

Downers Grove Park District Board Meeting

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1 MR. NETREFA: Yes.

2 MR. KELLY: What else?

3 MR. NETREFA: Day off trips.

4 MR. KELLY: Day off trips. So along the same

5 lines. I wanted to introduce Matt to you and welcome

6 him aboard. We're very happy to have Matt and

7 everybody in place and to have a full staff again. So,

8 welcome, Matt.

9 MR. McADAM: Kari, can you stand back up. Kari

10 has been spearheading our summer concerts and did the

11 two movies in the park this summer along with Brandi

12 and -- I don't know who all was on your committee. You

13 can say that. But pulled off a very successful

14 Chilympics this weekend.

15 One of our judges is here. Really great feedback.

16 She jumped right into the new role.

17 Who was all on your committee? I know Brandi was

18 on there.

19 MS. LOEKLE: Myself, Brandi, Mike, Justine Goode,

20 Rich Zizek, Mike O'Shea, Stacy Landis, Sara.

21 MR. McADAM: Great.

22 MS. SOUTER: Nice job on that.

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1 PRESIDENT CUSHING: It sounds like it was a great

2 event.

3 MS. SOUTER: Yes, it was. Very nice. Very good.

4 PRESIDENT CUSHING: We have no other visitors

5 wishing to address the Board.

6 Do we have any written correspondence? Nothing,

7 okay. We'll move onto the Consent Agenda.

8 MR. McADAM: We have one item this evening,

9 approval of minutes from September 19, 2013, regular

10 and executive session.

11 MR. ROMAN: I'll move to approve Consent Agenda as

12 presented.

13 MR. GELWICKS: Second.

14 PRESIDENT CUSHING: Roll call, please.

15 MS. RANK: Mr. Roman.

16 MR. ROMAN: Aye.

17 MS. RANK: Mr. Gelwicks.

18 MR. GELWICKS: Aye.

19 MS. RANK: Mr. Cushing.

20 PRESIDENT CUSHING: Aye.

21 MS. RANK: Ms. Souter.

22 MS. SOUTER: Aye.

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1 PRESIDENT CUSHING: Motion is approved. We're

2 onto the Action Items.

3 MR. McADAM: Thank you. I'm actually going to

4 take from a discussion standpoint Items 4.1, Memorandum

5 of Understanding, Barth Pond Dredging Project, and

6 Item 4.2, which is Consideration of Proposals, Barth

7 Pond Dredging Design/Build Services.

8 I think Paul was last here two weeks later since

9 the last time he saw you over all this, but I think

10 we're getting there. Last Board meeting, we put a

11 draft MOU before the Board for consideration and

12 feedback as well as outlined Merrill Brothers as being

13 our preferred vendor that we had agreed with the

14 Village. The pricing fit in with the Village's budget

15 as well as the parameters we were looking at.

16 Our intent was to bring both the MOU to you this

17 evening, which we have for you, and a contract with

18 Merrill Brothers, which we do not.

19 The reason we do not have a contract with you this

20 evening for the Merrill Brothers is, as Merrill

21 Brothers was doing due diligence, they did some testing

22 of the sediment into the pond. When they had bid the

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1 not-to-exceed price, they had made an assumption, based

2 on their history and past experience with similar type

3 of jobs, that there would be a certain percentage of

4 water within the material.

5 What they found is that there was significantly

6 less water volume in that material, which means there's

7 more hard material, which means there's more material

8 to truck out.

9 As you recall, they were talking about the

10 dewatering process, where they would take the water out

11 of the material they excavated, put that into the sewer

12 system. So that was the volume they were looking at.

13 With what the current base of the pond is and what the

14 original clay bottom was, and then they were doing the

15 calculations based on that, and I probably got the

16 percentages wrong here, but they were assuming

17 20 percent of that was water, 80 percent would have

18 been sediment, and they're closer to 5 percent water

19 and the rest sediment, so it's more volume.

20 So Merrill Brothers came back to both us and the

21 Village and said, "We cannot do this work for that

22 not-to-exceed price based on what we have found here."

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1 Paul and the Village Staff worked the better part
 2 of two weeks since the last meeting on working through
 3 those issues, as well as Geoff, and asked Merrill
 4 Brothers to give a new not-to-exceed price based on
 5 what they know now.
 6 We also then met with the second contractor, which
 7 name was Earth Works, in anticipation that, if we
 8 couldn't come to an agreement with Merrill Brothers, we
 9 would be looking at the next vendor. They were not our
 10 first choice as far as method goes, but they were close
 11 where we felt we could probably work with them.
 12 One of the issues that came up in their bid was
 13 what they were doing with the material. They were
 14 proposing they take the material, put it in their yard,
 15 dry it out, mix it with soil that had no contaminants
 16 in it, bring it down underneath a contaminant level
 17 from the EPA standpoint where it would not need to go
 18 to a special fill.
 19 The problem is, from a legal standpoint, neither
 20 ourselves nor the Village can give up the liability of
 21 chain of custody of that material. We have to be
 22 assured where it's going. If it's sitting in the yard

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1 and something happened or it didn't go to the correct
 2 place, we would actually maintain liability for that.
 3 In discussing with the Village, we felt that that
 4 was just too high of a risk to put either government
 5 agency, both of us, in a significant unknown, and we
 6 would have no control over what the contractor did with
 7 that.
 8 In the meantime, Merrill Brothers did come back
 9 with a new not-to-exceed price, which is \$1,587,206 and
 10 six, which is approximately \$80,000 more than what the
 11 Village has currently in their budget for this project.
 12 I have spoken with David Fieldman on numerous
 13 occasions on this. He feels, given all the
 14 circumstances, both with the risk of the chain of
 15 custody, and we've also discussed about rebidding this
 16 project, that the risk of the number coming in higher
 17 next time around is probably greater than coming in
 18 lower and probably not worth that.
 19 So he's going to be recommending on Tuesday from
 20 the Village Board to approve the MOU at that higher
 21 dollar amount. So that is where we stand with that.
 22 The MOU has a few changes from the last meeting

