City of Pekin
AGENDA

REGULAR COUNCIL MEETING OF MAY 8, 2006
5:30 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL
Clerk to Call the Roll

IV. APPROVAL OF AGENDA
ACTION: *Motion to approve the meeting agenda*

VOTE REQUIRED

V. APPROVAL OF MINUTES
ACTION: *Motion to approve minutes of April 24, 2006*

VOTE REQUIRED

VI. PUBLIC INPUT ON AGENDA ITEMS
Speakers to state name, address, and spell last name. Questions unrelated to agenda items are accepted during "Public Questions" near the end of the meeting.

VII. CONSENT AGENDA

1. **Receive and File Reports and Minutes:** Police, Tazewell County Animal Control, T/PCCC

2. **Proclamation:**

"Police Week"	May 14 – 20, 2006
"Poppy Days"	May 25, 26, 27, 2006
"National Nursing Home Week"	May 14-20, 2006
"National Military Appreciation Month	May 2006

3. **Charitable Solicitation:**

Boys and Girls Club Tag Days	Saturday, May 13, 2006
Amateur Hockey Association Tag Days	September 29-30, 2006
Gastroparesis and Dysmolilities Assoc. Benefit	

4. **Resolution No. 151-06/07 – Annual Appointments**

ACTION: Motion to approve consent agenda

VOTE REQUIRED TO APPROVE CONSENT AGENDA

VIII. COMMUNICATIONS, PETITIONS, REPORTS

1. **Toter Presentation**
DESCRIPTION: *Report on utilization of and compliance with Ordinance establishing price and rental of litter containers by September 1, 2006*

PRESENTATION: *Greg Ranney Director of Solid Waste*

NO VOTE REQUIRED

IX. NEW BUSINESS

1. **Ordinance No. 2474-06/07 - Amending Title 2, Chapter 12 of the Code Regarding Pekin Area Convention and Visitors Committee** **(DK)**

   DESCRIPTION: *Restructure of Committee*

   ACTION: *Motion to adopt ordinance*

   PRESENTATION: *Mayor Frank Mackaman*

   VOTE REQUIRED

2. **Illinois Department of Transportation Agreement FY2006 State Operating Assistance Grant** **(GR)**

   DESCRIPTION: *A grant in the amount of $199,051 to assist in the operation of Pekin Municipal Transit operations.*

   ACTION: *Motion to approve agreement*

   PRESENTATION: *Greg Ranney Director of Public Property*

   VOTE REQUIRED

X. ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Council members

Staff

Public Questions

Press Time

XI. EXECUTIVE SESSION

Personnel – Employment of a Specific Employee of the Public Body 5 ILCS 120/2 (c) 1.
Sale of Property 5 ILCS 120/2 (c) 6.
Acquisition of Real Estate 5 ILCS 120/2 (c.) 5.
Pending Litigation 5 ILCS 120/2 (c.) 2.

ACTION: *Motion to move to executive session for the purpose of discussing personnel.*

VOTE REQUIRED

XII. ADJOURNMENT

With no further action to come before the Council the Mayor declares meeting closed.

NO VOTE REQUIRED

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PROCEEDINGS OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS,
HELD IN THE COUNCIL CHAMBERS OF THE CITY HALL
111 SOUTH CAPITOL STREET
ON MONDAY, APRIL 24, 2006 AT 5:30 O'CLOCK P.M.
FRANK M MACKAMAN * MAYOR * PRESIDING

PRESENT: COMMISSIONERS, BLANCHARD, JONES, MADDOX AND DAGIT

ABSENT: NONE

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The **Pledge of Allegiance** was led by Mayor Mackaman.

Roll was called and all commissioners were present.

Agenda

Motion by Com'r. Dagit seconded by Com'r. Maddox, that the **agenda be amended by removing under New Business the following: #7 Resolution No. 148-05/06 Preliminary Plat Grandview Estates Subdivision #15. Illinois Department of Transportation Municipal Bus Agreement**. On roll call vote, all present voted Aye

Motion by Com'r. Dagit seconded by Com'r. Maddox, that the **agenda be approved as amended**. On roll call vote, all present voted Aye

Motion by Com'r. Dagit, seconded by Com'r. Jones, that the **Minutes of the Regular City Council Meeting of March 27, 2006, the Special Meeting of April 3, 2006 be approved as written.** On roll call vote all present voted Aye.

Public Input on Agenda Items

Mayor Mackaman read comments received regarding opposition to full payment at time of renewal of annual liquor license from Jetta Christensen Yesterday's Bar & Grill.
Steve Huey explained the purpose of the Pekin Community High school-wide student recognition event which provided the opportunity to showcase the accomplishments and variety of activities performed by the students. He then accepted a proclamation declaring the week of May 8th as Dragon Pride Night and expressed appreciation to the Council for the recognition.
Ralph Mickley Principal of Good Shepherd Lutheran School accepted the proclamation in celebration of the school's 25th Anniversary as a valuable Christian educational facility in the community.
Bert Schertz addressed Council regarding a new proposal regarding the remaining mooring of the Belle of the Night. He spoke of attempts for suitable new locations, potential buyers' attempts, and future commitments. He requested Council entertain the proposal submitted under New Business.

Consent Agenda

Mayor Mackaman presented and read the following items under Consent Agenda.
Motion by Com'r. Dagit, seconded by Com'r. Blanchard, that the Consent Agenda be **approved as presented.**

1. **Receive and File Reports and Minutes:** Police, Fire, Tazewell County Animal Control, Project Status, Traffic Safety, Building, Riverway Business Park Review

2. **Proclamations:**

	"National Digestive Motility Awareness Month	**May 2006**
	"National Youth Week" - Elks Lodge #1271	**May 8, 2006**
	"Municipal Clerks Week"	**April 30 – May 6, 2006**
	"Public Safety Telecommunications Week"	**April 9-15, 2006**
	"Good Shepard School 25th Anniversary"	
	"Dragon Pride Night"	**May 2, 2006**

3. **Charitable Solicitation: National Association of Letter Carriers Food Drive May 13, 2006**

4. **Resolution No. 146-05/06 - Appointments to Electrical Commission, Fire and Police Commission, and Fire Pension Board**

5. **Receive and File Computer Maintenance and Repair Service Bids**

6. **Receive and File Insight Communications correspondence announcing Digital 2.0**

7. **Receive and File the Resignation of Sue A. Ramirez from the Pekin Planning Commission**

8. **Receive and File Planning Commission Minutes Dated April 12, 2006**

9. **Receive and File Planning Commission Hearings and Recommendations:**
    a. Hearing #1705 – to approve Special Use request for used Car Lot located at 300 S. 2nd Street zoned B-3.
    b. Hearing #1706 - to approve Site Plan for used Car Lot located at 300 S. 2nd Street zoned B-3 with stipulation that should outside storage problems, hard service is not provided for vehicle display, if all vehicles are not operational and outside mechanical work occur the Special Use be revoked.
    c. Hearing #1707 – to approve the Preliminary Plat for Gingoteague Section Six (6) and the rezoning of Lots 1 & 2 from RT (Two Family Residential District) to RM-2 (Multiple Family Residential District).
    d. Hearing #1708 - to approve Special Use request for a Mechanic for Parkside Used Car Lot located at 1800 Court Street Zoned B-3
    e. Hearing #1709 - to approve Site Plan for a Mechanic for Parkside Used Car Lot located at 1800 Court Street Zoned B-3
    f. Hearing #1710 - to deny the Preliminary Plat for Grandview Estates Subdivision zoned R-1 (One Family Residential) due to no emergency exists provided
    g. Hearing 1710 – to approve Conceptual and Preliminary Plat for WinPak located at 201 Hanna Drive with PIN #10-10-10-100-029

Com'r. Jones commented in reference to Resolution No. 146-05/06 that some of the appointees were non-residents. On roll call vote, all present voted Aye.

Communications, Petitions, Reports
Finance Director Robert Reis presented a summary of the City's financial condition as of March 31, 2006 in his **Monthly Report**.. He stated the City continued to improve its position of increased revenues while expenditures remain lower than budget at 87% with one month to go. General Fund cash reserve was at 7.36 months.

City Manager Dennis Kief presented a visual PowerPoint of Riverway Business Park. He discussed its expansion, the benefit of access to rail and highways. Brief employment statistics of each of the businesses located in the original Park acreage was given.

New Business
The following Special Use Requests and Site Plans were approved as recommended by the Pekin Planning Commission:
Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR USED CAR LOT LOCATED AT 300 S. 2ND STREET** be approved. The car lot would be located in an area zoned B-3 at the corner of Fayette and South 2md Street. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SITE PLAN FOR USED CAR LOT LOCATED AT 300 S. 2ND STREET** be approved. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SPECIAL USE REQUEST FOR A MECHANIC FOR PARKSIDE USED CAR LOT LOCATED AT 1800 COURT STREET** be approved. It was clarified that the request was for a mechanic at the dealer location across from the PCHS stadium and located in a B-3 zone. Only small repairs would take place at the site. On roll call vote, all present voted Aye.

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that the **SITE PLAN FOR A MECHANIC FOR PARKSIDE USED CAR LOT LOCATED AT 1800 COURT STREET** be approved. On roll call vote, all present voted Aye.

