fiscal responsibility. He stressed the importance of ensuring literacy in the community through the BPL.

Council Member Crabill clarified that an approved tax levy would not affect the amount of funding applied towards infrastructure. Council Member Crabill and Mr. Rathbun then discussed, if approved, when the increase in property tax would be applied.

Council Member Becker expressed his interest in using efficiency savings as an alternative to a tax levy increase.

Council Member Boelen made a motion, seconded by Council Member Emig, to extend Council discussion time by 10 minutes.

Mayor Mwilambwe directed the Clerk to call roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Council Member Montney agreed with Council Member Becker's comments on reducing expenses to cover current expenses.

Council Member Boelen made a motion, seconded by Council Member Montney, to split the tax levies.

Mayor Mwilambwe and Jeff Jurgens, Corporation Counsel, discussed motion procedure.

Council Member Boelen amended the motion to instead approve the proposed Property Tax Levy Estimate as it related to only the City tax levy. Council Member Montney agreed.

Council Member Mathy discussed a work session held in 2017 where the budget was reviewed line by line to understand where fund programs were required by mandate, and suggested that the current Council do something similar.

Council Member Ward asked staff to research the cost of a special referendum at the previous election and the cost of the previous election.

Council Member Montney echoed statements in how to reduce expenses.

Council Member Ward and Mr. Jurgens discussed motion procedure.

Leslie Yocum, City Clerk, reminded Council that the motions on the agenda were only

included as recommendations.

Mayor Mwilambwe directed the Clerk to call roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried.

Council Member Mathy motioned, seconded by Council Member Ward, to approve the proposed Property Tax Levy Estimate as it related to the Bloomington Public Library levy.

Mayor Mwilambwe directed the Clerk to call roll, which resulted in the following:

AYES: Mathy, Emig, Urban, Ward, Crabill, Crumpler

NAYES: Boelen, Montney, Becker

Motion carried.

Finance Director's Report

Scott Rathbun, Finance Director, addressed Council. He stated that overall, revenues were trending positively, but that staff had concerns about supply chain shortages. He presented the Fiscal Year 2022 ("FY22") financial summary and discussed FY22 major tax revenues through October 31, 2021, highlighting key factors and increases in revenue. He discussed law changes and how they affected reporting as it related to state and local home rule sales taxes. He presented FY22 general fund revenue and expenditures by category and provided updates on significant changes. Mr. Rathbun highlighted FY22 enterprise funds through October 31, 2021. He concluded with a discussion of the statement of revenues and expenditures with category explanations.

Council Member Boelen and Mr. Rathbun discussed how the budget had been scaled back from the previous year and how the positive status of accounts compared to pre-COVID budget years.

Council Member Montney compared the downward trend of local motor fuel tax revenue to the effects of electric vehicles becoming more mainstream. She expressed interest discussing how to obtain adequate funding for road infrastructure.

Council Member Becker commented on budget reductions and provided an example of how to present specific data as it related to the comparison of budgets.

Council Member Crabill and Mr. Rathbun discussed the surplus in the water fund and how postponed projects affected fund balances.

Council Member Boelen expressed interest in discussing the pension deficit.

City Manager's Discussion

City Manager Tim Gleason highlighted various upcoming Downtown events and reminded the community that Council meetings would be held on December 6th and 13th. He reported that 1000 attendees and 28 vendors had participated in the recent Thanksgiving Farmer's Market and concluded by wishing Council and the community a Happy Thanksgiving.

Mayor's Discussion

Mayor Mwilambwe noted his attendance at the unveiling of the Route 66 Parklet installation and encouraged the community to stop by to view it. He recognized his siblings who were in attendance and wished the community a Happy Thanksgiving.

Council Member's Discussion

Council Member Mathy reminded residents not to rake their leaves into the street because it negatively impacts City drains. He encouraged residents to shop small businesses and wished the community a Happy Thanksgiving.

Council Member Crabill thanked Katherine Murphy, Communications and External Affairs Manager, for her continued work to keep the community informed on current events.

Executive Session

No Executive Session was held.

Adjournment

Council Member Boelen made a motion, seconded by Council Member Becker, that the meeting be adjourned.

Mayor Mwilambwe directed the Clerk to call the roll, which resulted in the following:

AYES: Mathy, Boelen, Montney, Emig, Becker, Urban, Ward, Crabill, Crumpler

Motion carried (viva voce).

Meeting adjourned at 7:42 p.m.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Amanda Stutsman, Deputy City Clerk



CONSENT AGENDA ITEM NO. 7.B

FOR COUNCIL: December 13, 2021

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of \$16,607,320.88, as requested by the Finance Department.

RECOMMENDED MOTION:

The proposed Bills and Payroll be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1d. City services delivered in the most cost-effective, efficient manner

BACKGROUND: Bills and Payroll are filed in the City Clerk's Department. The full Bills and Payroll Report is now housed under Finance documents on the City website available at <https://www.cityblm.org/bills>.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Total disbursements to be approved \$16,607,320.88 (Payroll total \$5,483,164.28, Accounts Payable total \$10,507,357.42, Bank Transfers total \$368,950.15 and Procurement Card Purchases total \$247,849.03).

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: Frances Watts, Support Staff V

Reviewed by:


F. Scott Rathbun, Finance Director

12/8/2021


Tara Henry, Legislative Assistant & Records Manager

12/9/2021

Attachments:

- FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
11/19/2021	\$ 2,152,358.72	\$ 564,883.87	\$ 2,717,242.59
12/3/2021	\$ 2,093,991.03	\$ 562,210.54	\$ 2,656,201.57

11/29/2021-12/3/2021	\$ 109,496.30	\$ 223.82	\$ 109,720.12
Off Cycle Adjustments			

PAYROLL TOTAL	\$ 5,483,164.28
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ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
12/13/2021	AP General	\$ 10,092,295.47
	AP JMScott	
12/13/2021	AP Comm Devel	\$ 138,772.85
12/13/2021	AP IHDA	\$ 16,520.00
12/13/2021	AP Library	\$ 68,970.49
	AP MFT	
11/19/2021-12/3/2021	Out of Cycle	\$ 190,798.61
9/1/2021-11/22/2021	AP Bank Transfers	\$ 368,950.15
	AP TOTAL	\$ 10,876,307.57

PCARDS

Date Range	
9/1/2021-9/30/2021	\$ 121,472.16
10/1/2021-10/31/2021	\$ 126,376.87
PCARD TOTAL	\$ 247,849.03

GRAND TOTAL	\$ 16,607,320.88
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Respectfully,

F Scott Rathbun
Director of Finance



CONSENT AGENDA ITEM NO. 7.C

FOR COUNCIL: December 13, 2021

SPONSOR: Public Works Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve (a) the Second Amendment to the Contract between the City of Bloomington and Alexander Chemical Corporation, for Liquid Chlorine (Bid #2021-21), in the amount of \$1,375 per ton from December 1, 2021, to April 30, 2022, and (b) an Ordinance Authorizing the Mayor and City Manager to Approve Contract Amendments for Liquid Chlorine through April 30, 2022, as requested by the Public Works Department.

RECOMMENDED MOTION:

The proposed Contract Amendment and Ordinance be approved.

STRATEGIC PLAN LINK:

-Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:

-Objective 2b. Quality water for the long term

BACKGROUND: Public Works is recommending the approval of (a) the Second Amendment to the Contract between the City of Bloomington and Alexander Chemical Corporation, for Liquid Chlorine (Bid #2021-21), in the amount of \$1,375 per ton from December 1, 2021, to April 30, 2022, and (b) an Ordinance Authorizing the Mayor and City Manager to Approve Future Contract Amendments for Liquid Chlorine through April 30, 2022.

On April 12, 2021, City Council approved a three-year contract with Alexander Chemical for the purchase of liquid chlorine that included a first-year price of \$442.80 per ton. However, on June 29, 2021, Alexander Chemical notified the City of Bloomington of a chlorine supply shortage and large price increases from manufacturers. As a drinking water facility, the City is prioritized in the receipt of chlorine. While they said that they were in a good position to continue to supply the chemical, they were unable to provide liquid chlorine at the contracted price. Therefore, they originally requested that the City amend the contract to a cost of \$655 per ton through April 30, 2022. City Council approved the First Amendment on July 12, 2021.

The conditions present earlier this year have worsened and continue to negatively impact the price of liquid chlorine. Alexander Chemical is still in a good position to continue to supply the chemical, but they are unable to provide liquid chlorine at the price contracted in the First Amendment. Therefore, they requested that the City amend the contract to the cost of \$1,375 per ton at this time. Due to the importance of liquid chlorine for safe drinking water and the national and global shortages, the City staff believes it in the best interest of the City to continue this contract. Research has been done to determine that the price of \$1,375 is consistent with the bid amount other local municipalities have received recently.

Chlorine prices are impacted by multiple factors. The below factors contributed to this year's increase in supply cost.

- Major damage caused by hurricanes along the Gulf in 2020 and 2021, where 75 percent of chlorine production is located.
- Permanent closure and anticipated reconstruction of some damaged or destroyed chlorine production plants.
- Reduction in production due to the lagging caustic soda demand (caustic soda is a byproduct of chlorine production).
- Short supply of chlorine, which has driven up prices to the distributors who are struggling to meet demand.

In addition, the American Water Works Association (AWWA) is aware of this situation and has recently released an update on the chlorine supply issue. Further, the Environmental Protection Agency (EPA) has recently advised that public water systems and publicly owned treatment works may experience a shortage or other serious supply chain issues for water treatment chemicals and other critical supplies. The EPA further advises that, if this occurs, systems should first work with their current suppliers or identify other potential suppliers in their area. Further steps may need to include consulting with the Illinois EPA and seeking relief under the Safe Drinking Water Act or Defense Production Act if unable to secure the necessary supply.

The attached documents include information from the AWWA and EPA, market reports, news, and letters from chlorine manufacturers outlining additional details on the reasons for the price increases. Staff also researched recent bids from other communities and professional procurement organizations and found that the price increases are consistent across the industry.

As additional price increases may occur, staff is requesting the approval of an ordinance that authorizes the Mayor and City Manager to approve future contract amendments for the Liquid Chlorine contract.

The City Manager currently has spending authority up to \$50,000. This ordinance increases that authority, solely for purposes of purchasing liquid chlorine, up to the amount that funds are available, through April 30, 2022, to allow for the execution and processing of these contract amendments on a more expedited basis; as well as in preparation that the price of liquid chlorine is expected to fluctuate further.

Although these contract amendments would not need to come back before the City Council for approval, the ordinance does require the City Manager to report to the City Council, at its regular meeting, any contract amendments that were approved by the Mayor and City Manager since the last Council meeting. The Mayor was included as a signatory requirement for the contracts as an additional check and balance for the process.

By authorizing the Mayor and City Manager to execute these contract amendments, it is estimated to remove administrative time from the process and expedites the purchase of liquid chlorine, which is necessary for treating potable water.

Liquid Chlorine is a compound added to provide the necessary and mandated concentration of disinfectant within the water distribution network. The City is required to maintain a

concentration of 0.5 mg/l to achieve this public health goal. Ammonia is added to water already containing chlorine to form a class of compounds known as chloramine. Chloramine acts as a disinfectant, just like chlorine, but is more stable in the water delivered to customers for a longer period of time than chlorine alone.

The City of Bloomington and Alexander Chemical will re-evaluate the pricing no later than 45 days prior to April 30, 2022, to reduce the per ton price back to the contracted price of \$442.80 per ton delivered for year one and/or \$456.40 per ton delivered for year two of the contract. If the contractor is unable to provide the service at the originally contracted price, the City reserves the right to terminate the contract, and the purchase can be bid again. In addition, if market prices for liquid chlorine lower prior to the end of the first year of the contract, April 30, 2022, Alexander Chemical will lower the price per ton delivered accordingly.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: If the Second Amendment is approved, the current purchase order (PO #20220036) will be increased from \$58,000 to \$80,000 to account for the contract amendment change and to provide a buffer in case additional chlorine is needed.

Approximately \$80,000 in total will be allocated to cover liquid chlorine purchases in FY 2022. The liquid chlorine purchases will be paid out of the Water Purification-Water Chemical account (50100130-71720). Stakeholders can locate this in the FY 2022 Budget Book titled "Other Funds & Capital Improvement" on page 123.

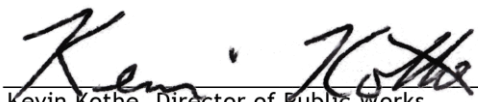
Public Works Staff in the Water Purification Division will budget accordingly for each future fiscal year.

COMMUNITY DEVELOPMENT IMPACT: Goal UEW-1. Provide quality public infrastructure within the City to protect public health, safety, and the environment, Objective UEW-1.5. Reliable water supply and distribution system that meets the needs of the current and future residents.

Respectfully submitted for Council consideration.

Prepared by: Kevin Whitehouse, Superintendent of Water Purification

Reviewed by:



Kevin Kothe, Director of Public Works

12/7/2021



Carla Murillo, Procurement Manager

12/8/2021



Chris Tomerlin, Budget Manager

12/8/2021



Jeffrey R. Jurgens, Corporation Counsel

12/9/2021



Tara Henry, Legislative Assistant & Records Manager

12/9/2021

Attachments:

- PW 1B Second Amendment_Liquid Chlorine
- PW 1C Ordinance_Liquid Chlorine
- PW 1D Original Contract_ Liquid Chlorine
- PW 1E First Amendment_Liquid Chlorine
- PW 1F Industry Information_Liquid Chlorine

**SECOND AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON
AND ALEXANDER CHEMICAL CORPORATION FOR LIQUID CHLORINE**

This Second Amendment, made and entered into this 13th day of December, 2021, by and between THE CITY OF BLOOMINGTON, ILLINOIS, (hereinafter "CITY"), and ALEXANDER CHEMICAL CORPORATION, (hereinafter "ALEXANDER"), WITNESSETH that:

WHEREAS, on April 12, 2021, a three-year long Contract for Liquid Chlorine ("Contract") was made between the CITY and ALEXANDER for delivery of liquid chlorine to the Bloomington Water Treatment Plant on an as needed basis;

WHEREAS, on July 1, 2021, a First Amendment was entered into between the CITY and ALEXANDER ("First Amendment") due to a national shortage on chlorine causing ALEXANDER to be unable to afford to supply the CITY with chlorine at the contracted price for year one of the Contract of \$442.80 per ton delivered, and instead would have to raise the price to \$655.00 per ton delivered;

WHEREAS, ALEXANDER again notified the CITY on November 23, 2021 that due to the continued and worsening shortage of chlorine, ALEXANDER could no longer afford to supply the CITY with chlorine at the amended contracted price for year one of the Contract of \$665.00 per ton delivered, but would have to raise the price to \$1375.00 per ton delivered beginning December 1, 2021;

WHEREAS, the parties desire to amend the Contract, as set forth herein, to alter the price per ton from the "Procurement Documents" of the Contract to \$1375.00 per ton, with the possibility for further price increases upon agreement by the CITY in light of the continued shortages of chlorine, delivered until April 30, 2022;

WHEREAS, if market prices for liquid chlorine lower prior to the end of the first year of the Contract, April 30, 2022; City expects to see the price per ton delivered lowered accordingly; and

WHEREAS, the parties desire to re-evaluate the pricing no later than forty-five (45) days prior to April 30, 2022 to reduce the per ton price back to the contracted price of \$442.80 per ton delivered for the rest of year one and/or \$456.40 per ton delivered beginning day one of the second year of the Contract, May 1, 2022;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the parties hereto, intending legally to be bound, agree to incorporate the above recitals as if fully restated herein and further agree as follows:

1. Recitals. The recitals set forth above shall be incorporated into the terms and conditions of this Second Amendment as if fully set forth herein.

2.(a). Amendment to Contract. The "Procurement Documents" of the Contract shall be amended as follows:

ALTERNATE BID FOR 3-YEAR TERM May 1, 2021 - April 30, 2024

Year 1: TOTAL COST DELIVERED/TON \$1375.00 beginning December 1, 2021 FOR 12,000 LB. SHIPMENT, WITH THE POSSIBILITY FOR FURTHER INCREASES UPON AGREEMENT BY CITY

2.(b). Amendment to Contract. Section 5 - Default and Termination of the Contract shall be amended as follows:

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs. Further, the CONTRACTOR shall cause this Contract to be terminated, without notice or opportunity to cure, if the CONTRACTOR is unable to provide the services contracted for at the original contract pricing no later than forty-five (45) days prior to April 30, 2022, the end of the first year of this Contract. If the CONTRACTOR cannot confirm that pricing will return to \$442.80 per ton delivered for the rest of year one of the Contract and/or \$456.40 per ton delivered by the very beginning of year two of the Contract on or before March 17, 2022, CITY reserves the right to terminate this Contract.

3. In all other respects the Contract for Liquid Chlorine and the First Amendment to the Contract for Liquid Chlorine shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Contract for Liquid Chlorine in duplicate this day and year first above written.

CITY OF BLOOMINGTON

By: _____
Its City Manager

ATTEST:

By: _____
Its City Clerk

ALEXANDER CHEMICAL CORPORATION

By: _____
Its Representative

ATTEST:

By: _____
Its Secretary

ORDINANCE NO. 2021 - ____

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO
APPROVE CONTRACT AMENDMENTS FOR LIQUID CHLORINE**

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:**

WHEREAS, the City of Bloomington is a home-rule municipality located in the County of McLean, State of Illinois; and

WHEREAS, liquid chlorine is critical to treating potable water; and

WHEREAS, the City Council finds it in the best interest of the City to expedite and streamline the approval process associated with contract amendments for liquid chlorine;

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of the City of Bloomington, McLean County, Illinois, as follows:

SECTION 1. The above stated recitals are incorporated herein by reference.

SECTION 2. Subject to the restrictions in Section 3, the Mayor and City Manager are authorized to approve any and all contract amendments related to the purchase of liquid chlorine for treating potable water.

SECTION 3. The approval authority set forth in Section 2 shall be subject to the following conditions and restrictions:

- A. No contract amendments may be approved by the Mayor and City Manager unless there are appropriated funds identified in the existing current fiscal year City budget sufficient to cover the costs of the contract.

SECTION 4. The City Manager shall report to the City Council, at its regular meeting, any contract amendments for liquid chlorine that were approved by the Mayor and City Manager since the last Council meeting under the authority granted in Section 2.

SECTION 5. The provisions in Chapter 16 on the approval of contracts and spending authority that are in conflict with the provisions of this Ordinance are hereby suspended and superseded by the provisions of this Ordinance where in conflict and while this Ordinance is in force and effect.

SECTION 6. Except as provided herein, the Bloomington City Code, 1960, as amended shall remain in full force and effect.

SECTION 7. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

SECTION 7. The City Clerk is hereby authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 8. This Ordinance shall be effective immediately after the date of its publication as required by law and shall remain in full force and effect until April 30, 2022.

SECTION 9. This Ordinance is passed and approved pursuant to the home rule authority granted Article VII, Section 6 of the 1970 Illinois Constitution.

PASSED this 13th day of December 2021.

APPROVED this _____ day of December 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

CITY OF BLOOMINGTON
CONTRACT WITH
Alexander Chemical Corporation
FOR
Liquid Chlorine

THIS AGREEMENT, dated this 12th day of April _____, 2021, is between the City of Bloomington (hereinafter "CITY") and Alexander Chemical Corporation (hereinafter "CONTRACTOR").

NOW THEREFORE, the parties agree as follows:

Section 1. Recitals. The recitals set forth above are incorporated into this Section 1 as if specifically stated herein.

Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms. This work was subject to the following procurement initiative by the CITY:
Bid #2021-21 Water Chemicals (hereinafter "Request")

Accordingly, the provisions of the Request and the proposal submitted by CONTRACTOR (hereinafter collectively referred to as "Procurement Documents" and attached as Exhibit A), shall be incorporated into this Contract and made a part thereof and shall be considered additional contractual requirements that must be met by CONTRACTOR. In the event of a direct conflict between the provisions of this contract and the incorporated documents, the provisions of this contract shall apply.

Section 3. Description of Services. CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: Deliver liquid chlorine
to the Bloomington Water Treatment Plant on an as needed basis. This agreement is from
May 1, 2021 through April 30, 2024 with pricing for each year specified in the
procurement document.

Section 4. Payment. For the work performed by CONTRACTOR under this Contract, the CITY shall pay CONTRACTOR one of the following:

- ☐ A flat fee of \$ _____ as set forth in the Procurement Documents.
- ☒ Fees as set forth in the Procurement Documents.

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs.

Section 6. Representations of Vendor. CONTRACTOR hereby represents it is legally able to perform the work that is subject to this Contract.

Section 7. Assignment. Neither party may assign this Contract, or the proceeds thereof, without written consent of the other party.

Section 8. Compliance with Laws. CONTRACTOR agrees that any and all work by CONTRACTOR shall at all times comply with all laws, ordinances, statutes and governmental rules, regulations and codes.

Section 9. Compliance with FOIA Requirements. CONTRACTOR further explicitly agrees to furnish all records related to this Contract and any documentation related to CITY required under an Illinois Freedom of Information Act (ILCS 140/1 et. seq.) ("FOIA") request within five (5) business days after CITY issues notice of such request to CONTRACTOR. CONTRACTOR agrees to not apply any costs or charge any fees to the CITY regarding the procurement of records required pursuant to a FOIA request. CONTRACTOR shall be responsible for any damages/penalties assessed to CITY for CONTRACTOR'S failure to furnish all documentation in CONTRACTOR'S possession responsive and related to a request within five (5) days after CITY issues a notice of a request.

Section 10. Governing Law. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.

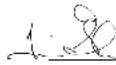
Section 11. Joint Drafting. The parties expressly agree that this agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing it terms prior to execution. Therefore, this agreement shall be construed neither against nor in favor of either party, but shall construed in a neutral manner.

Section 12. Attorney Fees. In the event that any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees.

Section 13. Paragraph Headings. The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

Section 14. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same instrument.

CITY OF BLOOMINGTON

By: 
Its City Manager

ATTEST:

By: 
City Clerk



Alexander Chemical Corporation

By: 
Its President

By: _____
Its _____

**FIRST AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF BLOOMINGTON AND
ALEXANDER CHEMICAL CORPORATION FOR LIQUID CHLORINE**

This First Amendment, made and entered into this 1st day of July, 2021, by and between THE CITY OF BLOOMINGTON, ILLINOIS, (hereinafter "CITY"), and ALEXANDER CHEMICAL CORPORATION, (hereinafter "ALEXANDER"), WITNESSETH that:

WHEREAS, on April 12, 2021, a three-year long Contract for Liquid Chlorine ("Contract") was made between the CITY and ALEXANDER for delivery of liquid chlorine to the Bloomington Water Treatment Plant on an as needed basis;

WHEREAS, ALEXANDER notified the CITY on June 29, 2021 that due to a national shortage on chlorine, ALEXANDER could not afford to supply the CITY with chlorine at the contracted price for year one of the Contract of \$442.80 per ton delivered, but would rather have to raise the price to \$655.00 per ton delivered beginning July 1, 2021 for a difference from the contracted price of \$212.20 per ton delivered;

WHEREAS, the parties desire to amend the Contract, as set forth herein, to alter the price per ton from the "Procurement Documents" of the Contract to \$655.00 per ton delivered until April 30, 2022;

WHEREAS, if market prices for liquid chlorine lower prior to the end of the first year of the Contract, April 30, 2022; City expects to see the price per ton delivered lowered accordingly; and

WHEREAS, the parties desire to re-evaluate the pricing no later than forty-five (45) days prior to April 30, 2022 to reduce the per ton price back to the contracted price of \$442.80 per ton delivered for the rest of year one and/or \$456.40 per ton delivered beginning day one of the second year of the Contract, May 1, 2022;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, the parties hereto, intending legally to be bound, agree to incorporate the above recitals as if fully restated herein and further agree as follows:

1. Recitals. The recitals set forth above shall be incorporated into the terms and conditions of this First Amendment as if fully set forth herein.