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1 that I had e-mailed out to you that addressed a couple
 2 of concerns that the Board had raised as well as the
 3 change in the new not-to-exceed price.
 4 The plan still would be, once the MOUs are
 5 approved by both entities, the Village would give us
 6 the full amount of money. We would then put it in an
 7 account. We would track that separately. After we do
 8 our final payout, we would have the 60 days to do the
 9 final accounting. Then if there's any money left in
 10 that account, we would then return that to the Village.
 11 The only other change that we had and one of the
 12 reasons we don't have the agreement with Merrill
 13 Brothers for your consideration tonight is, we've been
 14 working on the pricing, and the way they're going to
 15 excavate the material because now it's thicker, less
 16 dewatering, they're going to have to do some mechanical
 17 on a floating barge because they would actually have to
 18 inject water into the material to get it soft enough to
 19 use the technique they were going to do before, we've
 20 had to amend some of the things we were working on.
 21 The other issue is the technique is going to take
 22 approximately a month longer than what they were going

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1 to do before.
 2 If you remember, we were looking at starting in
 3 October being done in two months. Merrill Brothers'
 4 concern is two months gets us into freeze, potential
 5 ice conditions, so it's looking like our window for the
 6 fall has closed given that concern.
 7 So they would be available to do it in the spring.
 8 So that leaves us with the spring or next fall.
 9 Merrill Brothers said they will hold this price for the
 10 year, so they will guarantee it during that timeline.
 11 Staff has talked quite a bit on the timing issues
 12 revolving around this, and I think all of us would like
 13 to get this done sooner than later and not drag it out,
 14 but what we're recommending is actually waiting until
 15 after Labor Day next year.
 16 The reason for that is, if we start into the
 17 spring, they will go potentially into June, possibly
 18 into July, depending on what the weather conditions are
 19 and how much rain we get. We can also get flooding in
 20 the fall, but it seems like we get bigger rain events
 21 in the spring, and there's some concern there.
 22 The other issue is, the playground in Patriots

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1 Park is scheduled to be replaced next year. Our
 2 original plan was to do the excavating this fall,
 3 playground replacement next year. Our thought is
 4 possibly doing them simultaneously. So we would close
 5 the whole park off, do the excavating, do the
 6 playground replacement, do the parking lot replacement,
 7 reopen the park, late fall, completely redone, ready to
 8 go and be ready to go in the spring.
 9 The other consideration we put in there, though
 10 our parks get used all the time, spring is a really
 11 heavy time for us with spring fever and people wanting
 12 to get out and walking around the pond, and we were
 13 trying to weigh everything with the least impact.
 14 So for this evening before you-- and Paul and
 15 Geoff can answer any questions, and I can, as well
 16 --we're recommending the approval of the Memorandum of
 17 Understanding as it sits before you, table the
 18 consideration for proposals for the Barth Pond. We
 19 would like to bring that back to you within two weeks
 20 for your consideration at that time.
 21 MR. GELWICKS: Is there any concern from the
 22 Village on the delay from their perspective?

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1 MR. McADAM: No. I've asked that question and
 2 actually talked through kind of the timing issues, and
 3 the response that I got was that was one of the reasons
 4 that it made sense for us to be managing the project
 5 within our park, so that we could have some control
 6 over those items.
 7 MR. GELWICKS: From a financial perspective, we're
 8 crossing, I assume, fiscal year boundaries for the
 9 Village. Is that a problem?
 10 MR. McADAM: No. Actually, when this was coming
 11 up, that was one of the things I brought up. Like I
 12 said, we could still do the MOU, but trigger the
 13 payment timing differently, and that would help with
 14 the budget.
 15 Their response to me was they would prefer to just
 16 go ahead and send us the money upon approval of the
 17 MOUs. We would do the -- keep the accounting.
 18 I've already talked to Renee. While it's not
 19 addressed in here, being that it's a million and a half
 20 dollars and we're looking at fall as potentially
 21 sitting in that account for a period of time, interest
 22 rates aren't great, but at a million and a half, it's

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1 going to generate some interest. We need to calculate
 2 that in some way, and that would be part of what we
 3 would return.
 4 MR. GELWICKS: My concern would be that it would
 5 move to another year, and they might be in a different
 6 situation. They're okay with it because they're going
 7 to pay for it now?
 8 MR. McADAM: They're going to pay for it out of
 9 this fiscal. Yes. And we'll just have to hold it.
 10 MR. GELWICKS: Do you want a motion on this?
 11 MR. McADAM: Yes. I'm looking for a motion for
 12 approval on the MOU and just to table the other
 13 proposal.
 14 MR. GELWICKS: I move that we approve the
 15 Memorandum of Understanding between the Village of
 16 Downers Grove and the Downers Grove Park District
 17 regarding the Barth Pond Dredging Project.
 18 MS. SOUTER: Second.
 19 PRESIDENT CUSHING: Roll call, please.
 20 MS. RANK: Mr. Gelwicks.
 21 MR. GELWICKS: Aye.
 22 MS. RANK: Ms. Souter.

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1 MS. SOUTER: Aye.
 2 MS. RANK: Mr. Cushing.
 3 PRESIDENT CUSHING: Aye.
 4 MS. RANK: Mr. Roman.
 5 MR. ROMAN: Aye.
 6 PRESIDENT CUSHING: Motion is approved.
 7 MR. McADAM: Thank you.
 8 PRESIDENT CUSHING: We have one more action item,
 9 then. We're skipping 4.2.
 10 MR. McADAM: We're going to skip 4.2.
 11 The third one is, Request Authorization for the
 12 Executive Director to Approve One Professional
 13 Association Membership Per Staff.
 14 Our Personnel Policy Manual we actually have with
 15 our legal counsel right now, reviewing it from a legal
 16 standpoint, and then Staff is going to be looking at
 17 doing an update. That was one of the areas we had been
 18 looking at, and we didn't want to be bringing things to
 19 the Board for your consideration in piecemeal. It
 20 would make more sense to bring it as one consideration.
 21 However, as we've been looking at education
 22 opportunities for some of our staffs, particularly with