<u>RESOLUTION NO. 147-05/06</u>
PRELIMINARY PLAT GINGOTEAGUE SECTION SIX

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Resolution No. 147-05/07 be adopted. The plat reviewed by the Planning Commission was for additional 12 homes in the 6th phase of the subdivision on El Camino west of South 14th Street. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 1568-A162</u>
REZONING GINGOTEAGUE SECTION SIX

Motion by Com'r. Blanchard, seconded by Com'r. Maddox, that Ordinance No. 1568-A162 be adopted. With plat approval, the next adopted an ordinance to rezone Lots 1 and 2 from RT to RM-2. On roll call vote, all present voted Aye.

<u>RESOLUTION NO. 149-05/06</u>
CONCEPTUAL AND PRELIMINARY AND FINAL PLATS
WINPAK HEAT SEAL CORPORATION

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 149-05/06 be adopted. Public Works Director Joe Wuellner explained to Council that the project for construction of the new business in the Riverway Business Park met requirements for submittal of the Final Plat.On roll call vote, all present voted Aye.

<u>RESOLUTION NO. 150-05/06</u>
FINAL PLAT DEERFIELD ESTATES SECTION FOUR

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Resolution No. 150-05/06 be adopted. The project met requirements for submittal of the Final Plat containing 26 lots. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2470</u>
AMENDING THE CODE OF THE CITY OF PEKIN 1995
REGARDING FIRE DEPARTMENT MEMBERS

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Ordinance No. 2470 be adopted. Council was advised by Fire Chief Chuck Lauss that the ordinance provided for the restructure of existing personnel specifically addressing Fire Prevention Officer and Maintenance Coordinator. He explained that the amendment did not change the number of firefights but gave flexibility in designating positions because it now opened up those positions to the entire department. Council discussed budgetary implications. On roll call vote, all present voted Aye.

<u>ORDINANCE NO. 2471</u>
AMENDING THE CODE OF THE CITY OF PEKIN 1995
REGARDING TRAFFIC SAFETY COMMITTEE MEMBERS

Motion by Com'r. Jones, seconded by Com'r. Dagit, that Ordinance No. 2471 be adopted. Com'r. Blanchard spoke in opposition to amending the make-up of the members that would not provide for a representative from the Council. It felt the liaison commissioner played an important role in keeping Council informed. The calendar proposed by the mayor to allow for individual Council members to attend a variety of board meetings would restrict citizen participation through elected officials. Com'r. Maddox disagreed stating the minutes were the direct informational tool that should be utilized. Allowing Council to attend any of the open meetings gave citizens a greater voice. On roll call vote, Ayes, Dagit, Jones, Maddox, Mackaman; Nay, Blanchard. Motion Carried.

<u>ORDINANCE NO. 2472</u>
AMENDING THE CODE OF THE CITY OF PEKIN 1995
REGARDING PAYMENT OF LICENSE FEES

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that Ordinance No. 2472 be adopted. Discussion followed on the intention to clean-up the language for annual payment of licenses fee to mirror the deletion of the provision for allowing ½ payments in the Liquor Code. Com'r. Maddox indicated the provision was missing from the Liquor pamphlets given the licensees after the change was thought to have been made. A recommendation was made to wait on the ordinance in order to explore ½ payment option. Corporation Counsel was asked to address the issue of payment for this year's renewal. Com'r. Jones called the question and Mayor Mackaman requested that roll call of votes be taken. On roll call vote, Nays, Maddox, Blanchard, Dagit; Ayes, Jones, Mackaman. Motion Failed.

ORDINANCE NO. 2473-OA
AMENDING THE CODE OF THE CITY OF PEKIN 1995
REGARDING REMOVAL OF LIQUOR AS SPECIAL USE ZONING CODE

Motion by Com'r. Maddox, seconded by Com'r. Dagit, that Ordinance No. 2473-OA be adopted. Com'r. Maddox advised that remval of the special use for liquor sales from the Zoning Code would necessitate placing the duties for hearing request for a special use in the Liquor Code.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that Ordinance No. 2473-OA be tabled. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that the **BID FOR COMPUTER HARDWARE MAINTENANCE AND TIME AND MATERIAL SUPPORT** in an amount not to exceed $3,400 be accepted and the contract be awarded to Heart Technologies. On roll call vote, all present voted Aye.

Motion by Com'r. Maddox, seconded by Com'r. Blanchard, that the **PURCHASE AND INSTALLATION OF PLYMO-VENT SYSTEM AT A COST TO THE CITY OF $8,224.20** be approved and authorization be given for the City Manager to execute invoice related to the work. It was explained to Council that the installation mandated would be at all three fire stations. The cost to the City was 10% of the total project. After installed all citations to date from Illinois Department of Labor would be closed. On roll call vote, all present voted Aye.

Motion by Mayor Mackaman, seconded by Com'r. Blanchard, that the **CITY ATTORNEY BE AUTHORIZED TO FILE A COMPLAINT IN CIRCUIT COURT TO BEGIN EVICTION PROCEEDINGS AGAINST THE BELLE OF THE NIGHT**. Attorney Burt Dancey advised the Council of the procedure that would be followed and the estimated time and expense to the City.
Service fee for filing the complaint $130
5-7 weeks scheduled hearing
$2500 legal fees
2 months for a decision
Council was told if a viable plan for development or removal were to be received legal remedies could be pulled up to about five weeks into the court process.
On roll call vote, Ayes, Jones, Dagit Blanchard, Mackaman; Nay, Maddox. Motion Carried.

ANY OTHER BUSINESS TO COME BEFORE THE COUNCIL

Mayor Mackaman announced that he had distributed to Council and the press his draft version of the Conceptual Plan for their review and input.
Commissioner Blanchard

- expressed condolences in the death of Treasurer Chic Renner's mother and Bob Gardner a 20-year Street Department retiree.
- informed the public that the State would begin patching Court Street June-August
- noted the City received money through the State Treasurer unclaimed property program
- expressed appreciation to Mayor Howard and Senator Shadid in their effort in the City receiving a $50,000 grant for a self contain patching machine.

Com'r Dagit encouraged the public to attend the reestablished Policeman's Ball on Saturday May 13 at the Moose Lodge.
Com'r. Jones noted that the City continued support this year for the Pekin Municipal Band as it prepared for the transition to be funded by the Pekin Park District.

Police Chief Timothy Gillespie informed the Council that negotiates lasted only 10 hours and a 4 year agreement was signed for Tazewell County/Pekin Consolidated Communications Center contract employees.

Attorney Dancey advised that by not adopting the payment ordinance presented for all types of licenses and because of the inadvertent missing provision for full payment of liquor licenses, the liquor applications for renewal May 1 would have to be accepted with ½ payments. It was the intentions to clean-up the language in both sections of the code for full payment requirement for 2007.

Greg Ranney Public Property Director announced that toters would be mandatory on Sept 1, 2006.
Also he announced that the event Spruce Up Pekin would take place on the first Saturday in May as was the tradition. Locations for dumpsters and stipulations were explained.

Bill Gilroy 1312 South 11th Street requested that more information be given when a motion is read or for topics read from the agenda so the public is knowledgeable of the intended action. He noted the Special Use Request were not both for Car Lots but one was a special use request for a mechanic at Parkside Auto Sales Lot.

Shirley Fachiney 320 State Street expressed her opinion that there was no reason for the City to drag it's feet in insistent that the Belle of the Knight be removed from the riverfront. She expressed opposition to the possibility of the City enacting a storm water fee emphasizing residents could not afford additional expenses.

Chris Schott 2507 Cherry Lane and daughter Jennifer told Council of the serious nature of digestive motility diseases and encouraged the public to become aware of these disorders.

Reporters from the *Peoria Journal Star and Pekin Daily Time* were given the opportunity to ask questions.

Motion by Com'r. Maddox, seconded by Com'r. Dagit, that Council move to Executive Session at 7:32 P.M. to discuss Personnel – Employment of a Specific Employee of the Public Body 5 ILCS 120/2 (c) 1. Sale of Property 5 ILCS 120/2 (c) 6. Acquisition of Real Estate 5 ILCS 120/2 (c.) 5. On roll call vote, all present voted Aye. The Council returned to open session.

No further business to come before the Council, Mayor Mackaman called the meeting closed.

COUNCIL ADJOURNED AT 8:15 P.M.

