CITY OF BLOOMINGTON CITY COUNCIL - REGULAR SESSION MEETING

JULY 25, 2022

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 - Grant Walch
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

CITY COUNCIL - REGULAR SESSION MEETING AGENDA
GOVERNMENT CENTER CHAMBERS, 4TH FLOOR, ROOM #400
115 E. WASHINGTON STREET, BLOOMINGTON, IL 61701
MONDAY, JULY 25, 2022, 6:00 PM

1. **Call to Order**

2. **Pledge of Allegiance to the Flag**

3. **Remain Standing for a Moment of Silent Prayer and/or Reflection**

4. **Roll Call**

5. **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 www.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.

6. **Recognition/Appointments**

   A. Recognition of Boards & Commissions Appointments, as requested by the Administration Department. *(Recommended Motion: None; recognition only.)*

7. **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.

   A. Consideration and action to approve the Minutes of the April 18, 2022 Committee of the Whole 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 $8,348,418.90, as requested by the Finance Department. *(Recommended Motion: The proposed Bills and Payroll be approved.)*

   C. Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2023, in the amount of $84,200, increasing the General Fund Transfers Out to the Abraham Lincoln Parking Deck Fund by $42,100 & increasing the Abraham Lincoln Parking Deck Fund budget by $42,100, and 2) to approve a Contract with Golf Construction in the amount of $642,100 for repairs to the Lincoln Parking Garages (Bid #2023-01), as requested by the Facilities Department. *(Recommended Motion: The proposed Ordinance and Contract be approved.)*

D. Consideration and action on an Ordinance Authorizing the Liquor Commissioner to Approve the Rescheduling of Two Special Events in Downtown Bloomington, as requested by the Legal Department and the Economic & Community Development Department. *(Recommended Motion: The proposed Ordinance be approved.)*

E. Consideration and action to approve a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 6 in Block 4 in Camp Kickapoo, with the petitioner, Michael A. Mavec & Stacy Michele Mavec, Trustee of the Michael Mavec Trust & Stacy Mavec Trust, as requested by the Public Works Department. *(Recommended Motion: The proposed Lot Lease, Supplemental Agreement, and Petition be approved.)*

F. Consideration and action to approve a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 13 in Block 3 in Camp Kickapoo, with the petitioners, Thomas and Susan DeWeert, as requested by the Public Works Department. *(Recommended Motion: The proposed Lot Lease, Supplemental Agreement, and Petition be approved.)*

8. Public Hearing

A. Public Hearing for the Program Year 2021 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER), as requested by the Economic & Community Development Department. *(Recommended Motion: None; presentation and public comment only.) (Presentation by Michael Sinnet, Community Enhancement Division Manager, 10 minutes; and City Council Discussion, 10 minutes.)*

9. Regular Agenda

A. Consideration and action to approve a Contract with AFSCME Local 699 who represent workers at the Bloomington Public Library, as requested by the Bloomington Public Library. *(Recommended Motion: The proposed Agreement be approved.) (Presentation by Jeanne Hamilton, Library Director, 5 minutes; and City Council Discussion, 5 minutes.)*

B. Consideration and action on a Resolution Establishing a Framework for the Use and Expenditure of American Rescue Plan Funds for the City of Bloomington, as requested by the Administration Department. *(Recommended Motion: The proposed Resolution be adopted.) (Presentation by Tim Gleason, City Manager, 10 minutes; and City Council Discussion, 10 minutes.)*

C. Consideration and action on an Ordinance Amending Chapter 2, Section 13, Setting the Boundaries of the City's Nine Wards, as requested by the City Clerk Department and the Administration Department. *(Recommended Motion: The proposed Ordinance be Approved, with Exhibit A, Proposed Plan ____.) (Presentation by Billy Tyus, Deputy City Manager; Leslie Yocum, City Clerk, 15 minutes; and City Council Discussion, 15 minutes.)*

10. Finance Director's Report

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

11. City Manager's Discussion

12. **Mayor's Discussion**
13. **Council Member's Discussion**
14. **Executive Session**
15. **Adjournment**

RECOGNITION/APPOINTMENTS ITEM NO. 6.A

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Recognition of Boards & Commissions Appointments, as requested by the Administration Department.

RECOMMENDED MOTION: None; recognition only.

STRATEGIC PLAN LINK:
Goal 5. Great Place - Livable, Sustainable City

STRATEGIC PLAN SIGNIFICANCE:
Objective 5b. City decisions consistent with plans and policies

BACKGROUND: The included appointments are representative of City Council's approval from the July 11, 2022 meeting.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Amy Overton, Executive Assistant

ATTACHMENTS:
ADM 1B Recognition of Mayoral Appointments_071122 Council

Appointment

Jennifer Aurora: Citizens' Beautification Committee

Appointment

Deborah Johnson: Citizens' Beautification Committee

Appointment

Margaret Kraft: Citizens' Beautification Committee

Appointment

Kimberly Howard: Public Safety and Community Relations Board (Youth Member)

Appointment

Terry Berk: Transportation Commission

Appointment

Zachary Zwaga: Zoning Board of Appeals

CONSENT AGENDA ITEM NO. 7.A

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve the Minutes of the April 18, 2022 Committee of the Whole 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: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Amanda Stutsman, Deputy City Clerk

ATTACHMENTS:
CLK 1B DRAFT 04-18-2022 COW Meeting Minutes

MINUTES
COMMITTEE OF THE WHOLE CITY COUNCIL MEETING
MONDAY, APRIL 18, 2022, 6:00 P.M.

The Committee of the Whole convened in regular session in the Government Center Chambers at 6:03 p.m., Monday, April 18, 2022. Mayor Pro Tem Donna Boelen called the meeting to order.

Roll Call

Attendee Name	Title	Status	Arrived
Mboka Mwilambwe	Mayor	Remote	6:05 PM
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	

Remote Participation

Leslie Yocum, City Clerk, noted Mayor Mwilambwe would attend the meeting remotely due to medical reasons.

Council Member Ward made a motion, seconded by Council Member Urban, that Mayor Mwilambwe be permitted to attend the meeting remotely.

Council Member Boelen directed the Clerk to call the roll:

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

Motion carried.

Mayor Mwilambwe joined the meeting at 6:05 p.m. and then led the meeting.

Public Comment

No public comment was received in-person or via email.

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 Crumpler 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:

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

Motion carried.

Item 4.A. Consideration and action to approve the Minutes of the February 21, 2022, Committee of the Whole Meeting, as requested by the City Clerk Department. *(Recommended Motion: The proposed Minutes be approved.)*

Regular Agenda

The following item was presented:

Item 5.A. Presentation and discussion of Connect Transit's Budget, as requested by the Administration Department.

City Manager Tim Gleason noted that the presentation had been requested by Council, Connect Transit ("Connect"), and City staff. He explained that the presentation would show how the approved funds from the Fiscal Year 2023 ("FY23") budget were to be used.

Ryan Whitehouse, Connect Chairman, formally introduced David Braun as the new Connect General Manager. He welcomed questions throughout the presentation.

Mr. Braun presented the Connect Board and applicable organization chart. He explained that Connect completed a zero-based budget for FY23 and discussed various services. He then compared the ridership over the past four years and explained the proposed new route expansion that would service Rivian Motors. He provided detail on the new micro-transit service, discussed a proposed coordinated vanpool program sponsorship to encourage carpooling, and highlighted the potential for grant funding after a specified number of carpools were established. He then compared operating expenses and revenues from FY22 and FY23, highlighting key factors of change. He presented various planned capital projects and went on to provide an update on the Downtown Bloomington Transportation Hub with an overview of the project timeline. Mr. Braun concluded with an overview of the FY20 Economic Impact Summary results.

Council Member Boelen and Mr. Braun discussed the micro-transit service in detail. She expressed appreciation for the attention to service in Ward 2, but stressed the need to increase fixed route services in Ward 2.

Council Member Ward expressed appreciation for the presentation. She and Mr. Braun discussed updates on the Better Bus Stops campaign. She expressed interest in installing bus stop shelter structures. Mr. Whitehouse explained that Connect Transit was responsible for installing shelters at higher traffic bus stops and that some property owners would not permit shelters.

Council Member Boelen made a motion, seconded by Council Member Ward, to extend the Council Discussion time by 15 minutes.

Mayor Mwilambwe directed the Clerk to call the roll:

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

Motion carried.

Council Member Crumpler asked how Connect received public input for the vanpool program and micro transfer site. Mr. Braun explained that major local employers would be involved in vanpool and that Connect planned to reach out to the public in 2023 for the micro site.

Council Member Emig and Mr. Braun discussed how fares of the micro transit system would be determined. She applauded expanded route coverage and electric vehicles, and ended by asking Mr. Gleason to provide an update on a Memorandum of Understanding. Mr. Braun explained that Connect had applied for a Congressional Discretionary Grant and noted that they had requested electric vehicles.

Council Member Crabill and Mr. Braun discussed the transfer station's Americans with Disabilities Act ("ADA") compliance, as well as the Messaging Consultant Position. Council Member Crabill asked about the completion of the Hamilton Road project and how it would impact Connect. Mr. Whitehouse stated that Connect would install a stop at the Veteran's Clinic.

Council Member Urban was appreciative of the micro transit program and asked the estimated implementation date. Mr. Braun stated that Connect anticipated implementation in late Spring of 2023. Mr. Braun committed to meeting with and updating Council regularly.

Council Member Montney and Mr. Braun discussed the potential for subsidizing carpool vans with large community employers. She asked Mr. Braun to forward the Stevenson study to Council.

City Manager Gleason updated Council on the potential to use the Market Street Garage for the Downtown Transfer Station and how it could be more ADA-friendly. He then provided an update on the intergovernmental agreement between the City, Town of Normal, and Connect. He ended by thanking Mr. Braun for his increased communication.

Mayor Mwilambwe thanked Mr. Braun and Mr. Whitehouse for their presentation.

Council Initiatives

City Manager Gleason reminded the community of four active Council Initiatives. He stated that staff would present an update on all four and then open the floor for discussion.

The following item was presented:

Item 5.B.3. Consideration and action on Council Member Emig's Agenda Initiative Proposal to propose the establishment of an advisory Green Infrastructure Commission, as requested by the City Council.

Deputy City Manager Billy Tyus provided a brief overview of the Council Initiative for Green infrastructure Committee as submitted by Council Member Emig. He provided a list of all current City "green" practices, highlighting various practices. He then discussed upcoming projects, as well as proposed "green" practices of each.

The following item was presented:

Item 5.B.1. Consideration and action on Council Member Mathy's Agenda Initiative Proposal regarding the "Bring It On" Comprehensive Plan, as requested by the City Council.

Deputy City Manager Tyus provided an overview of the Council Initiative for an Incentive Program for Regeneration and Preservation Areas as submitted by former Council Member Jamie Mathy. He presented a map highlighting areas of focus for preservation and regeneration. He noted a high number of properties with declining property values within the regeneration area, as well as challenges associated to redevelopment. He then discussed the need to preserve historic homes within preservation areas and talked about a housing study being conducted by the McLean County Economic Development Council. He stated that

staff recommended Council to wait until the study was completed in April 2023 before making decisions on how to move forward with the Initiative. He believed the study's results would allow the City to be more intentional in developing a program. He ended by presenting various potential incentive examples.

The following item was presented:

Item 5.B.2. Consideration and action on Council Member Becker's Agenda Initiative Proposal to find ways to reduce costs in other areas as an offset to the coming spending as opposed to increasing the taxpayer burden, as requested by the City Council.

City Manager Tim Gleason provided a brief overview of the Council Initiative for Cost Reduction Opportunities as submitted by Council Member Becker. He noted the goal was to save $1.5 to $2 million and that areas of focus would be on the Bloomington Election Commission and McLean County spending overlaps, emergency call center operations, City and Township administration, and overall municipal savings. He discussed potential next steps, as well as the potential to do a joint full-scale assessment of the Government Center with the County. He ended by providing updates on other avenues of savings.

The following item was presented:

Item 5.B.4. Consideration and action on Council Member Ward's Agenda Initiative Proposal to create a Special Commission to develop a comprehensive plan to address the issue of gun violence locally, as requested by the City Council.

City Manager Gleason provided an overview of the Council Initiative for the Reduction of Gun Violence as submitted by Council Member Ward. He ended by informing Council that he had reached out to both McLean County and the Town of Normal for a potential joint venture. He noted that both the City and the Town would be receiving a $500,000 grant from the State of Illinois for violence prevention.

Mayor Mwilambwe expressed appreciation for staff's time dedicated to the Council Initiatives. He then opened the floor for Council discussion of the Initiatives.

Council Member Ward reported that she had prepared and provided to the City Manager a proposed basic structure for the Gun Violence Commission Initiative. She noted interest and support of the Commission by multiple community groups.

Council Member Boelen echoed staff appreciation and reminded Council that staff were not to work on Initiatives until after Council had voted whether to move them forward.

Council Member Crabill stated that Council had previously voted for staff to do additional research on the Initiatives and expressed appreciation for the presentation. He requested that staff see if other communities had programs similar to those proposed in the Initiatives. He and Mr. Tyus discussed the potential for land banking, as well as other future development opportunities. Council Member Crabill pointed out that accessibility needed to be a focus of private property redevelopment and cautioned Council of those redeveloped and turned into rental properties.

Deputy City Manager Tyus asked Council if they wanted to proceed with the establishment of a Green Infrastructure Committee. Council Member Emig stated that she wanted to wait and gain input from local professionals, as well as research examples from other communities.

City Manager's Report (5 minutes)

City Manager Gleason highlighted City events and reported that all City-owned golf courses had been opened for the season. He reported that outdoor dining was available again Downtown and recognized staff for their work to ensure that it was available before Easter weekend. He provided an update on upcoming items for the last meeting of the fiscal year.

Executive Session

No Executive Session was held.

Adjournment

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

Motion carried (viva voce).

The meeting adjourned at 7:33 p.m.

CITY OF BLOOMINGTON	**ATTEST**
Mboka Mwilambwe, Mayor	Amanda Stutsman, Deputy City Clerk

DRAFT

CONSENT AGENDA ITEM NO. 7.B

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve Bills and Payroll in the amount of $8,348,418.90, 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 $8,348,418.90. Payroll total $2,881,165.47, Accounts Payable total $4,804,446.54, Bank Transfers total $662,806.89.

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Joshua Moreland, Support Staff V

ATTACHMENTS:
FIN 1B Council Finance Summary Report

CITY OF BLOOMINGTON FINANCE REPORT

PAYROLL

Date	Gross Pay	Employer Contribution	Totals
7/15/2022	$ 2,330,982.42	$ 553,889.88	$ 2,884,872.30
7/1/2022	$ (3,363.92)	$ (342.91)	$ (3,706.83)
Off Cycle Adjustments			
		PAYROLL TOTAL	**$ 2,881,165.47**

ACCOUNTS PAYABLE (WIRES)

Date	Bank	Total
7/25/2022	AP General	$ 4,639,662.45
	AP JMScott	
	AP Comm Devel	
7/25/2022	AP IHDA	$ 275.00
7/25/2022	AP Library	$ 53,416.56
	AP MFT	
7/12/2022-7/19/2022	Out of Cycle	$ 111,092.53
5/10/2022-7/18/2022	AP Bank Transfers	$ 662,806.89
	AP TOTAL	**$ 5,467,253.43**

PCARDS

Date Range

PCARD TOTAL

GRAND TOTAL **$ 8,348,418.90**

Respectfully,

F Scott Rathbun
Director of Finance

CONSENT AGENDA ITEM NO. 7.C

FOR COUNCIL: July 25, 2022

WARD IMPACTED: Ward 6

SUBJECT: Consideration and action 1) on an Ordinance Amending the Budget Ordinance for the Fiscal Year ending April 30, 2023, in the amount of $84,200, increasing the General Fund Transfers Out to the Abraham Lincoln Parking Deck Fund by $42,100 & increasing the Abraham Lincoln Parking Deck Fund budget by $42,100, and 2) to approve a Contract with Golf Construction in the amount of $642,100 for repairs to the Lincoln Parking Garages (Bid #2023-01), as requested by the Facilities Department.

RECOMMENDED MOTION: The proposed Ordinance and Contract be approved.

STRATEGIC PLAN LINK:
Goal 2. Upgrade City Infrastructure and Facilities
Goal 5. Great Place - Livable, Sustainable City
Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:
Objective 2d. Well-designed, well maintained City facilities emphasizing productivity and customer service
Objective 5a. Well-planned City with necessary services and infrastructure
Objective 6a. More beautiful, clean Downtown area

BACKGROUND: The Lincoln Parking Garage was originally constructed as a three level facility in 1990. Two additional levels were added to the garage in 2004. Both of these construction projects were performed by the Public Building Commission of McLean County in accordance with intergovernmental agreements between the City, McLean County and the Public Building Commission. These agreements stipulate that the City operate and maintain the parking garage. The agreements also indicate that the City must obtain approval from the County and Public Building Commission before any maintenance expense over $5,000 is performed. City staff has consulted with representatives from both the County and Public Building Commission on this project.

The most recent improvements to the garage were completed in 2015 and primarily addressed safety issues and items which could cause damage to vehicles using the facility. Current proposed repairs include minor structural items, expansion joint repairs, sealant replacement, waterproofing and considerable drainage improvements. In addition to these items, some additional work was bid as alternates. Alternate 16.4A includes the application of a traffic and moisture barrier topping over the newly sealed joints on the top level of the garage. This topping will protect the joints from damage caused by vehicular traffic and snow removal operations. The topping will also protect the joints from moisture and salt penetration and extend the life of the new sealant. Alternate 16.4B is the application of the same topping, but over the entire top level of the garage. In addition to protecting the joints as indicated above, this full application protects the entire surface. Alternate 45.1

includes replacing all traffic markings that are covered or damaged during the repair work. A summary of the submitted bids follows and the full bid tabulation is attached.

Contractor	Base Bid	Alt 16.4A	Alt 16.4B	Alternate 45.1	Base Bid + Alt 16.4A
Golf Construction	$599,500	$42,600	$249,600	$18,000	$642,100
Western Specialty Contractors	$734,450	$53,250	$166,400	$10,000	$787,700

Given the significant additional cost to apply topping to the entire top level of the garage, staff recommend that only the joints be covered and Alternate 16.4A be awarded. Since the entire top level of the garage will not be covered with topping, minimal traffic markings will be impacted and parking maintenance staff will replace any markings that are impacted by the project. Staff does not recommend awarding Alternates 16.4B or 45.1.

The adopted FY2023 Budget includes $600,000 for this project. All base bid work can be completed within this budget amount. Application of the topping over the joints on the top level of the garage will protect the new sealant and increase its longevity. Awarding Alternate 16.4A will exceed the adopted budget by $42,100. Staff recommends utilizing fund balance out of the General Fund to cover the $42,100. The lowest responsive and responsible bidder for the base bid and Alternate 16.4A is Golf Construction. Neither of the bidders was local so this was not taken into consideration.

A technicality occurred during the bid process. Although both bidders included a digital copy of the Bid Bonds with their bids, neither firm provided the hard copy on the bid submittal date. Both firms have provided the required hard copy Bid Bonds at this time. Given the minor nature of this technicality and that both bidders performed this oversight, staff recommend waiving the technicality.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: This work was advertised in *The Pantagraph* on May 11, 2022 and a pre-bid meeting was held at 10:00 a.m. on May 16, 2022 in the parking garage.

FINANCIAL IMPACT: If approved, $642,100 will be awarded for this project. In addition, a budget amendment totaling $84,200 will be approved and the General Fund Transfers budget will transfer $42,100 from the General Fund to the Abraham Lincoln Parking Deck Fund Budget and the Abraham Lincoln Parking Deck Fund budget will be increased by $42,100 to cover the added cost. Funding for this project in the amount of $600,000 is included in the FY2023 Budget. Stakeholders can locate this in the FY 2023 Budget Book titled "Other Funds & Capital Improvement" on pages 165, 226, 342, 343 and 344.

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: ***The application meets the following goals and objectives of the Bloomington Comprehensive Plan 2035:*** Goal D-5.1 Improve parking conditions and access and encourage shared public and private parking supplies.

Respectfully submitted for consideration.

Prepared by: Russ Waller, Director of Facility Management

ATTACHMENTS:
FAC 1B Contract
FAC 1C Ordinance General & Lincoln Parking Deck Funds
FAC 1D Ordinance Exhibit_General & Lincoln Parking Deck Funds
FAC 1E Certificate of Liability
FAC 1F Lincoln Garage Bid Tab

CITY OF BLOOMINGTON
CONTRACT WITH
GOLF CONSTRUCTION
FOR
LINCOLN GARAGE 2022 MAINTENANCE REPAIRS

THIS AGREEMENT, dated this 13th day of June, 2022, is between the City of Bloomington (hereinafter "CITY") and GOLF CONSTRUCTION (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/RFQ & Proposal Terms / Prevailing Wage.** This work was subject to the following procurement initiative by the CITY: Lincoln Garage 2022 Maintenance Repairs (Bid 2023-01) (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 ofthe 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: Work as indicated in the Lincoln Garage 2022 Maintenance Repairs (Bid 2023-01).

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 $ 642,100.00 .

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	GOLF CONSTRUCTION
By: _____	By: [redacted]
Its City Manager	Its CFO
ATTEST:	
By: _____	By: _____
City Clerk	Its_____

ORDINANCE NO. 2022 – ___

AN ORDINANCE AMENDING THE BUDGET ORDINANCE FOR THE FISCAL YEAR ENDING APRIL 30, 2023

WHEREAS, on April 11, 2022 by Ordinance Number 2022-26, the City of Bloomington passed a Budget and Appropriation Ordinance for the Fiscal Year Beginning May 1, 2022 and Ending April 30, 2023, City of Bloomington, which Ordinance was approved by Mayor Mboka Mwilambwe on April 13, 2022; and

WHEREAS, a Budget Amendment is needed as detailed below;

An Ordinance amending the Fiscal Year 2023 Budget, in the amount of $84,200, increasing the General Fund Transfers Out to the Abraham Lincoln Parking Deck Fund by $42,100 & increasing the Abraham Lincoln Parking Deck Fund budget by $42,100 as requested by the Facilities Maintenance and Finance Departments.

Section One: Ordinance Number 2022-26 (the Budget and Appropriation Ordinance for the Fiscal Year Ending April 30, 2023) is further hereby amended by inserting the following line items and amount presented in the Exhibit and in the appropriate place in said Ordinances.

Section Two: Except as provided for herein, Ordinance Number 2022-26 shall remain in full force and effect, provided, that any budgeted or appropriated amounts which are changed by reason of the amendments made in Section One of this Ordinance shall be amended in Ordinance Number 2022-26.

Section Three: This Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED this 25th day of July 2022.

APPROVED this ____ day of July 2022.

CITY OF BLOOMINGTON	**ATTEST**
_____	_____
Mboka Mwilambwe, Mayor	Leslie Smith-Yocum, City Clerk

FY 2023 Budget Amendment-Exhibit

Account #	Fund	Account Description		Amount	Comments
10010010-40000	General	Use of Fund Balance	$	(42,100.00)	
10019180-89556	General	To Abraham Lincoln Parking Deck Fund	$	42,100.00	
55605600-85100	Lincoln	From General Fund	$	(42,100.00)	
55605600-72520	Lincoln	Buildings	$	42,100.00	
		Net Transaction:	**$**	**-**	

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/26/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Arthur J. Gallagher Risk Management Services, Inc.
2850 Golf Road
Rolling Meadows IL 60008

CONTACT NAME: Christina Cunningham, Client Service Mgr Sr.
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS: christina_cunningham@ajg.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Travelers Property Casualty Co of America	25674
INSURER B : Travelers Indemnity Company	25658
INSURER C : The Travelers Indemnity Company of CT	25682
INSURER D : Travelers Casualty and Surety Company	19038
INSURER E :	
INSURER F :	

INSURED
Golf Acquisition Group LLC dba Golf Construction
P.O. Box 686
Hammond, IN 46325

COVERAGES **CERTIFICATE NUMBER:** 1785499454 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	X COMMERCIAL GENERAL LIABILITY	Y	Y	[redacted]	6/1/2022	6/1/2023	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
	X CGD604 0813						MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
C	AUTOMOBILE LIABILITY	Y	Y	[redacted]	6/1/2022	6/1/2023	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
	X Comp $1,000 / X Coll $1,000							$
A	X UMBRELLA LIAB / X OCCUR			[redacted]	6/1/2022	6/1/2023	EACH OCCURRENCE	$ 10,000,000
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 10,000,000
	DED X RETENTION $ 10,000							$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	N / A	Y	[redacted]	6/1/2022	6/1/2023	X PER STATUTE / OTH-ER	Med Ded $1,000
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N: N (Mandatory in NH)						E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
is shown as Additional Insured with respect to General Liability and Auto Liability coverages on a primary/non-contributory basis as evidenced herein as required by written contract with respect to the work performed by the named insured. A Waiver of Subrogation is included in favor Additional Insured under the General Liability, Auto Liability and Workers Compensation coverages as evidenced herein as required by written contract. Umbrella follows form.

CERTIFICATE HOLDER

City of Bloomington
115 E Washington St Suite 103
Bloomington, IL 61701

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Lincoln Garage 2022 Maintenance Repairs - Bid Tabulation

BASE BID

									Golf Construction		Western Specialty	
WI #	**Description**	**Units**	**1st**	**2nd**	**3rd**	**4th**	**5th**	**Total Quant.**	**Unit Price**	**Total**	**Unit Price**	**Total**
1.1	Project General Conditions	L.S.			1			1	$ 143,500.00	$ 143,500.00	$ 91,930.00	$ 91,930.00
3.1	Floor Repair - Partial Depth	S.F.					50	50	$ 65.00	$ 3,250.00	$ 95.00	$ 4,750.00
3.4	Floor Repair - Curb / Walks	S.F.					4	4	$ 200.00	$ 800.00	$ 145.00	$ 580.00
3.10	Stair Nosing Repairs	S.F.	0	5	5	0	0	10	$ 125.00	$ 1,250.00	$ 540.00	$ 5,400.00
3.12	Floor Repair - Railing Pocket	EA	4	5	5	4		18	$ 110.00	$ 1,980.00	$ 240.00	$ 4,320.00
5.1	Beam Repairs - Partial Depth	S.F.	180	80	0	0	0	260	$ 120.00	$ 31,200.00	$ 206.00	$ 53,560.00
5.11	Beam Repair - FRP	EA	1	0	0	0	0	1	$ 7,000.00	$ 7,000.00	$ 7,800.00	$ 7,800.00
6.1	Column Repairs - Partial Depth	S.F.	4	4	0	0	0	8	$ 200.00	$ 1,600.00	$ 200.00	$ 1,600.00
6.6	Column Repairs - Haunch	EA	4	5	3	0	0	12	$ 250.00	$ 3,000.00	$ 2,000.00	$ 24,000.00
8.2	Tee Stem Repair - Full Depth	S.F.	25	110	250	115	0	500	$ 100.00	$ 50,000.00	$ 350.00	$ 175,000.00
8.4	Tee Flange Repairs - Partial Depth	S.F.	0	0	0	20	0	20	$ 150.00	$ 3,000.00	$ 200.00	$ 4,000.00
8.5	Tee Flange Repairs - Full Depth	S.F.	0	50	40	25	35	150	$ 125.00	$ 18,750.00	$ 120.00	$ 18,000.00
8.6	Tee Flange Repair - Shear Connector Concrete	S.F.	0	0	0	0	200	200	$ 125.00	$ 25,000.00	$ 161.00	$ 32,200.00
8.7	Tee Flange Repair - Supplemental Steel	EA	0	6	0	5	20	31	$ 250.00	$ 7,750.00	$ 660.00	$ 20,460.00
8.8	Tee Stem Repair - FRP Repair	EA	0	1	0	0	0	1	$ 10,500.00	$ 10,500.00	$ 2,000.00	$ 2,000.00
8.11	Tee Flange - Remove Loose Concrete	EA	35	25	10	0	0	70	$ 15.00	$ 1,050.00	$ 45.00	$ 3,150.00
9.2	Expansion Joint Preparation - New Wash with Blockout	L.F.	60	0	0	0	0	60	$ 150.00	$ 9,000.00	$ 205.00	$ 12,300.00
10.3	Expansion Joint - Elastomeric Concrete Edge	L.F.	60	0	0	0	0	60	$ 90.00	$ 5,400.00	$ 100.00	$ 6,000.00
11.1	Seal Random Cracks	L.F.	0	0	0	0	500	500	$ 10.00	$ 5,000.00	$ 4.00	$ 2,000.00
11.4	Tee Joint Sealant	LS	0	0	0	1		1	$ 92,520.00	$ 92,520.00	$ 37,000.00	$ 37,000.00
11.7	Cove Sealant	L.F.			incidental to 16.1			0				
11.8	Crack Repair - Gravity Fed Epoxy	L.F.			incidental to 8.7			0				
16.1	Traffic Topping - Vehicular	S.F.	0	5000	0	0	0	5000	$ 4.50	$ 22,500.00	$ 5.15	$ 25,750.00
25.2	Floor Drain Replacement	EA	0	9	7	1	0	17	$ 2,500.00	$ 42,500.00	$ 3,000.00	$ 51,000.00
25.3	Floor Drain Replacement - Piping	L.F.	40	125	90	25	0	280	$ 115.00	$ 32,200.00	$ 130.00	$ 36,400.00
25.7	Floor Drain Replacement - Slab-On Grade	EA	10	0	0	0	0	10	$ 3,850.00	$ 38,500.00	$ 6,125.00	$ 61,250.00
40.2	Concrete Floor Repair - Supplemental Shear Connector	EA	0	0	0	0	120	120	$ 300.00	$ 36,000.00	$ 375.00	$ 45,000.00
40.5	Expansion Joint Repair - Supplemental Support	EA	5	0	0	0	0	5	$ 1,250.00	$ 6,250.00	$ 1,800.00	$ 9,000.00
									TOTAL BASE BID	$ 599,500.00		$ 734,450.00

ALTERNATES

16.4A	Traffic Topping - Tee Joints	S.F.	0	0	0	0	7100	7100	$ 6.00	$ 42,600.00	$ 7.50	$ 53,250.00
16.4B	Traffic Topping - Vehicular	S.F.	0	0	0	0	52000	52000	$ 4.80	$ 249,600.00	$ 3.20	$ 166,400.00
45.1	Paint Traffic Markings	L.S.			1			1	$ 18,000.00	$ 18,000.00	$ 10,000.00	$ 10,000.00
									TOTAL BASE BID + ALTERNATE 16.4A	$ 642,100.00		$ 787,700.00
									TOTAL BASE BID + ALTERNATE 16.4A & 45.1	$ 660,100.00		$ 797,700.00
									TOTAL BASE BID + ALTERNATE 16.4B	$ 849,100.00		$ 900,850.00
									TOTAL BASE BID + ALTERNATE 16.4B & 45.1	$ 867,100.00		$ 910,850.00

CONSENT AGENDA ITEM NO. 7.D

FOR COUNCIL: July 25, 2022

WARD IMPACTED: Ward 6

SUBJECT: Consideration and action on an Ordinance Authorizing the Liquor Commissioner to Approve the Rescheduling of Two Special Events in Downtown Bloomington, as requested by the Legal Department and the Economic & Community Development Department.