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1 the golf course and some of our athletic staff, a
 2 number of those opportunities, you get a discount if
 3 you have a professional membership in the association
 4 that is sponsoring the event. That actually behooves
 5 us. It's cheaper for us to pay the full membership
 6 than it is for someone not to be a member and pay the
 7 non-member rate. These are also things we're asking
 8 our Staff to go to. We're directing them because we
 9 think it will benefit them within their job area.
 10 So the question came up, if we're being directed
 11 to go there, I really don't want the membership. I'm
 12 looking at it from the standpoint it is financially
 13 advantageous to the District to just go ahead and
 14 purchase you a full membership because I'm going to
 15 save more money than if you were a non-member.
 16 So this evening, I was just looking to see if I
 17 can have authority on a case-by-case basis not to
 18 exceed one membership per staff person, have some
 19 flexibility to save us some money, and then we'll look
 20 at recrafting that entire piece in the policy manual in
 21 its total.
 22 MR. GELWICKS: We have a number of memberships,

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1 today; is that correct?
 2 MR. McADAM: Correct.
 3 MR. GELWICKS: What about, like, IAPD?
 4 MR. McADAM: The IAPD is an agency membership, and
 5 we pay a hundred percent on that.
 6 MR. GELWICKS: So that's not an individual basis.
 7 MR. McADAM: Right.
 8 MR. GELWICKS: So that's not something that counts
 9 towards this the way you have it described here?
 10 MR. McADAM: That's correct. It's an agency
 11 membership. You can name six people. In our case we
 12 named the Commissioners and myself.
 13 MS. HERBST: The GFOA is also an agency.
 14 MR. GELWICKS: One per staff, what's the size of
 15 staff in the context of this? Could be 450?
 16 MR. McADAM: No. We're just looking at full-time,
 17 and so it wouldn't exceed that, and we're probably
 18 talking 10, 15 people here at the high side of that.
 19 MS. HERBST: Right now, the policy reads 75/25
 20 split, so the agency pays 75, and the employee pays 25.
 21 MR. GELWICKS: Do we have many people
 22 participating in that?

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1 MS. HERBST: The 75/25?
 2 MR. GELWICKS: Right.
 3 MS. HERBST: We do. Some park staff individuals.
 4 MR. McADAM: I'm really looking at this point,
 5 until we have a chance to really look at the policies
 6 in those situations where it's in our financial benefit
 7 to buy the membership so that we can get the discount
 8 for the educational opportunity that they're going to.
 9 MS. SOUTER: Each of these are on a case-by-case
 10 basis?
 11 MR. McADAM: Correct. Until we have a chance to
 12 really look at it in depth.
 13 MR. GELWICKS: I'm okay.
 14 MS. SOUTER: I'm fine.
 15 MR. ROMAN: I'm fine.
 16 PRESIDENT CUSHING: Do we need a motion?
 17 MR. McADAM: Yes.
 18 MS. SOUTER: I move to authorize the Executive
 19 Director to approve the District pay for one
 20 professional association membership per staff, which is
 21 consistent with the professional job responsibilities.
 22 MR. GELWICKS: Second.

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1 PRESIDENT CUSHING: Roll call, please.
 2 MS. RANK: Ms. Souter.
 3 MS. SOUTER: Aye.
 4 MS. RANK: Mr. Gelwicks.
 5 MR. GELWICKS: Aye.
 6 MS. RANK: Mr. Cushing.
 7 PRESIDENT CUSHING: Aye.
 8 MS. RANK: Mr. Roman.
 9 MR. ROMAN: Aye.
 10 PRESIDENT CUSHING: Motion is approved.
 11 MR. McADAM: Thank you.
 12 Staying on the topic of policies, in front of you
 13 I just passed out for informational purposes this
 14 evening, looked to put it on the agenda next month, but
 15 I wanted to get it to you in advance, is a cell phone
 16 stipend policy.
 17 Currently, in most situations the District is
 18 paying for the packages on cell phones for a good chunk
 19 of our Staff.
 20 We have been looking at those situations as to who
 21 has a phone, who doesn't have a phone, who needs a
 22 phone, who doesn't, watching Staff carrying two phones

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1 around, looking at what other districts are doing and
 2 other private businesses are doing and looking at what
 3 our cost to that is.
 4 The policy that you have before you, again, just
 5 for your review this evening, we're looking at a number
 6 of our Staff -- we wouldn't be able to convert
 7 everybody over to it, but a good chunk of Staff that
 8 we're currently providing phones for, paying for those
 9 packages for, we would be looking to move them over to
 10 a \$30 stipend.
 11 So they would be able to use their own phone. We
 12 would pay them \$30 a month for business use. We would
 13 then be able to eliminate those packages, saving us
 14 about \$10 per staff member per month in that situation.
 15 We're finding and Renee is working on this, and
 16 this seems to be the trend where everybody is moving
 17 to. One of the issues we have that a private entity
 18 doesn't have is the FOIA requirements.
 19 That's why you see in the policy that, if you're
 20 going to the stipend using your cell phone, you agree
 21 to comply with those policies, and that's pretty
 22 standard with park districts, villages, townships going

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1 to that.
 2 MR. GELWICKS: What is Staff's reaction to this?
 3 MR. McADAM: A couple questions. I've had a lot
 4 of, "This is great because I don't have to worry about
 5 it." "I don't have to carry two phones." We have
 6 Staff that didn't want to carry two phones but are
 7 doing it now anyway. That's kind of the way it's
 8 going.
 9 And that's why we said we're looking at job
 10 function as well as individual Staff. We're looking at
 11 trying to transition into this, but there are some
 12 Staff that it doesn't work, that they would like to
 13 stay on the payment. We're not going to force anybody
 14 at this point as we transition.
 15 PRESIDENT CUSHING: When you talk about FOIA, text
 16 messages or anything like that?
 17 MR. McADAM: We're specifically putting in here --
 18 we're not supposed to be doing that on our work phones
 19 as it is, the text messages. So we should not be
 20 texting any work-related items.
 21 PRESIDENT CUSHING: Okay.
 22 MR. McADAM: They would be responsible for that if

