



Office of Chicago City Clerk



O2011-4506

Office of the City Clerk

Tracking Sheet

Meeting Date: 6/8/2011
Sponsor(s): Mayor Emanuel, Rahm
Type: Ordinance
Title: Expenditure of Open Space Impact Fee Funds (Openlands)
Committee(s) Assignment: Committee on Special Events, Cultural Affairs and Recreation



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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

June 8, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Housing and Economic Development, I transmit herewith ordinances authorizing the expenditure of open space impact fee funds.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,


Mayor

CITY COUNCIL
JULY 6, 2011

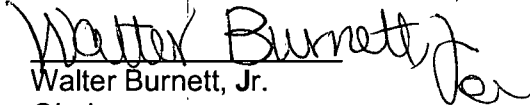
TO THE PRESIDENT AND MEMBERS OF THE CITY COUNCIL:

Your Committee on Special Events and Cultural Affairs having had under consideration Ordinance Expenditure of Open Space Impact Fee Funds (Openlands).
Upon Mayor Rahm Emanuel Request

The Committee beg leave to recommend that your Honorable Body **DO PASS** the proposed event which was submitted on **July 5, 2011** at the Committee on Special Events and Cultural Affairs meeting.

This recommendation was concurred by all members of the Committee present, with no dissenting vote.

Respectfully submitted,


Walter Burnett, Jr.
Chairman

ORDINANCE

WHEREAS, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City is authorized under its home rule powers to regulate the use and development of land; and

WHEREAS, it is a reasonable condition of development approval to ensure that adequate open space and recreational facilities exist within the City; and

WHEREAS, on April 1, 1998, the City Council of the City (the "City Council") adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City; and

WHEREAS, the Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"); and

WHEREAS, pursuant to the Open Space Ordinance, the Department of Revenue ("DOR") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance), in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected; and

WHEREAS, the Department of Housing and Economic Development ("HED") has determined that the Fee-Paying Developments built in the Lake View Community Area have deepened the already significant deficit of open space in the Lake View Community Area, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan," adopted by the Chicago Plan Commission on September 11, 1997 and adopted by the City Council on May 20, 1998 pursuant to an ordinance published at pages 69309-69311 of the Journal of the Proceedings of the City Council (the "Journal") of the same date; and

WHEREAS, Openlands, an Illinois not-for-profit corporation, is dedicated to preserving and creating open space; and

WHEREAS, the City desires to grant Openlands impact fee funds to reimburse Openlands for the acquisition of 1230 West School Street, Chicago Illinois (PIN 14-20-313-021) (the "Property") (the acquisition of the Property shall be known herein as the "Project"), for eventual conveyance to the Chicago Park District for the development of and use as a public park; and

WHEREAS, HED desires to provide to Openlands Open Space Fees in an amount not to exceed \$361,000 for the Project; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be used for open space acquisition and capital improvements, which provide a direct and material benefit to the new development from which the fees are collected; and

WHEREAS, the Open Space Ordinance requires that the Open Space Fees be expended within the same or a contiguous Community Area from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected; and

WHEREAS, HED has determined that the use of the Open Space Fees to fund the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected; and

WHEREAS, HED has determined that Open Space Fees to be used for the purposes set forth herein have come from the specific fund set up by DOR for the Lake View Community Area in which the Fee-Paying Developments are located and from which the Open Space Fees were collected; and

WHEREAS, HED has recommended that the City Council approve the use of the Open Space Fees for the purposes set forth herein through this ordinance; and

WHEREAS, HED has recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected; and

WHEREAS, on July 28, 2010, the City Council adopted an ordinance published in the Journal for such date at pages 96422 through 96481, inclusive (the "Bond Ordinance"); and

WHEREAS, pursuant to the Bond Ordinance, the City issued its General Obligation Bonds, Taxable Project Series 2010C-1 (the "Bonds"); and

WHEREAS, pursuant to the Bond Ordinance, the proceeds of the Bonds ("Bond Proceeds") may be used to finance, among other things, grants to assist not-for-profit organizations or educational or cultural institutions, or to assist other municipal corporations, units of local government, school districts, the State of Illinois or the United States of America; and