2.(a). Amendment to Contract. The "Procurement Documents" of the Contract shall be amended as follows:

ALTERNATE BID FOR 3-YEAR TERM May 1, 2021 - April 30, 2024

**Year 1: TOTAL COST DELIVERED/TON \$655.00 beginning July 1, 2021
FOR 12,000 LB. SHIPMENT**

2.(b). Amendment to Contract. Section 5 - Default and Termination of the Contract shall be amended as follows:

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs. **Further, the CONTRACTOR shall cause this Contract to be terminated, without notice or opportunity to cure, if the CONTRACTOR is unable to provide the services contracted for at the original contract pricing no later than forty-five (45) days prior to April 30, 2022, the end of the first year of this Contract. If the CONTRACTOR cannot confirm that pricing will return to \$442.80 per ton delivered for the rest of year one of the Contract and/or \$456.40 per ton delivered by the very beginning of year two of the Contract on or before March 17, 2022, this Contract becomes null and void as of April 30, 2022.**

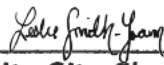
3. In all other respects the Contract for Liquid Chlorine shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment to the Contract for Liquid Chlorine in duplicate this day and year first above written.

CITY OF BLOOMINGTON

By: 
Its City Manager

ATTEST:

By: 
Its City Clerk



ALEXANDER CHEMICAL CORPORATION

By: 
Its Representative

ATTEST:

By: _____
Its Secretary

Bob Yehl

From: AWWA Public Affairs <publicaffairs@awwa.org>
Sent: Friday, July 2, 2021 12:53 PM
To: Bob Yehl
Subject: AWWA Utility Advisory - Chemical supply chain disruptions



AWWA
ADVISORY

A BENEFIT OF YOUR AWWA UTILITY MEMBERSHIP 

Utility Advisory

Who: AWWA member utilities

What: Chemical supply chain disruptions

When: Currently

Drinking water and wastewater systems in parts of the United States are facing a shortage of chlorine, including gaseous chlorine, sodium hypochlorite and calcium hypochlorite. States that have reported a potential shortage include California, Oregon, Washington, Utah, Idaho, Indiana, Illinois and New York.

Multiple drinking water and wastewater systems have received force majeure notices from their suppliers in several regions, and in some cases have been notified that they will receive a reduced allocation of the contracted amount. Some water systems have issued water conservation orders to their customers to reduce production volume and thus extend their existing supply of chlorine. Water systems have also received chlorine from Canadian suppliers, and in at least one instance, the U.S. Federal Emergency Management Agency had to facilitate a border crossing for a train carrying chlorine. While there have been no reports of water systems completely exhausting their supplies, there was at least one instance in which a water system received a “just-in-time” delivery of chlorine to avoid a shutdown.

The U.S. Environmental Protection Agency (EPA) has been working with the U.S. Department of Homeland Security and the chemical sector to assess the situation. The objective for these meetings has been to facilitate a coordinated approach among water systems, repackagers and producers to ensure immediate delivery of chlorine to water/wastewater systems. It would be optimal if producers agree to ship full allocations to the repackagers that sell to water/wastewater systems, and in turn the repackagers would prioritize delivery of full allocations to both drinking water and wastewater systems.

EPA will continue to process §1441 applications of need and coordinate closely with the U.S. Department of Commerce (EPA issues a certificate of need, but Commerce actually issues the orders to the manufacturers/repackagers) in the event more formal action is necessary to secure critical treatment chemicals for the water sector. [EPA Administrator Regan sent a letter](#) to the Chemical Sector Coordinating Council urging the prioritization of the water sector for chlorine deliveries.

Utilities should engage suppliers to assess availability and shipment schedule and consider alternate sources as appropriate. Any utility experiencing a chlorine supply issue is encouraged to notify its state primacy agency and consider submitting a [§1441 application](#), which is designed to address instances of public water systems or publicly owned treatment works experiencing a shortage or other serious supply chain issue for water treatment chemicals.

Disruptions in chlorine supply has been the result of multiple production disruptions at several facilities over the past several months. These disruptions have also impacted various pipe manufactures and led to shortages of materials for construction projects. The known or reported incidents include the following:

- August 2020. A BioLab production facility in Louisiana was severely damaged in a fire, has not resumed production. This facility had produced a majority of the calcium hypochlorite tablets consumed in the U.S. prior to the fire. Reports indicate that other calcium hypochlorite producers have not been able to completely make up for the loss in production.
- February 13-19, 2021. Winter storm Uri impacted several chlor-alkali facilities in the Gulf region, and there may be lingering production issues:
 - Feb 15, 2021. Westlake Chemical issued force majeure for sodium hydroxide due to the impact Uri had on several chlor-alkali sites in the Gulf region, impacting production and logistics capabilities.
 - Feb 17, 2021. Formosa Plastics USA declared force majeure after severe weather impacted production facilities in Point Comfort, Texas and Baton Rouge, La.
 - Feb 18, 2021. Olin chlor-alkali Products and Vinyls issued force majeure after the winter storm impacted several of their facilities in the Gulf region (specific locations not provided)
 - Feb 15, 2021. Oxy Occidental Chemical Corp issued force majeure after Uri disrupted operations at its chlor-alkali production facilities (specific locations not provided)

- May 18, 2021. Westlake's Geismar, La. chlor-alkali facility declared force majeure after a brine pipeline ruptured. The pipeline has since been repaired.
- May 19, 2021. Formosa Plastics USA's Point Comfort, Texas chlor-alkali production facility experienced extensive flooding.
- June 1, 2021. Westlake's Natrium, W.V. chlor-alkali facility has been "directly and adversely impacted due to the sudden and unanticipated failure of a critical piece of processing equipment."
- June 9, 2021. Westlake's Longview, Wa. chlor-alkali production facility reported that an unanticipated failure of a critical piece of electrical equipment has resulted in limited availability of chlorine, hydrochloric acid and sodium hydroxide. This facility resumed full operation as of June 23.

Questions can be directed to [Kevin Morley](#), AWWA's federal relations manager.



American Water Works Association
6666 W. Quincy Ave. | Denver, Colorado 80235
Telephone: 1-800-926-7337

\$

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OR reply to this message with the word Remove in the subject line.

This email was sent to byehl@cityblm.org, 03287661

Websense: Click [here](#) to report this email as spam.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUN 30 2021

THE ADMINISTRATOR

Dear Chemical Sector Partners:

Ensuring that drinking water and wastewater services are fully operational is critical to protecting our nation's public health and environment, as well as maintaining a functioning economy. I would like to request that chemical manufacturers and suppliers prioritize drinking water and wastewater systems as customers of critical water-treatment chemicals, such as gaseous chlorine, sodium hypochlorite and calcium hypochlorite.

This request is a result of concerning challenges that some water systems have recently experienced in procuring gaseous chlorine, sodium hypochlorite and calcium hypochlorite. Several water utilities across multiple states – California, Idaho, Illinois, Indiana, New York, Oregon and Washington – have received *force majeure* notifications, even reducing chlorine allocations in some cases, from suppliers due to supply shortages across the industry. While drinking water and wastewater disinfection accounts for less than 5 percent of all chlorine consumed in the United States, this usage is vital to ensuring the health and well-being of our citizens and businesses.

If drinking water systems cannot obtain a sufficient and reliable supply of gaseous chlorine, sodium hypochlorite and calcium hypochlorite, they will be unable continue to provide safe drinking water to their communities. Similarly, if wastewater systems lack adequate chlorine supplies, they will be unable to disinfect treated wastewater prior to discharge to surface waters, potentially leading to an increase in the concentration of pathogens in the surface water. A loss of drinking water or wastewater services, even for short durations, would have cascading impacts on hospitals, manufacturing, government facilities, private offices and restaurants – essentially all of the critical services necessary to sustain a community.

By prioritizing delivery of chlorine and other critical water treatment chemicals to drinking water and wastewater systems and the retail vendors that sell chlorine to these systems, you can help to ensure the uninterrupted supply of safe drinking water and treatment of wastewater across the nation.

I also request that we maintain open lines of communication between the water and chemical sectors so that we can collectively maintain situational awareness of threats to the water treatment chemical supply chain. This awareness is particularly important as we enter what is forecast to be an active hurricane season with the potential to impact chemical manufacturers in states along the Gulf and Atlantic coasts.

The chemical sector is a key partner in the treatment of water and, therefore, in the protection of public health and the environment. My U.S. Environmental Protection Agency colleagues and I are committed to working with you to support our nation's public health and economic viability.

Please do not hesitate to contact me, or your staff may contact Jennifer McLain, director of the Office of Ground Water and Drinking Water, at mclain.jennifer@epa.gov or (202) 564-4029.

Sincerely yours,

A solid black rectangular box used to redact the signature of Michael S. Regan.

Michael S. Regan



United States Chlorine HIS Market Report-August 2021

Market Overview

Demand for chlorine remained high in all the consuming markets in August. Market participants do not anticipate demand decreasing in the short term. The supply situation remains critical as Oxy Chemical Corp announced in August plans to permanently close its Niagara Falls, New York site. This is the fourth permanent closure announced of a chlor-alkali production line in the US in the last 18 months. Chlorine operations improved during August prior to the arrival of Hurricane Ida; however, a few minor operating issues were reported. Chlorine producers remain under order control and / or allocations. July effective operating rates were 89%, as reported by the Chlorine Institute.

On August 29, Hurricane Ida made landfall in Louisiana as of this writing IHS Markit has confirmed that 31% of the US chlorine capacity is off-line due to the storm. On August 13, the US Environmental Protection Agency (EPA) announced the receipt of Certifications of Need applications for chlorine and other water treatment chemicals pursuant to the Safe Drinking Water Act (SDWA) Section 1441 and the comment period concluded in August 27.

Since late June, the US EPA encouraged chlorine manufacturers and suppliers to prioritize drinking water and wastewater systems. The outage of a significant portion of US chlor-alkali capacity as a result of Hurricane Ida may exacerbate the already short supply of chlorine for critical applications such as drinking water and wastewater treatment.

We conclude from our assessment of reported price movement and current market conditions that upward chlorine merchant market price momentum continued in August as freely-negotiated contract prices moved up.

Price / Cost / Margin

Sell-side and the buy-side market participants queried during the month of August collectively reported contract price movements effective in August ranging from zero to plus \$100 per st. The chlorine market remains in a state of great flux. The August monthly price increases materialized after producers announced price increases in July, which ranged from \$85 to \$150 per st. Please note that the majority of chlorine buyers with freely-negotiated contracts have quarterly price protection and saw no change to their chlorine prices in August. Also, some contract customers have annual fixed pricing and therefore saw no change either. Only those accounts which have monthly price change terms (30-day notice) realized immediate impact and paid higher chlorine prices this month. Where prices did move in August, the reported monthly price changes were in a range of \$60 to \$100 per st, which varied by supplier.

Factoring in the widely varied price negotiations dynamics, IHS Markit concludes from assessment of broad industry discovery data on reported price movements that upward chlorine merchant market price momentum continued in August, but that the average movement at accounts currently at the top of the price range differed from the average movement at accounts currently at the bottom of the price range.



The freely negotiated contracts with quarterly price protection set the low end of our range this month, with no movement, and those accounts with monthly price change which are able to rise faster under the current market conditions set the higher end of the range. The preponderance of chlorine volume under quarterly price protection lowered the weighted average price change.

Accordingly, we conclude that the freely negotiated contract price increased by zero at the low end of the contract range and the average freely-negotiated contract price increased by \$44 per st at the high end of the contract range this month. Therefore, on average the Chlorine Contract price range increased to \$352 - \$548 per st in August.

Prices quoted for spot railcars further demonstrated the tight chlorine market that is elevating contract prices. This month we received once more reports of spot offers between \$700-900 per st on a delivered basis. However, it is noteworthy that very few spot railcars were available in the market at any price. We remind readers that our Chlorine Contract price range represents the chlorine price change month-on-month without delivery surcharges in Texas and Louisiana on an FOB USGC netback basis, and it is not indicative of any spot transactions, or transactions that are ratable but not under contract. The index applies to price movement of freely-negotiated merchant chlorine under contract in railcars, only.

Furthermore, the index is not representative of the single highest price change under contract or the single lowest price change under contract. Rather, the index range represents the average low-end and average high-end movement. For that reason, contract price movements can be found that are less than or more than the published average. While spot transactions are not included when determining the contract index movement, in tight market conditions spot prices are likely to be higher and more volatile than contract prices.

ECU margins based on weighted average chlorine (WAC) values rebounded this month thanks to a downward correction in ethylene prices and the modest increase in merchant chlorine prices; moreover, the ECU margins based on the WAC are now 80% higher than a year ago. According to our models, average August ECU cash costs were \$7 per st higher than in July, which equates to a 2.5% monthly increase due to the recent increase in natural gas prices. Our ECU cash cost calculations reflect a chlor-alkali technology blend of 47% membrane-cell and 53% diaphragm-cell, and a natural gas price of \$4.06 per MMBTU. Monthly average natural gas prices in the USGC had not crossed the \$4.0 per MMBTU mark since December of 2018.

Supply / Demand

During August the chlorine supply/demand balance remained in a similar condition as in July: snug to tight. Chlorine buyers reported again this month that chlorine producers remain under order control with product allocations between 60% and 100%, depending on the supplier. On the one hand, chlor-alkali operations that remain at McIntosh, Alabama after the production line closure earlier this year still had technical issues in early August, which were reported to be resolved by mid-month. On the other hand, chlorine buyers reported an increasing number of chlorine shipments from one producer in the USGC, yet the official allocation from this producer was unchanged from the previous month.



On August 29, Hurricane Ida made landfall near Port Fourchon, Louisiana as a dangerous category 4 storm. Although 40% of the chlorine capacity in the US is located in Louisiana (Convent, Geismar, Hahnville, Plaquemine, St. Gabriel and Lake Charles), only 31% was in the direct path of the storm. The Lake Charles site was spared this time as it is located to the West of the area directly impacted by the storm. As of this writing 31% of the US chlorine capacity is confirmed to be down. Shintech Inc, Oxy Chemical Corp, Westlake and Olin Corporation confirmed they preemptively shutdown their facilities in Louisiana ahead of the storm.

The outage of a significant portion of chlor-alkali capacity may exacerbate the already short supply of chlorine for critical applications such as drinking water and wastewater treatment. However, chlorine demand was also impacted by the hurricane. Isocyanates producers Huntsman and BASF shut down ahead of the storm in Geismar, as well as propylene oxide producer Dow in Plaquemine, Louisiana. Longer term, the overall chlorine supply situation in the US is not getting any better. In late August, Oxy Chemical Corp (OxyChem) announced it will permanently close its chlor-alkali plant located in Niagara Falls, New York. The OxyChem plant has a nameplate capacity of 187,000 short tons of chlorine per year and represents 1.1% of the total US capacity. In a statement the company said: "This decision was made due to unfavorable regional market conditions as well as unreasonable and continually escalating rail transportation costs." While there was no stated date for the site closure, market sources said that production was shut down by the end of August. Besides chlorine and caustic soda, the Niagara Falls site includes production capacity for hydrochloric acid and sodium hypochlorite.

The IHS Markit capacity database indicates that at full HCl and bleach manufacturing rates and at 100% plant operating rates, the OxyChem Niagara Falls plant would have approximately 100,000 short tons per year of chlorine available for sale to the merchant chlorine market. Analysis of the OxyChem chlor-alkali capacity curtailment suggests that it is possible that the company may be pursuing a chlorine portfolio that is more balanced between its captive uses and external sales.

The latest available industry data from the Chlorine Institute are for July 2021. The data show a cumulative production loss of 3.3% year-to-date versus the same January-July period of 2020; the monthly change reflects a recovery of 9.1% in chlorine production. See the adjacent table for more details. Despite the recovery in production, July liquid chlorine shipments by railcar in the US were 2.8% lower than in June, and year-on-year shipments were higher by a mere 0.4%. The year-to-date totals still show a decline of 2.7% in chlorine shipments versus the same seven-month period in 2020. Therefore, we conclude that the increase in production during July was allocated to chlorine demand via pipeline (either captive or merchant). The ratio of chlorine shipments to production was down from 14.5% in June to 12.9% in July.

Effective operating rates reported by the Chlorine Institute were 89% in July. According to our calculations, prior to production losses associated with Hurricane Ida, lost chlorine production in the US during August was about 5% due to unplanned outages. There are several upcoming turnarounds in the fall, which will keep the market finely balanced, at best. Regarding demand, chlorine and other chemical demand for the municipal water & wastewater treatment sector was reported to be at its peak this month. Shipments of bleach and chlorine for the water treatment industry and municipalities are still a top priority for chlor-alkali producers.



According to the US Federal Register, on June 30, 2021, the US Environmental Protection Agency (EPA) issued a letter to the chemical sector encouraging chemical manufacturers and suppliers to prioritize drinking water and wastewater systems. The EPA has been in frequent communication with representatives from the chemical sector, including specific chlorine producers and chlorine re-packagers. The EPA recognizes that the water treatment sector's use of this chemical is essential for protecting public health.

On August 13, 2021 the EPA announced in the Federal Register the receipt of Certifications of Need applications pursuant to the Safe Drinking Water Act (SDWA) Section 1441. Seven public water systems and three publicly owned treatment works submitted applications. Each applicant cited receipt of notices of force majeure or unavailability of treatment chemical through its normal procurement channels. The notices explained that significant chlorine and derivative treatment chemicals delivery curtailments from producers, and from producers to re-packagers that serve the public water treaters, would necessitate either a reduction in allocations of chlorine, sodium hypochlorite, or ferric chloride relative to the contractual agreements or other actions. The applications further stated that after receiving the notices, each of these utilities tried to identify alternate treatment chemical suppliers with no success. The applicants indicated that if their public water systems cannot obtain a sufficient and reliable supply of the required treatment chemicals, they would be compelled to issue boil water notices and Tier 1 public notifications, or shut down water treatment systems, until the required treatment chemical supply is restored. If public water systems are forced to shut down, the communities served by the system would lack a safe drinking water supply, with significant consequences to public health and the local economy.

Similarly, if publicly owned treatment works lack adequate chlorine or derivative chemical supplies, they would be unable to disinfect treated wastewater prior to discharge to surface waters, potentially leading to an increase in the concentration of pathogens in the surface water, which may be used by downstream drinking water utilities as a source of drinking water or by recreational users. The EPA provided a timeline for the submission of written comments from chemical producers and re-packagers that could supply the required chemicals to the applicants, and from any other interested parties. The comment period concluded on August 27, 2021. After the comment period, the EPA will issue or deny Certifications of Need. It is important to note that the outage of approximately one-third of US chlor-alkali capacity due to Hurricane Ida may exacerbate the already short supply of chlorine and the associated issues that drinking water and wastewater treatment facilities are facing with chlorine supply.

Chlorine demand for inorganics production was reported to continue strong in August, both into titanium dioxide and for brominated derivatives production. Prior to Hurricane Ida, chlorine demand into isocyanates production was high, but chlorine supply remained somewhat curtailed to this market segment. Two large isocyanate production facilities in southeastern Louisiana were shut down due to Hurricane Ida, significantly reducing chlorine demand for isocyanates production at the close of August. The most recent operating rates from isocyanates production were calculated at 87% in July, higher than in July of 2020, but lower than the 95% or higher levels observed during 2019.



Prior to the arrival of the hurricane, chlorine demand into PVC production was reported to be high in August and consistent with July. However, as the month closes chlorine demand for PVC production has dropped precipitously as 41% of PVC capacity is out of service due to the storm.

Markets

Ida Disrupts Chlorine Production, Raising Risk of Higher Prices

By [Kevin Crowley](#)

August 30, 2021, 5:29 PM EDT

Updated on August 30, 2021, 6:06 PM EDT

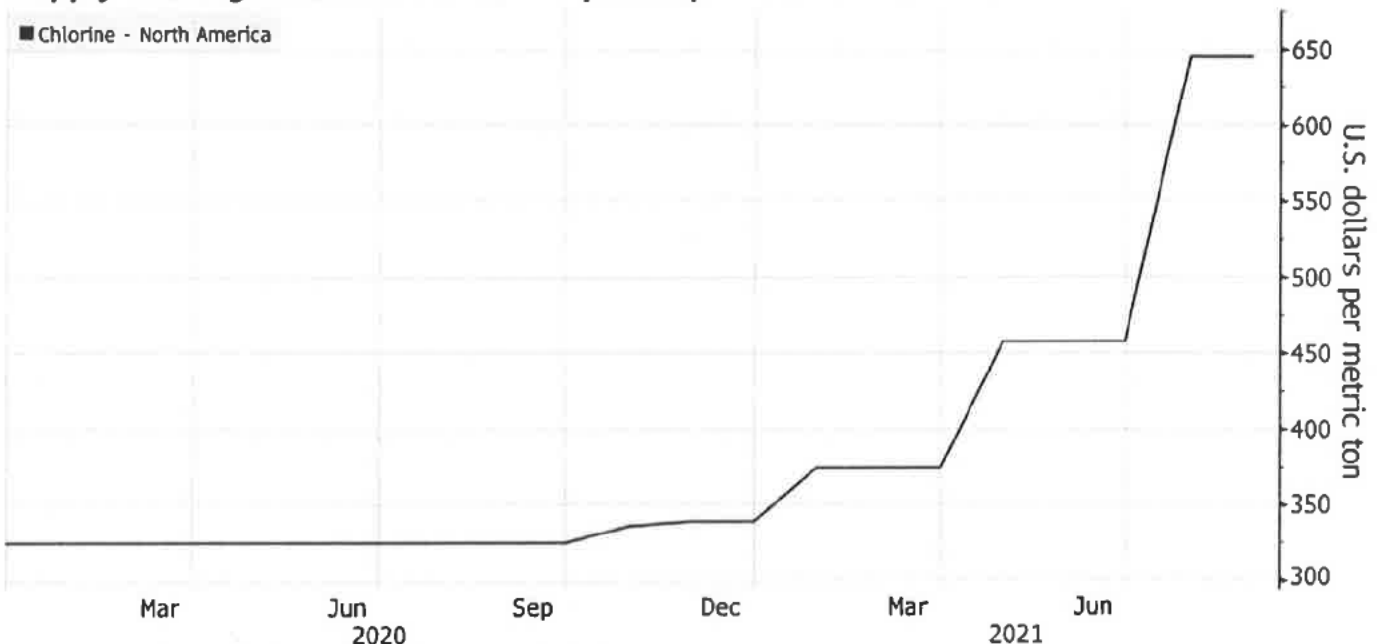
- ▶ Westlake, Formosa shut down facilities ahead of storm
- ▶ Chlorine was already in short supply after February's freeze

Hurricane Ida's landfall on the U.S. Gulf Coast caused production outages in the heart of the country's chlorine manufacturing industry.

Chlorine was already in short supply after a deep freeze in February knocked facilities offline for weeks. Now, widespread power outages around Baton Rouge, Louisiana may increase prices further, according to Robert Stier, a senior petrochemicals analyst at [S&P Global Platts](#).

Costly Waters

Supply shortages caused a chlorine price spike even before Hurricane Ida



"Chlorine is going to get really tight" because of the industry's concentration in the Louisiana area, he said.

READ: Ida's Aftermath Raises Environmental Fears in 'Cancer Alley' (1)

Westlake Chemical Corp. shut two Louisiana facilities that make chlorine over the weekend. An assessment of the storm's impact may take several days, the company said. Formosa Plastics also closed a plant in Baton Rouge, according to ICIS, a data provider.

Chlorine manufacturers also tend to make PVC, a key building material used in pipes, siding and other construction materials. Gulf Coast contracts for PVC were already trading at record highs before the storm, according to ICIS.



2801 Post Oak Blvd., Suite 600
Houston, TX 77056
Tel 713.960.9111

August 31, 2021

Dear Customer:

Effective immediately, or as permissible by contract, Westlake is announcing a price increase for Chlorine (sold independently or as part of an ECU) by US\$ 145 per short ton in the United States, and C\$ 205 per metric ton in Canada. This increase is necessitated by a tightening supply/demand balance of chlorine and chlorine derivatives, this is in addition to previously announced price increases.

Westlake's chlorine order management program (60%) remains in effect with the standard lead time for all chlorine rail shipments at 21 days.

If you have any questions regarding this price change, please contact your sales professional. Westlake values the opportunity to supply your Chlorine requirements, and will strive to earn your business every day.