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1 they broke that policy. Same as they would with the
 2 phones we're giving them. If they're using their
 3 personal phone now because the work phone doesn't have
 4 that, they're responsible for that. It's one of those
 5 cases, the law and technology, technology is moving
 6 faster.
 7 PRESIDENT CUSHING: On the business side of it,
 8 I'm just trying to think if it applies to this
 9 situation as to us not actually knowing the number the
 10 employee left. More of a sales type position, but I
 11 don't know if that would --
 12 MR. McADAM: I will tell you from experience, I
 13 actually bought the phone, bought the number before I
 14 even knew I was going to apply for the position here,
 15 because when I got to Oswego, I got my predecessor's
 16 phone. Within about four weeks, I canceled the number
 17 because I was getting Aunt Betty and Uncle John and
 18 everybody else calling me and all the business people
 19 because it was announced, "We're looking for the new
 20 number." And in a lot of cases we're canceling the
 21 number anyway because people are associating the
 22 number, I think, with Renee or Jay or with you and not

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1 as much with the District position.
 2 MR. GELWICKS: The discussion we had on telephones
 3 the other day that I had with the non-antiquated phone
 4 system that you will have.
 5 MR. McADAM: Correct.
 6 MR. GELWICKS: Some of those concerns probably
 7 will go away because --
 8 MR. McADAM: Yes.
 9 MR. GELWICKS: You probably won't be able to give
 10 out the personal number.
 11 MR. McADAM: Right.
 12 MR. GELWICKS: Because you'll be able to use the
 13 work number, transfer it to that phone, so the personal
 14 number should stay personal then in that situation.
 15 MR. McADAM: Right. But they will be using their
 16 time on their private phone as the instrument, but you
 17 can call the -- every staff person that has a phone
 18 will be assigned their own private phone number going
 19 forward. And you have to call me, find me, follow me,
 20 whatever they call it. So they can set it up at any
 21 time. There's apps to do that. So when they leave the
 22 office, that number can follow them and just ring over

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1 here. If you don't pick it up, it can actually ring at
 2 their house or wherever.
 3 MR. GELWICKS: That should eliminate the concern
 4 that you had.
 5 MR. McADAM: I think it's going to eliminate quite
 6 a bit of that. It will also have the data portion of
 7 that, convert that over.
 8 So I just wanted to give that to the Board this
 9 evening. Take your time, read it, and I will bring it
 10 back for consideration next meeting.
 11 MR. GELWICKS: Does this apply to iPads, in a
 12 similar way?
 13 MR. McADAM: We are not proposing that, but that's
 14 probably something we would look at at some point. I'm
 15 about the only one using one. You probably do. Do you
 16 use an iPad? But you're right, it could very well.
 17 MR. GELWICKS: They're sort of synonymous in terms
 18 of how it's done.
 19 MR. McADAM: And I think we would look at that
 20 because, if that was integral to your job function,
 21 that would make some sense.
 22 MR. GELWICKS: If I'm working from home off hours

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1 or working from wherever, I need to access, to turn off
 2 the lights or turn on, and I'm using --
 3 MR. McADAM: We get more after --
 4 MR. GELWICKS: So you just may consider it has a
 5 broader applicability than just cell phones. It may be
 6 for mobile devices versus specifically cell phones.
 7 MR. ROMAN: Bring your own device is kind of the
 8 latest thing they're trying to bring in. The thing
 9 they have that you might consider want to consider too
 10 is carrying the data of this agency on their personal
 11 device for whatever reason and what the rules are for
 12 doing that and what kind of data they're allowed to
 13 have on those devices.
 14 MR. McADAM: Yeah. And it's addressed in here,
 15 like the e-mail. One of the reasons we're saying that
 16 we're not allowing text messages is because then that
 17 is personal to your phone and the carrier doesn't keep
 18 those for --
 19 MS. HERBST: Anywhere from two to three days,
 20 depending on the carrier.
 21 MR. McADAM: Unless you leave it on your phone --
 22 some people do, some don't.

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1 Now, E-mail, if it's work-related e-mail, it's
 2 going through our server, and then it's getting
 3 forwarded to the device, so we have records of all that
 4 e-mail going in and out.
 5 MR. ROMAN: I'm talking about situations where you
 6 might have a data file at work that has resident
 7 information on it that should not be made public that
 8 somebody might put on their device and then have it
 9 essentially outside the control of the agency.
 10 MR. McADAM: I would have to double-check, but I
 11 think that's covered in our technology policy.
 12 MR. GELWICKS: You have that issue with
 13 personal --
 14 MR. McADAM: We have that now.
 15 MR. GELWICKS: This doesn't change that issue.
 16 MR. McADAM: Right.
 17 PRESIDENT CUSHING: It doesn't change that issue,
 18 but it makes it more prevalent and easier to steal or
 19 abscond.
 20 MR. McADAM: Right.
 21 MR. ROMAN: You might want to consider something
 22 about, you have somebody forwarding their calls to

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1 their personal phone and they don't answer their
 2 personal phone, but the voice mail says when it
 3 answers, it's not something rude and obnoxious.
 4 MR. KELLY: It actually goes back to the phone in
 5 your office. The voice mail will stay in your office,
 6 not on your cell phone.
 7 MR. McADAM: It will actually bounce back.
 8 MR. GELWICKS: Once you get to the new system
 9 we're talking about, but if you're just using personal
 10 numbers today.
 11 MR. McADAM: Correct. That's why I actually have
 12 mine defaulted to just the computer thing. It was
 13 blended together. So it was a good way to handle that.
 14 MS. SOUTER: Speaking of the new system, what's
 15 the time frame we're looking at right now?
 16 MR. McADAM: Years. No. We're working diligently
 17 on it. Jay is working on it, and actually met with Bob
 18 and got his expertise from the field. Timeline.
 19 MS. HERBST: At least a couple months to a few
 20 months by the time we get everything --
 21 MS. SOUTER: Sorted through.
 22 MS. HERBST: Yes, options and features.