WHEREAS, pursuant to Section 12 of the Bond Ordinance, the City is authorized to enter into grant agreements for such aforesaid purposes; and

WHEREAS, the City agreed to grant Bond Proceeds in an amount not to exceed \$520,000 (the "City Bond Funds") to Openlands to reimburse the Grantee for the costs of the Project; and

WHEREAS, on May 13, 2011, pursuant to Section 12 of the Bond Ordinance, the City's Chief Financial Officer, with the concurrence of the City's Budget Director, designated HED to administer the grant of the City Bond Funds and the Commissioner of HED to sign a grant agreement for the City Bond Funds; and

WHEREAS, on May 23, 2011, the City and Openlands entered into that certain Openlands Grant Agreement for the grant of the City Bond Funds (the "Grant Agreement"); now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

SECTION 2. The City Council hereby finds that the expenditure of the Open Space Fees will directly and materially benefit the residents of those Fee-Paying Developments from which the Open Space Fees were collected and approves the use of the Open Space Fees for the purposes described herein.

SECTION 3. The Commissioner of HED (the "Commissioner") and a designee of the Commissioner are each hereby authorized, subject to the approval of the Corporation Counsel to enter into an amendment to the Grant Agreement with Openlands in connection herewith, in substantially the form attached hereto as Exhibit A and to provide Open Space Fees proceeds to Openlands in an amount not to exceed \$361,000 from the corresponding funds to pay for expenses permitted under the Open Space Ordinance.

SECTION 4. Open Space Fees in the amount of \$361,000 from the Lake View Community Area's Open Space Fees Funds are hereby appropriated for the purposes described herein.

SECTION 5. To the extent that any ordinance, resolution, rule, order or provision of the Code, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after the date of its passage.

EXHIBIT A

FIRST AMENDMENT TO OPENLANDS GRANT AGREEMENT

This First Amendment to Openlands Grant Agreement (this "Amendment") is made as of the _____ day of _____, 2011 (the "Amendment Closing Date") by and between the City of Chicago, an Illinois municipal corporation (the "City"), through its Department of Housing and Economic Development ("HED"), and Openlands, an Illinois not-for-profit corporation (the "Grantee").

RECITALS

A. Constitutional Authority: As a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois (the "State"), the City has the power to regulate for the protection of the public health, safety, morals and welfare of its inhabitants, and pursuant thereto, has the power to encourage private development in order to enhance the local tax base, create employment opportunities and to enter into contractual agreements with private parties in order to achieve these goals.

B. [intentionally omitted]

C. City Council Authority: On July 28, 2010, the City Council of the City (the "City Council") adopted an ordinance published in the Journal of Proceedings of the City Council for such date at pages 96422 through 96481, inclusive (the "Bond Ordinance"). Pursuant to the Bond Ordinance, the City issued its General Obligation Bonds, Taxable Project Series 2010C-1 (the "Bonds"). Pursuant to the Bond Ordinance, the proceeds of the Bonds ("Bond Proceeds") may be used to finance, among other things, grants to assist not-for-profit organizations or educational or cultural institutions, or to assist other municipal corporations, units of local government, school districts, the State of Illinois or the United States of America. Pursuant to Section 12 of the Bond Ordinance, the City is authorized to enter into grant agreements for such aforesaid purposes.

D. The Project: On March 28, 2011, the Grantee purchased (the "Acquisition") certain property located at 1230 West School Street, Chicago, Illinois 60657 (the "Property"), and, within the time frames set forth in Section 3.01 hereof, shall convey the Property to the Chicago Park District, a body politic and corporate and a unit of local government under Article VII, Section 1 of the 1970 Constitution of the State of Illinois (the "Park District"), for use as a public park (such conveyance of the Property shall be known herein as the "Conveyance"). The Acquisition and the Conveyance are collectively referred to herein as the "Project." The completion of the Project would not reasonably be anticipated without the financing contemplated in this Agreement.