RECOMMENDED MOTION: The proposed Ordinance be approved.

STRATEGIC PLAN LINK:
Goal 6. Prosperous Downtown Bloomington

STRATEGIC PLAN SIGNIFICANCE:
Objective 6c. Downtown becoming a community and regional destination

BACKGROUND: Two events that were scheduled to take place in downtown Bloomington earlier this year had to be canceled due to the weather. Both organizers are attempting to reschedule the events. The first event that had to be canceled was to be held on June 25, 2022, and was part of the Saturdays on the Square Concert Series. The Castle Theater is responsible for the concert series and is proposing to reschedule that event to take place on August 19, 2022.

A second event, originally scheduled for July 8, 2022, for The Stable by NTL Productions for the Prairie Street concerts series also had to be canceled due to the weather. NTL Productions is looking to reschedule its event for September 4, 2022.

After providing notice and a public hearing, both concert events were granted a special liquor licenses and/or permits that allowed the provision/consumption of alcohol at the events. The City Code does not contain provisions on "rain dates" and there is insufficient time to go through the formal Liquor Commission process. Accordingly, since both events are similar in nature to what was originally proposed, passage of this Ordinance authorizes the Liquor Commissioner to approve the necessary licenses and/or permits for the newly proposed dates.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: City staff mailed notice regarding the newly proposed dates and that this Ordinance was being considered on July 25, 2022.

FINANCIAL IMPACT: Beyond payment of any related fees, there is no material financial impact associated with the approval of this Ordinance.

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Approval of this Ordinance will allow two downtown events to be rescheduled, both of which are estimated to bring numerous people to downtown Bloomington both benefiting the downtown and the City as a

whole.

Respectfully submitted for consideration.

Prepared by: Jeff Jurgens, Corporation Counsel

ATTACHMENTS:
LGL 1B Ordinance
LGL 1C Saturdays on the Square 2022- Final permit
LGL 1D Prairie Street Concerts-final

ORDINANCE NO. 2022 - ___

AN ORDINANCE AUTHORIZING THE LIQUOR COMMISSIONER TO APPROVE THE RESCHEDULING OF TWO SPECIAL EVENTS IN DOWNTOWN BLOOMINGTON

WHEREAS, the City of Bloomington is a home rule unit of local government, empowered under Article VII, Section 6 of the Constitution of the State of Illinois to legislate in matters pertaining to its own government and affairs; and

WHEREAS, a special event permit was issued for the Saturdays on the Square Concert Series, for the Castle Theater to hold a series of concerts, including a concert on June 25, 2022, that had to be canceled due to the weather (hereinafter "Castle Theater Event"), of which a liquor license was issued; and

WHEREAS, the Castle Theater desires to reschedule its June 25, 2022, concert event to August 19, 2022, at the same location and under the same parameters;

WHEREAS, a special event permit was issued for the Prairie Street Concerts, for The Stable/NTL Productions, to hold a series of concerts, including a concert on July 8, 2022, that had to be canceled due to the weather (hereinafter "NTL Productions Event"), of which a liquor license was issued; and

WHEREAS, NTL Productions desires to reschedule its July 8, 2022, concert event to September 4, 2022, at the same location and under the same parameters;

WHEREAS, the City Code allows for open alcohol at a special event under certain conditions, including upon approval of the Liquor Commission and after the event organizer has notified the residents, property owners and businesses within 250 feet of the perimeter of the event area; and

WHEREAS the Castle Theater Event and NTL Productions Event were both properly noticed and approved by the Liquor Commission; and

WHEREAS, due to the weather, both events had to be canceled need to be rescheduled and there is not sufficient time to bring said events back before the Liquor Commission; and

WHEREAS, the events will be held in a similar manner as originally proposed, with simply the dates changed; and

WHEREAS, the events are key to maintaining a vibrant downtown area; and

WHEREAS, the City Council finds it in the best interest of the City to provide the Liquor Commissioner with the authority to deviate from the requirements of the City Code to issue permits for the rescheduled events as provided in this Ordinance.

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 1. The above recitals are incorporated into this ordinance as though specifically set forth herein.

SECTION 2. The provisions of Chapter 6, Section 26(D)(6) [6-133(D)(6)] are hereby waived to allow the Liquor Commissioner the authority to issue the necessary liquor licenses and/or appropriate permits to Castle Theater for its proposed rescheduled concert to take place on August 19, 2022 in accordance with the Special Event Permit issued on April 18, 2022, and to NTL Productions for its proposed rescheduled concert to take place on September 4, 2022, in accordance with the Special Event Permit issued on April 18, 2022.

SECTION 3. Except as provided herein, the Bloomington City Code, 1960, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. This Ordinance shall take effect upon approval and publication as required by law.

PASSED this 25th day of July 2022.

APPROVED this ___ day of July 2022.

CITY OF BLOOMINGTON	**ATTEST**
_____	_____
Mboka Mwilambwe, Mayor	Leslie Smith-Yocum, City Clerk

SPECIAL EVENT PERMIT

SATURDAYS ON THE SQUARE CONCERT SERIES
DATE: SATURDAYS JUNE 25, JULY 9 & 16, AUGUST 6
TIME: 8:00 A.M. SATURDAY UNTIL 6 A.M. SUNDAY

Date Prepared: April 18, 2022

SPONSORING ORGANIZATION(S): Castle Theatre
CONTACT PERSON: Rory O'Connor/Nicole Selzer
PHONE NO.: [redacted]
EMAIL: rory@thecastletheatre.com, events@thecastletheatre.com
APPLICATION RECEIVED: Yes
CERTIFICATE OF INSURANCE RECEIVED: Yes
HOLD HARMLESS: Yes

NATURE OF EVENT: The Castle Theatre, in partnership with the Pantagraph and the City of Bloomington, is planning a series of four free concerts around the downtown square. The set up will occur during and after the Farmers' Market. The stage will come in at 8 a.m. The event will take place from 6-10 p.m.

COVID – 19 CONSIDERATIONS: Event organizers will adhere to State, Local, and CDC regulations regarding COVID-19 (mask requirements and social distancing). The event organizer will communicate the requirements through signage and event promotional materials. Should the Region move into a new phase or tier the event organizer agrees to adhere to attendance number changes and other applicable regulations.

EVENT LOCATION/PARADE ROUTE:
Main Street from Washington to Monroe and Jefferson from the alley near Park Plaza to the alley before the Ensenberger parking lot and Center from Washington to the alley north of the Illinois House.

TRAFFIC CONTROL ARRANGEMENTS:
Close Main Street from Washington to Monroe, Jefferson from the alley near Park Plaza Garage (between Main and East) to the alley before the Ensenberger parking lot (between Center and Madison), and Center from Washington to the alley.

Post "No Parking" signs on the Thursday prior to the event at 8 p.m. in the 300 block of North Main St in advance of the event.

POLICE: Police Department will begin towing vehicles parked in the area on Saturday at 8 am. All vehicles located within the event boundaries will be towed at the owner's expense by Joe's Towing. Vehicles will be relocated to Joe's holding lot.

PUBLIC WORKS STREETS WILL PROVIDE THE FOLLOWING:

- Install all "No Parking" signs in the 300 block of North Main St on the Thursday prior to each event at 8 p.m.
- Set up road closures with the Farmers' Market.
- Reopen Main from Jefferson to Monroe, Jefferson Street, and Center Street, at 6 a.m. Sunday.
- Open Main from Washington to Jefferson at noon on Sunday.
- A dump truck will be needed for garbage. Place dump truck on the east side of Center Street past Jefferson in the two (2) parking spaces just past the barricades

SPECIAL EVENT PERMIT

PARKS AND RECREATION WILL PROVIDE THE FOLLOWING:
Deliver five (5) trash barrels to the northwest corner of the McLean County Museum of History on the Friday prior to each concert and pick them up on Monday morning.

ECONOMIC DEVELOPMENT DIVISION WILL PROVIDE THE FOLLOWING:
The Economic Development Division will open the requested power boxes prior to the event and close them after the event.

LIQUOR:
Each business who intends to sell/serve liquor outside of their original approved premise must contact the City Clerk Department at (309) 434-2509 ext. 6 to obtain the correct application and information needed. All special events approved for liquor are required to comply with the provisions of Bloomington City Code Chapter 6, Section 133D. If approved, the organizer must obtain the required certificates or permits before the special event.

For special events that do not qualify as a recurring special event, the organizer will be scheduled to appear at a public hearing before the Liquor Commission to provide details to the Commissioners regarding the event. **The organizer must attend this meeting.** The Liquor Commission has the authority to approve, deny, or approve requests with conditions.

ORGANIZER RESPONSIBILITIES:

1. Provide the plans and size specifications of your stage at least 60 days prior to your event to the Economic Development Division.
2. If you use a stage with portable audiovisual rigging, you must provide the City of Bloomington's Economic Development Division a copy of the certification from the Entertainment Technician Certification Program operated by the Entertainment Services and Technology Association for the person(s) doing the work at least one week prior to the first event. Failure to meet this responsibility will result in the revocation of your special event permit.
3. It is the organizer's responsibility to make sure that all sidewalks are open and accessible to the public.
4. Make sure that all cords crossing the public right of way are covered ADA compliant cable control.
5. The organizer must provide a Certificate of Insurance before final approval is granted. This certificate should name the City of Bloomington as an additional insured and have a minimum limit of $1,000,000 for the day and location of the event. The address for the City of Bloomington is P.O. Box 3157, Bloomington, IL 61702.
6. The event organizer is responsible for notifying residents, property owners, and businesses about the event at least thirty days prior to the event. Notice shall be given for an area within a three-block radius of the event, or within five hundred (500) feet in every direction of the event site, whichever is greater. The notice must include the date(s) on which the event organizer will be appearing before the Liquor Commission, or upon which any suspension of the Liquor Code for the event will be considered by the Liquor Commission.
7. Provide clearly identifiable security detail so that adequate controls are in place for alcohol consumption in the concert area.
8. No alcohol shall be allowed to leave the designated event area. Last call will be given at 9:00 pm. Ensure that anyone who purchases alcohol to be consumed inside the event area wears a wrist band. Signage must be placed at the event area boundaries indicating where the consumption area ends.
9. If you are using a tent larger than 10'x10', please apply for a tent permit, https://city-blm.seamlessdocs.com/f/webfencetentapp

SPECIAL EVENT PERMIT

10. The organizer is in charge of all garbage and recycle collection and disposal. Ensure that the streets are returned to the same condition they were in prior to the event.
11. Bring trash bags and empty barrels into dump truck.
12. Make arrangements with the Economic Development Division to gain access to the power boxes on Jefferson and lampposts prior to your event by calling 309-434-2295.
13. Remove porta potties in a reasonable amount of time after the concert series. Porta potties will be located on the sidewalk out of the public right of way and will be required to be locked outside of event hours.
14. Appoint a designated volunteer or staff person to be in charge of ensuring that barricades remain intact. It is the City's recommendation that barricades not be moved. Only the designated volunteer(s) can move the barricades, if necessary. The designated person must meet with Public Works staff prior to the event so that staff can train the volunteer on proper barricade set up. You can make this appointment by calling Colleen Winterland at 309-434-2225. If that volunteer is not available, contact Police, non-emergency 309-820-8888 prior to moving barricades. Keep in mind Staff at this number will not be able to respond instantly. It is the responsibility of the organizer to ensure that nobody removes, changes, or anyway interferes with the setup of barricades, signs, or any other traffic control device set up by City staff, except for the designated volunteer(s). Contact the Police, non-emergency 309-820-8888, to report anyone tampering of such. There is a fine ranging from $250-$500 for illegal moving the barricades or other traffic control devices.
15. The event organizer must post a notice to inform the public and victims of human trafficking of the telephone hotline number of the Human Traffic Resource Center as required by the Human Trafficking Resource Center Notice Act. (775 ILCS 50/1, et seq.) Find helpful models at https://www.dhs.state.il.us/page.aspx?item=82023. The notice must be posted in a conspicuous and accessible place in clear view of the public and employees where similar notices are customarily posted. Failure to do so could result in a $500 fine per violation.
16. Follow the CDC's guidelines on holding events amidst COVID-19. Information can be found on their website at https://www.cdc.gov/coronavirus/2019-ncov/your-health/large-gatherings.html
17. Please review the Illinois Department of Commerce and Economic Opportunity resources for special events, https://dceocovid19resources.com/restore-illinois/restore-illinois-phase-4/meetings-and-social-events/ There are several resources on this site, such as posters and social media graphics you can download.

CANCELLATION POLICY:

If you need to cancel your event, please call the Bloomington Police non-emergency number at 309-820-8888 at least 2 hours prior to your event. They will notify the appropriate department staff. The more advance notice you can provide helps the staff considerably.

FOR OFFICE USE ONLY

DISTRIBUTION LIST	
Tim Gleason, City Manager	Billy Tyus, Deputy City Manager
Amanda Mohan, City Clerk Department	Kevin Kothe, Public Works
Shelly Perry, Connect Transit	Phil Allyn, Traffic Engineer, Public Works
Melissa Hon, Economic & Community Development	Darwin Miles, Public Works
Catherine Dunlap, Economic & Community Development	Craig Shonkwiler, Engineer, Public Works
Hannah Horn, Economic & Community Development	JT Thomas, Public Works
Russ Waller, Facilities	Troy Olson, Public Works

SPECIAL EVENT PERMIT

Chris McAllister, Economic & Community Development	Colleen Winterland, Public Works
Chief Eric West, Fire Department	Brett Lueschen, Water Department
Linda Foutch, McLean County Health Dept.	Asst. Chief Paul Williams, Police Dept.
Bob Moews, Parks, Recreation & Cultural Arts Dept.	Asst. Chief Ken Bays, Police Dept.
Dave Lamb, Parks, Recreation & Cultural Arts Dept.	Katherine Murphy, Communications Director
George Boyle, Legal	

SPECIAL EVENT PERMIT

PRAIRIE STREET CONCERTS
DATE: JUNE 24, JULY 7, 8, 15, AUGUST 12, 19, SEPT. 16 & 23, 2022
TIME: 1:00 PM TO 11:00 PM

Date Prepared: April 26, 2022

SPONSORING ORGANIZATION(S): The Stable/NTL Productions
CONTACT PERSON: Nick LeRoy
PHONE NO.: [redacted]
EMAIL: ntlproductionsinc@gmail.com
APPLICATION RECEIVED: Yes
CERTIFICATE OF INSURANCE RECEIVED:
HOLD HARMLESS: Yes

NATURE OF EVENT: A concert series on Prairie Street from the alley to Front Street with alcohol served and food served. Admission will be charged. The event will run 6 pm to 10:30 pm.

COVID – 19 CONSIDERATIONS:
Event organizers will adhere to State, local, CDC regulations regarding COVID-19 (mask requirements, social distancing) and will limit the number of people attending the event in accordance with the Restore Illinois Plan. The event organizer will communicate the requirements through signage and event promotional materials. Should the Region move into a new phase or tier the event organizer agrees to adhere to attendance number changes.

TRAFFIC CONTROL ARRANGEMENTS: Close Prairie Street from the alley to Front Street.

POLICE: All vehicles located in restricted areas will be towed, starting at 8 am, at the owner's expense by Joe's Towing. Vehicles will be relocated to Joe's holding lot.

PUBLIC WORKS WILL PROVIDE THE FOLLOWING: Crews will post "No Parking on the dates listed above", 1 pm to 11 pm" signs by 36 hours prior to each concert.

LIQUOR:
Each business who intends to sell/serve liquor outside of their original approved premise must contact the City Clerk Department at (309)434-2509 ext. 6 to obtain the correct application and information needed. If applicable, the organizer will be scheduled to appear at a regular Liquor Commission Meeting to provide details to the Commissioners regarding the event. **The organizer must attend this meeting.** If approved at the Liquor Commission, the organizer's item will then continue on to the appropriate City Council Meeting for approval. If approved, the organizer must contact the City Clerk Department to obtain any necessary information or certificates required before serving/selling liquor.

If the only required liquor aspect is Suspending the Ordinance to allow Possession of Open Alcohol on Public Property, the City Clerk Department will place the event on the next applicable Liquor Commission Agenda to be considered. **The organizer must attend this meeting.** If approved at the Liquor Commission, the organizer's item will then continue on to the appropriate City Council

SPECIAL EVENT PERMIT

Meeting for approval. The organizer may call the City Clerk Department at (309)434-2509 ext. 6 on the day following the assigned City Council Meeting to make sure the item was approved. If approved, the organizer must contact the City Clerk Department to obtain any necessary information or certificates required before serving/selling liquor.

AMERICANS WITH DISABILITIES ACT CONSIDERATIONS: The event organizer will provide reasonable accommodations in making their event is accessible to those with disabilities. This includes, but is not limited to ADA compliant bathrooms or porta-potties, access to food and beverage, designated walkways or aisle at least five feet wide, allowing service animals, and have access to or provide designated ADA parking. Please adhere to state ADA guidelines, https://www.illinoisattorneygeneral.gov/rights/disabilityrights.html Here is additional resource to aid event organizers ADA accessible, https://adata.org/guide/planning-guide-making-temporary-events-accessible-people-disabilities

ORGANIZER RESPONSIBILITIES:

Please provide the additional information to the Economic Development Division no less than **60 days** prior to your event. Failure to do so will result in the revocation of this permit.

1. The event organizer is responsible for notifying residents, property owners, and businesses about the event at least thirty days prior to the event. Notice shall be given for an area within a three-block radius of the event, or within five hundred (500) feet in every direction of the event site, whichever is greater. The notice must include the date(s) on which the event organizer will be appearing before the Liquor Commission, or upon which any suspension of the Liquor Code for the event will be considered by the Liquor Commission.
2. Provide exact specs for the stage/stages that will be used for each of these events, if utilizing more than one stage please provide all necessary specs and specified dates of use. If using a stage with portable audiovisual rigging, the event organizer must provide the City of Bloomington's Economic Development Division a copy of the certification from the Entertainment Technician Certification Program operated by the Entertainment Services and Technology Association for the person(s) doing the work. Failure to meet this responsibility will result in the revocation of your special event permit. This certification must be received no later than one week prior to the event
3. Please provide a breakdown of anticipated attendance per day of the event. This breakdown should identify the number of Spectators vs. Staff. If this is a new event, an estimation on attendance based on ticket presales is acceptable.
4. Provide at least one additional exit of at minimum 5 feet in width located opposite from the other entrance/exit. Additional exits may be needed after the final site map is received and the event goes in front of the Liquor Commission.
5. Crowds of this size should have easily identifiable on-site staff trained to monitor and provide instruction to participants in the event of an emergency, which our adopted Fire Code refers to as "Crowd Managers." Information about Outdoor Assembly Events and the type of instruction and duties of crowd managers are located in Sections 3106 and 403.12.3.2 of the 2018 International Fire Code. Links for those sections are below. Those sections contain information that would apply to many types of events, but it is

recommended that they be reviewed by the applicant so that they may address concerns that may apply to this event.

6. The organizer must provide a Certificate of Insurance before final approval is granted. This certificate should name the City of Bloomington as an additional insured and have minimum limits of $1,000,000 for the day and location of the event. The address for the City of Bloomington is P.O. Box 3157, Bloomington, IL 61702.

Additional organizer responsibilities:

a. Provide and install fencing around the event area.
b. Set up "No Parking" signs at the Prairie and Gidley entrances to the private parking lot at Washington and Prairie. These signs can be picked up from the Economic Development Division at least 5 prior to the event and must be returned within 5 days after the event.
c. Make sure that all cords crossing the public right of way are covered ADA compliant cable control.
d. It is the organizer's responsibility to make sure that all sidewalks are open and accessible to the public.
e. The organizer is in charge of all garbage and recycle collection and disposal.
f. No alcohol shall be allowed to leave the designated event area. Last call will be given at 10:00 pm. Ensure that anyone who purchases alcohol to be consumed inside the event area wears a wrist band.
g. Provide clearly identifiable security detail so that adequate controls are in place for alcohol consumption in the concert area. Signage must be placed at the event area boundaries indicating where the consumption area ends.
h. Please review the Illinois Department of Commerce and Economic Opportunity resources for special events, https://coronavirus.illinois.gov/s/bridge-phase?utm_source=google&utm_medium=cpc&utm_campaign=IllinoisGovernorsOffice-CovidResponse&utm_content=DSA&gclid=Cj0KCQjws-OEBhCkARIsAPhOkIaCMUlQL0-N8bUbAKGCF2-plgl29tx8ryDW5-z45N_XitdnPSSKR5gaAqimEALw_wcB There are several resources on this site, such as posters and social media graphics you can download.
i. Appoint a designated volunteer or staff person to be in charge of ensuring that barricades remain intact. It is the City's recommendation that barricades not be moved. Only the designated volunteer(s) can move the barricades, if necessary. The designated person must meet with Public Works staff prior to the event so that staff can train the volunteer on proper barricade set up. You can make this appointment by calling Colleen Winterland at 309-434-2225. If that volunteer is not available, contact Police, non-emergency 309-820-8888 prior to moving barricades. Keep in mind Staff at this number will not be able to respond instantly. It is the responsibility of the organizer to ensure that nobody removes, changes, or anyway interferes with the setup of barricades, signs, or any other traffic control device set up by City staff, except for the designated volunteer(s). Contact the Police, non-emergency 309-820-8888, to report anyone tampering of such. There is a fine ranging from $250-$500 for illegal moving the barricades or other traffic control devices.
j. Ensure all food vendors are registered with the McLean County Health Department

SPECIAL EVENT PERMIT

CANCELLATION POLICY: If you need to cancel your event, please call the Bloomington Police non-emergency number at 309-820-8888 at least 2 hours prior to your event. They will notify the appropriate department staff. The more advance notice you can provide helps the staff considerably.

FOR OFFICE USE ONLY

Notes: _____

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Dave Lamb, Parks, Recreation & Cultural Arts Dept.	Asst. Chief Paul Williams, Police Dept.
George Boyle, Legal	

CONSENT AGENDA ITEM NO. 7.E

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 6 in Block 4 in Camp Kickapoo, with the petitioner, Michael A. Mavec & Stacy Michele Mavec, Trustee of the Michael Mavec Trust & Stacy Mavec Trust, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Lot Lease, Supplemental Agreement, and Petition 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: Public Works is recommending the approval of a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 6 in Block 4 in Camp Kickapoo, with the petitioner, Michael A. Mavec & Stacy Michele Mavec, Trustee of the Michael Mavec Trust & Stacy Mavec Trust. Lot 6 in Block 4 has a residence, a septic system, and a boat dock.

A licensed inspector, Rob Sylvester, inspected the septic system on April 30, 2022. The McLean County Health Department sent a letter on May 13, 2022 with a list of required repairs. The new lessees have signed a supplemental agreement stating that all repairs must be completed prior to occupancy. Additional information is available in the Septic Information and Supplemental Agreement attachments.

There is currently a boat dock on the subject lot, as shown in the attached photo. Pursuant to Ordinance 2018-87, passed by the City Council on October 8, 2018, boat docks are allowed on leased lots with a residence and a valid lease with the City of Bloomington, so long as the lessee obtains a permit.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula of $0.40 per $100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of $0.40 per $100.00 Equalized Assessed Value, this lease will generate approximately $416.90 per year in lease income and $155.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2023 Budget Book titled "Other Funds & Capital

Improvements" on page 132.

<u>COMMUNITY DEVELOPMENT IMPACT</u>: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: 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 current and future residents.

Respectfully submitted for consideration.

Prepared by: Joe Darter, Property Manager

ATTACHMENTS:
PW 1B Current Lease_Mavec Lake Lease 07252022
PW 1C Property Manager Memo_Mavec Lake Lease 07252022
PW 1D Petition_Mavec Lake Lease 07252022
PW 1E Septic Information_Mavec Lake Lease 07252022
PW 1F Agreement_Mavec Lake Lease 07252022
PW 1G Supplemental Agreement_Mavec Lake Lease 07252022
PW 1H Location Map_Mavec Lake Lease 07252022
PW 1I Unrecorded Plat Map_Mavec Lake Lease 07252022
PW 1J Structure Map_Mavec Lake Lease 07252022
PW 1K Photograph_Mavec Lake Lease 07252022

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 14th day of March, ~~19~~ 2011 between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called "City," and Mike and Stacy Mavec (**if more than one Lessee, cross out 2 of the following that do not apply**) (as joint tenants) (as ~~tenants in common~~) (~~as tenants by the entirety~~) of Bloomington, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

Lot 6 in Block 4 in Camp Kickapoo, according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois. PIN # (22) 08 06 376 005

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (**cross out the one that does not apply**) (on the date of this Lease) (on January 1 following the date of this Lease) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

~~1) If this Lease is executed prior to January 1, 1998, rent shall be charged at~~ the rate of 15¢ ($.15) per $100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of McLean County, Illinois. Said rate will remain in effect upon assignment of this Least to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee ~~or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee~~

~~who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease~~.

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ ($.15) per $100 EAV, the rent shall be charged at the rate of 40¢ ($.40) per $100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

~~3) If the Lessee is not eligible for the 15¢ ($.15) or 40¢ ($.40) per $100 EAV rental rate, the rent shall be charged at the rate of _____¢ ($.____) per $100 EAV.~~

SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.

5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. Lessee shall erect only one principal structure on the property included in this lease. Any other improvements erected on said property shall be for use in conjunction with the principal structure. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any

improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.

9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. No such assignment, transfer rental or sublease may be made as to Lessee's interest in any of the lots conveyed by this lease except if made in conjunction with an assignment, transfer, rental or sublease of Lessee's interest in all of the lots. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.

10. RULES & REGULATIONS.Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake

Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.

13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely be cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.

14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

~~15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or~~ damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be ~~deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that~~

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

Michael A & Stacy M Mavec
[redacted]

Lessee Billing Address

Michael A + Stacy M Mavec
[redacted]

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

CITY OF BLOOMINGTON

By: _____
Its Mayor

Attest:

_____
City Clerk

-Lessee-

[redacted]

[redacted]

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

MEMORANDUM

June 28, 2022

To: Kevin Kothe, PE, Director of Public Works

From: Joseph M. Darter, Property Manager

Subject: Lot 6, Block 4 in Camp Kickapoo Lake Lot Transfer

A Petition and Lake Lease Transfer request has been submitted for Lot 6 in Block 4 in Camp Kickapoo, from Michael A. Mavec and Stacy M. Mavec to the petitioner, Michael A. Mavec & Stacy Michele Mavec, Trustee of the Michael Mavec Trust and Stacy Mavec Trust.

EAV for this property is $104,226. The Lake Lease uses the current lake lease rate of $0.40 per $100.00 of EAV.

This petition will have a neutral financial impact in that the current lease uses the current formula of $0.40 per $100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of $0.40 per $100.00 Equalized Assessed Value, this lease will generate approximately $416.90 per year in lease income and $155.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY2023 Budget Book titled "Other Funds & Capital Improvements" on page 132.

Please feel free to contact me directly should you have any questions.

Sincerely,

Joseph M. Darter
City of Bloomington | Property Manager
Public Works Department | Water Division
25515 Waterside Way | Hudson, IL 61748
Office: (309) 434-2431 | Cell: (309) 275-8087
Fax: (309) 434-2159 | Email:jdarter@cityblm.org

LAKE BLOOMINGTON LEASE TRANSFER PETITION

That the purchase price and rentals having been paid to the City of Bloomington for:
Lot 6 Block 4 of Camp KICKAPOO
I respectfully petition the City Council of the City of Bloomington, Illinois to approve the transfer of the Lease on the above property:
From: MICHAEL A. MAVEC & STACY M. MAVEC (Sellers Name)
To: MICHAEL A. MAVEC & STACY MICHELE MAVEC, TRUSTEE OF THE MICHAEL MAVEC TRUST & STACY MAVEC TRUST (Buyers Name)

[redacted]
(Signatures of Seller)

****

To the Honorable Mayor and City Council of the City of Bloomington, Illinois:
Now comes MICHAEL A. MAVEC & STACY MICHELE MAVEC, TRUSTEE OF THE MICHAEL MAVEC TRUST & STACY MAVEC TRUST (Buyer) and respectfully shows that ~~He/She~~/They became the purchaser of all right, title and interest of MICHAEL A. MAVEC & STACY M. MAVEC (Seller) In and to the Lease made on the (Date) 03/29/2011 upon the above property, all located in McLean County, Illinois, together with all the improvements, buildings and appurtenances thereon situated and thereunto belonging, and that the said (Seller) MICHAEL A. MAVEC & STACY M. MAVEC has executed deed of transfer of their interest in said premises and an assignment of the Leases therefore your petitioner.