Sincerely,



David Kokowsky
Director, Commercial Chlor-Alkali



September 22, 2021

Re: Chlorine Price Increase

Dear Valued Customer,

Effective immediately, or as contract terms and conditions permit, ERCO Worldwide LP and ERCO Worldwide (USA) Inc. is increasing the price of chlorine by USD \$70 per short ton in the US and CAD \$100 per metric tonne in Canada.

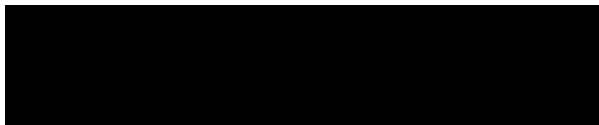
Additionally, demand for chlorine into the merchant market remains strong and ERCO is experiencing orders above our production rates, we thus will continue with our order control program at the 100% level.

All standard minimum lead times for chlorine rail car shipments will remain in effect, and strictly adhered to, at 14 days.

Your ERCO Worldwide Account Manager will be contacting you shortly to discuss current market conditions and how this announced price increase will apply to your business.

We appreciate your business and thank you for using ERCO Worldwide as your supplier

Sincerely,



Gabe Gennaro
Sr. Director of Sales





490 Stuart Road, NE, Cleveland, Tennessee 37312
Phone: 423/336-4850 • Fax: 423/336-4830
Internet Address: www.olinchloralkali.com

September 28, 2021

Dear Customer:

Effective immediately, or as contract terms permit, Olin Corporation's Chlor Alkali Products and Vinyls Division (Olin) is increasing the on schedule and off schedule price of chlorine by \$155.00 per short ton in the U.S. and by CAD \$210 per metric ton in Canada.

Olin will continue under its previously announced 70% order control program. Lead times for all railcar orders of twenty-one (21) days remain in effect and will be strictly adhered to.

Your account manager will be in contact with you to answer any questions you may have regarding this price announcement.

Thank you for your business. We appreciate the confidence you have placed in Olin as your supplier.

Sincerely,



Pedro Dias Jorge
Business Director – Chlorine & HCl
Olin Chlor Alkali Products and Vinyls



CONSENT AGENDA ITEM NO. 7.D

FOR COUNCIL: December 13, 2021

SPONSOR: Facilities Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on a Resolution Authorizing the City Manager to Execute a Contract for Emergency Repairs at the Market Street Garage, as requested by the Facilities Department.

RECOMMENDED MOTION:

The proposed Resolution be approved.

STRATEGIC PLAN LINK:

- Goal 6. Prosperous Downtown Bloomington
- Goal 2. Upgrade City Infrastructure and Facilities

STRATEGIC PLAN SIGNIFICANCE:

- Objective 6b. Downtown Vision and Plan used to guide development, redevelopment and investments
- Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service

BACKGROUND: In August 2020, bids for repairs to the Market Garage were received. The repairs were bid in a staged approach which provided flexibility in the type and quantity of work to be awarded due to the age of the facility and consideration of how the property would be used in the future. The base bid included critical structural repairs. Alternate 1 included additional structural repairs, joint repairs and joint sealants. Alternate 2 included additional sealants, drain and plumbing repairs, and minor cosmetic repairs. The low bid for all work at Market garage was approximately \$1.2 million. An agreement was awarded to Tarlton Corporation (TARLTON) for \$500,000 to perform the base bid and part of Alternate 1 with the expectation that this work would address critical immediate needs while the garage was assessed. Regular monitoring would also be necessary to identify urgent needs if the garage's condition changed.

As work progressed over the past year, major deterioration of the T-beams in the garage was discovered through monitoring (photos of this severe deterioration are attached) which increased the urgency for repairs and cost. The design consultant performed visual observations and concrete sounding tests to approximate repair quantities and then increased them by 10% to account for anticipated variations. Unfortunately, this standard practice did not account for all additional repairs. In addition, ongoing deterioration in the garage has resulted in additional T-beams that require repair or temporary shoring.

City staff and Walker Consultants are currently working on an evaluation of the downtown parking needs and a potential replacement parking facility. This process and construction of a replacement parking facility will take about 3+/- years. To keep the garage safe and

operational during this time period, temporary shoring and additional structural repairs are necessary. Walker Parking Consultants/Engineers Inc. are evaluating and prioritizing the uncompleted work to determine which structural members must be repaired and which can be safely shored for 3+/- years. Evaluation, design, plan preparation and bidding the required repairs will take several months and the structural engineer has indicated that shoring the remaining severely deteriorated T-beams is necessary and should be completed as soon as possible. Due to this urgency, staff did not bid the temporary shoring, but obtained quotes from three vendors that have successfully completed prior work for the City.

TARLTON was the lowest quote at \$67,000. Accordingly, City staff has been working with TARLTON to obtain an executed contract with a firm completion date to meet the urgent need for the work to be done. However, Tarlton has not yet returned an executed contract with a firm completion date due to material lead times.

Staff recommends approving the resolution which authorizes executing a contract with TARLTON for installation of this shoring. If an agreement with TARLTON cannot be reached and a contract executed, then the City Manager, or designated representatives, are authorized to enter into an agreement with another firm to complete the emergency repairs based on the City Code Chapter 16, Section 52 authorizing emergency purchases to protect life and public health and safety.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Multiple downtown business owners, employees and patrons use the Market parking garage. Providing safe and adequate parking in the downtown is essential to the community.

FINANCIAL IMPACT: If approved, the emergency repairs for the Market Street Garage will be funded from the Capital Improvement-Buildings (40100100-72520) account. If needed, at fiscal year-end, a budget amendment would be presented to draw down on fund balance in the Capital Improvement Fund. Stakeholders can locate the Capital Improvement Fund budget in the FY 2022 Budget Book titled “Other Funds & Capital Improvement” beginning on page 74.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

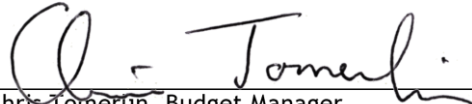
Prepared by: Russel Waller, Director of Facility Management

Reviewed by:



Russel Waller, Director of Facility Management

12/9/2021



Chris Tomerlin, Budget Manager

12/9/2021



Jeffrey R. Jurgens, Corporation Counsel

12/9/2021



Tara Henry, Legislative Assistant & Records Manager

12/10/2021

Attachments:

- FAC 1B Resolution
- FAC 1C Temp Shoring Quote_Tarlton
- FAC 1D Temp Shoring Contract_Tarlton
- FAC 1E Photos of Severe Deterioration

RESOLUTION NO. 2021 - ____

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR
EMERGENCY REPAIRS AT THE MARKET STREET GARAGE**

WHEREAS, the City received bids for Market Street Garage in August 2020 and the repairs were bid in a staged approach to provide for flexibility to address the most critical structural repairs issues, and the base bid and alternate 1 were awarded to Tarlton Corporation (TARLTON) for \$500,000; and

WHEREAS, as the work progressed, there was significant structural deterioration beyond the bid's scope of work and Walker Parking Consultants/Engineers Inc. structural engineer's professional recommendation was to shore the severely deteriorated T-beams as soon as possible; and

WHEREAS, due to the public health and safety and urgent need for a timely response, staff obtained quotes from three (3) vendors that have experience with prior similar work for the City; and

WHEREAS, of the quotes received, TARLTON was the lowest quote at \$67,000, however, the City has not yet received a signed contract back from TARLTON with a firm completion date yet due to material lead times; and

WHEREAS, this work is needed to be completed as soon as possible to ensure the safety of the public utilizing the garage.

**NOW, THEREFORE, BE IT ORDAINED/RESOLVED by the City Council of the City of
Bloomington, McLean County, Illinois:**

That the recitals set forth above are incorporated herein, any formal bidding requirements of the City are waived, and the City Manager, or designated representatives, are authorized to enter into a contract and execute any related documents with TARLTON for the emergency repairs. If an agreement cannot be reached with TARLTON and a contract executed, the City Manager, or designated representatives, are authorized to enter into an agreement with another firm to complete the emergency repairs based on the City Code Chapter 16, Section 52 authorizing emergency purchases to protect life and public health and safety.

PASSED this 13th day of December 2021.

APPROVED this ____ day of December 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

December 8, 2021

Russel Waller
Director of Facility Management
City of Bloomington
Bloomington, IL 61701

RE: Tarlton # - 20510
Temporary Shoring Installation

Dear Mr. Waller:

Thank you for the opportunity to submit a proposal for the above reference project. We propose to provide the necessary labor, material, and tools to install the temporary shoring posts at the necessary locations that are outlined in the documents you sent over on 11/30/21 for the amount of **FIFTEEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$15,500.00)**

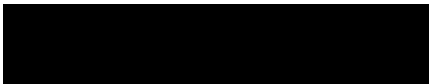
Qualifications:

1. If the City of Bloomington would like for Tarlton to complete this work on a T&M basis we would be willing to provide rates and work from them.
2. We have priced to install/rework 90 individual post shores that will be provided by the City of Bloomington.
3. No costs for renting post shores have been included within our pricing.
4. Cribbing has been included within our pricing per SK-1.
5. Our pricing is directly related to SK-1 dated 8/26/2019 and NOT to SK-2 dated 8/26/2019. (These two sketches are representing the post shores to be installed in different locations of the tee stems)
6. No costs were included for concrete repair.
7. No costs were included for barricades that are to be provided/installed around each shored location.
8. No costs were included to inspect the shoring and re-tightening it as required/necessary.
9. It was assumed that we will have access to all these areas at once to maximize our production while onsite.
10. No costs for MEP's have been included if any were to become necessary.

11. No costs for temporary heat have been included.
12. Costs associated with any sort of testing has not been included.

Please feel free to contact us with any question or comments you may have regarding the above.

Sincerely,



Cory L. Littlejohn
Senior Project Engineer

December 8, 2021

Russel Waller
Director of Facility Management
City of Bloomington
Bloomington, IL 61701

RE: Tarlton # - 20510
 Tee Stem Repairs

Dear Mr. Waller:

Thank you for the opportunity to submit a proposal for the above reference project. We propose to provide the necessary labor, material, tools, and equipment to repair the critical tee stems that are outlined in the documents you sent over on 11/30/21 for the amount of **FIFTY-ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$51,500.00)**

Qualifications:

1. If the City of Bloomington would like for Tarlton to complete this work on a T&M basis we would be willing to provide rates and work from them.
2. We have priced to install the angles per SK-3 in 23 locations, resulting in a total of 46 angles.
3. The Sikadur 33 Hi-Mod Gel was NOT included due to temperature restrictions and extreme lead times.
4. We have priced the slotted holes to be 2.5" wide as this wasn't specified per the details.
5. We have included pricing to have GPRS onsite for one day to scan the existing stems to locate the existing reinforcing.
6. No costs were included for concrete repair.
7. It was assumed that we will have access to all these areas at once to maximize our production while onsite.
8. No costs for MEP's have been included if any were to become necessary.
9. No costs for temporary heat have been included.
10. Costs associated with any sort of testing has not been included.

Please feel free to contact us with any question or comments you may have regarding the above.

Sincerely,



Cory L. Littlejohn
Senior Project Engineer

**CITY OF BLOOMINGTON
CONTRACT WITH
TARLTON CORPORATION
FOR**

SHORING & ANGLE INSTALLATION IN MARKET GARAGE

THIS AGREEMENT, dated this 13th day of December, 2021, is between the City of Bloomington (hereinafter "CITY") and TARLTON CORPORATION (hereinafter "CONTRACTOR").

NOW THEREFORE, the parties agree as follows:

Section 1. Recitals. The recitals set forth above are incorporated into this Section 1 as if specifically stated herein.

Section 2. Incorporation of Bid/RFP/RFO & Proposal Terms / Prevailing Wage. This work was subject to the following procurement initiative by the CITY:

Temporary Shoring and Support Angle installation Quote Request (11/30/2021) (hereinafter "Request")

Accordingly, the provisions of the Request and the proposal submitted by CONTRACTOR (hereinafter collectively referred to as "Procurement Documents" and attached as Exhibit A), shall be incorporated into this Contract and made a part thereof and shall be considered additional contractual requirements that must be met by CONTRACTOR. In the event of a direct conflict between the provisions of this contract and the incorporated documents, the provisions of this contract shall apply. This contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 et seq. ("the Act"). The Act requires contractors and subcontractors to pay laborers, workers and mechanics performing services on public works projects no less than the current "prevailing rate of wages" (hourly cash wages plus amount for fringe benefits) in the county where the work is performed. The Department publishes the prevailing wage rates on its website. The Department revises the prevailing wage rates and the contractor/subcontractor has an obligation to check the Department's web site for revisions to prevailing wage rates. For information regarding current prevailing wage rates, please refer to the Illinois Department of Labor's website. All contractors and subcontractors rendering services under this contract must comply with all requirements of the Act, including but not limited to, all wage requirements and notice and record keeping duties.

Section 3. Description of Services. CONTRACTOR shall provide the services/work identified in the Procurement Documents, and specifically as follows: Shoring and support angle installation in Market Garage per the 11/30/21 quote request and further defined in Tarlton's 12/8/21 quotes.

All work shall be completed no later than 60 days after execution of this contract.

Section 4. Payment. For the work performed by CONTRACTOR under this Contract, the CITY shall pay CONTRACTOR one of the following:

- ☐ A flat fee of \$_____ as set forth in the Procurement Documents.
- ☒ Fees as set forth in the Procurement Documents up to the Contract amount of \$ 67,000.00.

Section 5. Default and Termination. Either party shall be in default if it fails to perform all or any part of this Contract. If either party is in default, the other party may terminate this Contract upon giving written notice of such termination to the party in default. Such notice shall be in writing and provided thirty (30) days prior to termination. The non-defaulting party shall be entitled to all remedies, whether in law or equity, upon the default or a violation of this Contract. In addition, the prevailing party shall be entitled to reimbursement of attorney's fees and court costs.

Section 6. Representations of Vendor. CONTRACTOR hereby represents it is legally able to perform the work that is subject to this Contract.

Section 7. Assignment. Neither party may assign this Contract, or the proceeds thereof, without written consent of the other party.

Section 8. Compliance with Laws. CONTRACTOR agrees that any and all work by CONTRACTOR shall at all times comply with all laws, ordinances, statutes and governmental rules, regulations and codes.

Section 9. Compliance with FOIA Requirements. CONTRACTOR further explicitly agrees to furnish all records related to this Contract and any documentation related to CITY required under an Illinois Freedom of Information Act (ILCS 140/1 et. seq.) ("FOIA") request within five (5) business days after CITY issues notice of such request to CONTRACTOR. CONTRACTOR agrees to not apply any costs or charge any fees to the CITY regarding the procurement of records required pursuant to a FOIA request. CONTRACTOR shall be responsible for any damages/penalties assessed to CITY for CONTRACTOR'S failure to furnish all documentation in CONTRACTOR'S possession responsive and related to a request within five (5) days after CITY issues a notice of a request.

Section 10. Governing Law. This Agreement shall be governed by and interpreted pursuant to the laws of the State of Illinois.

Section 11. Joint Drafting. The parties expressly agree that this agreement was jointly drafted, and that both had opportunity to negotiate its terms and to obtain the assistance of counsel in reviewing it terms prior to execution. Therefore, this agreement shall be construed neither against nor in favor of either party, but shall construed in a neutral manner.

Section 12. Attorney Fees. In the event that any action is filed in relation to this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees.

Section 13. Paragraph Headings. The titles to the paragraphs of this agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this agreement.

Section 14. Counterparts. This agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which together shall constitute the same instrument.

CITY OF BLOOMINGTON

TARLTON CORPORATION

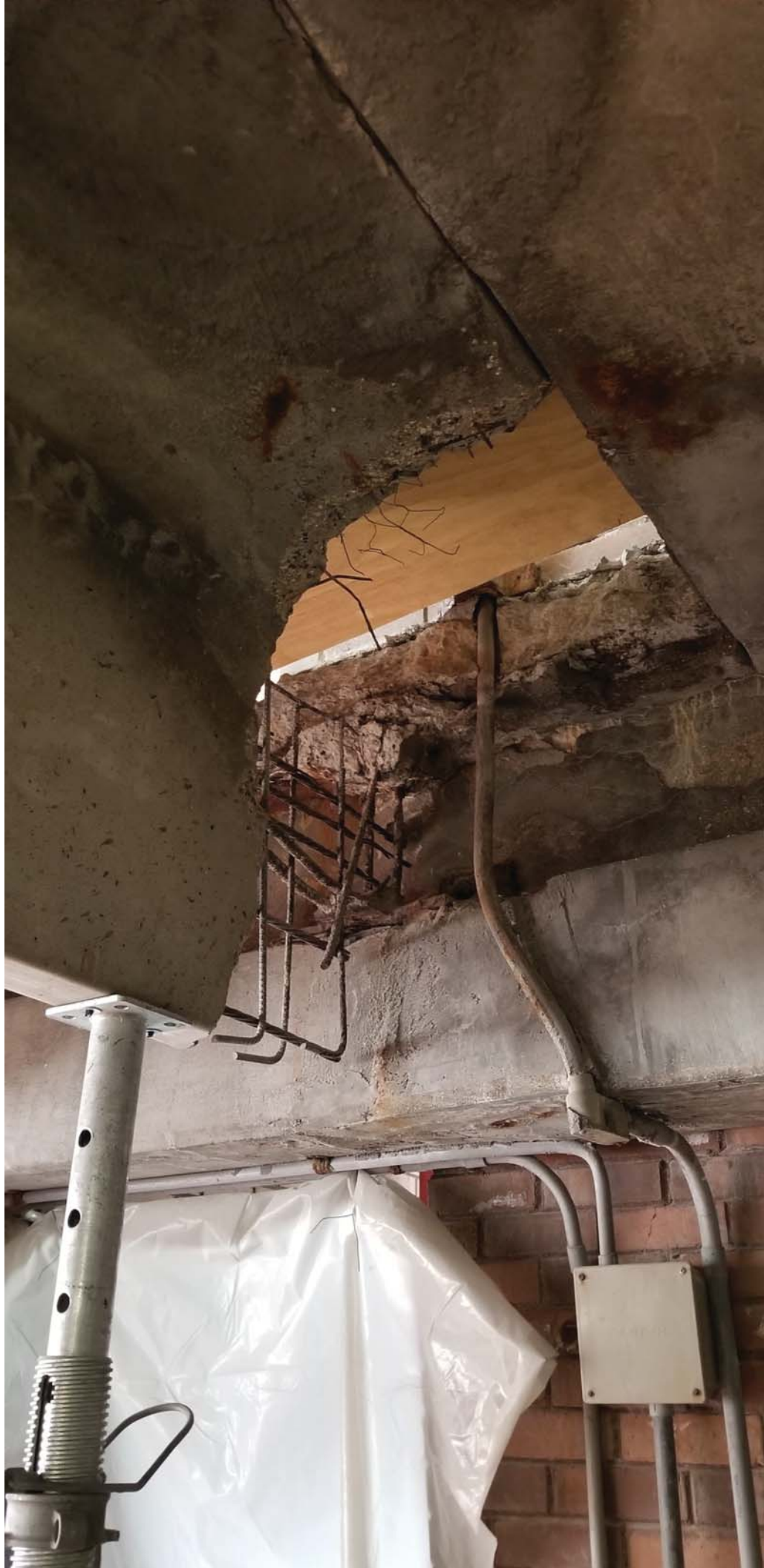
By: _____
Its City Manager

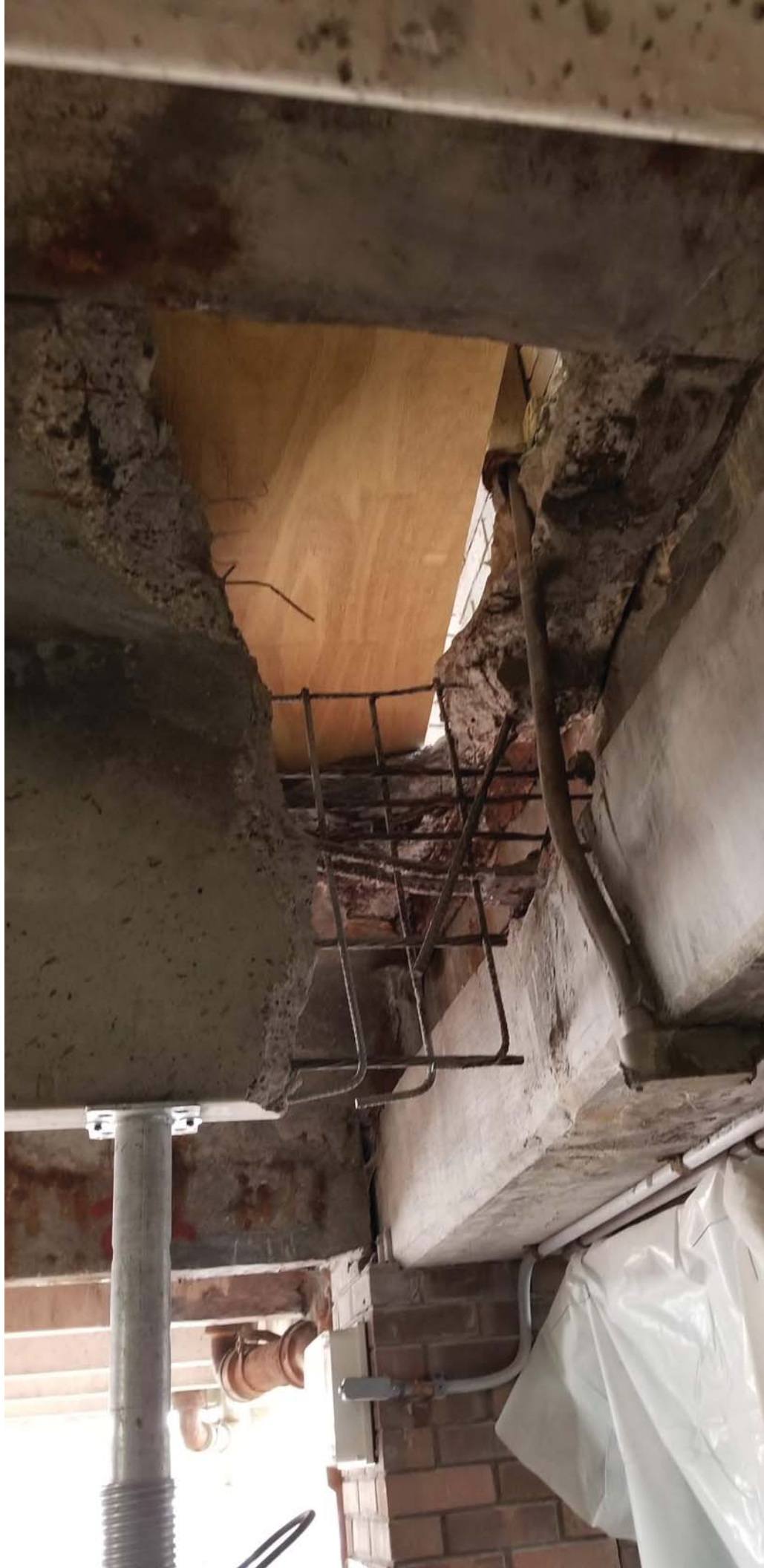
By: _____
Its _____

ATTEST:

By: _____
City Clerk

By: _____
Its _____









No FRP
Walker







CONSENT AGENDA ITEM NO. 7.E

FOR COUNCIL: December 13, 2021

SPONSOR: Legal Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on a Resolution Authorizing the City of Bloomington's Participation in the Settlement Agreement Program Arising from the National Opioid Crisis Class Action Lawsuit, as requested by the Legal Department.

RECOMMENDED MOTION:

The proposed Resolution be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: In July 2021, attorney generals from across the United States, including Illinois Attorney General Kwame Raoul, announced a proposed \$26,000,000,000 settlement with three opioid manufacturers and distributor Johnson & Johnson. The settlement requires the three largest distributors of opioids, namely McKesson, Cardinal Health, and Amerisource-Bergen, to pay approximately \$21,000,000,000 over 18 years, and requires opioid manufacturer, Janssen Pharmaceuticals, Inc., and its parent company Johnson & Johnson, to pay approximately \$4,500,000,000 over no more than 9 years.