Sue E. McMillan
City Clerk

City of Pekin

Police Department

PEKIN POLICE DEPARTMENT
END OF MONTH REPORT FOR APRIL 2006

Traffic Tickets	343
Warning Tickets	327
Offenses	517
Arrests	272
Parking tickets	632
STOPS	728

Break down of Parking Tickets

Abandoned Vehicle	1
Fire Lane	0
No Parking Light	349
Handicapped	9
Improper Parking	33
Restricted Parking	213
No Parking Zone	21
Fire Hydrant	0
Abandoned traffic haz	0
Bus Zone	0
Meter violation	6
TOTAL	801

TAZEWELL COUNTY ANIMAL CONTROL

City: PEKIN

Date: 5-1-06

Billing For Month of

April $3,260.75

PEKIN CITY CLERK
111 S CAPITOL
ROOM 242
PEKIN IL 61554

Animal Counts Brought in by Wardens between April 1, 2006 and April 30, 2006

City	Warden	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Mooney	City	1809 S. 18TH ST	4/12/2006	Other	OPPOSUM	D	0	60705
	Vogel	City	1905 #5 N 20TH	4/12/2006	Cat	DSH	E	2	60702
	Mooney	City	8TH AND CATHERINE	4/8/2006	Dog	GREAT DANE X	R	2	60671
	Mooney	City	2332 LAKESHORE	4/29/2006	Dog	PIT			60833
	Hoyland	City	1221 HOWARD CT	4/28/2006	Cat	DSH			60806
	Vogel	City	103 HIGH	4/3/2006	Dog	JACK RUSSELL	E	0	60632
	Vogel	City	LANGES ANIMAL CLINIC	4/24/2006	Dog	LAB	E	4	60777
	Vogel	City	529 CATHERINE	4/22/2006	Dog	SHEP X	R	2	60774
	Vogel	City	1111 1/2 DELL	4/5/2006	Dog	BEAGLE	REL	14	60646
	Hoyland	City	KROGER	4/7/2006	Cat	SIAMESE X			60666
	Mooney	City	8TH AND CATHERINE	4/8/2006	Dog	ROTT	R	2	60670
	Mooney	City	1514 S. 5TH	4/30/2006	Dog	GREAT DANE			60834
	Mooney	City	1405 ANN ELIZA	4/8/2006	Cat	DSH	E	0	60674
	Hoyland	City	1209 ANN ELIZA	4/16/2006	Dog	PIT	R	10	60725
	Hoyland	City	801 S. 5TH	4/15/2006	Dog	PIT	R	5	60724
	Mooney	City	1228 CATHERINE	4/13/2006	Cat	DSH	E	8	60720
	Mooney	City	1005 VEERMAN #5	4/6/2006	Dog	TERR X	E	4	60660

Total Dogs picked up in Pekin: 11

Total Cats picked up in Pekin: 5

Total Others picked up in Pekin: 1

Animal Counts Brought in by Individuals between April 1, 2006 and April 30, 2006

City	In By	Origin	PickUp Site	PickUp Dat	Species	Breed	Disposition	Days	Log #
Pekin									
	Owner R	City	182 SAPP	4/10/2006	Cat	DSH	E	2	60684
	Owner R	City	1402 CAMDEN	4/6/2006	Cat	DSH	E	1	60655
	Individua	City	2032 WESTGATE APTS #9	4/7/2006	Cat	DLH	A	10	60667
	Individua	City	2032 WESTGATE APTS #9	4/7/2006	Cat	DLH			60668
	Individua	City	2032 WESTGATE APTS #9	4/7/2006	Cat	DSH	E	3	60669
	Owner R	City	232 MAPLE PK DR	4/10/2006	Dog	HUSKY	E	2	60676
	Owner R	City	182 SAPP	4/10/2006	Cat	DSH	E	2	60681
	Individua	City	2315 BROADWAY	4/6/2006	Cat	DSH	E	1	60654
	Owner R	City	182 SAPP	4/10/2006	Cat	DSH	E	2	60683
	Individua	City	202 HERGET	4/25/2006	Cat	DSH	E	0	60787
	Individua	City	1406 CAROLINE	4/10/2006	Dog	CHIA-PUG	REL	2	60686
	Individua	City	1406 CAROLINE	4/10/2006	Cat	DSH	E	2	60687
	Individua	City	117 JANE	4/19/2006	Cat	DSH	E	2	60744
	Owner R	City	925 CHARLOTTE	4/21/2006	Dog	PIT/CHOW	E	0	60763
	Owner R	City	925 CHARLOTTE	4/21/2006	Dog	POODLE X	E	0	60764
	Individua	City	330 CAROLINE	4/24/2006	Dog	BORDER COLLIE	E	7	60778
	Owner R	City	182 SAPP	4/10/2006	Cat	DSH	E	2	60682

Total Dogs picked up in Pekin: 5

Total Cats picked up in Pekin: 12

Total Others picked up in Pekin: 0

Tazewell / Pekin Consolidated Communications Center
1130 Koch St. Pekin, IL 61554 • Office (309) 478-5410 Fax (309) 477-2302

TPCCC MONTHY STATISTICAL REPORT

Month MARCH 2006

Number of phone calls received 22,500

Number of 9-1-1 Calls 1507

Number of calls dispatched (all agencies) 4137

***= Included in total # 0f calls received**

Additional Comments:

Steven F. Thompson, ENP
Director

Tazewell / Pekin Consolidated Communications Center
1130 Koch St. Pekin, IL 61554 • Office (309) 478-5410 Fax (309) 477-2302

TPCCC MONTHY STATISTICAL REPORT

Month APRIL 2006

Number of phone calls received 24,500 (est.)

Number of 9-1-1 Calls 1682

Number of calls dispatched (all agencies) 4509

***= Included in total # 0f calls received**

Additional Comments:

Steven F. Thompson, ENP
Director

WHEREAS, The Congress and President of the United States have designated May 4th as Peace Officer's Memorial Day, and the week in which May 15th falls as National Police Week; and

WHEREAS, the members of the law enforcement agency of Pekin play an essential role in safeguarding the rights and freedoms of Pekin; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against oppression; and

WHEREAS, the men and women of law enforcement agency of Pekin unceasingly provide a vital public service.

NOW, THEREFORE, BE IT RESOLVED that I, FRANK H. MACKAMAN, Mayor of the City of Pekin, do hereby proclaim the week of May 14h thru the 20th 2006, as

"POLICE WEEK"

in the City of Pekin, Tazewell County, Illinois, call upon our citizens of Pekin and upon all patriotic, civic and educational organizations to observe Police Week. I further call upon all citizens of Pekin to observe the 15 day of May as Peace Officers' Memorial Day in honor of those law enforcement officers, who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

ADOPTED, this 8th day of May, in the Year of Our Lord, Two Thousand and Six.

FRANK H. MACKAMAN
Mayor

ATTEST:

SUE E. MCMILLAN
City Clerk

WHEREAS, America is the land of freedom, preserved and protected willingly and freely by citizen soldiers; and

WHEREAS, Millions who have answered the call to arms have died on the field of battle and

WHEREAS, A nation at peace must be reminded of the price of war and the debt owed to those who died in war; and

WHEREAS, The red Poppy has been designated as a symbol of sacrifice of lives in all wars; and

WHEREAS, The American Legion and American Legion Auxiliary has pledged to remind Americans annually of the debt through the distribution of the memorial flower,

NOW, THEREFORE, BE IT RESOLVED that I, FRANK H. MACKAMAN, Mayor of the City of Pekin, Tazewell County, Illinois, do hereby proclaim May 25th, 26th and 27th of May, 2006, as

"POPPY DAYS"

and ask that all citizens pay tribute to those who have made the ultimate sacrifice in the name of freedom by wearing the Memorial Poppy on these days.

ADOPTED, this 8th day of May, in the Year of Our Lord, Two Thousand and Six.

FRANK H. MACKAMAN
Mayor

ATTEST:

SUE E. McMILLLAN
City Clerk

WHEREAS, *the number of elderly and disabled Americans is dramatically increasing; and*

WHEREAS, *all citizens are impacted by the past and present contributions of America's elderly and disabled people; and*

WHEREAS, *we salute our community's citizens now residing in nursing facilities, many of whom planted the seeds that made our community grow and prosper; and*

WHEREAS, *nursing facilities provide caring and supportive services that make quality of life possible for our loved ones; and*

WHEREAS, member facilities of the American Health Care Association and the Illinois Health Care Association are providing a host of activities in observance of National Nursing Home Week, guided by this year's theme "Celebrating the Seasons Life", beginning Mother's Day, May 14th.

NOW, THEREFORE, BE IT RESOLVED *I, FRANK H. MACKAMAN, Mayor of the City of Pekin, do hereby proclaim the week of May 14th through May 20th, 2006, as*

"NURSING HOME WEEK"

in the City of Pekin, Tazewell County, Illinois, and urge all citizens to visit friends and loved ones who reside at these facilities and to help honor and serve the individuals who laid the foundations of Pekin by participating in this year's observance of the week at one of our town's facilities.

ADOPTED, *the 8th of May in the Year of Our Lord, Two Thousand and Six.*

FRANK H. MACKAMAN
Mayor

ATTEST:

SUE E. MCMILLAN
City Clerk

WHEREAS, *The freedom and security that citizens of the United States enjoy today are direct results of the blood shed and continued vigilance given by the United States Armed Forces over the history of our great nation; and*

WHEREAS, *the sacrifices that such members of the United States Armed Forces and of the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and*

WHEREAS, *the United States Congress, in two thousand and four, passed a resolution proclaiming May as National Military Appreciation Month, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and*

WHEREAS, *the months of May and June were selected for this display of patriotism because during these months, we celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, Memorial Day, Navy Day, Army Day, Flag Day and Yellow Ribbon Week (May 14th – May 20th); and*

NOW, THEREFORE, BE IT RESOLVED *that I, FRANK H. MACKAMAN, Mayor of the City of Pekin, Tazewell County, Illinois, in recognition of this, do hereby proclaim May 1st, through June 14th, 2006 as*

"NATIONAL MILITARY APPRECIATION MONTH"

in the City of Pekin, Tazewell County, Illinois, and encourage all citizens to join me in showing our gratitude by the appropriate display of flags and ribbons during the designated period

PROCLAIMED *this 8th day of May, in the Year of Our Lord, Two Thousand and Six.*

____
FRANK H. MACKAMAN
Mayor

ATTEST:

____
SUE E. McMILLAN
City Clerk

Boys & Girls Club of Pekin

A Positive Place For Kids!

1101 Veerman ▲ Pekin, Illinois 61554 ▲ (309) 346-5437 (KIDS)

John Denning ▲ Executive Director

April 24, 2006

Mayor's Office
City of Pekin
111 S Capitol St
Pekin IL 61554

Dear Mayor

The Boys & Girls Club of Pekin would like to request a tag day in Pekin on Saturday, May 13, 2006, for the girls traveling soccer team.