Petitioner further shows that in and by the terms of said Leases it was provided that the Lessee shall not sell, assign or transfer said premises without the written consent of the Lessor.

Petitioner therefore prays that the written consent to said transfer may be forthwith provided by the said Lessor, the City of Bloomington, Illinois and your petitioner has submitted herewith a form of said written consent.

[redacted] submitted,
TRUSTEE
Trustee
(Signature of Buyer(s))

****

WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON LOT 6
BLOCK 4 CAMP KICKAPOO, OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title and interest of (seller) MICHAEL A. MAVEC & STACY M. MAVEC in and to the premises known as Lot 6 Block 4 in Camp KICKAPOO, McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

Said consent to said assignment and transfer however, is with the express understanding that the said Lessor retains all right in said leases provided, and particularly its right to the payment of any unpaid rental thereon with all legal remedies incidental thereto.

Executed this _____ day of _____, _____.

_____
, Mayor

McLean County
Health Department
Partners in Prevention

McLean County Health Department
200 West Front Street, Room 304
Bloomington, IL 61701

May 13, 2022

Mr. Mike Mavec
[redacted]

Re: Septic Permit #93-8796
Parcel #08-06-376-005
Lot 173, Lake Bloomington – Kickapoo Subdivision

Dear Mr. Mavec:

On May 3, 2022, this department received a septic system evaluation report from Mr. Rob Williamson, a McLean County licensed private sewage system installer, regarding the above-referenced property. The septic system evaluation was performed on April 30, 2022, and the following deficiency was noted:

- The alarm for the pump system is not operating properly. This must be repaired or replaced. **The alarm is working properly according to updated information provided by Mr. Williamson May 13, 2022.**

As the current owner of a surface discharging septic system (sand filter, aerobic treatment unit, etc.), this office is informing you of State-wide changes in regulations regarding the operation and ownership of such discharging septic systems. They include the following:

1. As of February 10, 2014, any proposed new or replacement surface discharging system must have coverage under a National Pollutant Discharge Elimination System (NPDES) permit prior to installation. For more information, please visit our website at https://health.mcleancountyil.gov/

2. Routine sampling of the effluent discharged from the system and the reporting of the laboratory results to a regulatory agency or agencies.

3. The cost of effluent sampling and any additional treatment components needed to keep the system compliant with permit requirements will be the responsibility of the owner of the system.

4. The Illinois Department of Public Health (IDPH) now requires additional operation and maintenance for on-site wastewater treatment systems repaired or installed after January 1, 2014.

5. Future regulations may be implemented by the Illinois Environmental Protection Agency (IEPA) and/or the IDPH for systems constructed prior to February 10, 2014.

Chlorine tablets made for use in the chlorinator are available through the following companies:

Bradford Supply 2000 South Bunn St Bloomington, IL 61704 Phone: (309) 828-8313	Shoemaker Farm Drainage 202 W Pine Street LeRoy, IL 61752 Phone: (309) 962-3108	Zeschke Septic Cleaning 2408 Greyhound Road Bloomington, IL 61704 Phone: (309) 808-2776

In summary, the septic system was installed in 1993 and are now approximately 29 years old. This office considers the average life expectancy of a septic system to be 20 to 25 years. The property has been vacant and has been used seasonally and may evaluate differently under normal use conditions.

For information on routine operation and maintenance of your septic system, please visit our website at https://health.mcleancountyil.gov/

If you have any questions, please contact Mr. Alan Leger, of this department, at (309)888-5482.

Respectfully,

Thomas J. Anderson
Director of Environmental Health

cc: Mr. Rob Williamson, Williamson Excavating, LLC
Mr. Joe Darter, Water Department Property Manager

TJA:AC:hm

AC-0601-22-051a

EVALUATION REPORT FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM

For Office Use Only
Log #: _____
Date Received: _____

This form is to be used for all inspections or evaluations of existing septic systems in McLean County. It is essential that the inspection be as complete as possible to determine the condition of the entire system. This includes interviewing the person who resides at or uses the building the septic system serves. Please complete all sections of the form that apply to the septic system you are evaluating. The tank must be uncovered with the baffles, liquid and sludge depths checked. At a minimum, the field must be probed to determine if there is water standing in the trenches. Upon probing, if it is determined there is water standing in the trenches, the Health Department highly recommends a minimum of two locations in the trenches be exposed to determine the condition of the rock and pipe. Any sign the system is failing or has not functioned properly, must be thoroughly documented on this report. Place all comments in the comment section on the last page.

This evaluation is NOT FINAL until the McLean County Health Department has reviewed the information in this evaluation and issued a letter regarding the information to the parties listed in the evaluation.

1. Current Owner Information:

Name: *Mike Mavec*
Address: [redacted]
Phone #: Day [redacted] Home - -

2. Requestor Informtion:

Name: *same*
Address: _____
Phone #: Day - - Home - -

3. Property Information:

Parcel Number (Tax ID): ( ) *08-06-376-005*
Date Evaluation Performed: *04-30-22*
Address of property evaluated: [redacted]
Sub. & Lot: *Lake Blm K-173*
Permit available from Health Dept.: Yes ☒ No ☐
Permit #: *93-8796*

4. Interview Information:

Person interviewed: *Mike Mavec*
Original owner: Yes ☐ No ☒
Age of home (years): *+50*
Intended for seasonal use: Yes ☒ No ☐
Date last occupied: *vacant*
Number of occupants: _____
Has tank ever been pumped: Yes ☐ No ☐
If yes, how often: _____

5. Interior Evaluation:

Number of bedrooms: *2*
Garbage disposal: Yes ☐ No ☒
Toilet tanks and other fixtures have evidence of leakage or overflow: Yes ☐ No ☒
Water softener discharges to: *n/a*
Clothes washer discharges to: *septic*
Dishwasher discharges to: *septic*
Hot tub discharges to: *n/a*

Basement plumbing fixtures:
a. *n/a*
b. _____
c. _____
d. _____

Discharge locations:
a. _____
b. _____
c. _____
d. _____

Basement floor drains discharge to: *n/a*
Garage floor drains discharge to: *n/a*
Sump pit/pump discharges to: *n/a*
Downspouts discharge to: *ground surface*

6. Exterior Evaluation Points:

A. SEPTIC TANK(s) -- This Section N/A ☐

All tanks must not be pumped before the inspection, but should be pumped after the inspection, if needed.

Tank One: N/A ☐	Yes	No	Tank Two: N/A ☒	Yes	No
Depth of soil to top of tank: *19* inches			Depth of soil to top of tank: inches		
Tank has access within 12" of ground surface	☒	☐	Tank has access within 12" of ground surface	☐	☐
Size: *1000* gallons Type:			Size: gallons Type:		
Meets current code:	☒	☐	Meets current code:	☐	☐
Tank lids in good condition:	☒	☐	Tank lids in good condition:	☐	☐
Inlet baffle in good condition:	☒	☐	Inlet baffle in good condition:	☐	☐
Evidence of solids on inlet baffle:	☐	☒	Evidence of solids on inlet baffle:	☐	☐
Outlet baffle in good condition:	☒	☐	Outlet baffle in good condition:	☐	☐
Evidence of solids on outlet baffle:	☐	☒	Evidence of solids on outlet baffle:	☐	☐
Water standing in outlet:	☐	☒	Water standing in outlet:	☐	☐
Water level below outlet:	☐	☒	Water level below outlet:	☐	☐
Tank needs to be pumped:	☐	☒	Tank needs to be pumped:	☐	☐
Outlet device/filter on tank:	☐	☒	Outlet device/filter on tank:	☐	☐
Type:			Type:		
Back flow into tank from system after pumping: Yes ☐ No ☐ N/A ☐			Back flow into tank from system after pumping: Yes ☐ No ☐ N/A ☐		

B. SEEPAGE FIELD -- This Section N/A ☒

Depth to top of field: inches to inches

Square feet of field: square feet

	Yes	No
Meets current code sizing requirements:	☐	☐
Seepage standing on ground surface:	☐	☐
Lush vegetation or saturated soil on or near seepage field area:	☐	☐
Evidence that water has ponded over seepage field or the soil is saturated:	☐	☐
Solids or "carry over" material present in the rock or bedding material:	☐	☐

Depth of water in trench : inches

C. SERIAL DISTRIBUTION/STEP-DOWN -- This Section N/A ☒

	Yes	No
Are the serial distribution relief or "step-down" pipes in compliance with Section 905.60 (d) of the code?	☐	☐

D. SEEPAGE BED -- This Section N/A ☒

Depth to top of bed: inches to inches

Square feet of bed: square feet

	Yes	No
Meets current code sizing requirements:	☐	☐
Seepage standing on ground surface:	☐	☐
Lush vegetation or saturated soil on or near seepage bed area:	☐	☐
Evidence water has ponded over seepage bed or is soil saturated:	☐	☐
Solids or "carry over" material present in the rock or bedding material:	☐	☐

Depth of water in bed : inches

E. SAND FILTER -- This Section N/A ☐

Minimum soil cover depth to top of sand filter: *22* inches

Square feet of sand filter: *420* square feet

	Yes	No
Is water standing in the distribution pipes or in the rock that surrounds the pipe:	☐	☒
Meets current code sizing requirements:	☒	☐
Seepage standing on ground surface over filter:	☐	☒
Lush vegetation on or near sand filter:	☐	☒
Evidence if water has ponded over sand filter:	☐	☒
Sand filter vented as required:	☒	☐
Vent in good repair:	☒	☐
Chlorinator with screw on cap present:	☒	☐
Chlorinator tube with corrosion resistant handle present:	☒	☐
Evidence of chlorination:	☒	☐
Evidence of restricted flow in chlorinator:	☐	☒
Sample port with screw on cap present:	☒	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.)*: *50 ft rock trench*

F. PUMP OR LIFT STATION -- This Section N/A ☐

	Yes	No
Pump chamber an approved design:	☒	☐
Chamber volume 1.5 times the daily flow:	☐	☒
Is there a dual pump:	☒	☐
Alarm present:	☒	☐
Alarm location: *side of deck*		
Alarm properly working with audio and visual functions:	☒	☐

G. AEROBIC UNIT -- This Section N/A ☒

Manufacturer: _____ Model number: _____

Size of unit: _____ gallons

	Yes	No
Pump running at time of inspection:	☐	☐
Current maintenance contract in place:	☐	☐
Who is maintenance contract with: _____		
Alarm present:	☐	☐
Alarm location: _____		
Alarm properly working with audio and visual functions:	☐	☐

Unit discharges to: Seepage field ☐ Seepage bed ☐ Sand filter ☐ Other: _____

If other, what method of chlorination is used: _____

Chlorinator with screw on cap present:	☐	☐
Chlorinator tube with corrosion resistant handle present:	☐	☐
Evidence of chlorination:	☐	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.)*: _____

Include all distances as described below.

NOTE: Be sure to attach drawing to this report.

The following distances must be verified to ensure all the information is correct and available in the future.		
***Well or cistern to: N/A ☐**	***Geothermal unit to: N/A ☐**	***Building to:**
Septic tank: ___ feet	Septic tank: ___ feet	Septic tank: ___ feet
Seepage system: ___ feet	Seepage system: ___ feet	Seepage system: ___ feet
Sand filter: ___ feet	Sand filter: ___ feet	Sand filter: ___ feet
Effluent tile: ___ feet	Effluent tile: ___ feet	Effluent tile: ___ feet
Effluent discharge: ___ feet	Effluent discharge: ___ feet	Effluent discharge: ___ feet
Geothermal unit: ___ feet	Aerobic unit: ___ feet	Geothermal unit: ___ feet
Aerobic unit: feet		Aerobic unit: feet
***Water line to:**	***Body of water to: N/A ☐**	
Septic tank: ___ feet	Septic tank: ___ feet	
Seepage system: ___ feet	Seepage system: ___ feet	
Sand fitler: ___ feet	Sand filter: ___ feet	
Effluent tile: ___ Feet	Effluent tile: ___ feet	
Effluent discharge: ___ feet	Effluent discharge: ___ feet	
Aerobic unit: feet	Aerobic unit: feet	

Comments:

This section is to include any maintenance (pumping) repairs or problems in the history of the septic system. Write any observations and/or conclusions made by probing or excavating the seepage field or sand filter. A serial distribution system must include the condition of each level of field or trench.
The septic tank does not need to be pumped at this time but it should be checked regularly and pumped as needed in the future. This septic system does appear to be functioning at this time. The house is vacant so the septic system could evaluate differently under normal water usage. The average life of a septic system is about 25 years. This septic system is 29 years old.

This is the condition I found the septic system on this day. This evaluation is not and should not be considered a guarantee nor does it imply warranty of how the sewage disposal system may function at any time in the future.

Rob Williamson
Inspector's Name (print)

Signature

05-02-22
Date

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the _____ day of _____, 2022 _____ between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and MICHAEL A. MAVEC & STACY MICHELE MAVEC, TRUSTEE OF THE MICHAEL MAVEC TRUST & STACY MAVEC TRUST **(if more than one Lessee, cross out 2 of the following that do not apply)** (as joint tenants) (~~as tenants in common~~) (~~as tenants by the entirety~~) of , BLOOMINGTON, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

   Lot 6 in Block 4 in Camp KICKAPOO according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois. PIN: 08-06-376-005

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (**cross out the one that does not apply**) (on the date of this Lease) (~~on January 1 following the date of this Lease~~) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

   LESSEE'S NOTICE: This lease form, including the rental rate, is currently under review by the City of Bloomington City Council (see City Code: Chapter 23, Section 58). Once City staff has completed the updates to the lease form, it will be provided to you and will thereafter be subject to City Council approval. Note for leases with an end date, prior to this transfer, of January 1, 2032 or earlier, the updated lease form is likely to include a change in the rental rate of this transfer and therefore, the rate change will also be applied to this lease effective January 1, 2032 to December 31, 2131.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

   ~~1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ ($.15) per $100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of~~

~~McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.~~

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ ($.15) per $100 EAV, the rent shall be charged at the rate of 40¢ ($.40) per $100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

~~3) If the Lessee is not eligible for the 15¢ ($.15) or 40¢ (.40) per $100 EAV rental rate, the rent shall be charged at the rate of _____¢ ($._____) per $100 EAV.~~

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the. United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.

5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the. City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.

9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.

10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.

13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.

14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any

improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

MICHAEL A. MAVEC & STACY MICHELE MAVEC
TRUSTEE OF THE MICHAEL MAVEC TRUST & STACY MAVEC TRUST
[redacted]

Lessee Billing Address

MICHAEL A. MAVEC & STACY MICHELE MAVEC
TRUSTEE OF THE MICHAEL MAVEC TRUST & STACY MAVEC TRUST
[redacted]

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

CITY OF BLOOMINGTON

By: _____
Its Mayor

Attest:

_____
City Clerk

-Lessee-

[redacted] Trustee

Trustee

_____

CITY OF Bloomington ILLINOIS
PUBLIC WORKS DEPARTMENT

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

SUPPLEMENTAL LEASE AGREEMENT

This Agreement is entered into by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation, (hereinafter, "Lessor") and Michael A. Mavec and Stacy Michele Mavec, Trustee of the Michael Mavec and Stacy Mavec Trust, (hereinafter, "Lessees") and is intended by the parties to be incorporated into and made a part of the lake lot lease between the parties for Lot 6 in Block 4 in Camp Kickapoo and enforceable under the terms of said lease.

WHEREAS, on May 3, 2022, the McLean County Health Department received a septic system evaluation regarding the above-mentioned property, attached hereto and labeled Exhibit A, noting a deficiency in the septic system; and,

WHEREAS, in consideration for the City of Bloomington entering into a lease agreement with lessees, lessees agree to perform the actions set forth in this agreement.

Now, therefore, the parties agree as follows:

1. Current Septic System Condition
    a. The alarm for the pump system is not operating properly. This must be repaired of replaced. The alarm is working properly according to updated information provided by Mr. Williamson on May 13, 2022.

2. Lessees shall maintain chlorine in the chlorinator at all times.

3. If the existing system fails or needs to be replaced, lessees shall install within 90 days, a new septic system upon the leased premises that meets all codes and regulations of all government agencies with jurisdiction over the premises.

4. Prior to any construction or demolition activity upon the premises including, included but not limited to, residential construction, septic system installation or maintenance, all adversely affected trees must be assessed according to the City of Bloomington tree assessment policy and payment made to the City for the assessed value of the affected trees. A copy of the City of Bloomington tree assessment policy has been provided to the lessees.

5. Any construction project occurring on the premises must comply with all codes and regulations of all governmental agencies having jurisdiction over the premises in effect at the time of construction.

6. Septic tank(s) are to be pumped no later than July 25, 2025, and once every three years following. Proof of pumping shall be submitted to the City of Bloomington.

7. Septic system shall be evaluated by a McLean County Health Department approved septic evaluator no later than July 25, 2025, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.

8. This supplemental lease agreement shall be enforceable under the terms of the lease it supplements in the same manner and to the same extent as if fully set forth in the terms of the lease. Failure to comply with the terms of this agreement will be construed as a failure to comply with the terms of the lease and may be considered a breach of said lease.

CITY OF Bloomington ILLINOIS
PUBLIC WORKS DEPARTMENT

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

LESSOR:

City of Bloomington,
a Municipal Corporation

By:_____
Mboka Mwilambwe, Mayor

ATTEST:_____
Leslie Smith-Yocum, City Clerk

LESSEES:

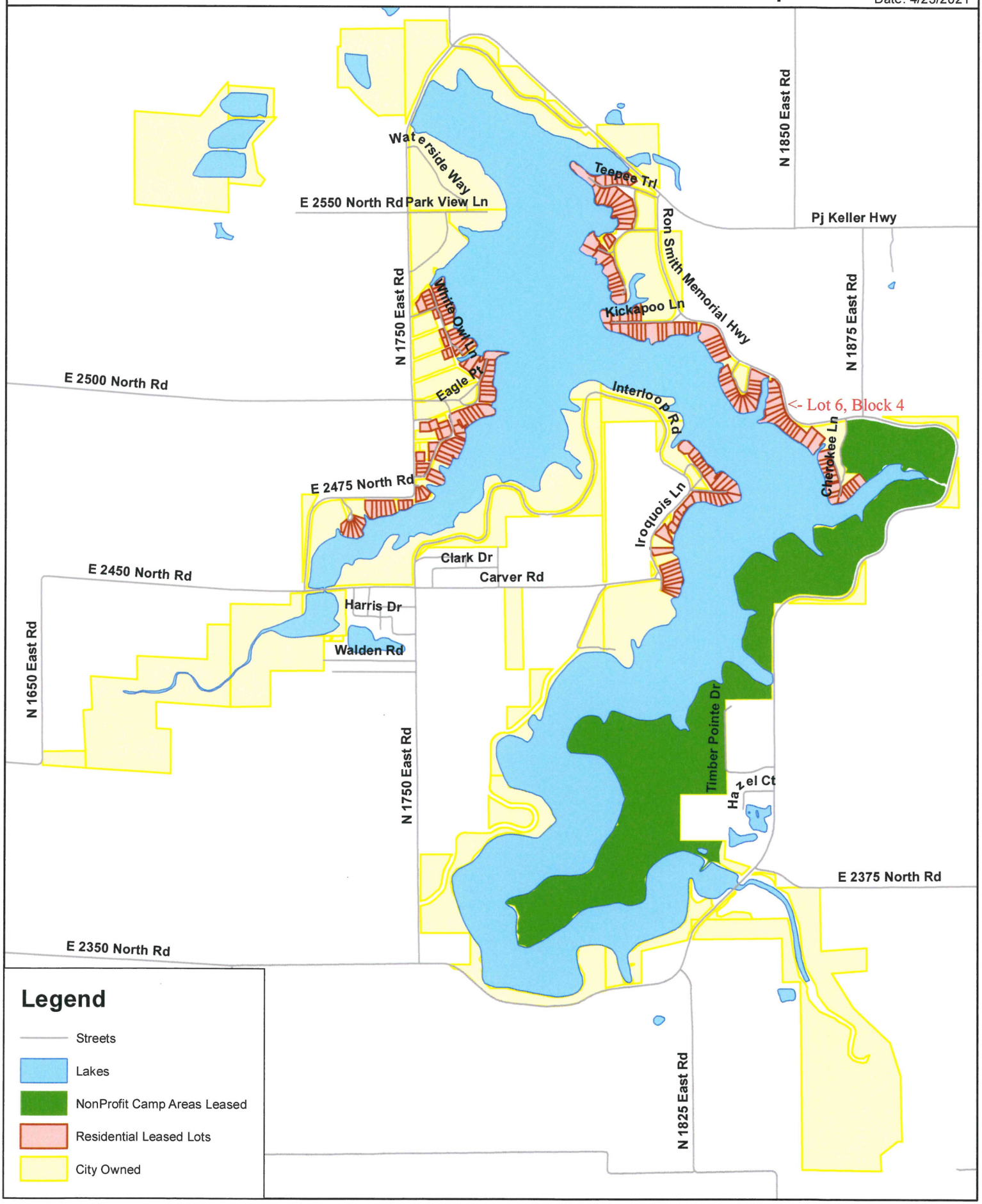
[redacted]
Michael A. Mavec
Trustee of the Michael Mavec Trust and Stacy Mavec Trust

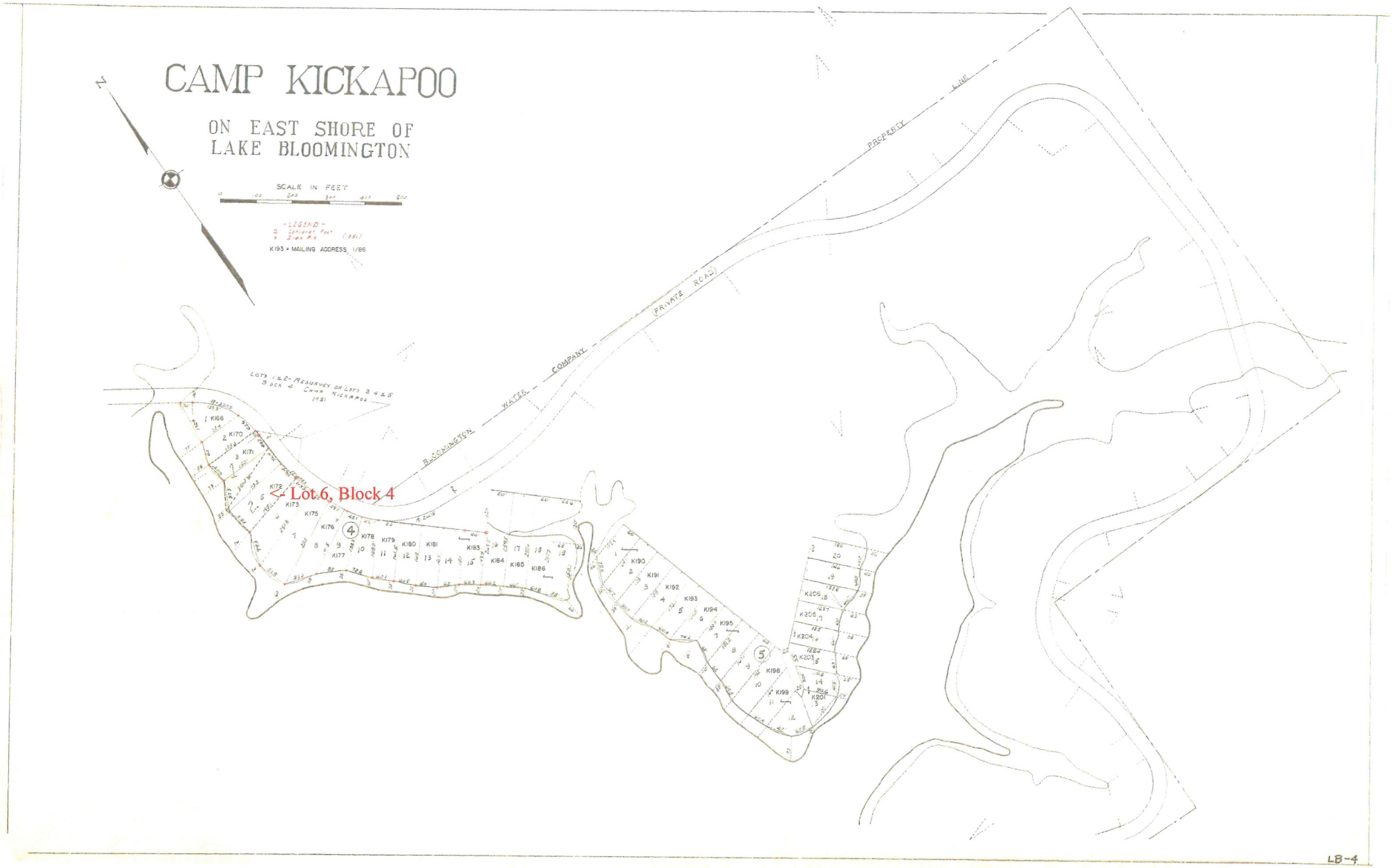
[redacted]
Stacy Michele Mavec
Trustee of the Michael Mavec Trust and Stacy Mavec Trust

City of Bloomington ILLINOIS
Public Works Department

Lake Bloomington Lease Map

0 1,000 2,000
Feet
Date: 4/23/2021




CAMP KICKAPOO
ON EAST SHORE OF
LAKE BLOOMINGTON
SCALE IN FEET
K193 = MAILING ADDRESS 1/86
PROPERTY LINE
(PRIVATE ROAD)
BLOOMINGTON WATER COMPANY
Lots 1 & 2 - Resurvey of Lots 3 4 & 5
Block 4 Camp Kickapoo
1951
< Lot 6, Block 4
LB-4

6/28/2022

Lot 6 in Block 4 in Camp Kickapoo

N
W E
S

McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.

0 0.01 0.02
mi

1 inch = 47 feet

McGIS

Aqua Patio

CONSENT AGENDA ITEM NO. 7.F

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 13 in Block 3 in Camp Kickapoo, with the petitioners, Thomas and Susan DeWeert, as requested by the Public Works Department.

RECOMMENDED MOTION: The proposed Lot Lease, Supplemental Agreement, and Petition 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: Public Works is recommending the approval of a Lake Bloomington Lot Lease, Supplemental Agreement, and Petition for Lot 13 in Block 3 in Camp Kickapoo, with the petitioners, Thomas and Susan DeWeert. Lot 13 in Block 3 has a residence, a septic system, and a boat dock.

A licensed inspector, Rob Sylvester, inspected the septic system on June 15, 2022. The McLean County Health Department sent a letter on June 21, 2022 with a list of required repairs. The new lessees have signed a supplemental agreement stating that all repairs must be completed prior to occupancy. Additional information is available in the Septic Information and Supplemental Agreement attachments.

There is currently a boat dock on the subject lot, as shown in the attached photo. Pursuant to Ordinance 2018-87, passed by the City Council on October 8, 2018, boat docks are allowed on leased lots with a residence and a valid lease with the City of Bloomington, so long as the lessee obtains a permit.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: This petition will have a neutral financial impact in that the current lease uses the current formula of $0.40 per $100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of $0.40 per $100.00 Equalized Assessed Value, this lease will generate approximately $461.41 per year in lease income and $155.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY 2023 Budget Book titled “Other Funds & Capital Improvements” on page 132.

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: 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 current and future residents.

Respectfully submitted for consideration.

Prepared by: Joe Darter, Property Manager

ATTACHMENTS:
PW 2B Current Lease_DeWeert Lake Lease 07252022
PW 2C Property Manager Memo_DeWeert Lake Lease 07252022
PW 2D Petition_DeWeert Lake Lease 07252022
PW 2E Septic Information_DeWeert Lake Lease 07252022
PW 2F Agreement_DeWeert Lake Lease 07252022
PW 2G Supplemental Agreement_DeWeert Lake Lot Transfer 07252022
PW 2H Location Map_DeWeert Lake Lease 07252022
PW 2I Unrecorded Plat Map_DeWeert Lake Lease 07252022
PW 2J Structure Map_DeWeert Lake Lease 07252022
PW 2K Photograph_DeWeert Lake Lease 07252022

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the 23rd day of August, 2016 between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and Carol A Scholl Living Trust

(if more than one Lessee, cross out 2 of the following that do not apply) (as joint tenants) (as tenants in common) (as tenants by the entirety) of , Peoria, County of ~~McLean~~, State of Illinois, hereinafter called "Lessee," Peoria

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

   Lot 13 in Block 3 in Camp Kickapoo according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois. Pin 08-06-353-012

2. TERM OF LEASE. The term of this Lease shall be for a term commencing **(cross out the one that does not apply)** (on the date of this Lease) (on January 1 following the date of this Lease) and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

   LESSEE'S NOTICE: This lease form, including the rental rate, is currently under review by the City of Bloomington City Council (see City Code: Chapter 23, Section 58). Once City staff has completed the updates to the lease form, it will be provided to you and will thereafter be subject to City Council approval. Note for leases with an end date, prior to this transfer, of January 1, 2032 or earlier, the updated lease form is likely to include a change in the rental rate of this transfer and therefore, the rate change will also be applied to this lease effective January 1, 2032 to December 31, 2131.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

   1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ ($.15) per $100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of

McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ ($.15) per $100 EAV, the rent shall be charged at the rate of 40¢ ($.40) per $100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

3) If the Lessee is not eligible for the 15¢ ($.15) or 40¢ ($.40) per $100 EAV rental rate, the rent shall be charged at the rate of _____¢ ($._____) per $100 EAV.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the. United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.

5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the. City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.

9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.

10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.

13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.

