

**A G E N D A**  
**COUNTY BOARD, COUNTY OF KANE**  
**TUESDAY, DECEMBER 14, 2010**  
**9:45 A.M.**

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES: November 9, 2010
4. NEW AND UNFINISHED BUSINESS

**(A) SPEAKERS (Agenda Items):**

**(B) ZONING PETITIONS**

Petition #4251	<b>VIRGIL TOWNSHIP</b>
Petitioner:	Matthew Yagen, et al
Location:	Southeast of the intersection of Winters and Fabris Roads, Section 20, Virgil Township (07-20-200-001).
Proposed:	Special Use in the F-Farming District for a Township Highway facility and Township offices (4.00 acres)
2030 Plan:	Agricultural
Objectors:	None
Recommendations:	<u>Staff:</u> Approve <u>Regional Planning Comm.:</u> Not Applicable <u>Zoning Board Recommendation:</u> Approve <u>Development Committee Recommendation:</u> Approve

Petition #4252	<b>VIRGIL TOWNSHIP</b>
Petitioner:	William Hensley, et ux
Location:	On the south side of Route 38, ½ block east of Landrose Lane, Sections 35 & 36, Virgil Township (07-35-400-020 & 07-36-300-013).
Proposed:	Rezoning from F-District Farming to F-1 District Rural Residential (2.01 acres)
2030 Plan:	Agricultural
Objectors:	None
Recommendations:	<u>Staff:</u> Approve <u>Regional Planning Comm.:</u> Not Applicable <u>Zoning Board Recommendation:</u> Approve <u>Development Committee Recommendation:</u> Approve

**(C) RESOLUTIONS & ORDINANCES**

.....CONSENT AGENDA .....

Administration -

- |           |   |
|-----------|---|
| #10 - 359 | Annual Renewal of City View License (Information Technology Department)           |
| #10 - 360 | Construction of Fiber Connection to Aurora Fiber for Fiber Optic System Expansion |

## County Development -

#10 - 361 Naming a New Highway As And Changing the Name of McDonald Road to Stearns Road

#10 - 362 Changing the Name of Part of Stearns Road to Old Stearns Road

## Executive -

#10 - 363 Appointments to Northwest Kane Airport Authority

## Finance/Budget -

#10 - 364 Acceptance of Office Supply Vendor

#10 - 365 Acceptance of Toner and Cartridges Vendors

#10 - 366 Acceptance of An Alternate Language HAVA Grant Via the State of Illinois Board of Elections

#10 - 367 Amending the 2010 Fiscal Year Budget, Kane County Sheriff's Office (Illinois Highway Safety Project)

#10 - 368 Amending the 2010 Fiscal Year Budget, Kane County Sheriff's Office (JAG Law Enforcement Equipment Recovery Act Program)

#10 - 369 Amending the 2010 Fiscal Year Budget, Kane County Sheriff's Office (Department of Illinois Law Enforcement Alarms System)

#10 - 370 Amending the 2010 Fiscal Year Budget, Kane County Sheriff's Office (Homeland Security Immigration Customs Enforcement)

#10 - 371 Amending the 2010 Fiscal Year Budget, Kane County Sheriff's Office (Illinois Department of Drug Enforcement)

#10 - 372 Resolution Authorizing The Execution of Certain Intergovernmental Agreements in Connection With The Kane County Recovery Bond Water Project Initiative

#10 - 373 Ordinance Authorizing the Issuance and Providing for the Sale of Up To \$16,800,000 Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010, of The County of Kane, Illinois, For The Purpose Paying All or A Portion of the Costs Of Acquiring, Constructing, Improving and Equipping Various Water And/Or Sewer Public Works Projects To Be Undertaken Jointly By the County And Other Units of Local Government Located Within the County Pursuant To Intergovernmental Agreements Between the County and Such Units, And the Costs Of Certain Other Capital Projects of the County, And Related Costs And Expenses; Proving For The Pledge of Revenues Received By The County Pursuant to An Agreement Between the County and the Elgin Riverboat Resort; Providing for The Levy Of A Direct Annual Tax For The Payment of Principal Of and Interest On the Series 2010 Bonds; Providing Procedures For The Abatement of Such Tax Based On the Availability of Alternate Revenues; Delegating to Authorized Officers The Authority To Determine Certain Terms of the Series 2010 Bonds Within Parameters Established In This Ordinance; And Providing For The Execution and Delivery of A Continuing Disclosure Undertaking

- #10 - 374 Supplemental Budget Request: Amending the 2011 Fiscal Year Budget Adult Board & Care

Human Services -

- #10 - 375 Contracting With Payflex Systems USA to Administer Flexible Spending Accounts
- #10 - 376 Repealing Resolution 10-70 Health Care Coverage For Young Adult Dependents of County Employees
- #10 - 377 Authorizing Contracts Providing Group Health, Vision and Dental Plans
- #10 - 378 Health Care Continuation Coverage For Medicare Eligible Retired and Disabled Employees
- #10 - 379 Support of IDOT Grant Application for Veterans Assistance Commission Vehicle

Public Health -

- #10- 380 Professional Services Agreement (Kane County Health Department)
- #10 - 381 Amending 2010 Health Department Budget

Public Service -

- #10 - 382 Authorizing Intergovernmental Agreement With Village of Big Rock For The Levy and Collection of Taxes For Special Service Area No. 1

Transportation -

- #10 - 383 Approving Local Agency Agreement for the Jurisdictional Transfer of Part of County Highway No. 37 (Stearns Road) to the St. Charles Township Road District
- #10 - 384 Approving an Addition to the County Highway System Stearns Road from Randall Road to Illinois Route 25 County Highway No. 37
- #10 - 385 Designating County Highway No. 37 (Stearns Road) A Freeway
- #10 - 386 Approving Establishment of School Entrance Speed Limit Kane County – Galligan Road
- #10 - 387 Approving Establishment of School Entrance Speed Limit Blackberry Township – Grengs Lane and South Mill Creek Drive
- #10 - 388 Approving Establishment of Speed Limit Kane County – Stearns Road
- #10 - 389 Approving Establishment of Class II Truck Route Kane County – Stearns Road from Randall Road to Illinois Route 25 and From Illinois Route 25 at Dunham Road to the Kane/DuPage County Line
- #10 - 390 Approving a Phase II Engineering Services Agreement with H. W. Lochner, Inc. for the Kirk Road at Douglas Road Intersection Improvement Kane County Section No. 08-00377-00-CH

- #10 - 391 Approving an Intergovernmental Agreement with the State of Illinois for Phase II Engineering Services for the Kirk Road at Douglas Road Intersection Improvement Kane County Section No. 08-00377-00-CH
- #10 - 392 Approving an Engineering Services Agreement with Hampton, Lenzini and Renwick, Inc. for 2011 Structure Safety Inspections
- #10 - 393 Approving Contract for Construction 2010 Bridge Maintenance Group #1 Kane County Section No. 10-00406-00-BR
- #10 - 394 Approving a Phase III Engineering Services Agreement with Thomas Engineering Group, LLC for 2010 Bridge Maintenance Group #1 Kane County Section No. 10-00406-00-BR
- #10 - 395 Approving Contract for Construction Bliss Road from Ke-De-Ka Road to Merrill Road Kane County Section No. 07-00359-01-CH

.....END OF CONSENT AGENDA .....

5. ELECTION OF VICE CHAIR

**(D) APPOINTMENTS:**

- 6. EXECUTIVE SESSION *(if needed)*
- 7. SPEAKERS (Non-Agenda Items):
- 8. ADJOURNMENT to Tuesday, January 11, 2011 at 9:45 a.m.



STATE OF ILLINOIS }  
                                      }  
COUNTY OF KANE }

**PETITION NO. 4251**  
**ORDINANCE AMENDING THE**  
**ZONING ORDINANCE OF KANE COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Kane County, Illinois, as follows:

- 1) That a Special Use is hereby granted and allowed under the provisions of Article VIII, Section 8.1-2 (dd) of the Zoning Ordinance of Kane County, Illinois, permitting township office and garage on the following described F-District Farming zoned property:

That part of the Northeast Quarter of Section 20, Township 40 North, Range 6 East of the 3<sup>rd</sup> Principal Meridian, described as follows: commencing at the Northeast corner of said Northeast Quarter; thence Westerly, along the North line of said Northeast Quarter, 828.0 feet for a point of beginning; thence continuing Westerly, along said North line, 465.00 feet; thence Southerly, at right angle to said North line, 375.00 feet; thence Easterly, at right angle to the last described course, parallel with said North line, 465.00 feet; thence Northerly, at right angle to the last described course, 375.00 feet to the point of beginning, all in Virgil Township, Kane County, Illinois.

- 2) That the zoning maps of Kane County, Illinois, be amended accordingly.
- 3) This ordinance shall be in full force and effect from and after its passage and approved as provided by Law.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

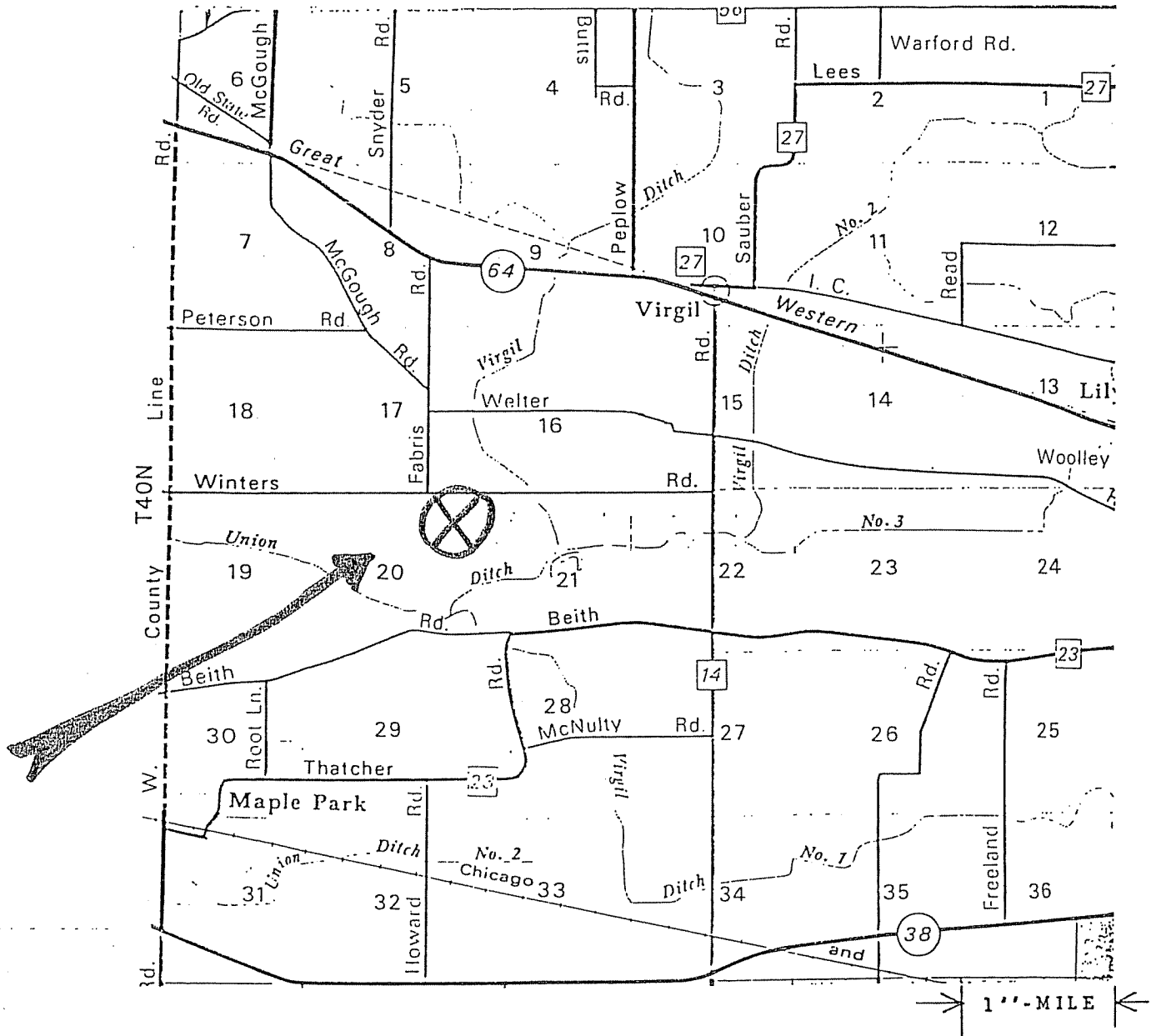
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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:  
Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

VIRGIL twp.  
T.40N - R.6E

map 7



STATE OF ILLINOIS }  
                                      }  
COUNTY OF KANE }

**PETITION NO. 4252**  
**ORDINANCE AMENDING THE**  
**ZONING ORDINANCE OF KANE COUNTY, ILLINOIS**

BE IT ORDAINED by the County Board of Kane County, Illinois, as follows:

- 1) That the following described property is hereby rezoned and reclassified from F-District Farming to F-1 District Rural Residential:

That part of the Southeast Quarter of Section 35, and that part of the Southwest Quarter of Section 36, all in Township 40 North, Range 6 East of the 3<sup>rd</sup> Principal Meridian described as follows: Beginning on the Southerly line of Illinois State Route 38 (said Southerly line being a line 60 feet Southerly of, as measured at right angle therefrom and parallel with, the center line of Federal Aid Route No. 7, as recorded in book 38 of plats, page 62, as document no. 898965), at the Northeast corner of Lot 1 of Big Oak Division as recorded in book 57 of plats, page 29 as document no. 1217242; thence South 1°02'44" West along the Easterly line of said Lot 1, and a Southerly extension thereof 292.0 feet; thence North 84°56'06" East, parallel with the said Southerly line 300.0 feet; thence North 1°02'44" East, parallel with the East line of said Lot 1, 292.0 feet to said Southerly line of said State Route 38; thence South 84°56'06" West along said Southerly line 300.0 feet to the point of beginning, all in Virgil Township, Kane County, Illinois.

- 2) That the zoning maps of Kane County, Illinois, be amended accordingly.
- 3) This ordinance shall be in full force and effect from and after its passage and approved as provided by Law.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

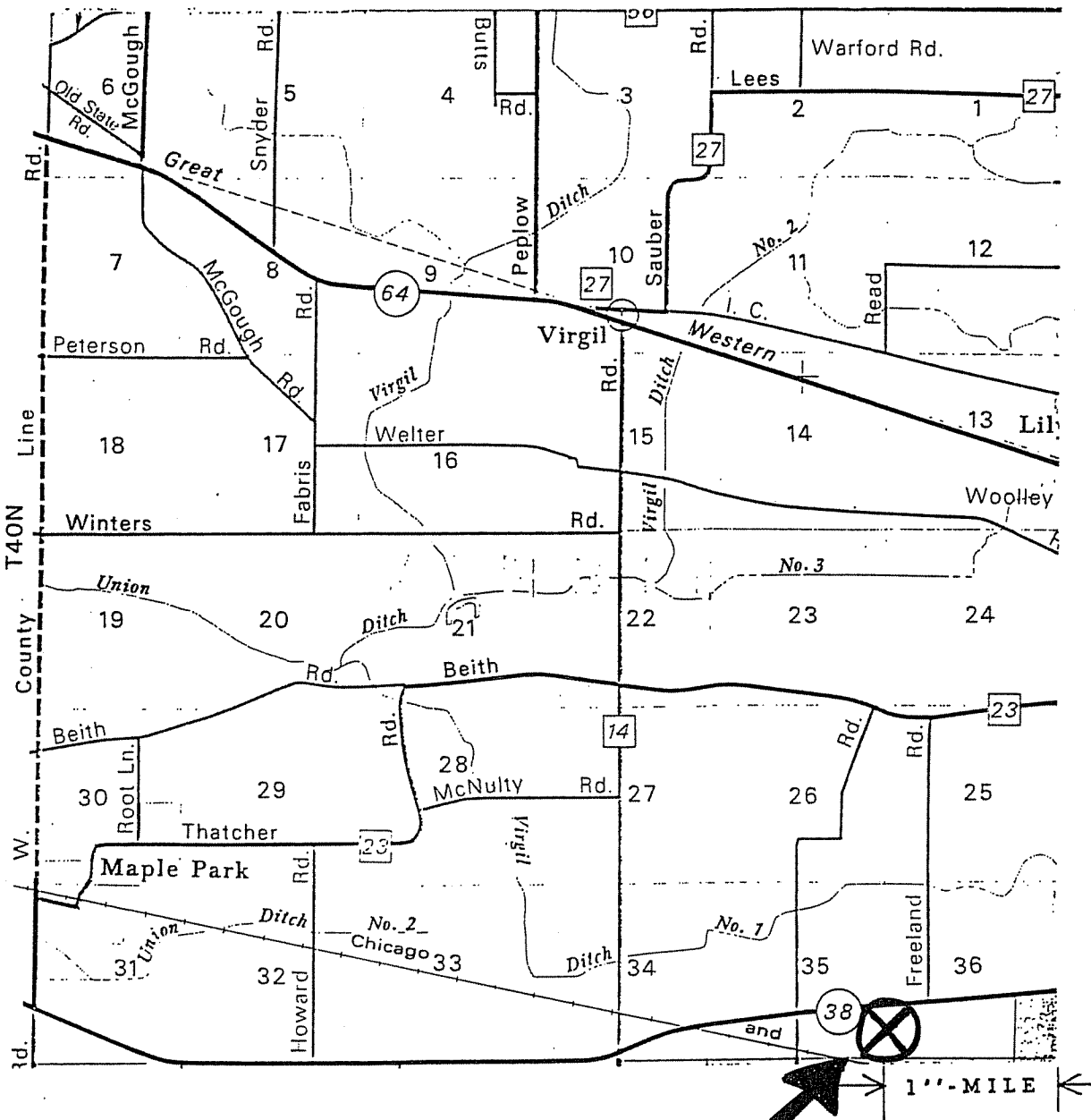
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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:  
Yes                    \_\_\_\_\_  
No                    \_\_\_\_\_  
Voice                \_\_\_\_\_  
Abstentions        \_\_\_\_\_

VIRGIL twp.  
T.40N - R.6E

map 7



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item #

Date: 11/05/2010

Item:

*Annual Renewal of CityView License*

Presenter / Sponsor:

Roger Fahnestock, ITD

Assigned Committee: Administration

Budgeted: ☒ Yes ☐ No ☐ N/A

If not budgeted, explain funding source:

Appropriation: \$32,500

**Summary:**

CityView (KPASS) is the permitting application that is used by various County Departments. The license is an annual renewal fee. The IT Department provides programming support and customization for specific requirements from each of the using department.

**Primary Departments and Use:**

KDOT - Access Permits, Moving Permits, Impact Fees

Health Dept, - Restaurant Inspections, Ceremonial Fire Permits, Tanning Salon, Non-Community Well, Well/Septic Permit

Animal Control - Pet Licenses

Information Technologies pays the vendor's invoice and recoups the funds by charging back the departments.

The cost is shared as follows:

Health Dept – 25%

Animal Control – 25%

KDOT – 50%

List Attachments: none

Detailed information available from / at: William Lake, ITD - 630-232-5976

Staff Comments / Recommendations: Approval

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 359

**ANNUAL RENEWAL OF CITY VIEW LICENSE  
(Information Technology Department)**

WHEREAS, the Kane County Information Technologies Department (ITD) has need to provide payment for ongoing permitting software license support; and

WHEREAS, Kane County's permitting software license requires renewal of the annual maintenance agreement; and

WHEREAS, the Information Technologies Department will chargeback using Departments (Health Department, Animal Control and Transportation) to reimburse account 001.060.060.50340 (Contractual Services, Software License Cost) for said renewal agreement expenses.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Kane County Board that the County authorizes payment of Thirty Two Thousand Five Hundred Dollars (\$32,500) for the annual agreement to Municipal Software to be paid as follows:

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.060.060.50340	Software Licensing Cost	Original	Yes	

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12-CityViewRenewal



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #

Date:

11/8/2010

Item:

*Resolution:* CONSTRUCTION OF FIBER CONNECTION TO AURORA FIBER FOR FIBER OPTIC SYSTEM EXPANSION

Presenter /  
Sponsor:

Roger Fahnestock

Assigned Committee: Administration

Budgeted: ☒ Yes ☐ No ☐ N/A

If not budgeted, explain funding source:

Appropriation:

### Summary:

Requesting that Information Technologies Department be allowed to hire Pirtano Construction Company to connect the Kane County Public Health Department's 1240 N Highland Ave Building to the Aurora Fiber Optics System.

The construction proposal was issued to the City of Aurora per the Aurora Construction bid for their fiber optics system. Pirtano won the bid not to exceed \$34,000 for this connection.

This will place the 1240 Highland Building on the Aurora fiber system. The Aurora fiber system is currently connected to the Kane County Fiber Optic System on Randall and Sullivan Road. Once further construction of the fiber optic expansion system is complete, it will give connectivity to both (Geneva and St Charles) Kane County Data Centers.

List Attachments:

Detailed information available from / at: William Lake, ITD, 630-232-5976

Staff Comments / Recommendations:

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 360

**CONSTRUCTION OF FIBER CONNECTION TO AURORA FIBER  
FOR FIBER OPTIC SYSTEM EXPANSION**

WHEREAS, the Kane County Information Technologies Department (ITD) is responsible for network infrastructure; and

WHEREAS, the Kane County Information Technologies Department in conjunction with the Kane County Department of Transportation entered into a service agreement with Burns & McDonnell (the lowest most qualified vendor) to provide engineering support detailing the scope of work for the County Fiber Optics System Project; and

WHEREAS, additional fiber installation is required to connect the Aurora City Fiber to the Health Department Building at 1240 N. Highland Ave. in Aurora.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Kane County Board that the County Information Technologies Department be allowed to enter into an agreement with Pirtano Construction Company for the construction of the fiber connection per the Aurora construction bid with expenditures not to exceed a total of Sixty Thousand Dollars (\$34,000.00).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
025.800.810.50150	Contractual Services	Yes	Yes	

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_



	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #
	Date:	October 25, 2010	
	Item:	<i>Resolution:</i> Naming a New Highway and Changing the Name of McDonald Road to "Stearns Road" <i>Resolution:</i> Changing the Name of Part of Stearns Road to Old Stearns Road	
	Presenter / Sponsor:	Tom Rickert	
Assigned Committee: Development			Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
If not budgeted, explain funding source: N/A			Appropriation: N/A
<p>Summary:</p> <p>As the construction of the Stearns Road Bridge Corridor nears completion, Development and Transportation staff have reviewed the following items for your consideration:</p> <ul style="list-style-type: none"> <li>Establishing that the name of a new County Highway from Randall Road to Illinois Route 25 be "Stearns Road" including a portion of existing McDonald Road from Randall Road easterly to Umbdenstock Road.</li> <li>Establishing that the name of existing Stearns Road (east of IL25) from the newly realigned Stearns Road to a point approximately 800 feet west thereof, ending in a future cul-de-sac as depicted on the map which is attached hereto, be renamed "Old Stearns Road".</li> </ul>			
List Attachments: N/A			
Detailed information available from / at: Steve Coffinbargar, KDOT Chief of Planning & Programming, (630) 406-7170			
Staff Comments / Recommendations: Staff recommends Committee approval.			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 361

**NAMING A NEW HIGHWAY AS  
AND CHANGING THE NAME OF MCDONALD ROAD TO  
"STEARNS ROAD"**

WHEREAS, the County of Kane has constructed a new highway from the intersection of Kane County Highway No. 34 (also known as Randall Road) and McDonald Road which new highway heads in an easterly direction through Section 33 of Elgin Township and through Sections 4, 3, 2, and 1 of St. Charles Township generally along and south of the CC&P Railroad tracks to the new road's intersection with Illinois State Route 25 in the southwest quarter of Section 1 of St. Charles Township as said new highway is depicted on the map which is attached hereto and incorporated herein (a copy of which is on file with the County Clerk); and

WHEREAS, part of said new highway was constructed upon the right of way of McDonald Road in the Southwest Quarter of Section 33, of Elgin Township and in part of the Northwest Quarter of Section 4, of St. Charles Township, in Kane County, Illinois; and

WHEREAS, the County of Kane may, pursuant to the Counties Code of the Illinois Compiled Statutes (55 ILCS 5/5-1067), name and/or change the name of any highway that is part of the County Highway System; and

WHEREAS, upon its opening to the motoring public, McDonald Road east of Randall Road as described herein shall be under the jurisdiction of the County of Kane; and

WHEREAS, the remainder of said newly constructed highway adjacent to and east of McDonald Road to its intersection with Illinois State Route 25 is under the jurisdiction of the County of Kane; and

WHEREAS, the County of Kane desires that the part of McDonald Road which lies east of Randall Road as depicted on the attached map be, upon its opening to the public, renamed "Stearns Road"; and

WHEREAS, the County of Kane desires that the remainder of the new highway from the eastern most terminus of McDonald Road to its intersection with Illinois State Route 25 also be named "Stearns Road"; and

WHEREAS, owners of occupied property along the above described section of McDonald Road have been notified of the proposed road name change east of Randall Road from "McDonald Road" to "Stearns Road".

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the newly reconstructed "McDonald Road" east of Randall Road and the new highway adjacent to and east thereof as depicted on the attached map, are hereby named and shall hereafter be known as "Stearns Road".

BE IT FURTHER RESOLVED that the Kane County Clerk record this resolution with the Office of the Kane County Recorder and that the official maps of Kane County be revised accordingly.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12MCDNLDRDNAMECHANGE.4LHPJ

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 362

**CHANGING THE NAME OF PART OF STEARNS ROAD TO OLD STEARNS ROAD**

WHEREAS, the County of Kane may, pursuant to the Counties Code of the Illinois Compiled Statutes (55 ILCS 5/5-1067), change the name of any highway that is part of the County Highway System; and

WHEREAS, there presently exists in the North half of the Southeast Quarter of Section 1, Township 40 North, Range 8 East of the Third Principal Meridian, in Kane County, Illinois Kane County Highway No. 37 commonly known as "Stearns Road" as depicted on the map which is incorporated herein by reference; and

WHEREAS, the County of Kane desires that the part of Stearns Road from the newly realigned Stearns Road to a point approximately 800 feet west thereof, ending in a future cul-de-sac as depicted on the map which is attached hereto be renamed "Old Stearns Road"; and

WHEREAS, the residents along this section of Stearns Road have been notified of the proposed road name change for the said future cul-de-sac from "Stearns Road" to "Old Stearns Road".

NOW, THEREFORE, BE IT RESOLVED BY THE Kane County Board that part of Stearns Road as depicted on the attached map which is on file with the County Clerk, is hereby renamed and shall be known hereafter as "Old Stearns Road".

BE IT FURTHER RESOLVED that the Kane County Clerk record this resolution with the Kane County Recorder's Office and that the official maps of Kane County be revised accordingly.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12MCDNLDRDNAMECHANGE.4LHPJ



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #

Date: 10-29-10

Item: Resolution: Appointments to Northwest Kane Airport Authority

Presenter / Sponsor: Karen McConnaughay

Assigned Committee: Executive

Budgeted: ☐ Yes ☐ No ☐ N/A

If not budgeted, explain funding source:

Appropriation: (insert dollar amount)

### Summary:

The following appoints are being made to fill vacancies in the office of Trustee of the Board of Trustees of the Northwest Kane Airport Authority:

- Dale Dopkins
- Robert Franz
- John C. Olson
- Edward Gunderson
- Vincent Lynn

The bond is fixed at \$3,000 each.

List Attachments: Resumes of Appointees

Detailed information available from / at: Jean Weems

Staff Comments / Recommendations:

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 363

**APPOINTMENTS TO NORTHWEST KANE AIRPORT AUTHORITY**

WHEREAS, vacancies exists in the office of Trustee of the Board of Trustees of the Northwest Kane Airport Authority due to the expiration of terms for: Robert Frantz, Dale Dopkins and John C. Olson and the resignation of trustees Charles Kline and Sigmund Chrzanowski; and

WHEREAS, the Chairman of the County Board has by law the responsibility to fill these vacancies by appointment with the advice and consent of the County Board.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that it concurs with the following appointments to the Northwest Kane Airport Authority, such appointments to be effective immediately and expire on the first day of October in the year 2015 or until their successors shall have been appointed and qualified:

Dale Dopkins, 13N516 French Road, Hampshire, IL 60140 (reappointment)

Robert W. Franz, 40W297 Apache Lane, Huntley, IL 60142 (reappointment)

John C. Olson, 9N803 Rt. 47, Elgin, IL 60123 (reappointment)

Edward Gunderson, 13531 Dakota Field Drive, Huntley, 60142 (replacing Kline)

Vincent Lynn, 1217 Cherry Hill Lane, Huntley, IL 60142 (replacing Chrzanowski)

BE IT FURTHER RESOLVED that the bond of Edward Gunderson, Vincent Lynn, Dale Dopkins, Robert W. Franz, and John C. Olson is hereby fixed in the sum of \$3,000 each, with corporate surety indemnifying the People of the State of Illinois and the County of Kane.

BE IT ALSO FURTHER RESOLVED that the County Clerk forward a certified copy of this Resolution to the herein named appointees and a copy to the Clerk of the Circuit Court, Case No. 79 MC 13251.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

No

Voice

Abstentions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Edward Gunderson  
13531 Dakota Field Drive  
Huntley, IL 60142-7775

As you will see below, I have a strong interest in aviation. As corny as it sounds, I never pass up a chance to repay aviation for the good life it has afforded me and my family.

- Graduated college 1952
- Graduated Navy Flight School 1954
- Discharged as a Captain, Marine Jet Fighter Pilot 1956
- Hired as Airline Co-pilot 1956
- President and Vice President alternately for 17 years with Paragon Flying Club, Palwaukee Airport. I was one of two Club Check Pilots and flight instructors
- Owned a contract furniture business for five years
- Owned a three office travel agency for five years
- Retired as a Boeing 747 Captain in 1992 with 33,650 hours of pilot time
- Own half interest in a Mooney TLS aircraft that is based at the Landings. I still fly it regularly.

**Vincent Lynn**  
**12171 Cherry Hill Lane**  
**Huntley, IL 60142**

I am volunteering to serve my region on the Kane County Northwest Airport Authority. My biographical information is as follows:

My last full time position was that of School Personnel Director for Oak Park Illinois School District 97. After my 1994 retirement from District 97 I continued to do consulting work for school districts. I also worked part-time for H&R Block as an instructor, tax preparer and office manager over a ten year period following my retirement.


My wife and I moved to Huntley in 2003 and we have lived here in the part of Del Webb's Sun City that is part of Kane County ever since. We have two adult children who are also married and living elsewhere.

I have had a lifelong interest in aviation. In my retirement years, I finally found the time to learn to fly. Along the way, I have come to know many who have served in vital roles in the aviation community.

By serving on the Kane County Northwest Airport Authority, I hope to be able to take a more active role in the process of planning for the future of aviation in our county.

<b>Education:</b>	MA from Northeastern Illinois University BA from DePaul University
<b>Employment:</b>	School Personnel Director – Oak Park IL Dist. 97 – 13 years Assistant School Administrator – Oak Park – 4 years Assistant Principal – Oak Park – 2 years Teacher – Oak Park – 9 years plus 2 years other suburbs
<b>Current Service:</b>	Member of the Huntley Citizens Police Academy Alumni Member of the Citizens Emergency Response Team CERT Vice President – Aviation Interest Group at Sun City
<b>Certifications:</b>	Illinois Teacher's and School Administrator's Certificate FAA Sport Pilot Certificate FCC General Class - Amateur Radio
<b>References:</b>	Allen Pollack – Past President, Sun City Flyers Club 12824 Milbrook Drive, Huntley, IL 60142 Phone: 847-659-1563  Sgt. Amy Williams, Huntley Police Department awilliams@huntley.il.us



	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #																											
	Date: 12/14/10																													
	Item:	2011 Office Supplies Contract																												
	Presenter / Sponsor:	Jim Hansen																												
Assigned Committee: Finance			Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																											
If not budgeted, explain funding source:			Appropriation: Various Departments																											
<p>Summary:</p> <p>This resolution approves the office supplies for the County for the fiscal year 2011.</p> <p>The County has spent \$104,000.00 with its current vendor on office supplies in 2010.</p> <p>The Purchasing Department solicited bids for the office supplies and nine vendors responded. Purchasing reviewed their responses and references. Listed below are their core bid totals and percentage off the catalog prices. The Purchasing Department, by rebidding will save the County almost \$10,000.00 during the 2011 contract term.</p> <table> <tr> <td>Office Max – Rejected</td> <td>\$30,774.35</td> <td>50% (1)</td> </tr> <tr> <td>Warehouse Direct</td> <td>\$34,053.04</td> <td>50%</td> </tr> <tr> <td>Staples</td> <td>\$35,546.33</td> <td>25%-58%</td> </tr> <tr> <td>A-1 Business</td> <td>\$42,680.52</td> <td>10%</td> </tr> <tr> <td>Leader Office Products</td> <td>\$52,806.19</td> <td>51%</td> </tr> <tr> <td>Document Imaging</td> <td>\$59,761.36</td> <td>10%-30%</td> </tr> <tr> <td>Quill – Incomplete Bid</td> <td>\$32,713.12</td> <td>10%</td> </tr> <tr> <td>eComputer</td> <td>\$41,226.33</td> <td>15%</td> </tr> <tr> <td>School Specialty</td> <td>\$46,387.76</td> <td>30%</td> </tr> </table> <p>(1) Office Max's response listed pricing for alternates without informing the Purchasing Department of the variation.</p> <p>Staff is recommending the current office supply vendor, Warehouse Direct, for the award.</p>				Office Max – Rejected	\$30,774.35	50% (1)	Warehouse Direct	\$34,053.04	50%	Staples	\$35,546.33	25%-58%	A-1 Business	\$42,680.52	10%	Leader Office Products	\$52,806.19	51%	Document Imaging	\$59,761.36	10%-30%	Quill – Incomplete Bid	\$32,713.12	10%	eComputer	\$41,226.33	15%	School Specialty	\$46,387.76	30%
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List Attachments:																														
Detailed information available from / at: Jim Hansen 630-444-1071																														
Staff Comments / Recommendations:																														

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 364

**ACCEPTANCE OF OFFICE SUPPLY VENDOR**

WHEREAS, bids were solicited and received for the County's office supplies and catalog discount for the fiscal year 2011; and

WHEREAS, Warehouse Direct Office Products was the lowest responsive, responsible bidder for supplying office supplies and offering the highest catalog discount of 50%.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bid from Warehouse Direct Office Products of Mount Prospect, IL be accepted and approved. Funding shall be paid from the Office Supplies Fund listed below for various departments.