Of there are any questions, please call me at the club at 309-346-5437. Thank you for considering this request.

Sincerely,

John Denning

John Denning
C. P. O.

TO WHOM IT MAY CONECERN;

HELLO, MY NAME IS ANGI, AND I AM ASSOCIATTEED WITH *THE PEKIN AMATURE HOCKEY ASSOCATION*. WE ARE AN ORGANAZATION THAT RANGES FROM 4-17 YEAR OLD BOYS AND GIRLS. WE ARE LOOKING FORWARD TO OUR UPCOMING 2006-2007 HOCKEY SEASON. AS YOU MAY KNOW, HOCKEY CAN BE AN EXPENSIVE SPORT. TO HELP US RAISE MONEY, WE WOULD LIKE TO HOLD OUR ANNUAL CAN TAG DAY. WE WOULD LIKE TO HAVE THIS SEPTEMBER 29-30, 2006. THE MONEY RAISED FOR THIS WILL HELP PAY FOR ICE RENTAL, REFFEREES, EQUIPMENT, TOURNAMENTS, AND ANY OTHER EXPENSES.
WITH YOUR APPROVAL WE CAN MAKE THIS HAPPEN.

THANK YOU FOR YOUR TIME

ANGI VANCE
411 CHESTNUT
PEKIN,IL. 61554

ORIGINAL

CHARITABLE SOLICITATION REGISTRATION FORM

1. Date Submitted 4-27-2006

   Address of Organization 2507 Cherry LANE, PeKin IL

   Telephone Number 309 346-7606

   Name, Address and Telephone Number of person filling out form:

   SAME AS ABOVE

2. Name, Title and Address of Principal Executive Officer of Organization:

   Chris Schott (SAME Address)

3. If your Organization is a subsidiary or an affiliate of another Organization such as a National Association, list Name and Address of such Organization:

   GPDA & GPDA-USA (Gastroparesis & Dysmolilities Assoc.)

4. Specifically where in the Pekin area is your group staying so contact can be made within a twelve (12) hour period if necessary: 2507 Cherry LN - 309 346-7606

5. Explain briefly how you will be operating, ie. collecting door to door, calling on businesses, etc. If offering merchandise for sale, state what the merchandise is and the price asked:

   Raffles - AUCTION - calling on Business for donation to Raffle or Auction off.

6. Supply the following information for each member of the group, including who is in charge:

Name: Last	First	M	Date of Birth	Name, Address Relationship of next of kin
Schott	Christine	A	4-13-48	Joe Schott 2507 Cherry Pekin Husband
Thompson	Marlene	A	10-4-56	Randy Thompson. 210 Parkview Dr Pekin Husband
Bright	Kathleen	M.	02-04-51	David Bright 608 Summer Pekin Husband

7. General nature of activities conducted by Organization (Service Club, Church, Veterans Club, Youth Club, United Fund, etc):

   Awareness/Research/medical Expenses.

8. Names and Addresses of Organizations to which funds will be distributed, or if that is inapplicable, the general nature of beneficiaries of proceeds of charitable contributions (College Scholarships to residents of Illinois, Church overseas relief, etc). If some or all of the names of Organizations are not determined at time of the preparation of this form, list those to which you expect to distribute funds and indicate "others to be determined later":

1/2 of funds will go to research & Awareness through
TAX ID# 20-1778790
NATIONAL organization GPDA-USA - 300 Remington Dr. Brandon Ms 39042
1/4 for medical expences for Jennifer Schott and
1/4 for medical expenses for Tyson Blanchard.

9. Do you employ a full-time salaried Executive Director: NO
If YES, give name and business of residence address:

10. Do you now employ or anticipate employing the services of a person or Organization that conducts fund-raising drives or activities for profit: NO If YES, give name and address of such Organization or person:

11. Estimated gross percentage of contributions which are devoted to administrative expenses of collection by your Organization:

Ø

12. Is your Organization registered with the Office of the Attorney General, pursuant to the Charitable Trust Act of Illinois, Chapter 14, Illinois Revised Statutes, Section 51 through 64:

NO - NOT that I NO AS.

The undersigned hereby certifies that the information contained in this Registration Form is true to the best of his or her knowledge.

DATE: 4-27-2006

SIGNED: Christen A Schott

RESOLUTION NO._151-06/07

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PEKIN, ILLINOIS that the following named persons be and they are hereby appointed to the respective offices and for a term set opposite their names to the first Monday in May, unless otherwise specified.

AIRPORT COMMISSION	Lillard Hedden	3 year term
	Mike Fort	3 year term

HISTORIC PRESERVATION COMMISSION

Richard Cruz	3 year term
Susan Brown	3 year term
Bryan Wys	3 year term

PEKIN PLANNING COMMISSION — 3 year term to May 15, 2009

William Craig
Ron Knautz
Steve Huey

ZONING BOARD OF APPEALS — 3 year term to May 31, 2009

David Moehring
Curtis Eaten

HUMAN RELATIONS COMMISSION/COALITION FOR EQUALITY

Dora Kabatay-Lee Ho — 3 year term to January 25, 2009
Bernard Riley

POLICE PENSION BOARD — 2nd Tuesday in May 2008

Raymond E. Whitaker, Jr.

BE IT FURTHER RESOLVED that the Council of the City of Pekin, Illinois reaffirms the appointments of the following named persons until such time as their successors shall be named.

CORPORATION COUNSEL

Corporation Counsel	Patrick E. Oberle
Assistant Corporation Counsel	Burt L. Dancey
Assistant Corporation Counsel	Sue Bosich
Assistant Corporation Counsel	Thomas Cullen

CITY CLERK	Sue E. McMillan
CITY TREASURER	Charles Renner

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 8th day of May, 2006.

____
Mayor

ATTEST:

____
City Clerk

City of Pekin

May 2, 2006

Mr. Kief:

Enclosed is the information I will be talking about at the May 8, 2006 council meeting as an update on the use of toters in the City of Pekin by September 1, 2006.

The ordinances #2381 & #2382 passed by the council, by a 5-0 vote, July 26, 2004 directs all residents must have a container by said date for their garbage to be collected and said container will be compatible with the city's waste collection vehicles.

I again contacted other communities in the nation, which have toter programs, and will share that information.

Please contact my office with any questions relating to the program during this week. Please check your mail at city hall on Friday.

Sincerely,

Greg Ranney

Greg Ranney

cc: Mayor & Council

ORDINANCE NO. 2381

AN ORDINANCE AMENDING TITLE 5, CHAPTER 1A,
OF THE CODE OF THE CITY OF PEKIN 1995
REGARDING LITTER CONTAINERS

WHEREAS, the Code of the City of Pekin 1995 was adopted on April 10, 1995, and duly published in book form; and

WHEREAS, the City Council has determined that it is in the best interests of the City of Pekin and its citizens to use its own waste collection vehicles and personnel; and

WHEREAS, the City Council has further determined that it is in the best interests of the City of Pekin and its citizens to amend the City Code regarding the type of litter containers that may be used.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 5, Chapter 1, Article A, of the Code of the City of Pekin be amended as follows:

Subsection D of Section 5-1A-3-3 shall be deleted in its entirety, and the following inserted in its place:

D. Type and Placement of Litter Containers:

1. This subsection applies solely to single family dwellings and multi-family dwellings of less than five (5) units.

2. All litter containers must be stored

(a) inside an enclosed structure; or
(b) in the rear yard; or
(c) in the side yard.

3. Beginning September 1, 2006, all litter containers placed for pick up must be compatible with the City's waste collection vehicles and their lifter systems, and must meet the specifications promulgated by the Director of Public Property from time to time.

4. When placed for pick-up, litter containers must be placed at or near the alley lot line (if permitted by the City) or curb line where the pick-up occurs. Litter containers placed at the curb line for pickup may be so placed for a period not to exceed twenty-four (24) hours.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as may be required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 26th day of July, 2004; and upon roll call the vote was as follows:

AYES: Richmond, Massaglia, Maddox, Jones, Howard

NAYS: None

ABSENT: None

ABSTAINING: None

APPROVED this 26th day of July, 2004.

L. H. Howard
MAYOR

ATTEST:

Sue V. McMillan
CITY CLERK

ORDINANCE NO. 2382

AN ORDINANCE AMENDING TITLE 5, CHAPTER 1A, OF THE CODE OF THE CITY OF PEKIN 1995 ESTABLISHING PRICES FOR THE PURCHASE AND RENTAL OF LITTER CONTAINERS

WHEREAS, the City Council has determined that it is in the best interest of the citizens of Pekin to use the City's its own waste collection vehicles and personnel within the City of Pekin; and

WHEREAS, the City Council passed Ordinance No. 2381 requiring citizens to use litter containers compatible with the lifter systems of the City's waste collection vehicles beginning September 1, 2006; and

WHEREAS, to facilitate compliance, it is in the best interests of the citizens of the City of Pekin for the City to offer compliant litter containers for sale or rent at the rates established in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 5, Chapter 1, Article A, of the Code of the City of Pekin be amended by inserting a new Subsection F of Section 5-1A-3-3 as follows:

F. Prices for the Purchase and Rental of Litter Containers:

1. The City shall offer for purchase by the citizens of Pekin litter containers compatible with the City's waste collection vehicles for the following prices:

95 gallon container: $45.00

35 gallon container: $35.00

Such prices shall include assembly of the litter containers and delivery of the same to the citizen's residence.