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1 MR. McADAM: It is the project he's working on.
 2 MS. SOUTER: I would imagine.
 3 MS. HERBST: Time and attendance is under way, so
 4 we're moving onto the phones.
 5 MR. McADAM: Also passed out this evening is just
 6 some information on the playground in Geneva. I don't
 7 know why these two guys left. Just kind of a cool
 8 outdoor one. Matt bumped across it, and Jay had seen
 9 it before, and Jay e-mailed me and said when are we
 10 building it. The rec has got to make the money. But
 11 something I think just from an information standpoint,
 12 but one of those things, Lyman Woods, we've been
 13 kicking around is a good example of that.
 14 I don't know if you have any comments, Matt.
 15 PRESIDENT CUSHING: No. I saw the article.
 16 Obviously, right up our alley, what we're doing out at
 17 Lyman. Maybe go take a visit and check it out.
 18 MR. KELLY: Shannon and I are actually going to do
 19 a tour of major playgrounds this fall sometime, that
 20 being one of them.
 21 We have had a lot of brainstorming ideas for
 22 different types of things out there that we are hoping

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1 to, after our strategic plans are wrapped up, to do our
 2 internal master plan and start putting together some
 3 funding requirements, some grants and those types of
 4 things we can do to start gaining momentum on some of
 5 those things.
 6 PRESIDENT CUSHING: Good idea.
 7 MR. McADAM: McCollum washrooms are open
 8 temporarily. We still have to do significant work
 9 there, but we were able to get them open in the
 10 meantime.
 11 Lastly, we have the park tour set up. If there's
 12 any particular locations anybody on the Board would
 13 like to visit, please let me know, and we'll make sure
 14 we get that into the routing. Otherwise, Staff will
 15 just pick some sites to stop at.
 16 That's all I have.
 17 PRESIDENT CUSHING: Does anybody have any
 18 unfinished business? Anything we need to go back over?
 19 MR. GELWICKS: What about the cell tower? Do you
 20 want to talk about that?
 21 MR. PENMAN: I submitted the Board information
 22 here on the south tower. Basically just want to make

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1 sure we're still going in the right direction. Made an
 2 offer. Something we're hoping to -- we followed up
 3 with that. We have to have our attorneys draft the
 4 contract and go forward, but we're at a point where
 5 they did tell us that there was a possibility of two
 6 additional ones.
 7 The problem is, the lease is actually for the
 8 ground, the area on the ground. So I don't know if
 9 we've really got room on the ground for a third
 10 structure. We've got the one that's there now. We've
 11 got room for one more. While they could fit probably
 12 one more carrier on the tower, I think it would really
 13 stretch the footprint to put a third one in. So I
 14 think we should probably only consider two as we go
 15 forward unless we configure it differently. That's
 16 probably the biggest thing. The question of being able
 17 to put more than one carrier in a structure. Basically
 18 they're leasing that property, that footprint for that
 19 structure, so that's where the dollars come from for
 20 that, and basically they have different technology.
 21 They can't share the same space. So that was the
 22 biggest portion there.

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1 On the Board information item, I included a
 2 drawing from their proposal that showed how it would
 3 look. It's the second array down from the first array
 4 there at Gilbert Park. Initially as far as potential
 5 revenue, they offered \$500 a month. Came back at
 6 \$1,250 a month.
 7 MR. GELWICKS: Slight difference.
 8 MR. PENMAN: Slight difference, yes. Better than
 9 the 500. It is what it is.
 10 Basically, our agreement in 2008, which included
 11 the pole and the building there, was approved at 1,625
 12 a month with a 4 percent a year increase. So I think
 13 it's important to note that's also the pole that's
 14 there as well as the structure.
 15 Then basically as of October 1st, just raised
 16 again to \$1,977.06 per month for T-Mobile that's there.
 17 So that's pretty much what we're getting at this
 18 point per month for that site, and then we would be
 19 then working with them and looking at 1250 a month
 20 additional if that's acceptable to the Board at this
 21 point in time.
 22 MS. SOUTER: Would that be subject to annual

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1 increases, as well?
 2 MR. PENMAN: Yes. We would negotiate that at
 3 4 percent.
 4 MR. McADAM: This is what we had as far as what
 5 Geoff has got, and we drew back --
 6 MR. PENMAN: We drew back one more --
 7 MR. McADAM: Because I didn't want to be stupid.
 8 PRESIDENT CUSHING: On the drawing, and I haven't
 9 had a chance to go out there, it says proposed overhead
 10 power service. Are they looking to add then a new
 11 power line?
 12 MR. PENMAN: That's the thing that's interesting
 13 about these, is that they have -- they've done these
 14 preliminary plans all over. So without having more
 15 information from where we wanted to go with the Board,
 16 I spent a considerable amount of time on this with
 17 them. It would require them to come back out, make
 18 another site visit, work with them to see how the
 19 footprint is going to work.
 20 There are a couple trees that are in there now
 21 that I'm concerned about that we would need to be
 22 compensated for as well as trying to make sure that

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1 whatever we put there fits with what's existing. So if
 2 it shows -- it shows the new power lines, so that's
 3 what they're talking about at this point in time.
 4 That overlying overhead power line goes to our
 5 existing shed there, I believe, where we have all the
 6 controls for our existing lighting and things. So
 7 that's where that came from. But those are all things
 8 we need to -- You're right. And all of that is pretty
 9 negotiable from what it sounds like as far as trying to
 10 actually work it into the site, what's going to work.
 11 MR. GELWICKS: They have standard configurations.
 12 It's cheaper for them to go with standard
 13 configurations, and you have to modify it to fit your
 14 needs.
 15 I'm in favor of this because this was a part of
 16 the original deal when we did it, and part of the
 17 thought process behind it was that it was a nice
 18 revenue stream. But if you've got additional users on
 19 it, it was a very nice revenue stream. So I'm
 20 supportive of that part of this.
 21 What I need help with understanding are the
 22 legalities of the current contract. Here's what I mean

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1 by that. SBA owns the tower, if I'm correct.
 2 MR. PENMAN: They manage the tower. They bought
 3 the rights to manage the tower, is what it is.
 4 MR. GELWICKS: Right. Because they're in that
 5 business. T-Mobile is the user of the first platter
 6 that's on that tower.
 7 MR. PENMAN: Exactly.
 8 MR. GELWICKS: Our contract is with SBA or with
 9 T-Mobile?
 10 MR. PENMAN: Our initial contract is with
 11 T-Mobile, but SBA has purchased the right from T-Mobile
 12 to manage that site. So part of their agreement is
 13 that they can add an additional carrier to that tower.
 14 MR. GELWICKS: I understand that. Is our contract
 15 currently with SBA or T-Mobile? I think we assigned it
 16 from T-Mobile over to SBA, and that all took place.
 17 MR. McADAM: Correct.
 18 MR. GELWICKS: There were abilities, options at
 19 five-year increments, I believe. So the first
 20 five-year increment came. And did they re-up? That's
 21 what I'm trying to understand, because the first
 22 increment should be up by now, and I don't recall that.