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
001.040.040.60000	Commodities/Office Supplies	Yes	Yes	N/A
Various Departments	Commodities/Office Supplies	Yes	Yes	N/A

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12-OfficeSupplyVendor

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #																																				
	Date: 12/14/10																																						
	Item:	2011 Toner and Cartridge Contracts																																					
	Presenter / Sponsor:	Jim Hansen																																					
Assigned Committee: Finance			Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A																																				
If not budgeted, explain funding source:			Appropriation: Various Departments																																				
<p>Summary:</p> <p>This resolution approves the toners and cartridges for the County's print machines for the fiscal year 2011.</p> <p>The County has spent \$65,000.00 on toner and cartridges in 2010.</p> <p>The Purchasing Department solicited bids for the toners and cartridges with eighteen vendors responding. Purchasing reviewed their responses and references. Listed below are the recommended vendors and the number of items awarded. This year's contract pricing remains steady over last year's contracted pricing (less than a 1% increase).</p> <table border="1"> <thead> <tr> <th>Vendor</th> <th>Location</th> <th>Number of Awarded Toners</th> </tr> </thead> <tbody> <tr> <td>CVR Computer Supplies</td> <td>Cherry Hill, NJ</td> <td>102</td> </tr> <tr> <td>Clinklinks</td> <td>Lake Mary, FL</td> <td>85</td> </tr> <tr> <td>EIS Office</td> <td>Houston, TX</td> <td>46</td> </tr> <tr> <td>The Tree House</td> <td>Newton, MA</td> <td>46</td> </tr> <tr> <td>Finestar Imaging</td> <td>Lincoln, NY</td> <td>32</td> </tr> <tr> <td>Office Max</td> <td>Itasca, IL</td> <td>26</td> </tr> <tr> <td>Quill</td> <td>Lincolnshire, IL</td> <td>24</td> </tr> <tr> <td>IKON</td> <td>Chesterfield, MO</td> <td>18</td> </tr> <tr> <td>Velocita Technology</td> <td>Joliet, IL</td> <td>17</td> </tr> <tr> <td>Babineau Companies</td> <td>Rice Lake, WI</td> <td>16</td> </tr> <tr> <td>Universal Laser</td> <td>Costa Mesa, CA</td> <td>5</td> </tr> </tbody> </table>				Vendor	Location	Number of Awarded Toners	CVR Computer Supplies	Cherry Hill, NJ	102	Clinklinks	Lake Mary, FL	85	EIS Office	Houston, TX	46	The Tree House	Newton, MA	46	Finestar Imaging	Lincoln, NY	32	Office Max	Itasca, IL	26	Quill	Lincolnshire, IL	24	IKON	Chesterfield, MO	18	Velocita Technology	Joliet, IL	17	Babineau Companies	Rice Lake, WI	16	Universal Laser	Costa Mesa, CA	5
Vendor	Location	Number of Awarded Toners																																					
CVR Computer Supplies	Cherry Hill, NJ	102																																					
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Velocita Technology	Joliet, IL	17																																					
Babineau Companies	Rice Lake, WI	16																																					
Universal Laser	Costa Mesa, CA	5																																					
List Attachments:																																							
Detailed information available from / at: Jim Hansen 630-444-1071																																							
Staff Comments / Recommendations:																																							

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 365

**ACCEPTANCE OF TONER AND CARTRIDGES VENDORS**

WHEREAS, bids were solicited and received for the County's toner and cartridge supplies for the fiscal year 2011; and

WHEREAS, the following vendors were the lowest responsive, responsible bidders for different brands and categories of toner cartridges:

CVR Computer Supplies, Cherry Hill, NJ  
ClinkInks, Lake Mary, FL  
The Tree House, Newton, MA  
EIS Office, Houston, TX  
Finestar Imaging, Lincoln, NY  
Quill, Lincolnshire, IL  
Office Max, Itasca, IL  
IKON, Chesterfield, MO  
Velocita Technology, Joliet, IL  
Babineau Companies, Rice Lake, WI  
Universal Laser, Costa Mesa, CA

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bids from these vendors be accepted and approved. Funding shall be paid from the Office Supplies Fund listed below for various departments.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
Various - Depts.	Commodities/Office Supplies	Yes	Yes	N/A

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois


Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item
	Date: 10/25/10		
	Item:	<i>Resolution:</i> RESOLUTION TO ACCEPT AN ALTERNATIVE LANGUAGE HAVA GRANT VIA THE STATE OF ILLINOIS BOARD OF ELECTIONS	
	Presenter / Sponsor:	Al Westhoff	
Assigned Committee: Public Service		Budgeted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
If not budgeted, explain funding source: US Government		Appropriation:	
<p>Summary: The County Clerk applied for and received a \$49,726 Grant from the United States Election Commission which reimburses the County Clerk for expenditures for printing of various forms, including ballots, Voters Guides and various services, including translation of documents into the Spanish language.</p> <p>This Grant must, by US Law, be infused back into the County Clerk's budget.</p>			
List Attachments: Resolution			
Detailed information available from / at: 630-232-5916			
Staff Comments / Recommendations: Staff recommends Committee approval.			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 – 366

**ACCEPTANCE OF AN ALTERNATE LANGUAGE HAVA GRANT  
VIA THE STATE OF ILLINOIS BOARD OF ELECTIONS**

WHEREAS, The County Clerk's office has applied for the reimbursement for qualifying Alternate Language HAVA grant administered by the Illinois Board of Elections; and

WHEREAS, to Grant amount is reimbursement for funds to printing various forms, including ballots and services, in the Spanish language; and

WHEREAS, the amount of the Grant is Forty Nine -Thousand, Seven Hundred Twenty Five Dollars (\$49,726).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect the grant money received:

001.190.000.32270	HAVA Grant	\$49,726
001.190.191.60320	Voting Systems and Accessories	\$49,726

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.190.191. 60320	Voting Systems & Accessories	N/A	No	001.190.000.32270 (HAVA Grant)

Passed by the Kane County Board on December 14, 2010

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois


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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

12-HAVAGrant

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #10-
	Date: 10/20/2010		
	Item: Transfer of Funds	Resolution: Amending the 2010 Sheriff's Fiscal Budget	
	Presenter / Sponsor:	Lt. Ronald Grommes	
Assigned Committee: Public Safety / Finance		Budgeted: Yes X No N/A	
If not budgeted, explain funding source: Re-imbursement Illinois Highway Safety Project		Appropriation: \$6345.77	
<p>Summary: The Kane County Sheriff's Office worked a special detail with the State of Illinois using overtime for seat belt enforcement. The Illinois Highway Safety Project Claim # is OP00045664. The State of Illinois reimbursed the Sheriff's Office for 127.5 hours of overtime at a rate of \$49.78 per hour, equaling \$6,345.77. The State of Illinois check was deposited into the Sheriff's Miscellaneous Reimbursement line item 001.380.000.37900 and is being requested to be transferred back into the Sheriff's Overtime line item 001.380.380.40200. The Kane County Treasurer receipt number is 2010-3935.</p>			
List Attachments:			
Detailed information available from / at: Ronald Grommes, Lieutenant of Administration, (630) 208-2009			
Staff Comments / Recommendations:			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 367

**AMENDING THE 2010 FISCAL YEAR BUDGET  
KANE COUNTY SHERIFF'S OFFICE  
(Illinois Highway Safety Project)**

WHEREAS, the Kane County Sheriff's Office assisted the State of Illinois Highway Safety Project; and

WHEREAS, the assistance was paid out of the Sheriff's FY 2010 overtime line item (001.380.380.40200); and

WHEREAS, State of Illinois reimbursed the Sheriff's Office in the amount of \$6,346.00 and was deposited into revenue line item (001.380.000.37900).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Six Thousand Three Hundred and Forty Six Dollars (\$6,346.00) be transferred from FY2010 revenue line item 001.380.000.37900 to FY2010 line item 001.380.380.40200.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$6,346
001.380.380.40200	Overtime	\$6,346

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.40200	Overtime	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_



	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #10-
	Date: 10/20/2010		
	Item: Transfer of Funds	Resolution: Transferring Grant money within the Sheriff's Office 2010 budget	
	Presenter / Sponsor:	Lt. Ronald Grommes	
Assigned Committee: Public Safety / Finance		Budgeted: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
If not budgeted, explain funding source: JAG Law Enforcement Equipment Recovery Act Program		Appropriation: \$42,009.30	
<p>Summary: The Kane County Sheriff's Office received \$42,009.30 on April 20, 2010 from the JAG Law Enforcement Equipment Recovery Grant #809837. The money was deposited into the Sheriff's miscellaneous reimbursement line item and needs to be transferred into the Sheriff's Automotive Equipment line item in order to fulfill the terms of the grant.</p>			
List Attachments:			
Detailed information available from / at: Ronald Grommes, Lieutenant of Administration, (630) 208-2009			
Staff Comments / Recommendations: Staff recommends Committee approval.			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 368

**AMENDING THE 2010 FISCAL YEAR BUDGET  
KANE COUNTY SHERIFF'S OFFICE  
(JAG Law Enforcement Equipment Recovery Act Program)**

WHEREAS, the Kane County Sheriff's Office received a grant from JAG Law Enforcement Equipment Recovery Act Program in the sum of \$42,009.00; and

WHEREAS, the grant funds have been deposited into the Sheriff's Miscellaneous Reimbursement revenue line item # 001.380.37900; and

WHEREAS, the Kane County Sheriff's Office is requesting the Grant money be transferred into the Sheriff's capital line item Automotive Equipment, 001.380.380.70070 to be spend in accordance to the grant.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Jag Law Enforcement Grant funds in the sum of Forty Two Thousand, Nine Dollars and no/100 (\$42,009.00) be transferred to the Sheriff's Automotive Equipment line item 001.380.380.70070.

BE IT RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$42,009
001.380.380.70070	Automotive Equipment	\$42,009

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.70070	Automotive Equipment	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois


Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #10-
	Date:10/20/2010		
	Item: Transfer of Funds	Resolution: Amending the 2010 Sheriff's Fiscal Budget	
	Presenter / Sponsor:	Lt. Ronald Grommes	
Assigned Committee: Public Safety / Finance			Budgeted: Yes X No N/A
If not budgeted, explain funding source: Re-imbursement from Illinois Law Enforcement Alarm System			Appropriation: \$800.00
<p>Summary: The Kane County Sheriff's Office provided assistance to the Department of Illinois law Enforcement Alarm System (ILEAS) requiring the use of overtime. ILEAS reimbursed the Sheriff's Office for 16 hours of overtime at a rate of \$49.78 per hour, equaling \$800.00. The check from ILEAS was deposited into the Sheriff's Miscellaneous Reimbursement line item 001.380.000.37900 and is being requested to be transferred back into the Sheriff's Overtime line item 001.380.380.40200. The check was deposited by the Kane County Treasurer receipt number 10-4475</p>			
List Attachments:			
Detailed information available from / at: Ronald Grommes, Lieutenant of Administration, (630) 208-2009			
Staff Comments / Recommendations:			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 369

**AMENDING THE 2010 FISCAL YEAR BUDGET  
KANE COUNTY SHERIFF'S OFFICE  
(Department of Illinois Law Enforcement Alarms System)**

WHEREAS, the Kane County Sheriff's Office assisted the Department of Illinois Law Enforcement Alarms System (ILEAS); and

WHEREAS, the assistance was paid out of the Sheriff's FY 2010 overtime line item (001.380.380.40200); and

WHEREAS, Department of Illinois Law Enforcement Alarm System reimbursed the Sheriff's Office in the amount of \$2,000.00 and was deposited into the Sheriff's revenue line item (001.380.000.37900).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Two Thousand Dollars (\$2,000.00) be transferred from FY2010 revenue line item 001.380.000.37900 to FY2010 line item 001.380.380.40200.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$2,000
001.380.380.40200	Overtime	\$2,000

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.40200	Overtime	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #10-						
	Date:10/20/2010								
	Item: Transfer of Funds	Resolution: Amending the 2010 Sheriff's Fiscal Budget							
	Presenter / Sponsor:	Lt. Ronald Grommes							
Assigned Committee: Public Safety / Finance			Budgeted: Yes X No N/A						
If not budgeted, explain funding source: Re-imbursement from Home Land Security			Appropriation: \$2,126.00						
<p>Summary: The Kane County Sheriff's Office provided assistance to Home Land Security (Immigration Customs Enforcement) requiring the use of overtime. Home Land Security reimbursed the Sheriff's Office for 42.5 hours of overtime at a rate of \$49.78 per hour, equaling \$2,126.00. The Home Land Security check was deposited into the Sheriff's Miscellaneous Reimbursement line item 001.380.000.37900 and is being requested to be transferred back into the Sheriff's Overtime line item 001.380.380.40200. The Home Land Security checks were deposited as follows:</p> <table border="1"> <thead> <tr> <th>County Receipt #</th> <th>Check Amount</th> </tr> </thead> <tbody> <tr> <td>10-4001</td> <td>1,194.22</td> </tr> <tr> <td>10-4206</td> <td>931.86</td> </tr> </tbody> </table>				County Receipt #	Check Amount	10-4001	1,194.22	10-4206	931.86
County Receipt #	Check Amount								
10-4001	1,194.22								
10-4206	931.86								
List Attachments:									
Detailed information available from / at: Ronald Grommes, Lieutenant of Administration, (630) 208-2009									
Staff Comments / Recommendations:									

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 370

**AMENDING THE 2010 FISCAL YEAR BUDGET  
KANE COUNTY SHERIFF'S OFFICE  
(Homeland Security Immigration Customs Enforcement)**

WHEREAS, the Kane County Sheriff's Office assisted the Department of Homeland Security Immigration Customs Enforcement; and

WHEREAS, the assistance was paid out of the Sheriff's FY 2010 overtime line item (001.380.380.40200); and

WHEREAS, Department of Homeland Security Immigration Customs Enforcement reimbursed the Sheriff's Office in the amount of \$2,126.00 and was deposited into revenue line item (001.380.000.37900).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Two Thousand One Hundred and Twenty Six Dollars (\$2,126.00) be transferred from FY2010 revenue line item 001.380.000.37900 to FY2010 line item 001.380.380.40200.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$2,126
001.380.380.40200	Overtime	\$2,126

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.40200	Overtime	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #10-	
	Date: 10/20/2010			
	Item: Transfer of Funds	Resolution: Amending the 2010 Sheriff's Fiscal Budget		
	Presenter / Sponsor:	Lt. Ronald Grommes		
Assigned Committee: Public Safety / Finance			Budgeted: Yes X No N/A	
If not budgeted, explain funding source: Re-imbursement from Illinois Drug Enforcement			Appropriation: \$2,588.00	
<p>Summary: The Kane County Sheriff's Office provided assistance to the Department of Illinois Drug Enforcement requiring the use of overtime. The Illinois Drug Enforcement Department reimbursed the Sheriff's Office for 50 hours of overtime at a rate of \$51.77 per hour, equaling \$2,588.00. The check from the Il. Drug Enforcement has been received and was deposited into the Sheriff's Miscellaneous Reimbursement line item 001.380.000.37900 and is being requested to be transferred back into the Sheriff's Overtime line item 001.380.380.40200. The Kane County Treasurer receipt number is 2010-4230.</p>				
List Attachments:				
Detailed information available from / at: Ronald Grommes, Lieutenant of Administration, (630) 208-2009				
Staff Comments / Recommendations:				

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 371

**AMENDING THE 2010 FISCAL YEAR BUDGET  
KANE COUNTY SHERIFF'S OFFICE  
(Illinois Department of Drug Enforcement)**

WHEREAS, the Kane County Sheriff's Office assisted the Department of Drug Enforcement;  
and

WHEREAS, the assistance was paid out of the Sheriff's FY 2010 overtime line item (001.380.380.40200); and

WHEREAS, Department of Drug Enforcement reimbursed the Sheriff's Office in the amount of \$2,588.00 and was deposited into the Sheriff's revenue line item (001.380.000.37900).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Two Thousand Five Hundred and Eighty Eight Dollars (\$2,588.00) be transferred from FY2010 revenue line item 001.380.000.37900 to FY2010 line item 001.380.380.40200.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2010 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$2,588
001.380.380.40200	Overtime	\$2,588

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.40200	Overtime	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

Passed by the Kane County Board on December 14, 2010.

---

John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

---

Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_



STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 372

**RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN  
INTERGOVERNMENTAL AGREEMENTS IN CONNECTION WITH THE  
KANE COUNTY RECOVERY BOND WATER PROJECT INITIATIVE**

WHEREAS, the County of Kane ("Kane County") intends to issue approximately Ten Million Dollars in Taxable General Obligation Alternate Bonds Series 2010 (the "Bonds") for the purpose of financing certain water related infrastructure projects (the "Projects") for Kane County as well as for other units of local government within Kane County , as hereafter more particularly set forth; and

WHEREAS, Kane County has requested and required that all units of government participating in the Projects enter into Intergovernmental Agreements with Kane County in order to assure repayment of the Bonds; and

WHEREAS, Kane County has determined that it is in the best interest of Kane County and its residents to authorize and enter into such agreements; and

WHEREAS, the Constitution and laws of the State of Illinois authorize units of local government to enter such agreements for the purpose of jointly exercising the powers and duties given to them by law.

NOW, THEREFORE, BE IT RESOLVED, by the Kane County Board as follows:

Section 1. The facts and statements contained in the preamble of this Resolution are hereby determined by the Kane County Board to be true and correct and are hereby incorporated as part of this resolution.

Section 2. The Chairman of the Kane County Board is hereby authorized and directed to execute intergovernmental agreements, copies of which are on file in the office of the Kane County Clerk, with the following units of local government: Village of Maple Park, Wasco Sanitary District, Campton Township, Village of Hampshire, Village of Elburn, Village of Burlington, Village of Gilberts, City of Batavia, Village of North Aurora, Virgil Drainage District No. 3, and the Mill Creek Water Reclamation District (the "Parties").

Section 3. If the County determines prior to the disbursement of any funds pursuant to these agreements and this Resolution that any of the Parties has not demonstrated a reasonable probability that it can meet its obligations thereunder, then the intergovernmental agreement as to that party shall be null and void.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes

No

Voice

Abstentions

12-AuthorizingWaterBonds

AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #
Date:	November 15, 2010	
Item:	<p>ORDINANCE AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF UP TO \$16,800,000 TAXABLE GENERAL OBLIGATION ALTERNATE BONDS (RIVERBOAT REVENUE ALTERNATE REVENUE SOURCE), SERIES 2010, OF THE COUNTY OF KANE, ILLINOIS, FOR THE PURPOSE PAYING ALL OR A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING VARIOUS WATER AND/OR SEWER PUBLIC WORKS PROJECTS TO BE UNDERTAKEN JOINTLY BY THE COUNTY AND OTHER UNITS OF LOCAL GOVERNMENT LOCATED WITHIN THE COUNTY PURSUANT TO INTERGOVERNMENTAL AGREEMENTS BETWEEN THE COUNTY AND SUCH UNITS, AND THE COSTS OF CERTAIN OTHER CAPITAL PROJECTS OF THE COUNTY, AND RELATED COSTS AND EXPENSES; PROVIDING FOR THE PLEDGE OF REVENUES RECEIVED BY THE COUNTY PURSUANT TO AN AGREEMENT BETWEEN THE COUNTY AND THE ELGIN RIVERBOAT RESORT; PROVIDING FOR THE LEVY OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE SERIES 2010 BONDS; PROVIDING PROCEDURES FOR THE ABATEMENT OF SUCH TAX BASED ON THE AVAILABILITY OF ALTERNATE REVENUES; DELEGATING TO AUTHORIZED OFFICERS THE AUTHORITY TO DETERMINE CERTAIN TERMS OF THE SERIES 2010 BONDS WITHIN PARAMETERS ESTABLISHED IN THIS ORDINANCE; AND PROVIDING FOR THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE UNDERTAKING</p>	
	Presenter / Sponsor: Water Resources and Finance	
Assigned Committee: Executive		Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
If not budgeted, explain funding source:		Appropriation: (insert dollar amount)
<p>Summary:</p> <p>The following summary was prepared by our bond counsel, Don Kreger:</p> <p>The captioned ordinance, if passed will be the second and final action required to be taken by the County Board to provide for the issuance and sale of up to \$16,800,000 general obligation alternate revenue source bonds for the purposes of paying costs of (1) acquiring, constructing, improving, and equipping various water and/or sewer public works projects to be undertaken by the county and other units of local governments pursuant to intergovernmental agreements and (2) other possible capital projects of the County. Revenues derived from an agreement between the County and the Elgin Riverboat Resort, which provides for an annual contribution to Kane County of 7.5% of the net operating income from the Grand Victoria Riverboat, will be pledged to the payment of the bonds. The bonds will also be full faith and credit general obligations of the County. The ordinance together with a determination certificate will provide for the levy of ad valorem taxes sufficient to pay debt service on the bonds. The ordinance authorizes the County Chairman or the County Treasurer and County Clerk to execute the determination certificate setting the final terms of the bonds, providing such terms are within the limitations set forth in the ordinance. It is expected that the pledged revenues or other revenues including payments required to be made by the units of local government receiving proceeds of the bonds, will be sufficient to allow the annual abatement of such taxes.</p> <p>Except for a de minimus portion, the bonds will be taxable Recovery Zone Economic Development Bonds for which the County will be entitled to receive federal subsidies in the amount of 45% of the interest payable on the bonds. The units of government are expected to share the subsidies pursuant to Intergovernmental Agreements to be acted upon by the County Board by separate resolution.</p>		
List Attachments:		
Detailed information available from / at: Kane County Finance Dept, 630-208-5112		
Staff Comments / Recommendations:		

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 10 - 373

ORDINANCE AUTHORIZING THE ISSUANCE AND PROVIDING FOR THE SALE OF UP TO \$16,800,000 TAXABLE GENERAL OBLIGATION ALTERNATE BONDS (RIVERBOAT REVENUE ALTERNATE REVENUE SOURCE), SERIES 2010, OF THE COUNTY OF KANE, ILLINOIS, FOR THE PURPOSE PAYING ALL OR A PORTION OF THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING VARIOUS WATER AND/OR SEWER PUBLIC WORKS PROJECTS TO BE UNDERTAKEN JOINTLY BY THE COUNTY AND OTHER UNITS OF LOCAL GOVERNMENT LOCATED WITHIN THE COUNTY PURSUANT TO INTERGOVERNMENTAL AGREEMENTS BETWEEN THE COUNTY AND SUCH UNITS, AND THE COSTS OF CERTAIN OTHER CAPITAL PROJECTS OF THE COUNTY, AND RELATED COSTS AND EXPENSES; PROVIDING FOR THE PLEDGE OF REVENUES RECEIVED BY THE COUNTY PURSUANT TO AN AGREEMENT BETWEEN THE COUNTY AND THE ELGIN RIVERBOAT RESORT; PROVIDING FOR THE LEVY OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THE SERIES 2010 BONDS; PROVIDING PROCEDURES FOR THE ABATEMENT OF SUCH TAX BASED ON THE AVAILABILITY OF ALTERNATE REVENUES; DELEGATING TO AUTHORIZED OFFICERS THE AUTHORITY TO DETERMINE CERTAIN TERMS OF THE SERIES 2010 BONDS WITHIN PARAMETERS ESTABLISHED IN THIS ORDINANCE; AND PROVIDING FOR THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE UNDERTAKING

BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KANE, ILLINOIS, AS FOLLOWS:

**Section 1. Findings and Determinations.** It is found and declared by the County Board (the "**County Board**") of The County of Kane, Illinois (the "**Issuer**"), as follows:

(a) The Issuer is a duly organized and existing county created under the provisions of the laws of the State of Illinois operating under the provisions of the Counties Code, as amended, 55 ILCS 5/1-1001 et seq. (the "**Counties Code**"), and is a "governmental unit" as defined in Section 2(i) of the Local Government Debt Reform Act of the State of Illinois, as amended, 30 ILCS 350/1 et seq. (the "**Debt Reform Act**").

(b) Section 1400U-2 of the Internal Revenue Code of 1986, as amended (the "**Code**"), enacted as part of the American Recovery and Reinvestment Act of 2009, authorizes state and local governments to issue bonds that qualify as "recovery zone economic development bonds" as defined in that Section ("Recovery Zone Economic Development Bonds").

(c) Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes," as such term is defined in Section 1400U-2.

(d) Pursuant to prior action by the County Board of the Issuer (the "County Board"), the County has been designated as a "recovery zone" for purposes of Section 1400U-2.

(e) The Issuer has been allocated a volume cap of \$16,820,000 for Recovery Zone Economic Development Bonds to be issued for projects constituting qualified economic development purposes within the Issuer during calendar years 2009 and 2010, and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Issuer shall determine

in good faith at its discretion for use by other units of local government to finance eligible costs for qualified economic development purposes within the Issuer; and

(f) The County Board has determined that it is advisable, necessary and in the best interests of the Issuer and its residents, in order to promote and protect the public health, welfare, safety and convenience, to acquire, construct, improve and equip various water and/or sewer public works projects to be undertaken jointly by the Issuer and other units of local government pursuant to intergovernmental agreements between the Issuer and such units, and other capital projects of the Issuer and, incidental to those project costs, to pay bond discount, interest, bond reserve requirements, and legal, other financing and related administrative fees and costs (collectively, the "**Project**"), all in accordance with preliminary estimates of costs which have been prepared for the Issuer.

(g) The estimated costs of the Project, including all of the costs previously described, are now anticipated to be not less than \$16,800,000 plus estimated investment earnings on the borrowing provided for in this Bond Ordinance during the time prior to the expenditure of such amount.

(h) The Issuer does not have sufficient funds on hand or available from other sources with which to pay the costs of the Project and the Issuer's costs incurred in connection with the borrowing of money provided for in this Bond Ordinance, and it is necessary to issue additional obligations of the Issuer to pay such costs.

(i) Undertaking the Project is a lawful corporate purpose of the Issuer, including pursuant to authority granted by the Counties Code.

(j) The County Board determined that there exists for the Issuer a "revenue source" as defined in Section 3(1) of the Debt Reform Act consisting of revenues derived from an agreement between the Issuer and the Elgin Riverboat Resort (the Agreement"), which provides for annual contribution to the County of 7.5% of the net operating income from the Grand Victoria Riverboat (the "Riverboat Revenues").

(k) The Riverboat Revenues are a revenue source that is not limited in its purposes and applications.

(l) In accordance with the provisions of the Debt Reform Act, the County Board, on October 12, 2010, adopted Ordinance No. 10-300 (the "**Alternate Bond Authorizing Ordinance**") entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF RECOVERY ZONE ECONOMIC DEVELOPMENT ALTERNATE BONDS (RIVERBOAT REVENUE ALTERNATE REVENUE SOURCE) OF THE COUNTY OF KANE, ILLINOIS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,800,000 FOR THE PURPOSE OF PAYING ALL OR A PORTION OF 1) THE COSTS OF ACQUIRING, CONSTRUCTING, IMPROVING, AND EQUIPPING VARIOUS WATER AND/OR SEWER PUBLIC WORKS PROJECTS TO BE UNDERTAKEN JOINTLY BY THE COUNTY AND OTHER UNITS OF LOCAL GOVERNMENT LOCATED WITHIN THE COUNTY PURSUANT TO INTERGOVERNMENTAL AGREEMENTS BETWEEN THE COUNTY AND SUCH UNITS, AND 2) THE COSTS OF CERTAIN OTHER CAPITAL PROJECTS OF THE COUNTY, AND THE COSTS AND EXPENSES RELATED TO THE FOREGOING

authorizing the issuance of Taxable General Obligation Alternate Bonds (Riverboat Revenues Alternate Revenue Source) (the "Series 2010 Bonds") as provided in the Debt Reform Act in an amount not to exceed \$16,800,000.

(m) On October 19, 2010, the Alternate Bond Authorizing Ordinance, together with a notice of intent to issue the Series 2010 Bonds, was published in the Daily Herald, a daily secular newspaper that is (i) qualified to publish legal notices under Section 5 of the Notice by Publication Act, (ii) published in the Issuer, and (iii) of general circulation in the Issuer.

(n) More than thirty (30) days elapsed after the date of publication of the Alternate Bond Authorizing Ordinance and the notice, and no petitions with the requisite number of valid signatures on them were filed with the County Clerk requesting that the question of the issuance of the Series 2010 Bonds be submitted to referendum. The Issuer is therefore authorized to issue the Series 2010 Bonds for the purposes described above in an aggregate principal amount not exceeding \$16,800,000 in accordance with the provisions of the Debt Reform Act.

(o) It is necessary and in the best interests of the Issuer to borrow a sum not exceeding \$16,800,000 in order to pay a portion of the costs of the Project and the costs incurred in connection with the borrowing of money provided for in this Bond Ordinance and, to evidence its obligation to repay that borrowing, to issue the Series 2010 Bonds in a principal amount not exceeding \$16,800,000 as provided in this Bond Ordinance.

(p) Pursuant to the requirements of the Bond Issue Notification Act, 30 ILCS 352/1 et seq., as amended, on July 6, 2010, notice of a public hearing concerning the intention of the County to issue the Series 2010 Bonds was published in the Daily Herald.

(q) The County Board held the public hearing for which published public notice was given as described in paragraph (p) of this Section 1 on July 13, 2010, beginning at 9:45 o'clock a.m., at the Kane County Government Center, Second Floor Board Room at 719 South Batavia Avenue, Geneva, Illinois. At the public hearing, the County Board explained the reasons for the proposed financing and permitted persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits, and all persons desiring to be heard were heard. At least seven days have passed since the public hearing was held and the County Board is now authorized under the Bond Issue Notification Act to adopt this Bond Ordinance.

(r) 50 ILCS 405/1, as amended, provides generally that no county having a population less than 500,000 may incur any indebtedness which, when added to all existing indebtedness of the county, exceeds in aggregate amount an amount equal to 2.875% of the assessed valuation of all taxable property located within the county, as ascertained by the most recent assessment for state and county purposes as equalized by the Department of Revenue. The County has a population of 404,119 as determined by the 2000 U.S. Census, the most recent available.

(s) The aggregate assessed valuation of all taxable property in the Issuer as assessed by Kane County and equalized by the Department of Revenue for the year 2009, being the most recent assessment now available, is \$15,475,356,510. Two and seven-eighths percent of that amount is \$444,916,499.

(t) The Issuer has issued and there are now outstanding (i) the General Obligation Bonds (Motor Fuel Tax Alternate Revenue Source), Series 2001 (the "**Series 2001 Bonds**"), now outstanding in the aggregate principal amount of \$1,970,000, (ii) the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2002 (the "**Series 2002 Bonds**"), now outstanding in the aggregate principal amount of \$3,715,000, (iii) the General Obligation Refunding Bonds (Alternate Revenue Source), Series 2004 (the "**Series 2004 Bonds**"), now outstanding in the aggregate principal amount of \$26,725,000, (iv) the Debt Certificates, Series 2005 (the "**Series 2005 Debt Certificates**"), now outstanding in the aggregate principal amount of \$7,895,000, (v) the Debt Certificates, Series 2006 (the "**Series 2006 Debt Certificates**"), now outstanding in the aggregate principal amount of \$23,385,000,

(vi) the General Obligation Limited Tax Bonds, Series 2007 (the "**Series 2007 Bonds**"), now outstanding in the aggregate principal amount of \$4,760,000, and the Series 2009 General Obligation Alternate Bonds Regional Transportation Alternate Revenue Source (the "Series 2009 Bonds"), now outstanding in the aggregate principal amount of \$23,600,000. The Series 2001 Bonds, the Series 2002 Bonds, the Series 2004 Bonds and the Series 2009 Bonds (collectively, the "**Outstanding Alternate Bonds**"), are alternate bonds issued under Section 15 of the Debt Reform Act. None of the conditions set forth in Section 15 of the Debt Reform Act, the existence of which would require the outstanding principal amount of any of the Outstanding Alternate Bonds to be included in the computation of indebtedness of the Issuer, exists or has occurred. Accordingly, as provided in Section 15, the Outstanding Alternate Bonds need not be regarded as or included in any computation of indebtedness of the Issuer for purposes of any statutory provision or limitation. The amount of all existing bonded indebtedness of the Issuer is therefore \$4,760,000, the amount of debt certificate and installment contract indebtedness of the Issuer is \$31,280,000, the amount of accrued claims and judgments against the Issuer is not more than \$5,000,000, and there is no other outstanding non-bond indebtedness of the Issuer, including contracts, leases, installment contracts, and judgments.

(u) Section 15 of the Debt Reform Act provides that the Series 2010 Bonds shall not be regarded as or included in any computation of indebtedness of the Issuer for the purpose of any statutory provision or limitation except as expressly provided in Section 15. None of the conditions set forth in Section 15, the existence of which would require the outstanding principal amount of the Series 2010 Bonds to be included in the computation of indebtedness of the Issuer, exists or has occurred.

(v) The Series 2010 Bonds authorized to be issued by this Bond Ordinance will not, when issued, cause the aggregate indebtedness of the Issuer to exceed the limit set forth in subsection (s) above.

(w) The Issuer will pledge the Riverboat Revenues to pay the principal of and interest on the Series 2010 Bonds. The pledge of the Riverboat Revenues to the payment of the Bonds will be on a parity with the pledge of the Riverboat Revenues to the payment of any series of alternate bonds issued in the future in accordance with the provisions of the Debt Reform Act on a parity with and sharing ratably and equally in the Riverboat Revenues with the outstanding Series 2010 Bonds ("Additional Bonds").

(x) The Series 2010 Bonds will be payable from the Riverboat Revenues. The Issuer has not previously issued any other obligations to the payment of which the Riverboat Revenues have been pledged. There are no contractual obligations payable from the Riverboat Revenues.

(y) The County Board determines that the Riverboat Revenues will be sufficient to provide or pay in each year to the final maturity of the Series 2010 Bonds an amount not less than 1.25 times aggregate debt service of (i) all alternate bonds previously issued and payable from Riverboat Revenues (there being none), and (ii) the Series 2010 Bonds now proposed to be issued.

(z) The Issuer through its financial consultant distributed copies of the Official Statement (defined below) including the Official Notice of Sale for the Series 2010 Bonds to prospective purchasers. The Issuer will receive bids for the purchase of the Series 2010 Bonds at the time and place and utilizing the electronic bidding system specified in such Official Notice of Sale. The Issuer will accept the bid received from a responsible bidder that produces the lowest true interest costs computed as provided in the Official Notices of Sale.

(aa) The ability of the Issuer to issue the Series 2010 Bonds and sell them at a competitive sale without further action by the County Board at the time, in the amounts, bearing interest at the rate or rates, maturing in the years and in the amounts, subject to mandatory sinking fund redemption upon

the terms and having the other terms established by the Authorized Officers (defined below) in the Determination Certificate (defined below) within the limits established in this Bond Ordinance will enhance the Issuer's opportunities to obtain financing upon the most favorable terms possible.

(bb) The Issuer hereby irrevocably elects to have Section 54AA of the Code relating to build America bonds apply to the Series 2010 Bonds except to that portion, if any, of the Series 2010 Bonds excluded from the following designation in the Determination Certificate. The Issuer hereby irrevocably designates the Series 2010 Bonds as "Recovery Zone Economic Development Bonds" under Section 1400U-2 of the Code, provided that the Authorized Officers may determine in the Determination Certificate to exclude a portion of the Series 2010 Bonds maturing on December 15, 2011 from such designation.

## **Section 2. Definitions; Rules of Interpretation.**

(a) In addition to terms defined in Section 1 or elsewhere in this Bond Ordinance, the following capitalized terms have the following meanings when used in this Bond Ordinance, unless the context or use indicates otherwise:

**"Abatement Ordinance"** means as provided in Section 21.

**"Additional Bonds"** means any alternate bonds issued in the future in accordance with the provisions of the Debt Reform Act on a parity with and sharing ratably and equally in the Riverboat Revenues with the Series 2010 Bonds.

**"Administrative Costs"** means administrative costs associated with the Series 2010 Bonds, including but not limited to expenses incurred by the Issuer to employ and pay fiscal agents, financial advisers, rebate consultants, attorneys, and other persons to assist the Issuer in the administration of the Series 2010 Bonds.

**"Administrative Expense Account"** means the account of that name created in the Bond Fund in Section 17.

**"Alternate Bond Authorizing Ordinance"** means as provided in Section 1(l).

**"Authenticating Agent"** means the Bond Registrar acting in the capacity of Authenticating Agent under this Bond Ordinance, or any successors to it appointed in accordance with Section 27.

**"Authorized Officers"** means (a) the County Board President, or (b) the County Clerk and the County Treasurer.

**"Bond Fund"** means the "Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 Bond and Interest Fund" created in Section 17.

**"Bond Ordinance"** means this Ordinance No. 10-\_\_\_\_\_ adopted by the County Board on December 14, 2010 and the Determination Certificate.

**"Bond Register"** means the bond registration books of the Issuer maintained by the Bond Registrar pursuant to Section 10.

**"Bond Registrar"** means U.S. Bank National Association, Chicago, Illinois, appointed in Section 8, or any successors to it appointed in accordance with Section 27.

**"Bondholder"** means the registered owner of any Series 2010 Bond as shown on the Bond Register.

**"Code"** means the Internal Revenue Code of 1986, as amended.

**"Continuing Disclosure Undertaking"** means as provided in Section 236.

**"Counties Code"** means as provided in .section 1(a).

**"County Board"** means the County Board, the governing body of the Issuer.

**"County Board Chairman"** means the Chairman of the County Board.

**"County Clerk"** means the County Clerk of the Issuer elected or appointed as provided in the Counties Code.

**"County Treasurer"** means the County Treasurer of the Issuer elected or appointed as provided in the Counties Code.

**"Dated Date"** means the date on which a Series 2010 Bond is issued.

**"Debt Reform Act"** means as provided in Section 1(a).

**"Depository Agreement(s)"** means as provided in Section 18.

**"Determination Certificate"** means the certificate of the Authorized Officers with respect to the Bonds addressed to the County Board, executed by the Authorized Officers and filed with the office of the County Clerk, as provided in Section 16 of this Bond Ordinance.

**"Fiscal Year"** means the twelve month period beginning on January 1 of any calendar year and ending on December 31 of that calendar year.

**"Issuer"** means The County of Kane, Illinois.

**"Official Statement"** means as provided in Section 16(g).

**"Outstanding"** means as provided in Section 25.

**"Paying Agent"** means the Bond Registrar acting as Paying Agent under this Bond Ordinance, or any successors to it appointed pursuant to Section 27.

**"Pledged Taxes"** means the direct annual ad valorem tax levied upon all of the taxable property within the Issuer in Section 19.

**"Pledged Taxes Subaccount"** means the subaccount of that name established in the Principal and Interest Account in Section 17.

**"Principal and Interest Account"** means the account of that name established in the Bond Fund in Section 17.

**"Project"** means as provided in Section 1(f).

**"Project Fund"** means the "Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 Project Fund" established in Section 18.



**"Purchaser"** means the winning bidder at the sale of the Series 2010 Bonds.

**"Riverboat Revenues Subaccount"** means the subaccount of that name established in the Principal and Interest Account in Section 17.

**"Riverboat Revenues"** means as provided in Section 1(j).

**"Rule"** means Section (b)(5) of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended.

**"Serial Bonds"** means Series 2010 Bonds that are not subject to mandatory sinking fund redemption in advance of maturity by operation of the Bond Fund as identified in the Determination Certificate.

**"Series 2010 Bonds"** means the Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010, of the Issuer authorized by the Alternate Bond Authorizing Ordinance and this Bond Ordinance.

**"Tax Exempt Bonds"** means, with respect to the Series 2010 Bonds, if any, intended to be issued as such, the status of interest paid and received on such bonds as not includible in the gross income of their owners under the Code for federal income tax purposes except to the extent that such interest will be taken into account in computing an adjustment used in determining the alternative minimum tax for certain corporations and in computing the "branch profits tax" imposed on certain foreign corporations.

**"Term Bonds"** means Series 2010 Bonds that are subject to mandatory sinking fund redemption in advance of maturity by operation of the Bond Fund as identified in the Determination Certificate.

(b) The headings of this Bond Ordinance are for convenience of reference only and shall not define or limit the provisions of this Bond Ordinance.

(c) Unless another document is identified, references to Sections and other subdivisions are to the designated Sections and subdivisions of this Bond Ordinance. Unless otherwise specified, references to Sections and other subdivisions of this Bond Ordinance are to the designated Sections and other subdivisions of this Bond Ordinance as amended from time to time.

(d) References to the masculine include the feminine and neuter and vice versa and references to the singular include the plural and vice versa, unless the context or use indicates otherwise.