14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

Carol A. Scholl Living Trust
Carol A Scholl Trustee
[redacted]

Lessee Billing Address

Carol A. Scholl
[redacted]

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

CITY OF BLOOMINGTON

By: _____
Tari Renner, Mayor

Attest:

_____
Cherry Lawson, City Clerk

-Lessee-

[redacted]

_____

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

MEMORANDUM

July 7, 2022

To: Kevin Kothe, PE, Director of Public Works

From: Joseph M. Darter, Property Manager

Subject: Lot 13, Block 3 in Camp Kickapoo Lake Lot Transfer

A Petition and Lake Lease Transfer request has been submitted for Lot 13 in Block 3 in Camp Kickapoo, from Carol A. Scholl Living Trust to the petitioners, Thomas and Susan DeWeert.

EAV for this property is $116,602. The Lake Lease uses the current lake lease rate of $0.40 per $100.00 of EAV.

This petition will have a neutral financial impact in that the current lease uses the current formula of $0.40 per $100.00 Equalized Assessed Value to determining the Lake Lease Fee. With the current lease rate formula of $0.40 per $100.00 Equalized Assessed Value, this lease will generate approximately $461.41 per year in lease income and $155.28 for lot garbage pickup. Lease revenue is posted into the Lake Maintenance Lease Income account (50100140-57590). The Garbage Collection fee is recorded in Lake Maintenance – Other Charges for Services account (50100140-54990). Stakeholders can locate this in the FY2023 Budget Book titled "Other Funds & Capital Improvements" on page 132.

Please feel free to contact me directly should you have any questions.

Sincerely,

Joseph M. Darter
City of Bloomington | Property Manager
Public Works Department | Water Division
25515 Waterside Way | Hudson, IL 61748
Office: (309) 434-2431 | Cell: (309) 275-8087
Fax: (309) 434-2159 | Email:jdarter@cityblm.org

CITY OF Bloomington ILLINOIS

Lake Bloomington Lease Transfer Petition

That the purchase price and rentals having been paid to the City of Bloomington for:

LOT: 13 BLOCK 3 of Camp KicKapoo

I respectfully petition the City Council of the City of Bloomington, Illinois to approve the transfer the Lease on the above property;

From: (please print) Carol A. Scholl Living Trust (Seller Name)

To: (please print) Thomas and Susan DeWeert (Buyer Name)

Signatures of Sellers [redacted]

Signatures of Sellers _____

****

To the Honorable Mayor and City Council of the City of Bloomington, Illinois:

Now comes (please print) X Thomas + Susan DeWeert (Buyer) and respectfully shows that He/She/They became the purchaser of all right, title, and interests of Carol A. Scholl Living TRUST (Seller) In and to the Lease made on the (Date) 08/23/16 upon the above property, all located in McLean County, Illinois, together with all the improvements, buildings and appurtenances thereon situated and thereunto belonging, and that the said (Seller) Carol A. Scholl has executed deed of transfer of their interest in said premises and an assignment of the Leases therefore your petitioner.

Petitioner further shows that in and by the terms of said Leases it was provided that the Lessee shall not sell, assign, or transfer said premises without the written consent of the Lessor.

Petitioner therefor prays that the written consent to said transfer may be forthwith provided by the said Lessor, the City of Bloomington, Illinois and your petitioner has submitted herewith a form of said written consent.

Respectfully submitted

Signature of Buyer X [redacted]

Signature of Buyer X [redacted]

CITY OF Bloomington ILLINOIS

****

WRITTEN CONSENT TO TRANSFER INTEREST IN LEASES UPON:

LOT 13 BLOCK 3 CAMP KicKapoo,

OF LAKE BLOOMINGTON.

Now comes the City of Bloomington and gives this, its written consent to the assignment on all right, title, and interest of (Seller) Carol A. Schall, in and to the premises knows as LOT 13 BLOCK 3 in Camp KicKapoo, in McLean County, Illinois and to the leases thereon executed by the City of Bloomington, Illinois.

Said consent to said assignment and transfer however, is with the express understanding that the said Lessor retains all right in said leases provided, and particularly its right to the payment of any unpaid rental thereon with all legal remedies incidental thereto.

Executed this _____ day of _____, _____.

_____

, Mayor

109 E. Olive
PO Box 3157
Bloomington, Illinois 61702-3157

Phone: (309) 434-2210
Fax: (309) 434-2802
TTY (309) 829-5115

McLean County
Health Department
Partners in Prevention

McLean County Health Department
200 West Front Street, Room 304
Bloomington, IL 61701

June 21, 2022

Ms. Carol Schell
[redacted]

Re: Septic Permit #88-7113
Parcel #08-06-353-012
Lot 155, Lake Bloomington – Kickapoo Subdivision

Dear Ms. Schell:

On June 16, 2022, this department received a septic system evaluation report from Mr. Rob Williamson, a McLean County licensed private sewage system installer, regarding the above-referenced property. The septic system evaluation was performed on June 15, 2022 and the following deficiencies were noted:

- There is not a handle on the septic tank lid. This department recommends the lid be replaced to allow for ease of evaluation and maintenance of the tank.
- The septic tank is a minimum of 250 gallons too small. This may remain as is until the septic system is repaired or replaced.
- The seepage field is a minimum of 126 square feet too small. This may remain as is until the septic system is repaired or replaced.
- The pump chamber does not have dual pumps or adequate reserve volume above the pumping level of the chamber.
- The alarm for the pump system is located in the crawl space. This may remain as is until the septic system is repaired or replaced.
- The float is not currently triggering the alarm. This must be corrected.

In summary, the septic system was installed in 1988 and is now approximately 34 years old. This office considers the average life expectancy of a septic system to be 20 to 25 years. The property has been used seasonally and may evaluate differently under normal use conditions.

For information on routine operation and maintenance of your septic system, please visit our website at https://health.mcleancountyil.gov/

Please contact Ms. Xavier Braboy, of this department at (309) 888-5482, within ten days of the date of this letter, to discuss the options available to you to bring the property into compliance with code requirements.

Respectfully,

Thomas J. Anderson
Director of Environmental Health

cc: Mr. Rob Williamson, Williamson Excavating, LLC
Mr. Joe Darter, Water Department Property Manager
Mr. & Mr. Thomas Deweert

TJA:AC:du

AC-0601-22-085

For Office Use Only

Log #: _____

Date Received: _____

EVALUATION REPORT FOR A MCLEAN COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM

This form is to be used for all inspections or evaluations of existing septic systems in McLean County. It is essential that the inspection be as complete as possible to determine the condition of the entire system. This includes interviewing the person who resides at or uses the building the septic system serves. Please complete all sections of the form that apply to the septic system you are evaluating. The tank must be uncovered with the baffles, liquid and sludge depths checked. At a minimum, the field must be probed to determine if there is water standing in the trenches. Upon probing, if it is determined there is water standing in the trenches, the Health Department highly recommends a minimum of two locations in the trenches be exposed to determine the condition of the rock and pipe. Any sign the system is failing or has not functioned properly, must be thoroughly documented on this report. Place all comments in the comment section on the last page.

This evaluation is NOT FINAL until the McLean County Health Department has reviewed the information in this evaluation and issued a letter regarding the information to the parties listed in the evaluation.

1. Current Owner Information:

Name: *Carol Schell*

Address: [redacted]

Phone #: Day [redacted] Home - -

2. Requestor Informtion:

Name: *Thomas & Susan Deweert*

Address: [redacted]

Phone #: Day [redacted] Home - -

3. Property Information:

Parcel Number (Tax ID): ( ) *08-06-353-012* Date Evaluation Performed: *06-15-22*

Address of property evaluated: [redacted] Sub. & Lot: _____

Permit available from Health Dept.: Yes ☒ No ☐ Permit #: *88-7113*

4. Interview Information:

Person interviewed: *owner* Original owner: Yes ☐ No ☒

Age of home (years): *34* Intended for seasonal use: Yes ☒ No ☐

Date last occupied: *seasonal* Number of occupants: _____

Has tank ever been pumped: Yes ☐ No ☒ If yes, how often: _____

5. Interior Evaluation:

Number of bedrooms: *3* Garbage disposal: Yes ☒ No ☐

Toilet tanks and other fixtures have evidence of leakage or overflow: Yes ☐ No ☐

Water softener discharges to: *n/a* Clothes washer discharges to: *septic*

Dishwasher discharges to: *septic* Hot tub discharges to: *n/a*

Basement plumbing fixtures:

a. *n/a*
b.
c.
d.

Discharge locations:

a.
b.
c.
d.

Basement floor drains discharge to: *n/a* Garage floor drains discharge to: *n/a*

Sump pit/pump discharges to: *n/a* Downspouts discharge to: *ground surface*

6. Exterior Evaluation Points:

A. SEPTIC TANK(s) -- This Section N/A ☐

All tanks must not be pumped before the inspection, but should be pumped after the inspection, if needed.

Tank One: N/A ☐	Yes	No	Tank Two: N/A ☒	Yes	No
Depth of soil to top of tank: *26* inches			Depth of soil to top of tank: inches		
Tank has access within 12" of ground surface	☒	☐	Tank has access within 12" of ground surface	☐	☐
Size: *1250* gallons Type:			Size: gallons Type:		
Meets current code:	☐	☒	Meets current code:	☐	☐
Tank lids in good condition:	☒	☐	Tank lids in good condition:	☐	☐
Inlet baffle in good condition:	☒	☐	Inlet baffle in good condition:	☐	☐
Evidence of solids on inlet baffle:	☐	☒	Evidence of solids on inlet baffle:	☐	☐
Outlet baffle in good condition:	☒	☐	Outlet baffle in good condition:	☐	☐
Evidence of solids on outlet baffle:	☐	☒	Evidence of solids on outlet baffle:	☐	☐
Water standing in outlet:	☐	☒	Water standing in outlet:	☐	☐
Water level below outlet:	☐	☒	Water level below outlet:	☐	☐
Tank needs to be pumped:	☐	☒	Tank needs to be pumped:	☐	☐
Outlet device/filter on tank:	☐	☒	Outlet device/filter on tank:	☐	☐
Type:			Type:		
Back flow into tank from system after pumping: Yes ☐ No ☐ N/A ☐			Back flow into tank from system after pumping: Yes ☐ No ☐ N/A ☐		

B. SEEPAGE FIELD -- This Section N/A ☐

Depth to top of field: *7* inches to *20* inches

Square feet of field: *474* square feet

	Yes	No
Meets current code sizing requirements:	☐	☒
Seepage standing on ground surface:	☐	☒
Lush vegetation or saturated soil on or near seepage field area:	☐	☒
Evidence that water has ponded over seepage field or the soil is saturated:	☐	☒
Solids or "carry over" material present in the rock or bedding material:	☐	☒

Depth of water in trench : *0* inches

C. SERIAL DISTRIBUTION/STEP-DOWN -- This Section N/A ☒

	Yes	No
Are the serial distribution relief or "step-down" pipes in compliance with Section 905.60 (d) of the code?	☐	☐

D. SEEPAGE BED -- This Section N/A ☒

Depth to top of bed: _____ inches to _____ inches

Square feet of bed: _____ square feet

	Yes	No
Meets current code sizing requirements:	☐	☐
Seepage standing on ground surface:	☐	☐
Lush vegetation or saturated soil on or near seepage bed area:	☐	☐
Evidence water has ponded over seepage bed or is soil saturated:	☐	☐
Solids or "carry over" material present in the rock or bedding material:	☐	☐

Depth of water in bed : _____ inches

E. SAND FILTER -- This Section N/A ☒

Minimum soil cover depth to top of sand filter: _____ inches _____

Square feet of sand filter: _____ square feet _____

	Yes	No
Is water standing in the distribution pipes or in the rock that surrounds the pipe:	☐	☐
Meets current code sizing requirements:	☐	☐
Seepage standing on ground surface over filter:	☐	☐
Lush vegetation on or near sand filter:	☐	☐
Evidence if water has ponded over sand filter:	☐	☐
Sand filter vented as required:	☐	☐
Vent in good repair:	☐	☐
Chlorinator with screw on cap present:	☐	☐
Chlorinator tube with corrosion resistant handle present:	☐	☐
Evidence of chlorination:	☐	☐
Evidence of restricted flow in chlorinator:	☐	☐
Sample port with screw on cap present:	☐	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.)*: _____

F. PUMP OR LIFT STATION -- This Section N/A ☐

	Yes	No
Pump chamber an approved design:	☒	☐
Chamber volume 1.5 times the daily flow:	☐	☒
Is there a dual pump:	☐	☒
Alarm present:	☒	☐
Alarm location: *crawl space*		
Alarm properly working with audio and visual functions:	☐	☒

G. AEROBIC UNIT -- This Section N/A ☒

Manufacturer: _____ Model number: _____

Size of unit: _____ gallons _____

	Yes	No
Pump running at time of inspection:	☐	☐
Current maintenance contract in place:	☐	☐
Who is maintenance contract with: _____		
Alarm present:	☐	☐
Alarm location: _____		
Alarm properly working with audio and visual functions:	☐	☐

Unit discharges to: Seepage field ☐ Seepage bed ☐ Sand filter ☐ Other: _____

If other, what method of chlorination is used: _____

Chlorinator with screw on cap present:	☐	☐
Chlorinator tube with corrosion resistant handle present:	☐	☐
Evidence of chlorination:	☐	☐

Where does the contact tank discharge to: *(Be specific, examples would be: farm tile, ground surface on or off property, IDPH common collector, IEPA common collector, etc.)*: _____

Include all distances as described below.

NOTE: Be sure to attach drawing to this report.

The following distances must be verified to ensure all the information is correct and available in the future.

*Well or cistern to: N/A ☐	*Geothermal unit to: N/A ☐	*Building to:
Septic tank: ___ feet	Septic tank: ___ feet	Septic tank: ___ feet
Seepage system: ___ feet	Seepage system: ___ feet	Seepage system: ___ feet
Sand filter: ___ feet	Sand filter: ___ feet	Sand filter: ___ feet
Effluent tile: ___ feet	Effluent tile: ___ feet	Effluent tile: ___ feet
Effluent discharge: ___ feet	Effluent discharge: ___ feet	Effluent discharge: ___ feet
Geothermal unit: ___ feet	Aerobic unit: ___ feet	Geothermal unit: ___ feet
Aerobic unit: feet		Aerobic unit: feet
***Water line to:**	***Body of water to: N/A ☐**	
Septic tank: ___ feet	Septic tank: ___ feet	
Seepage system: ___ feet	Seepage system: ___ feet	
Sand fitler: ___ feet	Sand filter: ___ feet	
Effluent tile: ___ Feet	Effluent tile: ___ feet	
Effluent discharge: ___ feet	Effluent discharge: ___ feet	
Aerobic unit: feet	Aerobic unit: feet	

Comments:

This section is to include any maintenance (pumping) repairs or problems in the history of the septic system. Write any observations and/or conclusions made by probing or excavating the seepage field or sand filter. A serial distribution system must include the condition of each level of field or trench.
The septic tank does not need to be pumped at this time but it should be checked regularly and pumped as needed in the future. The lid on the tank does not have a handle. I would suggest putting on a new lid since it is very difficult to get the lid out of the tank without a handle. The pump station is not a day and a half capacity or a dual pump. The Health Department may require a second pump be installed. The alarm sound will function using the test button but the float will not set off the alarm. A new float for the alarm should be installed. The septic tank and seepage field are both undersized for this house. This septic system appears to be functioning at this time. The house is used seasonally and could evaluate differently under normal water usage.

This is the condition I found the septic system on this day. This evaluation is not and should not be considered a guarantee nor does it imply warranty of how the sewage disposal system may function at any time in the future.

Rob Williamson
Inspector's Name (print)

Signature

06-16-22
Date

WILLIAMSON EXCAVATING, LLC

14964 Halsey Road
Heyworth, IL 61745
309-275-3003
williamsonexcavating@gmail.com

July 7, 2022

Re: 25422 Arrowhead
Hudson, IL

To whom it may concern:

Williamson Excavating has been contacted to make repairs to the septic system at the above referenced property.

Sincerely,

Rob Williamson

LAKE BLOOMINGTON LEASE

THIS LEASE is entered into on the _____ day of _____, _____ between the City of Bloomington, a municipal corporation, of McLean County, Illinois, hereinafter called CITY and Thomas and Susan DeWeert

_____

(if more than one Lessee, cross out 2 of the following that do not apply) (as joint tenants) (as tenants in common) (as tenants by the entirety) of , Bloomington, County of McLean, State of Illinois, hereinafter called "Lessee,"

WITNESSETH

In consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. PREMISES. The City leases to Lessee the following described real estate owned by the City in the vicinity of Lake Bloomington, Illinois as follows:

   Lot 13 in Block 3 in Camp Kickapoo according to the private unrecorded plat of the ground belonging to the City located around Lake Bloomington in Hudson and Money Creek Townships in McLean County, Illinois.

2. TERM OF LEASE. The term of this Lease shall be for a term commencing (**cross out the one that does not apply**) (on the date of this Lease) ~~(on January 1 following the date of this Lease)~~ and terminating on December 31, 2131, unless sooner terminated as provided in this Lease.

3. RENT.

   LESSEE'S NOTICE: This lease form, including the rental rate, is currently under review by the City of Bloomington City Council (see City Code: Chapter 23, Section 58). Once City staff has completed the updates to the lease form, it will be provided to you and will thereafter be subject to City Council approval. Note for leases with an end date, prior to this transfer, of January 1, 2032 or earlier, the updated lease form is likely to include a change in the rental rate of this transfer and therefore, the rate change will also be applied to this lease effective January 1, 2032 to December 31, 2131.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

A. Lessee shall pay as rent yearly, in advance, on or before the first day of January of each year, the amount designated hereafter:

   1) If this Lease is executed prior to January 1, 1998, rent shall be charged at the rate of 15¢ ($.15) per $100 of equalized assessed value (hereafter EAV) for said property, including land and improvements, as determined by the Supervisor of Assessments of

McLean County, Illinois. Said rate will remain in effect upon assignment of this Lease to (a) Lessee's spouse or to a corporation, trust or other entity created by Lessee or Lessee's spouse if Lessee or Lessee's spouse occupies the property immediately after said assignment, or (b) a Lessee who paid fair market value for the property (i.e., a purchaser) prior to January 1, 1998 for the assignment of the prior Lease.

2) If this Lease is executed by a Lessee who, after December 31, 1997, paid fair market value for an assignment of a Lease on which the rent was 15¢ ($.15) per $100 EAV, the rent shall be charged at the rate of 40¢ ($.40) per $100 EAV. This rate will remain in effect throughout the remainder of the term of this Lease regardless of subsequent assignments thereafter.

3) If the Lessee is not eligible for the 15¢ ($.15) or 40¢ ($.40) per $100 EAV rental rate, the rent shall be charged at the rate of _____¢ ($._____) per $100 EAV.

(SELECT THE RENT TO BE PAID BY CROSSING OUT 2 OF THE 3 RENT OPTIONS.)

B. In the event the system of real estate taxation is changed from its present basis of assessment at no more than one-third of market value, the assessed value as then determined by the Supervisor of Assessments of McLean County will be adjusted so that it will reflect no more than one-third of the market value of the premises. If assessed value is no longer used as the basis of taxation, then the annual changes in the Consumer Price Index, or successor index, for all items for the Chicago region, published by the United States Department of Labor will be the basis for determining changes in the property value for purpose of calculating the annual rent with the following condition. Either City or Lessee may review the value of the property as adjusted by the Consumer Price Index every five years to compare it to the actual fair market value of the property. If the property value determined by the formula set forth in this lease is five percent (5%) or more greater or less than the actual fair market value of the property, the rent for that year shall be recalculated using one third of the actual fair market value and rent adjustments for all subsequent years shall be based on the actual fair market value as adjusted for changes in the Consumer Price Index. If the Consumer Price Index or its successor index is no longer published by the. United States Department of Labor or is no longer used, an appropriate economic indicator will be used to determine the annual change in rent, if any.

4. REAL ESTATE TAXES. Lessee shall pay all real estate taxes levied during the term of this Lease against said premises and improvements thereon by the State of Illinois or any subdivision thereof.

5. IMPROVEMENTS. Lessee shall be permitted to make improvements upon the premises that are in compliance with the laws of the State of Illinois and the ordinances of the City and the County of McLean. The ordinances of the City shall be in full force and effect and in the same manner as if the above-described premises were located within the boundaries of the City of Bloomington. Prior to commencement of construction of any improvements, Lessee shall be required to petition and receive approval from all governmental bodies having jurisdiction over said premises.

6. SEPTIC SYSTEM. Lessee agrees to comply with all sanitary laws and regulations of any governmental body having jurisdiction over the leased premises. Lessee agrees at all times to use Lessee's property in such manner and dispose of the sewage generated from said property so as not to contaminate the waters of Lake Bloomington. When a public sanitary sewer is made available to serve the leased premises, the City shall have a right to require Lessee to connect to the sewer within a reasonable time after notice is given.

7. WATER. Lessee shall be permitted to purchase water from the City through water mains provided by the City, and Lessee will pay the rates in effect from time to time for water sold to Lake Bloomington customers. Lessee agrees not to pump water directly from Lake Bloomington except for the purpose of watering and maintaining lawns and other landscape materials on the leased premises, and such pumping shall cease at any time there are and for as long as there are restrictions in effect for the City of Bloomington that restrict the watering of lawns.

8. GARBAGE. City will provide weekly garbage service at a fee to be set by the. City from time to time, which shall be in addition to the annual rent paid by Lessee. However, so long as no residence is located on the leased premises, no fee for garbage collection will be paid by Lessee.

9. ASSIGNMENT. Lessee shall not have the right to sell, assign, or transfer this Lease or to rent, sublet or to allow other persons to occupy the premises without the written consent of the City. However, the City shall not withhold its consent to a sale, assignment or transfer of this Lease if Lessee is not in default as defined in paragraph 13 and the sale, assignment or transfer is made in accordance with all applicable City ordinances and such rules and regulations as adopted by the City from time to time pursuant to paragraph 10. City will promptly issue a new Lease to the new Lessee containing the same terms as this lease. Thereupon, this Lease will automatically terminate and the parties will be freed of any obligations thereunder. Lessee shall have the right to mortgage Lessee's interest in said premises, but Lessee shall not have the right to mortgage the interest of City in the premises.

10. RULES & REGULATIONS. Lessee and those occupying the leased premises are subject to such reasonable rules and regulations as may be adopted by Lessor from time to time after notice of hearing on such proposed rules and regulations is given to Lessee.

11. USE OF AND ACCESS TO LAKE. Lessee and those persons lawfully occupying the leased premises shall have the right to use Lake Bloomington for boating, swimming, fishing, and other recreational uses, but shall be subject to the reasonable rules and regulations of Lessor, which rules and regulations will apply equally to Lessees of Lake Bloomington property and the public generally. City grants to Lessee an easement for access to Lake Bloomington over property owned by the City lying between the shoreline of Lake Bloomington and the boundary of the leased premises.

12. TREE CUTTING. No trees on the leased premises shall be removed without the permission of the City except that Lessee can trim trees for safety, plant health, or aesthetic reasons, and Lessee may remove dead trees from the leased premises.

13. DEFAULT. If Lessee defaults in the payment of rent or defaults in the performance of any of the covenants or conditions hereof, City may give to Lessee notice of such default and, if Lessee does not cure any rent default within thirty (30) days, or other default within sixty (60) days after the giving of such notice or, if such other default is of such nature that it cannot be completely cured within such sixty (60) days, if Lessee does not commence such curing within such sixty (60) days and thereafter proceed with reasonable diligence and in good faith to cure such default, then Lessor may terminate this Lease on not less than thirty (30) days notice to Lessee and, on the date specified in said notice, the term of this Lease shall terminate and Lessee shall then quit and surrender the premises to City. If this Lease shall have been so terminated by City, City may, at any time thereafter, resume possession of the premises by any lawful means and remove Lessee or other occupants and their effects. Remedies of City hereunder are in addition to any other remedy allowed by law.

14. TERMINATION BY LESSEE. Lessee shall have the right to terminate this Lease upon sixty (60) days written notice to the City of Bloomington and, in that event, Lessee may remove any

improvements from the property and shall restore the ground to the condition it was in when first leased to the City. Any improvements remaining on the property after the Lease terminates shall be deemed abandoned by the Lessee and shall become the property of the City.

15. EMINENT DOMAIN. If the leased premises or any part thereof is taken or damaged by eminent domain or the threat thereof, the just compensation received in payment shall be divided between City and Lessee as follows:

That portion of the award for the taking and/or damaging the City's remainder interest in the land following the expiration of this Lease shall be paid to City. That portion of the award for the taking or damaging the leasehold interest of Lessee in the leased premises or the improvements located thereon shall be paid to Lessee.

16. PRIOR LEASE TERMINATED. If there is in effect upon the execution of this Lease a prior Lease between the City and Lessee covering the same premises as this Lease, then said Lease is terminated as of the commencement of the term on this Lease as set forth in Paragraph 2.

17. NOTICE. Any notice by either party to the other shall be in writing and shall be deemed to be duly given if delivered personally or mailed postpaid by regular mail, except that a notice given under Paragraph 12 must be delivered personally or mailed by registered or certified mail in a postpaid envelope, addressed as follows:

City

City of Bloomington
City Hall
109 E. Olive Street
Bloomington, IL 61701

Lessee Name and Mailing Address

X Thomas + Susan DeWeert
[redacted]

Lessee Billing Address

X Thomas + Susan DeWeert
[redacted]

18. BINDING EFFECT. This agreement shall be binding upon the heirs, personal representatives, successors, and assigns of each of the parties hereto.

IN WITNESS WHEREOF, the Lessor has caused this instrument to be executed by its Mayor and City Clerk, and the Lessee has executed this agreement as of the day and year above written.

-Lessor-

CITY OF BLOOMINGTON

By: _____
Its Mayor

Attest:

_____
City Clerk

-Lessee-

X [redacted]

_____

_____

dotloop signature verification: dtlp.us/O3dp-5ZuV-1OBw

CITY OF Bloomington ILLINOIS
PUBLIC WORKS DEPARTMENT

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

SUPPLEMENTAL LEASE AGREEMENT

This Agreement is entered into by and between the City of Bloomington, McLean County, Illinois, a Municipal Corporation, (hereinafter, "Lessor") and Thomas and Susan DeWeert, (hereinafter, "Lessees") and is intended by the parties to be incorporated into and made a part of the lake lot lease between the parties for Lot 13 in Block 3 in Camp Kickapoo and enforceable under the terms of said lease.

WHEREAS, on June 16, 2022, the McLean County Health Department received a septic system evaluation regarding the above-mentioned property, attached hereto and labeled Exhibit A, noting a deficiency in the septic system; and,

WHEREAS, in consideration for the City of Bloomington entering into a lease agreement with lessees, lessees agree to perform the actions set forth in this agreement.

Now, therefore, the parties agree as follows:

1. Required Septic System repairs to be made prior to occupancy:
    a. There is not a handle on the septic tank lid. A new lid must be installed.
    b. The pump chamber does not have duel pumps or adequate reserve volume above the pumping level of the chamber. A duel pump must be installed.
    c. The float is not currently triggering the alarm. This must be corrected.

2. If the existing system fails or needs to be replaced, lessees shall install within 90 days, a new septic system upon the leased premises that meets all codes and regulations of all government agencies with jurisdiction over the premises.

3. Prior to any construction or demolition activity upon the premises including, included but not limited to, residential construction, septic system installation or maintenance, all adversely affected trees must be assessed according to the City of Bloomington tree assessment policy and payment made to the City for the assessed value of the affected trees. A copy of the City of Bloomington tree assessment policy has been provided to the lessees.

4. Any construction project occurring on the premises must comply with all codes and regulations of all governmental agencies having jurisdiction over the premises in effect at the time of construction.

5. Septic tank(s) are to be pumped no later than July 25, 2025, and once every three years following. Proof of pumping shall be submitted to the City of Bloomington.

6. Septic system shall be evaluated by a McLean County Health Department approved septic evaluator no later than July 25, 2025, and once every three years following. Proof of evaluation shall be submitted to the City of Bloomington.