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1 MR. PENMAN: I believe it re-upped, yes.
 2 MR. GELWICKS: On its --
 3 MR. PENMAN: On its own.
 4 MR. GELWICKS: On its own, for another five years.
 5 What if they at the end of five years terminate?
 6 How do we make this other agreement coterminous, is my
 7 point. So that, if they go away, do they take the
 8 tower away, and then we've got -- I'm trying to
 9 understand how all of that works together. I'm sure
 10 that the lawyers will love this because it gives them a
 11 chance to make more money. But do you understand what
 12 I'm saying?
 13 MR. PENMAN: Absolutely.
 14 MR. GELWICKS: If the one is preferential and has
 15 it but they go away and they own the tower -- I always
 16 thought that SBA, when AT&T came to us, they got a
 17 portion of the deal, also. Not necessarily with us.
 18 But I believe that there's a two-way relationship here.
 19 I think they're renting the land space from us,
 20 and they're renting the tower space from SBA. So I
 21 think the two go hand in hand, but I think we have to
 22 understand that so we don't get -- and there's

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1 thousands of these around, so this isn't a unique
 2 thing.
 3 MR. McADAM: It may be written in there, because
 4 Adam Simon, who was working on this recently, wrote the
 5 one for us. That issue was actually written into the
 6 contract because the company prefers to just leave the
 7 tower because it costs them money to take the tower
 8 down. So that was written in that it was actually in
 9 our discretion. If we wanted to take the tower down,
 10 they had to take it down. If we said we wanted to keep
 11 the tower, then we got to keep the tower. So we have
 12 to see what kind of language Adam has on our agreement.
 13 MR. GELWICKS: The point is, if SBA backs out, are
 14 we still stuck with the AT&T deal? Can we execute it
 15 if SBA backs out, is my real concern.
 16 MR. PENMAN: Okay.
 17 MR. GELWICKS: If not, I think you have to figure
 18 out a way to make the contracts coterminous so that
 19 they go hand in hand. I would hope you don't have to
 20 do that, but I think you have to work through that.
 21 MR. McADAM: And those are all really good
 22 questions, and they're all questions we have to ask

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1 Adam to get the answer to.
 2 MS. SOUTER: Now I'm confused. With the
 3 additional contract, the newer one with AT&T, would it
 4 actually be with AT&T or with SBA?
 5 MR. PENMAN: It would be with SBA, and they're
 6 making it with AT&T.
 7 MS. SOUTER: Okay. Got it.
 8 MR. GELWICKS: It's a nice revenue stream. When
 9 we originally had this discussion, it was, okay, this
 10 will almost pay for a playground a year, the revenue
 11 stream associated with it. I mean, that was the
 12 thinking when it was done.
 13 MR. PENMAN: Absolutely.
 14 MR. McADAM: Yes.
 15 PRESIDENT CUSHING: That's great. Okay. Anyone
 16 else? Any other unfinished business? All right. Onto
 17 new business. Tax levy discussion.
 18 MR. McADAM: We have the preliminary tax levy
 19 numbers, scenarios, for Board discussion this evening
 20 and direction to Staff. Renee and our number whiz,
 21 Linda, is here to try to answer any questions you have.
 22 The CPI is 1.5 -- 1.7, and then the new

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1 construction you were estimating at --
 2 MS. HERBST: 2.5.
 3 MR. McADAM: Which is what I heard from a couple
 4 of my colleagues that Downers Grove Township was
 5 telling them, so that was the number we were --
 6 MS. HERBST: The EAB?
 7 MR. McADAM: No, the new construction.
 8 MS. HERBST: 2.5.
 9 MR. GELWICKS: I have a question about the levy
 10 change column, levy change. Can someone explain that?
 11 MS. HERBST: Linda can absolutely explain that.
 12 MR. McADAM: I figured since they were in the
 13 office together for an hour today, I figured that's
 14 what they were talking about.
 15 MS. MEINHART: It's the change in the cap funds
 16 because the cap funds exclude our funding for debt
 17 service and for SEASPAR.
 18 So if you look in -- I guess it's the fourth
 19 column over. It says cap fund levy, and then the sixth
 20 column over is taxes extended. So if you look in 2011,
 21 we extended 6,093,000 for the cap funds, and it's a
 22 4 percent increase up to the cap levy in 2012.

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1 MR. GELWICKS: That one I understood.
 2 MS. MEINHART: Which one don't you understand?
 3 MR. GELWICKS: The one below. 2010 to '11, go up
 4 5,000, but it shows levy change of minus 1 percent.
 5 MS. MEINHART: Right, because it's going from
 6 6,088,000.
 7 MR. GELWICKS: To 6,093,000.
 8 MS. MEINHART: No, go back two columns. The levy
 9 was 6,026,000. So that actually went down.
 10 MR. GELWICKS: Oh, so if I read my columns, cap
 11 fund levy column is Column 3. Taxes extended is
 12 Column 5.
 13 MS. MEINHART: Correct.
 14 MR. GELWICKS: I'm comparing 5 to 3.
 15 MS. MEINHART: Right.
 16 MR. GELWICKS: No.
 17 MS. MEINHART: That's what I did here.
 18 MR. GELWICKS: There's no way. I understand.
 19 MS. MEINHART: We basically looked at what it was
 20 last year to what we were going to levy the next year.
 21 MR. GELWICKS: I was thinking it was what we
 22 levied versus -- You're saying it's what we received

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1 the prior year versus what we levied versus levy versus
 2 levy. I'm thinking levy versus levy. I understand.
 3 MS. MEINHART: One year, I believe, when we were
 4 going to do the levy, we wanted it to be the same as
 5 last year, so we decreased it. So it would come up
 6 to -- they were equal.
 7 MR. GELWICKS: Correct. It's only math. You did
 8 this before computers, right?
 9 MS. MEINHART: When was before computers?
 10 MR. GELWICKS: I remember those days.
 11 MS. MEINHART: They were here. Yes, I know that.
 12 MR. McADAM: I think it was a year ago I pulled
 13 out my yellow sheet of paper.
 14 MS. MEINHART: Green paper.
 15 MR. McADAM: No, it was yellow.
 16 PRESIDENT CUSHING: Are you guys looking for
 17 direction tonight?
 18 MR. McADAM: Unless there's other scenarios the
 19 Board would be looking for.
 20 MS. HERBST: We used 2.5 for new construction.
 21 Last year we used 1.0, and we sort of left money on the
 22 table. But we had a 3.0 CPI last year, so that sort of