**Section 3. Authorization of the Series 2010 Bonds.** The sum of not more than \$16,800,000 shall be borrowed by the Issuer to finance the costs of the Project and to pay costs in connection with the issuance of the Series 2010 Bonds. In evidence of such borrowing, negotiable bonds of the Issuer in an aggregate principal amount not exceeding \$16,800,000 to be established in the Determination Certificate shall be issued as provided in this Bond Ordinance under the authority of the Debt Reform Act. The Series 2010 Bonds shall be issued without referendum under the authority of Section 15 of the Debt Reform Act.

#### **Section 4. Principal Amounts, Denominations, Numbers, Designations and Date.**

(a) The Series 2010 Bonds shall be designated "Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010". The Series 2010 Bonds shall be

issued in the aggregate principal amount not exceeding \$16,800,000 to be established in the Determination Certificate.

(b) The Series 2010 Bonds shall be issued only in fully registered form without coupons in the denominations of \$5,000 and integral multiples of that sum. The Series 2010 Bonds shall be numbered consecutively from R-I upward but need not be authenticated or delivered in consecutive order. Series 2010 Bonds authenticated and delivered prior to December 15, 2011, shall be dated as of their Dated Date. Series 2010 Bonds authenticated after December 15, 2011, shall be dated as of the June 15<sup>th</sup> or December 15<sup>th</sup> next preceding the date of their authentication and delivery to which interest has been paid, except Series 2010 Bonds authenticated and delivered on a June 15<sup>th</sup> or December 15<sup>th</sup> to which interest has been paid, which Series 2010 Bonds shall be dated as of that June 15<sup>th</sup> or December 15<sup>th</sup>.

**Section 5. Terms of the Series 2010 Bonds.** Each of the Series 2010 Bonds shall initially be dated as of its Dated Date, and shall bear interest from the Dated Date until paid. Interest on the Series 2010 Bonds shall be payable on June 15<sup>th</sup> and December 15<sup>th</sup> in each year, with the first interest payment date being December 15, 2011. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. The Series 2010 Bonds shall mature on December 15<sup>th</sup> in the years and the amounts and shall bear interest at the rates per year, all as set forth in the Determination Certificate.

#### **Section 6. Redemption.**

(a) Optional Redemption. The Determination Certificate may provide that the Series 2010 Bonds be subject to redemption prior to maturity at the option of the Issuer, in whole or in part on any date, at such times and at such redemption prices not to exceed 103 percent of the principal amount of the Series 2010 Bonds to be redeemed plus accrued interest to the date of redemption.

(b) Bonds Subject to Mandatory Sinking Fund Redemption. The Determination Certificate may provide that some or all of the Series 2010 Bonds are Term Bonds and are subject to mandatory redemption by operation of the Bond Fund at a price of par and accrued interest, without redemption premium, on December 15<sup>th</sup> of the years and in the amounts set forth in the Determination Certificate.

The Issuer covenants that it will redeem any Term Bonds pursuant to the mandatory redemption required for such Term Bonds. Proper provision for mandatory redemption having been made, the Issuer covenants that the Term Bonds so selected for redemption shall be payable as at maturity.

If the Issuer purchases Term Bonds and cancels the same either from moneys in the Principal and Interest Account which were deposited in such account to pay principal of such Term Bonds or from other legally available moneys, then an amount equal to the principal amount of Term Bonds so redeemed or purchased shall be deducted from the mandatory redemption requirement as provided for the Term Bonds of such maturity (i) in such order of years of such requirement as then remaining as the Issuer may specify or, if the Issuer does not specify, then (ii) in the inverse order of years of such requirement as then remaining, fully reducing the requirement for each year before applying any amount to the requirement for the next year.

(c) Procedures for Redemption. If less than all of the Series 2010 Bonds of any maturity are to be redeemed on any redemption date, the Bond Registrar appointed in this Bond Ordinance shall assign to each Series 2010 Bond of the maturity to be redeemed a distinctive number for each \$5,000 of principal amount of that Series 2010 Bond. The Bond Registrar shall then select by lot from the numbers so assigned, using such method as it shall deem proper in its discretion, as many numbers as, at \$5,000 per number, shall equal the principal amount of Series 2010 Bonds of that maturity to be redeemed; provided, that the method selected shall be such that any \$5,000 Series 2010 Bond or

\$5,000 portion of a Series 2010 Bond of that maturity is as likely to be called for redemption as any other \$5,000 Series 2010 Bond or \$5,000 portion of a Series 2010 Bond of that maturity.

The Bond Registrar shall promptly notify the Issuer and the Paying Agent in writing of the Series 2010 Bonds or portions of Series 2010 Bonds selected for redemption and, in the case of any Series 2010 Bond selected for partial redemption, the principal amount of such Series 2010 Bond to be redeemed.

Upon the payment of the redemption price of Series 2010 Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Series 2010 Bonds being redeemed with the proceeds of such check or other transfer.

(d) Notice of Redemption. Unless waived by the Bondholder of Series 2010 Bonds to be redeemed, notice of the redemption of any Series 2010 Bonds which by their terms shall have become subject to redemption shall be given to the Bondholder of each Series 2010 Bond or portion of a Series 2010 Bond called for redemption not less than 30 or more than 60 days before any date established for redemption of Series 2010 Bonds, by the Bond Registrar on behalf of the Issuer, by registered or certified mail sent to the Bondholder's last address, if any, appearing on the registration books kept by the Bond Registrar.

All official notices of redemption shall include at least the following information:

- (i) the redemption date;
- (ii) the redemption price;
- (iii) the maturity or maturities of the Series 2010 Bonds being redeemed and, if less than all of the Series 2010 Bonds of a maturity are to be redeemed, the identification (and, in the case of partial redemption of any Series 2010 Bonds, the respective principal amounts) of the Series 2010 Bonds of such series to be redeemed;
- (iv) a statement that on the redemption date the redemption price will become due and payable upon each such Series 2010 Bond or portion of a Series 2010 Bond called for redemption and that interest shall cease to accrue on the Series 2010 Bonds so called for redemption from and after said date; and
- (v) the place where such Series 2010 Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Bond Registrar.

Prior to any redemption date, the Issuer shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Series 2010 Bonds or portions of Series 2010 Bonds which are to be redeemed on that date.

(e) Effect of Notice of Redemption; Waivers. Official notice of redemption having been given as prescribed above, the Series 2010 Bonds or portions of Series 2010 Bonds so to be redeemed shall, on the redemption date, become due and payable at the applicable redemption price, and from and after such date (unless the Issuer defaults in the payment of the redemption price), such Series 2010 Bonds or portions of Series 2010 Bonds shall cease to bear interest. Neither the failure to mail such redemption notice, nor any defect in any notice so mailed, to any particular Bondholder, shall affect the sufficiency of such notice with respect to other Series 2010 Bonds. Notice having been properly given, failure of a Bondholder to receive such notice shall not invalidate, limit or delay the effect of the notice

or redemption action described in the notice. Such notice may be waived in writing by the Bondholder entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Bondholders shall be filed with the Bond Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

(f) Payment of Redemption Price. Upon surrender of such Series 2010 Bonds for redemption in accordance with said notice, such Series 2010 Bonds shall be paid by the Bond Registrar at the redemption price. The procedure for payment of interest due on or prior to the redemption date shall be as provided in this Bond Ordinance for payment of interest otherwise due. Upon surrender for the partial redemption of any Series 2010 Bond, there shall be prepared for the Bondholder a new Series 2009 Bond or Series 2009 Bonds of like tenor, of authorized denominations, of the same series and maturity and bearing the same rate of interest in the amount of the unpaid principal. If any Series 2010 Bond or portion of a Series 2010 Bond called for redemption shall not be so paid upon its surrender for redemption, the principal and premium (if any) shall, until paid or duly provided for, bear interest from the redemption date at the rate borne by the Series 2010 Bond or portion of Series 2010 Bond so called for redemption. All Series 2010 Bonds which have been redeemed shall be canceled and destroyed by the Bond Registrar and shall not be reissued.

(g) Further Notice of Redemption. In addition to the foregoing notice, if the Series 2010 Bonds are no longer held in the book-entry only system as provided in Section 11, further notice of redemption ("**Further Notice**") shall be given by the Bond Registrar on behalf of the Issuer as set out in this subsection. No defect in the Further Notice nor any failure to give all or any portion of such Further Notice shall in any manner invalidate, limit or delay the redemption action if notice of redemption is given as above prescribed.

Each Further Notice shall contain the information required above for an official notice of redemption plus (a) the CUSIP numbers of all Series 2010 Bonds being redeemed; (b) the date of issue of the Series 2010 Bonds as originally issued; (c) the rate of interest borne by each Series 2010 Bond being redeemed; (d) the maturity date of each Series 2010 Bond being redeemed; and (e) any other descriptive information needed to identify accurately the Series 2010 Bonds being redeemed.

Each Further Notice shall be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Series 2010 Bonds (such depositories now being The Depository Trust Company, of New York, New York), and to one or more national information services, chosen in the discretion of the Bond Registrar, that disseminate notice of redemption of obligations such as the Series 2010 Bonds.

Each Further Notice shall be published one time in The Bond Buyer, a financial newspaper published in New York, New York or, if such publication is impractical or unlikely to reach a substantial number of the Bondholders, in some other financial newspaper or journal which regularly carries notices of redemption of obligations similar to the Series 2010 Bonds, such publication to be made at least 30 days prior to the date fixed for redemption.

## **Section 7. Execution and Authentication of Series 2010 Bonds.**

(a) Execution. Each Series 2010 Bond shall be executed by the manual or facsimile signature of the County Board Chairman and the manual or facsimile signature of the County Clerk and shall have the corporate seal of the Issuer affixed to or impressed on it (or a facsimile of that seal printed on it).

(b) Facsimile Signatures. The County Board Chairman and the County Clerk (if they have not already done so) are authorized to file with the Illinois Secretary of State their manual signatures

certified by them pursuant to the Uniform Facsimile Signatures of Public Officials Act, as amended, which shall authorize the use of their facsimile signatures to execute the Series 2010 Bonds. Each Series 2010 Bond so executed shall be as effective as if manually executed. In case any officer of the Issuer whose signature or a facsimile of whose signature appears on the Series 2010 Bonds ceases to be such officer before authentication and delivery of any of the Series 2010 Bonds, that signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until authentication and delivery.

(c) Authentication. No Series 2010 Bond shall be valid for any purpose unless and until a certificate of authentication on that Series 2010 Bond substantially in the form set forth in the bond form attached as **Exhibit A** and incorporated in Section 13 of this Bond Ordinance has been duly executed by an authorized officer of the Authenticating Agent. That certificate upon any Series 2010 Bond shall be conclusive evidence that the Series 2010 Bond has been authenticated and delivered under this Bond Ordinance. It is not necessary that the same officer sign the certificate of authentication on all of the Series 2010 Bonds.

**Section 8. Appointment of Paying Agent, Authenticating Agent and Bond Registrar.** U.S. Bank National Association, Chicago, Illinois, is appointed as Paying Agent, Bond Registrar and Authenticating Agent under this Bond Ordinance.

**Section 9. Payment of Principal and Interest.** The Series 2010 Bonds shall be payable in lawful money of the United States of America at the principal office of the Paying Agent. The principal of each Series 2010 Bond shall be payable at maturity upon presentment of the Series 2010 Bond at the principal office of the Paying Agent. Interest on each Series 2010 Bond shall be payable on each interest payment date by check or draft of the Paying Agent mailed to the person in whose name that Series 2010 Bond is registered on the books of the Bond Registrar at the close of business on the 1<sup>st</sup> day of the month in which that interest payment date falls.

**Section 10. Registration, Transfer and Exchange of Series 2010 Bonds.** The Series 2010 Bonds shall be negotiable, subject to the following provisions for registration and registration of transfer. The Issuer shall maintain or cause to be maintained books for the registration of the Series 2010 Bonds at the principal office of the Bond Registrar. Each Series 2010 Bond shall be registered on those books. Transfer of each Series 2010 Bond shall be registered on those books only upon surrender of that Series 2010 Bond to the Bond Registrar by the Bondholder or his or her attorney duly authorized in writing together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Bondholder or his or her duly authorized attorney. Upon surrender of a Series 2010 Bond for registration of transfer, the Issuer shall execute and the Authenticating Agent shall authenticate and deliver, in the name of the transferee, one or more new Series 2010 Bonds of the same series, of the same aggregate principal amount and of the same maturity as the Series 2010 Bonds surrendered.

Series 2010 Bonds may be exchanged, at the option of the Bondholder, for an equal aggregate principal amount of Series 2010 Bonds of the applicable series and of any other authorized denominations upon surrender of those Series 2010 Bonds at the principal corporate trust office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the Bondholder or his or her duly authorized attorney.

In all cases in which the privilege of exchanging or transferring Series 2010 Bonds is exercised, the Issuer shall execute, the Authenticating Agent shall authenticate, and the Bond Registrar shall deliver, Series 2010 Bonds in accordance with the provisions of this Bond Ordinance. All Series 2010 Bonds surrendered in any exchange or transfer shall be canceled immediately by the Bond Registrar. The Issuer is authorized to prepare, and if it does so the Bond Registrar (or such other agent as the County Board may from time to time designate) is authorized to maintain custody of, multiple blank

Series 2010 Bonds executed on behalf of the Issuer as provided in Section 7 for use in connection with the transfer and exchange of Series 2010 Bonds.

For every exchange or registration of transfer of Series 2010 Bonds, the Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge, other than one imposed by the Issuer, required to be paid with respect to that exchange or transfer, and payment of that charge by the person requesting exchange or registration of transfer shall be a condition precedent to that exchange or registration of transfer. . No other charge may be made by the Issuer or the Bond Registrar as a condition precedent to exchange or registration of transfer of any Series 2010 Bond.

The Bond Registrar shall not be required to exchange or register the transfer of any Series 2010 Bond (a) during the period from the close of business on the 15<sup>th</sup> day preceding an interest payment date on the Series 2010 Bonds to the opening of business on such interest payment date, or (b) after notice of redemption of that Series 2010 Bond or any portion of that Series 2010 Bond has been mailed, or (c) during the 15 days next preceding mailing of a notice of redemption of Series 2010 Bonds.

#### **Section 11. Book – Entry Only System for the Series 2010 Bonds.**

(a) *General.* The Series 2010 Bonds of each series shall be initially issued in the form of a separate single fully registered Bond for each of the maturities. Upon initial issuance, the ownership of each such Series 2010 Bond shall be registered in the Bond Register in the name of Cede & Co., as nominee of The Depository Trust Corporation (“DTC”), and except as provided in subsections (d) and (e) of this Section, all of the outstanding Series 2010 Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC.

(b) *Limitations on Obligations.* With respect to Series 2010 Bonds registered in the Bond Register in the name of Cede & Co., as nominee of DTC, the Issuer, the Paying Agent and the Bond Registrar shall have no responsibility or obligation to any participating member of DTC (“DTC Participant”) or to any person on behalf of whom such a DTC Participant holds an interest in the Series 2010 Bonds. Without limiting the immediately preceding sentence, the Issuer, the Paying Agent and the Bond Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Series 2010 Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Bondholder, as shown in the Bond Register, of any notice with respect to the Series 2010 Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Bondholder, as shown in the Bond Register, of any amount with respect to principal of, premium, if any, or interest on the Series 2010 Bonds.

(c) *Persons Treated as Owners Under Book-Entry System.* Notwithstanding any other provision of this Bond Ordinance to the contrary, the Issuer, the Bond Registrar and the Paying Agent shall be entitled to treat and consider the person in whose name such Series 2010 Bond is registered in the Bond Register as the absolute owner of such Series 2010 Bond for the purpose of payment of principal, premium, if any, and interest on such Series 2010 Bond, for the purpose of giving notices of redemption and other matters with respect to such Series 2010 Bond, for the purpose of registering transfers with respect to such Series 2010 Bond, and for all other purposes whatsoever. The Bond Registrar and the Paying Agent shall pay all principal of, premium, if any, and interest on the Series 2010 Bonds only to or upon the order of the respective Bondholders, as shown in the Bond Register as provided in this Bond Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to satisfy and discharge the Issuer’s obligations fully with respect to payment of principal of, premium, if any, and interest on the Series 2010 Bonds to the extent of the sum or sums so paid. No person other than a Bondholder, as shown in the Bond Register, shall receive

a Series 2010 Bond certificate evidencing the obligation of the Issuer to make payments of principal, premium, if any, and interest pursuant to this Bond Ordinance.

(d) Substitution of DTC Nominee. Upon delivery by DTC to the Bond Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Bond Ordinance, with respect to interest checks or drafts being mailed to the registered owner as of the close of business on the Record Date, the words "Cede & Co." in this Bond Ordinance shall refer to such new nominee of DTC; and upon receipt of such a notice the Bond Registrar shall promptly deliver a copy of the same to the Paying Agent.

(e) Successor Securities Depository; Transfers Outside Book-Entry Only System. If the Issuer or the Bond Registrar determines that DTC is incapable of discharging its responsibilities described in this Bond Ordinance or that it is in the best interest of the beneficial owners of the Series 2010 Bonds that they be able to obtain certificated Series 2010 Bonds, the Issuer or the Bond Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Series 2010 Bond certificates to such successor securities depository or (ii) notify DTC and DTC Participants of the availability through DTC of Series 2010 Bond certificates and transfer one or more separate Series 2010 Bond certificates to DTC Participants having Series 2010 Bonds credited to their DTC accounts. In such event, the Series 2010 Bonds shall no longer be restricted to being registered in the Bond Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Bondholders transferring or exchanging Series 2010 Bonds shall designate, in accordance with the provisions of this Bond Ordinance.

(f) Payments and Notices to DTC Nominee. Notwithstanding any other provision of this Bond Ordinance to the contrary, so long as any of the Series 2010 Bonds is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Series 2010 Bond and all notices with respect to such Series 2010 Bond shall be made and given, respectively, in the manner provided in the blanket issuer letter of representations referred to below and in the DTC Operational Arrangements from time to time in effect as provided in the blanket issuer letter of representations. The Bond Registrar shall request in each notice sent to Cede & Co. pursuant to the terms of this Bond Ordinance that Cede & Co. forward or cause to be forwarded such notice to the DTC Participants, but neither the Bond Registrar nor the Issuer shall be liable if the Bond Registrar fails to make such request or if Cede & Co. fails to honor such request.

(g) Blanket Letter of Representations. The County Board Chairman or, in his or her absence, the County Clerk or the County Treasurer are each authorized to execute and deliver to DTC and the Paying Agent DTC's standard form of "Blanket Issuer Letter of Representations".

**Section 12. Persons Treated as Owners of Series 2010 Bonds.** The Issuer, the Paying Agent and the Bond Registrar may treat the Bondholder of any Series 2010 Bond as its absolute owner, whether or not that Series 2010 Bond is overdue, for the purpose of receiving payment of the principal of or interest on that Series 2010 Bond and for all other purposes, and neither the Issuer, the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of the principal of and interest on each Series 2010 Bond shall be made only to its Bondholder, and all such payments shall be valid and effective to satisfy the obligation of the Issuer on that Series 2010 Bond to the extent of the amount paid.

**Section 13. Form of the Series 2010 Bonds.** The Series 2010 Bonds shall be in substantially the form set forth in **Exhibit A** to this Bond Ordinance, with appropriate insertions and changes. **Exhibit A** is incorporated by reference in this Section 13 and shall for all purposes be a part of this Bond Ordinance.



**Section 14. Nature of Obligation.** The Series 2010 Bonds shall constitute general obligations of the Issuer. The Riverboat Revenues, the Pledged Taxes and the full faith and credit of the Issuer are pledged to the payment of the principal of and interest on the Series 2010 Bonds.

**Section 15. Treatment of Series 2010 Bonds As Indebtedness.** The Series 2010 Bonds shall be payable from the Riverboat Revenues and the Pledged Taxes, as provided in Section 15 of the Debt Reform Act, and shall not constitute indebtedness of the Issuer within the meaning of any constitutional or statutory limitation unless the Pledged Taxes shall have been extended pursuant to the Issuer's pledge of its full faith and credit in Section 14 and the general obligation tax levy made in Section 19. In that event, as provided in Section 15 of the Debt Reform Act, the amount of the Series 2010 Bonds then Outstanding shall be included in the computation of indebtedness of the Issuer for purposes of all statutory provisions or limitations until such time as an audit of the Issuer shows that the Series 2010 Bonds have been paid from the Riverboat Revenues for a complete Fiscal Year, in accordance with the Debt Reform Act.

**Section 16. Sale of Series 2010 Bonds; Determination of Terms of the Series 2010 Bonds; Ratification of Certain Actions; Approval of Official Statement; Authentication and Delivery of Series 2010 Bonds.**

(a) The Authorized Officers are authorized to determine the terms of the Series 2010 Bonds and to sell the Series 2010 Bonds on such terms as the Authorized Officers may deem to be in the best interests of the Issuer within the limitations set forth in this Bond Ordinance.

(b) The Authorized Officers may in the Determination Certificate make such changes to the terms of the Series 2010 Bonds and the form of the Series 2010 Bonds from those provided in this Bond Ordinance as they shall determine but which shall result in the Series 2010 Bonds having substantially the terms and being in substantially the form provided by this Bond Ordinance.

(c) Anyone of the Authorized Officers is authorized to accept the best bid received by the Issuer at the sale of the Series 2010 Bonds and to execute and deliver the bid or any related bond purchase agreement submitted by the Purchaser on behalf of the Issuer.

(d) Upon a finding by the Authorized Officers that the purchase of a policy of municipal bond insurance for all or any portion of the Series 2010 Bonds is likely to facilitate the marketing and sale of the Series 2010 Bonds and permit completion of such sale in a timely fashion, and that such policy is available at an acceptable premium, the Authorized Officers are authorized to cause the Issuer to purchase a policy of municipal bond insurance for all or any portion of the Series 2010 Bonds, payable from amounts received from the sale of the Series 2010 Bonds, and (i) to include in the Determination Certificate such customary terms, covenants and administrative provisions relating to the insurance for such Series 2010 Bonds as the provider of such municipal bond insurance policy may require or (ii) to execute any related agreements with the provider of such municipal bond insurance policy containing such terms, covenants and administrative provisions. Such policy shall be provided by a bond insurance company or association approved by the Authorized Officers.

(e) Subsequent to the sale of the Series 2010 Bonds, the Authorized Officers shall file in the office of the County Clerk, addressed to the County Board,

(i) a Determination Certificate setting forth the terms and terms of sale of the Series 2010 Bonds, including, without limitation, the aggregate principal amount of the Series 2010 Bonds (*provided* that the aggregate principal amount of the Series 2010 Bonds may not exceed the lesser of (A) \$16,800,000 and (B) the amount necessary to accomplish the public purposes for which the Series 2010 Bonds are being issued, the portion, if any, of the Series 2010 Bonds



maturing on December 15, 2011 not designated as Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, the interest rate or rates per year payable on each maturity of the Series 2010 Bonds (*provided* that the rate per year for any maturity of and any maturity of the Series 2010 Bonds may not exceed seven percent, the maturities of the Series 2010 Bonds of (*provided* that (A) the final maturity of the Series 2010 Bonds may not be later than December 15, 2030, and (B) the amounts of principal of and interest due on the Series 2010 Bonds in any calendar year, including principal scheduled to fall due pursuant to mandatory sinking fund redemptions applicable to Term Bonds, may not exceed the amounts of the *ad valorem* taxes levied to pay such amounts in Section 19 of this Bond Ordinance), the issuance of the Series 2010 Bonds as Serial Bonds, Term Bonds, or any combination of Serial Bonds and Term Bonds, the amount of any net original issue discount or net original issue premium upon the sale of the Series 2010 Bonds (which shall not exceed in the aggregate an amount equal to 2% of the face amount of the Series 2010 Bonds), the sale price of the Series 2010 Bonds (which shall be in the aggregate not less than 98 percent of the original principal amount net of any net original issue discount or premium), and the amounts of the proceeds of sale of the Series 2010 Bonds to be applied to the purposes as provided in Section 18 (*provided* that the amount to be applied to pay the costs of issuance of the Series 2010 Bonds designated as Recovery Zone Economic Development Bonds may not exceed two percent (2%) of the proceeds of sale of such Series 2010 Bonds), all as provided in and subject to the limitations expressed in this Bond Ordinance, and approving the final form of the Official Statement and any addenda to it as provided in subsection (g) below;

- (ii) an executed copy of the winning bid; and
- (iii) the Official Statement (defined below) and any addenda to it.

The Determination Certificate shall be deemed a part of this Bond Ordinance. The determinations made by the Authorized Officers in the Determination Certificate shall be final, conclusive, and binding upon the Issuer, the Bond Registrar, the Purchaser and the subsequent holders from time to time of the Series 2010 Bonds if within the limitations set forth in this Section 16(e). The Determination Certificate shall be filed by the County Clerk in the official record of the proceedings of the County Board along with this Bond Ordinance.

(f) If the Series 2010 Bonds are sold so as to require the levy of taxes in 2010 or any subsequent year less than the aggregate amount levied pursuant to Section 19 of this Bond Ordinance, then the Authorized Officers shall include, in the Determination Certificate, the amount of any reduction in the amount levied pursuant to Section 19 for 2010 and any subsequent year resulting from the sale of Series 2010 Bonds with lesser maturities (after taking into account mandatory redemptions) or lesser payments of interest, and, in addition, the County Treasurer shall file in the office of the County Clerk a certificate of tax abatement for such years. Any certificate of tax abatement delivered pursuant to this paragraph shall refer to the amount of taxes levied pursuant to Section 19, shall indicate the amount of reduction in the amount of taxes levied pursuant to Section 19 resulting from the sale of the Series 2010 Bonds, which reduced amount is to be abated from such taxes, and shall further indicate the remainder of such taxes which is to be extended for collection by the County Clerk if not abated pursuant to Section 21.

(g) All actions of the Issuer and its officers and employees relating to the authorization, offering, issuance and sale of the Series 2010 Bonds, including the adoption and publication of the Alternate Bond Authorizing Ordinance, the publication of public notice for and the holding of the public hearing described in Section 1(q), and the preparation of an Official Notice of Sale and an Official Statement pertaining to the Series 2010 Bonds (the "**Official Statement**") in the form attached as **Exhibit B**, are ratified, confirmed and approved.

(h) The Authorized Officers shall provide written assurance to the Purchaser, in the Determination Certificate or in a separate certificate to be delivered in connection with the issuance of the Series 2010 Bonds, that the Official Statement is "deemed final" by the Issuer for purposes of Rule 15c2-12 (the "**Rule**") adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, except for information that the Rule permits to be omitted.

(i) The Authorized Officers are authorized to cause to be prepared, and any one of the Authorized Officers is authorized to execute and deliver, any necessary addenda to the Official Statement on behalf of the Issuer pertaining to the Series 2010 Bonds setting forth such information as is necessary to supplement the Official Statement to reflect accurately the terms of the Series 2010 Bonds. In the Determination Certificate, the Authorized Officers shall approve the final version of any necessary addenda to the Official Statement.

(j) The Series 2010 Bonds shall be executed as provided in this Bond Ordinance and shall be delivered to the County Treasurer. The County Treasurer is authorized to deliver the Series 2010 Bonds to the Authenticating Agent and the Authenticating Agent is authorized and directed to authenticate the Series 2010 Bonds and deliver them to the Purchaser upon receipt by the Issuer of the purchase price specified in the Determination Certificate.

(k) The Authorized Officers are further authorized to take the actions and execute and deliver the documents and instruments specified in this Bond Ordinance and to execute and deliver such other documents and take such other actions as may be necessary or desirable in connection with the issuance, sale and delivery of the Series 2010 Bonds, including, but not limited to, the exercise following the delivery date of the Series 2010 Bonds of any power or authority delegated to the Authorized Officers under this Bond Ordinance upon original issuance, but subject to any limitations on or restrictions of such power or authority set forth in this Bond Ordinance.

**Section 17. Bond Fund - Accounts.** There is created a special fund of the Issuer, which fund shall be held separate and apart from all other funds and accounts of the Issuer and shall be known as the "General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 Bond and Interest Fund" (the "Bond Fund"). All of the Riverboat Revenues and Pledged Taxes designated to pay principal of, interest on and premium, if any, with respect to the Series 2010 Bonds shall be set aside as collected and deposited by the County Treasurer into the Bond Fund, which shall be a trust fund established for the purpose of carrying out the covenants, terms and conditions imposed upon the Issuer by this Bond Ordinance. The Series 2010 Bonds are secured by a pledge of all of the moneys from time to time on deposit in the Bond Fund, and such pledge is irrevocable until the obligations of the Issuer are discharged under this Bond Ordinance.

The Riverboat Revenues and Pledged Taxes are to be paid to the County Treasurer by the officers who collect or receive the Riverboat Revenues or Pledged Taxes. Whenever the County Treasurer receives (i) any of the Riverboat Revenues designated to pay principal of, interest on and premium, if any, with respect to the Series 2010 Bonds or (ii) Pledged Taxes, he shall promptly deposit the same into the Bond Fund. The moneys on deposit in the Bond Fund shall be used by the Issuer solely and only for the purpose of carrying out the terms and conditions of this Bond Ordinance and shall be deposited as provided below to the separate accounts created within the Bond Fund to be known as the "**Principal and Interest Account**" and the "**Administrative Expense Account**." As moneys are deposited by the Issuer into the Bond Fund, they shall be credited on or before the first business day of each month by the County Treasurer, without any further official action or direction, in the following accounts in the following order: '

(a) Principal and Interest Account. There are established within the Principal and Interest Account separate subaccounts to be known as the "**Riverboat Revenues Subaccount**" and the

**"Pledged Taxes Subaccount."** Except as provided below, moneys to the credit of the Riverboat Revenues Subaccount and the Pledged Taxes Subaccount shall be used only for the purpose of paying principal of and interest on the Series 2010 Bonds as the same become due. Beginning immediately upon the issuance and delivery of the Series 2010 Bonds, the County Treasurer shall credit to and shall immediately deposit the Pledged Revenues and Pledged Taxes into the Principal and Interest Account as follows:

(i) From the Riverboat Revenues, the County Treasurer, from time to time but not less often than monthly, shall first credit to and shall immediately deposit into the Riverboat Revenues Subaccount (A) a fractional amount of the interest coming due on the next succeeding interest payment date on all Outstanding Series 2010 Bonds and (B) a fractional amount of the principal coming due on the next succeeding principal maturity date or mandatory sinking fund redemption date on all Outstanding Series 2010 Bonds, until there shall have been accumulated in the Principal and Interest Subaccount on or before the first day of the month in which such maturity date of principal, mandatory sinking fund redemption date or interest payment date occurs, an amount sufficient to pay (A) such principal or redemption price or (B) such interest, or both, with respect to all Outstanding Series 2010 Bonds due on such date.

(ii) In computing the fractional amounts to be set aside each month in the Principal and Interest Subaccount, the fraction shall be computed so that sufficient funds will be set aside in this Subaccount and will be available for the prompt payment of interest on and principal or mandatory sinking fund redemption price of all Outstanding Series 2010 Bonds as the same shall become due. The fraction shall be not less than one-fifth of the interest coming due on the next succeeding interest payment date and not less than one-eleventh of the principal or principal portion of the mandatory sinking fund redemption price coming due on the next succeeding principal maturity date or mandatory sinking fund redemption date on all Outstanding Series 2010 Bonds. Such deposits shall be made until there is sufficient money in this Subaccount to pay such interest or principal or both.

(iii) Credits to the Principal and Interest Subaccount may be suspended in any Fiscal Year at such time as there is a sufficient sum in this Subaccount, held in cash and investments, to meet all principal, mandatory sinking fund redemption and interest requirements for the balance of that Fiscal Year, but such credits shall be resumed at the beginning of the next Fiscal Year.

(iv) The County Treasurer shall immediately deposit the Pledged Taxes as received to the credit of the Pledged Taxes Subaccount. Pledged Taxes are irrevocably pledged and shall be used only for the purpose of paying principal of and interest on the Series 2010 Bonds.

If there are moneys to the credit of both the Riverboat Revenues Subaccount and the Pledged Taxes Subaccount on any maturity date of principal, mandatory sinking fund redemption date or interest payment date for the Series 2010 Bonds, moneys to the credit of the Pledged Taxes Subaccount shall be used first to pay principal or mandatory sinking fund redemption price of and interest on the Series 2010 Bonds and the Pledged Taxes Subaccount shall be fully depleted before moneys to the credit of the Pledged Revenues Subaccount are used to pay principal or mandatory sinking fund redemption price of or interest on the Series 2010 Bonds.

(b) Administrative Expense Account. After crediting the required amounts to the Principal and Interest Account, there shall be credited to the Administrative Expense Account from Pledged Revenues an amount sufficient to pay for Administrative Costs for the then-current month. Moneys on deposit in the Administrative Expense Account shall first be transferred by the County Treasurer, if

necessary, to remedy any deficiencies in the Principal and Interest Account in the Bond Fund; and, thereafter, shall be applied to pay Administrative Costs for the then current month.

All moneys remaining in the Bond Fund, after crediting the required amounts to the Principal and Interest Account and the Administrative Expense Account as provided above and after making up any deficiency in those accounts, shall be credited to the Rebate Account in the amounts required by subsection (c) below. Remaining moneys in the Bond Fund (i) derived from Pledged Revenues may be transferred to such other fund or account of the Issuer as may be directed by the County Board and used for proper corporate purposes, and (ii) derived from Pledged Taxes on deposit in the Pledged Taxes Subaccount shall be used only to pay principal of and interest on the Series 2010 Bonds.

(c) Rebate Account. There is created by this Bond Ordinance a separate and special account within the Bond Fund known as the "Rebate Account," into which there shall be deposited from time to time (i) investment earnings in the Principal and Interest Account, the Administrative Expense Account and the Project Fund created in Section 18 and (ii) surplus moneys in the Bond Fund, to the extent required under the Code to pay rebates, special impositions or taxes payable to the United States of America (Internal Revenue Service). All rebates, special impositions or taxes for such purpose shall be payable from the Rebate Account, and moneys in the Rebate Account may be used only for this purpose.

(d) Investments. Moneys on deposit in the Bond Fund and the various accounts in it may be invested from time to time pursuant to any authorization granted to municipalities by Illinois statute or court decision.

Any such investments may be sold from time to time by the Issuer as moneys are needed for the purposes for which the Bond Fund and such accounts have been created. In addition, the County Treasurer shall sell such investments when necessary to remedy any deficiency in the Bond Fund or such accounts created in it. Any investment earnings shall be attributed to the account within the Bond Fund for which the investment was made.

Investments in the various accounts shall mature or be subject to redemption at the option of the holder prior to the time when needed, and, in any event, within the times as follows:

<u>Account</u>	<u>Time</u>
Principal and Interest	6 Months
Administrative Expense	6 Months
Rebate Account	6 Months

Moneys in any of the various accounts shall be invested by the County Treasurer and any depository authorized to make investments pursuant to a Depository Agreement, if necessary, in investments restricted as to yield, which investments may be in United States Treasury Obligations - State and Local Government Series, if available, and to such end the County Treasurer shall refer to any investment restrictions covenanted by the Issuer or any of its officers as part of the transcript of proceedings for the issuance of the Series 2010 Bonds, and to appropriate opinions and written advice of counsel.

The deposits of moneys in the Bond Fund (other than the Rebate Account) and investments of moneys on deposit in the Bond Fund (other than the Rebate Account) may be commingled for deposit and investment purposes with other funds of the Issuer established solely for paying principal of and interest on other general obligation bonds or the Issuer. Moneys in the Bond Fund shall never be commingled with or loaned to any other funds of the Issuer which were not established for such a purpose or which are used for any other purpose, as long as any Series 2010 Bonds are outstanding

and unpaid. Moneys in the Rebate Account and investments of moneys on deposit in the Rebate Account shall never be commingled with or loaned to any other funds of the Issuer.

(e) Transfers. Any amounts to the credit of the various accounts in the Bond Fund in excess of the then current requirement may be transferred by the County Board to such other accounts in the Bond Fund as the County Board may in its sole discretion designate; provided, that Pledged Taxes on deposit in the Pledged Taxes Subaccount may be used only to pay principal of and interest on the Series 2010 Bonds.

(f) Appropriation and Pledge. Amounts deposited in the Principal and Interest Account of the Bond Fund, including amounts deposited in it pursuant to Section 21 of this Bond Ordinance, are appropriated for and irrevocably pledged to, and shall be used only for the purpose of, paying the principal of and interest on the Series 2010 Bonds, or reimbursing general funds of the Issuer expended for those purposes as provided in Section 18 of this Bond Ordinance, or for making transfers from the Bond Fund of interest and other investment earnings as allowed by the preceding subsections of this Section.

**Section 18. Application of Series 2010 Bond Proceeds.** (a) The proceeds derived from the sale of the Series 2010 Bonds shall be applied as follows:

(i) The proceeds of the Series 2010 Bonds shall be set aside in a separate fund which is created by this Bond Ordinance and designated as the "General Obligation Bonds (Riverboat Revenue Alternate Revenue Source)", Series 2010 Project Fund" (the "**Project Fund**"), which the Issuer shall maintain as a separate and segregated Fund and used for the payment of costs of the Project. The Project Fund shall consist of (a) the Series 2010 Costs of Issuance Account, (B) the Series 2010 County Project Account and (C) such other Series 2010 Project Accounts which are from time to time established by the Authorized Officers for units of local government entering into intergovernmental agreements with, and authorized by, the Issuer, provided that each such unit of local government for which a Series 2010 Project Account is established shall enter into a Depository Agreement substantially in the form of **Exhibit C** attached to the is Ordinance among the Issuer, U.S. Bank National Association, Chicago, Illinois, and such unit of local government.

(ii) Proceeds of the Series 2010 Bonds shall initially be deposited as follows:

A. To the credit of the Series 2010 Costs of Issuance Account, the amount provided in the Determination Certificate;

B. To the credit of each Series 2010 Project Account, if any, established at or prior to the closing of the sale of the Series 2010 Bonds for a unit of local government in the amount provided in the applicable intergovernmental agreement entered into with the Issuer, and

C. The balance to the credit of the Series 2010 County Project Account

(iii) Moneys in each Series 2010 Project Account established for a unit of local government other than the Issuer shall be withdrawn from time to time pursuant to the Depository Agreement applicable to each such unit of local government.