E. [intentionally omitted]

F. City Financing: The City agreed to grant Bond Proceeds in an amount not to exceed \$520,000 (the "City Funds") to the Grantee to reimburse the Grantee for the costs of the Acquisition (such grant of the City Funds shall be known herein as the "Grant"). On May 13, 2011, pursuant to Section 12 of the Bond Ordinance, the City's Chief Financial Officer, with the concurrence of the City's Budget Director, designated HED to administer the Grant and the Commissioner of HED to sign a grant agreement with respect thereto. On May 23, 2011 the City and the Grantee entered into Openlands Grant Agreement for the grant of the City Funds (the "Grant Agreement").

G. Open Space Fees: On April 1, 1998, the City Council adopted the Open Space Impact Fee Ordinance codified at Chapter 18 of Title 16 (the "Open Space Ordinance") of the Municipal Code of Chicago (the "Code") to address the need for additional public space and recreational facilities for the benefit of the residents of newly created residential developments in the City. The Open Space Ordinance authorizes, among other things, the collection of fees from residential developments that create new dwelling units without contributing a proportionate share of open space and recreational facilities for the benefit of their residents as part of the overall development (the "Fee-Paying Developments"). Pursuant to the Open Space Ordinance, the Department of Revenue ("DOR") has collected fees derived from the Fee-Paying Developments (the "Open Space Fees") and has deposited those fees in separate funds, each fund corresponding to the Community Area (as defined in the Open Space Ordinance), in which each of the Fee-Paying Developments is located and from which the Open Space Fees were collected. HED has determined that the Fee-Paying Developments built in the Lake View Community Area have deepened the already significant deficit of open space in the Lake View Community Area, which deficit was documented in the comprehensive plan entitled "The CitySpace Plan," adopted by the Chicago Plan Commission on September 11, 1997 and adopted by the City Council on May 20, 1998 pursuant to an ordinance published at pages 69309-69311 of the Journal of the same date. The City desires to grant the Grantee impact fee funds to reimburse the Grantee for the Project. HED desires to provide to Openlands Open Space Fees in an amount not to exceed \$361,000 for the Project. The Open Space Ordinance requires that the Open Space Fees be used for open space acquisition and capital improvements, which provide a direct and material benefit to the new development from which the fees are collected. The Open Space Ordinance requires that the Open Space Fees be expended within the same or a contiguous Community Area from which they were collected after a legislative finding by the City Council that the expenditure of the Open Space Fees will directly and materially benefit the developments from which the Open Space Fees were collected. HED has determined that the use of the Open Space Fees to fund the Project will provide a direct and material benefit to each of the Fee-Paying Developments from which the Open Space Fees were collected. HED has determined that Open Space Fees to be used for the Project have come from the specific fund set up by DOR for the Lake View Community Area in which the Fee-Paying Developments are located and from which the Open Space Fees were collected. HED recommended that the City Council approve the use of the Open Space Fees for the Project. HED recommended that the City Council make a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected. On _____, 2011, the City Council adopted an ordinance published at pages _____ - _____ of the Journal of the same date approving the use of Open Space Fees for the Project, making a finding that the expenditure of the Open Space Fees as described herein will directly and materially benefit the Fee-Paying Developments from which the Open Space Fees were collected, and authorizing this Amendment.

Now, therefore, in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION 1. RECITALS

The foregoing recitals are hereby incorporated into this Amendment by reference.

SECTION 2. AMENDMENTS TO AGREEMENT

A. The definition of "City Funds" in Recital F of the Agreement is amended to mean not to exceed \$520,000 of Bond Proceeds plus not to exceed \$361,000 of Opens Space Fees for a total of not to exceed \$881,000.

B. Exhibits C and L to the Agreement are amended by Exhibits C (Amended) and L (Amended) hereto, which are hereby incorporated herein.