7. This supplemental lease agreement shall be enforceable under the terms of the lease it supplements in the same manner and to the same extent as if fully set forth in the terms of the lease. Failure to comply with the terms of this agreement will be construed as a failure to comply with the terms of the lease and may be considered a breach of said lease.

dotloop signature verification: dtlp.us/O3dp-5ZuV-1OBw

CITY OF Bloomington ILLINOIS
PUBLIC WORKS DEPARTMENT

115 E. Washington St.
Bloomington, IL 61702-3157
www.cityblm.org/publicworks
Phone: (309) 434-2225
Fax: (309) 434-2201

LESSOR:

City of Bloomington,
a Municipal Corporation

By:_____
Mboka Mwilambwe, Mayor

ATTEST:_____
Leslie Smith-Yocum, City Clerk

LESSEES:

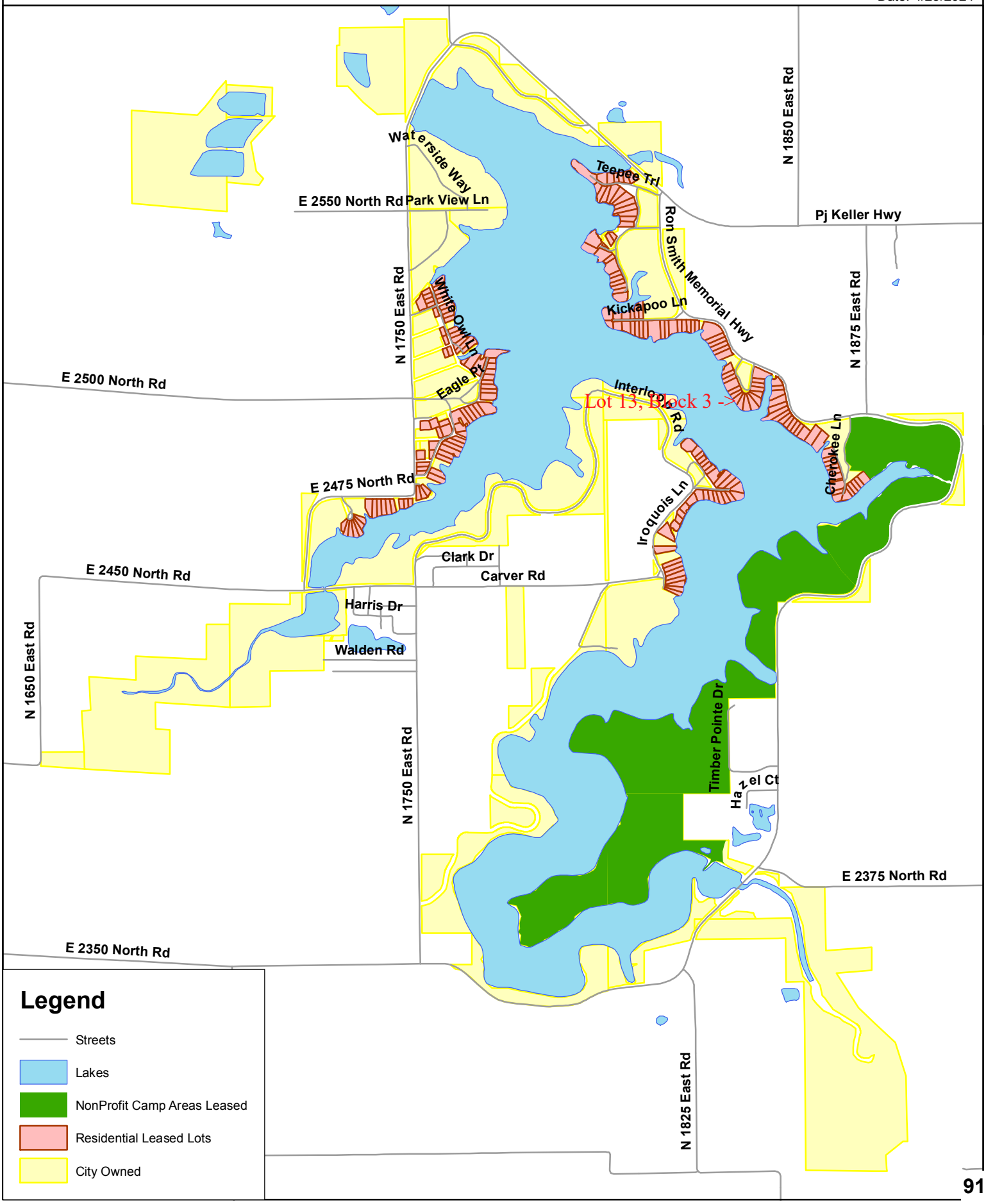
[redacted] _____
Thomas DeWeert, Lessee

[redacted] _____
Susan DeWeert, Lessee

Bloomington ILLINOIS
Public Works Department

Lake Bloomington Lease Map

0 1,000 2,000
Feet
Date: 4/23/2021



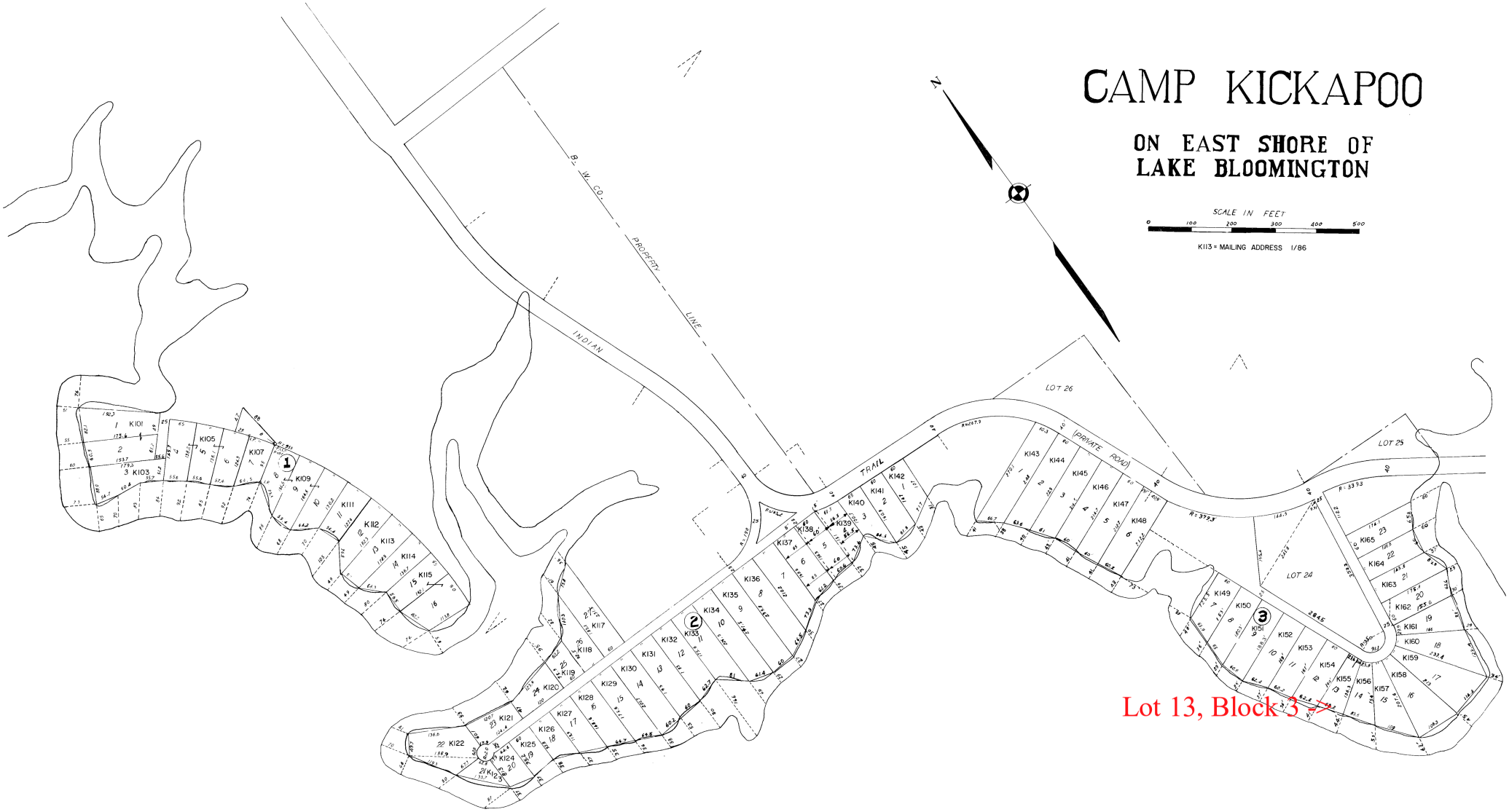
CAMP KICKAPOO

ON EAST SHORE OF LAKE BLOOMINGTON

SCALE IN FEET

0 100 200 300 400 500

K113 = MAILING ADDRESS 1/86

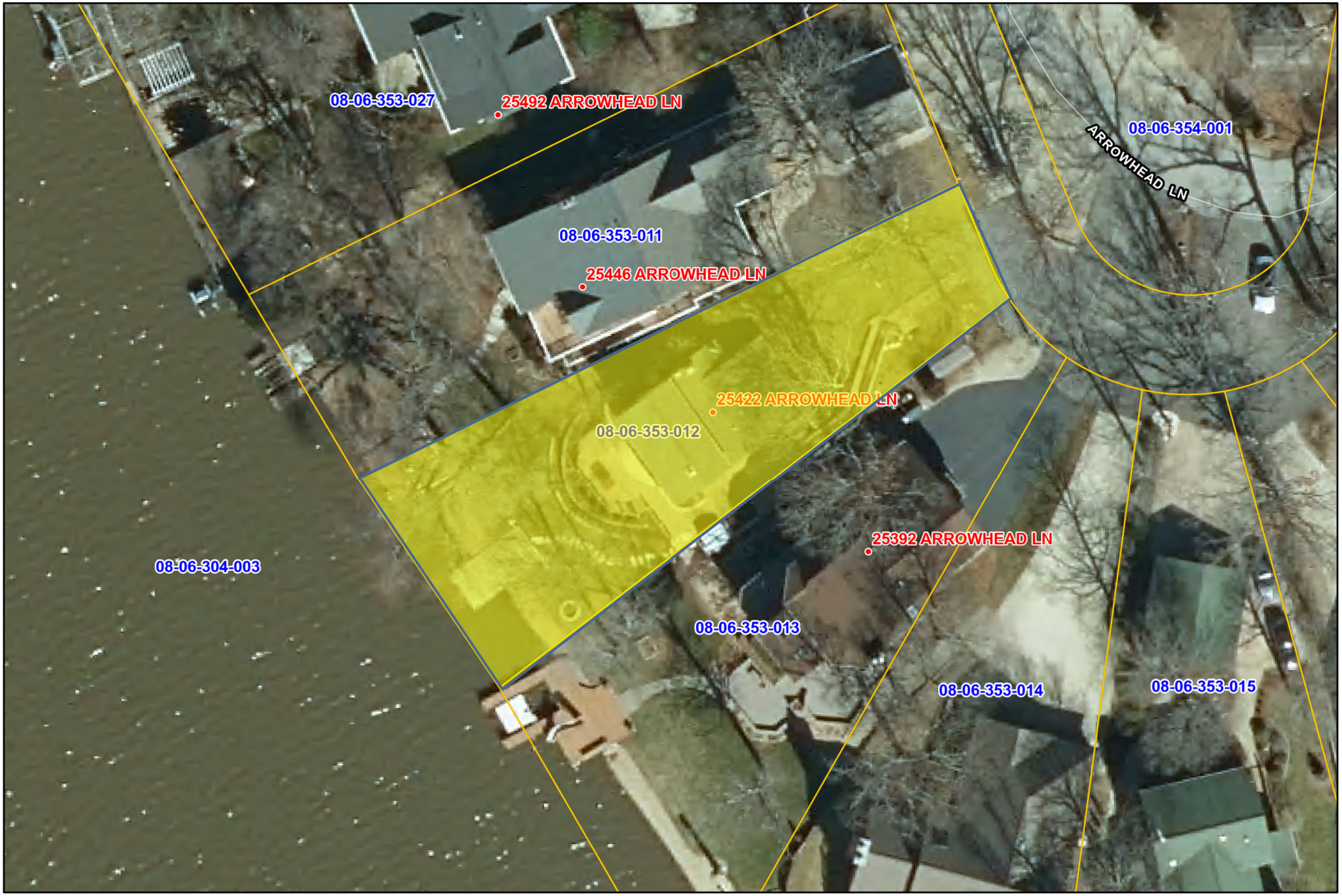


REFRACED ON JULY 23, 1973 FROM A PRINT OF A TRACING MADE AUGUST 20, 1903 OF THE ORIGINAL PLAT. (NO DATE AVAILABLE FOR THE ORIGINAL)

CAMP KICKAPOO LAKE BLOOMINGTON		
CITY OF BLOOMINGTON, ILLINOIS 61701 OFFICE OF THE CITY ENGINEER		
HORZ. SCALE	VERT. SCALE	FILE NO.
DRAWN R.E.U.	DATE 7/23/73	LB-21
CHECKED R.F.S.	DATE 7/23/73	SHT. 1 OF 1

7/7/2022

Lot 13, Block 3 Structure Map



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W E
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McGIS does not guarantee the accuracy of the information displayed. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy. Use for display and reference purposes only.

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mi

1 inch = 47 feet

McGIS

PUBLIC HEARING ITEM NO. 8.A

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Public Hearing for the Program Year 2021 Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER), as requested by the Economic & Community Development Department.

RECOMMENDED MOTION: None; presentation and public comment only.

STRATEGIC PLAN LINK:
Goal 4. Strong Neighborhoods

STRATEGIC PLAN SIGNIFICANCE:
Objective 4b. Upgraded quality of older housing stock
Objective 4c. Preservation of property/home valuations
Objective 4d. Improved neighborhood infrastructure

BACKGROUND: The City is required to submit a Consolidated Annual Performance Evaluation Review (CAPER) to the US Department of Housing and Urban Development at the end of each program year. The CAPER outlines the annual accomplishments in relation to the annual goals.

The draft Program Year 2021 CAPER was made available to the public on July 12, 2022. The public comment period is from July 12, 2022, to July 28, 2022. Notice of the public hearing and comment period was published on July 11, 2022 in *The Pantagraph*. The CAPER can be viewed on the City's website (https://www.cityblm.org/government/department/community-development/block-grant/caper), at the HUB (115 East Washington Street), and at the Bloomington Public Library.

Public comments outside of the public hearing should be submitted in writing to the Community Enhancement Division at 115 East Washington Street, P.O. Box 3157, Bloomington, IL 61702 or emailed to wbessler@cityblm.org.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: Goal N-1.2: Prioritize, with urgency, the revitalization of the neighborhoods in the Regeneration Area, Objective a: City should continue to use CDBG grants to support partner organizations such as the West Bloomington Revitalization Project to have a collective impact on revitalization; Goal H-1.2: Ensure an adequate supply of affordable housing for low to moderate income households, Objective H-1.2b: Work with community partners like Habitat for Humanity, MCCA and

Bloomington Housing Authority to have a collective impact on affordable housing issues; Goal H-1.3: Create a life-long community by fostering housing stock that meets the needs of residents of all ages and abilities, Objective H-1.3e: Ensure neighborhoods are walkable and have access to alternative modes of transportation and other amenities to make them attractive to aging populations; Goal H-2.3: Rehabilitate housing in the designated Regeneration Area, Objective H-2.3b: Develop and maintain programs that identify substandard housing and provide a wide spectrum of options to correct housing code violations/Objective H-2.3h: Carefully evaluate the rehabilitation potential of vacant/abandoned homes before demolition; Goal HL-1.2 Protect, enhance and maintain parks and green space equitably throughout the City, Objective HL-1.2b: Update older equipment in various City parks as identified in the City's Parks Plan; Goal CWB-1: End chronic homelessness and reduce the severity of situational homelessness, Objective a: The City of Bloomington should actively partner with groups such as McLean County Continuum of Care and Human Service Council to address factors contributing to homelessness; Goal TAQ-1.4: Pedestrian safety for users of all transportation facilities, Objective TAQ-1.4b: Provide a sidewalk system that provides safe routes to schools/Objective TAQ-1.4c: Provide pedestrians with safe access throughout the transportation network, facilitating access to facilities such as transit, businesses, parks and neighborhood centers.

Respectfully submitted for consideration.

Prepared by: William Bessler, Grant Coordinator

ATTACHMENTS:
E&CD 1B PY2021 CDBG CAPER Full Draft

CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)
This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City conducted a variety of community development activities in Program Year 2021/46 (May 1, 2021- April 30, 2022) designed to meet the needs of low-to-moderate income community members. Activities focused on the following areas.

1. Rehabilitation of single-family, owner-occupied housing (13 units)
2. Rehabilitation of multi-family unit housing (21 units)
3. Accessibility ramps for single-family housing units (3 units)
4. Demolition of blighted and deteriorated structures (1 unit)
5. Public service projects (6)
6. Public facility improvements (2)
7. Public infrastructure improvements (1)
8. Section 3 Job Training (1)

The majority of the activities were conducted in the City's low-to-moderate income areas.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)
Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

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OMB Control No: 2506-0117 (exp. 09/30/2021)

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Administer CDBG effectively and proficiently.	Affordable Housing Public Housing Non-Housing Community Development	CDBG: $	Other	Other		0		50	49	98.00%
COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	25	191	764.00%			
COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	125	176	140.80%			
COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Homeless Person Overnight Shelter	Persons Assisted	25	105	420.00%			
COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Homelessness Prevention	Persons Assisted	0	86				

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COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Jobs created/retained	Jobs	0	60				
COVID-19 Prevention, Preparation, and Response	Affordable Housing Business Support/Economic Development	CDBG: $ / CDBG-CV: $	Businesses assisted	Businesses Assisted	30	60	200.00%			
Elimination of slum and blight conditions.	Affordable Housing Non-Housing Community Development	CDBG: $	Homeowner Housing Added	Household Housing Unit	15	0	0.00%			
Elimination of slum and blight conditions.	Affordable Housing Non-Housing Community Development	CDBG: $	Buildings Demolished	Buildings	5	3	60.00%	3	1	33.33%
Preservation of existing affordable housing stock.	Affordable Housing Public Housing	CDBG: $	Rental units rehabilitated	Household Housing Unit	35	37	105.71%	21	21	100.00%
Preservation of existing affordable housing stock.	Affordable Housing Public Housing	CDBG: $	Homeowner Housing Rehabilitated	Household Housing Unit	100	34	34.00%	21	16	76.19%
Provide quality services and facilities.	Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	635	21.17%			

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Support the provision of public service activities	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	5000	5193	103.86%	1350	3586	265.63%
Support the provision of public service activities	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Homeless Person Overnight Shelter	Persons Assisted	0	276		0	276	
Support the provision of public service activities	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: $	Homelessness Prevention	Persons Assisted	1500	1061	70.73%	300	899	299.67%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

Housing Rehabilitation:

The City utilized CDBG funding to support rehabilitation and accessibility improvements on 56 housing units during Program Year 2021. Nine of those projects were completed through the deferred loan program. Three homeowners received grants for accessibility improvements and four homeowners received grants through Habitat for Humanity's Brush with Kindness program, which is partially funded by the City's CDBG dollars. The Bloomington Housing Authority received a grant to replace aged and nearly obsolete boiler systems in public housing units. This grant

OMB Control No: 2506-0117 (exp. 09/30/2021)

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supports 40 housing units. In total, $245,196.03 was spent on housing rehabilitation to low-to-moderate income community members.

Demolition Program:

Demolition costs were again much lower than anticipated due to the COVID-19 Pandemic. One demolition project was completed during the program year. Additional challenges related to obtaining proper title to vacant/abandoned properties slated for demolition continue to lower the number of properties that can be demolished. In total, $20,770.00 was spent on demolition activities in this program year.

Public Facilities and Infrastructure:

The City began two public facility and one public infrastructure project during Program Year 2021. One project was focused on Mid-Central Community Action's (MCCA) Mayors Manor facility, which provides housing to formerly homeless disabled community members. This project updated unit heaters and will also assist in installing ADA compliant doors. Due to COVID-19 related supply chain issues, the doors needed to complete this project are on backorder. The remaining projects in this category are related to each other. First, the City funded sidewalk and ADA building improvements to the West Bloomington Revitalization Project (WBRP). Second, the City funded wider ranging sidewalk improvements in the area surrounding WBRP (West Corridor). Both projects are currently being completed, however, several technical challenges related to the WBRP project have slowed progress. COVID-19 Pandemic supply chain issues have also slowed progress on these projects.

The West Corridor sidewalk project services approximately 1,105 residents in the area. A similar number of residents will be served by the WBRP building improvements. MCCA's Mayors Manor facility serves 26 formerly homeless disabled community members. A total of $41,912.68 has been spent so far and $117,487.32 is estimated to be spent as these projects reach completion.

Public Services

Activities that support public services are a critical piece of the community's social service infrastructure. In Program Year 2021, six public service projects were funded. The Peace Meals program through the OSF Healthcare System served 1,281 Bloomington residents by providing meals to seniors. Of the 1,281 residents served 88.9% stated they ate a healthier variety of food and 89.63% indicated they can continue to live in their homes due, in part, to this service. The West Bloomington Revitalization Project (WBRP) served 701 Bloomington community members with a

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variety of programs. Programs include a Bicycle Co-Op that supports folks traveling to work, a tool library to help folks get tools to maintain their homes, and a bed blitz that builds bed frames for community members. Providing Access to HELP (PATH) had two public service programs that received CDBG funding. PATH's Homeless Services program assisted 1,175 community members with homelessness prevention interventions. This effort was extremely important given that COVID-19 Pandemic public health and economic measures such as the eviction moratorium were increasingly lifted during the program year. McLean County saw a dramatic rise in the number of community members experiencing or facing homelessness and these services were a critical portion of the social service infrastructure that directly responded to this crisis. The Emergency Services program through PATH also greatly assisted the community during this challenging time. Fifty (50) community members received assistance during the program year. Emergency funds can be used to cover the cost of rent, utilities, temporary shelter, and transportation for a period not to exceed three months. A portion of the Emergency Services program also addresses self-neglect and hording concerns. Recycling Furniture for Families (RF4F) served 251 community members acquire housewares and home furnishings during the program year. Of those served, 76.49% had an annual income below 30% Area Median Income (AMI). Community members in this income bracket were especially hard hit during the Pandemic. Finally, KTB Financial Services provided services to 128 community members avoid homelessness, improve food security, receive medical care, and prevent 56 and fraud among the disabled and elderly population.

Administrative, Fair Housing, Section 3 Training, and Planning

The City continued its partnership with Prairie State Legal Services (PSLS) to provide fair housing services to income qualified Bloomington residents. This partnership underscores the City's commitment to affirmatively furthering fair housing. In Program Year 2021, PSLS completed intake services and more legal services if needed for community members facing housing discrimination or other unlawful practices. Additionally, PSLS conducted fair housing tests throughout the community to take a proactive approach to eliminating unfair housing practices. Six (6) outreach events were also conducted by PSLS during the program year. The City funded Section 3 job training opportunities in partnership with the Bloomington Housing Authority. This activity focused on career and job readiness skills, self-sufficiency, and career readiness for youth activities. The City's partnership with the McLean County Regional Planning Commission (MCRPC) also continued as community partners engaged in fruitful discussions and research through the Housing Staff Committee and Affordable and Supportive Housing Committee. MCRPC also has continued to provide high quality research that will be incredibly important for future planning, including the next five-year consolidated plan. The City used some CDBG funding to assist with the implementation of the CDBG program during the program year. Fair housing expenses were $15,000.00 during the year. Section 3 training opportunity funding expenses were $10,000.00. And planning funds were $31,589.57 for the program year. The City's total administrative expenses were less than 15 percent.

CDBG-CV

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The City's CDBG-CV Emergency Assistance Program supported 93 households in Program Year 2021. Rent, mortgage, gas utility, and electric utility assistance to residents was provided through this program. The City is currently exploring options to exhaust the remaining CDBG-CV CARES Act funds and will complete/close activities in IDIS as this topic is discussed further internally.

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CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	2,235
Black or African American	1,091
Asian	23
American Indian or American Native	28
Native Hawaiian or Other Pacific Islander	2
Total	**3,379**
Hispanic	134
Not Hispanic	3,510

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Data populated into this table has been adjusted to reflect the information found in PR-23 report. The total served should be 3,644 residents. Of that number 134 were of Hispanic ethnicity. In addition to the race categories above, the following categories were represented on the PR-23: American Indian/Alaskan Native and White, Black/African American and White, and other multi-race.

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CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	710,361	461,136

Table 3 - Resources Made Available

Narrative

This total spending does not include the remaining costs that will complete public infrastructure projects from Program Year 2021. Once these expenses are reflected, the overall spending will likely exceed the annual allocation for Program Year 2021 ($555,361.19). Activities moving forward will strive to reduce the carry-over amount from previous program years.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
LMA Preservation Area	2	34	
LMA Regeneration Area - Outside WBRP	64	33	
WBRP Service Area	34	33	

Table 4 – Identify the geographic distribution and location of investments

Narrative

Eligibility for all CDBG programs is based on income or other qualifying national objective groups (i.e., limited clientele). The City does not restrict funds based on geography within the City's corporate boundaries, so estimating percentage of the allocation is always difficult. The target area information is based on City single-family residential rehabilitation activities.

Based on PR-03 and PR-23 reports the total CDBG expenditure for Program Year 2021 is $461,135.89. It is estimated that once the open public facility and infrastructure activities are completed that will climb to $578,623.21.

Properties that are unfit for rehabilitation are typically demolished using CDBG or other state funding sources. After the structure is demolished, the City owned land, if applicable, is then provided to Habitat for Humanity for the construction of new affordable housing stock. The City does not operate a land bank or trust but makes an effort to make City owned land zoned for residential purposes available for new affordable housing development.

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Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City of Bloomington Economic and Community Development Department's Community Enhancement Division continues to seek ways to leverage resources to increase or enhance the level of services it provides to low-to-moderate income community members. Primary constraints are related to financial and staff resources. Staff will continue to seek partnerships and opportunities that allow for additional service or better services for our community. In Program Year 2021 the City leveraged funding from the Illinois Housing Development Authority (IHDA) programs including their Single Family Rehabilitation (SFR), Home Accessibility Program (HAP), and Strong Communities Program (SCP). SFR and HAP are housing rehabilitation programs that complement our CDBG housing rehabilitation program. SCP complements the City's CDBG demolition program as well.

The City also is the Trustee of the John M. Scott Trust, which provides grants to health care and social service organizations to meet the health care needs of residents in McLean County. This trust is administered by an 11 member commission and the Community Enhancement Division's Grants Coordinator. During this program year the Trust provided over $700,000 in grants to organizations. This program in addition to CDBG public service spending continue to be important aspects of the community's social service infrastructure.

Federal funding separate from the City's CDBG program will come from Continuum of Care grants managed by the City and the Lead Hazard Control grant program awarded to the City. Continuum of Care funding will continue to help alleviate and prevent homelessness within the community. The Lead Hazard Control program was scheduled to be operational during this program year, but challenges related to the COVID-19 Pandemic and staffing has delayed this program from becoming operational. However, once operational it will allow CDBG housing rehabilitation funding to increase the amount of lead-based paint abatement work to be completed.

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	5	21
Number of Non-Homeless households to be provided affordable housing units	0	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**5**	**21**

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	28	93
Number of households supported through The Production of New Units	3	0
Number of households supported through Rehab of Existing Units	46	37
Number of households supported through Acquisition of Existing Units	2	0
Total	**79**	**130**

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The COVID-19 Pandemic continued to slow progress on projects through a variety of ways. The Pandemic had serious implications for contractor availability on housing rehabilitation projects. To ensure that our community members, staff, and contractors are safe, applicable COVID-19 Pandemic public health protocols were followed. Unfortunately, a high volume of COVID cases led to delays in projects as people followed these guidelines to ensure safety. However, the supply chain delays proved

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to be the most significant impediment to the completion of projects. Material delays caused by supply chain issues rooted in the Pandemic also increased costs with nearly all projects.

Habitat for Humanity's construction of new affordable housing units was also hampered by supply-chain issues and problems related to the COVID-19 Pandemic. Multiple new affordable housing units are nearing completion, but they will be recorded as completed in Program Year 2022 (May 1, 2022-April 30, 2023).

CDBG funds supported public housing rehabilitation for the Bloomington Housing Authority led to 21 units being served (reported through one activity). Due to the population of the Bloomington Housing Authority, this rehabilitation work helped ensure that housing units were still available to community members that would likely be homeless without the assistance of the Bloomington Housing Authority.

Discuss how these outcomes will impact future annual action plans.

The City is continuing to evaluate how to operate housing rehabilitation programs given the current environment. For contractors, the City is hoping to build contractor capacity so any COVID-19 Pandemic, or future pandemic, related staffing issues will not lead to as significant of delays across projects. Material delays and costs will prove to be a larger challenge moving forward. Ways to decrease costs and increase efficiency will be considered, but there are significant limitations to this approach without funding increases from HUD. Having said this, given this program year operated in a harsh environment the City and its partners still delivered a high amount of rehabilitation work for the community.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	24	0
Low-income	8	0
Moderate-income	6	0
Total	**38**	**0**

Table 7 – Number of Households Served

Narrative Information

Although the City does not utilize CDBG funding to support the construction of affordable housing directly, it does donate cleared lots to Habitat for Humanity for the development of affordable housing. Additionally, the City devotes a significant amount of annual CDBG funding to the preservation of affordable housing through rehabilitation projects.

Of the rental unit rehabilitation completed for the Bloomington Housing Authority, twenty units had households with income at or below 30% Area Median Income (AMI). One household served had an income at or below 50% AMI.

Of the 38 households served, 21 were served with rental housing rehabilitation funds provided to the Bloomington Housing Authority. The remaining were supported through single-family unit housing rehabilitation.

93 households were supported through CDBG funded rental and utility assistance provided by CARES Act funds during the program year.

The City continues to address worst case needs through the single-family housing rehabilitation program funded by CDBG. The rehabilitation program addresses many structures with serious code violations that present health, life, and safety issues for our community members. Disabled residents have been served through the City's partnership with AMBUCS, which builds accessibility ramps for elderly and/or disabled community members in single-family housing units. CDBG funds pay for the material and AMBUCS volunteers provide the labor to build the ramps.

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CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Providing Access to Help (PATH) Crisis Center serves as the lead coordinating agency for the Central Illinois Continuum of Care (CICoC). Due to the Continuum's large geographic space covered (11 counties), hubs have been implemented to best suit the needs of the communities. As such, McLean County is one of the hubs and PATH leads these monthly meetings and the Continuum's bimonthly meetings. These meetings allow for effective planning regarding the CoC's ability to reduce and end homelessness.

Through its Homeless Services Program, PATH reaches out to individuals and families experience homelessness. Through referrals from the police departments, hospitals, social service agencies, churches and truck stops, the outreach worker will make the initial contact and begin the process of assessing the needs of the client(s).

The outreach team regularly goes out into the field to known places unfit for human habitation to locate people, initiate relationships, assess needs and help clients navigate the network of resources available in the community.

The outreach worker also responds to people identified through the Coordinated Point of Entry; another role PATH plays in the effort to reduce homelessness. On a 24/7 basis, people on the streets, in shelters or in transitional housing, can dial 211 and receive immediate support, assessment and are transferred to the Coordinated Point of Entry.