2. The City shall offer for rent litter containers compatible with its waste collection vehicles at the following rates:

A. If the order for such container is received on or before August 30, 2005, then the cost shall be $1.00 per month per container. This rate shall remain in effect for such rental from the date of such order until the earlier of (i) the date such rental terminates, or (ii) September 1, 2010.

B. If the order for such container is received between September 1, 2005 and August 30, 2006, inclusive, then the cost shall be $1.25 per month per container. This rate shall remain in effect for such rental from the date of such order until the earlier of (i) the date such rental terminates or (ii) September 1, 2010.

C. If the order for such container is received on September 1, 2006 through September 1, 2010, then the cost shall be $1.50 per month per container. This rate shall remain in effect for such rental from the date of such order until the earlier of (i) the date such rental terminates or (ii) September 1, 2010.

Such rates shall include assembly of the litter containers and delivery of the same to the citizen's residence.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that all Ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage, approval and publication as may be required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this 26th day of July, 2004; and upon roll call the vote was as follows:

AYES: Massaglia, Maddox, Richmond, Jones, Howard

NAYS: None

ABSENT: None

ABSTAINING: None

APPROVED this 26th day of July, 2004.

ORDINANCE NO. ______

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 12
OF THE CODE OF THE CITY OF PEKIN
1995 REGARDING THE PEKIN AREA
CONVENTION AND VISITORS COMMITTEE.**

WHEREAS, the City of Pekin is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and function pertaining to its government and its affairs; and

WHEREAS, the Code of the City of Pekin 1995, adopted on April 10, 1995, and duly published in book form contains within Title 2, Chapter 12, the creation of the Pekin Area Convention and Visitors Committee; and

WHEREAS, the City Council is committed to the continued development, growth, and expansion of tourism and convention-related business within or near the City of Pekin; and

WHEREAS, the City Council has determined that said continued development can best be achieved by modifying the existing Pekin Area Convention and Visitors Committee; and

WHEREAS, the City Council has determined that it is in the best interests of the City to amend the City Code regarding the Pekin Area Convention and Visitors Committee.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEKIN, ILLINOIS:

1. That Title 2, Chapter 12, be amended by deleting the existing chapter in its entirety, and inserting the language on Exhibit “A” attached hereto and incorporated herein by this reference.

BE IT FURTHER ORDAINED that all other parts of the Code of the City of Pekin 1995 as amended except as modified herein are hereby reaffirmed and ratified and are in full force and effect.

BE IT FURTHER ORDAINED that this Ordinance takes precedence over and supercedes any and all Ordinances or parts of ordinances in conflict herewith.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon its passage and approval and publication as required by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Pekin, this ___ day of May, 2006 and upon roll call the vote was as follows:

AYES: _____________

NAYS: _____________

ABSENT: _____________

ABSTAINING: _____________

APPROVED this ___ day of May, 2006.

____
MAYOR

ATTEST:

____
CITY CLERK

EXHIBIT "A"

PEKIN AREA TOURISM COMMITTEE

SECTION:

2-12-1: CREATION: There is hereby created a Committee which shall be known as the PEKIN AREA TOURISM COMMITTEE.

2-12-2: COMPOSITION; TERMS: The PEKIN AREA TOURISM COMMITTEE created by Section 1 above shall consist of 7 voting members. All members shall be appointed by the Mayor with the consent of the Council. All members shall serve without salary. The Chairman shall be appointed by the Committee members for a 1-year term and shall take the chair at the first official meeting of said Committee. Committee members may designate alternative to attend meetings. Members shall be appointed to a 1-year term.

2-12-3: OFFICERS; MEETINGS; QUORUM: Other officers of this Committee may be created by resolution adopted at any regular or special meeting of the Committee. The Committee shall, if deemed necessary, have to power to establish by-laws and rules in conformity with the authority granted herein or by statute. The Committee shall meet a minimum of four times per year or by special call by 4 or more members. A quorum shall consist of 4 or more members.

2-12-4: PURPOSE; FUNCTION: The purpose of this Committee is to promote the growth of tourism and convention-related business within or near the City of Pekin and make recommendations to the Council regarding such matters. The program shall
be formulated and maintained solely by the use of funds received though the City's Hotel/Motel Tax.

2-12-5: EXPENDITURES: The Committee shall make recommendations to the City Council regarding the expenditure of funds provided for in the Committee's annual budget.

2-12-6: JURISDICTION: The Committee shall be under the jurisdiction of the City Manager.

CHAPTER 12

PEKIN AREA ~~CONVENTION AND VISITORS~~ TOURISM COMMITTEE

SECTION:

2-12-1: CREATION: There is hereby created a Committee which shall be known as the PEKIN AREA ~~CONVENTION AND VISITORS~~ TOURISM COMMITTEE.

2-12-2: COMPOSITION; TERMS: The PEKIN AREA ~~CONVENTION AND VISITORS~~ TOURISM COMMITTEE created by Section 1 above shall consist of 7 voting members and 4 non-voting members. All members shall be appointed by the Mayor with consent of the Council. ~~Voting members shall include a representative from each of the following: Pekin Area Chamber of Commerce, the local hotel community, the Pekin Park District, the City Council, the Tourism Coordinator of Pekin Area Convention & Visitors Bureau and two members from the local community. Non-voting members shall be representatives from City of Pekin Director of Planning and Economic Development, the Peoria Area Convention & Visitors Bureau, Pekin Main Street, and South Side Business Association.~~ All members shall serve without salary. The Chairman shall be appointed by ~~majority vote of the membership~~ the Committee members for a 1-year term and shall ~~be selected~~ take the chair at the first official meeting of said Committee. Committee members may designate an alternate to attend meetings. ~~A member/alternate will be replaced after three consecutively missed meetings.~~ Members shall be appointed to a ~~two~~ 1-year term.

2-12-3: OFFICERS; MEETINGS; QUORUM: Other officers of this Committee may be created by resolution adopted at any regular or special meeting of the Committee. The Committee shall, if deemed necessary, have the power to establish by-laws and rules in conformity with the authority granted herein or by statute. The Committee shall ~~establish a regularly scheduled meeting date at its initial official meeting. Thereafter, the meeting date may be changed by motion duly enacted at a regular meeting.~~ meet a minimum of four times per year or by special call by 4 or more members. A quorum shall consist of 4 or more ~~voting~~ members.

2-12-4: PURPOSE; FUNCTION: The purpose of this Committee is ~~to develop a comprehensive program designed~~ to promote the growth of tourism and convention related business within or near the City of Pekin and make recommendations to the Council regarding such matters. The program shall be formulated and maintained solely by the use of funds received through the City's Hotel/Motel Tax ~~and used exclusively for the promotion of tourism and conventions within the city or to attract overnight non-resident visitors to the City. No Hotel/Motel tax funds received by the City shall be used to advertise for or otherwise promote new competition in the hotel business.~~

2-12-5: EXPENDITURES: The Committee shall ~~not expend any funds prior to the yearly approval of the Committee's annual budget. The Committee shall be authorized to approve all grants for two thousand five hundred dollars ($2,500.00) or less within the overall parameter of the budget and in compliance with state statutes on uses for hotel/motel tax dollars. All grants that exceed two thousand five hundred dollars ($2,500.00.) will be presented to the City Council for approval. Out-of-pocket costs of the Committee members for appropriate activities, if any, shall be reimbursed by the City.~~ make recommendations to the City Council regarding the expenditures of funds provided for in the Committee's annual budget.

2-12-6: JURISDICTION: The Committee shall be under the jurisdiction of the City Manager.

Ord. No. 2375 (05-24-04)

City of Pekin

April 10, 2006

Mr. Kief:

Enclosed is the Illinois Department of Transportation (IDOT) grant for 2006 operation. The states portion of the grant for this year is $119,051 to assist on the operation of the Pekin Municipal Transit operation.

Sincerely,

Greg Ranney

Greg Ranney

Illinois Department of Transportation
Division of Public and Intermodal Transportation
300 West Adams Street / 2nd Floor / Chicago, Illinois / 60606

April 3, 2006

Mr. Greg Ranney
Director of Public Property
City of Pekin – Pekin Municipal Bus Service
1130 Koch Street
Pekin, Illinois, 61554

RE: FY2006 State Operating Assistance Grant OP-06-09-IL
Contract #3569

Dear Mr. Ranney:

Enclosed, are two copies of the above referenced grant agreement in the maximum amount of $119,051 to fund the state eligible portion of the City's FY06 direct transit operating expense as submitted in its FY06 Downstate Operating Assistance application. This amount represents 55% of the eligible expense reflected in your application.

Please have your authorized representative:

- *Sign, but not date,* both copies of page 10 of the agreement;
- *Sign and date,* both copies of Exhibits B & C, and
- *Return the above, with original signatures,* to the Department along with a completed legal opinion and board resolution authorizing this grant agreement.

Sample language for the legal opinion and board resolution are enclosed for your reference. Upon receipt of the partially executed agreements, we will secure Department execution and return one of the fully-executed agreements to you for your files.

Because of the significant increase budgeted for insurance costs this year, the Department is requesting additional information to assist us in understanding how the transit system's insurance costs are determined. Therefore, please provide the following additional documents in support of all insurance costs reported on the OP10-C reports:

- a copy of the actual insurance invoice or premium, and
- based on that invoice or premium, a calculation sheet that reflects how the transit system's cost was determined for the OP10-C report.