(iv) Moneys in the Series 2010 County Project Account not transferred to additional Series 2010 Project Accounts established for units of local government pursuant to intergovernmental agreements entered into with the Issuer after the closing of the sale of the

Series 2010 Bonds shall be withdrawn from time to time for the payment of costs of the Project and such money is appropriated for that purpose. Moneys on deposit in the Series 2010 County Project Account shall be disbursed by the Issuer from time to time to pay costs of the Project upon submission to the County Treasurer of the following with respect to each disbursement.

A. If such disbursement is for payment to a supplier, materialman or contractor for work done in connection with the Project, a certificate executed by the engineer or architect in responsible charge of the construction of the portion of the Project for which the disbursement is to be made stating the amount of materials supplied or the nature of the work completed, that such materials have been properly accepted or such work approved by him, the amount due and payable, and the amount remaining to be paid in connection with such portion of the Project; and

B. For all disbursements, a duplicate copy of the order signed by an officer of the Issuer stating specifically the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the Issuer.

(v) Within (60) days after depletion of the Project Fund or payment of all costs of the Project, as approved by the County Board, the County Treasurer shall certify to the County Board the fact of such depletion or the engineer or architect in responsible charge of the Project shall certify to the County Board the fact that the work has been completed according to approved plans and specifications, as applicable, and upon approval of such certification by the County Board funds (if any remaining in the Project Fund shall be credited by the County Treasurer to the Bond Fund; and the Project Fund shall be closed.

(vi) Funds on deposit on the Project Fund not held pursuant to a Depository Agreement may be invested by the County Treasurer in the same manner as provided in Section 17 of this Bond Ordinance for money in the Principal and Interest Account. Moneys on deposit in the Series 2010 Project Accounts for units of local government may be invested pursuant to each applicable Depository Agreement. All investment earnings shall be credited to the appropriate account in the Project Fund.

(vii) All amounts received upon the sale of the Series 2010 Bonds, together with all interest and other investment earnings on those amounts, are appropriated and set aside for the purposes for which the Series 2010 Bonds are being issued as set forth in this Bond Ordinance.

**Section 19. Tax Levy.** There is levied a direct annual *ad valorem* tax (the "**Pledged Taxes**") upon all taxable property within the Issuer sufficient to pay and discharge the principal of the Series 2010 Bonds at maturity and to pay interest on the Series 2010 Bonds due for each year, including specifically the following amounts for the following years:

<u><b>Year of Levy</b></u>	<u><b>An Amount Sufficient to Produce the Sum of:</b></u>	<u><b>Year of Levy</b></u>	<u><b>An Amount Sufficient to Produce the Sum of:</b></u>
2010	\$2,100,000 for principal and interest	2020	\$2,100,000 for principal and interest
2011	2,100,000 for principal and interest	2021	2,100,000 for principal and interest
2012	2,100,000 for principal and interest	2022	2,100,000 for principal and interest
2013	2,100,000 for principal and interest	2023	2,100,000 for principal and interest
2014	2,100,000 for principal and interest	2024	2,100,000 for principal and interest
2015	2,100,000 for principal and interest	2025	2,100,000 for principal and interest
2016	2,100,000 for principal and interest	2026	2,100,000 for principal and interest
2017	2,100,000 for principal and interest	2027	2,100,000 for principal and interest
2018	2,100,000 for principal and interest	2028	2,100,000 for principal and interest
2019	2,100,000 for principal and interest	2029	2,100,000 for principal and interest

The Pledged Taxes shall be in addition to and in excess of all other taxes levied by the Issuer. If at any time following the extension of any Pledged Taxes sufficient funds are not on hand from amounts derived from the Pledged Taxes to make a payment of interest or principal on the Series 2010 Bonds as it becomes due, that payment shall be made from the general funds of the Issuer. Those general funds shall be reimbursed from the amounts derived from the Pledged Taxes when those amounts shall be on hand (and not needed for paying other payments of interest or principal then coming due on the Series 2010 Bonds). The Issuer pledges the Pledged Taxes irrevocably to the payment of the Series 2010 Bonds, subject to the Issuer's right to abate the Pledged Taxes provided in Section 16(f) and in Section 21.

**Section 20. Filing of Tax Levy; Duties of County Clerk.** A certified copy of this Bond Ordinance shall be filed after the effective date of this Bond Ordinance and prior to the issuance and delivery of the Series 2010 Bonds with the County Clerk. It shall be the duty of the County Clerk in each year to ascertain the rate necessary to produce the tax levied in Section 19 and to extend that tax for collection on the tax books against all of the taxable property situated within the Issuer, without limitation as to rate or amount, in connection with other taxes levied in such year for general Issuer purposes. Such taxes shall be computed, extended and collected in the same manner as is now or may subsequently be provided for the computation, extension and collection of taxes for general purposes of the Issuer. The taxes levied and extended pursuant to this Bond Ordinance shall be in addition to and in excess of all other taxes levied by the Issuer.

**Section 21. Abatement of Pledged Taxes.** Prior to the deadline for the timely annual abatement of the Pledged Taxes for the Series 2010 Bonds, but in no event *earlier* than December 1<sup>st</sup> of the year in which such Pledged Taxes are levied (i.e. the year prior to extension and collection), the County Treasurer shall deposit Riverboat Revenues into the Riverboat Revenues Subaccount of the Principal and Interest Account of the Bond Fund in an amount necessary to provide for the payment of interest and principal coming due on the Series 2010 Bonds in the following calendar year otherwise payable from the proceeds of such tax levy. Upon (but in no event prior to) the deposit of such moneys, the County Board, or the officers of the Issuer acting with proper authority, shall direct the abatement of the Pledged Taxes and proper notification of such abatement shall be filed with the County Clerk in a timely manner to effect such abatement.

In abating taxes, the County Board shall adopt an ordinance or ordinances (the "**Abatement Ordinance**") setting forth the following items.

(a) The amount of funds available from Riverboat Revenues or other lawfully available sources or the reduction in debt service attributable to purchases by the Issuer of the Series 2010 Bonds to enable the abatement of the Pledged Taxes.

(b) An appropriation of such funds to pay principal of and interest on the Series 2010 Bonds.

(c) A direction to the County Treasurer to deposit such funds not already held in the Bond Fund into the Bond Fund or to reimburse a fund or account from which advances to the Bond Fund in anticipation of Pledged Taxes were made and thereupon to notify the County Clerk of such deposit;

(d) A statement of the year and the amount of abatement of Pledged Taxes, which amount to be abated shall not exceed the amount of such available funds; and

(e) A direction to file a certified copy of the Abatement Ordinance in the offices of the County Clerk.

Upon notification from the County Treasurer that any deposits required by the Abatement Ordinance to be made into the Bond Fund have been made, a certified copy of the Abatement Ordinance shall be filed with the County Clerk.

The filing of such Abatement Ordinance shall be complete authority to the County Clerk to cause such abatement.

**Section 22. Pledge of Riverboat Revenues.** The Issuer pledges irrevocably the Pledged Revenues to the payment of the Series 2010 Bonds and any Additional Bonds.

As provided in Section 15 of the Debt Reform Act, the County Board covenants, to the extent it is empowered to do so, to provide for, collect and apply the Riverboat Revenues to the payment of the Series 2010 Bonds and the provision of not less than an additional .25 times debt service on the Series 2010 Bonds. As provided in Section 15 of the Debt Reform Act, this Bond Ordinance shall constitute a continuing appropriation of the Riverboat Revenues as received for deposit in the Riverboat Revenues Subaccount of the Principal and Interest Account of the Bond Fund.

**Section 23. Additional Obligations Payable From Riverboat Revenues.** The Issuer reserves the right to issue additional alternate bonds ("**Additional Bonds**") from time to time payable from the Riverboat Revenues, subject to the requirements of the Debt Reform Act pertaining to the authorization and issuance of alternate bonds, and such Additional Bonds shall share ratably and equally in the Riverboat Revenues with the Series 2010 Bonds.

Any such additional bonds and other obligations which may be issued in compliance with this Section shall be payable as to principal on December 15<sup>th</sup> and as to interest on June 15<sup>th</sup> and December 15<sup>th</sup> in each year in which principal and/or interest come due.

**Section 24. Refunding Bonds.** Refunding bonds issued to refund Series 2010 Bonds, whether at or in advance of maturity, may be issued by the Issuer subject to the limitations of and in accordance with the provisions of the Counties Code and the Debt Reform Act.

**Section 25. Defeasance.** Series 2010 Bonds which are no longer Outstanding as defined in this Bond Ordinance shall cease to have any lien on or right to receive or be paid from Riverboat Revenues and Pledged Taxes and shall no longer have the benefits of any covenant made in this Bond Ordinance for the Bondholders of Outstanding Series 2010 Bonds.



The term "**Outstanding**" means Series 2010 Bonds or refunding Series 2010 Bonds or Additional Bonds which have been issued and delivered, which remain unpaid, and for the full and punctual payment of which when due no provision has been made by the Issuer. The term "Outstanding" does not include Series 2010 Bonds or refunding Series 2010 Bonds or Additional Bonds (a) which have matured or have been duly called for redemption and for which moneys are irrevocably on deposit with a Paying Agent sufficient to pay all interest due on such Bonds and all principal of such Bonds through the date of maturity or redemption, or (b) the provision for payment of which has been made by the Issuer by the deposit in an irrevocable trust or escrow of any combination of cash and non-callable direct, full faith and credit obligations of the United States of America, the principal of and interest on which will be sufficient to pay at maturity or as called for redemption all the principal of and interest on such Bonds or Additional Bonds.

**Section 26. This Bond Ordinance a Contract; Amendments.** Upon the issuance of the Series 2010 Bonds, the provisions of this Bond Ordinance shall constitute a contract between the Issuer and the Bondholders of the Series 2010 Bonds, and no changes, additions or alterations of any kind shall be made to this Bond Ordinance, except as provided in this Bond Ordinance. This Bond Ordinance may be amended from time to time without the consent of the Bondholders to pledge additional sources of revenue to the payment of the Series 2010 Bonds.

**Section 27. Bond Registrar Covenants.** If requested by the Bond Registrar, the County Board Chairman and County Clerk of the Issuer are authorized to execute the Bond Registrar's standard form of agreement between the Issuer and the Bond Registrar with respect to the obligations and duties of the Bond Registrar under this Bond Ordinance. Subject to modification by the express terms of any such agreement, such duties shall include the following:

- (A) to act as bond registrar, authenticating agent, paying agent and/or transfer agent as provided in this Bond Ordinance;
- (B) to maintain a list of Bondholders as set forth in this Bond Ordinance and to furnish such list to the Issuer upon request, but otherwise to keep such list confidential to the extent permitted by law;
- (C) to cancel and/or destroy Series 2010 Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;
- (D) to furnish the Issuer at least annually a certificate with respect to Series 2010 Bonds canceled and/or destroyed; and
- (E) to furnish the Issuer at least annually an audit confirmation of Series 2010 Bonds paid, Series 2010 Bonds Outstanding and payments made with respect to interest on the Series 2010 Bonds.

The County Clerk is directed to file a certified copy of this Bond Ordinance with the Bond Registrar.

The Issuer covenants with respect to the Bond Registrar, and the Bond Registrar further covenants and agrees, as follows:

- (A) The Issuer shall at all times retain a Bond Registrar with respect to the Series 2010 Bonds; it will maintain at the designated office(s) of such Bond Registrar a place or places where Series 2010 Bonds may be presented for payment, registration, transfer or exchange; and it will

require that the Bond Registrar properly maintain the Bond Register and perform the other duties and obligations imposed upon it as Bond Registrar and Authenticating Agent by this Bond Ordinance in a manner consistent with the standards, customs and practices of the municipal securities industry.

- (B) The Bond Registrar and Authenticating Agent shall signify its acceptance of the duties and obligations imposed upon it by this Bond Ordinance by executing the certificate of authentication on any Series 2010 Bond, and by such execution the Bond Registrar and Authenticating Agent shall be deemed to have certified to the Issuer that it has all requisite power to accept and has accepted such duties and obligations not only with respect to the Series 2010 Bond so authenticated but with respect to all the Series 2010 Bonds. The Bond Registrar and Authenticating Agent shall be the agent of the Issuer and shall not be liable in connection with the performance of its duties except for its own negligence or willful wrongdoing. The Bond Registrar and Authenticating Agent shall, however, be responsible for any representation in its certificate of authentication on Series 2010 Bonds.
- (C) The Issuer may remove the Bond Registrar and Authenticating Agent at any time. If at any time the Bond Registrar and Authenticating Agent resigns, is removed by the Issuer, becomes incapable of acting, or is adjudicated a bankrupt or insolvent, or if a receiver, liquidator, or conservator of the Bond Registrar and Authenticating Agent or of its property is appointed, or if any public officer takes charge or control of the Bond Registrar and Authenticating Agent or of its property or affairs, the Issuer shall promptly appoint a successor Bond Registrar and Authenticating Agent. The Issuer shall give notice by certified mail of any such appointment made by it to each Bondholder of any Series 2010 Bond within twenty days after such appointment. Any successor Bond Registrar and Authenticating Agent appointed under the provisions of this Section shall be a bank, trust company, or national banking association authorized to conduct a trust business in and maintaining a corporate trust office in Illinois, having capital and surplus and undivided profits in excess of \$50,000,000, and having substantial experience in serving in those capacities in connection with municipal bond issues.

**Section 28. General Covenants.** The Issuer covenants with the Purchaser and the Bondholders that, so long as any Series 2010 Bonds remain Outstanding:

- (A) it will take all actions, if any, which shall be necessary in order further to provide for the levy, extension, collection and application of the Pledged Taxes;
- (B) it will not take any action or fail to take any action which would in any way adversely affect (1) the levy, extension, collection and application of the Pledged Taxes, except to abate those taxes to the extent that money is on hand and irrevocably set aside in the Bond Fund to pay principal of and interest on the Series 2010 Bonds, or (2) the ability of the Issuer to collect the Riverboat Revenues;

- (C) it will comply with all applicable present and future laws concerning (1) the levy, extension and collection of the Pledged Taxes in order to ensure that the Pledged Taxes will be levied, extended and collected as provided in this Bond Ordinance and deposited into the Bond Fund, and (2) the Riverboat Revenues in order to ensure that the Riverboat Revenues will be available and deposited into the Bond Fund; in each case so that the Issuer is able to pay the principal of and interest on the Series 2010 Bonds as they come due;
- (D) it will punctually pay or cause to be paid from the Bond Fund the principal of, interest on and premium, if any, to become due in respect to the Series 2010 Bonds in strict conformity with the terms of the Series 2010 Bonds and this Bond Ordinance, and it will faithfully observe and perform all of the conditions, covenants and requirements of the Series 2010 Bonds and this Bond Ordinance;
- (E) it will pay and discharge, or cause to be paid and discharged, from the Bond Fund any and all lawful claims which, if unpaid, might become a lien or charge upon the Riverboat Revenues or Pledged Taxes, or any part of them, or upon any funds in the hands of the Paying Agent, or which might impair the security of the Series 2010 Bonds. This covenant does not require the Issuer to make any such payment so long as the Issuer in good faith contests the validity of said claims;
- (F) it will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the Issuer, in which complete and correct entries shall be made of all transactions relating to the Project, to the Riverboat Revenues, to the Pledged Taxes, and to the Bond Fund, and which shall be subject at all times during business hours to inspection and copying by Bondholders or beneficial owners of Series 2010 Bonds owning at least ten percent (10%) of the principal amount of the Series 2010 Bonds or their representatives duly authorized in writing;
- (G) it will preserve and protect the security of the Series 2010 Bonds and the rights of the Bondholders, and will warrant and defend their rights against all claims and demands of all persons. From and after the sale and delivery of any of the Series 2010 Bonds by the Issuer, the Series 2010 Bonds will be incontestable by the Issuer;
- (H) it will adopt, make, execute and deliver any and all such further ordinances, resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention of, or to facilitate the performance of, this Bond Ordinance, and for the better assuring and confirming unto the Bondholders of the rights and benefits provided in this Bond Ordinance;
- (I) as long as any Series 2010 Bonds are Outstanding, it will continue to deposit the Riverboat Revenues and, if applicable, the Pledged Taxes to the Bond Fund. So long as any Series 2010 Bonds remain Outstanding, the Issuer will take no action or fail to take any action which in any way would adversely affect the ability of the Issuer to collect the Riverboat Revenues and the Pledged Taxes; and

- (J) once issued, the Series 2010 Bonds will be and will forever remain until paid or defeased the general obligations of the Issuer, for the payment of which its full faith and credit are pledged, and will be payable, in addition to the Riverboat Revenues, from the levy of the Pledged Taxes as provided in the Debt Reform Act.

**Section 29. Not Private Activity Bonds.** None of the Series 2010 Bonds is a "private activity bond" as defined in Section 141 (a) of the Code. In support of such conclusion, the Issuer certifies, represents and covenants as follows:

- (A) Not more than five percent of the proceeds of the Series 2010 Bonds will be used, directly or indirectly, in any trade or business carried on by any person other than a state or local governmental unit other than as a member of the general public.
- (B) The payment of more than five percent of the principal of or the interest on the Series 2010 Bonds, considered separately, will not be, directly or indirectly (i) secured by any interest in (A) property used or to be used in any activity carried on by any person other than a state or local governmental unit or (B) payments in respect of such property or (ii) on a present value basis, derived from payments (whether or not by or to the Issuer) in respect of property, or borrowed money, used or to be used in any activity carried on by any person other than a state or local government unit.
- (C) None of the proceeds of the Series 2010 Bonds will be used, directly or indirectly, to make or finance loans to persons other than a state or local governmental unit.
- (D) The Project will be available for use by the general public. No user of the Project other than the Issuer or other unit of local government will use the Project on any basis other than the same basis as the general public; and no person other than the Issuer or other unit of local government will be a user of the Project as a result of (i) ownership or (ii) actual or beneficial use pursuant to a lease or a management, service or incentive payment contract or output contract, or (iii) any other, similar arrangement, whether written or oral, that confers special legal entitlements or special economic benefits.

**Section 30. General Arbitrage Covenants.** The Issuer represents and certifies as follows with respect to the Series 2010 Bonds designated as Recovery Zone Economic Development Bonds (the "RZED Bonds"):

- (A) The Issuer has not been notified of any disqualification or proposed disqualification of it by the Commissioner of the Internal Revenue Service as a bond issuer which may certify bond issues under Treasury Regulations Section 1.103-13 (a)(2)(ii)(1979).
- (B) Moneys on deposit in any fund or account in connection with the Series 2010 Bonds, whether or not such moneys were derived from the proceeds of the sale of the RZED Bonds or from any other source, will not

be used in a manner which will cause the RZED Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and any lawful regulations promulgated under that Section, as the same presently exist or may from time to time be amended, supplemented or revised.

- (C) Proceeds of the RZED Bonds will not be used, directly or indirectly, to reimburse the Issuer for expenditures made prior to the date of issuance and delivery of the Series 2010 Bonds, except (i) architectural or engineering costs and other "preliminary expenditures" (as defined in the regulations promulgated under Section 150 of the Code) incurred prior to commencement of the Project in an amount not greater than twenty percent (20%) of the aggregate principal amount of the Series 2010 Bonds or (ii) expenditures for which an intent to reimburse was properly declared under Treasury Regulations Section 1.150-2.

**Section 31. Arbitrage Rebate.** The Issuer recognizes that the provisions of Section 148 of the Code require a rebate of "excess arbitrage profits" to the United States of America in certain circumstances. The Issuer covenants to make such rebate payments in accordance with the Code, if required. Investment earnings on the proceeds of sale of the RZED Bonds in the Project Fund and on amounts on deposit in the Principal and Interest Account and the Administrative Expense Account are appropriated to the purpose of paying such rebate to the extent necessary.

**Section 32. Registered Form.** The Issuer recognizes that Section 149 of the Code requires the RZED Bonds to be issued and to remain in fully registered form. The Issuer agrees that it will not take any action to permit the RZED Bonds to be issued in, or converted into, bearer or coupon form.

**Section 33. Additional Tax Covenants.** The Issuer covenants with and for the benefit of the Bondholders of the RZED Bonds that it (i) will take all actions which are necessary to be taken (and avoid any actions which it is necessary to avoid being taken) so that interest on the RZED Bonds would not be or become included in gross income for federal income tax purposes under existing law including, without limitation, the Code, if the RZED Bonds were Tax Exempt Bonds; (ii) will take all actions reasonably within its power to take which are necessary to be taken (and avoid taking any actions which are reasonably within its power to avoid taking and which it is necessary to avoid) so that interest on the RZED Bonds would not be or become included in gross income for federal income tax purposes under the federal income tax laws as in effect from time to time, if the RZED Bonds were Tax Exempt Bonds; and (iii) will take no action in the investment of the proceeds of the RZED Bonds, the Bond Fund, or any other fund of the Issuer which would result in making interest on the RZED Bonds subject to federal income taxes by reason of causing the RZED Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code. In furtherance of the foregoing provisions, but without limiting their generality, the Issuer agrees:

- (A) through its officers, to make such further specific covenants, certifications and representations as shall be truthful, and assurances as may be necessary or advisable;
- (B) to comply with all representations, covenants and assurances contained in certificates or agreements as may be prepared by counsel approving the Series 2010 Bonds;
- (C) to consult with such counsel and to comply with such advice as may be given;

- (D) to file in a timely manner such forms, statements and supporting documents as may be required; and
- (E) if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Issuer in such compliance.

**Section 34. Applicability of Tax Covenants to Recovery Zone Economic Development Bonds.** The tax covenants in Section 29 through 33 inclusive apply to the Series 2010 Bonds which are Recovery Zone Economic Development Bonds pursuant to Section 54AA(d)(1)(A) of the Code.

**Section 35. Municipal Bond Insurance.** If the payment of principal of and interest on the Series 2010 Bonds is insured pursuant to a municipal bond insurance policy (the "**Municipal Bond Insurance Policy**") issued by a bond insurer (the "**Bond Insurer**"), and as long as such Municipal Bond Insurance Policy shall be in full force and effect, the Issuer and the Bond Registrar shall comply with such usual and reasonable provisions regarding presentment and payment of the Series 2010 Bonds, subrogation of the rights of the Bondholders to the Bond Insurer when holding Series 2010 Bonds, amendment of this Bond Ordinance, or other terms, as are included in the Determination Certificate pursuant to Section 16(d), their inclusion in the Determination Certificate to constitute full and complete acceptance by the Issuer of such terms and provisions under authority of this section.

**Section 36. Continuing Disclosure.**

(a) So long as any Series 2010 Bonds are Outstanding, and to the extent required by the Rule or necessary to permit a secondary trading market for the Series 2010 Bonds to exist, the Issuer will provide continuing disclosure of information concerning its financial condition and the Pledged Taxes and Riverboat Revenues to Bondholders, either directly or through a designated repository or by similar means.

(b) The County Board Chairman or the County Clerk is authorized, empowered and directed to execute and deliver the Continuing Disclosure Undertaking (the "**Continuing Disclosure Undertaking**") in substantially the same form as now before the County Board, or with such changes as the officer executing the Continuing Disclosure Undertaking on behalf of the Issuer shall approve, his or her execution to constitute conclusive evidence of his or her approval of such changes.

(c) When the Continuing Disclosure Undertaking is executed and delivered on behalf of the Issuer, the Continuing Disclosure Undertaking will be binding on the Issuer and the officers, employees and agents of the Issuer. The officers, employees and agents of the Issuer are authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Rule and the Continuing Disclosure Undertaking as executed.

(d) Notwithstanding any other provision of this Bond Ordinance, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Series 2010 Bond to seek mandamus or specific performance by court order, to cause the Issuer to comply with its obligations under the Continuing Disclosure Undertaking.

**Section 37. Additional Authority.** The County Board Chairman, the County Treasurer, the County Clerk and the other officers and employees of the Issuer are authorized to execute and deliver on behalf of the Issuer such other documents, agreements and certificates and to do such other things consistent with the terms of this Bond Ordinance as such officers and employees shall deem necessary or appropriate in order to effectuate the intents and purposes of this Bond Ordinance, including without limitation to make any representations and certifications they deem proper pertaining

to (a) the Official Statement and (b) the use of the proceeds of the Series 2010 Bonds and moneys in the Project Fund and the Bond Fund in order to establish that the Series 2010 Bonds shall not constitute arbitrage bonds as defined in Section 30 above.

**Section 38. Repeal of Conflicting Ordinances, Etc.** All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Bond Ordinance are repealed to the extent of such conflict.

**Section 39. Severability.** If any section, paragraph, clause or provision of this Bond Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision will not affect any of the other provisions of this Bond Ordinance.

**Section 40. Effective Date.** As provided in Section 15 of the Debt Reform Act, this Bond Ordinance will be in full force and effect immediately upon its adoption. This Bond Ordinance shall be published in pamphlet form as soon as possible after its adoption.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstention \_\_\_\_\_

**EXHIBIT A**

[FORM OF SERIES 2010 BOND]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to Issuer or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF ILLINOIS

THE COUNTY OF KANE

THE COUNTY OF KANE  
TAXABLE GENERAL OBLIGATION ALTERNATE BONDS  
(RIVERBOAT REVENUE ALTERNATE REVENUE SOURCE),  
SERIES 2010

Bond NO. R\_ \_

PRINCIPAL AMOUNT: \$ \_\_\_\_\_

INTEREST RATE: \_\_\_\_\_%

DATE OF BOND: \_\_\_\_\_

DATE OF MATURITY: December 15, 20\_\_

REGISTERED OWNER: Cede & Co.

CUSIP NO. \_\_\_\_\_

The County of Kane, Illinois (the "Issuer"), for value received, promises to pay to the Registered Owner specified above or that person's registered assigns, upon presentation and surrender of this bond at the principal corporate trust office of U.S. Bank National Association Chicago Illinois, or its successors as paying agent (the "Paying Agent"), the Principal Amount of this bond specified above on the Date of Maturity specified above and to pay to the Registered Owner of this bond interest on that sum at the Interest Rate per year specified above from the Date of Bond specified above to the date of payment of this bond, payable semi-annually on June 15th and December 15th of each year, with the first interest payment date being December 15, 2011. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. Interest on this bond shall be payable on each interest payment date by check or draft of the Paying Agent mailed to the person in whose name this bond is registered at the close of business on the 15th day of the month preceding that interest payment date. The principal of and interest on this bond are payable in lawful money of the United States of America. No interest shall accrue on this bond after its Date of Maturity unless this bond shall have been presented for payment at maturity and shall not then have been paid.

This bond is one of an authorized issue of bonds in the aggregate principal amount of \$ \_\_\_\_\_ which are designated, "Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010" (the "Series 2010 Bonds"). The



proceeds of the Series 2010 Bonds are to be used for the purpose of defraying the costs of (1) projects consisting of acquiring, constructing, improving and equipping various water and/or sewer public works projects to be undertaken jointly by the Issuer and other units of local government and (2) other capital projects of the Issuer and, incidental to those project costs, to pay bond discount, interest, bond reserve requirements, and legal, other financing and related administrative fees and costs as described in the ordinances of the Issuer adopted on October 12, 2010 and December 14, 2010, authorizing the issuance of the Series 2010 Bonds (the “**Ordinances**”). This bond was issued under the authority of the Illinois Constitution, the Local Government Debt Reform Act, and the Illinois Counties Code, and pursuant to the Ordinances and a related determination of authorized officers of the Issuer. The Series 2010 Bonds have been issued by the Issuer upon full payment for them as provided in the Ordinances. The full faith and credit of the Issuer and the tax levy and revenues referred to below are irrevocably pledged to the punctual payment of the principal of and the interest on this bond. This bond is a general obligation of the Issuer.

For the purpose of punctually paying the principal of and interest on the Series 2010 Bonds, the Issuer has in the Ordinances (i) levied *ad valorem* taxes against all of the taxable property in the Issuer without limitation as to rate or amount (the “**Pledged Taxes**”), and (ii) pledged the Riverboat Revenues (as defined in the Ordinances) irrevocably to the payment of the Series 2010 Bonds, all as authorized by the Local Government Debt Reform Act. As provided in, and subject to the conditions and limitations specified in, the Ordinances, the Riverboat Revenues may be pledged to pay additional series of alternate bonds of the Issuer. Under the Local Government Debt Reform Act and the Ordinances, the Riverboat Revenues and Pledged Taxes will be deposited as received in the Bond Fund created by the Ordinances and in similar bond funds created by the ordinances authorizing parity bonds (if any). Moneys on deposit in the Bond Fund are pledged to and shall be used first for the payment of principal of, premium, if any, and interest on the Series 2010 Bonds and then to make deposits into certain funds and accounts established under the Ordinances. The Ordinances provide that the Pledged Taxes may be abated to the extent that the Issuer has money on hand (from the Riverboat Revenues or other legally available funds) and has irrevocably set aside in the Bond Fund money to pay principal of and interest on the Series 2010 Bonds.

This bond does not constitute an indebtedness of the Issuer within the meaning of any constitutional or statutory provision or limitation, unless the Pledged Taxes shall have been extended pursuant to the general obligation full faith and credit promise supporting the Series 2010 Bonds. In that event, the amount of the Series 2010 Bonds then outstanding shall be included in the computation of indebtedness of the Issuer for purposes of all statutory provisions or limitations until such time as an audit of the Issuer shall show that the Series 2010 Bonds have been paid from the Riverboat Revenues for a complete fiscal year.

The issuance of the Series 2010 Bonds does not cause the indebtedness of the Issuer to exceed any limitation under the laws of the State of Illinois.

Series 2010 Bonds maturing on and after December 15, 2020 are subject to optional redemption from any available funds, in whole or in part on any date on or after December 15, 2019, at a price equal to their principal plus in each case accrued interest to the date of redemption, without redemption premium. If less than all of the outstanding Series 2010

Bonds are to be redeemed, they may be redeemed in any order of maturity as determined by the Issuer.

[Series 2010 Bonds maturing on December 15, 20\_\_, are subject to mandatory sinking fund redemption on December 15<sup>th</sup> of each of the years 20\_\_ through 20\_\_, inclusive, and at maturity in the respective amounts provided in the Ordinance.]

[Series 2010 Bonds maturing on December 15, 20\_\_, are subject to mandatory sinking fund redemption on December 15<sup>th</sup> of each of the years 20\_\_ through 20\_\_, inclusive, and at maturity in the respective amounts provided in the Ordinance.]

Unless waived by the registered owner of this bond, notice of the redemption of Series 2010 Bonds which by their terms shall have become subject to redemption shall be given to the registered owner of each Series 2010 Bond or portion of a Series 2010 Bond called for redemption not less than 30 or more than 60 days before any date established for redemption of Series 2010 Bonds, by the Bond Registrar (defined below) on behalf of the Issuer, by registered or certified mail sent to the registered owner's last address, if any, appearing on the registration books kept by the Bond Registrar. Official notices of redemption will contain the information specified in the Ordinances. Prior to any redemption date, the Issuer is required to deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all of the Series 2010 Bonds or portions of Series 2010 Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Series 2010 Bonds or portions of Series 2010 Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Issuer shall default in the payment of the redemption price), such Series 2010 Bonds or portions of Series 2010 Bonds shall cease to bear interest. Neither the failure to mail such redemption notice, nor any defect in any notice so mailed, to any particular registered owner, shall affect the sufficiency of such notice with respect to other Series 2010 Bonds. Notice having been properly given, failure of a registered owner to receive such notice shall not be deemed to invalidate, limit or delay the effect of the notice or redemption action described in the notice.

This bond is negotiable, subject to the following provisions for registration and registration of transfer. The Issuer maintains books for the registration and registration of transfer of Series 2010 Bonds at the principal corporate trust office of U.S. Bank National Association, Chicago Illinois, the Bond Registrar and Authenticating Agent appointed in the Ordinance (the "**Bond Registrar**" and "**Authenticating Agent**"). This bond is registered on those books and transfer of this bond may be registered on those books only upon surrender of this bond to the Bond Registrar by the registered owner or his or her attorney duly authorized in writing together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney. Upon surrender of this bond for registration of transfer, a new bond or bonds in the same aggregate principal amount will be issued to the transferee as provided in the Ordinance.

This bond may be exchanged, at the option of the registered owner, for an equal aggregate principal amount of bonds of any other authorized denominations upon surrender of this bond at the principal office of the Bond Registrar together with a written instrument of

transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney.

For every exchange or registration of transfer of this bond, the Issuer or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge, other than one imposed by the Issuer, required to be paid with respect to that exchange or transfer, and payment of that charge by the person requesting exchange or registration of transfer shall be a condition precedent to that exchange or registration of transfer. No other charge may be made by the Issuer or the Bond Registrar as a condition precedent to exchange or registration of transfer of this bond.

The Bond Registrar will not be required to exchange or register the transfer of this bond (a) during the period from the close of business on the 15th day preceding an interest payment date on this bond to the opening of business on such interest payment date, or (b) after notice of redemption of this bond or any portion of this bond has been mailed, or (c) during the 15 days next preceding mailing of a notice of redemption of Series 2010 Bonds.

The Issuer, the Paying Agent and the Bond Registrar may treat the registered owner of this bond as its absolute owner, whether or not this bond is overdue, for the purpose of receiving payment of the principal of or interest on this bond and for all other purposes, and neither the Issuer, the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of the principal of and interest on this bond shall be made only to its registered owner, and all such payments shall be valid and effective to satisfy the obligation of the Issuer on this bond to the extent of the amount paid.

All conditions which by law must have existed or must have been fulfilled in the issuance of this bond existed and were fulfilled in compliance with law. Provision has been made for the levy and collection of a direct annual tax, in addition to all other taxes, sufficient to pay and discharge the principal of this bond at maturity and to pay interest on this bond as it falls due. The issuance of the Series 2010 Bonds by the Issuer will not cause the Issuer to exceed or violate any applicable limitation or condition respecting the issuance of bonds imposed by the laws of Illinois or by any ordinance or resolution of the Issuer. The Series 2010 Bonds are issued for purposes for which the Issuer is authorized by law to issue bonds.

This bond shall not be valid for any purpose unless and until the certificate of authentication on this bond shall have been duly executed by the Authenticating Agent.

**IN WITNESS WHEREOF**, The County of Kane, Illinois, by its County Board, has caused this bond to be executed by the manual signature of its County Board Chairman and the manual signature of its County Clerk and has caused its corporate seal to be affixed to or impressed on this bond (or a facsimile of its seal to be printed on this bond), all as of the Date of Series 2010 Bond specified above.

**THE COUNTY OF KANE, ILLINOIS**

By: \_\_\_\_\_  
County Board President

[SEAL]

ATTEST:

\_\_\_\_\_  
County

Clerk

[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on this Series 2010 Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

UNIF GIFT MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust)

(Minor)

under Uniform Gifts to Minors Act \_\_\_\_\_  
(State)

TEN COM - as tenants in common  
TEN ENT - as tenants by the entireties  
JT TEN - as joint tenants with right of survivorship and not  
as tenants in common

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

the within Series 2010 Bond and does irrevocably constitute and appoint \_\_\_\_\_  
attorney to transfer the said Series 2010 Bond on the books kept for registration thereof with full  
power of substitution in the premises.

Dated:

Signature guaranteed:

NOTICE: The Signature to this assignment must correspond with the name of the  
registered owner as it appears upon the face of the within Series 2010 Bond in  
every particular, without alteration or enlargement or any change whatever.

NOTICE: The signature(s) should be guaranteed by an eligible guarantor institution  
(banks, stockbrokers, savings and loan associations and credit unions with  
membership in approved Signature Guarantee Medallion Program).

[FORM OF CERTIFICATE OF AUTHENTICATION]

This bond is one of the bonds described in the Ordinance authorizing the issuance of General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010, of The County of Kane, Illinois.

\_\_\_\_\_, as Authenticating Agent

By: \_\_\_\_\_  
Authorized Officer

CH2\9303964.1

[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on this Series 2010 Bond, shall be construed as though they were written out in full according to applicable laws or regulations:

UNIF GIFT MIN ACT - \_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust)

(Minor)

under Uniform Gifts to Minors Act \_\_\_\_\_  
(State)

TEN COM -	as tenants in common
TEN ENT -	as tenants by the entireties
JT TEN -	as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

---

(Name and Address of Assignee)

the within Series 2010 Bond and does irrevocably constitute and appoint \_\_\_\_\_  
attorney to transfer the said Series 2010 Bond on the books kept for registration thereof with full  
power of substitution in the premises.

Dated:

Signature guaranteed:

NOTICE: The Signature to this assignment must correspond with the name of the  
registered owner as it appears upon the face of the within Series 2010 Bond in  
every particular, without alteration or enlargement or any change whatever.

NOTICE: The signature(s) should be guaranteed by an eligible guarantor institution  
(banks, stockbrokers, savings and loan associations and credit unions with  
membership in approved Signature Guarantee Medallion Program).

[FORM OF CERTIFICATE OF AUTHENTICATION]

This bond is one of the bonds described in the Ordinance authorizing the issuance of General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010, of The County of Kane, Illinois.

\_\_\_\_\_, as Authenticating Agent

By: \_\_\_\_\_  
Authorized Officer

CH29303964.1



## EXHIBIT B

### New Issue

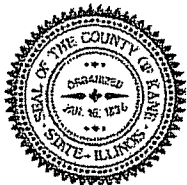
Date of Sale: Monday, December 13, 2010  
Between 10:45 and 11:00 A.M., C.S.T.  
(Open Speer Auction)

Investment Rating:  
Standard & Poor's ...  
(Rating Requested)

DRAFT 11/29/10

### Official Statement

In the opinion of Bond Counsel, interest on the Bonds is includible in the gross income of their owners for federal income tax purposes. Bondholders should consult their tax advisors with respect to the inclusion of interest on the Bonds in gross income for federal income tax purposes. Interest on the Bonds is not exempt from present State of Illinois income taxes. See "TAX MATTERS" herein for a more complete discussion.