With a vast database, outreach staff can make referrals to obtain local and mainstream resources such as Social Security Income (SSI), Supplemental Nutrition Assistance Program (SNAP) benefits, and employment. This connection process leads individuals and families into permanent housing. Outreach services productively meets the specific outreach objectives for reducing and ending homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Salvation Army Safe Harbor Shelter provides emergency shelter and services for adult women and men who are experiencing homelessness. Safe Harbor provides case management services, a day center and meals. Showers, washer/dryers, and other amenities are offered to people through the day center when they may not meet the shelter's guidelines for bed space. The shelter also opens a warming center between October and March to provide indoor space when all beds are filled. Safe Harbor also has an employment program on site and provides transportation for job interviews. The Salvation Army's

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shelter is a strong partner in the Coordinated Point of Entry that helps move people from a shelter setting into permanent housing.

Home Sweet Home Ministries, another member of the CoC, provides emergency shelter for adult women and men as well as families. There are limitations; families are generally separated to a men's side and a women's side, but it is the result of the layout of the facility. The program has been in place for over a century. The shelter stated providing Rapid Re-Housing (RRH) services and has had considerable success in moving people from the shelter into a home. RRH helps to solve the problem of separating families in the shelter facility.

Neville House is a domestic violence shelter that has room for 13 women and children. They participate in the Coordinated Point of Entry. Finally, there is a crisis shelter for children under the age of 6 if there are no family units available and a parent is unable to procure any other housing suitable for young children. They receive children into the facility 24/7.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Avoiding homelessness reduces the stress on individuals, families, and the homeless service sector. CDBG funds are used to support the Emergency Grant program. The grant is utilized to provide emergency rent/mortgage and utility assistance for individuals in imminent danger of becoming homeless. It also provides payment to local hotels for individuals experiencing homelessness. A portion of the grant assists the Self-Neglect Program by assisting with the rental of dumpsters for cleanup at properties of individuals and families in imminent danger of becoming homeless due to condemnation related to hoarding issues and other code violations.

Other sources for emergency rent of utility assistance that would prevent a family from losing housing are utilized. Townships are a part of the referral process although every Township has different guidelines. Community Action has financial assistance; they administer the LIHEAP program and other programs that address the root issues of the fiscal crisis that puts a family at risk of homelessness.

Policies do exist within the Continuum for people being discharged from institutions and systems of care. The community mental health agency is involved in the transition from a state mental health facility to the community. They provide transitional apartments, a staffed boarding house, and some permanent supportive units. A day center helps with social needs and helps the person build a support system after hospitalization. Local hospitals work with the homeless outreach program when they release a person who does not have a home to return to.

For young adults aging out of foster care or who no longer have a family to support them, have options with the Continuum. Project Oz has a remarkably successful transitional housing program where youth are placed into apartments with strong supports. As the youth gain skills and their income increases, supports fade until the youth is no longer in the program but is still in their apartment. Project Oz has a program for homeless youth that provides options when youth are being discharged from any type of facility.

The county government has created programs to meet the needs of people coming out of corrections who were homeless before incarceration. The Frequent User System Engagement (FUSE) program provides intensive case management and funding for permanent supportive housing. The program targets people who meet HUD's definition of being chronically homeless. The CoC works with the county government in providing Homeless Management Information System (HMIS) data to identify those most in need of help (with the appropriate signed consent).

Young Women's Christian Association (YWCA) Labyrinth House provides case management and transitional housing for women entering the community from the correctional system. The City has supported Labyrinth in the past by funding a part-time case manager and assisting with rehabilitation costs for housing units. Labyrinth can house up to ten women at two transitional housing units. Seeds of Hope is an organization focused on providing similar supportive services to men leaving corrections. Currently, the program provides case management only with the goal of offering transitional housing in the future.

Additionally, the Supportive Housing Project (SHP) supports staff positions at Salvation Army, PATH, Crisis Nursery, and Recycling Furniture for Families. These programs help both homeless and those in imminent danger of becoming homeless.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The main system and infrastructure we have in place to help people experiencing homelessness has been described above.

In terms of moving people to housing in the shortest amount of time, Rapid Re-Housing programs has been the avenue to success. The Coordinated Point of Entry keeps track of all the individuals on the Prioritization List on at least a monthly basis.

Outside of the Rapid Re-Housing Program, Townships and Community Action may have the funds for first month's rent and deposit. The outreach worker keeps the listing of available housing up to date

including the requirements of the property owners. This list is updated every other week and made available to everyone seeking a place to rent.

The Bloomington Housing Authority (BHA) has a prioritization policy for people experiencing homelessness. The BHA also has more flexibility with entrance requirements for people experiencing homelessness when it comes to prior evictions and property owner references. Other affordable housing complexes have an understanding of the great importance of housing people quickly and have been open to receiving referrals for homeless individuals and families.

The CICoC has been recognized as ending veteran homelessness, by the United States Interagency Council on Homelessness, Department of Housing and Urban Development, and the Department of Veterans Affairs. This entails finding permanent placement within 90 days of being recognized as homeless. The CICoC works closely with all veteran organizations to meet this goal.

Another resource to move people quickly out of emergency shelter is Mid Central Community Action (MCCA) transitional housing program based in Bloomington-Normal. This program provides up to two years of housing and case management to individuals and families who are transitioning from homelessness and/or inadequate housing. Rent costs are based on the tenant's income, with a maximum cost of $550 per month, and family members complete bi-weekly case management sessions with financial coaches to increase their knowledge and work toward financial stability. MCCA also serves 15 people coming from homeless at Mayors Manor Permanent Supportive Housing. These previously homeless or chronically homeless residents received short-term, medium-term, or long-term case management services, budget counseling, and self-sufficiency assessments. There are also five Shelter Plus Care beds, in conjunction with the Housing Authority, at the facility.

Chestnut Health System has Supportive Housing, Samaritan Housing, and Project Hope, all of which provide permanent supportive housing. This organization does work closely with Coordinated Point of Entry, so we have the opportunity to move people into housing as quickly as possible.

Recycling Furniture for Families assists with household items that help make the new housing a home for free.

The City of Bloomington, in conjunction with the Continuum of Care, follow several strategies for helping low-to-moderate income families avoid becoming homeless. First referrals are made to PATH's 24/7 information and referral line by dialing 211 to gain knowledge of services available and to access PATH Homeless Services if needed, which can provide limited emergency funds to help families avoid eviction or home condemnation. Second, the CoC and the City work with the Bloomington Township office, which provides emergency and general assistance. Finally, the City will continue to provide letters of support for agencies seeking federal, state, and private funding for homelessness prevention programs.

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CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

In Program Year 2021, the Bloomington Housing Authority (BHA) continued its reinvestment at Irvin South and McGraw Apartments. This project replaced old, obsolete boilers at two public housing buildings to ensure the preservation of safe, decent, and affordable housing for low-income residents.

Section 3 job training efforts funded through CDBG are critical to helping BHA residents move towards self-sufficiency. Jobs skills training sessions were provided, and the BHA also refers residents to a wide range of career and social service resources throughout the year.

BHA leadership is also an active participant in Housing Staff Committee and Affordable and Supportive Housing Committee made possible, in part, through City CDBG funding. Tackling larger region wide housing affordability issues will be a critical mission moving forward for these committees, and the BHA will play a vital role in developing long-term strategies.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The Housing Authority continues to administer a Family Self Sufficiency (FSS) program for public housing residents. This voluntary program allows members of a household to save money in an escrow account when the family increases its income. This savings is paid into the account monthly as a part of the family's rent payment. Resident Services staff help the participants set self-sufficiency goals to be completed over a matter of years. The participant is allowed to tap into their escrow account for education, purchasing of a car, and even a down payment on a home. Many Housing Authority families have benefitted from this program over the years.

Through Section 3 job training programs, the City is actively funding a foundational approach to homeownership. Stable employment and finances are critical aspects of homeownership, and our Section 3 funding provides incredible opportunities for BHA residents to build that foundation. Without employment and financial stability, homeownership will likely fail. Thus, by building these skills the City along with the BHA is creating an environment to achieve long-term success in homeownership.

Actions taken to provide assistance to troubled PHAs

The BHA is not categorized as troubled.

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CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

The City makes a concerted effort to keep all building permits/fees as low as possible. All approved contractors completing CDBG activities and not-for-profit agencies conducting housing activities are provided fee waivers. The City adopted a new zoning ordinance in early 2019 that takes affordable housing into consideration. The City also provides letters of consistency for local developers seeking tax credits for affordable housing development. Several new Low Income Housing Tax Credit (LIHTC) projects have been approved for the area in recent years.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The City's CDBG housing rehabilitation program meets an important need within the community. Without this program, many households would have to take less than favorable loans or not have access to credit at all to complete important rehabilitation to their homes to correct health, life, and safety issues per adopted City codes.

The City continues to expend close to 15% of its annual CDBG allocation on public service activities. In Program Year 2021, $75,506.25 was spent on homelessness prevention, food insecurity for elderly residents, and neighborhood services in West Bloomington. Additionally, the City continues to serve as the Trustee for the John M. Scott Health Care Trust. This trust provided over $700,000 in fundingduring the program year to address the healthcare needs of McLean County residents. The trust serves community members at or below 185% of the federal poverty level. All grants awarded focus on goals identified in the Community Health Improvement Plan.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City was awarded a 2.3 million dollar Lead Hazard Control and Healthy Homes grant in 2020. This grant will allow for the abatement of lead-based paint hazards in approximately 92 housing units. Delays in program implementation have come from continued challenges related to the COVID-19 Pandemic, contractor availability, and staff changes.

The City's single-housing rehabilitation program also takes steps to reduce lead-based paint hazards by following applicable federal regulations on lead-based paint hazards. Single-family units built before 1978 are tested for lead-based paint hazards before the scope of work is drafted. Lead clearance testing also takes place in these properties after rehabilitation work is completed. Community members are provided the results of the lead assessment and clearance testing along with other information about lead-based paint hazards.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City's CDBG funding helps reduce the number of poverty-level families in several ways. First, the City's housing rehabilitation program focuses on removing code violations that impact a resident's health, life, and safety. This work also protects the home of the family, which is not only their place of shelter but their primary investment. The homeowners that we serve would not be able to afford a traditional home improvement loan without pushing the household into poverty. This program provides critical relief for these families for needs that have a prohibitive cost.

Over the last two program years, the City has provided COVID-19 Pandemic rent and utility assistance through our CDBG-CV program that was funded through the CARES Act. This program dominated a significant amount of staff time and resources to manage, but ultimately provided critical relief to families directly impacted by the Pandemic and related economic impacts.

The City's Section 3 funding also provides critical knowledge and education for public housing residents. Through this program, many community members are on a better path towards achieving employment and financial stability.

Our public service activity funding also helps residents avoid homelessness, provides food security, and other critical neighborhood services that help pull people out of or prevent poverty.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

The City continues to evaluate how to best manage the seven grant programs currently held by the Community Enhancement Division. The seven grant programs are funded through federal, state, and local resources. The programs include CDBG, Continuum of Care, HUD Lead Hazard Control and Healthy Homes Program, Illinois Housing Development Authority's (IHDA) Single Family Rehabilitation Program, IHDA's Strong Communities program, the John M. Scott Trust Grant Program, and the City's Overhead Sewer Replacement program. Due to staffing changes during the program year, operational structure is being re-evaluated to ensure that the most can be made of limited resources. Additionally, the City is looking at potential partnerships that may assist in that effort.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The City utilized past CDBG funding to support a regional housing study which was completed in 2017. As a result of the study, the McLean County Regional Planning Commission (MCRPC) has implemented a Regional Housing Advisory Committee comprised of a Staff Committee, Affordable/Supportive Housing Group and Innovative Housing Solutions Group. The overall mission of the Regional Housing Advisory Committee is to provide a forum for housing stakeholders to interact on a regular basis, identify collaborative opportunities, and proactively address housing issues in the community. City staff currently participate on the Staff Committee and Affordable/Supportive Housing Group. Other members

of the Staff Committee include representatives from MCRPC, Bloomington Housing Authority, Town of Normal and PATH (Providing Access to Help). The Affordable/Supportive

Housing Group is comprised of social service agencies with a vested interest in quality, affordable housing opportunities for low-income residents.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

In Program Year 2019, the City funded its first grant to directly address fair housing issues. The City created a partnership with Prairie State Legal Services to support a staff attorney position dedicating a portion of her time to address fair housing complaints and training local officials and City staff on fair housing laws and practices. This program was well received and continued to expand in ProgramYear 2020 to include a fair housing testing component. An analysis of fair housing impediments was included in the 2020-2024 Consolidated Plan public outreach and planning process through the work ofprogram partner Prairie State Legal Services. Additionally, fair housing information and research was included in the BN Home-Regional Housing Study published in October 2017.

Additional barriers are addressed below.

1. Increased costs for residential development from fees, building materials, labor, and other inflationary pressures have substantially tightened the housing market to the detriment of low-to-moderate income residents. The City is addressing this issue by maintaining an equitable, fair list of development fees. Additionally, the City offers permit waivers for not-for-profit organizations and all Community Enhancement Division approved contractors. The City continues to partner with several non-profit organizations dedicated to providing affordable housing through new construction and rehabilitation.
2. Public transportation issues identified by the community include limited bus routes and inconvenient hours of operation. The City continues, and hopes to build on, its partnership with Connect Transit, which the primary mass transit provider in the community. The partnership will hopefully investigate opportunities for CDBG funding to improve services for Connect Transit.
3. Deteriorating road and sidewalks have made housing choices more difficult for residents. CDBG funding was used in this program year for sidewalk upgrades and that plan is moving forward in future program years. Staff and the community will investigate roads and sidewalks needs in the next consolidated plan and learn from sidewalk activities in this current Consolidated Plan.
4. Accessibility for disabled community members and the need for more permanent supportive housing has been an identified barrier as well. The City partners with AMBUCS to build accessibility ramps through the CDBG housing rehabilitation program. The City used CDBG funds to cover the cost of the material and AMBUCS provides the volunteer labor to construct the ramps. As the Administrator for several Continuum of Care (CoC) grants, the City supports a rent subsidy at Mayors Manor, which is one of several HUD funded Permanent Supportive Housing programs in McLean County.

5. Many residents were concerned about payday lenders and consumer installment loan licenses, but this issue was addressed by a City resolution in 2011 that prohibited particularly dangerous types ofpayday and consumer loans.
6. Rental unit price continues to be a concern. Unfortunately, due to national housing market issues and increased housing demand locally due to economic expansion, the issue has become worse for many residents. The City along with its partners are investigating ways to promote and establish additional housing options that meet the needs of all residents. The McLean County Regional Planning Commission has been studying the issue in collaboration with community partners and this will continue to guide policymakers as they confront this pressing problem.

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CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Monitoring activities include creating and implementing a tracking system to track progress on all projects, periodic reporting requirements, providing funding on reimbursement basis only, monitoring of subrecipients, and gathering annual financial audit information for subrecipients from an outside CPA firm for compliance with generally accepted practices and principals of accounting and compliance with federal statutes and regulations. Much of the monitoring process, especially since the COVID-19 Pandemic started, has been done through grant management software.

The multitude of partnerships the City has with community stakeholders also allows the City to better plan and coordinate CDBG activities. This will expand as the planning process for the next Consolidated Plan begins and staff transitions have settled. One area the City has identified as a challenge is recruiting minority and women-owned businesses to Community Enhancement Division programs. Previous advertising efforts have not been highly successful, but as we start the process for the next Consolidated Plan this will be a focus during those planning duties.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The public comment period is from July 12, 2022, through July 28, 2022. A public hearing will be held during the regularly scheduled City Council meeting on July 25, 2022. Notice of the public hearing and public comment period was published in the Pantagraph on July 11, 2022.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City's program objectives stayed consistent throughout the entire Consolidated Plan. These objectives were based on outreach completed during the creation of the 2020-2024 Consolidated Plan. The COVID-19 Pandemic and supply-chain issues were barriers to meeting some goals during the

program year, but the City is hopeful these issues will be less prevalent in the coming program year.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

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CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The City's program objectives stayed consistent throughout the entire Consolidated Plan. These objectives were based on outreach completed during the creation of the 2020-2024 Consolidated Plan. The COVID-19 Pandemic and supply-chain issues were barriers to meeting some goals during the program year, but the City is hopeful these issues will be less prevalent in the coming program year.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

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CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

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Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

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City of Bloomington CDBG Open CDBG Activities Summary

1214 (822 E Monroe Demolition): This activity will be closed once Habitat for Humanity of McLean County completes the closing process on the newly constructed affordable housing unit.

1237 (515 W Oakland Demolition): This activity will be closed once Habitat for Humanity of McLean County completes the closing process on the newly constructed affordable housing unit.

1238 (707 W Locust Demolition): This activity will be closed once Habitat for Humanity of McLean County completes the closing process on the newly constructed affordable housing unit.

1281 (811 W Grove Demolition): This activity will be closed once Habitat for Humanity of McLean County completes construction of the new affordable housing unit. Construction has started and is scheduled, as of now, for completion in calendar year 2022. Obviously, supply chain and continued COVID-19 Pandemic disruptions may impact the timeline on this activity. The City will continue to keep HUD aware of the progress for this activity.

1301 (COVID-19 Residential Aid Program LMI): The City is currently re-evaluating our COVID-19 CDBG programs and will close activities that will no longer serve our community effectively. City staff is reviewing potential options to exhaust the funding before closing related activities in IDIS.

1302 (COVID-19 Residential Aid Program URG): The City is currently re-evaluating our COVID-19 CDBG programs and will close activities that will no longer serve our community effectively. City staff is reviewing potential options to exhaust the funding before closing related activities in IDIS.

1303 (COVID-19 Small Business Assistance Program): The City is currently re-evaluating our COVID-19 CDBG programs and will close activities that will no longer serve our community effectively. City staff is reviewing potential options to exhaust the funding before closing related activities in IDIS.

1312 (COVID-19 Administration Costs): The City is currently re-evaluating our COVID-19 CDBG programs and will close activities that will no longer serve our community effectively. City staff is reviewing potential options to exhaust the funding before closing related activities in IDIS.

1306 (703 W Locust Demolition): Habitat for Humanity of McLean County plans to build an affordable housing unit on the site. Progress on building new affordable units has been slowed due to limited availability of contractors, continued COVID-19 Pandemic disruptions, and supply chain problems. The City will continue to keep HUD aware of the progress for this activity.

1333 (MCCA-Mayors Manor HVAC and ADA Doors): Supplies needed to complete this project are on backorder. The project is scheduled for completion by the end of calendar year 2022. The City will close the activity once completed.

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1334 (West Corridors Sidewalk Project): This activity will be completed before the end of calendar year 2022. Construction is well underway, and the City will close the activity once completed.

1335 (WBRP ADA Entrance): This activity is scheduled to be completed by the end of calendar year 2022. Technical issues with the project caused delays, but these are being solved. The City will close the activity once completed.

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Program Year 2021 Annual Action Plan Goals Under 100%			
Goal	**Indicator/Category**	**% to Goal**	**Description**
Administer CDBG effectively and proficiently.	Other Affordable Housing Public Housing Non-Housing Community Development	98.00%	The programs were largely successful, but delays in receiving funds from HUD caused program planning delays. A longer planning period for the subrecipients should allow for more marketing time.
Elimination of slum and blight conditions.	Buildings Demolished	33.33%	Acquiring properties that require demolition continues to be a challenge given the legal steps required to obtain the properties. Staff continues to look for opportunities to expedite this process.
Preservation of existing affordable housing stock.	Homeowner Housing Rehabilitated	76.19%	The City's single-family housing rehabilitation program continued to face challenges from the COVID-19 Pandemic. Work was often delayed to ensure that public health measures were followed for client, partner, and staff safety. Supply chain issues caused frequent delays in obtaining needed materials. Additionally, the City, like other municipalities, struggles to recruit enough qualified contractors to complete rehabilitation work. Staff is currently developing a marketing plan to recruit contractors.
2020-2024 Consolidated Plan Goals Under 40%			
Goal	**Indicator/Category**	**% to Goal**	**Description**
Elimination of Slum and Blight conditions.	Homeowner Housing Added	0.00%	Due to delays from the COVID-19 Pandemic and supply chain issues, the construction of new affordable housing units is delayed. Habitat for Humanity is currently constructing or finishing the closing process on four new affordable housing units. Staff continues to work with Habitat for Humanity to find ways to build additional units.
Preservation of existing affordable housing stock.	Homeowner Housing Rehabilitated	34.00%	The City's single-family housing rehabilitation program continued to face challenges from the COVID-19 Pandemic. Work was often delayed to

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			ensure that public health measures were followed for client, partner, and staff safety. In Program Year 2020 the City had to stop work associated with the rehabilitation program multiple times due to COVID-19 transmission rates. Supply chain issues caused frequent delays in obtaining needed materials. Additionally, the City, like other municipalities, struggles to recruit enough qualified contractors to complete rehabilitation work. Staff is currently developing a marketing plan to recruit contractors.
Provide quality services and facilities.	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit.	21.17%	It is expected that this indicator will show sufficient progress on Consolidated Plan goals soon. All of the public facility and infrastructure activities from Program Year 2021 have faced delays due to supply-chain challenges, the COVID-19 Pandemic, and delays in receiving HUD funding. All activities are anticipated to be completed in Program Year 2022. The City will report accomplishments in IDIS as soon as they become available.

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Public Comments and Questions:

Michael Sinnet
Community Enhancement Division Manager
(309) 434-2450
msinnet@cityblm.org

REGULAR AGENDA ITEM NO. 9.A

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action to approve a Contract with AFSCME Local 699 who represent workers at the Bloomington Public Library, as requested by the Bloomington Public Library.

RECOMMENDED MOTION: The proposed Agreement 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: On March 9, 2022, Local 699 and Library staff began negotiating the terms of a collective bargaining agreement to succeed the agreement that expired on April 30, 2022. The expired agreement can be located at www.cityblm.org under Human Resources in a folder titled Labor Contracts. The parties were able to reach a Tentative Agreement, the Union ratified the Tentative Agreement on June 30, 2022, and the Library Board approved the Tentative Agreement on July 19, 2022.

Highlights from the Tentative Agreement include:

Term of Agreement
3-year agreement

Sunday Work
The existing differential will be adjusted for full time employees working on rotating Sundays, to allow for a future expansion of the library's operating hours.

Wages
All bargaining unit employees will be on one wage table rather than separate wage tables for part-time staff and full-time staff.

All bargaining unit employees, with the exception of Shelvers, Library Assistants, and Maintenance/Custodians will receive an across the board increase effective May 1, 2022 of 3%. Shelver pay will move to $13/hour, Library Assistant pay will move to $14/hour, and Maintenance/Custodian pay will move to $19/hour.

All bargaining unit employees, with the exception of Shelvers and Library Assistants will receive an across the board increase effective May 1, 2023 of 3%. Shelver pay will move to $14/hour and Library Assistant pay will move to $15/hour.

All bargaining unit employees, with the exception of Shelvers and Library Assistants will receive an across the board increase effective May 1, 2024 of 3%. Shelver pay will move to $15/hour and Library Assistant pay will move to $16/hour.

Employees with at least ten years of continuous service, covered by this Agreement, and on payroll upon Agreement ratification will receive a one-time bonus based on longevity according to the following schedule:
Employees with at least 10 years - $600
Employees with at least 15 years - $700
Employees with at least 20 years - $800
Employees with at least 25 years - $900
Employees with at least 30 years - $1,000

Leave Benefits

Holidays – The Library will be remain open on Veterans Day but it will be considered an 8-hour holiday for full time staff.

Vacation Leave – Full-time employees may carryover 40 hours of vacation time annually (increased from 24) and part-time employees may carryover 20 hours of vacation time annually (increased from 12).

Sick Leave – The accelerated accrual of sick time during the first twelve months of employment will be eliminated.

All part-time employees will be eligible for sick leave accrual after two years of service.

Bereavement Leave – Bereavement time may be taken over a two-week period rather than on consecutive day and will allow bereavement leave for the immediate family members of the employee's spouse.

VESSA – Language about the Victim's Economic Security and Safety Act (VESSA) will be added.

Wellness Day – Full-time employees will be eligible to earn one paid leave day if they complete wellness requirements and a wellness day application.

Parental Leave- Full-time employees will be eligible for 20 workdays of parental leave after the birth or adoption of a child.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Library Board and AFSCME Local 699

FINANCIAL IMPACT: The financial impact of the across the board increase of 3% for all sixty-four bargaining unit positions and the one-time bonus for bargaining unit employees with ten or more years of service will be approximately $141,865 in FY23. The additional cost of the 3% increase over the prior years' increase will be approximately $79,815 in FY24 and $80,890 in FY25.

An increase of approximately $47,055 was included in the FY23 adopted budget. Strategic

vacancies will be held for the remainder of FY23 to offset the additional increase. We are hopeful that increases in the Equalized Assessed Valuation will be enough to absorb the increases in FY24 and FY25 but are confident that operational budget management will accommodate any differences.

COMMUNITY DEVELOPMENT IMPACT: This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035: N/A

Respectfully submitted for consideration.

Prepared by: Jeanne Hamilton, Library Director

REGULAR AGENDA ITEM NO. 9.B

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on a Resolution Establishing a Framework for the Use and Expenditure of American Rescue Plan Funds for the City of Bloomington, as requested by the Administration Department.

RECOMMENDED MOTION: The proposed Resolution be adopted.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services
Goal 2. Upgrade City Infrastructure and Facilities
Goal 3. Grow the Local Economy

STRATEGIC PLAN SIGNIFICANCE:
Objective 1a. Budget with adequate resources to support defined services and level of services
Objective 2a. Better quality roads and sidewalks
Objective 3e. Strong working relationship among the City, businesses, economic development organizations

BACKGROUND: The City received $13,386,924.00 in funds from the American Rescue Plan Act ("ARPA") to be utilized for various purposes, including but not limited to addressing systemic public health and economic challenges, funding government services from lost revenue, and investing in water and sewer infrastructure, as defined and permitted by ARPA and its rules. Although some ARPA funds have already been spent, the Council has discussed establishing a specific framework and categories of spending for the funds. The proposed resolution, in line with discussions at the Committee of the Whole on May 16, 2022, provides three primary categories of spending, including: (1) $2,193,462.00 on economic development; (2) $2,193,462.00 on socioeconomic opportunities; and (3) $9,000,000.00 on City infrastructure.

Although the proposed resolution sets forth "categories" of spending, the resolution also provides that the City Council must still approve the actual expenditure of ARPA funds. Accordingly, when City staff proposes spending ARPA funds on a specific use, staff will identify the proposed use to the Council and obtain approval prior to using ARPA funds on a project.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: N/A

FINANCIAL IMPACT: Although the proposed Resolution sets forth categories of use for ARPA funds, it does not actually authorize the expenditure of any funds.

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: UEW-1: Provide quality public

infrastructure within the City to protect public health, safety and the environment. UEW-1.7 Reliable and efficient collections systems (sanitary sewer, combined sewer, and storm sewer systems) to protect public health, safety and the environment.

Respectfully submitted for consideration.

Prepared by: Jeff Jurgens, Corporation Counsel

ATTACHMENTS:
LGL 1B Resolution_ARPA Funds
LGL 1C State and Local Fiscal Recovery Funds Overview 2022

RESOLUTION NO. 2022 - _____

A RESOLUTION ESTABLISHING A FRAMEWORK FOR THE USE AND EXPENDITURE OF AMERICAN RESCUE PLAN FUNDS FOR THE CITY OF BLOOMINGTON

WHEREAS, the City of Bloomington ("City") is a home rule unit of local government with authority to legislate in matters concerning its local government and affairs; and

WHEREAS, the City received $13,386,924.00 in funds from the American Rescue Plan Act ("ARPA") to be utilized for various purposes, including but not limited to addressing systemic public health and economic challenges, funding government services from lost revenue, and investing in water and sewer infrastructure, as defined and permitted by ARPA and its rules; and

WHEREAS, the City Council has been planning the use of its ARPA funds and desires to adopt this Resolution to establish a framework for the use and expenditure of the ARPA funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON THAT:

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

SECTION 2. Use of ARPA Funds. The City Council shall generally use its ARPA funds by spending in the following categories: (1) $2,193,462.00 on economic development; (2) $2,193,462.00 on socioeconomic opportunities; and (3) $9,000,000.00 on City infrastructure.

SECTION 3. Restrictions. All funds are to be spent in accordance with the law and specifical legal requirements associated with the American Rescue Plan Act.

SECTION 4. Expenditures. City staff, in cooperation with the City Council, shall develop and identify specific proposed expenditures of ARPA funds tied to the categories under Section 2. When an expenditure of ARPA funds is being proposed or presented to the Council, City staff shall identify the category from which it is coming under Section 2. All expenditures of ARPA funds must be approved by the City Council.

SECTION 5. Severability. 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 6. Effectiveness. This Resolution shall be in full force and effect immediately after its passage and approval.

PASSED this 25th day of July 2022.

APPROVED this _____ day of July 2022.

CITY OF BLOOMINGTON

_____

Mboka Mwilambwe, Mayor

ATTEST

_____

Leslie Smith-Yocum, City Clerk

Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule

U.S. DEPARTMENT OF THE TREASURY

January 2022

The Overview of the Final Rule provides a summary of major provisions of the final rule for informational purposes and is intended as a brief, simplified user guide to the final rule provisions.

The descriptions provided in this document summarize key provisions of the final rule but are non-exhaustive, do not describe all terms and conditions associated with the use of SLFRF, and do not describe all requirements that may apply to this funding. Any SLFRF funds received are also subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which incorporate the provisions of the final rule and the guidance that implements this program.