If you have any questions regarding this matter, please contact Karen Strell or me at (312) 793-2111.

Sincerely,

Nancy L. Stwora
Acting Section Chief
Downstate Urbanized Area Programs

Enclosures

DOWNSTATE PUBLIC TRANSPORTATION

OPERATING ASSISTANCE GRANT AGREEMENT

between

THE STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

DIVISION OF PUBLIC AND INTERMODAL TRANSPORTATION

AND

THE CITY OF PEKIN

Contract Number 3569

Grant Number OP-06-09-IL

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This Agreement is made by and between the State of Illinois (hereinafter the "State"), acting by and through the Illinois Department of Transportation, Division of Public and Intermodal Transportation (hereinafter the "Department"), and the City of Pekin (hereinafter the "Grantee," which term shall include its successors and assigns).

WHEREAS, the Grantee proposes to provide public transportation services in a downstate area of Illinois;

WHEREAS, the Grantee has made application to the Department under Article II of the Illinois Downstate Public Transportation Act, (30 ILCS 740/2-1 et seq., hereinafter the "Act"); the Department's implementing regulations thereunder (92 Illinois Administrative Code Part 653, hereinafter the "Rules") and the forms included in the Department's current "Downstate Public Transportation Operating Assistance Program" (hereinafter the "Standard Forms"); and

WHEREAS, the Department has approved the Grantee's application and has certified to the Illinois Department of Revenue the Grantee's boundaries and its eligibility to participate under the Act;

NOW THEREFORE, in consideration of the mutual covenants set forth herein, this Agreement is made to provide state operating assistance funds to Grantee and to set forth the terms and conditions of such assistance.

ITEM 1 - PROJECT SCOPE

Grantee agrees to provide the public transportation services described in its final approved application and program of proposed expenditures approved by the Department, and in accordance with the Act, the Rules, the Standard Forms and all other applicable laws and regulations. Grantee shall not reduce, terminate, or substantially change such public transportation services without prior written notification to the Department.

ITEM 2 - PROJECT BUDGET

Under the Act, the Department may enter into a grant agreement to implement Grantee's approved program of expenditures, within the following limitations: 1) not to exceed fifty-five percent (55%) of Grantee's eligible operating expenses incurred by the Grantee during fiscal year 2006 in the provision of such public transportation services as have been approved by the Department; and 2) in no event shall state funding under this Agreement together with any operating assistance received from any federal, state or local agency in fiscal year 2006 exceed Grantee's actual operating deficit for that year.

The Department has approved and agrees to make a grant in the amount of $119,051, subject to the limitations contained in this item, the Act and the Rules. The Approved Project Budget is shown in Exhibit A, attached to and incorporated into this Agreement.

In the event that combined state and federal operating assistance grants for fiscal year 2006 exceed Grantee's actual operating deficit, Grantee agrees to promptly request a decrease in its grant, and shall remit to the State any excess funds received. For purposes of this Agreement, the term "operating deficit" shall have the meaning set forth in Section 2-2.03 of the Act (30 ILCS 740/2-2.03) "the amount by which eligible operating expenses exceed revenue from fares, reduced fare reimbursements, rental of properties, advertising, and any other amounts collected and received by a provider of public transportation, which, under standard accounting practices, are properly classified as operating revenue or operating income attributable to providing public transportation and revenue from any federal financial assistance received by the participant to defray operating expenses or deficits. For purposes of determining operating deficits, local effort from local taxes or its equivalent shall not be included as operating revenue or operating income."

Grantee agrees to commit the necessary local funding to cover costs incurred in providing public transportation which are not reimbursed under this Agreement or by other federal, state or local assistance programs.

ITEM 3 - SUBJECT TO APPROPRIATIONS CLAUSE

This Agreement is contingent upon the availability of sufficient funds and the appropriation of such funds as required by law.

ITEM 4 - PAYMENT PROCEDURES

The Department shall make quarterly payments to Grantee for eligible operating expenses upon occurrence of the following conditions:

a) The Department receiving, 30 days before the start of a quarter, the required requisition forms and Estimated Quarterly Financial Report for that quarter (see Standard Forms), or, the Department receiving, 30 days after the end of a quarter, the required requisition forms and Actual Quarterly Financial Report for that quarter.

b) The Department receiving the Actual Financial Quarterly Report for the first, second, third and fourth quarters no later than December 1, March 1, May 1, and August 1 respectively (see Standard Forms).

c) The Department determining if and to what extent the request is for eligible operating expenses incurred in conformity with Grantee's approved application.

The Department may make adjustments in the third and fourth quarters to reflect actual eligible operating expenses for preceding quarters. Grantee agrees that payment shall not constitute a final determination by the Department of the allowability of such expense and shall not constitute a waiver of any violation of the terms of this Agreement. The Department reserves the right to offset any payment to satisfy any monetary claims that the Department may have outstanding against Grantee.

ITEM 5 - ELIGIBLE OPERATING EXPENSES

Eligible operating expenses consist of the following:

(a) employee wages and benefits;

(b) materials, fuels and supplies;

(c) rental of facilities;

(d) taxes other than income taxes;

(e) payment for debt service (including principal and interest) on equipment or facilities owned by Grantee;

(f) equipment purchases which do not exceed $5,000;

(g) administrative costs associated with capital projects which are not reimbursed elsewhere;

(h) repairs to buildings, equipment or vehicles which do not extend the useful life of same;

(i) reasonable expenses and compensation for Grantee's board members or trustees; and

(j) any other expenditure which the Department determines is an eligible operating expense according to generally accepted standard accounting practices for public transportation operations.

ITEM 6 - INELIGIBLE OPERATING EXPENSES

Ineligible operating expenses include:

(a) depreciation;

(b) amortization or depreciation of any intangible assets;

(c) debt service on capital assets acquired with the assistance of capital grant funds provided by the State;

(d) profit or return on investments;

(e) excessive payments to associated entities;

(f) any expense eligible for federal funding under a capital assistance program;

(g) costs reimbursed under Sections 6 or 8 of the Federal Transit Act, as amended (49 App. U.S.C.A. Sections 1605 and 1607) or under any other federal, state or local program;

(h) entertainment expenses;

(i) charter, school bus and sightseeing expenses;

(j) fines and penalties;

(k) charitable donations;

(l) interest expense on long-term borrowing and debt retirement other than on publicly-owned equipment and facilities;

(m) income taxes;

(n) expenses associated with compliance with the Single Audit Act (31 U.S.C. 7501 et seq);

(o) expenses for freight haulage provided by Grantee;

(p) any expense reimbursed from insurance;

(q) maintenance of vehicles which are not used for public transportation or to support operations (e.g., supervisory and maintenance vehicles); and

(r) any other expense determined by the Department as ineligible.

ITEM 7 - RECORD RETENTION

All costs charged to the Project shall be supported by properly executed and clearly identified payrolls, time records, invoices, contracts, vouchers or checks evidencing in detail the nature and propriety of the charges. Such documentation shall be readily accessible on site at least until Project closeout.

The Grantee shall maintain, for a minimum of three years after the completion of the contract, adequate books, records, and supporting documents to verify the amounts, recipients, and uses of all disbursements of funds passing in conjunction with the contract; the contract and all books, records, and supporting documents related to the contract shall be available for review and audit by the Auditor General or the Department (hereinafter "Auditing Parties"): and the Grantee agrees to cooperate fully with any audit conducted by the Auditing Parties and to provide full access to all relevant materials. Failure to maintain the books, records, and supporting documents required by this section shall establish a presumption in favor of the State for the recovery of any funds paid by the State under the contract for which adequate books, records, and supporting documentation are not available to support their purported disbursement.

If any litigation, claim, negotiation, audit or other action involving the records has been started prior to the expiration of the three-year period, Grantee shall retain the records for three years after completion of the action and resolution of all issues arising from it.

ITEM 8 - INSPECTION AND AUDIT

Grantee shall permit, and shall require its contractors and auditors to permit, the Department, and any authorized agent of the Department, to inspect all work, materials, payrolls, audit working papers, and other data and records pertaining to the Project; and to audit the books, records, and accounts of the Grantee with regard to the Project. The Department may, at its sole discretion and at its own expense, perform a final audit of the Project. Such audit may be used for settlement of the grant and Project closeout.

Grantee agrees to permit the Department to conduct scheduled or unscheduled inspections of Grantee's public transportation services. Such inspections shall be conducted at reasonable times, without unreasonable disruption or interference with any transportation service or other business activity of the Grantee or any Service Board.

ITEM 9 - GRANTEE'S INDEPENDENT AUDIT

Grantee shall select an independent Certified Public Accountant to perform an audit pursuant to the requirements of Section 653.410 of the Rules. The standards for selection of the auditor and the scope and contents of the audit are contained in Section 653.410 of the Rules; Grantee and its auditor shall become familiar with the Rules and adhere to its provisions in completion of the audit. The audit shall also be completed in conformity with the Single Audit Act (31 USC 7501 et seq), and shall include a statement, if applicable, that any allocation of revenues and expenses to the program of approved expenditures funded under this Agreement is in accordance with a cost allocation plan approved by the Department. Grantee's audit must include a separate Schedule of Revenues and Expenses, as prescribed by the Department, for the grant made under this Agreement which clearly identifies total expenditures and revenues, eligible expenses and revenues, and any operating deficit; and includes a final reconciliation statement of overpayments payable to or underpayments due from the State. Grantee's independent audit shall be submitted to the Department no later than 180 days following the last day of the fiscal year.