C. Section 4.01 of the Agreement is amended to read as follows:

4.01 Total Project Cost and Sources of Funds. The cost of the Project is estimated to be \$881,000, to be applied in the manner set forth in the Project Budget. Such costs shall be funded from the following sources:

Equity (subject to <u>Sections 4.03(b) and 4.06</u>)	\$	0
Lender Financing	\$	0
Estimated City Funds (subject to <u>Section 4.03</u>)	\$881,000	
ESTIMATED TOTAL	\$881,000	

D. Section 4.03(b) of the Agreement is amended to read as follows:

4.03 City Funds.

(b) Sources of City Funds. Subject to the terms and conditions of this Agreement, including but not limited to this Section 4.03 and Section 5 hereof, the City hereby agrees to provide City funds from the sources and in the amounts described directly below (the "City Funds") to pay for or reimburse the Grantee for the costs of the City-Funded Costs:

<u>Source of City Funds</u>	<u>Maximum Amount</u>
Bond Proceeds	\$520,000
Open Space Fees	\$361,000

E. Section 4.04 of the Agreement is amended to read as follows:

4.04. Requisition Form. On the Closing Date, the Grantee shall provide HED with a Requisition Form, along with the documentation described therein. On the Amendment Closing Date, the Grantee shall provide HED with a Requisition Form in the form attached as Exhibit L (Amendment), along with the documentation described therein.

F. Except as amended hereby the Agreement shall remain in full force and effect.

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed on or as of the day and year first above written.

OPENLANDS

By: _____
Name: _____
Its: _____

CITY OF CHICAGO

By: _____
Commissioner
Department of Housing and Economic Development

EXHIBIT C (AMENDED)
CITY-FUNDED COSTS

<u>Line Item</u>	<u>Cost</u>
Property Purchase Price	\$830,000*
Appraisal	\$ 3,000
Acquisition Costs & Legal Fees	\$ 17,000
Openlands Fees	\$ 11,000
Acquisition Loan Interest Fees	\$ 20,000
TOTAL	\$881,000**

*Eligible for payment from Bond Proceeds

**Notwithstanding the total of City-Funded Costs, the assistance to be provided by the City is limited to \$881,000

EXHIBIT L (AMENDED)
REQUISITION FORM

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

The affiant, _____, _____ of Openlands, an Illinois not-for-profit corporation (the "Grantee"), hereby certifies that with respect to that certain Openlands Grant Agreement between the Grantee and the City of Chicago dated as of May 23, 2011 (the "Agreement"):

A. Expenditures for the Project, in the total amount of \$881,000, have been made.

B. This paragraph B sets forth and is a true and complete statement of all costs of City-Funded Costs for the Project reimbursed by the City to date:

\$520,000

C. The Grantee requests reimbursement for the following cost of City-Funded Costs:

\$361,000

D. None of the costs referenced in paragraph C above have been previously reimbursed by the City.

E. The Grantee hereby certifies to the City that, as of the date hereof:

1. Except as described in the attached certificate, the representations and warranties contained in the Agreement are true and correct and the Grantee is in compliance with all applicable covenants contained herein.

2. No event of Default or condition or event which, with the giving of notice or passage of time or both, would constitute an Event of Default, exists or has occurred.

All capitalized terms which are not defined herein has the meanings given such terms in the Agreement.

Openlands

By: _____
Name: _____ Title: _____

Subscribed and sworn before me this ___ day of _____, 2011.

_____ My commission expires: _____

Agreed and accepted:

_____, Commissioner, HED



**CITY OF CHICAGO
ECONOMIC DISCLOSURE STATEMENT and AFFIDAVIT
Related to Contract/Amendment/Solicitation
EDS # 22100**

SECTION I -- GENERAL INFORMATION

A. Legal name of the Disclosing Party submitting the EDS:

Openlands

Enter d/b/a if applicable:

The Disclosing Party submitting this EDS is:

the Applicant

B. Business address of the Disclosing Party:

25 E Washington St.
Suite 1650
Chicago, IL 60602
United States

C. Telephone:

312-863-6254

Fax:

312-863-6251

Email:

jdigiovanna@openlands.org

D. Name of contact person:

Ms. Janis DiGiovanna

E. Federal Employer Identification No. (if you have one):

36-2649603

F. Brief description of contract, transaction or other undertaking (referred to below as the "Matter") to which this EDS pertains:

Acquisition of property at 1230 W. School Street, Chicago IL
for a public park

Which City agency or department is requesting this EDS?