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Introduction

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers $350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

EARLY PROGRAM IMPLEMENTATION

In May 2021, Treasury published the Interim final rule (IFR) describing eligible and ineligible uses of funds (as well as other program provisions), sought feedback from the public on these program rules, and began to distribute funds. The IFR went immediately into effect in May, and since then, governments have used SLFRF funds to meet their immediate pandemic response needs and begin building a strong and equitable recovery, such as through providing vaccine incentives, development of affordable housing, and construction of infrastructure to deliver safe and reliable water.

As governments began to deploy this funding in their communities, Treasury carefully considered the feedback provided through its public comment process and other forums. Treasury received over 1,500 comments, participated in hundreds of meetings, and received correspondence from a wide range of governments and other stakeholders.

KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE

The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. Among other clarifications and changes, the final rule provides the features below.

Replacing Lost Public Sector Revenue

The final rule offers a standard allowance for revenue loss of up to $10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

Public Health and Economic Impacts

In addition to programs and services, the final rule clarifies that recipients can use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with final rule requirements.

In addition, the final rule provides an expanded set of households and communities that are presumed to be "impacted" and "disproportionately impacted" by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient's pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

Premium Pay

The final rule delivers more streamlined options to provide premium pay, by broadening the share of eligible workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline workers performing essential work.

Water, Sewer & Broadband Infrastructure

The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broader range of lead remediation and stormwater management projects.

FINAL RULE EFFECTIVE DATE

The final rule takes effect on April 1, 2022. Until that time, the interim final rule remains in effect; funds used consistently with the IFR while it is in effect are in compliance with the SLFRF program.

However, recipients can choose to take advantage of the final rule's flexibilities and simplifications now, even ahead of the effective date. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*, which can be found on Treasury's website, for more information on compliance with the interim final rule and the final rule.

Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

- **Replace lost public sector revenue**, using this funding to provide government services up to the amount of revenue loss due to the pandemic.
    - Recipients may determine their revenue loss by choosing between two options:
        - A standard allowance of up to $10 million in aggregate, not to exceed their award amount, during the program;
        - Calculating their jurisdiction's specific revenue loss each year using Treasury's formula, which compares actual revenue to a counterfactual trend.
    - Recipients may use funds up to the amount of revenue loss for government services; generally, services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise.
- **Support the COVID-19 public health and economic response** by addressing COVID-19 and its impact on public health as well as addressing economic harms to households, small businesses, nonprofits, impacted industries, and the public sector.
    - Recipients can use funds for programs, services, or capital expenditures that respond to the public health and negative economic impacts of the pandemic.
    - To provide simple and clear eligible uses of funds, Treasury provides a list of enumerated uses that recipients can provide to households, populations, or classes (i.e., groups) that experienced pandemic impacts.
    - Public health eligible uses include COVID-19 mitigation and prevention, medical expenses, behavioral healthcare, and preventing and responding to violence.
    - Eligible uses to respond to negative economic impacts are organized by the type of beneficiary: assistance to households, small businesses, and nonprofits.
        - Each category includes assistance for "impacted" and "disproportionately impacted" classes: impacted classes experienced the general, broad-based impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.
        - To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.

        - Eligible uses for assistance to impacted households include aid for re-employment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
        - Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
    - Recipients can also provide assistance to impacted industries like travel, tourism, and hospitality that faced substantial pandemic impacts, or address impacts to the public sector, for example by re-hiring public sector workers cut during the crisis.
    - Recipients providing funds for enumerated uses to populations and groups that Treasury has presumed eligible are clearly operating consistently with the final rule. Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- **Provide premium pay for eligible workers performing essential work**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
    - Recipients may provide premium pay to eligible workers – generally those working in-person in key economic sectors – who are below a wage threshold or non-exempt from the Fair Labor Standards Act overtime provisions, or if the recipient submits justification that the premium pay is responsive to workers performing essential work.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
    - Recipients may fund a broad range of water and sewer projects, including those eligible under the EPA's Clean Water State Revolving Fund, EPA's Drinking Water State Revolving Fund, and certain additional projects, including a wide set of lead remediation, stormwater infrastructure, and aid for private wells and septic units.
    - Recipients may fund high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable; completed projects must participate in a low-income subsidy program.

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use apply across all eligible use categories. These include:

- **For states and territories:** No offsets of a reduction in net tax revenue resulting from a change in state or territory law.

- **For all recipients except for Tribal governments:** No extraordinary contributions to a pension fund for the purpose of reducing an accrued, unfunded liability.

- **For all recipients:** No payments for debt service and replenishments of rainy day funds; no satisfaction of settlements and judgments; no uses that contravene or violate the American Rescue Plan Act, Uniform Guidance conflicts of interest requirements, and other federal, state, and local laws and regulations.

Under the SLFRF program, funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend SLFRF funds, is the "period of performance."

In addition to SLFRF, the American Rescue Plan includes other sources of funding for state and local governments, including the Coronavirus Capital Projects Fund to fund critical capital investments including broadband infrastructure; the Homeowner Assistance Fund to provide relief for our country's most vulnerable homeowners; the Emergency Rental Assistance Program to assist households that are unable to pay rent or utilities; and the State Small Business Credit Initiative to fund small business credit expansion initiatives. Eligible recipients are encouraged to visit the Treasury website for more information.

Replacing Lost Public Sector Revenue

The Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for "government services" in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

In order to use funds under government services, recipients should first determine revenue loss. They may, then, spend up to that amount on general government services.

DETERMINING REVENUE LOSS

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

1. **Recipients may elect a "standard allowance" of $10 million to spend on government services through the period of performance.**

   Under this option, which is newly offered in the final rule Treasury presumes that up to $10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services." The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for SLFRF's smallest recipients.

   All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula below, including those with total allocations of $10 million or less. Electing the standard allowance does not increase or decrease a recipient's total allocation.

2. **Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.**

   Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

   To calculate revenue loss at each of these dates, recipients must follow a four-step process:

a. Calculate revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the *base year revenue.*

b. Estimate *counterfactual revenue*, which is equal to the following formula, where *n* is the number of months elapsed since the end of the base year to the calculation date:

$$base\ year\ revenue\ \times (1 + growth\ adjustment)^{\frac{n}{12}}$$

The *growth adjustment* is the greater of either a standard growth rate—5.2 percent—or the recipient's average annual revenue growth in the last full three fiscal years prior to the COVID-19 public health emergency.

c. Identify *actual revenue*, which equals revenues collected over the twelve months immediately preceding the calculation date.

Under the final rule, recipients must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after the date of adoption of the final rule (January 6, 2022). Specifically, the estimated fiscal impact of tax cuts and tax increases adopted after January 6, 2022, must be added or subtracted to the calculation of actual revenue for purposes of calculation dates that occur on or after April 1, 2022.

Recipients may subtract from their calculation of actual revenue the effect of tax increases enacted prior to the adoption of the final rule. Note that recipients that elect to remove the effect of tax increases enacted before the adoption of the final rule must also remove the effect of tax decreases enacted before the adoption of the final rule, such that they are accurately removing the effect of tax policy changes on revenue.

d. Revenue loss for the calculation date is equal to *counterfactual revenue* minus *actual revenue* (adjusted for tax changes) for the twelve-month period. If actual revenue exceeds counterfactual revenue, the loss is set to zero for that twelve-month period. Revenue loss for the period of performance is the sum of the revenue loss on for each calculation date.

The supplementary information in the final rule provides an example of this calculation, which recipients may find helpful, in the Revenue Loss section.

SPENDING ON GOVERNMENT SERVICES

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the above approach. **Government services generally include *any service* traditionally provided by a government**, unless Treasury has stated otherwise**.** Here are some common examples, although this list is not exhaustive:

- ✓ Construction of schools and hospitals
- ✓ Road building and maintenance, and other infrastructure
- ✓ Health services
- ✓ General government administration, staff, and administrative facilities
- ✓ Environmental remediation
- ✓ Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.

Responding to Public Health and Economic Impacts of COVID-19

The Coronavirus State and Local Fiscal Recovery Funds provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts.

The eligible use category to respond to public health and negative economic impacts is organized around the types of assistance a recipient may provide and includes several sub-categories:

- public health,
- assistance to households,
- assistance to small businesses,
- assistance to nonprofits,
- aid to impacted industries, and
- public sector capacity.

In general, to identify eligible uses of funds in this category, recipients should (1) identify a COVID-19 public health or economic impact on an individual or class (i.e., a group) and (2) design a program that responds to that impact. Responses should be related and reasonably proportional to the harm identified and reasonably designed to benefit those impacted.

To provide simple, clear eligible uses of funds that meet this standard, Treasury provides a non-exhaustive list of enumerated uses that respond to pandemic impacts. Treasury also presumes that some populations experienced pandemic impacts and are eligible for responsive services. In other words, recipients providing enumerated uses of funds to populations presumed eligible are clearly operating consistently with the final rule.[1]

Recipients also have broad flexibility to (1) identify and respond to other pandemic impacts and (2) serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients can also identify groups or "classes" of beneficiaries that experienced pandemic impacts and provide services to those classes.

[1] However, please note that use of funds for enumerated uses may not be grossly disproportionate to the harm. Further, recipients should consult the Capital Expenditures section for more information about pursuing a capital expenditure; please note that enumerated capital expenditures are not presumed to be reasonably proportional responses to an identified harm except as provided in the Capital Expenditures section.

Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	• Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group) • Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class	• Types of responses can include a program, service, or capital expenditure • Response should be related and reasonably proportional to the harm • Response should also be reasonably designed to benefit impacted individual or class
Simplifying Presumptions	• Final Rule presumes certain populations and classes are impacted and disproportionately impacted	• Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts

To assess eligibility of uses of funds, recipients should first determine the sub-category where their use of funds may fit (e.g., public health, assistance to households, assistance to small businesses), based on the entity that experienced the health or economic impact.[2] Then, recipients should refer to the relevant section for more details on each sub-category.

While the same overall eligibility standard applies to all uses of funds to respond to the public health and negative economic impacts of the pandemic, each sub-category has specific nuances on its application. In addition:

- Recipients interested in using funds for capital expenditures (i.e., investments in property, facilities, or equipment) should review the Capital Expenditures section in addition to the eligible use sub-category.
- Recipients interested in other uses of funds, beyond the enumerated uses, should refer to the section on "Framework for Eligible Uses Beyond Those Enumerated."

[2] For example, a recipient interested in providing aid to unemployed individuals is addressing a negative economic impact experienced by a household and should refer to the section on assistance to households. Recipients should also be aware of the difference between "beneficiaries" and "sub-recipients." Beneficiaries are households, small businesses, or nonprofits that can receive assistance based on impacts of the pandemic that they experienced. On the other hand, sub-recipients are organizations that carry out eligible uses on behalf of a government, often through grants or contracts. Sub-recipients do not need to have experienced a negative economic impact of the pandemic; rather, they are providing services to beneficiaries that experienced an impact.

RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
  - ✓ Vaccination programs, including vaccine incentives and vaccine sites
  - ✓ Testing programs, equipment and sites
  - ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
  - ✓ Public communication efforts
  - ✓ Public health data systems
  - ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
  - ✓ Medical and PPE/protective supplies
  - ✓ Support for isolation or quarantine
  - ✓ Ventilation system installation and improvement
  - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
  - ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
  - ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
  - ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
  - ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
  - ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
  - ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
  - ✓ Public telemedicine capabilities for COVID-19 related treatment

- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
  - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
  - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
  - ✓ Emergency medical response expenses
  - ✓ Treatment of long-term symptoms or effects of COVID-19

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
  - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
  - ✓ Enhanced behavioral health services in schools
  - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
  - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
  - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
  - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
  - ✓ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
  - ✓ Referrals to trauma recovery services for victims of crime
  - ✓ Community violence intervention programs, including:
    - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
  - ✓ In communities experiencing increased gun violence due to the pandemic:
    - Law enforcement officers focused on advancing community policing
    - Enforcement efforts to reduce gun violence, including prosecution
    - Technology & equipment to support law enforcement response

RESPONDING TO NEGATIVE ECONOMIC IMPACTS

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted" households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction’s business climate – would generally not be eligible under this eligible use category.

Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or-moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs*: households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools*: any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is $65,880 per year.[3] In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.

[3] For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is $82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is $75,780 per year.

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund[4]

[4] Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits[5]
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is $40,626 per year.[6] In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

[5] These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

[6] For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is $50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is $46,731 per year

Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing[7]
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities (including those listed on page 18)

[7] Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

Assistance to Small Businesses

Small businesses have faced widespread challenges due to the pandemic, including periods of shutdown, declines in revenue, or increased costs. The final rule provides many tools for recipients to respond to the impacts of the pandemic on small businesses, or disproportionate impacts on businesses where pre-existing disparities like lack of access to capital compounded the pandemic's effects.

Small businesses eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "small business," specifically:

1. Have no more than 500 employees, or if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and
2. Are a small business concern as defined in section 3 of the Small Business Act[8] (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).

Impacted Small Businesses

Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue or gross receipts
- ✓ Financial insecurity
- ✓ Increased costs
- ✓ Capacity to weather financial hardship
- ✓ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs
- ✓ Technical assistance, counseling, or other services to support business planning

Disproportionately Impacted Small Businesses

Treasury presumes that the following small businesses are disproportionately impacted by the pandemic:

[8] 15 U.S.C. 632.

- ✓ Small businesses operating in Qualified Census Tracts
- ✓ Small businesses operated by Tribal governments or on Tribal lands
- ✓ Small businesses operating in the U.S. territories

Assistance to disproportionately impacted small businesses includes the following enumerated uses, which have been expanded under the final rule:

- ✓ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ✓ Support for microbusinesses, including financial, childcare, and transportation costs

Assistance to Nonprofits

Nonprofits have faced significant challenges due to the pandemic's increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees. Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "nonprofit"—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

Impacted Nonprofits

Recipients can identify nonprofits impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue (e.g., from donations and fees)
- ✓ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need)
- ✓ Capacity to weather financial hardship
- ✓ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to nonprofits that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship
- ✓ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Disproportionately Impacted Nonprofits

Treasury presumes that the following nonprofits are disproportionately impacted by the pandemic:

- ✓ Nonprofits operating in Qualified Census Tracts
- ✓ Nonprofits operated by Tribal governments or on Tribal lands
- ✓ Nonprofits operating in the U.S. territories

Recipients may identify appropriate responses that are related and reasonably proportional to addressing these disproportionate impacts.

Aid to Impacted Industries

Recipients may use SLFRF funding to provide aid to industries impacted by the COVID-19 pandemic. Recipients should first designate an impacted industry and then provide aid to address the impacted industry's negative economic impact.

This sub-category of eligible uses does not separately identify disproportionate impacts and corresponding responsive services.

1. **Designating an impacted industry.** There are two main ways an industry can be designated as "impacted."

    1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.

    2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:

        a. The industry experienced at least 8 percent employment loss from pre-pandemic levels,[9] or

        b. The industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

    Recipients have flexibility to define industries broadly or narrowly, but Treasury encourages recipients to define narrow and discrete industries eligible for aid. State and territory recipients also have flexibility to define the industries with greater geographic precision; for example, a state may identify a particular industry in a certain region of a state as impacted.

2. **Providing eligible aid to the impacted industry.** Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

[9] Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

Treasury recognizes the enumerated projects below as eligible responses to impacted industries.

- ✓ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ✓ Technical assistance, counseling, or other services to support business planning
- ✓ COVID-19 mitigation and infection prevention measures (see section Public Health)

As with all eligible uses, recipients may pursue a project not listed above by undergoing the steps outlined in the section Framework for Eligible Uses Beyond Those Enumerated.

PUBLIC SECTOR CAPACITY

Recipients may use SLFRF funding to restore and bolster public sector capacity, which supports government's ability to deliver critical COVID-19 services. There are three main categories of eligible uses to bolster public sector capacity and workforce: Public Safety, Public Health, and Human Services Staff; Government Employment and Rehiring Public Sector Staff; and Effective Service Delivery.

Public Safety, Public Health, and Human Services Staff

SLFRF funding may be used for payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. Recipients should follow the steps below.

1. **Identify eligible public safety, public health, and human services staff.** Public safety staff include:

   - ✓ Police officers (including state police officers)
   - ✓ Sheriffs and deputy sheriffs
   - ✓ Firefighters
   - ✓ Emergency medical responders
   - ✓ Correctional and detention officers
   - ✓ Dispatchers and supervisor personnel that directly support public safety staff

   Public health staff include:

   - ✓ Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions
   - ✓ Laboratory technicians, medical examiners, morgue staff, and other support services essential for patient care
   - ✓ Employees of public health departments directly engaged in public health matters and related supervisory personnel

   Human services staff include:

   - ✓ Employees providing or administering social services and public benefits
   - ✓ Child welfare services employees
   - ✓ Child, elder, or family care employees

2. **Assess portion of time spent on COVID-19 response for eligible staff.**

   Recipients can use a variety of methods to assess the share of an employees' time spent responding to COVID-19, including using reasonable estimates—such as estimating the share of time based on discussions with staff and applying that share to all employees in that position.

   For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the

employee, or his or her operating unit or division, is "primarily dedicated" to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division's time is dedicated to responding to COVID-19.

Recipients must periodically reassess their determination and maintain records to support their assessment, although recipients do not need to track staff hours.

3. **Use SLFRF funding for payroll and covered benefits for the portion of eligible staff time spent on COVID-19 response.** SLFRF funding may be used for payroll and covered benefits for the portion of the employees' time spent on COVID-19 response, as calculated above, through the period of performance.

Government Employment and Rehiring Public Sector Staff

Under the increased flexibility of the final rule, SLFRF funding may be used to support a broader set of uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring, support, and retention.

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient's needs.

  - *If the recipient simply wants to hire back employees for pre-pandemic positions:* Recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF funds to cover payroll and covered benefits for such positions through the period of performance.

  - *If the recipient wants to hire above the pre-pandemic baseline and/or would like to have flexibility in positions:* Recipients may use SLFRF funds to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted FTEs up to 7.5 percent above its pre-pandemic baseline. Specifically, recipients should undergo the following steps:

    a. Identify the recipient's budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline*.
    b. Multiply the pre-pandemic baseline by 1.075. This is called the *adjusted pre-pandemic baseline*.
    c. Identify the recipient's budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude the number of FTEs dedicated to responding to the COVID-19 public health emergency. This is called the *actual number of FTEs*.
    d. Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be covered by SLFRF funds. Recipients do not have to hire for the same roles that existed pre-pandemic.

Recipients may use SLFRF funds to cover payroll and covered benefits through the period of performance; these employees must have begun their employment on or after March 3, 2021. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level (i.e., the *actual number of FTEs*).

- **Supporting and retaining public sector workers.** Recipients can also use funds in other ways that support the public sector workforce.[10] These include:
    - **Providing additional funding for employees who experienced pay reductions or were furloughed** since the onset of the pandemic, up to the difference in the employee's pay, taking into account unemployment benefits received.
    - **Maintaining current compensation levels to prevent layoffs.** SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.
    - **Providing worker retention incentives, including reasonable increases in compensation** to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee's regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- **Covering administrative costs associated with administering the hiring, support, and retention programs above.**

Effective Service Delivery

SLFRF funding may be used to improve the efficacy of public health and economic programs through tools like program evaluation, data, and outreach, as well as to address administrative needs caused or exacerbated by the pandemic. Eligible uses include:

- **Supporting program evaluation, data, and outreach through:**

[10] Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.

- ✓ Program evaluation and evidence resources
- ✓ Data analysis resources to gather, assess, share, and use data
- ✓ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services
- ✓ Community outreach and engagement activities
- ✓ Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support

- **Addressing administrative needs, including:**
  - ✓ Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
  - ✓ Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)

CAPITAL EXPENDITURES

As described above, the final rule clarifies that recipients may use funds for programs, services, and capital expenditures that respond to the public health and negative economic impacts of the pandemic. Any use of funds in this category for a capital expenditure must comply with the capital expenditure requirements, in addition to other standards for uses of funds.

Capital expenditures are subject to the same eligibility standard as other eligible uses to respond to the pandemic's public health and economic impacts; specifically, they must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class.

For ease of administration, the final rule identifies enumerated types of capital expenditures that Treasury has identified as responding to the pandemic's impacts; these are listed in the applicable sub-category of eligible uses (e.g., public health, assistance to households, etc.). Recipients may also identify other responsive capital expenditures. Similar to other eligible uses in the SLFRF program, no pre-approval is required for capital expenditures.

To guide recipients' analysis of whether a capital expenditure meets the eligibility standard, recipients (with the exception of Tribal governments) must complete and meet the requirements of a written justification for capital expenditures equal to or greater than $1 million. For large-scale capital expenditures, which have high costs and may require an extended length of time to complete, as well as most capital expenditures for non-enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

<table>
<tr><th>If a project has total capital expenditures of</th><th>and the use is enumerated by Treasury as eligible, then</th><th>and the use is beyond those enumerated by Treasury as eligible, then</th></tr>
<tr><td>Less than $1 million</td><td>No Written Justification required</td><td>No Written Justification required</td></tr>
<tr><td>Greater than or equal to $1 million, but less than $10 million</td><td>Written Justification required but recipients are not required to submit as part of regular reporting to Treasury</td><td rowspan="2">Written Justification required and recipients must submit as part of regular reporting to Treasury</td></tr>
<tr><td>$10 million or more</td><td>Written Justification required and recipients must submit as part of regular reporting to Treasury</td></tr>
</table>

A Written Justification includes:

- *Description of the harm or need to be addressed.* Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.

- *Explanation of why a capital expenditure is appropriate.* For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- *Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.* Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

Treasury presumes that the following capital projects are generally ineligible:

- ✗ Construction of new correctional facilities as a response to an increase in rate of crime
- ✗ Construction of new congregate facilities to decrease spread of COVID-19 in the facility
- ✗ Construction of convention centers, stadiums, or other large capital projects intended for general economic development or to aid impacted industries

In undertaking capital expenditures, Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED

As described above, recipients have broad flexibility to identify and respond to other pandemic impacts and serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients should undergo the following steps to decide whether their project is eligible:

Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	• Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group) • Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class	• Types of responses can include a program, service, or capital expenditure • Response should be related and reasonably proportional to the harm • Response should also be reasonably designed to benefit impacted individual or class

1. **Identify a COVID-19 public health or negative economic impact on an individual or a class.** Recipients should identify an individual or class that is "impacted" or "disproportionately impacted" by the COVID-19 public health emergency or its negative economic impacts as well as the specific impact itself.

    - "Impacted" entities are those impacted by the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency. For example, an individual who lost their job or a small business that saw lower revenue during a period of closure would both have experienced impacts of the pandemic.

    - "Disproportionately impacted" entities are those that experienced disproportionate public health or economic outcomes from the pandemic; Treasury recognizes that pre-existing disparities, in many cases, amplified the impacts of the pandemic, causing more severe impacts in underserved communities. For example, a household living in a neighborhood with limited access to medical care and healthy foods may have faced health disparities before the pandemic, like a higher rate of chronic health conditions, that contributed to more severe health outcomes during the COVID-19 pandemic.

    The recipient may choose to identify these impacts at either the individual level or at a class level. If the recipient is identifying impacts at the individual level, they should retain documentation supporting the impact the individual experienced (e.g., documentation of lost revenues from a small business). Such documentation can be streamlined in many cases (e.g., self-attestation that a household requires food assistance).

    Recipients also have broad flexibility to identify a "class" – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should

first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

Recipients should keep the following considerations in mind when designating a class:

- **There should be a relationship between the definition of the class and the proposed response.** Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
- **Classes may be determined on a population basis or on a geographic basis**, and the response should be appropriately matched. For example, a response might be designed to provide childcare to single parents, regardless of which neighborhood they live in, or a response might provide a park to improve the health of a disproportionately impacted neighborhood.
- **Recipients may designate classes that experienced disproportionate impact**, by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. To determine these disproportionate impacts, recipients:
    - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
    - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
    - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
- **Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries**. It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
- **Recipients may designate a class based on income level, including at levels higher than the final rule definition of "low- and moderate-income."** For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services.

2. **Design a response that addresses or responds to the impact.** Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced

the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

"Reasonably proportional" refers to the scale of the response compared to the scale of the harm, as well as the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide a very small amount of aid to a group that experienced severe harm and a much larger amount to a group that experienced relatively little harm. Recipients should consider relevant factors about the harm identified and the response to evaluate whether the response is reasonably proportional. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

For disproportionately impacted communities, recipients may design interventions that address broader pre-existing disparities that contributed to more severe health and economic outcomes during the pandemic, such as disproportionate gaps in access to health care or pre-existing disparities in educational outcomes that have been exacerbated by the pandemic.

Premium Pay

The Coronavirus State and Local Fiscal Recovery Funds may be used to provide premium pay to eligible workers performing essential work during the pandemic. Premium pay may be awarded to eligible workers up to $13 per hour. Premium pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives. Premium pay may not exceed $25,000 for any single worker during the program.

Recipients should undergo the following steps to provide premium pay to eligible workers.

1. **Identify an "eligible" worker.** Eligible workers include workers "needed to maintain continuity of operations of essential critical infrastructure sectors." These sectors and occupations are eligible:

   - ✓ Health care
   - ✓ Emergency response
   - ✓ Sanitation, disinfection & cleaning
   - ✓ Maintenance
   - ✓ Grocery stores, restaurants, food production, and food delivery
   - ✓ Pharmacy
   - ✓ Biomedical research
   - ✓ Behavioral health
   - ✓ Medical testing and diagnostics
   - ✓ Home and community-based health care or assistance with activities of daily living
   - ✓ Family or child care
   - ✓ Social services
   - ✓ Public health
   - ✓ Mortuary
   - ✓ Critical clinical research, development, and testing necessary for COVID-19 response
   - ✓ State, local, or Tribal government workforce
   - ✓ Workers providing vital services to Tribes
   - ✓ Educational, school nutrition, and other work required to operate a school facility
   - ✓ Laundry
   - ✓ Elections
   - ✓ Solid waste or hazardous materials management, response, and cleanup
   - ✓ Work requiring physical interaction with patients
   - ✓ Dental care
   - ✓ Transportation and warehousing
   - ✓ Hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment

   Beyond this list, the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdictions.

2. **Verify that the eligible worker performs "essential work,"** meaning work that:

   - Is not performed while teleworking from a residence; and
   - Involves either:
     a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
     b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.

3. **Confirm that the premium pay "responds to" workers performing essential work during the COVID-19 public health emergency.** Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:

    - Eligible worker receiving premium pay is earning (with the premium included) at or below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics' Occupational Employment and Wage Statistics, whichever is higher, on an annual basis; or

    - Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or

    - If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker's duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time, or salaried or non-hourly workers. Premium pay must be paid in addition to wages already received and may be paid retrospectively. A recipient may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker, and premium pay may not be paid to volunteers.

Water & Sewer Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in water and sewer infrastructure. State, local, and Tribal governments have a tremendous need to address the consequences of deferred maintenance in drinking water systems and removal, management, and treatment of sewage and stormwater, along with additional resiliency measures needed to adapt to climate change.

Recipients may undertake the eligible projects below:

PROJECTS ELIGIBLE UNDER EPA'S CLEAN WATER STATE REVOLVING FUND (CWSRF)

Eligible projects under the CWSRF, and the final rule, include:

- ✓ Construction of publicly owned treatment works
- ✓ Projects pursuant to implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA)
- ✓ Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage
- ✓ Management and treatment of stormwater or subsurface drainage water
- ✓ Water conservation, efficiency, or reuse measures
- ✓ Development and implementation of a conservation and management plan under the CWA
- ✓ Watershed projects meeting the criteria set forth in the CWA
- ✓ Energy consumption reduction for publicly owned treatment works
- ✓ Reuse or recycling of wastewater, stormwater, or subsurface drainage water
- ✓ Security of publicly owned treatment works

Treasury encourages recipients to review the EPA handbook for the CWSRF for a full list of eligibilities.

PROJECTS ELIGIBLE UNDER EPA'S DRINKING WATER STATE REVOLVING FUND (DWSRF)

Eligible drinking water projects under the DWSRF, and the final rule, include:

- ✓ Facilities to improve drinking water quality
- ✓ Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements
- ✓ New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage
- ✓ Green infrastructure, including green roofs, rainwater harvesting collection, permeable pavement
- ✓ Storage of drinking water, such as to prevent contaminants or equalize water demands
- ✓ Purchase of water systems and interconnection of systems
- ✓ New community water systems

Treasury encourages recipients to review the EPA handbook for the DWSRF for a full list of eligibilities.

ADDITIONAL ELIGIBLE PROJECTS

With broadened eligibility under the final rule, SLFRF funds may be used to fund additional types of projects— such as additional stormwater infrastructure, residential wells, lead remediation, and certain rehabilitations of dams and reservoirs — beyond the CWSRF and DWSRF, if they are found to be "necessary" according to the definition provided in the final rule and outlined below.

- ✓ Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- ✓ Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- ✓ Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- ✓ Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A "necessary" investment in infrastructure must be:

(1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
(2) a cost-effective means for meeting that need, taking into account available alternatives, and
(3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

Broadband Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation during the public health emergency. The final rule broadens the set of eligible broadband infrastructure investments that recipients may undertake.

Recipients may pursue investments in broadband infrastructure meeting technical standards detailed below, as well as an expanded set of cybersecurity investments.

BROADBAND INFRASTRUCTURE INVESTMENTS

Recipients should adhere to the following requirements when designing a broadband infrastructure project:

1. **Identify an eligible area for investment.** Recipients are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100/20 Mbps broadband service (meaning service that reliably provides 100 Mbps download speed and 20 Mbps upload speed through a wireline connection), but are broadly able to invest in projects designed to provide service to locations with an identified need for additional broadband investment. Recipients have broad flexibility to define need in their community. Examples of need could include:

   - ✓ Lack of access to a reliable high-speed broadband connection
   - ✓ Lack of affordable broadband
   - ✓ Lack of reliable service

   If recipients are considering deploying broadband to locations where there are existing and enforceable federal or state funding commitments for reliable service of at least 100/20 Mbps, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

2. **Design project to meet high-speed technical standards.** Recipients are required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds.