**\$9,285,000\***  
**THE COUNTY OF KANE, ILLINOIS**  
**Taxable General Obligation Alternate Bonds**  
**(Riverboat Revenue Alternate Revenue Source), Series 2010**  
**(Recovery Zone Economic Development Bonds - Direct Payment)**

### Dated Date of Delivery

### Book-Entry

### Due Serially December 15, 2011-2030

The \$9,285,000\* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 (the "Bonds") are being issued by The County of Kane, Illinois (the "County"). Interest is payable semiannually on June 15 and December 15 of each year, commencing December 15, 2011. The Bonds will be issued using a book-entry system. The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds. The ownership of one fully registered Bond for each maturity will be registered in the name of Cede & Co., as nominee for DTC and no physical delivery of Bonds will be made to purchasers. Interest is calculated based on a 360-day year of twelve 30-day months. The Bonds will mature on December 15 in the following years and amounts.

### AMOUNTS\*, MATURITIES, INTEREST RATES, PRICES OR YIELDS AND CUSIP NUMBERS

Principal Amount*	Due Dec. 15	Interest Rate	Reoffering Price	Maximum Permitted Price	CUSIP Number	Principal Amount*	Due Dec. 15	Interest Rate	Reoffering Price	Maximum Permitted Price	CUSIP Number
\$670,000	2011 (1)	100.00%	100.00%	100.00%		\$150,000	2021	101.75%	101.75%		
675,000	2012	100.25%	100.25%	100.25%		155,000	2022	101.75%	101.75%		
690,000	2013	100.50%	100.50%	100.50%		165,000	2023	101.75%	101.75%		
705,000	2014	100.75%	100.75%	100.75%		170,000	2024	101.75%	101.75%		
725,000	2015	101.00%	101.00%	101.00%		180,000	2025	101.75%	101.75%		
745,000	2016	101.25%	101.25%	101.25%		185,000	2026	101.75%	101.75%		
770,000	2017	101.50%	101.50%	101.50%		195,000	2027	101.75%	101.75%		
795,000	2018	101.75%	101.75%	101.75%		200,000	2028	101.75%	101.75%		
825,000	2019	101.75%	101.75%	101.75%		210,000	2029	101.75%	101.75%		
855,000	2020	101.75%	101.75%	101.75%		220,000	2030	101.75%	101.75%		

Note: (1) A portion of this maturity may be issued as taxable bonds but not Recovery Zone Economic Development Bonds.

Consecutive maturities may be aggregated into no more than five term bonds at the option of the bidder, in which case the mandatory redemption provisions shall be on the same schedule as above.

### OPTIONAL REDEMPTION

Bonds due December 15, 2011-2020, inclusive, are non-callable. Bonds due December 15, 2021-2030, inclusive, are callable in whole or in part on any date on or after December 15, 2020, at a price of par and accrued interest. If less than all the Bonds are called, they shall be redeemed in such principal amounts and from such maturities as determined by the County and within any maturity by lot. See "OPTIONAL REDEMPTION" herein.

### PURPOSE, LEGALITY AND SECURITY

Bond proceeds will be used to (i) finance various capital improvements in the County and (ii) pay the costs of issuance of the Bonds. See "THE PROJECT" herein.

In the opinion of Bond Counsel, Schiff Hardin LLP, Chicago, Illinois, the Bonds are valid and legally binding obligations of the County payable as to principal and interest from: (a) revenues derived from an agreement between the County and the Elgin Riverboat Resort (the "Pledged Revenues"), and (b) ad valorem taxes levied against all taxable property within the County without limitation as to rate or amount, except that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, moratorium, reorganization and other similar laws affecting creditors' rights and by equitable principles, whether considered at law or in equity, including the exercise of judicial discretion. See "DESCRIPTION OF THE BONDS" herein.

This Official Statement is dated November 30, 2010, and has been prepared under the authority of the County. An electronic copy of this Official Statement is available from the [www.speerfinancial.com](http://www.speerfinancial.com) web site under "Debt Auction Center/Competitive Official Statement Sales Calendar". Additional copies may be obtained from Ms. Cheryl Pattelli, Director of Finance, The County of Kane, 719 South Batavia - Building A, Geneva, Illinois 60134, or from the Independent Public Finance Consultants to the County:

Established 1954

**Speer Financial, Inc.**  
**INDEPENDENT PUBLIC FINANCE CONSULTANTS**  
ONE NORTH LASALLE STREET, SUITE 4100 • CHICAGO, ILLINOIS 60602  
Telephone: (312) 346-3700; Facsimile: (312) 346-8833  
[www.speerfinancial.com](http://www.speerfinancial.com)



\*Subject to change.

For purposes of compliance with Rule 15c2-12 of the Securities and Exchange Commission, this document, as the same may be supplemented or corrected by the County from time to time (collectively, the "Official Statement"), may be treated as an Official Statement with respect to the Bonds described herein that is deemed near final as of the date hereof (or the date of any such supplement or correction) by the County.

The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Bonds, together with any other information required by law or deemed appropriate by the County, shall constitute a "Final Official Statement" of the County with respect to the Bonds, as that term is defined in Rule 15c2-12. Any such addendum shall, on and after the date thereof, be fully incorporated herein and made a part hereof by reference.

No dealer, broker, salesman or other person has been authorized by the County to give any information or to make any representations with respect to the Bonds other than as contained in the Official Statement or the Final Official Statement and, if given or made, such other information or representations must not be relied upon as having been authorized by the County. Certain information contained in the Official Statement and the Final Official Statement may have been obtained from sources other than records of the County and, while believed to be reliable, is not guaranteed as to completeness. THE INFORMATION AND EXPRESSIONS OF OPINION IN THE OFFICIAL STATEMENT AND THE FINAL OFFICIAL STATEMENT ARE SUBJECT TO CHANGE, AND NEITHER THE DELIVERY OF THE OFFICIAL STATEMENT OR THE FINAL OFFICIAL STATEMENT NOR ANY SALE MADE UNDER EITHER SUCH DOCUMENT SHALL CREATE ANY IMPLICATION THAT THERE HAS BEEN NO CHANGE IN THE AFFAIRS OF THE COUNTY SINCE THE RESPECTIVE DATES THEREOF.

References herein to laws, rules, regulations, ordinances, resolutions, agreements, reports and other documents do not purport to be comprehensive or definitive. All references to such documents are qualified in their entirety by reference to the particular document, the full text of which may contain qualifications of and exceptions to statements made herein. Where full texts have not been included as appendices to the Official Statement or the Final Official Statement they will be furnished on request. This Official Statement does not constitute an offer to sell, or solicitation of an offer to buy, any securities to any person in any jurisdiction where such offer or solicitation of such offer would be unlawful.

The tax advice contained in this Official Statement is not intended or written by the County, its Bond Counsel, or any other tax practitioner to be used, and it cannot be used, by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer. The tax advice contained in this Official Statement was written to support the promotion or marketing of the Bonds. Each taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

## **BOND ISSUE SUMMARY**

This Bond Issue Summary is expressly qualified by the entire Official Statement, including the Official Notice of Sale and the Official Bid Form, which are provided for the convenience of potential investors and which should be reviewed in their entirety by potential investors.

<b>Issuer:</b>	The County of Kane, Illinois.
<b>Issue:</b>	\$9,285,000* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010.
<b>Dated Date:</b>	Date of delivery (expected to be on or about December 29, 2010).
<b>Interest Due:</b>	Each June 15 and December 15, commencing December 15, 2011.
<b>Principal Due:</b>	Serially each December 15, commencing December 15, 2011 through 2030, as detailed on the front page of this Official Statement.
<b>Optional Redemption:</b>	Bonds maturing on or after December 15, 2021, are callable at the option of the County on any date on or after December 15, 2020, at a price of par plus accrued interest. See <b>"OPTIONAL REDEMPTION"</b> herein.
<b>Authorization:</b>	The Bonds are authorized by the Counties Code of the State of Illinois, as supplemented and amended, and in particular as supplemented by the Local Government Debt Reform Act of the State of Illinois, as amended (the "Debt Reform Act").
<b>Security:</b>	The Bonds are valid and legally binding obligations of the County payable as to principal and interest from: (a) revenues derived from an agreement between the County and the Elgin Riverboat Resort (the "Pledged Revenues"), and (b) ad valorem taxes levied against all taxable property within the County without limitation as to rate or amount, except that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, moratorium, reorganization and other similar laws affecting creditors' rights and by equitable principles, whether considered at law or in equity, including the exercise of judicial discretion. See <b>"DESCRIPTION OF THE BONDS"</b> herein.
<b>Credit Rating:</b>	The County has requested a credit rating for the Bonds from Standard & Poor's, New York, New York.
<b>Purpose:</b>	Bond proceeds will be used to (i) finance various capital improvements in the County and (ii) pay the costs of issuance of the Bonds. See <b>"THE PROJECT"</b> herein.
<b>Tax Matters:</b>	Interest on the Bonds is includible in gross income of the owners thereof for federal income tax purposes. Interest on the Bonds is <b>not</b> exempt from present State of Illinois income taxes. See <b>"TAX MATTERS"</b> herein for a more complete discussion.
<b>Bond Registrar/Paying Agent:</b>	U.S. Bank National Association, Chicago, Illinois.
<b>Delivery:</b>	The Bonds are expected to be delivered on or about December 29, 2010.
<b>Book-Entry Form:</b>	The Bonds will be registered in the name of Cede & Co. as nominee for The Depository Trust Company ("DTC"), New York, New York. DTC will act as securities depository of the Bonds. See <b>APPENDIX B</b> herein.
<b>Denomination:</b>	\$5,000 or integral multiples thereof.
<b>Financial Advisor:</b>	Speer Financial, Inc., Chicago, Illinois.

*\*Subject to change.*

## THE COUNTY OF KANE, ILLINOIS

### County Board Members

Karen McConnaughay  
*Chairman*

Deborah Allan  
Margaret Auger  
Cristina Castro  
Donnell Collins  
Mark Davoust  
Michael J. Donahue  
Ron Ford  
Drew Frasz  
Timothy J. Haley

John J. Hoscheit  
Catherine S. Hurlbut  
Michael Kenyon  
Bonnie Lee Kunkel  
Philip Lewis  
Hollie Lindgren  
Jeanette Mihalec  
James C. Mitchell, Jr.

Myrna Molina  
Juan Reyna  
Monica Silva  
Thomas Smith  
Melisa Taylor  
Jackie Tredup  
Thomas Van Cleave  
Jesse Vazquez  
Barbara Wojnicki

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### Officials

Cheryl Pattelli, C.P.A.  
*Director of Finance*

David J. Rickert, C.P.A.  
*Treasurer*

Kenneth Shepro, Esq.  
*Board Attorney for the County*

William F. Keck, C.P.A.  
*Auditor*

Deborah Seyller  
*Circuit Court Clerk*

Chuck West  
*Coroner*

John Andrew Cunningham  
*County Clerk*

Sandy Wegman  
*Recorder*

Douglas E. Johnson  
*Regional Superintendent  
of Education*

Patrick B. Perez  
*Sheriff*

Joseph H. McMahon, Esq.  
*State's Attorney*

### DESCRIPTION OF THE BONDS

#### Security: Alternate Revenue Source and Tax Levy

The Bonds are payable both as to principal and interest from: (a) revenues derived from an agreement (the "Agreement") between the County and the Elgin Riverboat Resort (the "Pledged Revenues"), and (b) ad valorem taxes levied against all of the taxable property within the County without limitation as to rate or amount (the "Pledged Taxes"). The Agreement provides for an annual contribution to the County of 7.5% of the net operating income from the Grand Victoria Riverboat. Pursuant to the Local Government Debt Reform Act of the State of Illinois, as amended (the "Debt Reform Act"), the County will pledge such monies to the payment of Bonds and shall covenant to provide for and apply the Pledged Revenues to the payment of Bonds and the provision of not less than an additional 0.25 times debt service, which pledge and covenant shall constitute a continuing obligation of the County and continuing appropriation of the amounts received. For the prompt payment of the Bonds, the full faith, credit and resources of the County are irrevocably pledged.

In the Bond Ordinance authorizing the issuance of each series of Bonds (the "Bond Ordinance"), the County covenants and agrees with the purchasers and the owners of the Bonds that so long as any of the Bonds remain outstanding, the County will take no action or fail to take any action which in any way would adversely affect the ability of the County to collect the Pledged Revenues or, except for abatement of tax levies as permitted in the Bond Ordinance, to levy and collect the Pledged Taxes. The County and its officers will comply with all present and future applicable laws in order to assure that the Pledged Revenues will be available and that the Pledged Taxes will be levied, extended and collected as provided in the Bond Ordinance and deposited in the Bond Fund.

In its 2009 fiscal year, the County received \$7,982,047 of revenues under the Agreement. Maximum annual debt service on the Bond is estimated to be approximately \$975,000 (assuming an average interest rate on the Bonds, net of the U.S. Treasury rebate, of approximately 3.95%), for an estimated Pledged Revenues coverage of approximately 8.1 times debt service. This coverage amount does not include any U.S. Treasury payments which the County has not pledged but is expected to apply toward the payment of debt service on the Bonds.

As provided in the Debt Reform Act, the County's determination of the sufficiency of the Pledged Revenues will be based on a report of Speer Financial, Inc., Chicago, Illinois, the financial advisor to the County.

### **Highlights of Alternate Bonds**

Section 15 of the Debt Reform Act provides that whenever revenue bonds have been duly authorized, a local government unit may issue its general obligation bonds in lieu of such revenue bonds as authorized, and such general obligation bonds may be referred to as "alternate bonds." The Debt Reform Act also provides that whenever there exists an alternate revenue source, a local government unit may issue alternate bonds. Such bonds are general obligation debt payable from the pledged alternate revenues with the general obligation of the issuer acting as back-up security. The Debt Reform Act prescribes several conditions that must be met before alternate bonds may be issued.

First, alternate bonds must be issued for a lawful corporate purpose. If issued in lieu of revenue bonds, the alternate bonds must be authorized under applicable law. Alternate bonds may be issued payable from either enterprise revenues or other revenue sources, or both.

Second, the question of issuance must be submitted to referendum if, within thirty (30) days after publication of an authorizing ordinance and notice of intent to issue alternate bonds, a petition signed by the greater of (i) 7.5% of the registered voters in the government unit; or (ii) 200 of those registered voters or 15%, whichever is less, is filed. No legally sufficient petition has been filed in connection with the Bonds, and accordingly the County is now authorized to issue the Bonds.

Third, the issuer must determine that the pledged revenue source or sources are sufficient in each year to final maturity to provide not less than 1.25 times debt service of the proposed alternate bonds and all other outstanding alternate bonds of the issuer payable from the same revenue source. To the extent payable from one or more revenue sources, such sources shall have been determined by the governing body to provide in each year an amount not less than 1.25 times debt service on all alternate bonds payable from such revenue sources previously issued and outstanding and the alternate bonds proposed to be issued. The issuer must in fact pledge and covenant to provide for, collect and apply the pledged alternate enterprise revenues or revenue source(s) to the payment of the Bonds.

### **Abatement of Pledged Taxes**

Whenever funds are available to pay any principal of or interest on the Bonds when due, the County will direct the deposit of such funds into the Bond Funds created solely for such purpose. **Under the Bond Ordinance, the County will only abate the levy for any year for any series of the Bonds only upon full funding of the Bond Fund for such series in the appropriate levy amount for such year.**

## **Bond Funds**

The County will deposit the appropriate Pledged Revenues and the Pledged Taxes into separate Bond Funds for each series of the Bonds, which are trust funds established for the purpose of carrying out the covenants, terms and conditions imposed upon the County by the Bond Ordinance. Each series of the Bonds are secured by a pledge of all of the monies on deposit in the respective Bond Fund, and such pledge is irrevocable until such series of the Bonds have been paid in full or until the obligations of the County are discharged for such series under the Bond Ordinance.

## **Certain Risk Factors**

The ability of the County to pay the Bonds from the Pledged Revenues may be limited by circumstances beyond the control of the County. There is no guarantee that the Pledged Revenues will continue to be available at current levels or that the statutes that provide for the County to receive the Pledged Revenues will not be amended or repealed in a manner that reduces or eliminates the Pledged Revenues

To the extent that Pledged Revenues may be insufficient to pay the Bonds, the Bonds are to be paid from the Pledged Taxes. If the Pledged Taxes are ever extended for the payment of any series of the Bonds, the amount of such series then outstanding will be included in the computation of indebtedness of the County for purposes of all statutory provisions or limitations until such time as an audit of the County shows that such series have been paid from the Pledged Revenues for a complete fiscal year.

## **THE COUNTY**

The County operates under the township form of government. The County is comprised of 16 townships covering a total of 522 square miles. The County Board is the designated governing body. Its structure and legal activities are controlled by state statute. A primary function of the County Board is to establish the various budgets for County funds and to levy taxes for County purposes. In addition, the County Board adopts ordinances and rules pertaining to the management and operations of County departments. One County Board member is elected from each of 26 single-member districts for a four-year term. The Chairman of the County Board is elected at large by the voters of the County. This brings the total members of the County Board to 27 individuals.

The County provides a broad range of services including but not limited to law enforcement operations, administration of the County courts system, maintaining vital public records, construction and maintenance of County roads and bridges and the maintenance of facilities used to conduct County business. The County also provides public health services, conducts the election process (except where there is a local board of election commissioners), and provides property tax assessment, title transfers and tax collection and disbursement for all county taxing bodies. Judiciary system operations, maintaining and operating the statutory real estate functions including assessment, land title recording, and tax bill issuance and collection and conducting elections are three major roles that are the responsibility of the County.

The County has approximately 1,260 full-time and 80 part-time employees. Of those employees, approximately 48% are represented by unions. The County believes that its employee relations are good.

There are numerous governmental units located within the boundaries of the County, each of which (i) is separately incorporated and derives its power and authority under the laws of the State, (ii) has an independent tax levy or revenue source, (iii) maintains its own financial records and accounts and (iv) is authorized to issue debt obligations. Although the taxing units share tax bases to some extent, they are separate entities with separate financial circumstances. See **"DEBT INFORMATION - Detailed Overlapping and Underlying Bonded Debt"**.

While the Kane County Forest Preserve District (the "Forest Preserve District") is a separate governing entity from the County, it is coterminous with the County and is governed by a board that is comprised of members of the County Board. Kane County Board members act as Commissioners of the District's Board of Commissioners. The Forest Preserve District establishes, maintains and operates forest preserves in the County.

## Education

Unit School District Number 46 serves the City of Elgin, the Village of South Elgin and the Village of Wayne; Unit School District Number 101 serves the City of Batavia; Unit School District Numbers 129, 131, 204 and 301 serve the City of Aurora, the Village of Montgomery and the Village of North Aurora; Unit School District Number 301 serves the Villages of Burlington and Maple Park, as well as the City of Elgin; Unit School District Number 302 serves the Village of Sugar Grove; Unit School District Number 303 serves the City of St. Charles; and Unit School District Number 304 serves the City of Geneva. Their combined enrollment is approximately 82,600, providing education to grades K-12.

Elgin Community College District Number 509 and Waubensee Community College District Number 516 provide continuing education, college transfer courses and associate degrees to area residents. Their combined enrollment is approximately 28,000. In addition, private four-year colleges and universities in the County include Aurora University in Aurora and Judson College in Elgin. There are many other higher education institutions located throughout the Chicago metropolitan area.

## Transportation

The County is served by several transportation facilities. Interstate 90 (the Northwest Tollway) serves Elgin and the northern part of the County. Interstate 88 (the East-West Tollway) serves the City of Aurora and the southern part of the County. Other main highways include U.S. Routes 20 and 30 and Illinois Routes 25, 31, 38, 47, 56, 64 and 72. The Union Pacific West line, Chicago and Northwestern and the Milwaukee Road West line Railroads provide commuter train service to Chicago, and Burlington Northern Railroad provides rail freight service.

## SOCIOECONOMIC INFORMATION

The following statistics pertain to Kane County with additional comparisons to the State of Illinois (the "State").

Following is a list of major employers located in the County.

### Major County Employers(1)

Location	Name	Product/Service	Approximate Employment
Elgin.....	School District U-46.....	Public School District.....	4,170
Aurora.....	Caterpillar Inc.....	Construction Machinery.....	2,500
Elgin.....	Elgin Mental Health Center.....	State Hospital.....	2,000
Elgin.....	Sherman Hospital.....	General Hospital.....	2,000
Batavia.....	Fermi Research Alliance.....	High Energy Physics Research Laboratory.....	1,900
Geneva.....	DeInor-Community Hospital.....	General Hospital.....	1,650
Sugar Grove.....	Waubensee Community College.....	Comprehensive Community College.....	1,460
Aurora.....	Rush Copley Medical Center.....	Hospital & Medical Center.....	1,400
Aurora.....	Provena Mercy Center.....	Medical & Psychiatric Hospital.....	1,300
Elgin.....	Provena St. Joseph Hospital.....	General Hospital.....	1,300
Aurora.....	Dreyer Medical Clinic.....	Medical Services.....	1,200
Elgin.....	Elgin Riverboat Resort.....	Gaming.....	1,200
Elgin.....	Sanfilippo & Son.....	Snack Foods Corporate Headquarters.....	1,200
Aurora.....	Metropolitan Insurance Company.....	Insurance & Financial Services.....	720
Geneva.....	Peacock Engineering.....	Contract Packaging of Shelf Stable & Refrigerated Food Products....	600
Elgin.....	Ball Aerosol & Specialty Packaging.....	Metal Containers.....	500
La Fox.....	Richardson Electronics Ltd.....	Electronic Photo-Rectifiers & Vacuum Tubes Company Headquarters....	500
St. Charles..	Pheasant Run Resort & Convention Center ..	Hotel & Convention Center.....	500

Note: (1) Source: 2010 Illinois Manufacturers Directory, 2010 Illinois Services Directory and a selective telephone survey.

The following tables show employment by industry and by occupation for the County and the State as reported by the 2000 Census.

### Employment By Industry(1)

Classification	Kane County		State of Illinois	
	Number	Percent	Number	Percent
Agriculture, Forestry, Fishing, Hunting, and Mining .....	1,196	0.61%	66,481	1.14%
Construction .....	14,549	7.42%	334,176	5.73%
Manufacturing .....	40,752	20.77%	931,162	15.96%
Wholesale Trade .....	9,446	4.81%	222,990	3.82%
Retail Trade .....	22,459	11.45%	643,472	11.03%
Transportation and Warehousing, and Utilities .....	9,661	4.92%	352,193	6.04%
Information .....	6,601	3.36%	172,629	2.96%
Finance, Insurance, Real Estate, and Rental and Leasing .....	13,411	6.84%	462,169	7.92%
Professional, Scientific, Management, Administrative, and Waste Management Services .....	20,575	10.49%	590,913	10.13%
Educational, Health and Social Services .....	30,608	15.60%	1,131,987	19.41%
Entertainment and Recreation Services, Accommodation and Food Services .....	13,781	7.02%	417,406	7.16%
Other Services (except Public Administration) .....	7,991	4.07%	275,901	4.73%
Public Administration .....	5,154	2.63%	231,706	3.97%
Total .....	196,184	100.00%	5,833,185	100.00%

Note: (1) Source: U. S. Bureau of the Census.

### Employment By Occupation(1)

Classification	Kane County		State of Illinois	
	Number	Percent	Number	Percent
Management and Professional .....	63,523	32.38%	1,993,671	34.18%
Service Occupations .....	24,251	12.36%	813,479	13.95%
Sales and Office Occupations .....	54,514	27.79%	1,609,939	27.60%
Farming, Forestry and Fishing .....	608	0.31%	17,862	0.31%
Construction, Extraction, and Maintenance .....	17,467	8.90%	480,418	8.24%
Production, Transportation, and Material Moving .....	35,821	18.26%	917,816	15.73%
Total .....	196,184	100.00%	5,833,185	100.00%

Note: (1) Source: U.S. Bureau of the Census.

### Annual Average Unemployment Rates(1)

Calendar Year	Kane County	State of Illinois
2001 .....	5.4%	5.4%
2002 .....	6.5%	6.5%
2003 .....	6.7%	6.7%
2004 .....	6.1%	6.2%
2005 .....	5.8%	5.8%
2006 .....	4.3%	4.6%
2007 .....	4.8%	5.1%
2008 .....	6.3%	6.5%
2009 .....	10.3%	10.1%
2010(2) .....	9.6%	9.9%

Notes: (1) Source: Illinois Department of Employment Security.  
 (2) Preliminary rates for the month of August 2010.



## Housing

The 2000 Census reported that the median value of the County's owner-occupied homes was \$160,400, which compares with \$130,800 for the State. The 2000 market value of specified owner-occupied units for the County and the State was as follows:

### Specified Owner-Occupied Units(1)

Value	Kane County		State of Illinois	
	Number	Percent	Number	Percent
Less than \$50,000 .....	565	0.61%	230,049	9.31%
\$50,000 to \$99,999 .....	12,311	13.35%	651,605	26.38%
\$100,000 to \$149,999 .....	28,217	30.60%	583,409	23.62%
\$150,000 to \$199,999 .....	21,013	22.79%	429,311	17.38%
\$200,000 to \$299,999 .....	19,767	21.44%	344,651	13.95%
\$300,000 to \$499,999 .....	8,417	9.13%	163,254	6.61%
\$500,000 to \$999,999 .....	1,699	1.84%	55,673	2.25%
\$1,000,000 or more .....	216	0.23%	12,386	0.50%
Total .....	92,205	100.00%	2,470,338	100.00%

Note: (1) Source: U.S. Bureau of the Census.

## Income

### Per Capita Personal Income for the Ten Highest Income Counties in the State(1)

Rank		2000
1	Lake County	\$32,102
2	DuPage County	31,315
3	McHenry County	26,476
4	Kendall County	25,188
5	Will County	24,613
6	Kane County	24,315
7	Cook County	23,227
8	Sangamon County	23,173
9	Monroe County	22,954
10	Grundy County	22,591

Note: (1) Source: U.S. Bureau of the Census.

The following shows a ranking of median family income for the Chicago metropolitan area among 3,141 counties from the 2000 Census.

### Ranking of Median Family Income(1)

Ill. County	Family Income	Ill. Rank
DuPage County	\$79,314	1
Lake County	76,424	2
McHenry County	71,553	3
Will County	69,608	4
Kendall County	69,383	5
Kane County	66,558	6
Cook County	53,784	15

Note: (1) Source: U.S. Bureau of the Census.

According to the 2000 Census, the County had a median family income of \$66,558. This compares to \$55,545 for the State. The following table represents the distribution of family incomes for the County and the State at the time of the 2000 Census.

### Family Income(1)

Income	Kane County		State of Illinois	
	Number	Percent	Number	Percent
Under \$10,000 .....	2,784	2.73%	156,205	5.00%
\$10,000 to \$14,999 .....	1,994	1.96%	105,747	3.38%
\$15,000 to \$24,999 .....	6,418	6.30%	273,712	8.76%
\$25,000 to \$34,999 .....	7,993	7.84%	331,907	10.62%
\$35,000 to \$49,999 .....	14,194	13.93%	506,429	16.20%
\$50,000 to \$74,999 .....	25,480	25.00%	736,897	23.58%
\$75,000 to \$99,999 .....	18,001	17.66%	445,390	14.25%
\$100,000 to \$149,999 .....	15,907	15.61%	356,068	11.39%
\$150,000 to \$199,999 .....	4,821	4.73%	101,955	3.26%
\$200,000 or more .....	4,331	4.25%	111,008	3.55%
Total .....	101,923	100.00%	3,125,318	100.00%

Note: (1) Source: U.S. Bureau of the Census.

According to the 2000 Census, the County had a median household income of \$59,351. This compares to \$46,590 for the State. The following table represents the distribution of household incomes for the County and the State at the time of the 2000 Census.

### Household Income(1)

Income	Kane County		State of Illinois	
	Number	Percent	Number	Percent
Under \$10,000 .....	5,511	4.12%	383,299	8.35%
\$10,000 to \$14,999 .....	4,486	3.35%	252,485	5.50%
\$15,000 to \$24,999 .....	11,012	8.23%	517,812	11.27%
\$25,000 to \$34,999 .....	12,658	9.47%	545,962	11.89%
\$35,000 to \$49,999 .....	20,694	15.47%	745,180	16.23%
\$50,000 to \$74,999 .....	31,358	23.45%	952,940	20.75%
\$75,000 to \$99,999 .....	20,750	15.52%	531,760	11.58%
\$100,000 to \$149,999 .....	17,472	13.06%	415,348	9.04%
\$150,000 to \$199,999 .....	5,128	3.83%	119,056	2.59%
\$200,000 or more .....	4,664	3.49%	128,898	2.81%
Total .....	133,733	100.00%	4,592,740	100.00%

Note: (1) Source: U.S. Bureau of the Census.

## THE PROJECT

Bond proceeds will be used to (i) finance various capital improvements in the County (the "Project") and (ii) pay the costs of issuance of the Bonds. The Project includes (1) the payment of all or a portion of the costs of acquiring, construction, improving and equipping various water and/or sewer public works projects to be undertaken jointly by the County and other units of local governments located within the County pursuant to intergovernmental agreements between the County and such units, and (2) the costs of certain other capital projects of the County.

## DEBT INFORMATION

After issuance of the Bonds, the County will have outstanding \$118,395,000\* principal amount of general obligation debt, of which \$82,355,000\* are self-supporting alternate revenue bonds. This amount does not include \$235,480,866 (as of March 9, 2010) principal amount of general obligation bonded debt of the Kane County Forest Preserve District, a separate legal entity with its own management, levy, budget, and debt issuance authority.

The County has a statutory debt limitation equal to 2.875% of its equalized assessed valuation, or \$444,916,499. Excluding the County's outstanding alternate revenue bonds (\$82,355,000\*), the County's remaining legal debt margin after issuance of the Bonds is \$408,876,499. Outstanding alternate bonds do not count against this limitation, as long as the County does not extend a property tax to pay debt service on its alternate bonds. The County does not intend to issue additional bonded debt in 2010.

### General Obligation Bonded and Certificated Debt(1) (Principal Only)

Calendar Year	Outstanding GO Bonded Debt(2)	The Bonds(3)	Total GO Bonded Debt(3)	Cumulative Principal Retired(3)	
				Amount	Percent
2010 .....	\$ 11,750,000	\$ 0	\$ 11,750,000	\$ 11,750,000	9.92%
2011 .....	14,155,000	670,000	14,825,000	26,575,000	22.45%
2012 .....	12,085,000	675,000	12,760,000	39,335,000	33.22%
2013 .....	12,475,000	690,000	13,165,000	52,500,000	44.34%
2014 .....	12,905,000	705,000	13,610,000	66,110,000	55.84%
2015 .....	4,920,000	725,000	5,645,000	71,755,000	60.61%
2016 .....	4,400,000	745,000	5,145,000	76,900,000	64.95%
2017 .....	4,690,000	770,000	5,460,000	82,360,000	69.56%
2018 .....	5,010,000	795,000	5,805,000	88,165,000	74.47%
2019 .....	5,340,000	825,000	6,165,000	94,330,000	79.67%
2020 .....	5,695,000	855,000	6,550,000	100,880,000	85.21%
2021 .....	6,065,000	150,000	6,215,000	107,095,000	90.46%
2022 .....	2,970,000	155,000	3,125,000	110,220,000	93.10%
2023 .....	3,205,000	165,000	3,370,000	113,590,000	95.94%
2024 .....	3,445,000	170,000	3,615,000	117,205,000	98.99%
2025 .....	0	180,000	180,000	117,385,000	99.15%
2026 .....	0	185,000	185,000	117,570,000	99.30%
2027 .....	0	195,000	195,000	117,765,000	99.47%
2028 .....	0	200,000	200,000	117,965,000	99.64%
2029 .....	0	210,000	210,000	118,175,000	99.81%
2030 .....	0	220,000	220,000	118,395,000	100.00%
Total .....	\$109,110,000	\$9,285,000	\$118,395,000		

- Notes: (1) Source: the County.  
 (2) Includes the County's General Obligation Bonds (Alternate Revenue Source), Series 2001, Series 2002, Series 2004, Series 2009A and Series 2009B; Debt Certificates, Series 2005 and Series 2006; and General Obligation Limited Tax Bonds, Series 2007.  
 (3) Subject to change.

### Detailed Overlapping and Underlying Debt(1) (March 9, 2010)

	Total Debt Outstanding	Percentage Applicable To County	Debt Applicable To County
Kane County Forest Preserve District .....	\$ 235,480,866	100.00%	\$ 235,480,866
Schools (Including Community Colleges) .....	2,489,343,639	50.53%	1,257,904,571
Cities & Villages .....	277,380,000	58.99%	163,632,480
Park District .....	122,386,895	52.00%	63,636,259
Library District .....	59,245,000	63.22%	37,453,666
Special Service Areas & TIF Districts .....	53,849,561	98.41%	52,994,470
Miscellaneous Districts .....	77,415,000	100.00%	77,415,000
Total Overlapping and Underlying Debt .....	\$3,315,100,961		\$1,888,517,312

Note: (1) Kane County Clerk.

\*Subject to change.

### Statement of Bonded Indebtedness

	Amount Applicable	Ratio To		Per Capita (2000 Census 404,119)
		Equalized Assessed	Estimated Actual	
County EAV, 2009 .....	\$15,475,356,510	100.00%	33.33%	\$ 38,294.06
Estimated Actual Value, 2009 .....	\$46,426,069,530	300.00%	100.00%	\$114,882.17
Direct Bonded Debt(2) .....	\$ 118,395,000	0.77%	0.26%	\$ 292.97
Less: Self-Supporting Debt(2)(3) .....	(82,355,000)	(0.53%)	(0.18%)	(203.79)
Net Direct Bonded Debt(2) .....	\$ 36,040,000	0.23%	0.08%	\$ 89.18
Total Overlapping Bonded Debt .....	\$ 1,888,517,312	12.20%	4.07%	\$ 4,673.17
Total Net Direct and Overlapping Bonded Debt(2) .....	\$ 1,924,557,312	12.44%	4.15%	\$ 4,762.35

Notes: (1) Source: the County. For Direct Bonded Debt, as of the date of issuance and of the Bonds. For Overlapping Bonded Debt, as of March 9, 2010.  
 (2) Subject to change.  
 (3) Includes the General Obligation Bonds (Alternate Revenue Source), Series 2001, 2002, 2004, 2009A, 2009B and the Bonds.

### PROPERTY ASSESSMENT AND TAX INFORMATION

For the 2009 levy year, the County's EAV was comprised of approximately 79% residential, 6% industrial, 13% commercial, 2% farm and railroad property valuations.

#### Equalized Assessed Valuation(1)

Property Class	Levy Years				
	2005	2006	2007	2008	2009
Residential .....	\$ 9,679,526,289	\$10,737,359,756	\$11,773,222,789	\$12,329,942,235	\$12,169,599,665
Farm .....	223,518,439	233,308,175	246,092,690	260,815,259	266,612,711
Commercial .....	1,659,105,814	1,854,640,841	2,019,235,474	2,185,057,972	2,023,925,417
Industrial .....	821,765,629	901,498,987	1,004,588,039	1,093,792,958	1,004,620,246
Railroad .....	6,174,423	6,489,782	7,532,945	8,987,156	10,598,471
Total .....	\$12,390,090,594	\$13,733,297,541	\$15,050,671,937	\$15,878,595,580	\$15,475,356,510
Percent Change + (-) .....	11.70%(2)	10.84%	9.59%	5.50%	(2.54%)

Notes: (1) Source: Kane County Clerk.  
 (2) Percentage change based on 2004 EAV of \$11,091,931,468.

#### Representative Tax Rates(1) (Per \$100 EAV)

	Levy Years				
	2005	2006	2007	2008	2009
County Rates:					
Corporate .....	\$0.1784	\$0.1813	\$0.1819	\$0.1966	\$0.1974
Health Department .....	0.0152	0.0144	0.0136	0.0128	0.0127
Illinois Municipal Retirement Fund .....	0.0390	0.0362	0.0351	0.0337	0.0353
County Highway .....	0.0456	0.0433	0.0411	0.0326	0.0324
County Bridge .....	0.0023	0.0023	0.0021	0.0020	0.0020
County Highway Matching .....	0.0005	0.0005	0.0004	0.0004	0.0004
Liability Insurance .....	0.0276	0.0218	0.0165	0.0157	0.0198
Bonds and Interest .....	0.0000	0.0188	0.0172	0.0163	0.0164
Social Security .....	0.0257	0.0243	0.0221	0.0214	0.0213
Veterans' Commission .....	0.0025	0.0023	0.0021	0.0020	0.0020
Total County Rate .....	\$0.3367	\$0.3452	\$0.3322	\$0.3336	\$0.3398
Forest Preserve District of Kane County .....	0.1905	0.1747	0.1974	0.1932	0.1997
Fox River Water Reclamation District .....	0.0292	0.0270	0.0246	0.0240	0.0249
Elgin Township .....	0.1323	0.1247	0.1208	0.1207	0.0706
City of Elgin .....	1.9202	1.9200	1.9200	1.9200	1.9202
Gail Borden Library District .....	0.3172	0.3378	0.3111	0.3175	0.3380
Elgin Unit School District Number 46 .....	4.7346	4.6954	4.3659	4.2066	4.5494
Elgin Community College District Number 509 .....	0.4011	0.3398	0.3280	0.3275	0.3833
Total Rate(2) .....	\$8.0616	\$7.9644	\$7.6000	\$7.4432	\$7.8258

Notes: (1) Source: the County. Rates may not add due to rounding.  
 (2) Representative tax rates for other governmental units are from Elgin Township tax code 05, which represents approximately 9% of the County's 2009 EAV.