DEPT OF HOUSING AND ECONOMIC DEVELOPMENT

Specification Number

Contract (PO) Number

Revision Number

Release Number

User Department Project Number

SECTION II -- DISCLOSURE OF OWNERSHIP INTERESTS

A. NATURE OF THE DISCLOSING PARTY

1. Indicate the nature of the Disclosing Party:

Not-for-profit corporation

Is the Disclosing Party also a 501(c)(3) organization?

Yes

Is the Disclosing Party incorporated or organized in the State of Illinois?

Yes

B. DISCLOSING PARTY IS A LEGAL ENTITY:

1.a.1 Does the Disclosing Party have any directors?

Yes

1.a.3 List below the full names and titles of all executive officers and all directors, if any, of the entity. Do not include any directors who have no power to select the entity's officers.

Officer/Director: Ms. Jill Alread

Title: Chair

Role: Both

Officer/Director: Mr. Steven M. Ricchio

Title: Treasurer

Role: Both

Officer/Director: Ms. Carrie C. McNally

Title: Secretary

Role: Both

Officer/Director: Mr. Gerald W. Adelman

Title: President and CEO

Role: Both

Officer/Director: Mr. John Tyler Anthony

Title: Director

Role: Director

Officer/Director: Mr. Paul L. Becker

Title: Director

Role: Director

Officer/Director: Mr. Alan Bell

Title: Director

Role: Director

Officer/Director: Mrs. Shaun C. Block

Title: Director

Role: Director

Officer/Director: Mr. Richard J. Carlson

Title: Director

Role: Director

Officer/Director: Mr. Harry T. Chandler Jr

Title:	Director
Role:	Director

Officer/Director:	Mr. George W. Davis
Title:	Director
Role:	Director

Officer/Director:	Ms. Garrett Handley Dee
Title:	Director
Role:	Director

Officer/Director:	Mrs. Susan Dupree
Title:	Director
Role:	Director

Officer/Director:	Mrs. Victoria C. Drake
Title:	Director
Role:	Director

Officer/Director:	Ms. Josephine F. Elting
Title:	Director
Role:	Director

Officer/Director:	Mr. Joseph M. Flavin
Title:	Director
Role:	Director

Officer/Director:	Mr. Hugh D. Frisbie
Title:	Director
Role:	Director

Officer/Director:	Mr. John M. Haight III
Title:	Director
Role:	Director

Officer/Director:	Mr. Jonathan C. Hamill
Title:	Director
Role:	Director

Officer/Director:	Mr. Scott Jamieson
Title:	Director
Role:	Director

Officer/Director: Ms. Ellen Newcomer

Title: Director

Role: Director

Officer/Director: Ms. Janis W. Notz

Title: Director

Role: Director

Officer/Director: Mr. Andrew Otting

Title: Director

Role: Director

Officer/Director: Mr. J. Timothy Ritchie

Title: Director

Role: Director

Officer/Director: Mr. Charles Saltzman

Title: Director

Role: Director

Officer/Director: Mr. Patrick Shaw

Title: Director

Role: Director

Officer/Director: Ms. Nancy W. Sutherland

Title: Director

Role: Director

1.a.5 Are there any members of the non-for-profit Disclosing Party which are legal entities?

No

SECTION III -- BUSINESS RELATIONSHIPS WITH CITY ELECTED OFFICIALS

Has the Disclosing Party had a "business relationship," as defined in Chapter 2-156 of the Municipal Code, with any City elected official in the 12 months before the date this EDS is signed?

No

SECTION IV -- DISCLOSURE OF SUBCONTRACTORS AND OTHER RETAINED PARTIES

The Disclosing Party must disclose the name and business address of each subcontractor, attorney, lobbyist, accountant, consultant and any other person or entity whom the Disclosing Party has retained or expects to retain in connection with the Matter, as well as the nature of the relationship, and the total amount of the fees paid or estimated to be paid. The Disclosing Party is not required to disclose employees who are paid solely through the Disclosing Party's regular payroll.