Under the terms of the settlement and depending on the level of participation, the State of Illinois is likely to receive around \$760,000,000. Out of the amount received by the State, 15% is to be distributed to participating cities and counties for opioid remediation. If the State does receive \$760,000,000, under the current formula, the City may expect to receive approximately \$479,000 in payments for opioid remediation over the life of the settlement.

Although the City was not a plaintiff in the case, the proposed settlement allows certain public entities like the City, to "opt-in" and receive the benefits of the settlement in exchange for releasing its claims against the named distributors and manufacturer. According to a notice sent by Attorney General Raoul, local political subdivision participation is encouraged for the following reasons:

1. The amounts to be paid under the settlements, while insufficient to abate the epidemic fully, will allow state and local governments to commence with meaningful change designed to curb opioid addiction, overdose and death;
2. Time is of the essence. The opioid epidemic continues to devastate communities around the country and it is critical that the funds begin to flow to allow governments

to address the epidemic in their communities as soon as possible;

3. If there is not sufficient subdivision participation in these proposed settlements, the settlements will not be finalized, the important business practice changes will not be implemented, the billions of dollars in abatement funds will not flow to communities, and more than 3,000 cases may be sent back to their home courts for trial, which may take many years;
4. The extent of participation also will determine how much money each state and its local subdivisions will receive because approximately half of the abatement funds are in the form of “incentive payments,” i.e., the higher the participation of subdivisions in a state, the greater amount of settlement funds that flow into that state;
5. Funds from these settlements will be used to commence abatement of the crisis and provide relief to citizens while litigation and settlement discussions proceed against numerous other defendants in the opioid industry; and
6. Because pills do not respect boundaries, the opioid epidemic is a national crisis that needs a national solution.

As a participating political subdivision, any funds the City receives will be restricted, with limited exception, for opioid remediation.

If the City does “opt-in” to the settlement, it only impacts the rights of the City against the named defendants and does not bind or limit the rights of any residents on an individual basis. More information on the proposed settlements can be found at this website: [National Opioid Settlement](#).

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: As there are many variables to determining the payouts and final settlement amounts, the financial impact is difficult to predict. In a best-case scenario, the City could be awarded approximately \$470,000, paid over many years, for local opioid remediation. Any funds received will be placed into a restricted line item and used in accordance with the settlement documents.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

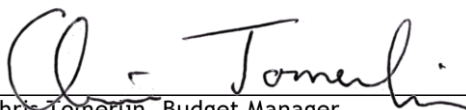
Prepared by: Jeffrey Jurgens, Corporation Counsel

Reviewed by:



Jeffrey R. Jurgens, Corporation Counsel

12/7/2021



Chris Tomerlin, Budget Manager

12/7/2021



Tara Henry, Legislative Assistant & Records Manager

12/10/2021

Attachments:

- LGL 1B Resolution
- LGL 1C Resolution Group Exhibit A
- LGL 1D IDHS Opioid Crisis In Illinois

RESOLUTION NO. 2021 - _____

**A RESOLUTION AUTHORIZING THE CITY OF BLOOMINGTON'S PARTICIPATION IN
THE SETTLEMENT AGREEMENT PROGRAM ARISING FROM THE
NATIONAL OPIOID CRISIS CLASS ACTION LAWSUIT**

WHEREAS, the City of Bloomington, Illinois ("City"), is a home rule unit of government under the laws of the State of Illinois;

WHEREAS, a class action lawsuit was filed against numerous opioid manufacturers and distributors, which has been consolidated nationally before the United States District Court for the Northern District of Ohio under Case # 1:17-md-2804 (DAP);

WHEREAS, the goal of the class action lawsuit was to seek redress and recovery for the damages caused by the devastation of the opioid crisis upon communities;

WHEREAS, the defendants in the lawsuit are the three largest pharmaceutical distributors: McKesson, Cardinal Health and Amerisource-Bergen ("Distributors"), and manufacturer Janssen Pharmaceuticals, Inc. and its parent company Johnson & Johnson ("Manufacturer");

WHEREAS, a nationwide proposed settlement has been reached with the Distributors and Manufacturer, designed to provide substantial funds to states and political subdivisions, and the City has the opportunity to "opt in" to the settlement process;

WHEREAS, the proposed settlement requires the Distributors to pay up to \$21 billion over 18 years and Janssen to pay up to \$5 billion over not more than 9 years, for a total of \$26 billion, with approximately \$22.7 billion being earmarked for use by participating states and local subdivisions to remediate and abate the impacts of the opioid crisis ("Settlement"); and

WHEREAS, under the terms of Settlement, Illinois could receive a maximum of \$790 million, depending on the level of participation, some of which will be distributed to cities and counties; and

WHEREAS, although the City is not a litigating entity involved in this litigation it may opt-in and receive the benefits of the Settlement in exchange for releasing its claims against the Distributors and Manufacturer; and

WHEREAS, opting-in to the settlement will enable the City to receive funds from the Settlement, which can be used to treat opioid use disorder and for other purposes; and

WHEREAS, the City wishes to agree to the material terms of the proposed Settlement; and

WHEREAS, jurisdictions must opt-in to the Settlement before January 2, 2022.

NOW, THEREFORE, be it resolved by the City Council of the City of Bloomington that:

SECTION 1. The above stated recitals are incorporated herein by reference.

SECTION 2. The City Manager and/or Corporation Counsel are hereby authorized and directed to enter into and execute the Settlement Participant Forms (attached hereto as Group Exhibit A) and any and all other documents necessary to effectuate the City's participation in the settlement process and in compliance with the settlement.

SECTION 3. Should any section, clause, or provision of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of the Resolution as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 4. This Resolution shall be in full force and effect immediately after its passage and approval.

PASSED this 13th day of December 2021.

APPROVED this _____ day of December 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

Settlement Participation Form

Governmental Entity: Bloomington city	State: IL
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Janssen Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.
7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.
9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____



Settlement Participation Form

Governmental Entity: Bloomington city	State: IL
Authorized Signatory:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 (“Distributor Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.
7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.



8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.

10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.



I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____





State of Illinois
Department of Human Services

The Opioid Crisis in Illinois

Data and the State's Response

The Opioid Crisis in Illinois: Data and the State's Response

Statewide Drug Overdose Trends

Nature of the Opioid Use Disorder Problem – The opioid crisis has manifested itself in the form of multiple public health problems. An analysis of the nature and extent of these problems provides evidence of the seriousness of the opioid crisis in Illinois, the widespread prevalence of these problems across our state, and the existence of populations and local areas with the most critical gaps in services.

Opioid Overdose Deaths – Perhaps none of these problems has heightened the awareness of the general public to the same degree as the recent dramatic increase in opioid overdose deaths. Drug overdose deaths in this country nearly tripled from 1999 to 2014. Among the 47,055 drug overdose deaths that occurred in the U.S. in 2014, 28,647 (60.9 percent) involved an opioid¹. Like many states, Illinois has recently experienced a notable increase in drug overdose deaths that can primarily be attributed to an increase in opioid overdose deaths. Provisional death records data obtained from the Illinois Department of Public Health (IDPH) show 2,278 drug-related overdose deaths during 2016. This represents a 44.3 percent

¹ Rudd, RA, Seth, P, David, F, and Scholl L. Increases in Drug and Opioid-Involved Overdose Deaths – United States, 2010-2015. MMWR, Centers for Disease Control and Prevention, December 2016.

Statewide Drug Overdose Trends

- Illinois Department of Public Health (IDPH) data shows 2,278 drug-related overdose deaths during 2016. This represents a 44.3 percent increase over the 1,579 drug-related overdose deaths that were reported by IDPH for 2013.
- Of the 2,278 Illinois statewide drug overdose deaths during 2016, over 80 percent (1,826) were opioid-related fatalities.
- The 1,826 opioid-related overdose deaths represents an over 70 percent increase in the number of such deaths that were reported in 2013, and a 32.1 percent increase over the 1,382 opioid-related overdose that were reported by IDPH for 2015. The number of Emergency Medical Service (EMS) runs that required two Naloxone administrations increased by over 50 percent from 2013-2015, and the number of runs that require three administrations increased by over 75 percent over this time period. This increase can be attributed to the presence of fentanyl and other synthetic opioids in the substances being used.

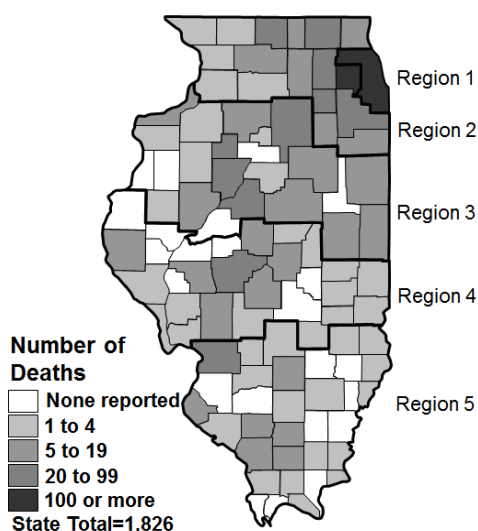
The Opioid Crisis in Illinois: Data and the State's Response

increase over the 1,579 drug-related overdose deaths that were reported by IDPH for 2013. This statewide increase in drug-related overdose deaths is almost totally accounted for by an increase in opioid-related overdose deaths. Of the 2,278 Illinois statewide drug overdose deaths during 2016, over 80 percent were opioid-related fatalities. The 1,826 opioid-related overdose deaths among Illinois residents that have been provisionally reported for 2016 represents an over 70 percent increase in the number of such deaths that were reported in 2013, and a 32.1 percent increase over the 1,382 opioid-related overdose that were reported to IDPH for 2015.

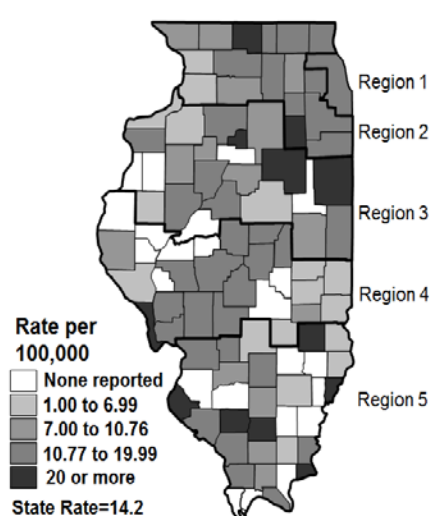
The maps below illustrate the number and population rates of opioid overdose deaths across Illinois' 102 counties during 2016. The map based on the number of opioid overdose deaths during 2016 provides evidence that the opioid crisis continues to impact communities and individuals throughout Illinois. Cook County accounted for nearly 50 percent of the opioid overdose death in Illinois during 2016. The 911 opioid overdose deaths reported for Cook County in 2016 represented an 87.4 percent increase from the 486 such death that were reported for this county during 2013. Specific to the City of Chicago, the 581 opioid overdose deaths in 2016 represented a 93 percent increase from the 301 such deaths reported in 2013. As has been the case in previous years, the counties bordering on Cook and other counties with relatively high resident populations, particularly Madison, Peoria, St. Clair, and Winnebago counties, were major contributors to the statewide number of opioid overdose deaths in 2016.

The state map based on county population rates of opioid overdose deaths provides further insight into the locality-specific and statewide severity of this problem in Illinois. This map shows that several Illinois counties have resident population rates of opioid overdose deaths that are not only equal to, but greater than, that of Cook County. In fact, there were 18 Illinois counties that had 2016 population rates of opioid overdose deaths that were greater than that of Cook County. Twelve (12) of the counties with the highest 2016 population rates of opioid overdose deaths are in IDHS Regions 4 and 5. These two service regions have the lowest levels of currently-available opioid use disorder (OUD) medication assisted treatment (MAT) resources in the state.

NUMBER OF OPIOID OVERDOSE DEATHS
BY ILLINOIS COUNTY – 2016



RATE PER 100,000 OF OPIOID OVERDOSE DEATHS
BY ILLINOIS COUNTY – 2016



Naloxone Administrations – In response to the increasing problem of opioid overdose deaths among our state's residents, Illinois Public Act 096-0361 took effect in 2010. This act made it legal in Illinois for non-medical persons to administer the drug overdose reversal medication Naloxone to another individual in order to prevent an opioid/heroin overdose from becoming fatal. In 2012, the Illinois Public Act 097-0687 *Good Samaritan* law ensured that the individual providing emergency medical assistance and the person experiencing the overdose are not charged or prosecuted for felony possession (within specified limitations). IDHS/DASA established its **Drug Overdose Prevention Program (DOPP)** as a result of this law. Through this program, IDHS/DASA provides 1) training for 'Enrolled Programs' that then train multiple sites within their communities to administer Naloxone and 2) assistance with access to Naloxone, including actual distribution of the medicine, but also training regarding additional paths to access Naloxone. Naloxone has been successfully prescribed and distributed to many heroin and opioid users, their families and friends, and first responders including law enforcement, non-profit agencies, hospitals, treatment facilities, and public health departments in Illinois and throughout the United States.

Local governments and organizations voluntarily provide information regarding Naloxone training and education activities, Naloxone administrations, and overdose reversals back to the DOPP. In state fiscal year 2016, IDHS/DASA enrolled 13 new programs. Enrolled programs trained 127 new sites and 8,888 individuals throughout the state that year. As a result of these efforts, 10,970 opioid overdoses were prevented. From the inception of the DOPP in SFY14, a total of 57 overdose prevention programs have been enrolled, with 267 separate trained program sites. In addition, since SFY14, a total of 18,665 first responders have been trained and 25,545 overdose reversals have been reported to DHS. Given the additional federal funding through SAMHSA grant awards to DHS, it is expected that there will be an increase in the number of enrolled programs and first responders trained, with an expected 20 percent increase in the number of prevented opioid overdoses reported in SFY 2018, as compared to SFY 2016.

DHS Drug Overdose Prevention Program (DOPP)

	SFY 2016	SFY 2018 Target
Enrolled Programs	13	20
Trained Sites	127	190
Individuals Trained	8,888	13,332
Prevented Opioid Overdoses	10,970	13,164

IDPH collects data for Naloxone administrations that are provided as part of emergency medical service (EMS) runs. The 9,272 EMS Naloxone administrations that were reported to IDPH for 2015 represented a 32.6 percent increase over the 6,992 such administrations that were reported in 2013.

Further analysis of this IDPH data provides evidence of another alarming aspect of the opioid crisis not just in Illinois, but virtually every other state that has been impacted by this problem. The below table categorizes EMS runs from 2013 through 2015 based on the number of Naloxone administrations that were provided. The number of EMS runs that required two Naloxone administrations increased by over 50 percent from 2013-2015, and the number of runs that require three administrations increased by over 75 percent over this time period. This

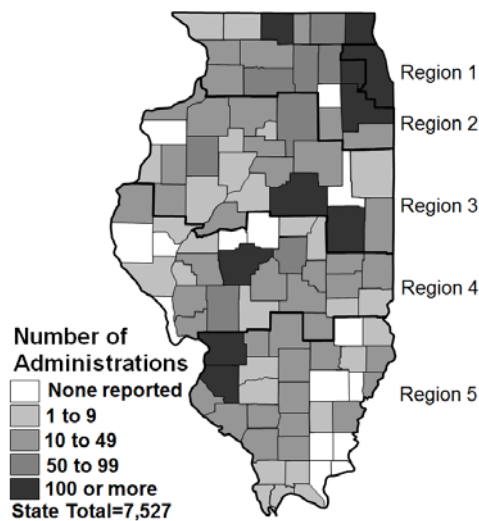
increase can be attributed to the presence of fentanyl and other synthetic opioids in the substances being used.

Illinois Naloxone Administrations Per Reported EMS Event: 2013-2015

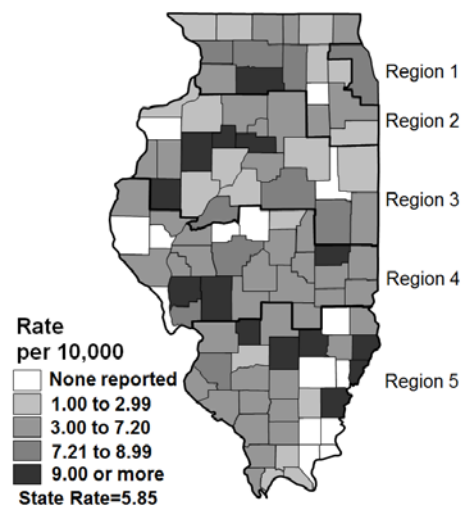
Year	1	2	3
2013	5,902	918	172
2014	6,180	1,060	189
2015	7,425	1,422	302
Percent Increase 2013-2015	25.8%	54.9%	75.6%

Provided below and on the following page are Illinois maps depicting numbers and population rates of Naloxone EMS administrations that were reported to IDPH for 2014 and 2015. The annual totals for these maps are somewhat higher than those in the above table, primarily due to the inclusion of events that involved more than three Naloxone administrations. Cook and its bordering counties account for the majority of the number of Naloxone administrations. Nevertheless, the maps that illustrate population rates of administrations by county provide evidence that just as opioid overdose deaths are a problem throughout our state, so are the efforts in response.

NUMBER OF REPORTED EMS EVENTS WITH ONE OR MORE NALOXONE ADMINISTRATIONS BY ILLINOIS COUNTY – 2014

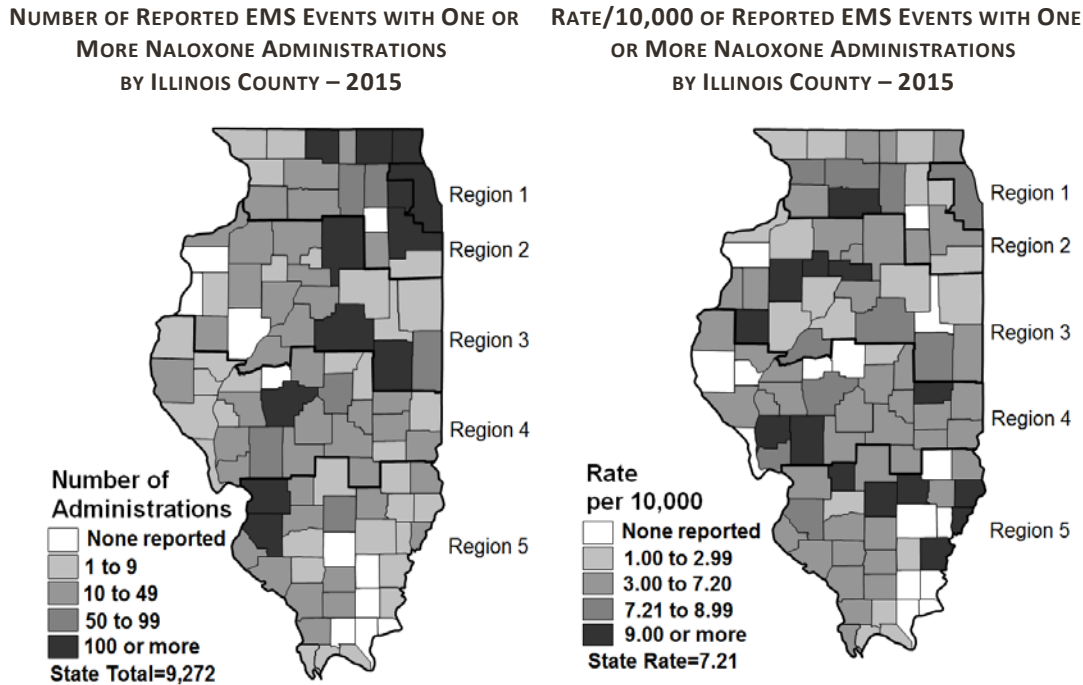


RATE/10,000 OF REPORTED EMS EVENTS WITH ONE OR MORE NALOXONE ADMINISTRATIONS BY ILLINOIS COUNTY – 2014

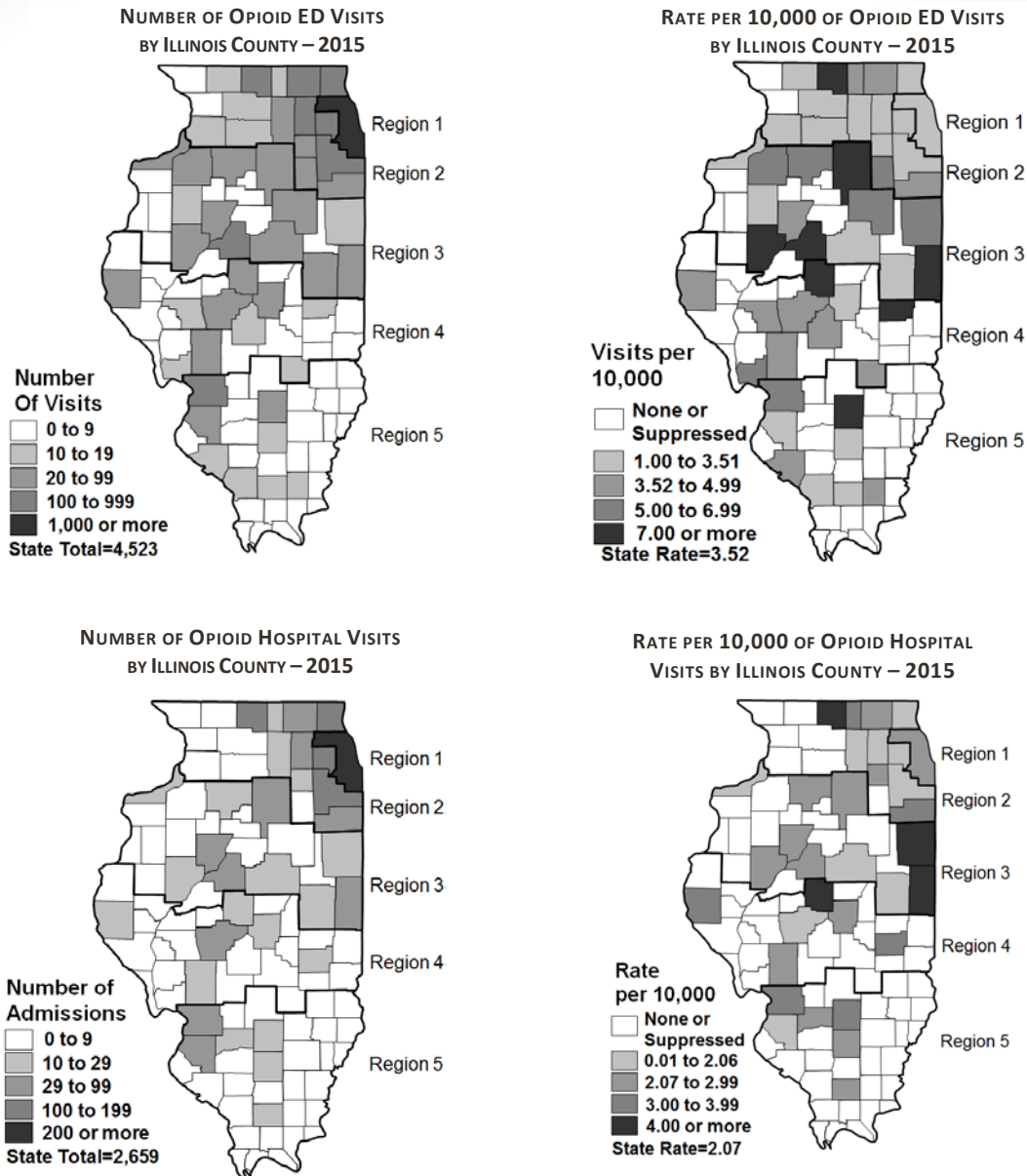


Up until now, the purchase of Naloxone kits, their distribution, and the training and education that support these activities have been provided in Illinois through local public health departments, other units of local government, various public and private organizations, and in some cases, individuals who have been directly impacted by this crisis. However, the funding to support these activities is often temporary and almost always not sufficient to meet the need. In 2016, IDHS was awarded a Prescription Drug/Opioid Overdose (PDO) grant from the Center for Substance Abuse Prevention/Substance Abuse and Mental Health Services Administration (CSAP/SAMHSA). Through this grant, funding for the purchase and distribution of Naloxone kits

is being provided to coordinating entities in the following six counties: Cook, Madison, St. Clair, Du Page, Lake and Will. To further address this need, IDHS/DASA included proposed funding for Naloxone kit purchases and support services in several additional counties in Illinois in its Opioid State Targeted Response (STR) application to the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA). A notice of award is anticipated in May 2017.