### Tax Extensions and Collections(1) (Excludes Road and Bridge Levy)

Levy Year	Coll. Year	Taxes Extended	Total Collections(2) Amount	Percent
2000	2001	\$34,097,949	\$33,967,351	99.62%
2001	2002	36,660,254	36,518,192	99.61%
2002	2003	38,670,809	38,586,590	99.78%
2003	2004	36,240,410	36,087,886	99.58%
2004	2005	38,453,508	38,362,478	99.76%
2005	2006	41,095,449	40,945,882	99.64%
2006	2007	46,637,211	46,538,155	99.79%
2007	2008	49,113,254	48,981,239	99.73%
2008	2009	52,584,333	51,780,275	98.47%

Notes: (1) Source: Kane County Treasurer.  
 (2) Total collections include back taxes, taxpayer refunds, interest, etc.

### Principal County Taxpayers(1)

Taxpayer Name	Business/Service	2009 EAV(2)
Simon/Chelsea Chicago Development, LLC	Retail	\$ 39,909,367
Liberty Illinois LLP	Industrial	34,138,430
Springhill Mall LLC/General Growth Properties, Inc.	Retail	31,928,119
V V2/Geneva Commons	Retail	31,172,228
IN Retail Rund Algonquin Commons LLC	Retail	27,565,244
Toyota Motor Sales USA, Inc.	Industrial	22,152,307
John B. Sanfilippo & Son, Inc.	Nuts and Snack Processor	18,906,673
Arthur Anderson & Co.	Institutional	15,306,735
AMLI AT ST Charles LLC	Commercial	12,498,750
Aurora Industrial Holding Company LLC	Industrial	11,833,397
Total		\$245,411,250
Ten largest Taxpayers as Percent of County's 2009 EAV (\$15,475,356,510)		1.59%

Notes: (1) Source: Kane County Assessor.  
 (2) Every effort has been made to seek out and report the largest taxpayers. However, many of the taxpayers listed contain multiple parcels and it is possible that some parcels and their valuations have been overlooked.

## REAL PROPERTY ASSESSMENT, TAX LEVY AND COLLECTION PROCEDURES

### Tax Levy and Collection Procedures

Local assessment officers determine the assessed valuation of taxable real property and railroad property not held or used for railroad operations. The Illinois Department of Revenue (the "Department") assesses certain other types of taxable property, including railroad property held or used for railroad operations. Local assessment officers' valuation determinations are subject to review at the county level and then, in general, to equalization by the Department. Such equalization is achieved by applying to each county's assessments a multiplier determined by the Department. The purpose of equalization is to provide a common basis of assessments among counties by adjusting assessments toward the statutory standard of 33-1/3% of fair cash value. Farmland is assessed according to a statutory formula which takes into account factors such as productivity and crop mix. Taxes are extended against the assessed values after equalization.

Property tax levies of each taxing body are filed in the office of the county clerk of each county in which territory of that taxing body is located. The county clerk computes the rates and amount of taxes applicable to taxable property subject to the tax levies of each taxing body and determines the dollar amount of taxes attributable to each respective parcel of taxable property. The county clerk then supplies to the appropriate collecting officials within the county the information needed to bill the taxes attributable to the various parcels therein. After the taxes have been collected, the collecting officials distribute to the various taxing bodies their respective shares of the taxes collected. Taxes levied in one calendar year are due and payable in two installments during the next calendar year. Taxes that are not paid when due, or that are not paid by mail and postmarked on or before the due date, are subject to a penalty of 1-1/2% per month until paid. Unpaid property taxes, together with penalties, interest and costs, constitute a lien against the property subject to the tax.

## **Exemptions**

An annual General Homestead Exemption (the "General Homestead Exemption") provides that the Equalized Assessed Valuation ("EAV") of certain property owned and used for residential purposes ("Residential Property") may be reduced by the amount of any increase over the 1977 EAV, up to a maximum reduction of \$3,500 for assessment years prior to assessment year 2004 in counties with less than 3,000,000 inhabitants, and a maximum reduction of \$5,000 for assessment year 2004 through 2007 in all counties. Additionally, the maximum reduction is \$5,500 for assessment year 2008 and the maximum reduction is \$6,000 for assessment year 2009 and thereafter in all counties.

The Homestead Improvement Exemption applies to Residential Properties that have been improved or rebuilt in the 2 years following a catastrophic event. The exemption is limited to \$45,000 through December 31, 2003, and \$75,000 per year beginning January 1, 2004 and thereafter, to the extent the assessed value is attributable solely to such improvements or rebuilding.

Additional exemptions exist for senior citizens. The Senior Citizens Homestead Exemption ("Senior Citizens Homestead Exemption") operates annually to reduce the EAV on a senior citizen's home for assessment years prior to 2004 by \$2,000 in counties with less than 3,000,000 inhabitants. For assessment years 2004 and 2005, the maximum reduction is \$3,000 in all counties. For assessment years 2006 and 2007, the maximum reduction is \$3,500 in all counties. In addition, for assessment year 2008 and thereafter, the maximum reduction is \$4,000 for all counties. Furthermore, beginning with assessment year 2003, for taxes payable in 2004, property that is first occupied as a residence after January 1 of any assessment year by a person who is eligible for the Senior Citizens Homestead Exemption must be granted a pro rata exemption for the assessment year based on the number of days during the assessment year that the property is occupied as a residence by a person eligible for the exemption.

A Senior Citizens Assessment Freeze Homestead Exemption ("Senior Citizens Assessment Freeze Homestead Exemption") freezes property tax assessments for homeowners, who are 65 and older and receive a household income not in excess of the maximum income limitation. The maximum income limitation is \$35,000 for years prior to 1999, \$40,000 for assessment years 1999 through 2003, \$45,000 for assessment years 2004 and 2005, \$50,000 from assessment years 2006 and 2007 and for assessments year 2008 and after, the maximum income limitation is \$55,000. In general, the Senior Citizens Assessment Freeze Homestead Exemption limits the annual real property tax bill of such property by granting to qualifying senior citizens an exemption as to a portion of the valuation of their property. In counties with a population of 3,000,000 or more, the exemption for all assessment years is equal to the EAV of the residence in the assessment year for which application is made less the base amount. Furthermore, for those counties with a population of less than 3,000,000, the Senior Citizens Assessment Freeze Homestead Exemption is as follows: through assessment year 2005 and for assessment year 2007 and later, the exempt amount is the difference between (i) the current EAV of their residence and (ii) the base amount, which is the EAV of a senior citizen's residence for the year prior to the year in which he or she first qualifies and applies for the Exemption (plus the EAV of improvements since such year). For assessment year 2006, the amount of the Senior Citizens Assessment Freeze Homestead Exemption phases out as the amount of household income increases. The amount of the Senior Citizens Assessment Freeze Homestead Exemption is calculated by using the same formula as above, and then multiplying the resulting value by a ratio that varies according to household income.

Another exemption available to disabled veterans operates annually to exempt up to \$70,000 of the Assessed Valuation of property owned and used exclusively by such veterans or their spouses for residential purposes. Also, certain property is exempt from taxation on the basis of ownership and/or use, such as public parks, not-for-profit schools and public schools, churches, and not-for-profit hospitals and public hospitals. However, individuals claiming exemption under the Disabled Persons' Homestead Exemption ("Disabled Persons' Homestead Exemption") or the Disabled Veterans Standard Homestead Exemption ("Disabled Veterans Standard Homestead Exemption") cannot claim the aforementioned exemption.

Furthermore, beginning with assessment year 2007, the Disabled Persons' Homestead Exemption provides an annual homestead exemption in the amount of \$2,000 for property that is owned and occupied by certain persons with a disability. However, individuals claiming exemption as a disabled veteran or claiming exemption under the Disabled Veterans Standard Homestead Exemption cannot claim the aforementioned exemption.

In addition, the Disabled Veterans Standard Homestead Exemption provides disabled veterans an annual homestead exemption starting with assessment year 2007 and thereafter. Specifically, (i) those veterans with a service-connected disability of 75% are granted an exemption of \$5,000 and (ii) those veterans with a service-connected disability of less than 75%, but at least 50% are granted an exemption of \$2,500. Furthermore, the veteran's surviving spouse is entitled to the benefit of the exemption, provided that the spouse has legal or beneficial title of the homestead, resides permanently on the homestead and does not remarry. Moreover, if the property is sold by the surviving spouse, then an exemption amount not to exceed the amount specified by the current property tax roll may be transferred to the spouse's new residence, provided that it is the spouse's primary residence and the spouse does not remarry. However, individuals claiming exemption as a disabled veteran or claiming exemption under the Disabled Persons' Homestead Exemption cannot claim the aforementioned exemption.

Beginning with assessment year 2007, the Returning Veterans' Homestead Exemption ("Returning Veterans' Homestead Exemption") is available for property owned and occupied as the principal residence of a veteran in the assessment year the veteran returns from an armed conflict while on active duty in the United States armed forces. This provision grants a homestead exemption of \$5,000, which is applicable in all counties. In order to apply for the Returning Veterans' Homestead Exemption, the individual must pay real estate taxes on the property, own the property or have either a legal or an equitable interest in the property, "or a leasehold interest of land on which a single family residence is located, which is occupied as a principle residence of a veteran returning from an armed conflict involving the armed forces of the United States who has an ownership interest therein, legal, equitable or as a lessee, and on which the veteran is liable for the payment of property taxes." Those individuals eligible for the Returning Veterans' Homestead Exemption may claim the Returning Veterans' Homestead Exemption, in addition to other homestead exemptions, unless otherwise noted.

### **Property Tax Extension Limitation Law**

The Property Tax Extension Limitation Law, as amended (the "Limitation Law"), limits the annual growth in the amount of property taxes to be extended for certain Illinois non-home-rule units, including the County. In general, the annual growth permitted under the Limitation Law is the lesser of 5% or the percentage increase in the Consumer Price Index during the calendar year preceding the levy year. Taxes can also be increased due to new construction, referendum approval of tax rate increases, mergers and consolidations.

The effect of the Limitation Law is to limit the amount of property taxes that can be extended for a taxing body. In addition, general obligation bonds, notes and installment contracts payable from ad valorem taxes unlimited as to rate and amount cannot be issued by the affected taxing bodies unless they are approved by referendum, are alternate bonds or are for certain refunding purposes.

The County has the authority to levy taxes for many different purposes. See the table entitled **Representative Tax Rates** under “**PROPERTY ASSESSMENT AND TAX INFORMATION**” herein. The ceiling at any particular time on the rate at which these taxes may be extended for the County is either (i) unlimited (as provided by statute), (ii) initially set by statute but permitted to be increased by referendum, (iii) capped by statute, or (iv) limited to the rate approved by referendum. Public Act 94-0976, effective June 30, 2006, provides that the only ceiling on a particular tax rate is the ceiling set by statute above, at which the rate is not permitted to be further increased by referendum or otherwise. Therefore, taxing districts (such as the County) will have increased flexibility to levy taxes for the purposes for which they most need the money. The total aggregate tax rate for the various purposes subject to the Limitation Law, however, will not be allowed to exceed the County’s limiting rate computed in accordance with the provisions of the Limitation Law.

Local governments, including the County, can issue limited tax bonds in lieu of general obligation bonds that have otherwise been authorized by applicable law.

#### **Truth in Taxation Law**

Legislation known as the Truth in Taxation Law (the “Law”) limits the aggregate amount of certain taxes which can be levied by, and extended for, a taxing district to 105% of the amount of taxes extended in the preceding year unless specified notice, hearing and certification requirements are met by the taxing body. The express purpose of the Law is to require published disclosure of, and hearing upon, an intention to adopt a levy in excess of the specified levels.

### **FINANCIAL INFORMATION**

#### **Budgeting**

The County’s budget is prepared on the modified accrual basis of accounting.

The County follows these procedures in establishing the budgetary data reflected in the financial statements:

- (1) The Director submits to the County Board a proposed budget for the upcoming year.
- (2) Budget hearings are conducted.
- (3) The budget is legally enacted through the passage of an appropriations ordinance.

The appropriations ordinance establishes the County’s legal spending limit, and appropriations lapse at year end.



## **Investment Policies**

The County Treasurer has a written investment policy applicable to County funds, including the General Funds and Debt Service Funds. The County Treasurer is responsible for the investment of County funds, and under the current policy is permitted to invest in the following types of securities: (i) obligation guarantees by the United States of America, (ii) interest-bearing checking or savings accounts, certificates of deposit, or time deposits constituting direct obligations of any bank, as defined by the Illinois Banking Act, and insured by the Federal Deposit Insurance Corporation, (iii) securities legally issued by any Savings Bank legally incorporated under federal law and uninsured by the Federal Savings and Loan Insurance Corporation and (iv) repurchase agreements. Under the current policy, the County Treasurer is not permitted to purchase "...financial forwards or futures, any leveraged invested investments, lending securities, or reverse repurchase agreements, or any investment that is classified as a Derivative." The County's policy requires that funds deposited with financial institutions in excess of FDIC limits be collateralized.

## **Financial Reports**

The County's financial statements are audited annually by certified public accountants. The County's financial statements are completed on a modified accrual basis of accounting consistent with generally accepted accounting principles applicable to governmental entities. See **APPENDIX A** for more detail.

## **No Consent or Updated Information Requested of the Auditor**

The tables and excerpts (collectively, the "Excerpted Financial Information") contained in this "**FINANCIAL INFORMATION**" section and in **APPENDIX A** are from the audited financial statements of the County, including the audited financial statements for the fiscal year ended November 30, 2009 (the "2009 Audit"). The 2009 Audit has been prepared by Werner, Rogers, Doran & Ruzon, LLC, Certified Public Accountants, Joliet, Illinois, (the "Auditor"), and approved by formal action of County Board. The County has not requested the Auditor to update information contained in the Excerpted Financial Information; nor has the County requested that the Auditor consent to the use of the Excerpted Financial Information in this Official Statement. Other than as expressly set forth in this Official Statement, the financial information contained in the Excerpted Financial Information has not been updated since the date of the 2009 Audit. The inclusion of the Excerpted Financial Information in this Official Statement in and of itself is not intended to demonstrate the fiscal condition of the County since the date of the 2009 Audit. Questions or inquiries relating to financial information of the County since the date of the 2009 Audit should be directed to the County.

## **Summary Financial Information**

The following tables are summaries and do not purport to be the complete audits, copies of which are available upon request. The County passed a balanced budget for its 2011 fiscal year. Based on revenues received and expenditures incurred to date, the County expects an approximately \$500,000 increase in its General Fund fund balance at the end of its 2010 fiscal year. See **APPENDIX A** for excerpts of the County's 2009 fiscal year audit.

# **Statement of Net Activities Governmental Activities**

	Audited as of November 30				
	2005	2006	2007	2008	2009
<b>ASSETS:</b>					
Cash and Investments .....	\$245,431,926	\$245,901,471	\$296,589,974	\$256,063,036	\$ 248,013,587
Cash Held by Paying Agent .....	686,916	703,816	715,116	726,116	731,196
Intergovernmental Receivable .....	17,886,018	16,306,967	16,314,034	19,290,363	22,473,159
Interest Receivable .....	192,470	244,689	255,617	917,980	297,134
Other Receivables .....	2,895,283	1,852,498	1,844,678	1,500,409	1,986,569
Property Tax Receivable .....	8,900,259	13,592,883	11,989,117	15,133,912	16,200,715
Accounts Receivable .....	0	0	231,321	36,447	0
Prepaid Items .....	3,411,384	4,000,495	1,318,287	1,377,139	2,476,151
Deposits .....	20,000	20,000	20,000	20,000	32,144
Deferred Bond Issuance Costs .....	957,140	1,319,968	1,840,537	1,694,186	1,707,835
Capital Assets not Being Depreciated .....	250,193,455	306,767,982	416,575,694	395,168,013	482,945,788
Capital Assets Being Depreciated, Net .....	172,169,666	191,256,903	213,264,155	292,406,919	306,395,517
Total Assets .....	\$702,744,517	\$781,967,672	\$960,958,530	\$984,334,520	\$1,083,259,795
<b>LIABILITIES:</b>					
Accounts Payable .....	\$ 8,104,298	\$ 12,996,412	\$ 19,598,677	\$ 11,575,059	\$ 11,530,582
Accrued Payroll .....	2,509,167	2,989,575	3,400,122	3,067,466	3,278,333
Internal Balances .....	(282,173)	(256,521)	(230,869)	(205,217)	0
Deferred Revenue .....	172,127	0	158,751	158,751	158,752
Deferred Property Taxes .....	16,003,647	23,301,968	23,604,698	29,191,546	30,103,623
Interest Payable .....	946,831	1,696,294	2,165,867	1,772,507	1,749,307
Long-term Obligations, Due Within One Year:					
Bond Payable .....	8,635,000	11,395,000	15,730,000	16,780,000	18,775,000
Accrued Claims and Judgments .....	1,321,244	1,723,918	2,728,174	2,610,685	2,513,387
Other Post-Employee Benefits .....	0	0	0	255,000	0
Compensated Absences .....	3,069,280	3,401,393	3,427,706	3,979,115	3,427,064
Long-term Obligations, Due in More Than One Year:					
Bonds/Debt Certificates Payable .....	218,710,000	242,305,000	332,812,692	316,498,455	338,211,155
Deferred Amount on Refunding .....	(7,148,319)	(6,266,175)	(5,695,496)	(5,124,817)	(4,554,138)
Deferred Premium on Bonds .....	14,570,277	13,217,555	15,920,084	14,621,706	13,323,368
Accrued Claims and Judgments .....	990,000	769,000	500,000	500,000	500,000
Other Post-Employee Benefits .....	0	0	0	3,434,000	7,553,100
Compensated Absences .....	1,196,611	1,337,737	1,105,600	1,285,980	1,068,227
Total Liabilities .....	\$268,797,990	\$308,611,156	\$415,226,006	\$400,400,236	\$ 427,637,760
<b>NET ASSETS:</b>					
Invested in Capital Assets, Net of Related Debt .....	\$269,895,537	\$289,099,968	\$323,701,618	\$365,741,497	\$ 460,976,499
Restricted For:					
Debt Service .....	5,412,058	2,906,566	10,587,838	7,717,669	9,097,680
Capital Projects .....	22,545,173	39,101,149	78,446,392	82,085,610	42,483,224
Fox River Trust .....	2,260,728	1,597,368	1,597,368	1,781,533	1,427,879
Restricted For Permanent Fund - Nonexpendable .....	2,449,072	2,659,259	2,873,220	2,967,232	3,012,946
Unrestricted Net Assets .....	131,383,959	137,992,206	128,526,088	123,640,743	138,623,807
Total Net Assets .....	\$433,946,527	\$473,356,516	\$545,732,524	\$583,934,284	\$ 655,622,035
Total Liabilities and Net Assets .....	\$702,744,517	\$781,967,672	\$960,958,530	\$984,334,520	\$1,083,259,795

## Statement of Activities Governmental Activities

	Audited as of November 30				
	2005	2006	2007	2008	2009
Governmental Activities:					
General Government .....	\$(21,573,486)	\$(17,539,013)	\$(22,664,315)	\$(26,836,617)	\$(26,684,223)
Public Safety .....	(25,452,868)	(29,090,149)	(34,328,391)	(37,698,945)	(27,826,877)
Public Services .....	149,979	(3,030,568)	(1,257,663)	(3,758,804)	(2,674,959)
Judicial .....	(9,956,348)	(10,318,051)	(4,098,243)	(6,330,040)	(5,238,316)
Highway and Streets .....	18,812,295	14,372,667	36,136,690	17,387,382	36,758,889
Health and Welfare .....	0	0	(2,679,120)	(2,035,451)	(3,466,623)
Environment and Conservation .....	0	0	(24,112)	96,608	(129,458)
Development .....	0	0	(644,478)	(2,051,953)	(1,886,439)
Interest on Debt .....	(6,455,185)	(10,577,486)	(11,477,471)	(15,078,883)	(14,650,850)
Total Governmental Activities .....	\$(44,475,613)	\$(56,182,600)	\$(41,037,103)	\$(76,306,703)	\$(45,798,856)
General Revenues:					
Taxes					
Property Taxes .....	\$ 51,117,170	\$ 57,625,248	\$ 70,575,540	\$ 73,146,862	\$ 81,437,299
Income Tax .....	4,697,001	5,150,608	5,089,268	4,793,252	3,975,274
Sales Tax .....	14,905,920	15,447,397	15,145,262	14,002,709	12,065,118
RTA Sales Tax .....	0	0	0	9,830,153	13,242,320
Other Taxes .....	4,218,423	4,480,121	3,115,820	3,273,634	2,958,084
Investment Earnings .....	4,429,444	10,891,433	11,682,323	8,677,897	3,057,460
Other General Revenues .....	490,985	415,995	379,477	520,484	433,363
Gain on Disposal of Capital Assets .....	0	0	0	0	0
Contributions from Developers .....	0	0	0	0	0
Special Items:					
Receipt from Public Building Commission .....	0	0	6,750,000	0	0
Expense of Prepaid Rent .....	0	0	(2,557,450)	0	0
Transfers .....	4,367,815	1,672,103	3,232,871	263,472	317,689
Total General Revenues and Transfers .....	\$ 84,226,758	\$ 95,682,905	\$113,413,111	\$114,508,463	\$117,486,607
Change in Net Assets .....	\$ 39,751,145	\$ 39,500,305	\$ 72,376,008	\$ 38,201,760	\$ 71,687,751
Net Assets, December 1 .....	394,195,382	433,856,211	473,356,516	545,732,524	583,934,284
Net Assets, November 30 .....	\$433,946,527	\$473,356,516	\$545,732,524	\$583,934,284	\$655,622,035

## General Fund Balance Sheet

	Audited as of November 30				
	2005	2006	2007	2008	2009
ASSETS:					
Cash and Investments .....	\$46,050,713	\$43,645,925	\$43,602,136	\$39,046,022	\$42,957,675
Receivables:					
Intergovernmental .....	6,634,291	5,654,953	5,937,794	6,087,292	5,831,520
Property Taxes .....	0	0	0	0	0
Accounts .....	0	0	219,505	0	0
Interest .....	96,656	89,136	83,138	218,240	62,596
Other .....	1,019,921	780,996	1,110,031	861,738	1,059,064
Due From Other Funds .....	2,870	675,555	598,150	538,335	523,397
Prepaid Items .....	3,321,072	3,906,806	1,227,392	1,306,864	1,352,634
Deposits .....	20,000	20,000	20,000	20,000	32,144
Total Assets .....	\$57,145,523	\$54,773,371	\$52,798,146	\$48,078,491	\$51,819,030
LIABILITIES AND FUND EQUITY:					
Liabilities:					
Accrued Payroll .....	\$ 1,698,692	\$ 2,018,969	\$ 2,337,884	\$ 1,870,540	\$ 2,029,505
Accounts Payable .....	2,497,162	1,894,534	3,351,962	2,607,402	2,294,303
Due To Other Funds .....	245,615	0	15,648	0	0
Interest Payable .....	0	15,201	0	0	0
Deferred Revenue .....	1,855,314	1,329,078	1,279,644	2,125,987	2,766,463
Total Liabilities .....	\$ 6,296,783	\$ 5,257,782	\$ 6,985,138	\$ 6,603,929	\$ 7,090,271
Fund Equity:					
Reserved .....	\$ 3,321,072	\$ 4,507,367	\$ 1,825,542	\$ 1,845,199	\$ 1,831,154
Unreserved .....	47,527,668	45,008,222	43,987,466	39,629,363	42,897,605
Total Liabilities and Fund Equity .....	\$57,145,523	\$54,773,371	\$52,798,146	\$48,078,491	\$51,819,030

## General Fund Revenues and Expenditures

	Audited Fiscal Year Ending November 30				
	2005	2006	2007	2008	2009
<b>REVENUES:</b>					
Property Taxes .....	\$23,402,792	\$25,046,473	\$27,391,079	\$29,260,693	\$32,910,544
Other Taxes .....	0	0	23,095,449	21,891,562	18,332,050
Intergovernmental .....	23,526,007	24,784,044	0	0	0
Charges for Services, Licenses, Permits and Fees .....	19,533,533	18,893,035	20,648,484	20,151,873	20,309,427
Interest Income .....	1,201,668	2,201,274	2,078,395	1,272,052	512,551
Grants .....	628,110	2,835,395	2,092,458	1,814,077	1,208,228
Reimbursements .....	3,121,972	4,320,731	3,930,664	4,128,305	4,330,207
Miscellaneous .....	203,360	125,279	158,177	197,324	421,587
Total Revenues .....	\$71,617,442	\$78,206,231	\$79,394,706	\$78,715,886	\$78,024,594
<b>EXPENDITURES:</b>					
General Government .....	\$13,740,690	\$14,541,372	\$14,508,894	\$15,413,874	\$14,241,996
Judicial .....	21,291,346	22,337,472	15,196,990	15,680,492	14,351,372
Health and Public Safety .....	24,823,882	28,721,986	37,482,294	38,513,476	35,633,586
Public Services and Records .....	6,050,369	7,008,246	5,433,575	7,283,149	5,570,808
Development, Housing and Economic Development .....	0	0	2,500,047	2,283,739	2,241,647
Debt Service .....	0	173,521	2,574,074	2,156,334	2,221,269
Capital .....	3,132,866	2,269,978	1,088,875	2,596,073	860,161
Total Expenditures .....	\$69,039,153	\$75,052,575	\$78,784,749	\$83,927,137	\$75,120,839
Excess Revenues Over (Under) Expenditures .....	\$ 2,578,289	\$ 3,153,656	\$ 609,957	\$(5,211,251)	\$ 2,903,755
<b>Other Financing Sources (Uses):</b>					
Transfers In .....	\$ 5,388,334	\$ 3,509,424	\$ 3,208,610	\$ 1,781,557	\$ 1,250,841
Transfers Out .....	(2,564,896)	(7,996,231)	(4,963,698)	(908,752)	(900,399)
Total Other Financing Sources (Uses) .....	\$2,823,438	\$(4,486,807)	\$(1,755,088)	\$ 872,805	\$ 350,442
Loss on Prepaid Rent .....	\$ 0	\$ 0	\$(2,557,450)	\$ 0	\$ 0
Excess Revenues and Other Financing Sources (Uses) Over (Under) Expenditures .....	\$ 5,401,727	\$(1,333,151)	\$(3,702,581)	\$(4,338,446)	\$ 3,254,197
Beginning Fund Balance .....	45,447,013(1)	50,848,740	49,515,589	45,813,008	41,474,562
Ending Fund Balance .....	\$50,848,740	\$49,515,589	\$45,813,008	\$41,474,562	\$44,728,759

Note: (1) Restated.

## PENSION AND RETIREMENT OBLIGATIONS

See APPENDIX A herein.

## REGISTRATION, TRANSFER AND EXCHANGE

See also APPENDIX B for information on registration, transfer and exchange of book-entry bonds. The Bonds will be initially issued as book-entry bonds.

The County shall cause books (the "Bond Register") for the registration and for the transfer of the Bonds to be kept at the principal corporate trust office of U.S. Bank National Association (the "Bond Registrar") in Chicago, Illinois. The County will authorize to be prepared, and the Bond Registrar shall keep custody of, multiple bond blanks executed by the County for use in the transfer and exchange of Bonds.

Any Bond may be transferred or exchanged, but only in the manner, subject to the limitations, and upon payment of the charges as set forth in the Ordinance. Upon surrender for transfer or exchange of any Bond at the principal office maintained for the purpose by the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by the registered owner or such owner's attorney duly authorized in writing, the County shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the registered owner, transferee or transferees (as the case may be) a new fully registered Bond or Bonds of the same maturity and interest rate of authorized denominations, for a like aggregate principal amount.

The execution by the County of any fully registered Bond shall constitute full and due authorization of such Bond, and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such Bond, provided, however, the principal amount of outstanding Bonds of each maturity authenticated by the Bond Registrar shall not exceed the authorized principal amount of Bonds for such maturity less Bonds previously paid.

The Bond Registrar shall not be required to transfer or exchange any Bond following the close of business on the 1<sup>st</sup> day of the month in which an interest payment date occurs on such Bond (known as the record date), nor to transfer or exchange any Bond after notice calling such Bond for redemption has been mailed, nor during a period of fifteen days next preceding mailing of a notice of redemption of any Bonds.

The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of or interest on any Bonds shall be made only to or upon the order of the registered owner thereof or such owner's legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the County or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds except in the case of the issuance of a Bond or Bonds for the unredeemed portion of a Bond surrendered for redemption.

## **TAX MATTERS**

### **Taxable Bonds**

Interest on the Bonds is includible in gross income for federal income purposes. Ownership of the Bonds may result in other federal income tax consequences to certain taxpayers. Bondholders should consult their tax advisors with respect to the inclusion of interest on the Bonds in gross income for federal income tax purposes and any collateral tax consequences. Interest on the Bonds is not exempt from present State of Illinois income taxes. Ownership of the Bonds may result in other state and local tax consequences to certain taxpayers, and Bond Counsel expresses no opinion regarding any such consequences arising with respect to the Bonds.

### **Recovery Zone Economic Development Bonds**

As part of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), Congress added provisions to the Internal Revenue Code of 1986, as amended (the "Code"), that permit state or local governments to obtain certain tax advantages when issuing certain taxable obligations, referred to as "Build America Bonds." A Build America Bond must satisfy certain requirements, including that the interest on the Build America Bond would be, but for the issuer's election to treat such Bond as a Build America Bond, excludable from gross income under Section 103 of the Code. The County intends to make or has made an irrevocable election to treat the Bonds as Build America Bonds; however, the County may elect to treat only a portion of the Bonds maturing in 2011 as Build America Bonds. A separate Code provision added by the Recovery Act allows certain Build America Bonds to be treated as "Recovery Zone Economic Development Bonds." The County also intends to or has designated the Bonds as Recovery Zone Economic Development Bonds; however, the County may designate only a portion of the Bonds maturing in 2011 as Recovery Zone Economic Development Bonds. As a result of this election and designation, *interest on the Bonds will be includible in gross income of the holders thereof for federal income tax purposes and the holders of the Bonds will not be entitled to any tax credits as a result either of ownership of the Bonds or of receipt of any interest payments on the Bonds.* Bondholders should consult their tax advisors with respect to the inclusion of interest on the Bonds in gross income for federal income tax purposes.

Federal tax law contains a number of requirements and restrictions that apply to the Bonds in order for them to be Recovery Zone Economic Development Bonds, including investment restrictions, periodic payments of arbitrage profits to the United States, requirements regarding the proper use of Bond proceeds and the facilities financed therewith, and certain other matters. The County has covenanted to comply with all requirements that must be satisfied in order for the Bonds to be Recovery Zone Economic Development Bonds. Failure to comply with certain of such covenants could cause the Bonds not to be Recovery Zone Economic Development Bonds (and consequently could prevent the allowance of Recovery Zone Payments described below) retroactively to the date of issuance of the Bonds.

As a consequence of the Bonds being Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, the County will be entitled to apply for certain tax credits under Section 6431 of the Code (the "Recovery Zone Payments"). If for any reason the Bonds cease to be Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, the County will not be entitled to receive such Recovery Zone Payments.

Recovery Zone Economic Development Bonds may only be issued pursuant to a volume cap allocation and in an amount not to exceed such allocation. The County has received a volume cap allocation in the amount of \$16,820,000.

Generally, Recovery Zone Economic Development Bonds must be used for "qualified economic development purposes" within a "recovery zone" ("Recovery Zone"). A Recovery Zone is (i) any area designated by the County as having significant poverty, unemployment, rate of home foreclosures, or general distress; (ii) any area designated by the County as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (iii) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of the Recovery Act. The County has designated the area within its boundaries as a Recovery Zone. In making such designation, the County has found that this Recovery Zone has significant poverty, unemployment, rate of home foreclosures, or general distress.

The amount of each Recovery Zone Development Payment is set in Section 1400U-2 of the Code at 45 percent of the corresponding interest payable on the related Recovery Zone Economic Development Bond.

To receive a Recovery Zone Payment, under currently existing procedures, an issuer of Recovery Zone Economic Development Bonds will have to file a tax return between 90 and 45 days prior to each interest payment date. The procedures provide that an issuer should expect to receive the Recovery Zone Payment within 45 days of filing the return. Depending on the timing of the filing, the Recovery Zone Payment may be received before or after the corresponding interest payment.

No assurances are provided that the County will receive Recovery Zone Payments or, if received, that such payments will be available to pay debt service on the Bonds. The amount of any Recovery Zone Payment is subject to legislative changes by Congress. Also, Recovery Zone Payments are subject to offset against certain amounts that may, for unrelated reasons, be owed by the County to agencies of the United States of America.

The County has not pledged any of the Recovery Zone Payments to payment of debt service on the Bonds.

## **Circular 230**

This Official Statement contains tax advice written to market the Bonds. This subsection is informing Bondholders of the following as required under 10 CFR §10.35 which is contained in the rules of practice before the Internal Revenue Service, commonly known as Circular 230.

The tax advice contained in this Official Statement is not intended or written by the County, its Bond Counsel, or any other tax practitioner to be used, and it cannot be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer. The tax advice contained in this Official Statement was written to support the promotion or marketing of the Bonds. Each taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

The County and its Bond Counsel impose no restrictions or limitations on disclosing the content of this Official Statement or of any details of the structure of the Bonds or on the tax treatment or tax structure of the Bonds and the use of proceeds thereof.

### **CONTINUING DISCLOSURE**

The County will enter into a Continuing Disclosure Undertaking (the "Undertaking") for the benefit of the beneficial owners of the Bonds to send certain information annually and to provide notice of certain events to the Municipal Securities Rulemaking Board (the "MSRB") pursuant to the requirements of Section (b)(5) of Rule 15c2-12 (the "Rule") adopted by the Securities and Exchange Commission (the "Commission") under the Securities Exchange Act of 1934. The information to be provided on an annual basis, the events which will be noticed on an occurrence basis and a summary of other terms of the Undertaking, including termination, amendment and remedies, are set forth below under **"THE UNDERTAKING."**

The County has represented that it has not failed to comply in all material respects with each and every undertaking previously entered into by it pursuant to the Rule. A failure by the County to comply with the Undertaking will not constitute a default under the Bond Ordinances and beneficial owners of the Bonds are limited to the remedies described in the Undertaking. See **"THE UNDERTAKING - Consequences of Failure of the County to Provide Information."** A failure by the County to comply with the Undertaking must be reported in accordance with the Rule and must be considered by any broker, dealer or municipal securities dealer before recommending the purchase or sale of the Bonds in the secondary market. Consequently, such a failure may adversely affect the transferability and liquidity of the Bonds and their market price.

Bond Counsel expresses no opinion as to whether the Undertaking complies with the requirements of Section (b)(5) of the Rule.

### **THE UNDERTAKING**

The following is a brief summary of certain provisions of the Undertaking of the County and does not purport to be complete. The statements made under this caption are subject to the detailed provisions of the Undertaking, a copy of which is available upon request from the County.

#### **Annual Financial Information Disclosure**

The County covenants that it will disseminate its Annual Financial Information and its Audited Financial Statements, if any (as described below) to the MSRB in such manner and format and accompanied by identifying information as is prescribed by the MSRB or the Commission at the time of delivery of such information. The County is required to deliver such information so that such entities receive the information by the dates specified in the Undertaking. MSRB Rule G-32 requires all EMMA filings to be in word-searchable PDF format. This requirement extends to all documents to be filed with EMMA, including financial statements and other externally prepared reports.

“Annual Financial Information” means

- All of the tables under the heading **PROPERTY ASSESSMENT AND TAX INFORMATION** within this Official Statement;
- All of the tables under the heading **COUNTY DEBT INFORMATION** within this Official Statement; and
- All of the tables under the heading **FINANCIAL INFORMATION** within this Official Statement.

“Audited Financial Statements” means financial statements of the County as audited annually by independent certified public accountants. Audited Financial Statements are expected to continue to be prepared according to Generally Accepted Accounting Principles as applicable to governmental units (i.e., as subject to the pronouncements of the Governmental Accounting Standards Board and subject to any express requirements of State law).

### **Reportable Events Disclosure**

The County covenants that it will disseminate in a timely manner (not in excess of ten business days after the occurrence of the Reportable Event) Reportable Events Disclosure to the MSRB in such manner and format and accompanied by identifying information as is prescribed by the MSRB or the Commission or the State at the time of delivery of such information. MSRB Rule G-32 requires all EMMA filings to be in word-searchable PDF format. This requirement extends to all documents to be filed with EMMA, including financial statements and other externally prepared reports. The “Events” are:

1. Principal and interest payment delinquencies
2. Non-payment related defaults, if material
3. Unscheduled draws on debt service reserves reflecting financial difficulties
4. Unscheduled draws on credit enhancements reflecting financial difficulties
5. Substitution of credit or liquidity providers, or their failure to perform
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security
7. Modifications to the rights of security holders, if material
8. Bond calls, if material, and tender offers
9. Defeasances
10. Release, substitution or sale of property securing repayment of the securities, if material
11. Rating changes
12. Bankruptcy, insolvency, receivership or similar event of the County\*
13. The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material

\* This event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.



### **Consequences of Failure of the County to Provide Information**

The County shall give notice in a timely manner to the MSRB of any failure to provide disclosure of Annual Financial Information and Audited Financial Statements when the same are due under the Undertaking.

In the event of a failure of the County to comply with any provision of the Undertaking, the beneficial owner of any Bond may seek mandamus or specific performance by court order to cause the County to comply with its obligations under the Undertaking. A default under the Undertaking shall not be deemed a default under the Bond Ordinance, and the sole remedy under the Undertaking in the event of any failure of the County to comply with the Undertaking shall be an action to compel performance.