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1 limited us to that cap. Since it's only 1.7 this year,
 2 we might as well take advantage of the opportunity to
 3 work on some more of our new construction.
 4 MR. McADAM: I think with the new construction --
 5 that's new people, new property moving into the
 6 community, so you're capturing them at the rate of what
 7 existing taxpayers have been paying for the services,
 8 and they're theoretically adding to the base of the
 9 persons that were surveyed. That's different than the
 10 CPI, which is the inflationary rate.
 11 MR. GELWICKS: But you capture new construction
 12 automatically the following year, because it gets
 13 included in the EAB. So the only time you're losing
 14 it, if you will, is the year, the first year.
 15 MR. McADAM: Correct.
 16 MR. GELWICKS: In the overall scheme of things,
 17 mathematically, it's not a very big number in the
 18 current year.
 19 MR. McADAM: Correct.
 20 MR. GELWICKS: So you don't lose it going forward
 21 because it's automatically included.
 22 MS. HERBST: No, just that one year, though.

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1 MR. McADAM: Just that one year.
 2 MR. GELWICKS: Right. Okay. And the limiting
 3 rate on here, is that the tax cap, what I know as the
 4 maximum that could be taxed?
 5 MS. MEINHART: There's two caps. We have caps in
 6 the general fund and in the recreation fund. We can't
 7 go over a certain rate.
 8 MR. GELWICKS: Right.
 9 MS. MEINHART: Every year they calculate tax
 10 limiting rate. So back to that same table, you can see
 11 that last year our limiting rate was .3185, and we were
 12 actually at .3086. So we were taking less than we
 13 could have.
 14 MR. GELWICKS: That's what that column, available
 15 tax amount received, it's the difference between the
 16 two, multiplied times the EAB, is what I assume --
 17 MS. MEINHART: And the limiting rate changes every
 18 year, and that's dependent on -- It's kind of
 19 complicated. The new construction makes it bigger.
 20 Last year was -- Just to give you a little history, in
 21 2007, we had over \$30 million in new construction, and
 22 in the next four years, it went down. So in 2011, it

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1 was just over 10 million. Last year it went up, 11
 2 million. We also had over 9 million in newly annexed
 3 property. That was a big bump that we don't see very
 4 often.
 5 MR. GELWICKS: That was going to be one of my
 6 questions. That annexation was what we did or what the
 7 Village did?
 8 MS. MEINHART: I'm quite sure it was what the
 9 Village did, and we rolled in with it, as well. So I
 10 wouldn't expect that again for a while. I haven't
 11 heard of any.
 12 Basically what happens when you have high new
 13 construction and high annexation numbers, that
 14 increases your limiting rate. It's a complicated
 15 calculation. So last year our limiting rate went up
 16 because we had those high numbers.
 17 I've seen some preliminary numbers, and I'm
 18 looking at 12,700,000 in DuPage Township for this
 19 year's new construction. So that's still significant.
 20 And it seems to be going in the right direction.
 21 MR. GELWICKS: I'm under the impression we can't
 22 go over the limiting rate.

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1 MS. MEINHART: No, we can't.
 2 MR. GELWICKS: But there's at least one year it
 3 shows we did.
 4 MS. MEINHART: Yeah, back --
 5 MR. GELWICKS: Was that because the law was
 6 different back then?
 7 MS. MEINHART: No. We just levied that much. We
 8 could, for example, levy whatever the CPI is, and we
 9 could add 3 percent new construction.
 10 MR. GELWICKS: So we can get above the limiting
 11 rate?
 12 MS. MEINHART: And if you do, you have to adjust
 13 down to the limiting rate.
 14 MR. GELWICKS: Somewhere in here, recommendations
 15 have to do with the museum and moving some of the money
 16 in terms of the levy, I guess, to a different location.
 17 Linda brought up the cap that we have on the general
 18 fund that was done via referendum more than ten years
 19 ago. One of the concerns I would have with moving that
 20 money out of the museum fund from a taxing standpoint
 21 is that you have to be concerned about, when you do
 22 that, that the general fund starts moving up against

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1 that -- and I know we've been a ways away from the 20
 2 cents, but we could still get there. So I'm not so
 3 sure that, for that reason, we would want to do that.
 4 That's just a thought.
 5 MR. McADAM: Yeah. And we've been conscious of
 6 that both in the general as well as the recreation
 7 fund. That wouldn't go above that amount. But it also
 8 creates the most flexibility and makes the most sense
 9 from a budgeting standpoint, what we're paying out of
 10 those funds.
 11 MS. HERBST: Reduces the transfers out of those
 12 funds.
 13 MR. McADAM: Right.
 14 MR. GELWICKS: Given the hundreds of thousands of
 15 transfers you've done over the last ten years, doing
 16 one isn't a big deal.
 17 MS. MEINHART: True. We're trying to improve.
 18 Just to let you --
 19 MR. McADAM: The Director keeps trying to reduce
 20 transfers.
 21 MS. MEINHART: Last year, the limit on the general
 22 fund was .35. That's more than our whole tax rate for

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1 the Park District.
 2 MR. GELWICKS: But we're capped at .20 by the
 3 referendum. There was a referendum 15 years ago that
 4 capped our general fund at .2.
 5 MS. MEINHART: I'd have to look. I can show you
 6 this. This is our tax levy paperwork from last year.
 7 It gives you the caps, and it's at .35 according to
 8 what we --
 9 MR. GELWICKS: But we're extended at .16.
 10 MS. MEINHART: Correct.
 11 MR. GELWICKS: Can't go over .20 based on that
 12 referendum. That's my concern about moving the museum
 13 tax levy into there, is that extension by referendum,
 14 and Downers Grove can't go over .2.
 15 So when you start moving that money into the
 16 general for the corporate fund in this case, okay, for
 17 the purposes of that, I don't think you could do that
 18 because of that referendum.
 19 MS. MEINHART: Okay. I'm going to double-check.
 20 MR. GELWICKS: Do you understand what I'm talking
 21 about?
 22 MR. McADAM: I understand what you're saying,