Opioid-related ED and Hospital Visits – Based on their review of multiple national databases, the CDC has concluded that for every opioid overdose death it can be concluded that there are 130 individuals who have some form of OUD. If this estimation factor is applied to Illinois, it can be estimated that there are about 180,000 persons in our state with an OUD. Using the same approach, the CDC also estimates that for every opioid overdose death there will be about 35 hospital emergency department (ED) visits. Provided on the following page are maps of the number and population rate of opioid-related ED visits by Illinois county during 2015. The important thing to note about this data is that county values of less than 10 were suppressed for confidentiality reasons. This is certainly the reason why so many predominantly rural counties are in “white.” Nevertheless, these maps provide further evidence of the statewide impacts of the opioid crisis in Illinois. It is also worth noting that application of CDC’s projection factor of 35 opioid-related ED visits for every opioid overdose death would yield over 48,000 expected opioid-related visits. This is substantially lower than the actual number of visits that were reported in 2015, even considering the missing data due to the suppressed county values. This would seem to indicate the likelihood of substantial underreporting of these events. Also provided on the following page are maps of numbers and population rates of opioid-related hospital admissions. These maps were also subject to suppressed county values of less than 10. While providing additional evidence of the statewide impacts of the opioid crisis in Illinois, this data is most likely also subject to substantial underreporting.



The IDHS/DASA Treatment System – All IDHS/DASA licensed treatment organizations that provide services supported by state general revenue, Medicaid fee-for-service, and other sources of public funding are required to report client demographic and service provision data through our Division Automated Reporting and Tracking System (DARTS). Based on an analysis of DARTS data for State Fiscal Year 2015 (SFY 2015), there were 66,427 total admissions to IDHS/DASA funded treatment services. A total of 19,289 (29.0 percent) of these Illinois SFY 2015 admissions were persons who indicated opioids as their primary substance of abuse. Of these primary opioid admissions, 16,303 (84.5 percent) reported heroin as their primary drug, 2,946 (15.3 percent) reported other opioids/synthetics, and 40 (0.2 percent) reported non-prescription methadone as their primary drug in response to this question. The 16,303 primary heroin admissions that were reported in DARTS for SFY 2015 represented a 32.8 percent increase from the 12,279 such admissions that were reported for Illinois in 2002.

Within the substance use disorder treatment continuum of care, medication-assisted treatment (MAT) involves the use of a medication to treat a substance use disorder that includes one of several medication options in tandem with counseling and social supports. These medications are analogous to taking medication for diabetes or asthma – they help people manage their disorder so that they can maintain their recovery. It is NOT the same as substituting one addictive drug for another. Once stabilized, patients do not experience the compulsive thoughts and behaviors that define a substance use disorder. Medications may include oral or injectable (long acting) naltrexone, buprenorphine, or methadone.

Each medication works differently. Naltrexone blocks the effects of opioids, making the person unable to get high from using them. It has no diversion risk or “street value” because it does not cause the effects of an opioid. Methadone and buprenorphine reduce cravings and withdrawal symptoms without making the person feel high. Both of these medications work by masking the problem opioid. Patients must visit special methadone clinics daily to receive doses when they are on opioid maintenance therapy. Buprenorphine can be prescribed by a primary care doctor who has had special training and been granted a special waiver.

According to the CDC, expanding access to medication assisted treatment (MAT) is essential to an effective response to the dramatic increase in opioid-related problems². Research evidence indicates that MAT for opioid clients, particularly outpatient methadone treatment (OMT), has the potential to save significantly more money than other forms of treatment³. These cost-saving impacts of MAT are attributable to a wide range of improvements in the health inequities that are commonly experienced by primary opioid clients, to include reduced rates of drug use, increased access to health care and other recovery support services, improved interpersonal relationships and living conditions, and decreased involvement in high-risk behaviors such as injection drug use. It has been observed that the regularly long-term involvement of opioid users in MAT plays a significant role in overall harm reduction practices. Additionally, there is evidence of harm reduction benefits among both primary opioid clients who continue to use while in MAT, and those who prematurely discontinue treatment⁴.

IDHS/DASA was the recipient of two five-year CSAT-funded TCE-HIV grants in 2007. Each of these grants involved an expansion of OMT services to minority residents of Chicago. The following are some of the several statistically significant positive outcomes that were observed among these clients at six-month follow-up: an increase in the percentage of clients who reported being employed and an increase among the clients in average income from wages; a decrease in average income from illegal sources and a decrease in the average amount of money spent on illegal drugs; increases in the percentage of clients who reported attendance at groups that support recovery; reductions in average days of cocaine, marijuana and heroin use as compared to the 30 days prior to admission; an over 50 percent abstinence rate from heroin use at follow-up; and a significant reduction in the percentage of clients who report injection drug use.

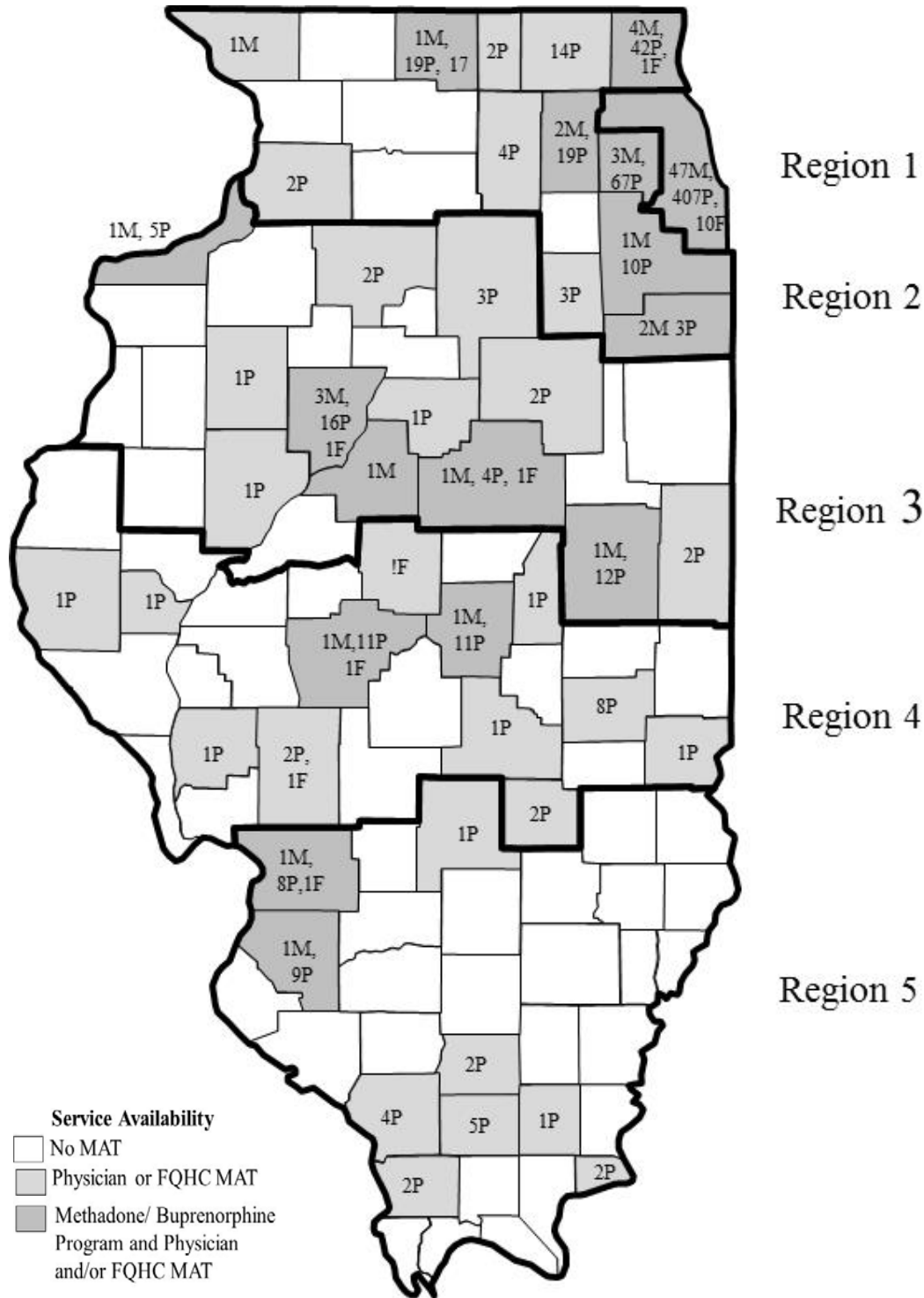
² <https://www.cdc.gov/vitalsigns/heroin/>

³ http://www.who.int/whr/2004/en/report04_en.pdf?ua=1

⁴ Thiede, H, Hagan, H & Murrill, CS. Methadone treatment and HIV and Hepatitis band C risk reduction among injectors in the Seattle area. *Journal of Urban Health*. September 2000, Volume 77, Issue 3, pp 331–345.

Map of Available MAT/Opioid Services by Illinois County

The text in counties shows the number of Methadone/buprenorphine programs, Physician prescribers of buprenorphine, and Federally Qualified Health Centers (FQHC) with opioid use medication services expansion HRSA grants.



While OMT is arguably the most cost-efficient treatment modality for persons with OUD, there are of course other MAT options. Access to such options is of critical importance given both the preferences and geographic locations of individual persons in need, and the various infrastructure requirements associated with the establishment of OMT service sites. The map on the previous page provides an illustration of the distribution of major MAT resources in Illinois. IDHS/DASA currently licenses 71 OMT service sites in Illinois. Thirty-one (31) of these OMT sites receive public funding support through IDHS/DASA. The remainder of these OMT sites depend upon private or self-pay funding. It can be readily seen that the majority of the OMT service sites in Illinois are located in Cook County. There are only three OMT sites in IDHS Region 3, and only two in each of Regions 4 and 5. IDHS/DASA currently funds 5,631 OMT slots throughout Illinois. A little over 80 percent (4,506) of these funded OMT slots are accounted for by provider organization sites in Cook County. The annual state funding support for these statewide OMT slots is \$20.7 million. During SFY 2015, 2,125 opioid-addicted clients were admitted to OMT services through these state-supported slots. The differential between the number of slots and the number of annual admissions is attributable to the length of time that most OMT clients remain in treatment. A total of 7,370 unduplicated clients were actually served through these state-supported OMT slots during SFY 2015.

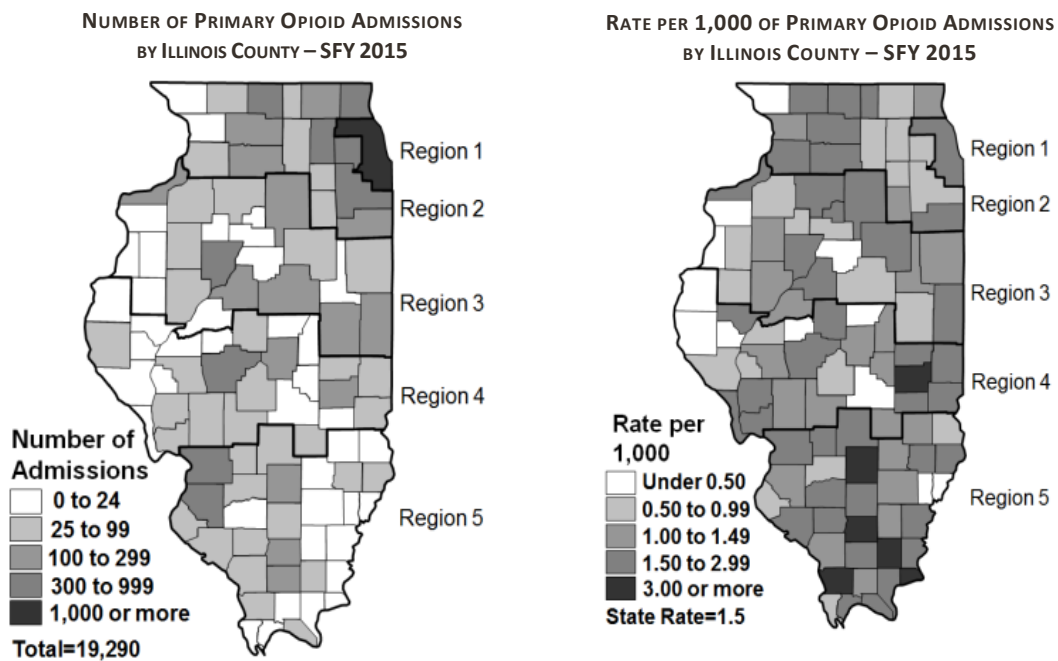
As part of its response to the opioid crisis in this country, in March 2016 the Department of Health and Human Services, Health Resources and Services Administration (HRSA) awarded \$94 million in Affordable Care Act funding to 271 Federally Qualified Health Centers (FQHCs) in 45 states, the District of Columbia, and Puerto Rico to improve and expand the delivery of substance abuse services in health centers, with a specific focus on treatment of opioid use disorders in underserved populations. These awards to health centers across the country were intended to increase the number of patients screened for SUD and connected to treatment, increase the number of patients with access to MAT for opioid use and other SUD treatment, and provide training and educational resources to help health professionals make informed prescribing decisions. Seventeen (17) FQHCs in Illinois received HRSA awards to expand medication assisted services for persons with OUD. However, only four of these centers are located in IDHS Regions 4 and 5, which essentially account for the southern half of the state.

The map on the previous page also indicates the locations of private physicians who have waivers to prescribe Buprenorphine for the treatment of OUD. As of February 2017, there are 715 such waived physicians in Illinois. Over 400 of these physicians are in Cook County. There are only 50 waived physicians in Region 4, and only 34 in Region 5. Seventeen of the waived physicians in Region 5 are in two counties (Madison and St. Clair). It should be noted however, that even if a physician has been waived to prescribe Buprenorphine for OUD, this does not mean that the physician actually provides this form of MAT.

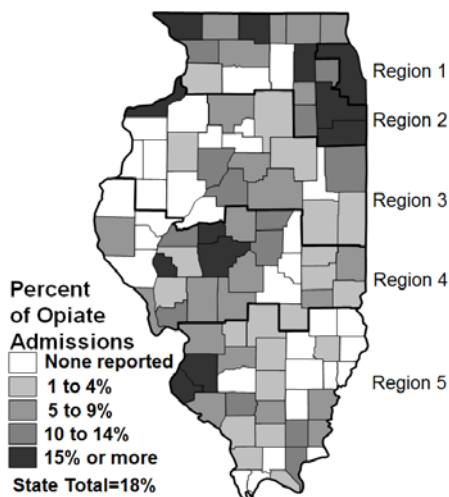
In summary, there are large areas of Illinois within which residents have little or no access to any form of MAT for OUD. This is particularly problematic given the information provided through the maps on the following page that illustrate the distribution of IDHS/DASA-funded primary opioid admissions across the state, and the corresponding county-specific population rates of such admissions. While Cook County residents account for a major portion of the number of SFY 2015 primary opioid admissions to IDHS/DASA-funded treatment services, such admissions are distributed throughout the state. Given the marked differences in population size across Illinois counties, the companion map of primary opioid admissions per 1,000 residents provides a more

The Opioid Crisis in Illinois: Data and the State's Response

useful picture of the relative distribution of such cases. It can be seen that several counties have population rates of primary opioid admissions to IDHS/DASA-funded treatment services that are similar to that of Cook County. In addition, there are six counties that had SFY 2015 population rates of primary opioid admissions that were higher than that of Cook. Five of these were in Region 5 and the remaining one in Region 4, in areas in which meaningful access to MAT is extremely limited.



PERCENT OF PRIMARY OPIOID ADMISSIONS DASA-FUNDED OMT BY ILLINOIS COUNTY – SFY 2015



The third map on the previous page illustrates the percentage of a county's IDHS/DASA primary opioid admissions that were accounted for by admissions to OMT. It can be seen that several counties had no primary opioid admissions that were accounted for by OMT, and most others had less than 5 percent of such admissions who were served through this modality. Not surprisingly, those counties with the highest percentages of OMT primary opioid admissions corresponded with those who had OMT sites located within their boundaries. Given the limited availability of alternative forms of MAT in many areas of the state, it would seem safe to conclude that the majority of Illinois residents with OUD who are admitted to publicly-funded treatment do not participate in any form of MAT.

State Efforts to Address the Opioid Crisis

During the 2016 State of the State address, Governor Rauner announced a [Health and Human Services Transformation](#) that places a focus on prevention and public health; pays for value and outcomes rather than volume and services; makes evidence-based and data-driven decisions; and moves individuals from institutions to community care to keep them more closely connected with their families and communities. Over 12 state agencies representing health, human services, education, criminal justice, and child welfare have come together to work with community stakeholders to bring these focus areas to fruition. The initial focus of the transformation effort has been on behavioral health (mental health and substance use) and specifically the integration of behavioral and physical health service delivery. Behavioral health was chosen due to both the urgency of the issue and the potential financial and human impact. Medicaid members with behavioral health needs or "behavioral health members" represent 25 percent of Illinois Medicaid members but account for 56 percent of all Medicaid spending. Further, building a nation-leading behavioral health strategy will help turn the tide of the opioid epidemic, reduce violent crime and violent encounters with police, and improve maternal and child health. The following is a summary of state agency efforts to transform the behavioral health system of care and impact the opioid crisis.

State Agency Initiatives

ILLINOIS DEPARTMENT OF INSURANCE (IDOI)

- Convenes Working Group of health care insurance carriers, mental health advocacy groups, advocacy groups for patients with substance use disorders, and mental health physician groups in coordination with the Department of Human Services and the Department of Healthcare and Family Services. The working group is required to meet semi-annually for the purpose of discussing issues related to the treatment and coverage of substance use disorders and mental illness. IDOI submitted its *Annual Report of the Working Group Regarding Treatment and Coverage of Substance Abuse Disorders and Mental Illness* in January 2017, as required by The Heroin Crisis Act (Public Act 99-0480) and specifically pursuant to 215 ILCS 5/370c.1(h)(2), which included information about participation in the Working Group meetings, details on the issues and topics covered, and legislative recommendations as required by statute.
- Published a Consumer [Toolkit](#) for Navigating Behavioral Health and Substance Use Disorder with information to help consumers make good choices about getting the right care. It includes a glossary of terms that health insurers use and a checklist of questions to ask one's health insurer and doctor to ensure the health plan pays for the appropriate care.

The Opioid Crisis in Illinois: Data and the State's Response

- Launched a Statewide Consumer Education Campaign on Parity in Spring of 2016, featuring live presentations from state agencies involved in parity coverage issues followed by Q&A with attendees.
- Established the Office of Consumer Health Insurance (OCHI), a consumer assistance office that helps with health insurance problems and questions as part of the Managed Care Reform and Patient Rights Act.

ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES (IDHFS)

Medicaid 1115 Demonstration Waiver – Though not solely addressing Opioid Use Disorders (OUDs), enhancements to the system of care for individuals with behavioral health needs envisioned through the HHS Transformation and proposed by the [1115 Waiver](#) promise to improve care available to persons with OUDs. Pilot projects submitted within the 1115 Waiver include SUD treatment services for individuals prior to release from Illinois Department of Corrections (IDOC) facilities and Cook County Jail and a recovery coaching pilot for individuals with an OUD who have begun the recovery process through treatment services and need additional ongoing support to prevent relapse and return to higher intensity services.

Medicaid State Plan Amendments (SPAs)

Medication Assisted Treatment – Outpatient Methadone Services (OMT) – In October 2016 the Illinois Department of Healthcare and Family Services (IDHFS) submitted a State Plan Amendment (SPA) to allow Illinois to fully implement the requirement in The Heroin Crisis Act (Public Act 099-0480) to allow reimbursement of OMT through Medicaid fee-for-service and Medicaid Managed Care Organizations (MCOs), for Medicaid eligible patients.

Integrated Health Homes – IDHFS is currently collaborating with numerous state agencies to develop a SPA to support an [integrated behavioral and physical health home program](#) that promotes accountability, rewards team based integrated care, and shifts away from fee for service (FFS) towards a system that pays for value and outcomes. The development of integrated behavioral and physical health homes and the payment model to support them sustainably will be a significant step in realigning the Illinois delivery system.

In addition to leading efforts related to the Medicaid 1115 Waiver and SPAs, the Department has a Pain Management Program designed to decrease inappropriate prescribing of narcotic analgesics for chronic, non-cancer pain. It was developed using evidence-based literature including national guidelines and developed in conjunction with IDHFS' medical advisers in April 2013. Prior Authorization pharmacists review requests and make approvals for three month blocks to encourage transition to other treatment modalities when appropriate and to provide opportunity for risk surveillance. Prescribers are contacted via telephone by Prior Authorization pharmacists for all requests that suggest inappropriate medication use. The [Drug Utilization Review Program website](#) includes prescriber educational materials on appropriate opioid prescribing and Prior Authorization pharmacists encourage prescribers to review this material.

All patients approved to take chronic narcotics must complete an opioid treatment agreement with their healthcare provider. This agreement requires that the patient comply with the treatment program and not misuse their opioids. It also permits random urine screens to ensure compliance.

Other methods to reduce inappropriate narcotic use include a requirement for prior approval for acute narcotic requests greater than 30 days; narcotic edit for at risk patients which restricts the participant to one prescriber and one pharmacy; limitations for one short acting and one long acting agent for chronic use; restrictions on concomitant narcotics and benzodiazepine use; and a Recipient Restriction Program that requires that all prescriptions be limited to one pharmacy and/or prescriber.

IDHFS prescribers are required to review the Illinois Prescription Drug Monitoring Program (ILPMP) when considering opioids for individual patients. This program can assist the prescriber in identifying opioid misuse. Prior authorization pharmacists review ILPMP when reviewing each request. Retail pharmacists are required to review prior to dispensing each prescription.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH (IDPH)

The Illinois Department of Public Health (IDPH) has developed a four-pronged approach to addressing the opioid epidemic based on the Centers for Disease Control and Prevention (CDC) Safe States Alliance recommendations for state and local public health responsibilities and actions:

- IDPH provides public health leadership through the [engagement](#) of over 65 task forces, coalitions, advisory groups and organizations, including regional and local public health, law enforcement, public safety, and non-profit and advocacy groups dedicated to a broad range of issues such as education, prevention and treatment for substance use disorder. Engagement is coordinated through the IDPH Regional Health Officers and aims to promote information sharing, prevent duplication, de-silo activities and communicate funding opportunities.
- IDPH performs surveillance and analysis of a number of public health datasets related to opioid use and associated morbidity and mortality. Specifically, as required by The Heroin Crisis Act (Public Act 99-0480), the IDPH Office of Policy Planning and Statistics [publishes](#) trends in opioid drug overdose deaths stratified by heroin and prescription opioids, opioid-related hospitalizations and emergency room utilization. Additional activities include provision of a core for epidemiological and statistical analysis of inter-office data including syndromic surveillance, Emergency Medical Services (EMS), and infectious disease surveillance. IDPH applies this core to support analysis proposed in the Illinois Prescription Monitoring Program's (ILPMP's) CDC's Prescription Drug Overdose Prevention for States Grant through an executed data use agreement and Declaration of Medical Study.
- Prevention activities include promotion of safe opioid prescribing guidelines, PMP utilization, naloxone prescribing, and screening for substance abuse disorder through direct curriculum development and engagement of graduate medical education (GME) internal medicine residency programs. IDPH publishes information on drug take-back events and provides data to support the IDHS Grants to Prevent Prescription Drug/Opioid Overdose Related Deaths (PDO) expansion of naloxone access. IDPH supported IDHS in the development of pharmacist protocols for naloxone administration.
- Injection drug use with shared needles and other equipment increases risk for infectious diseases such as Hepatitis C Virus (HCV) and HIV. Related treatment activities include application to the National Institutes of Health (NIH)/Center for Disease Control/Substance Abuse and Mental Health Services Administration (SAMHSA) "HIV, HCV and Related Comorbidities in Rural Communities Affected by Opioid Injection Drug Epidemics in the United States" opportunity to expand harm reduction services and office-based opioid treatment in rural areas of the state. Applications to the CDC "Strengthening Surveillance in Jurisdictions with high incidence of HCV and HBV infections" and the CDC/March of Dimes "Building

The Opioid Crisis in Illinois: Data and the State's Response

Existing Infrastructure of Population-based Birth Defects Surveillance Systems to Estimate the Incidence of Neonatal Abstinence Syndrome (NAS)" are in preparation. IDPH continues to support viral hepatitis testing, HIV testing, case management, treatment, HIV pre-exposure prophylaxis (PrEP) and perinatal HIV prevention.