ITEM 10 - PROJECT CLOSEOUT

Grantee agrees to implement any audit findings contained in the Department's final audit, the Grantee's independent audit, or as a result of any duly authorized inspection or review. Upon the Department's acceptance of final audit results, the Department may arrange for a final reconciliation payment to or from Grantee, as necessary. The Department shall consider the Project closed when the reconciliation payment is made, either by the Department or by Grantee. The Department shall send notification to Grantee that the grant is closed. Payment issues, audit issues or any other matters pertaining to the grant may not be subsequently raised and are forever settled upon Project closeout. Closeout shall be subject to any continuing obligations imposed on the Grantee by this Agreement or contained in the final notification from the Department.

ITEM 11 - PROHIBITED INTERESTS

Grantee and its contractors shall not enter into any contract, subcontract or arrangement in connection with the Project, or any property included or planned to be included in the Project, in which any member, officer, or employee of Grantee, or the locality in which Grantee operates, during his or her tenure in office, or for one year thereafter, has any interest, direct or indirect. If any such present or former member, officer or employee involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, and if such interest is immediately disclosed to Grantee and such disclosure is entered upon the minutes of the Grantee, the Grantee may, with the prior approval of the Department, waive the prohibition herein; provided however, that any such member, officer or employee shall not participate in any action by Grantee or the locality relating to such contract, subcontract or arrangement.

Grantee shall insert in all contracts related to the Project or to property included or planned to be included in the Project, and shall require its contractors to insert in each of their subcontracts, the following provision:

> "No member, officer, or employee of (insert Grantee's name) or of (insert name of locality in which Grantee operates) shall have during his or her tenure, or for one year thereafter, any interest, direct or indirect, in this contract or the proceeds thereunder."

This Item shall not apply to any agreement between Grantee and its fiscal depositories, or to any agreement for utility services for which the rates are fixed or controlled by a governmental agency.

ITEM 12 - NON-COLLUSION

Grantee warrants that it has not paid and agrees not to pay any bonus, commission, fee, or gratuity for the purpose of obtaining any approval of its application or execution of this Agreement.

No state officer or employee, or member of the Illinois General Assembly, or officer, employee or member of any unit of local government which contributes to Project funds, or immediate family member of any of the above, shall be admitted to any share or part of this Agreement or to any benefit arising thereunder.

ITEM 13 - CODE OF ETHICS

Grantee shall maintain a written code or standard of conduct which shall govern the performance of its officers, employees or agents engaged in the award and administration of contracts supported by state or federal funds. Such code shall provide that no employee, officer or agent of the Grantee shall participate in the selection, or in the award or administration of a contract supported by state or federal funds if a conflict of interest, real or apparent would be involved. Such a conflict would arise when any of the parties set forth below has a financial or other interest in the firm selected for award:

1. the employee, officer or agent;
2. any member of his immediate family;
3. his or her partner; or
4. an organization which employs, or is about to employ, any of the above.

The code shall also provide that Grantee's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts. Grantee may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of intrinsic value.

To the extent permitted by state or local law or regulations, Grantee's code of ethics shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the Grantee's officers, employees or agents, or by contractors or their agents.

ITEM 14 - UNLAWFUL DISCRIMINATION

A. Human Rights: Grantee agrees not to commit unlawful discrimination in employment as that term is used in Article 2 of the Illinois Human Rights Act (775 ILCS 5/2-101 et seq.); agrees to take affirmative action to ensure that no unlawful discrimination is committed; and agrees that the Illinois Equal Employment Opportunity Clause referenced in Section 2-105 of the Human Rights Act (775 ILCS 5/2-105) and contained in the regulations promulgated thereunder (44 Ill. Admin. Code Part 750), is incorporated into this Agreement and into all contracts let for or related to the Project.

B. Sexual Harassment: The Grantee shall have written sexual harassment policies that include at a minimum, the following information: (i) the illegality of sexual harassment; (ii) the definition of sexual harassment under state law; (iii) a description of sexual harassment, utilizing examples; (iv) the grantee's internal complaint process including penalties; (v) the legal recourse, investigative, and complaint process available through the Department of Human Rights and the Human Rights Commission; (vi) directions on how to contact the Department and Commission; and (vii) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act. A copy of the policies shall be provided to the Department upon request.

ITEM 15 - SCHOOL BUS OPERATIONS

Pursuant to 20 ILCS 2705/49.19, Grantee agrees not to engage in school bus operations exclusively for the transportation of students and school bus personnel in competition with private school bus operators where such private school bus operators are able to provide adequate transportation at reasonable rates, in conformance with applicable safety standards. However, this requirement shall not apply if Grantee operates a school system in the locality and operates a separate and exclusive school bus program for the school system. Grantee's certification regarding school bus operations is signed and attached to this Agreement as Exhibit B.

ITEM 16 - GRANTEE'S WARRANTIES

Grantee warrants that it has the requisite fiscal, managerial, and legal capability to carry out the Project and to receive and disburse Project funds. Grantee agrees to initiate and consummate all actions necessary to enable it to enter into this

Agreement. Grantee warrants that there is no provision in its charter, bylaws, or any rules, regulations, or legislation which prohibits, voids, or otherwise renders unenforceable against Grantee any provision or clause of this Agreement. Grantee warrants further that it has paid all federal, state and local taxes levied or imposed and will continue to do so, excepting only those which may be contested in good faith. Grantee agrees that upon execution of this Agreement, Grantee will deliver to the Department: 1) an opinion of counsel, acceptable to the Department, that this Agreement is legally binding upon Grantee, and that there is no pending litigation concerning the authority of Grantee to enter into this Agreement; and 2) a certified copy of a resolution authorizing the execution of this Agreement.

ITEM 17 - DRUG FREE WORKPLACE

Grantee agrees to comply with the provisions of the Illinois Drug Free Workplace Act (30 ILCS 580/1 et seq.) and has signed the Drug Free Workplace Certification attached to this Agreement as Exhibit C.

ITEM 18 - INDEMNIFICATION AND INSURANCE

Grantee agrees to hold harmless and indemnify the Department and the State from any and all liabilities, losses, expenses (including attorney's fees), damages (including loss of use), demands and claims arising out of or in connection with the Project, and shall defend any suit or action brought against it and/or the Department, whether at law or in equity, based on any such alleged injury (including death) or damage. Grantee shall pay all damages, judgments, costs and expenses in connection with said demands and claims resulting therefrom. The Department agrees to promptly notify Grantee in writing of the assertion of any such claim, suit or action in which the State or the Department is a defendant.

Grantee agrees that it will take out and maintain at its own cost and expense, for the duration of the Project, such policies of insurance in companies, as will protect Grantee from any claims for damages to property or for bodily injury (including death), which may arise from the Project.

ITEM 19 - INDEPENDENCE OF GRANTEE

In no event shall Grantee or any of its contractors be considered agents or employees of the Department or the State. The Grantee agrees that none of its employees, agents or contractors will hold themselves out as, or claim to be, agents, officers or employees of the Department or the State, and will not make any claim, demand or application to or for any right or privilege applicable to an officer, agent or employee of the State, including, but not limited to, rights and privileges concerning worker's compensation and occupational diseases coverage, unemployment compensation benefits, Social Security coverage or retirement membership or credit.

ITEM 20 - NON-WAIVER

Grantee agrees that in no event shall any action, including the making by the Department of any payment under this Agreement, constitute or be construed as a waiver by the Department of any breach of covenant or any default on the part of the

Grantee which may then exist; and any action, including the making of such payment by the Department, while any such breach or default shall exist, shall in no way impair or prejudice any right or remedy available to the Department in respect to such breach or default. The remedies available to the Department under this Agreement are cumulative and not exclusive. The waiver or exercise of any remedy shall not be construed as a waiver of any other remedy available hereunder or under general principles of law or equity.

ITEM 21 - TERMINATION, PAYMENT DELAY, RECALL

Upon written notice to the Grantee, the Department reserves the right to suspend or terminate all or part of the financial assistance provided by this Agreement, if the Grantee is, or has been, in violation of any of the terms of this Agreement or if the Department determines that the purpose of the Project would not be adequately served by continued financial assistance. Termination of any part of the Agreement will not invalidate obligations properly incurred by Grantee prior to the date of termination, to the extent that they cannot be cancelled. The Department may also elect, by written notice to the Grantee, to withhold or delay any or all payments under this Agreement, or any portion thereof; or, if payment or payments have already been made, to recall such payment or payments or any portion thereof. The Grantee agrees that upon receipt of such notice of recall, the Grantee shall immediately return such payments, or any portion thereof, which the Grantee has received.

ITEM 22 - DISPUTE RESOLUTION

In the event of a dispute in the interpretation of the provisions of this Agreement, such dispute shall be settled through negotiations between the Department and the Grantee. In the event that agreement is not consummated at this negotiation level, the dispute will then be referred through proper administrative channels for a decision and ultimately, if necessary, to the Secretary of the Department. The Department shall decide all claims, questions and disputes which are referred to it regarding the interpretation, prosecution and fulfillment of this Agreement. The Department's decision upon all claims, questions and disputes shall be final and conclusive.

ITEM 23 - PUBLIC INFORMATION

The Department and Grantee shall agree upon appropriate and reasonable means to inform the public, particularly the users of Grantee's public transportation services, of the state assistance provided under this Agreement.