### **Amendment; Waiver**

Notwithstanding any other provision of the Undertaking, the County by ordinance authorizing such amendment or waiver, may amend the Undertaking, and any provision of the Undertaking may be waived, if:

- (a) (i) The amendment or the waiver is made in connection with a change in circumstances that arises from a change in legal requirements, including, without limitation, pursuant to a "no-action" letter issued by the Commission, a change in law, or a change in the identity, nature, or status of the County, or type of business conducted; or
- (ii) The Undertaking, as amended, or the provision, as waived, would have complied with the requirements of the Rule at the time of the primary offering, after taking into account any amendments or interpretations of the Rule, as well as any change in circumstances; and
- (b) The amendment or waiver does not materially impair the interests of the beneficial owners of the Bonds, as determined by parties unaffiliated with the County (such as Bond Counsel).

In the event that the Commission or the MSRB or other regulatory authority approves or requires Annual Financial Information or notices of a Reportable Event to be filed with a central post office, governmental agency or similar entity other than the MSRB or in lieu of the MSRB, the County shall, if required, make such dissemination to such central post office, governmental agency or similar entity without the necessity of amending the Undertaking.

### **Termination of Undertaking**

The Undertaking shall be terminated if the County shall no longer have any legal liability for any obligation on or relating to repayment of the Bonds under the Bond Ordinance. The County shall give notice to the MSRB in a timely manner if this paragraph is applicable.

### **Additional Information**

Nothing in the Undertaking shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in the Undertaking or any other means of communication, or including any other information in any Annual Financial Information or Audited Financial Statements or notice of occurrence of a Reportable Event, in addition to that which is required by the Undertaking. If the County chooses to include any information from any document or notice of occurrence of a Reportable Event in addition to that which is specifically required by the Undertaking, the County shall have no obligation under the Undertaking to update such information or include it in any future disclosure or notice of occurrence of a Reportable Event.

## **Dissemination of Information; Dissemination Agent**

When filings are required to be made with the MSRB in accordance with the Undertaking, such filings are required to be made through its Electronic Municipal Market Access (EMMA) system for municipal securities disclosure or through any other electronic format or system prescribed by the MSRB for purposes of the Rule.

The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under the Undertaking, and may discharge any such Agent, with or without appointing a successor Dissemination Agent.

## **OPTIONAL REDEMPTION**

Bonds due December 15, 2011-2020, inclusive, are non-callable. Bonds due December 15, 2021-2030, inclusive, are callable in whole or in part on any date on or after December 15, 2020, at a price of par and accrued interest. If less than all the Bonds are called, they shall be redeemed in such principal amounts and from such maturities as determined by the County and within any maturity by lot.

The Bond Registrar will give notice of redemption, identifying the Bonds (or portions thereof) to be redeemed, by mailing a copy of the redemption notice by first class mail not less than thirty (30) days nor more than sixty (60) days prior to the date fixed for redemption to the registered owner of each Bond (or portion thereof) to be redeemed at the address shown on the registration books maintained by the Bond Registrar. Unless moneys sufficient to pay the redemption price of the Bonds to be redeemed are received by the Bond Registrar prior to the giving of such notice of redemption, such notice may, at the option of the County, state that said redemption will be conditional upon the receipt of such moneys by the Bond Registrar on or prior to the date fixed for redemption. If such moneys are not received, such notice will be of no force and effect, the County will not redeem such Bonds, and the Bond Registrar will give notice, in the same manner in which the notice of redemption has been given, that such moneys were not so received and that such Bonds will not be redeemed. Otherwise, prior to any redemption date, the County will deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on the date.

Subject to the provisions for a conditional redemption described above, notice of redemption having been given as described above and in the Bond Ordinance, the Bonds or portions of Bonds so to be redeemed will, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds will be paid by the Bond Registrar at the redemption price.

## **LITIGATION**

There is no litigation of any nature now pending or threatened restraining or enjoining the issuance, sale, execution or delivery of the Bonds, or in any way contesting or affecting the validity of the Bonds or any proceedings of the County taken with respect to the issuance or sale thereof.

## **OFFICIAL STATEMENT AUTHORIZATION**

This Official Statement has been authorized for distribution to prospective purchasers of the Bonds. All statements, information, and statistics herein are believed to be correct but are not guaranteed by the consultants or by the County, and all expressions of opinion, whether or not so stated, are intended only as such.

## **INVESTMENT RATING**

The County has requested a credit rating for the Bonds from Standard & Poor's, New York, New York ("S&P"). The County has supplied certain information and material concerning the Bonds and the County to S&P as part of its application for an investment rating on the Bonds. Generally, such rating service bases its ratings on such information and material, and also on such investigations, studies and assumptions that it may undertake independently. There is no assurance that such rating will continue for any given period of time or that they may not be lowered or withdrawn entirely by such rating services if, in their judgment, circumstances so warrant. Any such downward change in or withdrawal of such rating may have an adverse effect on the secondary market price of the Bonds. An explanation of the significance of the investment ratings may be obtained from the rating agency: Standard & Poor's Corporation, 55 Water Street, New York, New York 10041, telephone 212-438-2000.

## **CERTAIN LEGAL MATTERS**

Certain legal matters incident to the authorization, issuance and sale of the Bonds are subject to the unqualified approving legal opinions of Schiff Hardin LLP, Chicago, Illinois, who have been retained by and act as Bond Counsel to the County and whose approving legal opinions will be delivered with the Bonds. Other than the statements describing their opinions contained in this Official Statement and the statements under the captions "TAX MATTERS" and "CERTAIN LEGAL MATTERS", Bond Counsel has not been retained or consulted on disclosure matters and has not independently reviewed and assumes no responsibility for the statements or information contained in this Official Statement. Bond Counsel is not obligated under the County's disclosure undertaking.

The legal opinions to be delivered by Bond Counsel concurrently with the delivery of the Bonds expresses the professional judgment of the attorneys rendering the opinions on the legal issues explicitly addressed in the opinions. By rendering a legal opinions, the opinions giver does not undertake to be an insurer or guarantor of the expression of professional judgment, of the transaction opined upon, or of the future performance of the parties to the transaction. Rendering opinions does not guarantee the outcome of any legal dispute that may arise out of the transaction.

## **UNDERWRITING**

The Bonds were offered for sale by the County at a public, competitive sale on December 13, 2010. The best bid submitted at the sale was submitted by \_\_\_\_\_ (the "Underwriter"). The County awarded the contract for sale of the Bonds to the Underwriter at a price of \$\_\_\_\_\_ on December 14, 2010. The Underwriter has represented to the County that the Bonds have been subsequently re-offered to the public initially at the yields or prices set forth in the addendum to this Official Statement.

## **FINANCIAL ADVISOR**

The County has engaged Speer Financial, Inc. as financial advisor (the "Financial Advisor") in connection with the issuance and sale of the Bonds. The Financial Advisor will not participate in the underwriting of the Bonds. The financial information included in the Official Statement has been compiled by the Financial Advisor. Such information does not purport to be a review, audit or certified forecast of future events and may not conform with accounting principles applicable to compilations of financial information. The Financial Advisor is not obligated to undertake any independent verification of or to assume any responsibility for the accuracy, completeness or fairness of the information contained in this Official Statement, nor is the Financial Advisor obligated by the County's continuing disclosure undertaking.

### **CERTIFICATION**

We have examined this Official Statement dated November 30, 2010, for the \$9,285,000\* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010, believe it to be true and correct and will provide to the purchaser of the Bonds at the time of delivery a certificate confirming to the purchaser that to the best of our knowledge and belief information in the Official Statement was at the time of acceptance of the bid for the Bonds and, including any addenda thereto, was at the time of delivery of the Bonds true and correct in all material respects and does not include any untrue statement of a material fact, nor does it omit the statement of any material fact required to be stated therein, or necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading.

/s/ **KAREN MCCONNAUGHAY**  
*Chairman of the County Board*  
THE COUNTY OF KANE COUNTY

/s/ **CHERYL PATTELLI**  
*Director of Finance*  
THE COUNTY OF KANE COUNTY

*\*Subject to change.*

**APPENDIX A**

**THE COUNTY OF KANE, ILLINOIS**

**EXCERPTS OF FISCAL YEAR 2009 AUDITED FINANCIAL STATEMENTS**

## APPENDIX B

### DESCRIBING BOOK-ENTRY-ONLY ISSUANCE

1. The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the Bonds (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for each issue of the Securities, each in the aggregate principal amount of such issue, and will be deposited with DTC.

2. DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities Bonds. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has Standard & Poor's highest rating: AAA. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

3. Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive Bonds representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.

4. To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

5. Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.

6. Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

7. Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the County as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

8. Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the County or the Paying Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, the Paying Agent, or the County, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the County or the Paying Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

9. A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to any Tender/Remarketing Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to any Tender/Remarketing Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to any Tender/Remarketing Agent's DTC account.

10. DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the County or the Paying Agent. Under such circumstances, in the event that a successor depository is not obtained, Security Bonds are required to be printed and delivered.

11. The County may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security Bonds will be printed and delivered to DTC.

12. The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the County believes to be reliable, but the County takes no responsibility for the accuracy thereof.

**APPENDIX C**  
**PROPOSED FORM OF OPINION OF BOND COUNSEL**

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OFFICIAL BID FORM  
(Open Speer Auction)

The County of Kane, Illinois  
719 South Batavia - Building A  
Geneva, Illinois 60134

December 13, 2010  
Speer Financial, Inc.

Board of Commissioners:

For the \$9,285,000\* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 (the "Bonds") of the County of Kane, Illinois (the "County"), as described in the annexed Official Notice of Sale, which is expressly made a part of this bid, we will pay you \$\_\_\_\_\_ (no less than \$9,173,580). We acknowledge that the total bidder compensation for the Bonds will not exceed \$139,275, including the cost of any bond insurance purchased on a bidder's option basis. The dated date and delivery date for the Bonds is expected to be on or about December 29, 2010. The Bonds are to bear interest as follows (each rate a multiple of 1/8 or 1/100 of 1%). The premium or discount, if any, is subject to adjustment allowing the same \$\_\_\_\_\_ gross spread per \$1,000 bond as bid herein.

MATURITIES\* - DECEMBER 15

Principal Amount*	Due Dec. 15	Interest Rate	Expected Reoffering Price (1)	Maximum Permitted Reoffering Price (2) (3)	Principal Amount*	Due Dec. 15	Interest Rate	Expected Reoffering Price (1)	Maximum Permitted Reoffering Price (2) (3)
\$670,000	2011 (4)	_____ %	_____ \$	100.00%	\$150,000	2021	_____ %	_____ \$	101.75%
675,000	2012	_____ %	_____ \$	100.25%	155,000	2022	_____ %	_____ \$	101.75%
690,000	2013	_____ %	_____ \$	100.50%	165,000	2023	_____ %	_____ \$	101.75%
705,000	2014	_____ %	_____ \$	100.75%	170,000	2024	_____ %	_____ \$	101.75%
725,000	2015	_____ %	_____ \$	101.00%	180,000	2025	_____ %	_____ \$	101.75%
745,000	2016	_____ %	_____ \$	101.25%	185,000	2026	_____ %	_____ \$	101.75%
770,000	2017	_____ %	_____ \$	101.50%	195,000	2027	_____ %	_____ \$	101.75%
795,000	2018	_____ %	_____ \$	101.75%	200,000	2028	_____ %	_____ \$	101.75%
825,000	2019	_____ %	_____ \$	101.75%	210,000	2029	_____ %	_____ \$	101.75%
855,000	2020	_____ %	_____ \$	101.75%	220,000	2030	_____ %	_____ \$	101.75%

- Notes: (1) The first price at which 10% of the Bonds of that maturity are reasonably expected to be sold to the public, excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers.
- (2) The maximum first price at which 10% of the Bonds of that maturity may be sold to the public, excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers.
- (3) For term Bonds, the Maximum Permitted Reoffering Price is the average maximum indicated price weighted by the principal amount due by mandatory redemption or maturity.
- (4) A portion of this maturity may be issued as taxable bonds but not Recovery Zone Economic Development Bonds.

Any consecutive maturities may be aggregated into no more than five term bonds at the option of the bidder, in which case the mandatory redemption provisions shall be on the same schedule as above.

Maturities: \_\_\_\_\_ Term Maturity \_\_\_\_\_ Maturities: \_\_\_\_\_ Term Maturity \_\_\_\_\_ Maturities: \_\_\_\_\_ Term Maturity \_\_\_\_\_  
Maturities: \_\_\_\_\_ Term Maturity \_\_\_\_\_ Maturities: \_\_\_\_\_ Term Maturity \_\_\_\_\_

The Bonds are to be executed and delivered to us in accordance with the terms of this bid accompanied by the approving legal opinion of Schiff Hardin LLP, Chicago, Illinois. The County will pay for the legal opinion. The underwriter agrees to apply for CUSIP numbers within 24 hours and pay the fee charged by the CUSIP Service Bureau and will accept the Bonds with the CUSIP numbers as entered on the Bonds.

As evidence of our good faith, we have wire transferred or enclosed herewith a check or Surety Bond payable to the order of the Treasurer of the County in the amount of TWO PERCENT OF PAR (the "Deposit") under the terms provided in your Official Notice of Sale. Attached hereto is a list of members of our account on whose behalf this bid is made.

Form of Deposit

Check One:

Certified/Cashier's Check ☐  
Financial Surety Bond ☐  
Wire Transfer ☐

Amount: \$185,700

Account Manager Information

Name \_\_\_\_\_  
Address \_\_\_\_\_  
By \_\_\_\_\_  
City \_\_\_\_\_ State/Zip \_\_\_\_\_  
Direct Phone (\_\_\_\_\_) \_\_\_\_\_  
FAX Number (\_\_\_\_\_) \_\_\_\_\_  
E-Mail Address \_\_\_\_\_

Bidders Option Insurance

We have purchased insurance from:

Name of Insurer  
(Please fill in)

Premium: \_\_\_\_\_

Maturities: (Check One)

☐ \_\_\_\_\_ Years

☐ All

The foregoing bid was accepted and the Bonds sold by ordinance of the County on December 14, 2010, and receipt is hereby acknowledged of the good faith Deposit which is being held in accordance with the terms of the annexed Official Notice of Sale.

THE COUNTY OF KANE, ILLINOIS

\*Subject to change.

Chairman of the County Board

NOT PART OF THE BID  
(Calculation of true interest cost)

	Bid	Post Sale Revision
Gross Interest	\$	
Less Premium/Plus Discount	\$	
True Interest Cost	\$	
True Interest Rate	%	%
TOTAL BOND YEARS	71,368.92	
AVERAGE LIFE	7.686 Years	Years

## OFFICIAL NOTICE OF SALE

**\$9,285,000\***

### **THE COUNTY OF KANE, ILLINOIS**

#### **Taxable General Obligation Alternate Bonds**

**(Riverboat Revenue Alternate Revenue Source), Series 2010**

**(Recovery Zone Economic Development Bonds - Direct Payment)**

*(Open Speer Auction)*

The County of Kane, Illinois (the "County"), will receive **open auction** electronic bids on the SpeerAuction ("*SpeerAuction*") website address "[www.SpeerAuction.com](http://www.SpeerAuction.com)" for its \$9,285,000\* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 (the "Bonds"), on an all or none basis between 10:45 A.M. and 11:00 A.M., C.S.T., Monday, December 13, 2010.

To bid, bidders must have: (1) completed the registration form on the SpeerAuction website, and (2) requested and received admission to the County's sale (as described below). Award will be made or all bids rejected at a meeting of the County on that date. The County reserves the right to change the date or time for receipt of bids. Any such change shall be made not less than twenty-four (24) hours prior to the revised date and time for receipt of the bids for the Bonds and shall be communicated by publishing the changes in the Amendments Page of the SpeerAuction webpage and through *Thompson Municipal News*.

The Bonds are valid and legally binding obligations of the County payable as to principal and interest from: (a) revenues derived from an agreement between the County and the Elgin Riverboat Resort (the "Pledged Revenues"), and (b) ad valorem taxes levied against all taxable property within the County without limitation as to rate or amount, except that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, moratorium, reorganization and other similar laws affecting creditors' rights and by equitable principles, whether considered at law or in equity, including the exercise of judicial discretion.

#### **Bidding Details**

Bidders should be aware of the following bidding details associated with the sale of the Bonds.

- (1) All bids must be submitted on the SpeerAuction website at [www.SpeerAuction.com](http://www.SpeerAuction.com). **No telephone, telefax or personal delivery bids will be accepted.** The use of SpeerAuction shall be at the bidder's risk and expense and the County shall have no liability with respect thereto, including (without limitation) liability with respect to incomplete, late arriving and non-arriving bid. Any questions regarding bidding on the SpeerAuction website should be directed to Grant Street Group at (412) 391-5555 x 370.
- (2) Bidders may change and submit bids as many times as they like during the bidding time period; provided, however, each and any bid submitted subsequent to a bidder's initial bid must result in a lower true interest cost ("TIC") with respect to a bid, when compared to the immediately preceding bid of such bidder. In the event that the revised bid does not produce a lower TIC with respect to a bid the prior bid will remain valid.
- (3) If any bid in the auction becomes a leading bid two (2) minutes prior to the end of the auction, then the auction will be automatically extended by two (2) minutes from the time such bid was received by SpeerAuction. The auction end time will continue to be extended, indefinitely, until a single leading bid remains the leading bid for at least two minutes.
- (4) The last valid bid submitted by a bidder before the end of the bidding time period will be compared to all other final bids submitted by others to determine the winning bidder or bidders.
- (5) During the bidding, no bidder will see any other bidder's bid, but bidders will be able to see the ranking of their bid relative to other bids (i.e., "Leader", "Cover", "3rd" etc.)
- (6) On the Auction Page, bidders will be able to see whether a bid has been submitted.

*\*Subject to change.*

## **Rules of SpeerAuction**

Bidders must comply with the Rules of SpeerAuction in addition to the requirements of this Official Notice of Sale. To the extent there is a conflict between the Rules of SpeerAuction and this Official Notice of Sale, this Official Notice of Sale shall control.

## **Rules**

- (1) A bidder ("Bidder") submitting a winning bid ("Winning Bid") is irrevocably obligated to purchase the Bonds at the rates and prices of the winning bid, if acceptable to the County, as set forth in the related Official Notice of Sale. Winning Bids are not officially awarded to Winning Bidders until formally accepted by the County.
- (2) Neither the County, Speer Financial, Inc., nor Grant Street Group (the "Auction Administrator") is responsible for technical difficulties that result in loss of Bidder's internet connection with SpeerAuction, slowness in transmission of bids, or other technical problems.
- (3) If for any reason a Bidder is disconnected from the Auction Page during the auction after having submitted a Winning Bid, such bid is valid and binding upon such Bidder, unless the County exercises its right to reject bids, as set forth herein.
- (4) Bids which generate error messages are not accepted until the error is corrected and bid is received prior to the deadline.
- (5) Bidders accept and agree to abide by all terms and conditions specified in the Official Notice of Sale (including amendments, if any) related to the auction.
- (6) Neither the County, Speer Financial, Inc., nor the Auction Administrator is responsible to any bidder for any defect or inaccuracy in the Official Notice of Sale, amendments, or Preliminary Official Statement as they appear on SpeerAuction.
- (7) Only Bidders who request and receive admission to an auction may submit bids. SpeerAuction and the Auction Administrator reserve the right to deny access to SpeerAuction website to any Bidder, whether registered or not, at any time and for any reason whatsoever, in their sole and absolute discretion.
- (8) Neither the County, Speer Financial, Inc., nor the Auction Administrator is responsible for protecting the confidentiality of a Bidder's SpeerAuction password.
- (9) If two bids submitted in the same auction by the same or two or more different Bidders result in same True Interest Cost, the first confirmed bid received by SpeerAuction prevails. Any change to a submitted bid constitutes a new bid, regardless of whether there is a corresponding change in True Interest Cost.
- (10) Bidders must compare their final bids to those shown on the Observation Page immediately after the bidding time period ends, and if they disagree with the final results shown on the Observation Page they must report them to SpeerAuction within 15 minutes after the bidding time period ends. Regardless of the final results reported by SpeerAuction, Bonds are definitively awarded to the winning bidder only upon official award by the County. If, for any reason, the County fails to: (i) award Bonds to the winner reported by SpeerAuction, or (ii) deliver Bonds to winning bidder at settlement, neither the County, Speer Financial, Inc., nor the Auction Administrator will be liable for damages.

The County reserves the right to reject all proposals, to reject any bid proposal not conforming to this Official Notice of Sale, and to waive any irregularity or informality with respect to any proposal. Additionally, the County reserves the right to modify or amend this Official Notice of Sale; however, any such modification or amendment shall not be made less than twenty-four (24) hours prior to the date and time for receipt of bids on the Bonds and any such modification or amendment will be announced on the Amendments Page of the SpeerAuction webpage and through *Thompson Municipal News*.

The Bonds will be in fully registered form in the denominations of \$5,000 and integral multiples thereof, registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, to which principal and interest payments on the Bonds will be paid. Individual purchases will be in book-entry form only. Interest on each Bond shall be paid by check or draft of the Bond Registrar to the person in whose name such Bond is registered at the close of business on the first day of the month in which an interest payment date occurs. The principal of the Bonds shall be payable in lawful money of the United States of America at the principal corporate trust office of the Bond Registrar in Chicago, Illinois. Semiannual interest is due June 15 and December 15 of each year, commencing December 15, 2011, and is payable by U.S. Bank National Association, Chicago, Illinois (the "Bond Registrar"). The dated date and delivery date for the Bonds is expected to be on or about December 29, 2010.

Bidding Parameters: Bidders may provide bids for the Bonds specifying interest rates and reoffering prices for the Bonds. The Bonds will be designated as "Recovery Zone Economic Development Bonds (Direct Payment). To comply with the Build America provisions of the Internal Revenue Code of 1986, as amended (the "Code"), each bid for the Bonds must specify the expected reoffering price (the "Expected Reoffering Price") for each maturity of the Bonds sold to the "Public." Throughout this paragraph the term Public shall not include bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers. The Expected Reoffering Price may not exceed the par amount of the maturity by more than 0.25% multiplied by the number of complete years to the earlier of the maturity date or the first optional redemption date for the maturity of the Bonds, with a maximum price of 101.75% for the years 2018-2030 (the Premium Restriction"). The winning bidder will be required to actually make a bona fide offer of all of the Bonds to the Public at a single price for each maturity that does not exceed the Premium Restriction. The Premium Restriction for a term bond, if any, subject to mandatory redemption is the average of the Premium Restriction that would be applicable to each sinking fund redemption date or maturity date (as though such dates were maturity dates) weighted by the principal amount coming due on such date by redemption or maturity. The winning bidder will be required to actually make (or arrange for another broker to make) a bona fide offer of all of the Bonds to the Public at a single price for each maturity that does not exceed the Premium Restriction. 100% of the Bonds must be offered in a bona fide offering to the Public at this offer price, and none of the Bonds may be held back by the winning bidder or sold to affiliates of the winning bidder during the public offering. Further, the winning bidder must expect to sell (or expect another broker to sell) to the Public at least 10% of each maturity at the Expected Reoffering Price before it or any other intermediary to whom the winning bidder has sold Bonds offers any of the Bonds of that maturity at a price higher than the Premium Restriction. Bids for the Bonds shall be for not less than \$9,173,580 and for not more than the Premium Restriction as described above. The winning bidder must provide such information and evidence (including the relevant pages from the Municipal Securities Rulemaking Board's Electronic Municipal Market Access System ("EMMA") website (or other evidence such as trade confirmations)), as Bond Counsel may require including a certificate, acceptable to Bond Counsel, establishing compliance with the above restrictions. In particular, in the event that information contained on the EMMA website indicates that any portion of any maturity of the Bonds has been sold at a price in excess of the Expected Reoffering Price for such maturity of the Bonds prior to the date of issuance of the Bonds, upon the request of the County, the winning bidder will provide a written explanation as to why some customers were willing to buy the Bonds at a price in excess of the Expected Reoffering Price. Further, such certificate must indicate that the winning bidder's total compensation for the Bonds does not exceed \$139,275, including the cost of any bond insurance purchased by the winning bidder.

#### MATURITIES\* - DECEMBER 15

Principal Amount*	Due Dec. 15	Interest Rate	Expected Reoffering Price (1)	Maximum Permitted Reoffering Price (2) (3)	Principal Amount*	Due Dec. 15	Interest Rate	Expected Reoffering Price (1)	Maximum Permitted Reoffering Price (2) (3)
\$670,000	2011 (4)	—%	—%	100.00%	\$150,000	2021	—%	—%	101.75%
675,000	2012	—%	—%	100.25%	155,000	2022	—%	—%	101.75%
690,000	2013	—%	—%	100.50%	165,000	2023	—%	—%	101.75%
705,000	2014	—%	—%	100.75%	170,000	2024	—%	—%	101.75%
725,000	2015	—%	—%	101.00%	180,000	2025	—%	—%	101.75%
745,000	2016	—%	—%	101.25%	185,000	2026	—%	—%	101.75%
770,000	2017	—%	—%	101.50%	195,000	2027	—%	—%	101.75%
795,000	2018	—%	—%	101.75%	200,000	2028	—%	—%	101.75%
825,000	2019	—%	—%	101.75%	210,000	2029	—%	—%	101.75%
855,000	2020	—%	—%	101.75%	220,000	2030	—%	—%	101.75%

- Notes: (1) The first price at which 10% of the Bonds of that maturity are reasonably expected to be sold to the public, excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers.  
(2) The maximum first price at which 10% of the Bonds of that maturity may be sold to the public, excluding bond houses, brokers, or similar persons or organizations acting in the capacity of underwriters, placement agents or wholesalers.  
(3) For term Bonds, the Maximum Permitted Reoffering Price is the average maximum indicated price weighted by the principal amount due by mandatory redemption or maturity.  
(4) A portion of this maturity may be issued as taxable bonds but not Recovery Zone Economic Development Bonds.

Any consecutive maturities may be aggregated into no more than five term bonds at the option of the bidder, in which case the mandatory redemption provisions shall be on the same schedule as above.

Bonds due December 15, 2011-2020, inclusive, are non-callable. Bonds due December 15, 2021-2030, inclusive, are callable in whole or in part on any date on or after December 15, 2020, at a price of par and accrued interest. If less than all the Bonds are called, they shall be redeemed in such principal amounts and from such maturities as determined by the County and within any maturity by lot.

All interest rates must be in multiples of one-eighth or one one-hundredth of one percent (1/8 or 1/100 of 1%), and not more than one rate for a single maturity shall be specified. The rates bid shall be in non-descending order. The differential between the highest rate bid and the lowest rate bid for the Bonds shall not exceed eight percent (8%).

Award of the Bonds: The Bonds will be awarded on the basis of true interest cost, determined in the following manner. True interest cost for the Bonds shall be computed by determining the annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the Bonds, less 45% of the interest payments on the Bonds per maturity, from the payment dates thereof to the dated date and to the bid price. For the purpose of calculating true interest cost, the Bonds shall be deemed to become due in the principal amounts and at the times set forth in the table of maturities set forth above. In the event two or more qualifying bids produce the identical lowest true interest cost, the winning bid shall be the bid that was submitted first in time on the SpeerAuction webpage.

The Bonds will be awarded to the bidder complying with the terms of this Official Notice of Sale whose bid produces the lowest true interest cost rate to the County as determined by the County's Financial Advisor, which determination shall be conclusive and binding on all bidders; *provided*, that the County reserves the right to reject all bids or any non-conforming bid and reserves the right to waive any informality in any bid. Bidders should verify the accuracy of their final bids and compare them to the winning bids reported on the SpeerAuction Observation Page immediately after the bidding.

The premium or discount, if any, is subject to adjustment if the maturity amounts of the Bonds are changed, allowing the same dollar amount of spread per \$1,000 bond as bid.

The true interest cost of each bid will be computed by SpeerAuction and reported on the Observation Page of the SpeerAuction webpage immediately following the date and time for receipt of bids. These true interest costs are subject to verification by the County's Financial Advisor, will be posted for information purposes only and will not signify an actual award of any bid or an official declaration of the winning bid. The County or its Financial Advisor will notify the bidder to whom the Bonds will be awarded, if and when such award is made.

The winning bidder will be required to make the standard filings and maintain the appropriate records routinely required pursuant to MSRB Rules G-8, G-11 and G-36. The winning bidder will be required to pay the standard MSRB charge for Bonds purchased. In addition, the winning bidder who is a member of the Securities Industry and Financial Markets Association ("SIFMA") will be required to pay SIFMA's standard charge per bond.

Each bid shall be accompanied by a certified or cashier's check on, or a wire transfer from, a solvent bank or trust company or a Financial Surety Bond for **TWO PERCENT OF PAR** payable to the Treasurer of the County as evidence of good faith of the bidder (the "Deposit"). The Deposit of the successful bidder will be retained by the County pending delivery of the Bonds and all others will be promptly returned. Should the successful bidder fail to take up and pay for the Bonds when tendered in accordance with this Notice of Sale and said bid, said Deposit shall be retained as full and liquidated damages to the County caused by failure of the bidder to carry out the offer of purchase. Such Deposit will otherwise be applied on the purchase

If a wire transfer is used for the Deposit, it must be sent according to the following wire instructions:

Amalgamated Bank of Chicago  
Corporate Trust  
One West Monroe, 3<sup>rd</sup> Floor  
Chicago, IL 60603  
ABA # 071003405  
Credit to: DDA # 150002305  
Further Credit to: 1853281001 Speer Bidding Escrow  
RE: [name of bidder] bid for the  
County of Kane, Illinois

**\$9,285,000\* Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010**

The wire shall arrive in such account no later than 30 minutes prior to the date and time of the sale of the Bonds. Contemporaneously with such wire transfer, the bidder shall send an email to [biddingscrow@aboc.com](mailto:biddingscrow@aboc.com) with the following information: (1) indication that a wire transfer has been made, (2) the amount of the wire transfer, (3) the issue to which it applies, and (4) the return wire instructions if such bidder is not awarded the Bonds. The County and any bidder who chooses to wire the Deposit hereby agree irrevocably that Speer Financial, Inc. ("Speer") shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: (i) if the bid is not accepted, Speer shall, at its expense, promptly return the Deposit amount to the unsuccessful bidder; (ii) if the bid is accepted, the Deposit shall be forwarded to the County; (iii) Speer shall bear all costs of maintaining the escrow account and returning the funds to the bidder; (iv) Speer shall not be an insurer of the Deposit amount and shall have no liability except if it willfully fails to perform, or recklessly disregards, its duties specified herein; and (v) income earned on the Deposit, if any, shall be retained by Speer.

If a Financial Surety Bond is used for the Deposit, it must be from an insurance company licensed to issue such a bond in the State of Illinois and such bond must be submitted to Speer prior to the opening of the bids. The Financial Surety Bond must identify each bidder whose deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to a bidder using a Financial Surety Bond, then that purchaser is required to submit its Deposit to the County in the form of a certified or cashier's check or wire transfer as instructed by Speer, or the County not later than 3:00 P.M. on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the County to satisfy the Deposit requirement.

The County covenants and agrees to enter into a written agreement or contract, constituting an undertaking (the "Undertaking") to provide ongoing disclosure about the County for the benefit of the beneficial owners of the Bonds on or before the date of delivery of the Bonds as required under Section (b)(5) of Rule 15c2-12 (the "Rule") adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. The Undertaking shall be as described in the Official Statement, with such changes as may be agreed in writing by the Underwriter. The County represents that it is in compliance with each and every undertaking previously entered into it pursuant to the Rule.

The Underwriter's obligation to purchase the Bonds shall be conditioned upon the County delivering the Undertaking on or before the date of delivery of the Bonds.

By submitting a bid, any bidder makes the representation that it understands Bond Counsel represents the County in the Bond transaction and, if such bidder has retained Bond Counsel in an unrelated matter, such bidder represents that the signatory to the bid is duly authorized to, and does hereby consent to and waive for and on behalf of such bidder any conflict of interest arising from any adverse position to the County in this matter; such consent and waiver shall supersede any formalities otherwise required in any separate understandings, guidelines or contractual arrangements between the bidder and Bond Counsel.

The Bonds will be delivered to the successful purchaser against full payment in immediately available funds as soon as they can be prepared and executed, which is expected to be on or about December 29, 2010. Should delivery be delayed beyond sixty (60) days from the date of sale for any reason beyond the control of the County except failure of performance by the purchaser, the County may cancel the award or the purchaser may withdraw the good faith deposit and thereafter the purchaser's interest in and liability for the Bonds will cease.

The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts, and interest rates of the Bonds, and any other information required by law or deemed appropriate by the County, shall constitute a "Final Official Statement" of the County with respect to the Bonds, as that term is defined in the Rule. By awarding the Bonds to any underwriter or underwriting syndicate, the County agrees that, no more than seven (7) business days after the date of such award, it shall provide, without cost to the senior managing underwriter of the syndicate to which the Bonds are awarded, up to 100 copies of the Final Official Statement to permit each "Participating Underwriter" (as that term is defined in the Rule) to comply with the provisions of such Rule. The County shall treat the senior managing underwriter of the syndicate to which the Bonds are awarded as its designated agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter. Any underwriter executing and delivering an Official Bid Form with respect to the Bonds agrees thereby that if its bid is accepted by the County it shall enter into a contractual relationship with all Participating Underwriters of the Bonds for purposes of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

By submission of its bid, the senior managing underwriter of the successful bidder agrees to supply all necessary pricing information and any Participating Underwriter identification necessary to complete the Official Statement within 24 hours after award of the Bonds. Additional copies of the Final Official Statement may be obtained by Participating Underwriters from the printer at cost.

The County will, at its expense, deliver the Bonds to the purchaser in New York, New York, through the facilities of DTC and will pay for the bond attorney's opinion. At the time of closing, the County will also furnish to the purchaser the following documents, each dated as of the date of delivery of the Bonds: (1) the unqualified opinion of Schiff Hardin LLP, Chicago, Illinois, that the Bonds are lawful and enforceable; and (2) a no litigation certificate by the County.

The County has authorized the printing and distribution of an Official Statement containing pertinent information relative to the County and the Bonds. Copies of such Official Statement or additional information may be obtained from Ms. Cheryl Pattelli, Director of Finance, The County of Kane, 719 South Batavia - Building A, Geneva, Illinois 60134; telephone (630) 208-2006 or an electronic copy of this Official Statement is available from the [www.speerfinancial.com](http://www.speerfinancial.com) web site under "Debt Auction Center/Competitive Official Statement Sales Calendar" from the Independent Public Finance Consultants to the County, Speer Financial, Inc., One North LaSalle Street, Suite 4100, Chicago, Illinois 60602, telephone (312) 346-3700.

/s/ **KAREN MCCONNAUGHAY**  
*Chairman of the County Board*  
**THE COUNTY OF KANE COUNTY**

/s/ **CHERYL PATTELLI**  
*Director of Finance*  
**THE COUNTY OF KANE COUNTY**

**EXHIBIT C**

**DEPOSITORY AGREEMENT**

This DEPOSITORY AGREEMENT (the "**Agreement**") is dated as of the \_\_\_\_ day of \_\_\_\_\_, 2010, and is among The County of Kane, a unit of local government organized and existing under the Constitution and laws of the State of Illinois (the "**County**"), \_\_\_\_\_, a unit of local government organized and existing under the Constitution and laws of the State of Illinois located within the boundaries of the County ("[Unit Name]"), and [NAME OF DEPOSITORY], a \_\_\_\_\_ organized and existing under the laws of \_\_\_\_\_ (the "**Depository**").