ILLINOIS DEPARTMENT OF HUMAN SERVICES (IDHS)

Office of Clinical, Administrative and Program Support (OCAPS) Bureau of Pharmacy and Clinical Support Services (BPCSS)

The IDHS-OCAPS-BPCSS has the Illinois Prescription Monitoring Program (ILPMP), which receives Controlled Substance prescription data from retail pharmacies and allows Prescribers and Dispensers to view the historical data for current and prospective patients. The ILPMP received the Center for Disease Control's (CDC's) Prescription Drug Overdose Prevention for States Grant in September 2015. Major initiatives include:

- Implementing opioid prescribing intervention guidelines
- Identifying high risk behaviors: Studies have indicated that opioid abuse can lead to other drug abuse including heroin
- Preventing drug overdoses/drug misuse
- Integrating Hospital and Pharmacy Electronic Health Record (EHR) systems with the use of the PMP Automated Connection
- Developing training and education and materials for:
 - Providers
 - Dispensers
 - Patients
- Enlisting local health department personnel to bring awareness to the PMP and disseminate regional statistics
- Educating prescribers on using the PMP as a standard of practice
- Focusing on "High Burden Areas" including:
 - Delta Region 16 counties in lower Illinois
 - Cook County

Division of Alcoholism and Substance Abuse (DASA)

Substance Use Disorder (SUD) System of Care – The Illinois Department of Human Services, Division of Alcoholism and Substance Abuse (IDHS/DASA) licenses 452 substance use disorder treatment providers and funds a total of 127 providers, through a combination of federal Block Grant dollars, state General Revenue Funds, and state Medicaid dollars. The state's system of care includes providing prevention, screening, assessment, toxicology, case management, treatment, and recovery support services for individuals with substance use disorders. Treatment levels of care include Early Intervention, Outpatient, Intensive Outpatient, Residential Rehabilitation (including Child Care Residential), Withdrawal Management (detoxification), Halfway House and Recovery Home.

Outpatient Methadone Treatment (OMT) – As discussed earlier in this report, DASA licenses 71 outpatient methadone providers and 31 of those are funded with a combination of Substance Abuse Block Grant and General Revenue (state) Funds. In State Fiscal Year 2016, \$18,532,060 was spent on OMT services. There are approximately 5,500 state-funded methadone treatment "slots" for individuals in Illinois.

Drug Overdose Prevention Program (DOPP) – The Illinois Department of Human Services (IDHS), Division of Alcoholism and Substance Abuse (DASA) established the [Drug Overdose Prevention Program](#) (DOPP) in 2010. The purpose of the DOPP is to reduce the number of deaths in Illinois by training and educating first responders to an overdose. First responders may include law enforcement officers, school nurses, bystanders, friends and family members of heroin or other opioid dependent persons, and others. Training for first responders includes information on methods that can reduce overdose fatalities, including the administration of Naloxone. Naloxone is a medication that reverses an overdose by blocking opioids, including prescription opioids and heroin. During the period of time when an overdose can become fatal, respiratory depression can be reversed using Naloxone if properly administered. IDHS/DASA has published guidelines to inform programs about how to become enrolled in the DOPP. Enrollees include substance use disorder treatment programs, community-based organizations, hospitals, and local health departments, health care providers, including Federally Qualified Health Care Centers (FQHCs) and Health Care for the Homeless clinics, urgent care facilities, and faith-based organizations. Agencies engaged with incarcerated individuals, such as jails, prisons, probation and parole, problem-solving courts, and police and sheriff departments are also encouraged to enroll as a Drug Overdose Prevention Program. IDHS/DASA has also provided Drug Overdose Prevention Guidelines and ongoing webinars to help enrolled programs take the steps necessary to operate a Drug Overdose Prevention Program.

Prevent Drug Overdose (PDO) Program – The Illinois Department of Human Services is the recipient of *Grants to Prevent Prescription Drug/Opioid Overdose Related Deaths (PDO)* awarded by the Center of Substance Abuse Prevention/Substance Abuse and Mental Health Services Administration (CSAP/SAMHSA).

It is a five-year discretionary grant - \$1 million/year for five years. Five providers serve the following six counties: Cook, Madison, St. Clair, Du Page, Lake and Will. The goals of the project are to 1) expand the existing infrastructure responsible for assessing, planning, and implementing strategies to prevent overdose-related deaths; 2) reduce the numbers of overdose-related deaths in six high need counties; 3) increase the availability of Naloxone for first responders; and 4) measure the short and long-term outcomes of the program.

Medication Assisted Treatment – Prescription Drug and Opioid Addiction (MAT-PDOA) – The Department is the recipient of Targeted Capacity Expansion – Medication Assisted Treatment-Prescription Drug and Opioid Addiction (MAT-PDOA) awarded by the Center for Substance Abuse Treatment/Substance Abuse and Mental Health Services Administration (CSAT/SAMHSA). It is a three-year discretionary grant funded at \$1,000,000/year for three years. The City of Chicago and Sangamon County are the two targeted geographic areas that were selected to receive funds that will support an expansion and enhancement of outpatient methadone treatment (OMT) services for individuals with opioid use disorders (OUD) and expanded medication assisted treatment (Vivitrol) services for primary opioid offenders who are released from incarceration in the Sheridan Correctional Center. Vivitrol is a medication that has been found to be successful in treating opioid use disorders, especially among justice-involved populations, as it has the following benefits: it is non-addictive and has no mood-altering effects; it has little potential for abuse and has no street value; it is taken just once a month; it helps patients manage drug cravings and significantly reduces the risk of relapse.

The Opioid Crisis in Illinois: Data and the State's Response

The goals of the MAT-PDOA project are to 1) increase the number of admissions for MAT, including outpatient methadone therapy (OMT) and Vivitrol; 2) increase the number of clients receiving integrated care/treatment; 3) decrease illicit opioid drug use at 6-month follow-up; and 4) decrease in the use of prescription opioids in a non-prescribed manner at 6-month follow-up.

State Targeted Response to the Opioid Crisis (Opioid-STR) – IDHS/DASA recently received \$16.3 million in grant funding from the Department of Health and Human Services (HHS) Substance Abuse and Mental Health Services Administration (SAMHSA) in 21st Century Cures Act-authorized funding under the State Targeted Response to the Opioid Crisis Grant (Opioid STR) program. This award will support a coordinated state effort to address the opioid crisis, with numerous stakeholders including county health departments, substance use disorder treatment providers, hospitals, federally qualified health care centers and others. Overall, IDHS/DASA aims to address the opioid crisis by increasing access to treatment, reducing unmet treatment need, and reducing opioid overdose related deaths through the provision of prevention, treatment and recovery services for opioid use disorder (OUD), including prescription opioids as well as illicit drugs such as heroin. The award will support an expansion of medication-assisted treatment, recovery support services, and overdose prevention services for individuals with an OUD, as well as enhancement of the state's prescription drug monitoring program (ILPMP). Activities will also include a state-wide needs assessment and strategic plan.

ILLINOIS DEPARTMENT OF CORRECTIONS (IDOC)

Medicated Assisted Treatment (Vivitrol) – Prescription Drug and Opioid Addiction Program –The IDOC/Addiction Recovery Management Services Unit in partnership with the Illinois Division of Alcoholism and Substance Abuse, TASC (Treatment Alternatives for Safe Communities) and WestCare Foundation have come together to implement a Medication Assisted Treatment (MAT) Vivitrol Re-Entry Initiative at the Sheridan Correctional Center. The purpose of the Medication Assisted Treatment (MAT) Vivitrol Re-Entry Initiative is to provide pre-release treatment and post-release referral for opioid – addicted offenders at the Illinois Department of Corrections/Sheridan Correctional Center. This program involves prison based substance use disorders (SUD) treatment and collaboration with community based clinics to provide aftercare treatment. The purpose is also to facilitate transition into an outpatient SUD treatment program which employs a multi-faceted approach to treatment including the use of the medication Vivitrol/Naltrexone, counseling, and aftercare referral to community based providers. The goal of this initiative is to increase and improve SUD treatment post release, decrease recidivism, increase public safety and improve re-entry programming.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY (Authority)

The mission of the Authority is to improve the administration of justice, ensuring its efficiency and efficacy. To do this, the Authority collaborates with key justice system leaders and the public to help identify current issues regarding the criminal justice system in Illinois. The Authority does this through grants administration, research and analysis, policy and planning, and information systems and technology.

Current grant funding focused on the opioid epidemic includes the Justice Assistance Grant (JAG) program and the Residential Substance Abuse Treatment (RSAT) program. The JAG program

provides funding to Metropolitan Enforcement Groups (MEG) and Drug Task Forces to assist in enforcement and prosecution drug trafficking in Illinois in addition to funding treatment within the Illinois Department of Corrections (IDOC). RSAT program funding supports residential substance use disorder treatment programs in the Illinois Department of Juvenile Justice (IDJJ) and IDOC.

The Authority is evaluating a police deflection strategy, Safe Passage, using a multi-method approach. The goal of Safe Passage is to increase individuals' access to substance use disorder treatment, deflecting them away from the criminal justice system. Currently, Safe Passage is coordinated by the Dixon Police Department, available in Lee, Whiteside, and Livingston Counties.

The Authority is developing a web-enabled continuum of evidence-informed practices for individuals with substance use disorders. The continuum provides information on evidence-informed practices and programs to prevent, deflect, divert, intervene, and reintegrate individuals with substance use disorders: from early prevention through reentry for those in contact with the criminal justice system. This continuum can help guide local-level assessment, planning, and implementation efforts.

The Authority has published (or are in progress for publication) several opioid-related articles detailing the opioid epidemic and substance use disorders. The articles include:

1. An article series on the opioid and heroin crisis, treatment, and Medication-Assisted Treatment (MAT),
2. An article on police deflection and diversion, including harm reduction strategies such as naloxone (overdose reversal medication) and the Good Samaritan law, and
3. A technical report summarizing the Illinois drug threat assessment which surveyed police chiefs' and county sheriffs' perceptions of the most concerning and problematic issues related to drugs in their jurisdictions.

Next Steps

In order to better coordinate the state's response to the heroin and other opioid crisis, in January, 2017 a statewide council was formed consisting of representatives from 15 state agencies, 17 trade and professional organizations, 10 county health departments and dozens of community based human service healthcare providers. The Illinois Opioid Crisis Response Advisory Council meets regularly to support a strategic planning process that has included information sharing regarding initiatives in response to the opioid epidemic, gaps in services and policy, and areas of alignment. The Council formed four subcommittees: Criminal Justice Populations, Medication Assisted Treatment, Prescribing Practices, Public Awareness and Education. The subcommittees are in the process of developing goals and objectives that will guide state officials in the development and implementation of a statewide Opioid Strategic Plan.



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Programs, activities and employment opportunities in the Illinois Department of Human Services are open and accessible to any individual or group without regard to age, sex, race, sexual orientation, disability, ethnic origin or religion. The department is an equal opportunity employer and practices affirmative action and reasonable accommodation programs.

REGULAR AGENDA



REGULAR AGENDA ITEM NO. 8.A

FOR COUNCIL: December 13, 2021

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on 1) an Ordinance Levying Taxes for the City of Bloomington, McLean County, Illinois for the Fiscal Year Beginning May 1, 2021 and Ending April 30, 2022 for the City of Bloomington, and 2) an Ordinance Levying Taxes for the City of Bloomington - Library, McLean County, Illinois for the Fiscal Year Beginning May 1, 2021 and Ending April 30, 2022 for the City of Bloomington, to approve the 2021 Tax Levy of \$20,920,384 for the City of Bloomington and \$5,867,785 for the Bloomington Public Library, as requested by the Finance Department.

RECOMMENDED MOTION:

The proposed Ordinances be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: The calculation of the rate is produced by taking the numerator the tax levy, a fixed amount, and dividing that by the EAV (equalized assessed value). The Final EAV will not be produced until January 1, 2022, therefore the City must adopt its levy based on preliminary estimates.

The City and Library use the preliminary EAV provided by the Bloomington Township for the upcoming tax year. This year the preliminary EAV as of September 28th was \$1,930,212,541. That is a \$42.5M increase over the prior year final EAV of \$1,887,703,781.

Tax formula:
$$\frac{\text{DollarAmount Requested/Levied}}{\text{Preliminary EAV}} = \text{Tax Rate}$$

City of Bloomington

2021 Proposed Tax Levy	$\frac{\$ 20,920,384}{\$1,930,212,541} = 1.0838\% - \text{prior year } 1.0937\%$
------------------------	--

Bloomington Public Library

2021 Proposed Tax Levy	$\frac{\$ 5,867,785}{\$1,930,212,541} = .30400\% - \text{prior year } .26317\%$
------------------------	---

Combined

	$\frac{\$ 26,788,169}{\$1,930,212,541}$	
2021 Proposed Tax Levy		= 1.3878% - prior year 1.3568%

City Levy Request of \$20,920,384 has not changed from the Estimated adopted on November 22, 2021:

The City proposes no increase in rate for this year's Levy. See Exhibit 1 for historical details. The final EAV will determine the final rate.

Library Levy Request of \$5,867,785 has been lowered by \$250K from the Estimated adopted on November 22, 2021:

See Exhibit 1 for historical details. The final EAV will determine the final rate.

Tax Levy Procedure:

According to the Illinois Property Tax Code Division 2 Truth in Taxation (35ILCS 200/18-60), the City must formally adopt an *estimated* tax levy not less than 20 days prior to the adoption of the final tax levy. The City adopted its estimated tax levy on November 22, 2021. Section 18-70 provides if the tax levy estimate is 105% of the amount extended or estimated to be extended, plus any amount abated, of the preceding year, a truth in taxation hearing must be held. The Truth in Taxation hearing was held on December 6, 2021. Primarily due to the addition of \$850K for prefunding the debt service for the Library expansion and renovation bond issuance, the Library aggregate levy will increase by 18.1% over the prior year. The projected debt service need for the Library was \$1.1M when the 2021 Levy Estimate was approved on November 8, 2021. This amount, and its impact on the Library levy was therefore utilized for the public notice, thereby indicating an aggregate increase of 23.15%. The projected need has since been reduced due to the Library having secured a State grant.

The final tax levy ordinance must be passed by a vote of the Council and a certified copy, thereof, filed with the County Clerk on or before the last working Tuesday in December, which is December 28, 2021. The City can abate debt service payments needed to keep the bond and interest portion of the levy flat which has been done historically. By bond covenant any debt service payments abated are guaranteed from other revenues sources.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: A Truth in Taxation public notice was published in *The Pantagraph* on November 29th, 2021 and a public hearing was held at the December 6th, 2021 Council meeting.

FINANCIAL IMPACT: Finance recommends the Council adopt the tax levy of:

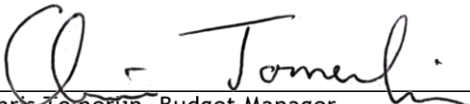
- \$20,920,384 for the City of Bloomington
- \$5,867,785 for the Bloomington Public Library

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: F. Scott Rathbun, Finance Director

Reviewed by:


Chris Tomertlin, Budget Manager

11/29/2021


Jeffrey R. Jurgens, Corporation Counsel

12/8/2021


Tara Henry, Legislative Assistant & Records Manager

12/9/2021

Attachments:

- FIN 2B 2021 Tax Levy Exhibit 1
- FIN 2C 2021 Tax Levy Exhibit 2 - COB Ordinance
- FIN 2D 2021 Tax Levy Exhibit 3 - Library Ordinance

Exhibit 1
2021 Proposed & Historical Tax Levy
For FY2023 Budget Year

City of Bloomington

<i>Levy Type</i>	<i>2021 Proposed Tax Levy</i>	<i>2020 Tax Levy</i>	<i>2019 Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>
BONDS & INTEREST	\$ 1,804,533	\$ 2,153,070	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143
FIRE PENSION	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000
FIRE PROTECTION	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228
GENERAL CORPORATE	\$ 3,347,060	\$ 2,723,523	\$ 2,562,450	\$ 2,337,450	\$ 2,112,450
IMRF	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626
POLICE PENSION	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000
POLICE PROTECTION	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473
PUBLIC PARKS	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454
SOCIAL SECURITY	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010
TOTALS	\$ 20,920,384	\$ 20,645,384	\$ 20,511,384	\$ 20,286,384	\$ 20,061,384
Dollar Increase/(Decrease)	\$ 275,000	\$ 134,000	\$ 225,000	\$ 225,000	\$ -
Percent Increase/(Decrease)	1.33%	0.65%	1.11%	1.12%	0.00%
EAV	1,930,212,541	1,887,703,781	1,881,602,162	1,867,939,698	1,858,132,129
Estimated Tax Rate	1.0838%	1.0937%	1.0901%	1.0860%	1.0797%

Bloomington Public Library

<i>Levy Type</i>	<i>2021 Proposed Tax Levy</i>	<i>2020 Tax Levy</i>	<i>2019 Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>
LIBRARY OPERATIONS	\$ 5,017,785	\$ 4,967,785	\$ 4,935,359	\$ 4,871,840	\$ 4,823,604
LIBRARY EXPANSION	\$ 850,000	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 5,867,785	\$ 4,967,785	\$ 4,935,359	\$ 4,871,840	\$ 4,823,604
EAV-Operations Increase	\$ 50,000				
Expansion Project Increase	\$ 850,000				
Dollar Increase/(Decrease)	\$ 900,000	\$ 32,426	\$ 63,519	\$ 48,236	\$ 140,493
Percent Increase/(Decrease)	18.12%	0.66%	1.30%	1.00%	3.00%
EAV	1,930,212,541	1,887,703,781	1,881,602,162	1,867,939,698	1,858,132,129
Estimated Tax Rate	0.30400%	0.26317%	0.26230%	0.26081%	0.2596%

Combined - City of Bloomington and Library

<i>Levy Type</i>	<i>2021 Proposed Tax Levy</i>	<i>2020 Tax Levy</i>	<i>2019 Tax Levy</i>	<i>2018 Tax Levy</i>	<i>2017 Tax Levy</i>
BONDS & INTEREST	\$ 1,804,533	\$ 2,153,070	\$ 2,180,143	\$ 2,180,143	\$ 2,180,143
FIRE PENSION	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000	\$ 4,196,000
FIRE PROTECTION	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228	\$ 1,900,228
GENERAL CORPORATE	\$ 3,347,060	\$ 2,723,523	\$ 2,562,450	\$ 2,337,450	\$ 2,112,450
IMRF	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626	\$ 1,855,626
POLICE PENSION	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000	\$ 4,008,000
POLICE PROTECTION	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473	\$ 1,526,473
PUBLIC PARKS	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454	\$ 1,001,454
SOCIAL SECURITY	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010	\$ 1,281,010
LIBRARY	\$ 5,867,785	\$ 4,967,785	\$ 4,935,359	\$ 4,871,840	\$ 4,823,604
TOTALS	\$ 26,788,169	\$ 25,613,169	\$ 25,446,743	\$ 25,158,224	\$ 24,884,988
Dollar Increase/(Decrease)	\$ 1,175,000	\$ 166,426	\$ 288,519	\$ 273,236	\$ 140,493
Percent Increase/(Decrease)	4.59%	0.65%	1.15%	1.10%	0.57%
EAV	1,930,212,541	1,887,703,781	1,881,602,162	1,867,939,698	1,858,132,129
Estimated Tax Rate	1.3878%	1.3568%	1.3524%	1.3468%	1.3392%

ORDINANCE NO. 2021 - _____

**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON, MCLEAN
COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING MAY 1, 2021 AND
ENDING APRIL 30, 2022**

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One. (a) The sum of Twenty Million, Nine Hundred Twenty Thousand and Three Hundred Eighty Four dollars (\$20,920,384) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2021 and ending April 30, 2022, for all corporate purposes and including General Corporate Purposes, Payment of Bonds and Interest on Bonds, Public Library, Fire Pension Fund, Police Pension Fund, Public Parks Fund, Fire Protection Fund, Police Protection Fund, IMRF Fund, and FICA Taxes Fund as appropriated for the fiscal year beginning May 1, 2021 and ending April 30, 2022 as passed by the City Council of said City at its regular meeting held on the 12th of April, 2021, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the right hand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON, MCLEAN COUNTY ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2021 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

I.	General Corporate Purposes	\$3,347,060
II.	Police Protection Fund	\$1,526,473
III.	Fire Protection Fund	\$1,900,228
IV.	Public Parks	\$1,001,454
V.	Fire Pension Fund	\$4,196,000
VI.	Police Pension Fund	\$4,008,000
VII.	Illinois Municipal Retirement Fund	\$1,855,626
VIII.	FICA Taxes Fund	\$1,281,010
IX.	General Bond and Interest	<u>\$1,804,533</u>
		\$20,920,384

Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the

appropriate tax books for the fiscal year of said City beginning May 1, 2021 and ending April 30, 2022.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund. The rate at which a tax shall be levied for General Corporate purpose shall be that rate necessary, after rates for all other funds are established, to result in a total levy of \$20,920,384.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

PASSED this 13th day of December, 2021.

APPROVED this ____ day of December, 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE
ALL COUNTIES EXCEPT COOK

I, the undersigned, hereby certify that I am the presiding officer of _____

_____, (Legal Name of Taxing District), and as such presiding officer I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with the provisions of Section 18-60 through 18-85 of the "Truth in Taxation" law.

Check one of the choices below:

- ☐ 1) The taxing district published a notice in the newspaper and conducted a hearing meeting the requirements of the Truth in Taxation Law.
- ☒ 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a notice and a hearing were not necessary.
- ☐ 3) The proposed aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The adopted aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- ☐ 4) The adopted levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

Date: _____

Presiding Officer: _____

ORDINANCE NO. 2021 - ____

**AN ORDINANCE LEVYING TAXES FOR THE CITY OF BLOOMINGTON -
LIBRARY, MCLEAN COUNTY, ILLINOIS FOR THE FISCAL YEAR BEGINNING
MAY 1, 2021 AND ENDING APRIL 30, 2022 FOR THE CITY OF BLOOMINGTON**

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF BLOOMINGTON, ILLINOIS:

Section One. (a) The sum of Five Million, Eight Hundred Sixty Seven Thousand and Seven Hundred and Eighty Five dollars (\$5,867,785) being the total sum of the appropriation heretofore legally made which is to be collected from the tax levy of the fiscal year of the City of Bloomington, McLean County, Illinois, beginning May 1, 2021 and ending April 30, 2022, for the Public Library as appropriated for the fiscal year beginning May 1, 2021 and ending April 30, 2022 as passed by the City Council of said City at its regular meeting held on the 12th of April, 2021, shall be and the same is hereby levied on all taxable property within the said City of Bloomington, subject to taxation for said current fiscal year. The specific amounts as levied for the various objects heretofore named appear in the righthand column under the designation "Amount to be raised by Taxation", the said tax so levied being for appropriations heretofore made for said tax levy, the current fiscal year which are to be collected from said tax levy, the total amount of which has been ascertained as aforesaid for the objects and purposes as follows:

CITY OF BLOOMINGTON - LIBRARY, MCLEAN COUNTY ILLINOIS

(b) The tax rate against the said taxable property of the City of Bloomington for the year 2021 for and on account of the aforesaid tax levy be, and the same is hereby set for said taxable year as follows:

Public Library Fund	\$5,867,785
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Section Two: The City Clerk shall make and file with the County Clerk of said County of McLean, a duly certified copy of this Ordinance; the amount levied by Section One of this Ordinance is required by said City to be levied by taxation as aforesaid and extended upon the appropriate tax books for the fiscal year of said City beginning May 1, 2021 and ending April 30, 2022.

Section Three: If any section, subdivision, sentence or clause of this Ordinance for any reason is held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance.