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1 absolutely.
 2 MR. GELWICKS: That's what my concern is. It's
 3 not the limiting rate that's the issue here. It has to
 4 do with something that Downers Grove implemented as
 5 Downers Grove.
 6 MS. MEINHART: That's just for the general fund?
 7 MR. GELWICKS: Yes.
 8 MS. MEINHART: So we could put it in recreation.
 9 MR. McADAM: Up to the limit.
 10 MS. MEINHART: You can't spend it. No, no.
 11 MS. HERBST: It will be transferred out.
 12 MR. GELWICKS: Tomorrow there will be a bidding
 13 war.
 14 PRESIDENT CUSHING: Just got a nature park built.
 15 MS. HERBST: We're in finance. We can transfer.
 16 MR. McADAM: Bad night for you.
 17 PRESIDENT CUSHING: That was my only question on
 18 the special levy, museum related.
 19 MR. GELWICKS: My issue always on raising taxes is
 20 why do you need the money. I just think a part of our
 21 discussion ought to be purpose. Not to say there isn't
 22 purpose. But everybody is good at spending more if you

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1 have more. I'm not against that if there is a specific
 2 purpose or identifiable reason for doing it. I just
 3 think that ought to be part of our discussion going
 4 forward.
 5 MR. McADAM: Absolutely. That was part of what we
 6 discussed last year, too, and looked at the capital and
 7 actually earmarked that for the capital projects, and I
 8 think Staff has been working on updated capital project
 9 lists both from maintain what we've got now and looking
 10 at what, five, ten years?
 11 MS. HERBST: Five.
 12 MR. McADAM: Five years. So we're working on that
 13 too in anticipation of bringing that forward as part of
 14 this discussion.
 15 MR. GELWICKS: Last question I have is, there's
 16 always been a comparison done against a \$300,000 house
 17 or -- whatever that number is. As EABs go down, does
 18 that 300,000 then go down?
 19 MS. MEINHART: Yes. Assuming it goes down 5
 20 percent this year, then we're looking at like a 285.
 21 MR. GELWICKS: 285, okay.
 22 MS. MEINHART: Did you want to discuss the rebate

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1 at all, the abatement?
 2 MR. GELWICKS: Is there anything we could do about
 3 it?
 4 MS. MEINHART: Well, they reduced it 8.7 percent
 5 last year. We abated the full amount that we thought
 6 we would get the rebate. They reduced the amount we
 7 got in May. Just over \$4,000 less. It was supposed to
 8 expire September 30th, but as you know, our government
 9 is kind of --
 10 MR. McADAM: Closed.
 11 MS. MEINHART: We don't know what they're doing.
 12 PRESIDENT CUSHING: That is so true.
 13 MR. McADAM: Damienne, the Board had taken
 14 advantage of Build America Bonds, and part of the
 15 incentive of that was the Federal government would
 16 reimburse a portion of that. And what Linda is talking
 17 about is sequestration. That's where we're not getting
 18 back as much as they said we're going to get back. So
 19 they made a promise, and they're not fulfilling it.
 20 Given the uncertainty of where the Federal budget
 21 is going to be and all that, that's where we're at,
 22 because we had to make up that difference because you

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1 still have to pay the --
 2 MR. GELWICKS: You can make the argument that one
 3 of the reasons you need more tax money is because
 4 you're not getting the money that was planned for.
 5 MR. McADAM: Absolutely.
 6 MR. GELWICKS: That's a fair discussion.
 7 MR. McADAM: It is, yes. When you made that, you
 8 made that decision based on what the Federal government
 9 was telling you they were going to do, and they have
 10 now since reneged on that.
 11 PRESIDENT CUSHING: Anybody else? No?
 12 MS. HERBST: Would you like to see other
 13 scenarios?
 14 PRESIDENT CUSHING: I don't. Unless anybody else
 15 has any discussions, I think those are it.
 16 MR. McADAM: Thanks, Linda.
 17 PRESIDENT CUSHING: Thank you, Linda. So we are
 18 going to move on to recognition of visitors before we
 19 take our preschool tour. At this time we have another
 20 opportunity for visitors to address the Board. Would
 21 anybody like to address the Board? No. Then we're not
 22 going to adjourn. We're going to go on a tour.

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1 MR. McADAM: We will go on a tour and when we're
 2 done with the tour, we can adjourn there.
 3 (Preschool Room Tour was had,
 4 and at 8:12 p.m., the
 5 following proceedings were
 6 had in open session.)
 7 MR. GELWICKS: Move for final adjournment.
 8 MR. ROMAN: Second.
 9 PRESIDENT CUSHING: Roll call, please.
 10 MS. RANK: Mr. Gelwicks.
 11 MR. GELWICKS: Aye.
 12 MS. RANK: Mr. Roman.
 13 MR. ROMAN: Aye.
 14 MS. RANK: Mr. Cushing.
 15 PRESIDENT CUSHING: Aye.
 16 MS. RANK: Ms. Souter.
 17 MS. SOUTER: Aye.
 18 PRESIDENT CUSHING: Motion carried.
 19 (Which were all the
 20 proceedings had at the
 21 meeting of the above-entitled
 22 cause.)

1 STATE OF ILLINOIS)
)SS.
2 COUNTY OF KENDALL)
3

4 I, Angela Phipps, Certified Shorthand
5 Reporter for the State of Illinois, do hereby certify
6 that the above proceedings were recorded
7 stenographically and reduced to writing by me; that the
8 foregoing is a true, correct, and complete record of
9 the entire proceedings at the time and place
10 hereinabove set forth.

11 I further certify that I am neither counsel
12 for nor related to counsel for any of the parties to
13 this suit, nor am I in any way related to any of the
14 parties to this suit.

15 IN TESTIMONY WHEREOF, I have hereunto set my
16 hand this 14th day of October, 2013.

17
18

ANGELA PHIPPS, CSR
CSR No. 084-003506

19
20
21
22

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