"Lobbyist" means any person or entity who undertakes to influence any legislative or administrative action on behalf of any person or entity other than: (1) a not-for-profit entity, on an unpaid basis, or (2) himself. "Lobbyist" also means any person or entity any part of whose duties as an employee of another includes undertaking to influence any legislative or administrative action.

If the Disclosing Party is uncertain whether a disclosure is required under this Section, the Disclosing Party must either ask the City whether disclosure is required or make the disclosure.

1. Has the Disclosing Party retained any legal entities in connection with the Matter?

No

3. Has the Disclosing Party retained any persons in connection with the Matter?

No

SECTION V -- CERTIFICATIONS

A. COURT-ORDERED CHILD SUPPORT COMPLIANCE

Under Municipal Code Section 2-92-415, substantial owners of business entities that contract with the City must remain in compliance with their child support obligations throughout the contract's term.

Has any person who directly or indirectly owns 10% or more of the Disclosing Party been declared in arrearage of any child support obligations by any Illinois court of competent jurisdiction?

Not applicable because no person directly or indirectly owns 10% or more of the Disclosing Party

B. FURTHER CERTIFICATIONS

1. Pursuant to Municipal Code Chapter 1-23, Article I ("Article I")(which the Applicant should consult for defined terms (e.g., "doing business") and legal requirements), if the Disclosing Party submitting this EDS is the Applicant and is doing business with the City, then the Disclosing Party certifies as follows:

- i. neither the Applicant nor any controlling person is currently indicted or charged with, or has admitted guilt of, or has ever been convicted of, or placed under supervision for, any criminal offense involving actual, attempted, or conspiracy to commit bribery, theft, fraud, forgery, perjury, dishonesty or deceit against an officer or employee of the City or any sister agency; and
- ii. the Applicant understands and acknowledges that compliance with Article I is a continuing requirement for doing business with the City.

NOTE: If Article I applies to the Applicant, the permanent compliance timeframe in Article I supersedes some five-year compliance timeframes in certifications 2 and 3 below.

I certify the above to be true

2. The Disclosing Party and, if the Disclosing Party is a legal entity, all of those persons or entities identified in Section II.B.1. of this EDS:

- a. are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from any transactions by any federal, state or local unit of government;
- b. have not, within a five-year period preceding the date of this EDS, been convicted of a criminal offense, adjudged guilty, or had a civil judgment rendered against them in connection with: obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; a violation of federal or state antitrust statutes; fraud; embezzlement; theft; forgery; bribery; falsification or destruction of records; making false statements; or receiving stolen property;
- c. are not presently indicted for, or criminally or civilly charged by, a governmental entity (federal, state or local) with committing any of the offenses set forth in clause B.2.b. of this Section V;
- d. have not, within a five-year period preceding the date of this EDS, had one or more public transactions (federal, state or local) terminated for cause or default; and
- e. have not, within a five-year period preceding the date of this EDS, been convicted, adjudged guilty, or found liable in a civil proceeding, or in any criminal or civil action, including actions concerning environmental violations, instituted by the City or by the federal government, any state, or any other unit of local government.

I certify the above to be true

3. Neither the Disclosing Party, nor any Contractor, nor any Affiliated Entity of either the Disclosing Party or any Contractor nor any Agents have, during the five years before the date this EDS is signed, or, with respect to a Contractor, an Affiliated Entity, or an Affiliated Entity of a Contractor during the five years before the date of such Contractor's or Affiliated Entity's contract or engagement in connection with the Matter:

- a. bribed or attempted to bribe, or been convicted or adjudged guilty of bribery or attempting to bribe, a public officer or employee of the City, the State of Illinois, or any agency of the federal government or of any state or local government in the United States of America, in that officer's or employee's official capacity;
- b. agreed or colluded with other bidders or prospective bidders, or been a party to any such agreement, or been convicted or adjudged guilty of agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition by agreement to bid a fixed price or otherwise; or
- c. made an admission of such conduct described in a. or b. above that is a matter of record, but have not been prosecuted for such conduct; or
- d. violated the provisions of Municipal Code Section 2-92-610 (Living Wage Ordinance).