Section Four: Where a rate is shown in the Table in Section 1(b), the County Clerk is directed to levy a tax at that rate without regard to either statutory rate for such levy or the number of dollars shown in that fund. Where no rate is shown in the Table above, the rate of tax for each such fund shall be the rate necessary to collect the number of dollars levied by the City for such fund.

Section Five: This Ordinance is enacted pursuant to and as an exercise of the City of Bloomington's authority as a home rule unit pursuant to Article VII, Section 6 of the 1970 Constitution of the State of Illinois. Any and all provisions of the Statutes of the State of Illinois regarding rates of tax are hereby declared to be superseded to the extent that they conflict herewith.

Section Six: This Ordinance shall be in full force and effect from and after its passage, signing, approval, and recording, according to law.

PASSED this 13th day of December, 2021.

APPROVED this ____ day of December, 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE
ALL COUNTIES EXCEPT COOK

I, the undersigned, hereby certify that I am the presiding officer of _____

_____, (Legal Name of Taxing District), and as such presiding officer I certify that the levy ordinance, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with the provisions of Section 18-60 through 18-85 of the "Truth in Taxation" law.

Check one of the choices below:

- ☒ 1) The taxing district published a notice in the newspaper and conducted a hearing meeting the requirements of the Truth in Taxation Law.
- ☐ 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a notice and a hearing were not necessary.
- ☐ 3) The proposed aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The adopted aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- ☐ 4) The adopted levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

Date: _____

Presiding Officer: _____



REGULAR AGENDA ITEM NO. 8.B

FOR COUNCIL: December 13, 2021

SPONSOR: Finance Department

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on 1) a Resolution Abating All or a Portion of the Taxes Heretofore Levied to Pay Debt Service on Certain Obligation Bonds of the City of Bloomington, McLean County, Illinois, and 2) a Resolution Abating Tax Levy for Rent Payable Under Lease Agreement Between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the Expansion of the Parking Garage (two Resolutions for the abatement of property taxes totaling \$5,127,817.75), as requested by the Finance Department.

RECOMMENDED MOTION:

The proposed Resolutions be approved.

STRATEGIC PLAN LINK:

-Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:

-Objective 1a. Budget with adequate resources to support defined services and level of services

BACKGROUND: The adoption of the proposed resolutions are required to abate property tax for debt service and rental payments the City intends to pay from funding sources other than property tax revenue. The City's bond ordinances secure issued debt with property tax revenue, unless sufficient funds are available elsewhere to secure the debt. This covenant, which guarantees payment to investors, increases the marketability of City bonds and reaps potentially lower interest rates on debt service payments. A Council action is required to abate the Bond & Interest portion of the tax levy, which must be filed with the County Clerk's office. We recommend abating \$5,127,817.75 of the 2021 tax levy for annual debt service and rental payments whereas the City has funds set aside to cover this balance.

Debt	2021 Levy Amount as per County Clerk	Abated these Resolutions	Balance to be Levied for 2021
PBC Lease	\$ 921,181.00	\$ 921,181.00	\$ -
2013A Refunding Bond	\$ 339,900.00	\$ -	\$ 339,900.00
2013C GO Bonds	\$ 1,160,850.00	\$ -	\$ 1,160,850.00
2014A & 2014B Bonds	\$ 1,753,092.50	\$ 1,622,590.50	\$ 130,502.00
2017 GO Refunding Bond	\$ 1,146,520.00	\$ 1,146,520.00	\$ -
2018A GO Refunding Bond	\$ 1,437,526.25	\$ 1,437,526.25	\$ -
2021A GO Refunding	\$ 173,281.00	\$ -	\$ 173,281.00
Total	\$ 6,932,350.75	\$ 5,127,817.75	\$ 1,804,533.00

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: The City will abate \$5,127,817.75 in annual debt service and rent and levy only \$1,804,533.00 in the 2021 property tax levy or approximately 26% of total annual debt service.

COMMUNITY DEVELOPMENT IMPACT: N/A

Respectfully submitted for Council consideration.

Prepared by: F. Scott Rathbun, Finance Director

Reviewed by:


Chris Tomerlin, Budget Manager

11/29/2021


Jeffrey R. Jurgens, Corporation Counsel

12/8/2021


Tara Henry, Legislative Assistant & Records Manager

12/9/2021

Attachments:

- FIN 3B 2021 Tax Levy Abatement - Resolution Bonds
- FIN 3C 2021 Tax Levy Abatement - Resolution PBC

RESOLUTION NO. 2021-_____

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.

* * *

WHEREAS, the City Council (the “*City Council*”) of the City of Bloomington, McLean County, Illinois (the “*City*”), by ordinances of the City Council adopted on the 22nd day of February, 2021, 26th of November, 2018, 24TH of July, 2017, 14th day of July, 2014, and the 14th day of October, 2013 (as supplemented, the “*Bond Ordinances*”), has heretofore issued and has outstanding its general obligation bonds, as further described on Exhibit A attached hereto (collectively, the “*Bonds*”); and

WHEREAS, duly certified copies of the Bond Ordinances were filed in the office of the County Clerk of The County of McLean, Illinois (the “*County Clerk*”); and

WHEREAS, the City Council has determined and does hereby determine that the City has funds on hand and lawfully available (the “*Available Funds*”) to pay all or a portion of the principal of and interest on the Bonds due on December 1, 2022, and on June 1, 2023 (collectively, the “*Debt Service Payments*”); and

WHEREAS, the City Council has further determined and does hereby further determine that it is necessary and in the best interests of the City to apply the Available Funds to the Debt Service Payments and abate all or a portion of the taxes heretofore levied in the Bond Ordinances for the year 2021 for the Debt Service Payments; and

WHEREAS, the Available Funds have been deposited to the credit of the bond and interest funds of the City established pursuant to the Bond Ordinances for the purpose of paying principal of and interest on the Bonds:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the City Council of the City of Bloomington, McLean County, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Incorporation of Preambles. The City Council hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

Section 2. Abatement of Tax. The taxes heretofore levied in the Bond Ordinances for the year 2021 shall be abated by the amount of the Available Funds, as more particularly described in Exhibit B attached hereto.

Section 3. Filing of Resolution. Forthwith upon the adoption of this Resolution, the City Clerk shall file a certified copy hereof with the County Clerk, and it shall be the duty of the County Clerk to abate the taxes heretofore levied in the Bond Ordinances for the year 2021 in accordance with the provisions hereof.

Section 4. Effective Date. This Resolution shall be in full force and effect forthwith upon its passage by the City Council and signing and approval by the Mayor.

ADOPTED by the City Council on the _____, 2021.

APPROVED on the _____, 2021.

CITY OF BLOOMINGTON

Mboka Mwilambwe, Mayor

ATTEST:

Leslie Smith-Yocum, City Clerk

EXHIBIT A

THE BONDS, DESCRIBED AS FOLLOWS:

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

Original principal amount: \$7,800,000
Dated: October 29, 2013
Originally issued: October 29, 2013
Amount outstanding: \$665,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	335,000	3.00
2023	330,000	3.00

GENERAL OBLIGATION BOND, SERIES 2013C

Original principal amount: \$9,225,000 – Series 2013C

Dated: November 12, 2013

Originally issued: November 12, 2013

Amount outstanding: \$2,250,000

Maturing on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	1,110,000	3.00
2023	1,140,000	3.00

**TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A
AND
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B**

Original principal amount: \$14,920,000 – Series 2014A
 \$9,700,000 – Series 2014B

Dated: September 4, 2014

Originally issued: September 4, 2014

Amount outstanding: \$19,585,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

\$10,760,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	845,000	3.00
2023	935,000	3.00
2024	900,000	3.15
2025	675,000	3.75
2026	695,000	3.75
2027	725,000	3.75
2028	755,000	3.75
2029	785,000	3.75
2030	815,000	4.15
2031	850,000	4.15
2032	890,000	4.15
2033	925,000	4.15
2034	965,000	4.15

\$8,825,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	160,000	3.00
2023	150,000	3.00
2024	320,000	3.00
2025	700,000	3.00
2026	820,000	3.00
2027	930,000	3.00
2028	1,050,000	3.00
2029	535,000	3.25
2030	630,000	3.50
2031	720,000	3.75
2032	830,000	3.75
2033	930,000	3.75
2034	1,050,000	3.75

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017

Original principal amount: \$7,240,000
Dated: July 28, 2017
Originally issued: July 28, 2017
Amount outstanding: \$3,400,000

Maturing (or subject to redemption) on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	1,100,000	1.81
2023	1,100,000	1.96
2024	1,200,000	2.08

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018 A

Original principal amount: \$11,845,000
Dated: December 13, 2018
Originally issued: December 13, 2018
Amount outstanding: \$8,640,000

Maturing (or subject to redemption) on December 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	1,185,000	2.81
2023	1,220,000	2.90
2024	1,255,000	3.01
2025	1,295,000	3.11
2026	1,335,000	3.22
2027	1,380,000	3.34
2028	970,000	3.44

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021A

Original principal amount: \$3,639,000
Dated: March 4, 2021
Originally issued: March 4, 2021
Amount outstanding: \$3,639,000

Maturing on June 1 of the years and in the amounts and bearing interest at the rates percent per annum as follows:

<u>YEAR</u>	<u>AMOUNT (\$)</u>	<u>RATE (%)</u>
2022	\$151,000	0.290
2023	\$154,000	0.340
2024	\$151,000	0.410
2025	\$989,000	0.450
2026	1,116,000	0.560
2027	1,078,000	0.690

EXHIBIT B

TAXES LEVIED AND TO BE ABATED:

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX HERETOFORE ABATED (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	1,600,000.00	1,260,100.00	0.00	339,900.00

GENERAL OBLIGATION BONDS, SERIES 2013C

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX HERETOFORE ABATED (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	1,700,000.00	539,150.00	0.00	1,160,850.00
2022	1,700,000.00	542,900.00	0.00	1,157,100.00
2023	1,700,000.00	1,700,000.00	0.00	0.00
2024	1,700,000.00	1,700,000.00	0.00	0.00
2025	1,700,000.00	1,700,000.00	0.00	0.00
2026	1,700,000.00	1,700,000.00	0.00	0.00
2027	1,700,000.00	1,700,000.00	0.00	0.00

TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014A

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014B

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX HERETOFORE ABATED (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	3,200,000.00	1,446,907.50	1,622,590.50	130,502.00
2022	3,200,000.00	1,344,457.50	0.00	1,855,542.50
2023	3,200,000.00	1,227,407.50	0.00	1,972,592.50
2024	3,200,000.00	1,133,720.00	0.00	2,066,280.00
2025	3,200,000.00	1,044,382.50	0.00	2,155,617.50
2026	3,200,000.00	949,470.00	0.00	2,250,530.00
2027	3,200,000.00	1,494,282.50	0.00	1,705,717.50
2028	3,200,000.00	1,416,107.50	0.00	1,783,892.50
2029	3,200,000.00	1,346,980.00	0.00	1,853,020.00
2030	3,200,000.00	1,259,255.00	0.00	1,940,745.00
2031	3,200,000.00	1,192,315.00	0.00	2,007,685.00
2032	3,200,000.00	1,105,577.50	0.00	2,094,422.50

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	1,146,520.00	1,146,520.00	0.00
2022	1,224,960.00	0.00	1,224,960.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2018 A

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	1,437,526.25	1,437,526.25	0.00
2022	1,438,187.00	0.00	1,438,187.00
2023	1,436,609.25	0.00	1,436,609.25
2024	1,437,584.25	0.00	1,437,584.25
2025	1,435,953.50	0.00	1,435,953.50
2026	1,436,414.00	0.00	1,436,414.00
2027	986,684.00	0.00	986,684.00

GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021A

<u>LEVY YEAR</u>	<u>AMOUNT OF TAX LEVIED PURSUANT TO BOND ORDINANCE (\$)</u>	<u>AMOUNT OF TAX NOW ABATED (\$)</u>	<u>AMOUNT OF TAX TO BE EXTENDED (\$)</u>
2021	173,281.00	0.00	173,281.00
2022	169,757.40	0.00	169,757.40
2023	1,007,138.30	0.00	1,007,138.30
2024	1,129,687.80	0.00	1,129,687.80
2025	1,085,438.20	0.00	1,085,438.20

State of Illinois)
) SS
COUNTY OF McLEAN)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of McLean, Illinois, and as such official I do further certify that on the ____ day of _____, 2021, there was filed in my office a duly certified copy of a resolution, numbered 2021-_____, and entitled:

A RESOLUTION abating all or a portion of the taxes heretofore levied to pay debt service on certain general obligation bonds of the City of Bloomington, McLean County, Illinois.

(the "*Resolution*") duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the "*City*"), on the _____ day of December, 2021, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of the City's outstanding general obligation bonds, as described in the Resolution, will be abated as provided in the Resolution.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this ____ day of _____, 2021.

County Clerk

[SEAL]

RESOLUTION NO. 2021 - _____

**A RESOLUTION ABATING TAX LEVY FOR RENT PAYABLE UNDER LEASE
AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION, MCLEAN COUNTY
AND THE CITY OF BLOOMINGTON FOR THE OLD CHAMPION BUILDING AND THE
EXPANSION OF THE PARKING GARAGE**

WHEREAS, the City of Bloomington is a home rule unit pursuant to the provisions of Article VII, Section 6 of the 1970 Constitution of the State of Illinois, which Section authorizes home rule units to incur debt without referendum; and

WHEREAS, the City of Bloomington, pursuant to procedures adopted in Ordinance No. 2001 – 121, Ordinance No. 2003 – 125, and Ordinance No. 2015 - 50 as shown in Chapter 16, Article VI of the Bloomington City Code, 1960 as amended, decided to enter into an agreement the “Lease” with the Public Building Commission to lease a portion of the old Champion Building and to expand the parking garage, passed November 13, 2001, December 22, 2003, and July 27, 2015; and

WHEREAS, pursuant to the authority of said home rule ordinances and provisions of all ordinances relating thereto, the City levied taxes to be extended against all the taxable property within the City of Bloomington for the year 2021, payable in year 2022 to make rental payments due under the Lease; and

WHEREAS, although the City levied \$921,181.00 for the year 2021 to make payments due under the Lease in 2022, the amount of the City’s rental payment due under the Lease in 2022 is \$464,590; and

WHEREAS, there are surplus funds on hand from incremental property and sales tax revenues and interest from the investment of these revenues in an amount sufficient to pay such rental payment.

NOW, THEREFORE, BE IT RESOLVED by the City of Bloomington, McLean County, Illinois, that the levy against taxable property in the City of Bloomington for the year 2021, payable in 2022 of \$921,181.00 on account of the Lease is hereby abated in its entirety, and the County Clerk of McLean County, Illinois is authorized and directed not to extend the same on the tax books of the City of Bloomington property for the tax year levy 2021.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be delivered to the County Clerk of McLean County, Illinois under official seal of the Clerk of the City.

ADOPTED this _____ day of December, 2021.

APPROVED this _____ day of December, 2021.

CITY OF BLOOMINGTON

ATTEST

Mboka Mwilambwe, Mayor

Leslie Smith-Yocum, City Clerk

State of Illinois)
) SS
COUNTY OF McLEAN)

FILING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of McLean, Illinois, and as such official I do further certify that on the ____ day of _____, 2021, there was filed in my office a duly certified copy of a resolution, numbered 2021-_____, and entitled:

A RESOLUTION abating tax levy for rent payable under Lease Agreement between the Public Building Commission, McLean County and the City of Bloomington for the Old Champion Building and the expansion of the Parking Garage.

(the “*Resolution*”) duly adopted by the City Council of the City of Bloomington, McLean County, Illinois (the “*City*”), on the _____ day of December, 2021, and that the same has been deposited in the official files and records of my office.

I do further certify that the taxes heretofore levied for the payment of rent payable under the Lease Agreement, as described in the Resolution, will be abated as provided in the Resolution.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of said County this ____ day of _____, 2021.

County Clerk

[SEAL]



REGULAR AGENDA ITEM NO. 8.C

FOR COUNCIL: December 13, 2021

SPONSOR: City Council

WARD IMPACTED: City-Wide Impact

SUBJECT: Presentation of the updated draft of the Americans With Disabilities Act Transition Plan, as requested by the City Council.

RECOMMENDED MOTION: None; presentation only.

STRATEGIC PLAN LINK:

- Goal 5. Great Place - Livable, Sustainable City
- Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:

- Objective 5b. City decisions consistent with plans and policies
- Objective 4e. Strong partnership with residents and neighborhood associations

BACKGROUND: Per Chapter 2, Section 18.2A(2): Agenda items and voting, the Mayor and Council Members may put forth agenda initiatives by completing an Council Initiative Form and submitting it to the City Clerk. Upon submission, the form is added to the agenda of the next Committee of the Whole for consideration.

At the May 17, 2021 Committee of the Whole meeting, Council Member Ward brought forward an Council Initiative (attached). Council Member Ward's Initiative proposed that staff be provided direction on and directed to seek input from representatives of the local disability community and provide City Council with an updated recommendation for an ADA (American Disabilities Act) Accessibility Transition plan. A majority of the Council Members present at the meeting voted to have the Initiative placed on a future City Council agenda for further discussion.

At the June 14, 2021 City Council meeting, the Initiative was on the agenda. After Council discussion, additional direction was provided to staff, and Council voted to continue progression of the Initiative, resulting in the presentation.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Outreach to members of the public through surveys, personal and public open meetings.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: Plan guides City efforts to create a more accessible City government.

Respectfully submitted for Council consideration.

Prepared by: Leslie Yocum, City Clerk

Attachments:

- CC 1B Council Member Agenda Initiative_Mollie Ward
- CC 1C ADA Transition Plan_Final DRAFT



**MAYOR & COUNCIL MEMBER
AGENDA INITIATIVE PROPOSAL FORM**

SPONSOR: Ward 7 Alderwoman Mollie Ward

PROPOSED INITIATIVE:

Direct City Staff to seek input from representatives of the local disability community and provide City Council with an updated recommendation for an ADA accessibility transition plan to be voted on by the City Council no later than the last City Council meeting of calendar year 2021.

ESTIMATED CITY STAFF TIME TO RESEARCH & PREPARE FULL COUNCIL MEMO ON PROPOSED INITIATIVE, INCLUDING BACKGROUND AND ANY NECESSARY RESEARCH:

☐ Nominal (less than 5 hours)

☐ Moderate (5 to 10 hours)

☒ Significant (more than 10 hours)

ESTIMATED COST OF PROPOSED INITIATIVE: unknown

WILL THE PROPOSED INITIATIVE REQUIRE A BUDGET AMENDMENT?

☐ Yes

☒ No

WHAT CITY PROGRAMS OR STAFF ACTIVITIES ARE PROPOSED TO BE CUT OR REDUCED IN LIEU OF THE PROPOSED INITIATIVE, IF ANY:

eSigned via SeamlessDocs.com
M.C. Ward
Key: 8e44c1dfbc3400bc9e49f408eea20982

SPONSOR SIGNATURE

05/10/2021

DATE SUBMITTED



City of Bloomington ADA Transition Plan



Public Review Draft: 11/01/2021

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Mission Statement

The City of Bloomington, Illinois recognizes its legal obligation to comply with the federally enacted Americans with Disabilities Act of 1990, as amended, (“ADA”) and establishes a transition plan to ensure compliance with Title II of this federal law, and rules and regulations promulgated as a result thereof, to avoid discrimination against its residents who have disabilities by identifying barriers to access both physical and non-physical, by identifying how and when barriers are to be removed, by providing a means to address complaints of discrimination, by encouraging public input to assess, address and meet access needs, and by establishing periodic reviews of the plan to monitor progress and compliance.

Application of the ADA to the City of Bloomington

The City of Bloomington is covered under ADA, title I (employment) and title II (programs, activities and services). The ADA requires the City to make all its programs, activities, and services readily accessible and useable by qualified persons with a disability when the programs, activities, and services are viewed in their entirety. The updated self-evaluation and transition plan are cornerstones to documenting and ensuring the City's effort to create and maintain inclusion as mandated by the ADA.

This document will guide the planning and implementation of necessary program, facility, and public rights-of-way modifications over the next several years. The ADA self-evaluation and transition plan update is significant in that they establish the City's ongoing commitment to the development and maintenance of policies, programs, and facilities that includes all residents. The final product is considered a "*working*" or "*living*" document and will be modified when barriers are removed, or alterations are made.

It should be noted that in the 2010 ADA Standards for Accessible Design (Department of Justice, Section 35.151 of 28 CFR Part 35), there is the inclusion of a **safe harbor** clause. It states that "if a public entity has constructed or altered required elements of a path of travel in accordance with the specifications in either the 1991 Standards or the Uniform Federal Accessibility Standards before March 15, 2012, the public entity is not required to retrofit such elements to reflect incremental changes in the 2010 Standards solely because of an alteration to a primary function area served by that path of travel." In other words, if elements in existing facilities already comply with corresponding elements in the 1991 Standards and are not being altered, then entities are not required to make changes to those elements to bring them into compliance with the 2010 Standards.

It goes on to state that a **path of travel** "includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility."

ADA Grievance Procedures

The City of Bloomington has a procedure for processing complaints of alleged violations of Title II of the American with Disabilities Act. Title II states, in part, that “no otherwise qualified disabled individual shall, solely, by reason of such disability, be excluded from participation in, be denied the benefits of or be subjected to discrimination” in programs or activities sponsored by the City. The City of Bloomington complies with the requirements of the American with Disabilities Act in its facilities, activities, programs and services. Upon request, the City can provide auxiliary aids and services to persons with disabilities at no charge. Below is the complaint procedure:

Person Making Complaint: Any person, including individuals of the City, may make a complaint.

Filing Timeframe: A complaint should be filed within fourteen (14) business days after the complainant becomes aware of the alleged violation. In City employment matters, applicable grievance procedures will be followed.

To Whom Complaint is Made: Complaints can be made verbally or in writing to the ADA coordinator or to a City department head. If the complaint is made verbally, the ADA coordinator or the City department head shall reduce the complaint to writing.

If the complaint is made to the department head, such department head shall gather all information relative to the complaint and forward the information gathered to the ADA coordinator. The complaint shall at a minimum contain the following information: name, address and phone number of complainants; a brief description of the complaint; requested or suggested relief; and the date of the complaint.

Further Investigation: Upon receipt of the information, the ADA coordinator shall review the information and determine whether additional information is needed from City staff or the complainant. If further information is required, the ADA coordinator shall request the information within a period of time, not to exceed fourteen (14) calendar days.

Recommended Disposition: The ADA coordinator shall review the information gathered with the Deputy City Manager and jointly arrive at a written disposition of the complaint.

Review by City Manager: The City Manager will review the disposition of the complaint if requested to do so by the complainant. Any such request to review shall be made within fourteen (14) calendar days after the disposition was sent or was given to the complainant.

Communications with Complainant: The ADA coordinator shall communicate either by phone or in writing to the complainant at a minimum of once every two (2) weeks, while the complaint is pending, to advise the complainant as to the status of the complainant.

The disposition of the complaint shall be reduced to writing and communicated at a meeting between the complainant and the ADA coordinator. The disposition shall additionally inform the complainant that the City Manager will review the disposition if so, requested within fourteen (14) days after the disposition has been given or sent to the complainant.

If the disposition refers to activities that will take place in the future, the ADA coordinator will inform the complainant at the time the corrective measures have been fully implemented.

Timeframes: The time frames in the complaint procedure shall be adhered to unless the Deputy City Manager allows an extension of the times due to unusual or unforeseen circumstances. Whenever the times have been extended, Deputy City Manager shall notify the ADA coordinator, who in turn shall notify the complainant. All written complaints received by the ADA Coordinator, appeals to the City Manager or his or her designee, and responses from the ADA Coordinator and City Manager or his or her designee will be kept by the City of Bloomington for at least three (3) years.

Five Titles of the ADA

The ADA expands on the foundation laid by Section 504 by prohibiting discrimination based on disability by public entities regardless of whether they receive federal financial assistance. The Act is divided into five titles.

Title I - Equal Employment Opportunity for Individuals with Disabilities

This Title is designed to remove barriers that would deny qualified individuals with disabilities access to the same employment opportunities and benefits available to others without disabilities. Employers must reasonably accommodate the disabilities of qualified applicants or individuals, unless an undue hardship would result.