ITEM 24 - AMENDMENT

The Parties agree that no change or modification to this Agreement shall be of any force or effect unless the amendment is dated and is reduced to writing and executed by both parties.

ITEM 25 - SEVERABILITY

The Parties agree that if any provisions of the Agreement shall be held invalid for any reason whatsoever, the remaining provisions shall not be affected thereby if such remaining provisions could then continue to conform with the purposes, terms and requirements of applicable law.

ITEM 26 - ASSIGNMENT

Grantee agrees that this Agreement shall not be assigned or transferred without the written consent of the Department and that any successor to Grantee's rights under this Agreement will be required to accede to all of the terms, conditions and requirements of this Agreement as a condition precedent to such succession.

ITEM 27 - DOCUMENTS FORMING THIS AGREEMENT

This Agreement, together with Exhibits A, B and C, the Grantee's Application for the fiscal year as approved by and on file at the Department, and the Standard Forms constitute the entire agreement between the parties and supersede any and all prior agreements or understandings between the parties.

ITEM 28 - ETHANOL GASOLINE:

Pursuant to the Downstate Public Transportation Act (30 ILCS 740/2-15.1), Grantee hereby certifies that all gasoline burning motor vehicles operated under its jurisdiction use, if capable, fuel containing ethanol gasoline.

ITEM 29 - TAXPAYER IDENTIFICATION NUMBER

Under penalties of perjury, the Grantee certifies that 376002169 is its correct Federal Taxpayer Identification Number. The entity is doing business as a governmental entity.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be made effective and executed as of the 2ND day of DO NOT DATE, ________, by their respective duly authorized officials. This Agreement shall remain in effect until the 30th day of June, 2006.

Accepted on behalf of the City of Pekin:

X ______________________________ X ______________________________

Signature of Authorized Representative | Type or Print Name of Authorized Representative

____________ X ______________________________

Date | Type or Print Title of Authorized Representative

Accepted on behalf of the State of Illinois, Department of Transportation:

____

Secretary of Transportation

By:______________________________

Jason Tai, Director, Division of Public & Intermodal Transportation

____

Date

EXHIBIT A

The City of Pekin

Fiscal Year 2006 Operating Budget

System Expenses	
Eligible Expense	216,457
Ineligible Expense	0
Total Expense	$216,457

System Revenue	
Farebox	11,561
Other Revenue	0
Local	25,845
Federal	60,000
State Operating Assistance	119,051
Total Revenue	$216,457

EXHIBIT B

CERTIFICATION BY GRANTEE NOT TO ENGAGE
IN SCHOOL BUS OPERATIONS

Pursuant to Section 49.19(6) of the Civil Administrative Code of Illinois (20 ILCS 2705/49.19(b)), as a condition of receiving grant monies from the Illinois Department of Transportation, the Grantee certifies that it is not engaged in school bus operations exclusively for the transportation of students and school bus personnel in competition with private school bus operators where such private school bus operators are available to provide adequate transportation at reasonable rates in conformance with applicable safety standards.

If the Grantee does engage in school bus operations exclusively for the transportation of students and school bus personnel as described above, then the Grantee certifies that it operates a school system in the area to be served and operates a separate and exclusive school bus program for the school system.

The Grantee further agrees and certifies that it shall immediately notify the Department in writing of its involvement in or its intention to become involved in any school bus operation prohibited by Section 49.19(6) of the Civil Administrative Code of Illinois after the date of this certification.

The City of Pekin

X ______________________________
Signature of Authorized
Representative

X ______________________________ X __________
Title Date

EXHIBIT C

STATE OF ILLINOIS
DRUG FREE WORKPLACE CERTIFICATION

This certification is required by the Drug Free Workplace Act (30 ILCS 580/1 et seq.). The Drug Free Workplace Act, effective January 1, 1992, requires that no grantee or contractor shall receive a grant or be considered for the purposes of being awarded a contract for the procurement of any property or services from the State unless that grantee or contractor has certified to the State that the grantee or contractor will provide a drug free workplace. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract or grant payments, termination of the contract or grant and debarment of contracting or grant opportunities with the State for at least one (1) year but not more than five (5) years.

For the purpose of this certification, "grantee" or "contractor" means a corporation, partnership, or other entity with twenty-five (25) or more employees at the time of issuing the grant, or a department, division, or other unit thereof, directly responsible for the specific performance under a contract or grant of $5,000 or more from the State.

Grantee certifies and agrees that it will provide a drug free workplace by:

(a) Publishing a statement:

   (1) Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including cannabis, is prohibited in the Grantee's workplace.

   (2) Specifying the actions that will be taken against employees for violations of such prohibition.

   (3) Notifying the employee that, as a condition of employment on such contract or grant, the employee will:

      (A) abide by the terms of the statement; and

      (B) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

(b) Establishing a drug free awareness program to inform employees about:

   (1) the dangers of drug abuse in the workplace;

   (2) the Grantee's policy of maintaining a drug free workplace;

   (3) any available drug counseling, rehabilitation, and employee assistance programs; and

   (4) the penalties that may be imposed upon an employee for drug violations.

(c) Providing a copy of the statement required by subparagraph (a) to each employee engaged in the performance of the grant and to post the statement in a prominent place in the workplace.

(d) Notifying the Department within ten (10) days after receiving notice under part (B) of paragraph (3) of subsection (a) above from an employee or otherwise receiving actual notice of such conviction.

(e) Imposing a sanction on, or requiring the satisfactory participation in a drug abuse assistance or rehabilitation program by, any employee who is so convicted, as required by Section 5 of the Drug Free Workplace Act.

(f) Assisting employees in selecting a course of action in the event drug counseling, treatment, and rehabilitation is required and indicating that a trained referral team is in place.

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of the Drug Free Workplace Act.

THE UNDERSIGNED AFFIRMS, UNDER PENALTIES OF PERJURY, THAT HE OR SHE IS AUTHORIZED TO EXECUTE THIS CERTIFICATION ON BEHALF OF THE DESIGNATED ORGANIZATION.

The City of Pekin

X ______________________________
Signature of Authorized Representative

X ______________________________ X ____________
Title Date

AUTHORIZATION TO EXECUTE
DOWNSTATE OPERATING ASSISTANCE GRANT AGREEMENT

CERTIFICATE

I, Sue E. McMillan, do hereby certify that I am the fully qualified and acting City Clerk of the City of Pekin, and as such City Clerk, I am the keeper of the seal, records and files of the City of Pekin.

I do further certify that at a duly constituted and legally convened meeting of the City Council of the City of Pekin held on the ______ day of______________, 2006, a resolution was adopted in full accordance and conformity with the ordinances of the City of Pekin and the statutes of the State of Illinois, as made and provided, and that the following is a full, complete and true copy of the pertinent provisions of said Resolution.

BE IT RESOLVED by the City Council of the City of Pekin:

1. That the City of Pekin enter into a certain Downstate Public Transportation Operating Assistance Agreement, contract (#3569) OP-(06-09)-IL) (Agreement) with the State of Illinois in order to obtain grant assistance under the provisions of the Illinois Downstate Public Transportation Act, (30 ILCS 740/2-1,et seq.)

2. That Gregory J. Ranney, Director of Public Properties for the Pekin Municipal Bus Company of the City of Pekin, is hereby authorized and directed to execute the Agreement on behalf of the City of Pekin.

3. That Gregory J. Ranney, Director of Public Property for the City of Pekin is hereby authorized to provide such information and to file such documents as may be required to perform the Agreement and to receive the Grant.

I further certify that the original of the complete said Resolution is on file in the records of the City of Pekin in my custody.

I do further certify that the foregoing Resolution remains in fill force and effect and has not been rescinded, as amended or altered in any manner since the date of its adoption.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the City of Pekin this _______ day of __________________, 2006.

____

Sue E. McMillan
City Clerk
City Of Pekin

AUTHORIZATION TO EXECUTE
DOWNSTATE OPERATING ASSISTANCE GRANT AGREEMENT

OPINION OF COUNSEL

I, Patrick E. Oberle, am an attorney licensed by and duly admitted to practice law in the State of Illinois, and am counsel and attorney for the City of Pekin ("Grantee"). In this capacity, my opinion has been requested relative to the eligibility of the Grantee for grant assistance under the provisions of the Illinois Downstate Public Transportation Act, 30 ILCS 740/2-1 et seq. ("Act"). I have also reviewed the Downstate Operating Assistance Grant Agreement, contract #(3569), ("Agreement") tendered by the State of Illinois ("State") to Grantee. You are hereby advised as follows:

1. The Grantee is an eligible "participant" as defined in the Act.

2. There are no provisions in the City of Pekin, (Grantee) charter or by-laws or in the statutes of the State, the United States of America, or any municipal ordinances, that preclude or prohibit the City of Pekin from entering into such Agreement.

3. The Grantee is fully empowered and authorized to enter into the aforementioned grant Agreement and that Agreement, when executed by both parties, will be legally binding upon the Grantee and its successors and assigns.

4. The undersigned has no knowledge of any pending or threatened litigation, in either Federal or State courts, which would adversely affect this grant contract, or which would prevent the Grantee from contracting with the State for the purpose of receiving a Downstate Operating Assistance Grant.

Based upon the foregoing, I am of the opinion that the City of Pekin is an eligible recipient under the provisions of the Acts, and that it is fully empowered and authorized to accept the grant from the State.

Signature: ______________
Patrick E. Oberle
Corporation Counsel for the City of Pekin

Date: ______________

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