I certify the above to be true

4. Neither the Disclosing Party, Affiliated Entity or Contractor, or any of their employees, officials, agents or partners, is barred from contracting with any unit of state or local government as a result of engaging in or being convicted of

- bid-rigging in violation of 720 ILCS 5/33E-3;
- bid-rotating in violation of 720 ILCS 5/33E-4; or
- any similar offense of any state or of the United States of America that contains the same elements as the offense of bid-rigging or bid-rotating.

I certify the above to be true

5. Neither the Disclosing Party nor any Affiliated Entity is listed on any of the following lists maintained by the Office of Foreign Assets Control of the U.S. Department of the Treasury or the Bureau of Industry and Security of the U.S. Department of Commerce or their successors; the Specially Designated Nationals List, the Denied Persons List, the Unverified List, the Entity List and the Debarred List.

I certify the above to be true

6. The Disclosing Party understands and shall comply with the applicable requirements of Chapters 2-55 (Legislative Inspector General), Chapter 2-56 (Inspector General) and Chapter 2-156 (Governmental Ethics) of the Municipal Code.

I certify the above to be true

C. CERTIFICATION OF STATUS AS FINANCIAL INSTITUTION

The Disclosing Party certifies that, as defined in Section 2-32-455(b) of the Municipal Code, the Disclosing Party

is not a "financial institution"

D. CERTIFICATION REGARDING INTEREST IN CITY BUSINESS

Any words or terms that are defined in Chapter 2-156 of the Municipal Code have the same meanings when used in this Part D.

1. In accordance with Section 2-156-110 of the Municipal Code: Does any official or employee of the City have a financial interest in his or her own name or in the name of any other person or entity in the Matter?

No

E. CERTIFICATION REGARDING SLAVERY ERA BUSINESS

If the Disclosing Party cannot make this verification, the Disclosing Party must disclose all required information in the space provided below or in an attachment in the "Additional Info" tab. Failure to comply with these disclosure requirements may make any contract entered into with the City in connection with the Matter voidable by the City.

The Disclosing Party verifies that the Disclosing Party has searched any and all records of the Disclosing Party and any and all predecessor entities regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era (including insurance policies issued to slaveholders that provided coverage for damage to or injury or death of their slaves), and the Disclosing Party has found no such records.

I can make the above verification

SECTION VI -- CERTIFICATIONS FOR FEDERALLY-FUNDED MATTERS

Is the Matter federally funded? For the purposes of this Section VI, tax credits allocated by the City and proceeds of debt obligations of the City are not federal funding.

No

SECTION VII -- ACKNOWLEDGMENTS, CONTRACT INCORPORATION, COMPLIANCE, PENALTIES, DISCLOSURE

The Disclosing Party understands and agrees that:

- A. The certifications, disclosures, and acknowledgments contained in this EDS will become part of any contract or other agreement between the Applicant and the City in connection with the Matter, whether procurement, City assistance, or other City action, and are material inducements to the City's execution of any contract or taking other action with respect to the Matter. The Disclosing Party understands that it must comply with all statutes, ordinances, and regulations on which this EDS is based.
- B. The City's Governmental Ethics and Campaign Financing Ordinances, Chapters 2-156 and 2-164 of the Municipal Code, impose certain duties and obligations on persons or entities seeking City contracts, work, business, or transactions. A training program is available on line at www.cityofchicago.org/city/en/depts/ethics.html, and may also be obtained from the City's Board of Ethics, 740 N. Sedgwick St., Suite 500, Chicago, IL 60610, (312) 744-9660. The Disclosing Party must comply fully with the applicable ordinances.