Title II - Non-discrimination of Disability in State and Local Government Services

This Title prohibits discrimination on the basis of disability by public entities. The public entity is required to provide access to programs, activities, and services provided by the state or local government, when viewed in their entirety.

Title III - Non-discrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities

This Title prohibits discrimination on the basis of disability by private entities in places of public accommodation. Examples include: hotels, restaurants, golf courses, private schools, day care centers, health center, etc.

Title IV - Telecommunications

This Title requires telephone companies to have developed interstate and intrastate telephone relay services in every state. The relay services must provide speech-impaired or hearing – impaired individuals opportunities for communication that are equivalent to those provided to other customers. Also covered under this title are television closed-captioning regulations.

Title V - Miscellaneous Provisions

The final Title contains a variety of provisions relating to the ADA as a whole, including its relationship to other laws and its impact on insurance providers and benefits.

Notice Under the ADA

The Americans with Disabilities Act In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Bloomington will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The City of Bloomington does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The City of Bloomington will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City of Bloomington's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The City of Bloomington will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the City of Bloomington offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Bloomington, should contact Michael Hurt, ADA Coordinator by calling (309) 434-2218 or via postal mail at: The Office of Diversity & Inclusion; ATTN: Michael Hurt, ADA Coordinator; 115 E. Washington Street; Bloomington, IL 61701 as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the City of Bloomington to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

Public Involvement Opportunities

The general public is encouraged to participate in identify need or barriers to accessibility. This may be done by contacting the ADA Coordinator, Michael Hurt at (309) 434-2468. Notice of a need or barrier may be communicated in person or by mail at The Government Center 115 E. Washington Street, Bloomington, Illinois 61701.

In addition, the general public is invited to attend any Bloomington Board of Public Works and Safety meeting or any Bloomington City Council Meeting to request a need to be addressed or to seek relief from a barrier to access.

The City Council meets on the 2nd and 4th Mondays every month at 6:00 PM in the Government Center Chambers on the 4th Floor.

No public meetings were held regarding the ADA Transition Plan due to COVID restrictions. However, information pertaining to the ADA Transition Plan was sent by email and regular mail to local disability advocacy groups and individuals known for their work with the disabled community.

The City also placed an ADA Transition Plan survey on its website. The survey revealed that the majority of respondents were individuals with disabilities. The top concerns noted in the survey were:

- accessible pedestrian sidewalks and curb ramps
- accessible City owned properties
- accessible parking near dining and entertainment venues
- accessible parks, common areas including play areas, restrooms and trails

Notice of this Plan and the Notice Under the Americans With Disabilities Act created by the US Department of Justice shall be published on the City's website. Such notices shall also be provided to local news media and to the Bloomington Public Library.

Officials Responsible

For the duration of the self-evaluation and transition plan schedule, the City has designated the ADA Coordinator and the Public Works Director as the officials responsible to oversee the implementation of the ADA Transition Plan. The Public Works Director has been designated responsible for the implementation of the barrier-mitigation schedule within the public rights-of-way; and also support the City's ADA Coordinator, where appropriate, in the planning, prioritization, and coordination of site improvements within City facilities.

The ADA Coordinator shall make reasonable efforts to educate the public regarding rights under the ADA and shall encourage various local institutions and agencies to implement rules and regulations designed to prevent discrimination when performing services, when offering job opportunities or when offering housing.

Any comments, additions, or suggestions about this plan may be directed to the ADA Coordinator or to the Public Works Director.

ADA Coordinator

Michael Hurt, Chief Diversity & Inclusion Officer (Administration)
115 E. Washington Street
Bloomington, IL 61701
(309) 434-2468

Public Works Director

Kevin Kothe
109 E. Olive Street
Bloomington, IL 61701
(309) 434-2225

Implementation Committee

Multiple City of Bloomington staff members have been responsible for the creation of this plan which will be revised regularly and updated consistently moving forward. Each of these staff members provide essential perspective and communication for different areas of the City's day-to-day operations. The ADA laws require state and local governments to make their goods, services, and facilities accessible to clients, customers, and individuals with disabilities. The following individuals are working together and efficiently to produce the best results for this ADA Transition Plan update:

- Mboka Mwilambwe, Mayor
- Tim Gleason, City Manager
- Billy Tyus, Deputy City Manager
- Jeff Jurgens, Corporate Counsel
- Steve Arney, Engineering Technician
- Michael Hurt, Chief Diversity & Inclusion Officer, ADA Coordinator
- Kevin Kothe, Director of Public Works
- Russ Waller, Director of Facilities
- Craig McBeath, Information Services Director
- Chad Wamsley, Assistant Police Chief
- Darren Wolf, Communications Center Manager
- Eric Veal, Interim Director of Parks, Recreation & Cultural Arts

Mayor and City Council

The Mayor, City Manager, and City Council have reviewed and endorsed this plan. Those individuals include:

- Mayor- Mboka Mwilambwe
- Council Member Ward 1 - Jamie Mathy - Mayor Pro Tem
- Council Member Ward 2 - Donna Boelen
- Council Member Ward 3 - Sheila Montney
- Council Member Ward 4 - Julie Emig
- Council Member Ward 5 - Nick Becker
- Council Member Ward 6 – De Urban
- Council Member Ward 7 - Mary "Mollie" Ward
- Council Member Ward 8 - Jeff Crabill
- Council Member Ward 9 - Tom Crumpler

City of Bloomington Reasonable Accommodation Request Procedures

I. **POLICY:** It is the policy of the City of Bloomington to inform employees and applicants of the right to reasonable accommodations and to provide such accommodations in the most cost-effective manner available unless it would impose an “undue hardship”. Job applicants will be notified that they can request reasonable accommodations for the application and interview processes.

II. **PURPOSE:** The purpose of the policy is to ensure that requests for reasonable accommodations are considered in a timely manner and in a way that is consistent with the Americans with Disabilities Act.

III. **PROCEDURES:** An applicant/employee must contact the ADA Coordinator to request any and all reasonable accommodations. A “Request for Reasonable Accommodation Form” can be obtained from the Accommodations Coordinator. The employee is responsible for adequately responding to all questions on the form. Once completed, the form, along with any medical documentation supporting the request, shall be submitted to the Accommodations Coordinator.

The ADA Coordinator will evaluate the applicant's request and determine what, if any, reasonable accommodation can be made. The ADA Coordinator may request additional medical documentation from the applicant/employee to verify the disability.

The ADA Coordinator engages in the interactive process with the applicant/employee to determine the precise nature of the problem that is generating the request. If an accommodation request is deemed reasonable and meets all other requirements, the ADA Coordinator will recommend the reasonable accommodation that is most appropriate for both the individual and the City and assist the hiring department in arranging the accommodation.

IV. **UNDUE HARDSHIP:** Reasonable accommodations do not have to be granted if they impose an undue hardship on the City. However, consideration will be given to whether another accommodation exists that would not result in an undue hardship. The ADA Coordinator will explore alternative accommodations in an effort to assist the applicant with attending the interview process and enable the employee to perform the essential functions of their position.

V. **APPEAL OF DECISION:** Individuals wishing to appeal the ADA Coordinator's decision must file an appeal with the City Manager within fourteen (14) working days of notification of the decision. The request shall include the reasons for requesting reconsideration and, if appropriate, alternative suggestions for a reasonable accommodation. The appealing individual will be notified of the City Manager's decision within fourteen (14) working days of receipt of the appeal. The decision of the City Manager constitutes the final step in the appeal process.

Service Animal Guideline

In compliance with the provisions of the Americans with Disabilities Act (ADA), individuals with disabilities shall be permitted to be accompanied by their service animals in all unrestricted areas of the City's facilities. Exceptions may apply in certain areas.

Emotional Support Animals

An emotional support animal (also known as a comfort animal) provides reassurance just by being with a person. Dogs, cats, birds, hamsters, and many other species can serve as emotional support animals. However, they do not qualify as "service animals" under the ADA and may not be allowed in certain areas on City premises.

Service Animals

The ADA defines a service animal as a dog or miniature horse that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability. The City may ask individuals with service animals a few questions, including:

- Is the animal required because of a disability? What work or task has the animal been trained to perform?

All service animals must be licensed in compliance with local laws. Service animals must also be vaccinated against rabies and other diseases typically found in that animal and must wear a tag displaying its vaccinated status. Service animals must be harnessed, leashed or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents them from using these devices, in which case the individual must maintain control of the animal through voice, signal or other effective controls.

(Service Animal Guideline cont.)

The service animal's owner must be in complete control of the service animal at all times. The care and supervision of a service animal is solely the responsibility of the individual. An individual who brings a service animal onto the City's premises is completely and solely liable for any injuries or damage to personal property caused by the animal. Any repair or cleaning costs incurred by a service animal will be charged to the individual.

The City also expects all service animals to exhibit reasonable behavior while on City premises. The service animal must be properly groomed and maintained so as to avoid disruption of others while on City property. In addition to the aforementioned requirements, a service animal may be removed from the City's premises for one of the following reasons:

- The service animal acts out of control or behaves poorly so as to cause a disruption, and the individual fails or is unable to take effective action to control the service animal.
- The service animal is unclean, and/or not housebroken.

If the service animal consistently behaves improperly, the individual may be directed not to bring the service animal onto the City's premises until the individual corrects the service animal's behavior.

Reasonable Accommodation Requests: The City of Bloomington has consistently reviewed all formal and informal requests for reasonable accommodations and has approved such requests unless they have imposed an undue hardship. Formal procedures and a request form for individuals requesting a reasonable accommodation have been developed and implemented.

Summary of City Responsibilities Under Title I of the ADA (Employment)

The City of Bloomington is an equal opportunity employer and makes all employment decisions without regard to an individual's gender, race, ethnicity, national origin, religion, age, marital status, veteran status, disability, or any other category protected by local, state, or federal law. Accommodations are provided where appropriate to complete examination or screening.

Job Descriptions: Job duties and requirements are reviewed to identify non-essential items and/or to eliminate barriers to persons with disabilities. Requests for accommodations within specific positions are evaluated on a case-by-case basis.

Job Applications: Position vacancies are announced through various formats. They are available on the City's employment website at:

<https://www.governmentjobs.com/careers/cityblm/> and on the City's Facebook page. Job postings are also sent to colleges and universities as well as to various affinity groups.

Accommodation for completing an application is provided upon request.

Interpreter: City has implemented a system where various interpreters can be contacted by City of Bloomington personnel to assist in providing services to persons who are deaf or hard of hearing if requested by the applicant.

Interviews: Employment interviews conducted by the City of Bloomington are conducted in accordance with federal law that protects qualified individuals with disabilities from inquiries designed to identify the existence of an applicant's disability. Supervisors have been trained in this area and a video explanation of the process is available in the individual training platform that explains why certain interview questions are prohibited and helps interviewers develop questions that reveal an applicant's ability to perform the essential functions of the job.

Pre-employment medical exams: Applicants for certain job classifications are required to undergo a pre-employment medical exam which may include a physical examination, drug screening and/or psychological examination. These examinations are all conducted post-job offer and are given to all candidates who are offered a position within that job classification.

Summary of City Responsibilities Under Title II of the ADA
(State & Local Government)

Implementing Regulation	Responsibilities
28 CFR 35.105	<i>Self-Evaluation</i> • Evaluate current services, policies, and practices and make any necessary modifications to meet ADA requirements • Provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the self-evaluation process by submitting comments • Maintain a list of interested persons consulted, a description of areas examined and any problems identified, and a description of any modifications
28 CFR 35.106	<i>Notice</i> • Make ADA information available to the public regarding applicability to City services, programs, and activities
28 CFR 35.107	<i>Responsible Individual /Grievance Procedures</i> • Designate a responsible individual to coordinate ADA efforts (referred to in this Plan as the ADA Coordinator); provide the ADA coordinator's name, office address, and telephone number • Adopt and publish grievance procedures providing for prompt and equitable resolution of complaints.
28 CFR 35.130;	<i>General Prohibitions Against Discrimination</i> • Do not exclude disabled persons from participation in

28 CFR 35.149	or deny benefits of City services, programs, or activities • Do not discriminate on the basis of disability
28 CFR 35.133	<i>Maintenance</i> • Maintain facilities and equipment required to be accessible to persons with disabilities in operable working condition
28 CFR 35.150	<i>Existing Facilities</i> • Operate each service, program, or activity in a manner accessible to and usable by individuals with disabilities • Alter existing facilities or construct new facilities as necessary to comply with ADA requirements • Develop a transition plan outlining steps necessary to complete structural changes to facilities
28 CFR 35.151	<i>New Construction and Alterations</i> • Design, construct, and alter public facilities in a manner readily accessible to and usable by individuals with disabilities, unless structurally impracticable • Provide curb ramps or other sloped areas at any intersection having curbs or other barriers to entry from a street level pedestrian walkway
28 CFR 35.160; 28 CFR 35.161	<i>Communications / Telecommunications</i> • Ensure effective communications with disabled persons • Provide appropriate auxiliary aids and services to afford disabled individuals an equal opportunity to participate in and enjoy the benefits of City services, programs, and activities
28 CFR 35.163	<i>Information and Signage</i> • Provide information about the existence and location of accessible services, activities, and facilities

Self-Evaluation: Sidewalk & Ramp Replacement

This program is designed to provide for construction of sidewalks and ramps that are compliant with standards related to the Americans with Disabilities Act. It includes other sidewalk repairs, and projects in which property owners voluntarily enter a 50 percent sharing agreement.

In the five completed budget years since City Council passage of the Sidewalk Master Plan in October 2015, the Program has funded construction of approximately 815 ramps.

Additional public sidewalk improvements have been funded through grants, private development, the street resurfacing program, and City projects funded through other contracts, such as the 2020 Hershey Road contract for concrete work.

Fiscal Year	Square feet of sidewalk	Estimated miles of sidewalk	Estimated number of ramps
FY 21	74,663	3.14	83
FY 20	67,235	2.83	109
FY 19	63,200	2.66	210
FY 18	69,394	2.92	152
FY 17	78,478	3.30	261
5-YEAR TOTAL	352,969	14.85	815

The primary mechanism is the Sidewalk Program. Funded through local motor fuel tax, the Program funds roughly three miles of concrete sidewalk replacement per year to make sidewalks compliant with the Americans with Disabilities Act.

A major element of the Program is construction of ramps, which connect sidewalks to street crosswalks. The City creates new ramps where needed and replaces ramps that do not meet modern ADA standards, as determined by the U.S. Access Board and the Illinois Department of Transportation.

The City is in its fifth year of a 10-year Sidewalk Master Plan. The funding level has equated to a service level envisioned in that plan. In the past, low funding levels meant patching problems, with Public Works having to leave other nearby problems unaddressed. In many cases now, the City is able to solve sidewalk problems for a half-block or entire block, rather than at just one property occupied by a person with a disability. The program budgeted \$1M for Fiscal Year 2021.

FISCAL YEAR	SIDEWALK PROGRAM FUNDING
2020-2021	\$940,731
*2019-2020	\$693,177
2018-2019	\$956,167
2017-2018	\$818,926
**2016-2017	\$899,244
2015-2016	\$422,877
***2014-2015	\$1,107,109
2013-2014	\$675,000
2012-2013	\$243,853
2011-2012	\$111,774
2010-2011	\$99,990
2009-2010	\$119,586
2008-2009	\$71,111
2007-2008	\$73,915
2006-2007	\$70,449
2005-2006	\$82,782
2004-2005	\$73,787
2003-2004	\$72,552
2002-2003	\$65,998
* Bid was approximately \$250,000 below estimate and budget. Remainder used for S. Hershey.	
**First year under Sidewalk Master Plan.	
***\$10 Million street bond included funds for sidewalk ramps.	

Starting in calendar year 2020, Public Works began directly collaborating with Connect Transit, with the City using Program funds to construct bus pads at Connect Transit bus stops where sidewalk work is being done.

Bloomington's city government has aggressively pursued improvement to its public sidewalk system in recent years. Starting in 2015 and continuing to the present. A consistent, high level of funding and public support from the City Council and Administration has enabled Bloomington Public Works to rehab large sections of the 425-miles of sidewalks.

Figure 7: City Sidewalk Ratings (2015)

	PASER Rating	Description	Miles	
	10	New	3	
	9	Excellent	11	
	8	Very Good	71	
	7	Good (+)	106	
	6	Good (-)	110	
	5	Fair (+)	55	
	4	Fair (-)	35	
	3	Poor	24	
	2	Very Poor	6	
	1	Failed	2	
Total = 423 miles of sidewalk				

2023 SIDEWALK PROGRAM SCHEDULE

STREET	START	END
DODGE DR	COUNTRY LN	HERSHEY RD
ELM ST	LEE ST	OAK ST
EVANS ST	OAKLAND AVE	BELL ST
FORT JESSE RD	RENAISSANCE DR	TOWANDA BARNES
FRONT ST	MCCLUN ST	STATE ST
GRANDVIEW DR	PROSPECT RD	COUNTRY LN
GRIDLEY ST	OAKLAND AVE	WASHINGTON ST
GROVE ST	EAST ST	GRIDLEY ST
HALL CT	PROSPECT RD	WILLIAMSBURG DR
JACKSON ST	MCCLUN ST	VALE ST
JACKSON ST	GRIDLEY ST	CLINTON ST
KINGSBURY CT	COUNTRY LN	E CUL-DE-SAC
LELAND ST	OAKLAND AVE	GROVE ST
LINCOLN ST	FOUR SEASONS RD	ELDORADO RD
LOW ST	MACARTHUR AVE	WOOD ST
MACARTHUR AVE	EAST ST	MORRIS AVE
MCGRAW DR	ELDORADO RD	ARCADIA DR
MCLEAN ST	OAKLAND AVE	WASHINGTON ST
MEADOWS AVE	MAIZEFIELD AVE	HARBORD DR
MILL ST	GRIDLEY ST	EVANS ST
MILLER ST	CLAYTON ST	BUNN ST
OAKLAND AVE	GUIDO CIR	ELDORADO RD
ROBINSON ST	TAYLOR ST	OAKLAND AVE
TAYLOR ST	EVANS ST	ROBINSON ST
UNION ST	MAIN ST	OAK ST
WOODRUFF DR	LOCUST ST	COLTON AVE

CITY FACILITIES SCHEDULED FOR ADA COMPLIANCE MODIFICATIONS

Building	Component	Target Year	Cost of Compliance
Miller Park Pavilion	Upgrade Restrooms for Accessibility	2022-2024	\$8,000.00
-98-++9 Creativity Center	Install Lever Handle Door Hardware	2022-2024	\$13,500.00
Creativity Center	Upgrade Restrooms for Accessibility	2022-2024	\$4,275.00
Davis Lodge	Upgrade Restrooms for Accessibility	2022-2024	\$3,000.00
Highland Pro Shop	Upgrade Restrooms for Accessibility	2022-2024	\$15,180.00
US Cellular Coliseum & Pepsi Ice Rink	Replace Restroom Partitions & Fixtures (Concourse Level)	2022-2024	\$180,000.00
The Den	Upgrade Restrooms for Accessibility	4/30/2022	\$3,000.00

EXHIBIT A- Website Accessibility

OUR COMMITMENT TO ACCESSIBILITY

The City of Bloomington is committed to making its websites accessible to the widest possible audience. We are constantly working to increase the accessibility and usability of our website. We strive to meet W3C WAI's Web Content Accessibility Guidelines 2.0, Level AA conformance.

The City of Bloomington will be evaluating this site on a regular basis and it will continue to evolve and improve over time as new technologies and opportunities emerge.

ADOBE ACROBAT PDF FILES

We have a large number of documents in Adobe Acrobat Portable Document Format (PDF). In order to improve the viewing of these files, download the latest free version of Adobe Reader. We are working on a process to ensure all PDFs are accessible.

HELP US MAKE OUR WEBSITES MORE ACCESSIBLE

We appreciate your patience through this redesign process. Should you have problems accessing information on this website, please let us know. We also welcome your questions about this accessibility statement and comments on how to improve the site's accessibility. Contact our Website Administrator for more information.

Additional information on the City's Accessibility plan can be found on at: www.cityblm.org/ada

Exhibit B - 911 Emergency Management/Communication

Premise Alert Program: Emergency communications have greater requirements for accessibility so that everyone can respond to an emergency. The City participates in the Illinois Premise Alert Program (Public Act 96-0788) provides for Public Safety Agencies in the State of Illinois to allow people with special needs to provide information to Police, Fire and EMS personnel to be kept in a database. The information can then be provided to responders dealing with situations involving Special Needs Individuals. The City also maintains a list of qualified American Sign Language interpreters who are able to provide equal and effective communication to individuals who are hearing impaired. Real time captioning and audio description are also available. The Premise Alert Program can be found on the City's website listed below.

<https://www.cityblm.org/government/departments/police/premise-alert-program>

Protective Services Contact with the Deaf and Hard of Hearing Community

It the policy of the City of Bloomington to ensure that steps are taken to provide for effective communication for persons that are deaf and hard of hearing. When a Bloomington responding police officer or firefighter comes in contact with a person who is deaf or hard of hearing, that person must determine if they are capable of providing effective communications with the deaf or hard of hearing person to resolve the issue. Currently, the use of hand-written notes or texts is the most effective and readily accessible communication technique. The City also maintains a list of Certified ASL interpreters. The responder may contact an Interpreter if the technique or process that most effectively communicates with the deaf or hard of hearing person is the use of a certified interpreter. The responding police officer or fireman may contact his supervisor and advise the supervisor of the need for an interpreter so that effective communications with the deaf or hard of hearing person will occur.

Review and Evaluation

The ADA Transition Plan is a “living” document. In January of each year, commencing in 2023, Bloomington City Council or their designee shall meet with the ADA Coordinator to review the City’s efforts to comply with the ADA and to update the foregoing Plan. Progress shall be noted, and the Plan shall be evaluated for the purpose of determining its effectiveness. Modifications to the Plan may be recommended by the City Council, if deemed necessary or appropriate.

DRAFT

Glossary of Terms

ADA: Americans with Disabilities Act.

Accessible: A facility that provides access to individuals with disabilities using the design requirements of the ADA.

Americans with Disabilities Act: A comprehensive, federal civil rights law that prohibits discrimination on the basis of disabilities in employment, state, and local government programs, activities, services, public accommodations, transportation, and telecommunications.

Americans with Disabilities Act Accessibility Guidelines (ADAAG): The ADAAG contains scoping and technical requirements for accessibility to buildings and public facilities by individuals with disabilities under the ADA.

American Sign Language (ASL): is a natural language that serves as the predominant sign language of Deaf communities in the United States.

Disability: With respect to an individual: A physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Illinois Accessibility Code (IAC): This Code is intended to ensure that the built environment, including all spaces and elements of all applicable buildings and facilities in the State of Illinois is so designed, constructed, and/or altered to assure the safety and welfare of all members of society and to be readily accessible to, and usable by, environmentally limited persons.

Inclusion: Disability inclusion means understanding the relationship between the way people function and how they participate in society and making sure everyone has the same opportunities to participate in every aspect of life to the best of their abilities and desires.

Program, activity, or service: The programs, activities, and services offered by the City in fulfillment of its mission. It spans all offerings open to any of the audiences served by the City.

Public Right-of-Way: ADA-related facilities in the public right-of-way are defined as a network of streets, sidewalks, and trails creating public pedestrian access within the City of Bloomington limits. Some examples of public rights-of-way include: curb ramps, sidewalks, crosswalks, pedestrian signals, and parking.

Public Rights of Way Accessibility Guidelines (PROWAG): Draft guidelines currently published by the United States Access Board that address access to sidewalks and streets, crosswalks, curb ramps, pedestrian signals, on-street parking, and other components of public rights-of-way.

Qualified Individuals with a Disability: An individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

Reasonable Accommodation: Making existing facilities used by individuals readily accessible to and usable by individuals with disabilities; and job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or v devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

Self-evaluation: An assessment of the City's current policies and practices to identify which ones are inconsistent with title II's requirements.

Transition Plan: Addresses physical barriers which can limit the accessibility of a City's programs, activities, and services to individuals with disabilities.

Undue Hardship: An action requiring significant difficulty or expense.