   Treasury encourages recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections. Further, Treasury encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and co-operatives.

3. **Require enrollment in a low-income subsidy program.** Recipients must require the service provider for a broadband project that provides service to households to either:

   - ✓ Participate in the FCC's Affordable Connectivity Program (ACP)
   - ✓ Provide access to a broad-based affordability program to low-income consumers that provides benefits commensurate to ACP

   Treasury encourages broadband services to also include at least one low-cost option offered without data usage caps at speeds sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients are also encouraged to consult with the community on affordability needs.

CYBERSECURITY INVESTMENTS

SLFRF may be used for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards. This includes modernization of hardware and software.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

Restrictions on Use

While recipients have considerable flexibility to use Coronavirus State and Local Fiscal Recovery Funds to address the diverse needs of their communities, some restrictions on use of funds apply.

OFFSET A REDUCTION IN NET TAX REVENUE

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent.** If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.

DEPOSITS INTO PENSION FUNDS

- **No recipients except Tribal governments may use this funding to make a deposit to a pension fund.** Treasury defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds (e.g., for public health and safety staff). Examples of extraordinary payments include ones that:

  - × Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment
  - × Occur at the regular time for pension contributions but is larger than a regular payment would have been

ADDITIONAL RESTRICTIONS AND REQUIREMENTS

Additional restrictions and requirements that apply across all eligible use categories include:

- **No debt service or replenishing financial reserves.** Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).

- **No satisfaction of settlements and judgments.** Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.

- **Additional general restrictions.** SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that

undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).

Program Administration

The Coronavirus State and Local Fiscal Recovery Funds final rule details a number of administrative processes and requirements, including on distribution of funds, timeline for use of funds, transfer of funds, treatment of loans, use of funds to meet non-federal match or cost-share requirements, administrative expenses, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. This section provides a summary for the most frequently asked questions.

TIMELINE FOR USE OF FUNDS

Under the SLFRF, funds must be used for costs incurred on or after March 3, 2021. Further, costs must be obligated by December 31, 2024, and expended by December 31, 2026.

TRANSFERS

Recipients may undertake projects on their own or through subrecipients, which carry out eligible uses on behalf of a recipient, including pooling funds with other recipients or blending and braiding SLFRF funds with other sources of funds. Localities may also transfer their funds to the state through section 603(c)(4), which will decrease the locality's award and increase the state award amounts.

LOANS

Recipients may generally use SLFRF funds to provide loans for uses that are otherwise eligible, although there are special rules about how recipients should track program income depending on the length of the loan. Recipients should consult the final rule if they seek to utilize these provisions.

NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

Funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

ADMINISTRATIVE EXPENSES

SLFRF funds may be used for direct and indirect administrative expenses involved in administering the program. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's Compliance and Reporting Guidance. Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

REPORTING, COMPLIANCE & RECOUPMENT

Recipients are required to comply with Treasury's Compliance and Reporting Guidance, which includes submitting mandatory periodic reports to Treasury.

Funds used in violation of the final rule are subject to remediation and recoupment. As outlined in the final rule, Treasury may identify funds used in violation through reporting or other sources. Recipients will be provided with an initial written notice of recoupment with an opportunity to submit a request for reconsideration before Treasury provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice will be deemed the final notice. Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.

REVISIONS TO THE OVERVIEW OF THE FINAL RULE:

- January 18, 2022 (p. 4, p. 16): Clarification that the revenue loss standard allowance is "up to" $10 million under the Replacing Lost Public Sector Revenue eligible use category; addition of further information on the eligibility of general infrastructure, general economic development, and worker development projects under the Public Health and Negative Economic Impacts eligible use category.
- March 17, 2022 (p. 18): Specified that provision of child nutrition programs is available to respond to impacts of the pandemic on households and communities.

REGULAR AGENDA ITEM NO. 9.C

FOR COUNCIL: July 25, 2022

WARD IMPACTED: City-Wide Impact

SUBJECT: Consideration and action on an Ordinance Amending Chapter 2, Section 13, Setting the Boundaries of the City's Nine Wards, as requested by the City Clerk Department and the Administration Department.

RECOMMENDED MOTION: The proposed Ordinance be Approved, with Exhibit A, Proposed Plan ____.

STRATEGIC PLAN LINK:
Goal 1. Financially Sound City Providing Quality Basic Services

STRATEGIC PLAN SIGNIFICANCE:
Objective 1c. Engaged residents that are well informed and involved in an open governance process

BACKGROUND: The law requires that wards be near and equal in population with as compact and contiguous territory as practicable. Pursuant to the "one person one vote" principle, there should not be more than a 10% disparity in population amongst the wards. The 2020 census data shows deviations exceeding 10% in two wards, meaning that the City needs to approve a new ward map to make the wards as nearly as equal in population as possible. Initial data shows a balanced ward would contain approximately 8,742 people. Based on the new census data, Ward 7 only has 7,711 people (an 11.79% deviation) and Ward 8 has approximately 10,973 people (a 25.52% deviation).

City staff have worked to develop new proposed ward maps using GIS redistricting software. This software allows staff to create maps taking into consideration all the legally required factors of compactness, contiguousness, and population deviation. Detailed information regarding the redistricting process, as well as staff's proposed maps, were made available on the City's website to allow residents the opportunity to also draft and propose additional map options. The deadline for resident map submissions was June 30, 2022. One map was received and was provided to Council on July 1, 2022.

On July 11, 2022, the maps were presented to Council at a regular Council meeting. On July 18, 2022 at July's Committee of the Whole (COW) meeting, Council held a formal, open discussion of the proposed maps and provided staff direction on how to move forward. The attached maps, Plan 2 and Plan 3, moved forward for additional consideration. Attached map, Plan 5, is a new map requested by Council during the July 18th COW discussion.

The next municipal election is April 4, 2023, and candidates for municipal office can begin circulating petitions around August 30, 2022. Accordingly, Council should ideally have a new ward map adopted prior to the start of petition circulation. The attached Ordinance, if approved, will formally adopt Council's preferred new ward map.

COMMUNITY GROUPS/INTERESTED PERSONS CONTACTED: Information on redistricting, including the proposed maps, has been made available on the City's website. Residents were encouraged to create and propose map options. Redistricting Resolutions appeared on two prior Council agendas: March 28, 2022 and June 13, 2022. Proposed maps submitted by staff and residents were presented at the July 11, 2022 Council meeting and were discussed in detail at the July 18, 2022 Committee of the Whole meeting.

FINANCIAL IMPACT: N/A

COMMUNITY DEVELOPMENT IMPACT: **This request meets the following goals and objectives of the Bloomington Comprehensive Plan 2035**: N/A

Respectfully submitted for consideration.

Prepared by: Leslie Yocum, City Clerk

ATTACHMENTS:
CLK 2B Proposed Redistricting STAFF Plan 2
CLK 2C Proposed Redistricting STAFF Plan 3
CLK 2D Proposed Redistricting STAFF Plan 5
CLK 2E 2022 Redistricting Ordinance Plan 2
CLK 2F 2022 Redistricting Ordinance Plan 3
CLK 2G 2022 Redistricting Ordinance Plan 5

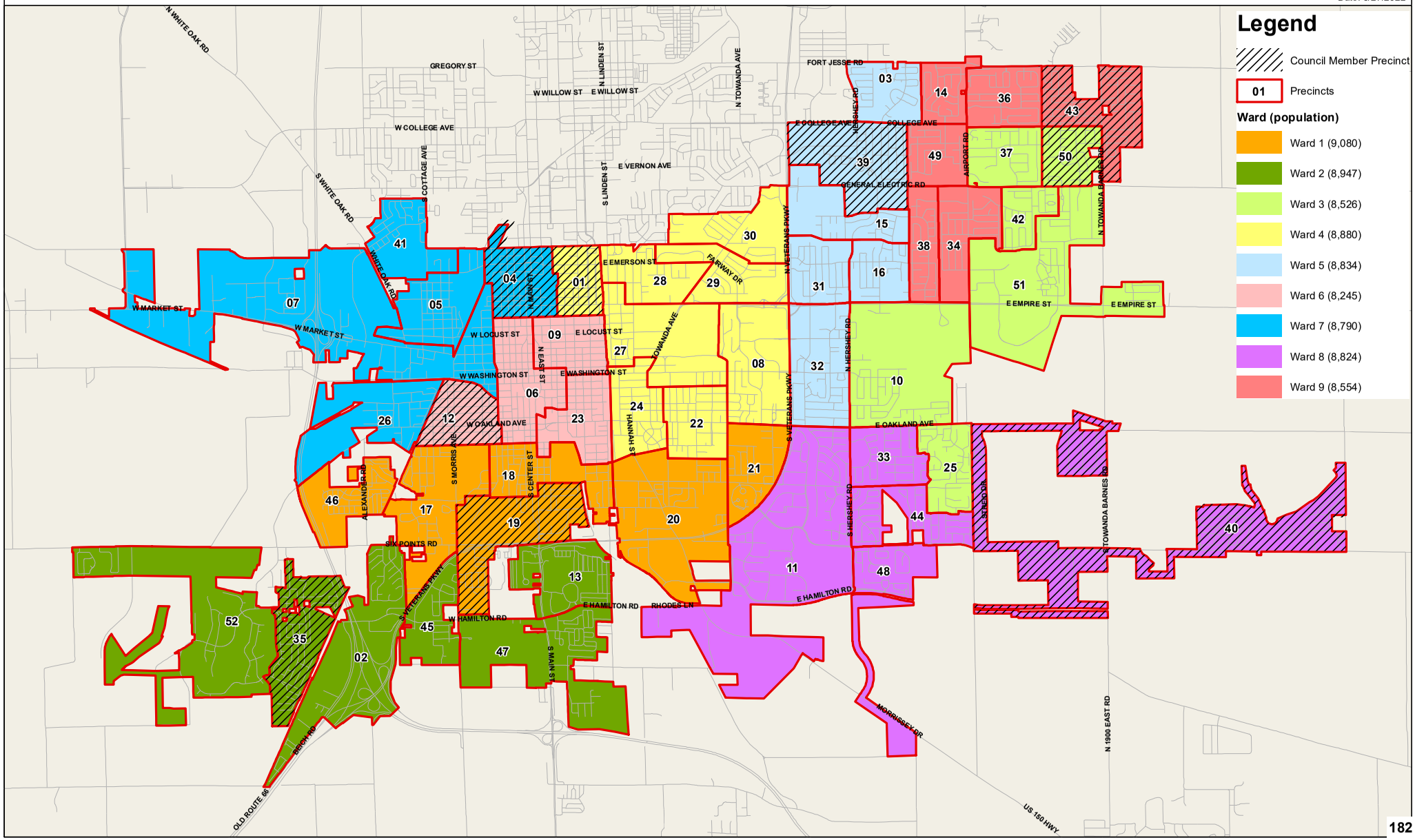
City of Bloomington Illinois

Proposed Ward Redistricting Plan 2

N W E S

0 0.5 1 Miles

Date: 5/27/2022



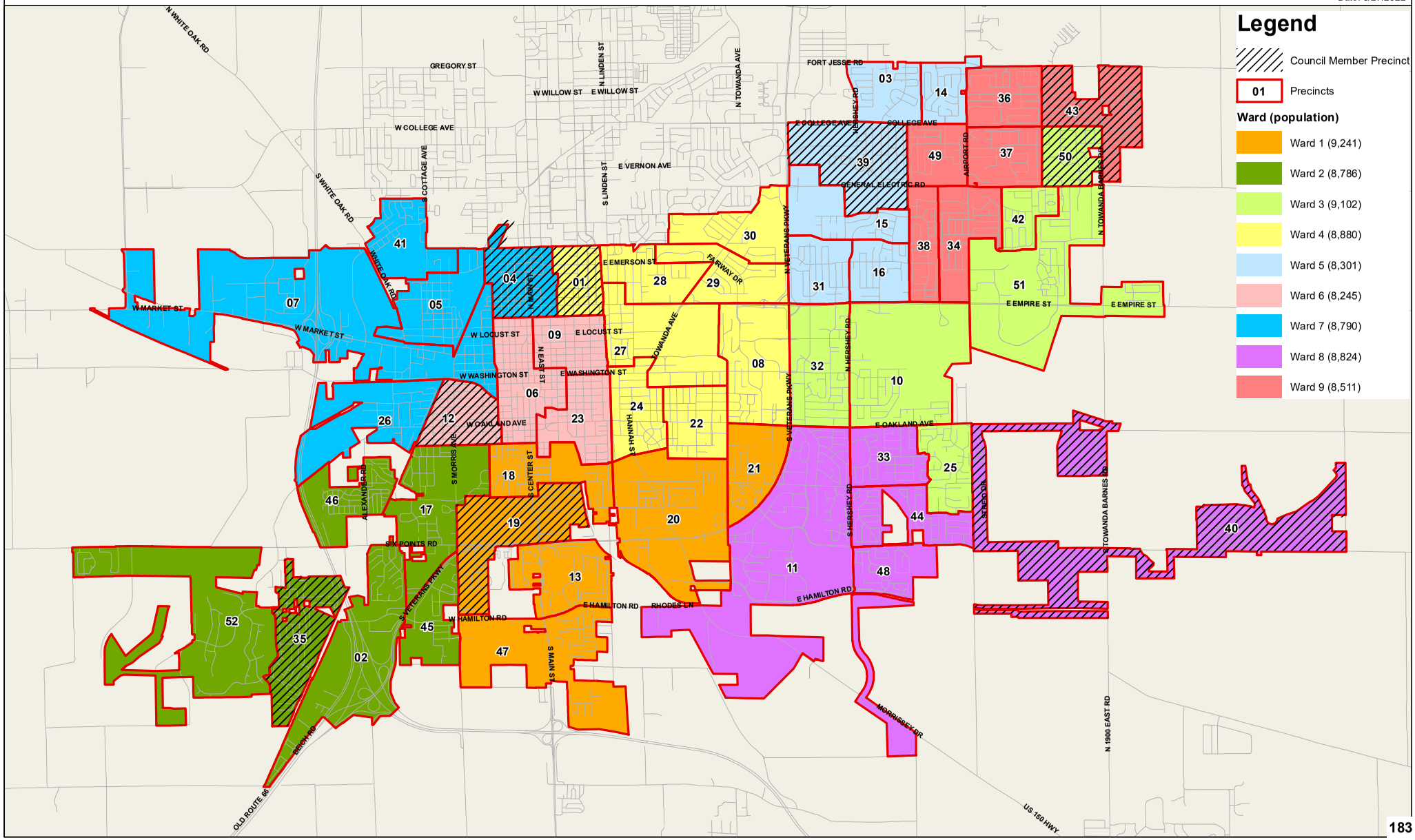
City of Bloomington Illinois

Proposed Ward Redistricting Plan 3

N W E S

0 0.5 1 Miles

Date: 5/27/2022



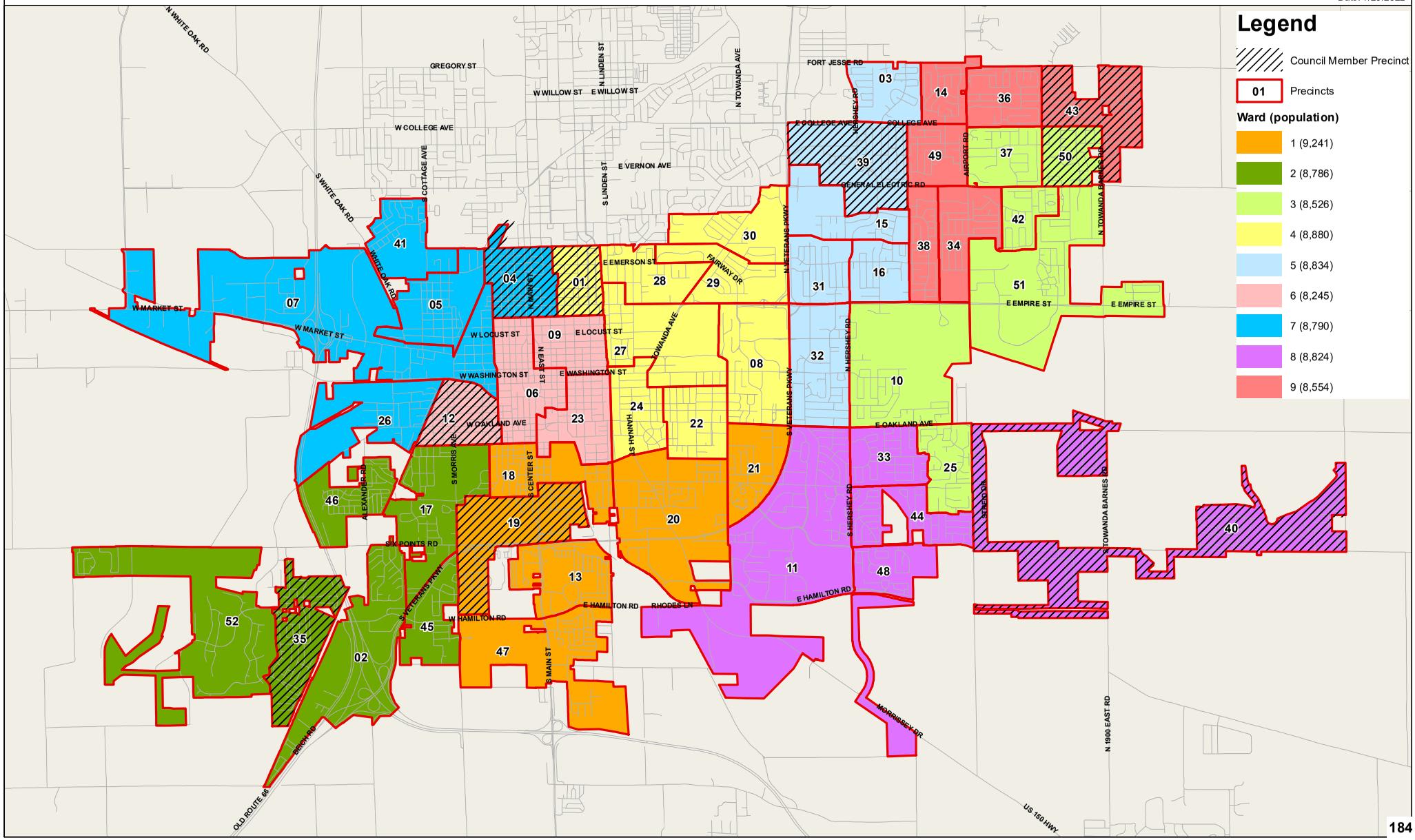
City of Bloomington Illinois

Proposed Ward Redistricting Plan 5

N W E S

0 0.5 1 Miles

Date: 7/20/2022



ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING CHAPTER 2, SECTION 13, SETTING THE BOUNDARIES OF THE CITY'S NINE WARDS

WHEREAS, the City of Bloomington is a home rule unit of local government, empowered under Article VII, Section 6 of the Constitution of the State of Illinois to legislate in matters pertaining to its own government and affairs; and

WHEREAS, the results of the 2020 decennial census taken in Bloomington, Illinois, showed that the City had 78,680 inhabitants; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/5-2-4, requires the Bloomington City Council, from time-to-time, to divide the City into the number of wards, which the City is entitled, requiring the wards to be as nearly equal in population, and the wards to be of as compact and contiguous territory, as practicable; and

WHEREAS, the 2020 decennial census does not necessitate an increase or decrease in the number of wards, but does show a need for reapportionment so that the wards are as equal in population as possible; and

WHEREAS, by reason of referendum approved by the voters of the City on November 5, 1996, the terms of the council members in the City are staggered; and

WHEREAS, the United States Constitution, as well as State law, requires the wards to be divided so that the population of each ward is as near equal as practicable.

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 1. The above recitals are incorporated into this Ordinance as though specifically set forth herein

SECTION 2. The provisions of Chapter 2, Section 13 [§2-201], subsections (A) and (B) shall be amended as set forth on Exhibit A.

SECTION 3. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. That, except as otherwise herein specifically provided, this Ordinance shall become effective after its passage, publication, and approval as required by law, and shall apply to any and all matters pertaining to the next and all succeeding general elections for City officers from and after such effective date. In accordance with the Illinois Municipal Code,

the council members whose terms of office are not expiring, shall be considered the council member for the newly designated ward in which their residents are situated as of May 1, 2023. Until the next municipal election, and the swearing in of newly elected municipal officers on May 1, 2023, all council members shall continue to represent the wards to which they were elected or appointed.

PASSED this 25th day of July 2022.

APPROVED this ___ day of July 2022.

CITY OF BLOOMINGTON	**ATTEST**
_____	_____
Mboka Mwilambwe, Mayor	Leslie Smith-Yocum, City Clerk

EXHIBIT A
CITY STAFF PLAN 2

§ 2-201 [Ch. 2, Sec. 13] How composed.

A. Membership. Effective May 1, 2007, the City Council shall be composed of a Mayor elected at large and nine Aldermen (also sometimes referred to within the City Code and City as Council member(s), alderperson, Alderman, alderwomen and/or alderwoman). For the terms of office commencing on and after May 1, ~~2015~~ 2023, one Council member shall be elected for a four-year term from each of wards 2, 4, 6 and 8 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. For the terms of office commencing on and after May 1, ~~2013~~ 2025, one Council member shall be elected for a four-year term from each of wards 1, 3, 5, 7, and 9 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. The Mayor shall be elected for a four-year term of office commencing on or after May 1, 2013.

B. Ward boundaries. The nine wards of the City shall consist of the following territory:

(1) Ward 1: The territory included in Precincts. 17, 18, 19, 20, 21, and ~~23~~ 46 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(2) Ward 2: The territory included in Precincts 2, 13, 35, 45, 47, and 52 as determined by Bloomington Board of Election Commissioners as of the effective date of this Ordinance.

(3) Ward 3: The territory included in Precincts 10, 25, ~~34,~~ 37, 42, 50, and 51 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(4) Ward 4: The territory included in Precincts 1, 8, ~~9,~~ 22, 24, 27, ~~and~~ 28, 29, and 30 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(5) Ward 5: The territory included in Precincts 3, 15, 16, ~~29, 30,~~ 31, 32, and 39 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(6) Ward 6: The territory included in Precincts 6, 9, 12, and 23 ~~17, 26, and 46~~ as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(7) Ward 7: The territory included in Precincts 4, 5, 7, 26, and 41 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(8) Ward 8: The territory included in Precincts ~~8,~~ 11, ~~32,~~ 33, 40, 44, and 48 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(9) Ward 9: The territory included in Precincts ~~3,~~ 14, 34, 36, ~~37,~~ 38, 43, and 49 as determined by the Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING CHAPTER 2, SECTION 13, SETTING THE BOUNDARIES OF THE CITY'S NINE WARDS

WHEREAS, the City of Bloomington is a home rule unit of local government, empowered under Article VII, Section 6 of the Constitution of the State of Illinois to legislate in matters pertaining to its own government and affairs; and

WHEREAS, the results of the 2020 decennial census taken in Bloomington, Illinois, showed that the City had 78,680 inhabitants; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/5-2-4, requires the Bloomington City Council, from time-to-time, to divide the City into the number of wards, which the City is entitled, requiring the wards to be as nearly equal in population, and the wards to be of as compact and contiguous territory, as practicable; and

WHEREAS, the 2020 decennial census does not necessitate an increase or decrease in the number of wards, but does show a need for reapportionment so that the wards are as equal in population as possible; and

WHEREAS, by reason of referendum approved by the voters of the City on November 5, 1996, the terms of the council members in the City are staggered; and

WHEREAS, the United States Constitution, as well as State law, requires the wards to be divided so that the population of each ward is as near equal as practicable.

BE IT ORDAINED by the City Council of the City of Bloomington, Illinois (additions are indicated by underlining; deletions are indicated by strikeouts):

SECTION 1. The above recitals are incorporated into this Ordinance as though specifically set forth herein

SECTION 2. The provisions of Chapter 2, Section 13 [§2-201], subsections (A) and (B) shall be amended as set forth on Exhibit A.

SECTION 3. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

SECTION 6. That, except as otherwise herein specifically provided, this Ordinance shall become effective after is passage, publication, and approval as required by law, and shall apply to any and all matters pertaining to the next and all succeeding general elections for City officers from and after such effective date. In accordance with the Illinois Municipal Code,

the council members whose terms of office are not expiring, shall be considered the council member for the newly designated ward in which their residents are situated as of May 1, 2023. Until the next municipal election, and the swearing in of newly elected municipal officers on May 1, 2023, all council members shall continue to represent the wards to which they were elected or appointed.

PASSED this 25th day of July 2022.

APPROVED this ___ day of July 2022.

CITY OF BLOOMINGTON	**ATTEST**
_____	_____
Mboka Mwilambwe, Mayor	Leslie Smith-Yocum, City Clerk

EXHIBIT A
CITY STAFF PLAN 3

§ 2-201 [Ch. 2, Sec. 13] How composed.

A. Membership. Effective May 1, 2007, the City Council shall be composed of a Mayor elected at large and nine Aldermen (also sometimes referred to within the City Code and City as Council member(s), alderperson, Alderman, alderwomen and/or alderwoman). For the terms of office commencing on and after May 1, ~~2015~~ 2023, one Council member shall be elected for a four-year term from each of wards 2, 4, 6 and 8 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. For the terms of office commencing on and after May 1, ~~2013~~ 2025, one Council member shall be elected for a four-year term from each of wards 1, 3, 5, 7, and 9 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. The Mayor shall be elected for a four-year term of office commencing on or after May 1, 2013.

B. Ward boundaries. The nine wards of the City shall consist of the following territory:

(1) Ward 1: The territory included in Precincts 13, 18, 19, 20, 21, and ~~23~~ 47 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(2) Ward 2: The territory included in Precincts 2, ~~13,~~ 17, 35, 45, 46, ~~47~~ and 52 as determined by Bloomington Board of Election Commissioners as of the effective date of this Ordinance.

(3) Ward 3: The territory included in Precincts 10, 25, 32, ~~34,~~ 42, 50, and 51 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(4) Ward 4: The territory included in Precincts 1, 8, ~~9,~~ 22, 24, 27 ~~and~~ 28, 29, and 30 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(5) Ward 5: The territory included in Precincts 3, 14, 15, 16, ~~29, 30,~~ 31, and 39 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(6) Ward 6: The territory included in Precincts 6, 9, 12, and 23 ~~17, 26 and 46~~ as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(7) Ward 7: The territory included in Precincts 4, 5, 7, 26, and 41 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(8) Ward 8: The territory included in Precincts ~~8,~~ 11, ~~32,~~ 33, 40, 44, and 48 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(9) Ward 9: The territory included in Precincts ~~3, 14,~~ 34, 36, 37, 38, 43, and 49 as determined by the Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

ORDINANCE NO. 2022 - _____

AN ORDINANCE AMENDING CHAPTER 2, SECTION 13, SETTING THE BOUNDARIES OF THE CITY'S NINE WARDS

WHEREAS, the City of Bloomington is a home rule unit of local government, empowered under Article VII, Section 6 of the Constitution of the State of Illinois to legislate in matters pertaining to its own government and affairs; and

WHEREAS, the results of the 2020 decennial census taken in Bloomington, Illinois, showed that the City had 78,680 inhabitants; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/5-2-4, requires the Bloomington City Council, from time-to-time, to divide the City into the number of wards, which the City is entitled, requiring the wards to be as nearly equal in population, and the wards to be of as compact and contiguous territory, as practicable; and

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SECTION 3. Except as provided herein, the Bloomington City Code, as amended, shall remain in full force and effect.

SECTION 4. The City Clerk shall be, and is hereby directed and authorized to publish this Ordinance in pamphlet form as provided by law.

SECTION 5. This Ordinance is enacted pursuant to the authority granted to the City as a home rule unit by Article VII, Section 6 of the 1970 Illinois Constitution.

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the council members whose terms of office are not expiring, shall be considered the council member for the newly designated ward in which their residents are situated as of May 1, 2023. Until the next municipal election, and the swearing in of newly elected municipal officers on May 1, 2023, all council members shall continue to represent the wards to which they were elected or appointed.

PASSED this 25th day of July 2022.

APPROVED this ___ day of July 2022.

CITY OF BLOOMINGTON	**ATTEST**
_____	_____
Mboka Mwilambwe, Mayor	Leslie Smith-Yocum, City Clerk

EXHIBIT A
CITY STAFF PLAN 5

§ 2-201 [Ch. 2, Sec. 13] How composed.

A. Membership. Effective May 1, 2007, the City Council shall be composed of a Mayor elected at large and nine Aldermen (also sometimes referred to within the City Code and City as Council member(s), alderperson, Alderman, alderwomen and/or alderwoman). For the terms of office commencing on and after May 1, ~~2015~~ 2023, one Council member shall be elected for a four-year term from each of wards 2, 4, 6 and 8 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. For the terms of office commencing on and after May 1, ~~2013~~ 2025, one Council member shall be elected for a four-year term from each of wards 1, 3, 5, 7, and 9 as described in Subsection B of this section; the Council member must live in the ward from which he or she is elected. The Mayor shall be elected for a four-year term of office commencing on or after May 1, 2013.

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(1) Ward 1: The territory included in Precincts. 13, 18, 19, 20, 21, and ~~23~~ 47 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(2) Ward 2: The territory included in Precincts 2, ~~13,~~ 17, 35, 45, 46, ~~47~~ and 52 as determined by Bloomington Board of Election Commissioners as of the effective date of this Ordinance.

(3) Ward 3: The territory included in Precincts 10, 25, ~~34,~~ 37, 42, 50, and 51 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

(4) Ward 4: The territory included in Precincts 1, 8, ~~9,~~ 22, 24, 27, ~~and~~ 28, 29, and 30 as determined by Bloomington Board of Election Commissioners in effect as of July 25, 2022 ~~as of the effective date of this Ordinance~~.

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