I acknowledge and consent to the above

The Disclosing Party understands and agrees that:

- C. If the City determines that any information provided in this EDS is false, incomplete or inaccurate, any contract or other agreement in connection with which it is submitted may be rescinded or be void or voidable, and the City may pursue any remedies under the contract or agreement (if not rescinded or void), at law, or in equity, including terminating the Disclosing Party's participation in the Matter and/or declining to allow the Disclosing Party to participate in other transactions with the City. Remedies at law for a false statement of material fact may include incarceration and an award to the City of treble damages.
- D. It is the City's policy to make this document available to the public on its Internet site and/or upon request. Some or all of the information provided on this EDS and any attachments to this EDS may be made available to the public on the Internet, in response to a Freedom of Information Act request, or otherwise. By completing and signing this EDS, the Disclosing Party waives and releases any possible rights or claims which it may have against the City in connection with the public release of information contained in this EDS and also authorizes the City to verify the accuracy of any information submitted in this EDS.
- E. The information provided in this EDS must be kept current. In the event of changes, the Disclosing Party must supplement this EDS up to the time the

City takes action on the Matter. If the Matter is a contract being handled by the City's Department of Procurement Services, the Disclosing Party must update this EDS as the contract requires. NOTE: With respect to Matters subject to Article I of Chapter 1-23 of the Municipal Code (imposing PERMANENT INELIGIBILITY for certain specified offenses), the information provided herein regarding eligibility must be kept current for a longer period, as required by Chapter 1-23 and Section 2-154-020 of the Municipal Code.

I acknowledge and consent to the above

The Disclosing Party represents and warrants that:

F.1. The Disclosing Party is not delinquent in the payment of any tax administered by the Illinois Department of Revenue, nor are the Disclosing Party or its Affiliated Entities delinquent in paying any fine, fee, tax or other charge owed to the City. This includes, but is not limited to, all water charges, sewer charges, license fees, parking tickets, property taxes or sales taxes.

I certify the above to be true

F.2 If the Disclosing Party is the Applicant, the Disclosing Party and its Affiliated Entities will not use, nor permit their subcontractors to use, any facility listed by the U.S. E.P.A. on the federal Excluded Parties List System ("EPLS") maintained by the U.S. General Services Administration.

I certify the above to be true

F.3 If the Disclosing Party is the Applicant, the Disclosing Party will obtain from any contractors/subcontractors hired or to be hired in connection with the Matter certifications equal in form and substance to those in F.1. and F.2. above and will not, without the prior written consent of the City, use any such contractor/subcontractor that does not provide such certifications or that the Disclosing Party has reason to believe has not provided or cannot provide truthful certifications.

I certify the above to be true

FAMILIAL RELATIONSHIPS WITH ELECTED CITY OFFICIALS AND DEPARTMENT HEADS

This question is to be completed only by (a) the Applicant, and (b) any legal entity which has a direct ownership interest in the Applicant exceeding 7.5 percent. It is not to be completed by any legal entity which has only an indirect ownership interest in the Applicant.

Under Municipal Code Section 2-154-015, the Disclosing Party must disclose whether such Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently has a "familial relationship" with any elected city official or department head. A "familial relationship" exists if, as of the date this EDS is signed, the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof is related to the mayor, any alderman, the city clerk, the city treasurer or any city department head as spouse or domestic partner or as any of the following, whether by blood or adoption: parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister or half-brother or half-sister.

"Applicable Party" means (1) all corporate officers of the Disclosing Party, if the Disclosing Party is a corporation; all partners of the Disclosing Party, if the Disclosing Party is a general partnership; all general partners and limited partners of the Disclosing Party, if the Disclosing Party is a limited partnership; all managers, managing members and members of the Disclosing Party, if the Disclosing Party is a limited liability company; (2) all principal officers of the Disclosing Party; and (3) any person having more than a 7.5 percent ownership interest in the Disclosing Party. "Principal officers" means the president, chief operating officer, executive director, chief financial officer, treasurer or secretary of a legal entity or any person exercising similar authority.

Does the Disclosing Party or any "Applicable Party" or any Spouse or Domestic Partner thereof currently have a "familial relationship" with an elected city official or department head?

No

ADDITIONAL INFO

Please add any additional explanatory information here. If needed you may add an attachment below.

List of vendor attachments uploaded by City staff

None.

List of attachments uploaded by vendor

None.

APPROVED

Stephen R. Patton

CORPORATION COUNSEL

APPROVED

Kahn Emanuel **GRP**

7/29/11

Mayor