**WITNESSETH:**

WHEREAS, the County is a duly organized and existing county created under the provisions of the laws of the State of Illinois and operating under the provisions of the Counties Code, as amended, 55 ILCS 5/1-1001 *et seq.* (the "**Counties Code**"), and is a "unit of local government" as defined in Section 1 of Article VII of the 1970 Illinois Constitution and a "public agency" as defined in Section 2 of the Intergovernmental Cooperation Act of the State of Illinois, 5 ILCS 220/1 *et seq.* (the "**Intergovernmental Cooperation Act**"); and

WHEREAS, \_\_\_\_\_ is a duly organized and existing \_\_\_\_\_ created under the provisions of the laws of the State of Illinois and operating under the provisions of the \_\_\_\_\_, and is a "unit of local government" as defined in Section 1 of Article VII of the 1970 Illinois Constitution and a "public agency" as defined in Section 2 of the Intergovernmental Cooperation Act; and

WHEREAS, Section 1400U-2 of the Internal Revenue Code of 1986, as amended, enacted as part of the American Recovery and Reinvestment Act of 2009 (the "**Act**"), authorizes state and local governments to issue bonds that qualify as "recovery zone economic development bonds" as defined in that Section ("**Recovery Zone Economic Development Bonds**"); and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes," as such term is defined in Section 1400U-2; and

WHEREAS, pursuant to prior action by the County Board of the County (the "**County Board**"), the County has been designated as a "recovery zone" for purposes of Section 1400U-2; and

WHEREAS, pursuant to Notice 2009-50 issued by the Internal Revenue Service on June 29, 2009, the County has been allocated a volume cap of \$16,800,000 for Recovery Zone Economic Development Bonds to be issued for projects constituting qualified economic development purposes within the County during calendar years 2009 and 2010, and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as

the County shall determine in good faith at its discretion for use by other units of local government such as the Agency to finance eligible costs for qualified economic development purposes within the County; and

WHEREAS, on \_\_\_\_\_, 2010, the County Board adopted Ordinance No. \_\_\_\_\_, authorizing the issuance of Recovery Zone Economic Development Alternate Bonds (Riverboat Revenue Alternate Revenue Source) of the County, in an aggregate principal amount not to exceed \$16,800,000 (the "**Series 2010 Bonds**"), for the purpose of paying all or a portion of (a) the costs of acquiring, constructing, improving and equipping various water and/or sewer public works projects to be undertaken jointly by the County and other units of local governments located within the County pursuant to intergovernmental agreements between the County and such units, and (b) the costs of certain other capital projects of the County; and incidental to these project costs, to pay bond discount, interest, bond reserve requirements, and legal, other financing and related administrative fees and costs (collectively, the "**Recovery Zone Economic Development Project**"); and

WHEREAS, on \_\_\_\_\_, 2010, the County Board adopted Ordinance No. \_\_\_\_\_ (the "**Bond Ordinance**") providing for the issuance and sale of not to exceed \$16,800,000 of the Bonds; and

WHEREAS, the County and [Unit Name] have entered into an "Agreement Between The County of Kane and \_\_\_\_\_ for Allocation and Loan of Bond Proceeds Pursuant to the American Recovery and Reinvestment Act of 2009" dated \_\_\_\_\_, 2010 (the "**Intergovernmental Agreement**") pursuant to which, among other things, (a) the County will loan [Unit Name] \$\_\_\_\_\_ of the proceeds of sale of the Series 2010 Bonds (the "**Bond Proceeds**") for the purpose of financing [all] [a portion of] the costs of acquiring, constructing, improving and equipping a water and/or sewer public works project comprised of \_\_\_\_\_ (the "[Unit Name] Project"), (b) [Unit Name] will undertake the acquisition construction, improvement and equipping of the [Unit Name] Project, and (c) the County will deposit the Bond Proceeds with the Depository and will make the Bond Proceeds available to the [Unit Name] to pay or reimburse the [Unit Name] for the costs of the [Unit Name] Project in accordance with the terms and conditions of this Agreement; and



WHEREAS, the Depository has agreed to hold and distribute the amounts deposited with it under this Agreement subject to the terms and conditions of this Agreement;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties to this Agreement agree as follows:

**1. Definitions; Interpretations.**

(a) The words and terms defined in this Agreement, including the words and terms used above in the recitals to this Agreement, shall have the meanings set forth in this Agreement. Capitalized terms not otherwise defined in this Agreement shall have the meanings set forth in the Bond Ordinance or the Intergovernmental Agreement, as applicable. Any accounting terms not otherwise defined in this Agreement shall have the meaning assigned to them in accordance with generally accepted accounting principles.

(b) References to the masculine include the feminine and neuter and vice versa and references to the singular include the plural and vice versa, unless the context or use indicates otherwise. The words "thereof," "herein," "hereunder" and other words of similar import refer to this Agreement as a whole. Headings of sections in this Agreement are solely for convenience of reference, do not constitute a part of this Agreement, and shall not affect the meaning, construction or effect of this Agreement.

**2. [Unit Name] Project Account.**

(a) The City establishes and creates with the Depository a separate account to be designated the "Series 2010 [Unit Name] Project Account". The Depository agrees to hold the Series 2010 [Unit Name] Project Account and invest and disburse amounts from time to time on deposit in the Series 2010 [Unit Name] Account Fund for the uses and purposes provided in this Agreement.

(b) Proceeds of the sale of the Series 2010 Bonds in the amount of \$ \_\_\_\_\_ shall be deposited by the County with the Depository upon the execution and delivery of this Agreement by the parties and shall be deposited promptly by the Depository into the Series 2010 [Unit Name] Project Account. Amounts on deposit in the Series 2010 [Unit Name] Project Account shall be used solely to pay the costs of the [Unit Name] Project.

(c) Amounts on deposit in the Series 2010 [Unit Name] Project Account shall be disbursed to or upon the order of the [Unit Name] upon presentation to the Depository of a requisition in the form provided in the Intergovernmental Agreement, properly signed on behalf of the [Unit Name] and countersigned by an authorized officer of the County as provided in the [Intergovernmental Agreement] [form of the requisition attached to the Intergovernmental Agreement], together with all supporting documentation required by the Intergovernmental Agreement.

(d) After the final expenditure of funds within the [Unit Name] Project Fund, the Depository shall close the Series 2010 [Unit Name] Project Account and shall transfer all amounts remaining on deposit in the Series 2010 [Unit Name] Project Account to the County.

### 3. **Investments.**

(a) Pending the use of the moneys held in the Series 2010 [Unit Name] Project Account, the Depository shall invest such moneys upon the written direction of an authorized officer of the [Unit Name], which may be invested from time to time pursuant to any authorization granted to municipalities by Illinois statute or court decision. In all cases, gains from each investment shall be credited to and held in, and losses upon such investment shall be charged to, the [Unit Name] Project Fund. In no case shall the Depository be liable or responsible for any loss resulting from any investments undertaken in strict accordance with the terms of this Agreement. In the absence of written direction, the Depository shall invest moneys held in the [Unit Name] Project Fund in any money market mutual fund, including one sponsored or managed by the Depository, invested solely in short-term obligations of the United States of America.

(b) Notwithstanding anything to the contrary in this Agreement, the County shall have the right to access interest earnings on the [Unit Name] Project Fund for the purpose of paying arbitrage rebate with respect to the Bonds to the extent required by Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

### 4. **Duties of Depository; Intergovernmental Agreement.**

(a) The Depository shall maintain adequate records pertaining to the Series 2010 [Unit Name] Project Account and all transfers to, deposits in, disbursements and transfers from, and earnings on the Series 2010 [Unit Name] Project Account. With respect to each investment, the Depository shall maintain a record of the purchase price, purchase date, type of security, accrued interest paid, interest rate, principal amount, date of maturity, interest payment date, date of liquidation and amount received upon liquidation. The Depository shall retain such records for at least three years following the payment and retirement of the Series 2010 Bonds and shall make such records available to authorized representatives of or rebate consultants to the County.

(b) The Depository shall submit to the County and the [Unit Name] [monthly] [quarterly] a statement itemizing all moneys received by it and all payments made by it under this Agreement during the prior month, and also listing the assets on deposit in the Series 2010 [Unit Name] Project Account at the end of such prior month. The Depository shall also submit to the County an annual statement and statements for any other time period as may from time to time be requested by authorized representatives of or rebate consultants to the County.

(c) Notwithstanding anything in this Agreement to the contrary, the duties of the Depository are only such as are specifically provided in this Agreement; such duties are purely ministerial in nature; and the Depository shall incur no liability except for its own negligence or willful misconduct, or where it has acted in bad faith.

(d) If the Depository is subjected to conflicting demands with respect to the Series 2010 [Unit Name] Project Account, the Depository shall not be permitted or required to resolve such controversy or conflicting demands, or take action, including the making of disbursements, without prior written instructions from the County or a final court order.

(e) The Depository may rely upon any direction, certificate, statement or other document believed by it in good faith to be genuine and to have been signed or presented by the proper person or persons.

(f) The Depository acknowledges receipt of an executed copy of the Intergovernmental Agreement, and agrees to comply with its provisions to the extent they pertain to the disbursement of funds held under this Agreement.

5. **Compensation of Depository.** The Depository shall be entitled to reasonable compensation for its services rendered under this Agreement, as well as reimbursement for its reasonable out-of-pocket expenses. The [County] shall pay to the Depository reasonable compensation for its services rendered under this Agreement, and shall reimburse the Depository for all reasonable out-of-pocket expenses incurred by it in relation thereto.

6. **Notices.** All notices, requests, demands and other communications under this Agreement shall be in writing and shall be deemed to have been fully given if delivered by first class, certified or registered mail, postage prepaid, return-receipt requested, as follows:

To the County:

The County of Kane  
Kane County Government Center  
719 South Batavia Avenue  
Geneva, Illinois 60134  
Attention: Chief Financial Officer

with a copy to:

The Special Assistant States Attorney  
For the Kane County Board  
Kane County Government Center  
719 South Batavia Avenue  
Geneva, IL 60134

To the [Unit Name]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_, Illinois \_\_\_\_\_  
Attention: \_\_\_\_\_

To the Depository:

[Name of Depository]  
[Address of Depository]  
Attention: Corporate Trust Department

Such addresses for notice may be changed upon written notice given in the manner described in this paragraph.

7. **Amendments: Waivers.** This Agreement may be amended, modified or supplemented, and any provision of this Agreement may be waived, if such amendment, modification, supplement or waiver is in writing and signed by an authorized officer of the County, an authorized officer of the [Unit Name], and an authorized officer of the Depository.

8. **Resignation and Removal of Depository.** The Depository may terminate this Agreement and resign and be discharged from further duties under this Agreement at any time upon 30 days' prior written notice to the County and the [Unit Name]. The County (but not the [Unit Name]) may remove the Depository at any time upon seven days' prior written notice to the Depository. No resignation or removal in accordance with the provisions of this Agreement shall be effective until a successor Depository is appointed by the County and has accepted the terms of its appointment. At such time as the Depository resigns or is removed from its duties under this Agreement, all property held by it in its capacity as Depository shall be delivered to its successor.

9. **Termination of Agreement.** This Agreement shall terminate at such time as all funds have been disbursed under this Agreement. If, by its terms, this Agreement shall not have previously terminated, then it shall terminate on December 1, 20\_\_, at which time all property then held under this Agreement by the Depository shall be distributed to the County (or its designee) at the written direction of the County's Chief Financial Officer [or Treasurer].

10. **Controlling Law.** This Agreement shall be construed, enforced and administered in accordance with the internal laws of the State of Illinois, without regard to its conflict of laws principles.

11. **Counterparts; Separability.** This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument. If any provision of this Agreement shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatever.

[Signatures Appear on the Following Page]

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first written above.

**[NAME OF DEPOSITORY]**  
as Depository

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**THE COUNTY OF KANE**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

[SEAL]

Attest:

\_\_\_\_\_  
Its: \_\_\_\_\_


**[UNIT NAME]**

By: \_\_\_\_\_  
Title: \_\_\_\_\_

[SEAL]

Attest:

\_\_\_\_\_  
Its: \_\_\_\_\_

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item
	Date:	November 18, 2010	
	Item:	Resolution- Supplemental Budget Request: Amending the 2011 Budget Adult Board and Care	
	Presenter / Sponsor:	Finance Committee/Cheryl Pattelli	
Assigned Committee: Finance		Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
If not budgeted, explain funding source:		Appropriation: N/A	
<p>Summary:</p> <p>This supplemental budget request is needed because nothing was budgeted for adult prisoner outplacement in 2011 and an amount needs to be reserved for this cost in 2011. This resolution moves the \$500,000 out of the contingency fund and into a reserved line item. If this resolution is passed the 2011 amended budget for the contingency fund will decrease to \$597,705.</p>			
List Attachments: Resolution			
Detailed information available from / at: Cheryl Pattelli, Executive Director of Finance (630) 208-5113			
<p>Staff Comments / Recommendations: Staff requests Committee approval.</p>			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 374

**SUPPLEMENTAL BUDGET REQUEST: AMENDING THE 2011 FISCAL  
YEAR BUDGET ADULT BOARD & CARE**

WHEREAS, nothing was budgeted for adult outplacement in FY2011; and

WHEREAS, an adjustment is needed to reserve the costs of adult outplacement in FY2011.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board that the following FY2011 budget adjustment be made to reserve the costs of adult outplacement FY2011.

001.900.900.85000 (Allowance for Budget Expense/Contingency) (\$500,000)  
001.900.900.85030 (Allowance for Adult Board and Care) +\$500,000

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.900.900.85030	Allowance for Adult Board and Care	No	No	001.900.900.85000 (Allowance for Budget Expense/Contingency)

Passed by the Kane County Board on December 14, 2010.

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John Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12-Bdgt-BoardandCare

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #
	Date: 11/3/2010		
	Item:	<i>Contracting with Payflex Systems USA to Administer Flexible Spending Accounts</i>	
	Presenter / Sponsor:	<i>Sheila McCraven</i>	
Assigned Committee: Human Services		Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
If not budgeted, explain funding source:		Appropriation:	
<p>Summary:</p> <p>Since 1991, the County has offered Flexible Spending Accounts to its employees. This resolution enables the County to contract with PayFlex Systems USA, Inc., the existing administrator, to continue to administer the flexible spending accounts.</p>			
List Attachments:			
Detailed information available from / at: Sheila McCraven, ext. 25932			
Staff Comments / Recommendations:			
Recommend passage.			



STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 375

**CONTRACTING WITH PAYFLEX SYSTEMS USA TO ADMINISTER  
FLEXIBLE SPENDING ACCOUNTS**

WHEREAS, by Resolution No. 91-22 dated February 12, 1991 the County heretofore established the County of Kane Pre-Tax Deduction Plan (the "Plan") to provide for the payment of the portion of the group medical insurance premium payable by the employees of the County on a pre-tax basis; and

WHEREAS, the County allows employee participation in flexible spending accounts for health and dependent care; and

WHEREAS, the County desires to contract with PayFlex Systems USA, Inc., the preferred Blue Cross Blue Shield vendor, to administer its flexible spending accounts.

NOW THEREFORE, BE IT RESOLVED, the County Board authorizes the Chairman to execute any necessary documents for PayFlex Systems USA, Inc., to administer Kane County's flexible spending accounts.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001-800.808.50520	Health Administration Services	Yes	Yes	N/A

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes


No

Voice

Abstentions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12-Payflex

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #
	Date: 11/3/2010		
	Item:	Repealing Resolution 10-70 Health Care Coverage for Young Adult Dependents of County Employees	
	Presenter / Sponsor:	Sheila McCraven	
Assigned Committee: Human Services			Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If not budgeted, explain funding source:			Appropriation:
<p>Summary:</p> <p>Some provisions of Public Law 111-148, Patient Protection and Affordable Care Act, passed in 2010 affect the County's health plans in 2011. The County is required to allow young adults to remain on their parents plan until the young adult reaches their 26<sup>th</sup> birthday. Repealing Resolution 10-70 enables us to comply with the provisions of Public Law 111-148.</p>			
List Attachments: Resolution 10-70			
Detailed information available from / at: Sheila McCraven, ext. 25932			
<p>Staff Comments / Recommendations:</p> <p>Recommend passage.</p>			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 376

**REPEALING RESOLUTION 10-70 HEALTH CARE COVERAGE FOR  
YOUNG ADULT DEPENDENTS OF COUNTY EMPLOYEES**

WHEREAS, on March 9, 2010, the Kane County Board adopted Resolution 10-70 *Health Care Coverage for Young Adult Dependents of County Employees* in order to comply with Illinois Public Act 95-0958 which mandated that employers with group health insurance and HMO contracts (including dental and vision) give parents with insurance policies that cover dependents the right to elect coverage for qualifying dependents up to age 26 and up to age 30 for military veteran dependents; and

WHEREAS, in March 2010, President Obama signed the *Patient Protection and Affordable Care Act*, Public Law 111-148, of which some provisions will take effect for Kane County's health plans in 2011, including the provision that allows young adults to remain on their parents plan until the young adults reaches their 26<sup>th</sup> birthday.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Resolution 10-70 *Health Care Coverage for Young Adult Dependents of County Employees* is hereby repealed effective December 31, 2010 and that effective January 1, 2011, Kane County will comply with the provisions of Public Law 111-148 as it regards providing health care coverage to the young adult dependents of County employees.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

12-RepealRes10-70



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #

Date:

11/3/2010

Item:

*Authorizing Contracts Providing Group Health, Vision and Dental Plans*

Presenter / Sponsor:

*Sheila McCraven*

Assigned Committee: Human Services

Budgeted: ☒ Yes ☐ No ☐ N/A

*If not budgeted, explain funding source:*

Appropriation:

Summary:

Annual resolution adopting contribution rates split between employees and the County for health, vision and dental insurance. This resolution sets rates for 2011.

List Attachments:

Detailed information available from / at: Sheila McCraven 2-5932

Staff Comments / Recommendations: Approve

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 377

**AUTHORIZING CONTRACTS PROVIDING  
GROUP HEALTH, VISION AND DENTAL PLANS**

WHEREAS, the County has reviewed its medical plans in order to provide group health, vision and dental coverage for its employees; and

WHEREAS, BlueCross/BlueShield of Illinois, Delta Dental and EyeMed TruAssure offer plans that are the most responsive to the needs of the County and its employees; and

WHEREAS, the County Personnel Policy Handbook provides the following with respect to insurance premiums: Premium costs for health and dental insurance are shared by eligible employees and the County through payroll deduction; eligible part-time employees pay the full premium for all plans for coverage; a Section 125 Plan is available at the time of enrollment that allows employees to pay their share of the insurance premiums with before-tax dollars and to set aside funds through a flexible spending account before taxes are calculated so no federal, state, or social security or IMRF is deducted from the premiums; and

WHEREAS, the county believes it is in everyone's best interests to engage in cost containment measures by offering for 2011 a bona fide HIPPA-qualified wellness program consisting of a health risk assessment and blood draw that allows employees and covered spouses to reduce their employee contributions through their voluntary participation in the wellness program; and

WHEREAS, employees will have until February 28, 2011 to complete both the health risk assessment and blood draw in order to receive the applicable wellness rate; employees failing to complete these activities by February 28, 2011 will be charged the applicable non-wellness rates retroactive to January 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Kane County Board is authorized to enter into contracts with Blue Cross/Blue Shield of Illinois, Delta Dental and EyeMed TruAssure to provide for group health coverage, vision and dental coverage with the premium rates and employee premium contribution costs as set forth in the attached schedule for the period-January 1, 2011 through December 31, 2011. A copy of the contracts shall be filed with the Kane County Auditor.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
XXX.XXX.XXX.45000 XXX.XXX.XXX.45010	Healthcare Contribution Dental Contribution	Yes	Yes	N/A

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12HealthDentalVision

# 2011 MONTHLY HEALTH AND DENTAL CONTRIBUTIONS

subject to final approval by County Board

	2010: Medical & Vision		2011 Renewal: Medical & Vision		2011 Renewal: Medical & Vision		2011 Renewal: Medical & Vision	
	Current EE Contributions	Current Kane Co. Contribution	EE Contribution All Covered Adults (except Adult Children) Participate in Wellness	Kane Co. Contribution All Covered Adults (except Adult Children) Participate in Wellness	EE Contribution Only One Covered Adult Participates in Wellness	Kane Co. Contribution Only One Covered Adult Participates in Wellness	EE Contribution No Covered Adults Participate in Wellness	Kane Co. Contribution No Covered Adults Participate in Wellness
PPO								
EE	\$114.16	\$519.01	\$120.70	\$518.76	\$120.70	\$518.76	\$170.70	\$468.76
EE + 1 Child	\$226.76	\$1,042.88	\$239.83	\$1,042.41	\$239.83	\$1,042.41	\$289.83	\$992.41
EE+ Spouse	\$226.76	\$1,042.88	\$239.83	\$1,042.41	\$289.83	\$992.41	\$339.83	\$942.41
Family	\$333.45	\$1,524.06	\$352.68	\$1,523.30	\$402.68	\$1,473.30	\$452.68	\$1,423.30
HMO-IL								
EE	\$43.96	\$436.91	\$48.49	\$437.14	\$48.49	\$437.14	\$98.49	\$387.14
EE + 1 Child	\$128.80	\$835.63	\$138.24	\$835.73	\$138.24	\$835.73	\$188.24	\$785.73
EE+ Spouse	\$128.80	\$835.63	\$138.24	\$835.73	\$188.24	\$785.73	\$238.24	\$735.73
Family	\$203.19	\$1,206.69	\$217.18	\$1,206.70	\$267.18	\$1,156.70	\$317.18	\$1,106.70
HMO-BA								
EE	\$20.81	\$412.43	\$24.68	\$412.85	\$24.68	\$412.85	\$74.68	\$362.85
EE + 1 Child	\$59.58	\$809.40	\$67.59	\$809.98	\$67.59	\$809.98	\$117.59	\$759.98
EE+ Spouse	\$59.58	\$809.40	\$67.59	\$809.98	\$117.59	\$759.98	\$167.59	\$709.98
Family	\$93.63	\$1,176.26	\$105.37	\$1,177.12	\$155.37	\$1,127.12	\$205.37	\$1,077.12
Dental								
Single	\$9.71	\$15.59	\$10.33	\$16.59	\$10.33	\$16.59	\$10.33	\$16.59
Family	\$26.10	\$40.44	\$27.77	\$43.03	\$27.77	\$43.03	\$27.77	\$43.03



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #

Date:

11/3/2010

Item:

*Health Care Continuation Coverage for Medicare Eligible Retired and Disabled Employees*

Presenter / Sponsor:

*Sheila McCraven*

Assigned Committee: Human Services

Budgeted: ☒ Yes ☐ No ☐ N/A

If not budgeted, explain funding source:

Appropriation:

### Summary:

Annual resolution setting health insurance rates for Medicare eligible retired and disabled employees.

List Attachments: *(insert list of attachments pertaining to the resolution/ordinance)*

Detailed information available from / at: Sheila McCraven 2-5932

Staff Comments / Recommendations: Approve



STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 378

**HEALTH CARE CONTINUATION COVERAGE FOR  
MEDICARE ELIGIBLE RETIRED AND DISABLED EMPLOYEES**

WHEREAS, Public Act 86-1444 provides that eligible retired and disabled employees and their surviving spouses may elect to continue group health insurance coverage under the County's policy; and

WHEREAS, a Department of Insurance opinion dated February 18, 2003, states that continuation coverage cannot be terminated when the retiree or disabled employee becomes Medicare eligible though the employer may provide a reduced benefit plan for those Medicare eligible; and

WHEREAS, after reviewing the above, we believe Section 367j of the Illinois Insurance Code, 215 ILCS 5/367j ("Section 367j") requires that an IMRF employer, who provides a policy of group health insurance to its employees, must provide for the election of continued group health insurance coverage to a qualified retired or disabled employee and can provide a reduced benefit plan, even if the employee is eligible for Medicare.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Kane County will offer continuation health insurance coverage to Medicare eligible retired or disabled employees who are entitled to such coverage under Section 367j under the following plan and at the following monthly premiums, effective January 1, 2011, through December 31, 2011:

Single                      \$304.17/ \$307.21/monthly \*

Family                     \$608.34/ \$614.42/monthly \*

*\* A separate deductible of \$500 for outpatient prescription drugs to be paid at 80% (coinsurance does not go towards the outpatient prescription maximum)*


Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
N/A	N/A	N/A	N/A	N/A

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:  
Yes                      \_\_\_\_\_  
No                        \_\_\_\_\_  
Voice                    \_\_\_\_\_  
Abstentions           \_\_\_\_\_

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #
	Date:	November 17, 2010	
	Item:	<i>In Support of Grant Application for Veterans Commission Vehicle</i>	
	Presenter / Sponsor:	<i>John Carr</i>	
Assigned Committee: Human Services		Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	
If not budgeted, explain funding source: IDOT application		Appropriation: N/A	
<p>Summary:</p> <p>The Veterans Assistance Commission is seeking support to submit grant application to IDOT to replace the vehicle used to transport eligible veterans to the local veteran's hospital for ongoing care and medical treatment.</p>			
List Attachments: N/A			
Detailed information available from / at: <i>John Carr</i>			
Staff Comments / Recommendations: Approve			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 379

**SUPPORT OF IDOT GRANT APPLICATION FOR  
VETERANS ASSISTANCE COMMISSION VEHICLE**

WHEREAS, The Veterans Assistance Commission maintains a paratransit transportation service to meet the needs of elderly and handicapped Kane County veterans; and

WHEREAS, this paratransit transportation is provided for veterans in need of ongoing medical treatment at Hines VA Medical Center; and

WHEREAS, this paratransit vehicle is in need of replacement.

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board supports the Veterans Assistance Commission's application to secure a Consolidated Vehicle Procurement Grant through the Illinois Department of Transportation.

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
N/A	N/A	N/A	N/A	N/A

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:


Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12-VA VehicleGrant

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #
	Date: 11/23/10		
	Item:	<b>RESOLUTION: Professional Services for Fit for Kids</b>	
	Presenter / Sponsor:	Paul Kuehnert	
Assigned Committee: Public Health Committee		Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
If not budgeted, explain funding source:		Appropriation: \$48,000.00	
<p>Summary:</p> <p>The Making Kane County Fit for Kids campaign is a Kane County led initiative to reduce the epidemic of childhood obesity that puts the health of our children and community at risk. The FFK was awarded a \$360,000 grant from the Robert Wood Johnson Foundation in December, 2009 to be distributed over four years. As we enter the second year of that grant, this resolution authorizes renewal of our contract with Jane Maxwell, the registered dietician that manages Fit For Kids activities across Kane County. Ms. Maxwell was selected through a competitive process and has met all of the contract deliverables during the past year. Renewal is at the same hourly rate (\$43 per hour) as last year with no increase. The contract is fully funded through the Robert Wood Johnson Foundation grant.</p>			
List Attachments: Resolution			
Detailed information available from / at: Paul Kuehnert 630-444-3021			
Staff Comments / Recommendations: Approval			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 380

**PROFESSIONAL SERVICES AGREEMENT  
(Kane County Health Department)**

WHEREAS, the Kane County Health Department (KCHD), has need of professional services to manage community initiatives of the Making Kane County Fit for Kids childhood obesity program; and

WHEREAS, the KCHD issued a REQUEST FOR QUALIFICATIONS (RFQ), on November 2, 2009 with proposal due date and time of 4:00 pm on 11/30/09; and

WHEREAS, Jane Maxwell, MS, RD has been determined to be qualified with the requisite competencies to deliver the professional services needed by the KCHD; and

WHEREAS, the KCHD has received grant funding in the amount of Three Hundred Sixty Thousand Dollars (\$360,000) distributed over a four year period to support 'Fit for Kids' activities; and

WHEREAS, the KCHD wishes to renew its contract with Jane Maxwell and enter into an agreement in an amount not to exceed Forty Eight Thousand Dollars (\$48,000.00) paid at a rate of Forty-Three Dollars (\$43.00) per hour to compensate Jane Maxwell for the services delivered through this agreement for the period from December 1, 2010 to November 30, 2011.

NOW, THEREFORE, BE IT RESOLVED that the Chairman of the Kane County Board be, and hereby is, authorized to enter into an agreement with Jane Maxwell for an amount not to exceed Forty Eight Thousand Dollars (\$48,000) that shall be paid from the Kane County Health Department account 350-580-630-50150 (Contractual/Consulting Services). Copies of all contracts are to be placed on file in the County Clerk's office.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
350-580-630-50150	Contractual/Consulting Services	Yes	Yes	N/A


Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #
	Date: 11-23-2010		
	Item:	(Amending 2010 Health Department Budget)	
	Presenter / Sponsor:	(Paul Kuehnert, Executive Director, Kane County Health Department)	
Assigned Committee: Public Health Committee		Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
If not budgeted, explain funding source: Illinois Department of Public Health		Appropriation: (\$45,000.00)	
<p><b>Summary:</b></p> <p>The Kane County Health Department in collaboration with the Federal Centers for Disease Control and Prevention and the Illinois Department of Public Health, is currently managing an outbreak of tuberculosis among homeless individuals in Kane County. Organized, concerted public health, medical and social support activities must be directed toward the homeless population in Kane County in order to identify TB infections and assure treatment, in order to contain the outbreak.</p> <p>The Illinois Department of Public Health as therefore awarded the Kane County Health Department an additional grant in the amount of \$45,000 (Forty-Five Thousand Dollars) for the purposes of responding to this outbreak.</p>			
List Attachments: (insert list of attachments pertaining to the resolution/ordinance)			
Detailed information available from / at: (insert name of employee and phone)			
Staff Comments / Recommendations:			

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 381

**AMENDING 2010 HEALTH DEPARTMENT BUDGET**

WHEREAS, the Kane County Health Department, in collaboration with the federal Centers for Disease Control and Prevention and the Illinois Department of Public Health, is currently managing an outbreak of tuberculosis among homeless individuals in Kane County; and

WHEREAS, organized, concerted public health, medical and social support activities must be directed toward the homeless population in Kane County in order to identify TB infections and assure treatment, in order to contain the outbreak; and

WHEREAS, the Illinois Department of Public Health has awarded the Kane County Health Department an additional grant in the amount of Forty-Five Thousand Dollars (\$45,000.00) for the purpose of responding to this outbreak.

NOW, THEREFORE, BE IT RESOLVED, by the Kane County Board that the following FY2010 budget adjustment be made to reflect the additional funding amount of Forty-Five Thousand Dollars (\$45,000) in revenue from state grants:

Health Department Fund

350.580.000.32580 (TB Observed Therapy Grant)

+\$45,000

350.580.631.50150 (Contracts & Consulting)

+ \$45,000

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
350.580.000.32580	TB Observed Therapy Grant	No	No	350.580.000.32580 (TB Observed Therapy Grant)

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

\_\_\_\_\_

No

\_\_\_\_\_

Voice

\_\_\_\_\_

Abstentions

\_\_\_\_\_

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 – 382

**AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH  
VILLAGE OF BIG ROCK FOR THE LEVY AND COLLECTION OF TAXES  
FOR SPECIAL SERVICE AREA NO. 1**

WHEREAS, the Village of Big Rock (the "Village") has heretofore established Special Service Area No. 1 (the "Special Service Area") as a non-ad valorem Special Service Area within the Village; and

WHEREAS, the Special Service Area is for the installation of municipal infrastructure made necessary to best resolve a long standing environmental compliance violation while protecting the public health and preserving the quality of the drinking water source; and

WHEREAS, the Village desires that the County of Kane extend, bill and collect the special tax levied by the Village for the properties in the Village's Special Service Area with full reimbursement to be made to the County for any and all direct or indirect costs associated with the billing and collection of the special tax.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to enter into an intergovernmental agreement with the Village of Big Rock, subject to the approval of the Kane County Treasurer and the Kane County Clerk, which agreement shall be filed with the Kane County Clerk, for extension, billing and collection of the special tax assessed for the Village of Big Rock Special Service Area No. 1.

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_





## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #6C

Date: November 29, 2010

Item: *Resolution: Approving a Local Agency Agreement for the Jurisdictional Transfer of Part of County Highway No. 37 (Stearns Road) to the St. Charles Township Road District*

Presenter / Sponsor: Tom Rickert

Assigned Committee: Transportation

Budgeted: ☐ Yes ☐ No ☒ N/A

If not budgeted, explain funding source: N/A

Appropriation: N/A

### Summary:

As the construction of the Stearns Road Bridge Corridor nears completion, an old segment of Stearns Road needs to be removed from the County Highway System as the roadway now only provides residential access. Traffic is already utilizing the new Stearns Road pavement east of the Dunham Road/Illinois Route 25 intersection and Kane County now needs to transfer jurisdiction of this segment of existing roadway to St. Charles Township (to be named "Old Stearns Road") from the new cul-de-sac near Dunham Road easterly approximately 800 feet to the newly realigned Stearns Road.

Attached is the draft Local Agency Agreement for the Jurisdictional Transfer which will need to be jointly executed with the St. Charles Township Road District and the State of Illinois. The St. Charles Township Highway Commissioner has agreed to begin snow plowing as the agreement proceeds through IDOT's approval process.

List Attachments: Resolution, Local Agency Agreement for JT

Detailed information available from / at: Steve Coffinbargar, Chief of Planning & Programming, (630) 406-7170

Staff Comments / Recommendations: Staff recommends approval.

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 383

**APPROVING LOCAL AGENCY AGREEMENT FOR THE JURISDICTIONAL TRANSFER  
OF PART OF COUNTY HIGHWAY NO. 37 (STEARNS ROAD)  
TO THE ST. CHARLES TOWNSHIP ROAD DISTRICT**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and the Illinois Compiled Statutes (5 ILCS 220/1 et seq.) authorizes the County of Kane and the St. Charles Township Road District to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and

WHEREAS, the County of Kane has jurisdiction over County Highway No. 37, (commonly referred to as Stearns Road) and is willing to transfer jurisdiction of a part thereof, to the St. Charles Township Road District from the new cul-de-sac near Dunham Road easterly to the newly realigned Stearns Road under the terms and conditions as set forth in the jurisdictional transfer agreement (a copy of which is on file with the Kane County Clerk).

NOW, THEREFORE BE IT RESOLVED by the Kane County Board that any and all jurisdiction for that part of Kane County Highway No. 37, (also known as Stearns Road, renamed Old Stearns Road) from the cul-de-sac near Dunham Road easterly to realigned Stearns Road be transferred in its entirety to St. Charles Township Road District upon approval by the Illinois Department of Transportation and be deleted from the county highway system and that the County Board Chairman is authorized to execute an agreement to accomplish the same. Said jurisdictional transfer shall be effective upon the execution of the Local Agency Agreement for Jurisdictional Transfer by the County of Kane, St. Charles Township Road District and Illinois Department of Transportation.

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

12JRS DTRNSTRNSSTCHASTWP.4LH



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #6D

Date:

November 29, 2010

Item:

*Resolution:* Approving an Addition to the County Highway System, Stearns Road From Randall Road to Illinois Route 25, County Highway No. 37

Presenter / Sponsor:

Tom Rickert

Assigned Committee: Transportation

Budgeted: ☐ Yes ☐ No ☒ N/A

*If not budgeted, explain funding source:* N/A

Appropriation: N/A

### Summary:

As the construction of the Stearns Road Bridge Corridor nears completion, staff has developed the following item for your consideration:

- Establish Stearns Road from Randall Road easterly to Illinois Route 25 as County Highway No. 37.

List Attachments: Resolution, Map

Detailed information available from / at: Steve Coffinbargar, Chief of Planning & Programming, (630) 406-7170

Staff Comments / Recommendations: Staff recommends approval.

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 384

**APPROVING AN ADDITION TO THE COUNTY HIGHWAY SYSTEM  
STEARNS ROAD FROM RANDALL ROAD TO ILLINOIS ROUTE 25  
COUNTY HIGHWAY NO. 37**

WHEREAS, the County of Kane has constructed a new highway from the intersection of Kane County Highway No. 34 (also known as Randall Road) and McDonald Road which new highway travels in an easterly direction through Section 33 of Elgin Township and through Sections 4, 3, 2, and 1 of St. Charles Township generally along and south of the CC&P Railroad tracks to the new road's intersection with Illinois State Route 25 in the southwest quarter of Section 1 of St. Charles Township as said new highway is depicted in the attached exhibit (a copy of which exhibit is on file in the office of the Kane County Clerk); and

WHEREAS, the County of Kane is authorized , pursuant to the Illinois Compiled Statutes (605 ILCS 5/5-105), to make additions to the Kane County Highway System by resolution of the County Board; subject to the approval of the Illinois Department of Transportation (IDOT); and

WHEREAS, upon its opening to the motoring public, the newly constructed highway as described herein shall be under the jurisdiction of the County of Kane, named "Stearns Road" and designated Kane County Highway No. 37.

NOW, THEREFORE, BE IT RESOLVED, that the above described highway, with the approval of IDOT, be added to the highway system of Kane County and that said route be identified as County Highway No. 37 from Randall Road to Illinois Route 25.

BE IT ALSO RESOLVED, that the Kane County Clerk is hereby directed to transmit three certified copies of this Resolution to the State of Illinois through the IDOT Regional Engineer's Office at Schaumburg, Illinois.

BE IT FURTHER RESOLVED, that upon the above described approval by IDOT, the Kane County Engineer is hereby directed to make appropriate amendments to the Kane County Highway System Map and upon said amendment, file the map in the office of the Kane County Clerk.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #6E

Date: November 29, 2010

Item: Ordinance: An Ordinance Establishing County Highway No. 37 (Stearns Road) as a Freeway

Presenter / Sponsor: Tom Rickert

Assigned Committee: Transportation

Budgeted: ☐ Yes ☐ No ☒ N/A

If not budgeted, explain funding source: N/A

Appropriation: N/A

### Summary:

As the construction of the Stearns Road Bridge Corridor nears completion, staff is recommending establishing Stearns Road from Randall Road easterly to Illinois Route 25 and from Dunham Road/Illinois Route 25 to the DuPage County Line as a limited-access Freeway. The Highway Code of the Illinois Compiled Statutes (605 ILCS 5/8-101 *et seq.*) permits the county board of Kane County to designate any highway under the jurisdiction of the County of Kane as a freeway to protect the safety of the motoring public and the convenience and efficiency of highway traffic on Stearns Road. This action will require County Board consideration for any access requests.

List Attachments: Ordinance

Detailed information available from / at: Steve Coffinbargar, Chief of Planning & Programming, (630) 406-7170

Staff Comments / Recommendations: Staff request Committee approval.

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 385

**DESIGNATING COUNTY HIGHWAY NO. 37 (STEARNS ROAD) A FREEWAY**

WHEREAS, the Highway Code of the Illinois Compiled Statutes (605 ILCS 5/8-101 *et seq.*) permits the county board of Kane County to designate any highway under the jurisdiction of the County of Kane as a freeway; and

WHEREAS, the county board of Kane County has determined that the safety of the motoring public and the convenience and efficiency of highway traffic will be promoted by designating Kane County Highway No. 37 (Stearns Road) as a freeway from its intersection with Kane County Highway No. 34 (Randall Road) to its intersection with the Kane – DuPage county line.

NOW THEREFORE BE IT RESOLVED by the County Board of Kane County that Kane County Highway No. 37 (Stearns Road) from its intersection with Kane County Highway No. 34 (Randall Road) to its intersection with the Kane – DuPage county line be and is hereby designated as a freeway.

BE IT FURTHER RESOLVED that the Kane County Engineer be and hereby is ordered and directed to cause suitable signs to be erected giving notice that Kane County Highway No. 37 is a freeway.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois


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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes            \_\_\_\_\_  
No             \_\_\_\_\_  
Voice         \_\_\_\_\_  
Abstentions   \_\_\_\_\_

12STRNSFREEWAY.4LHPJ

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item #7B-1&2
	Date:	November 29, 2010	
	Item:	<i>Ordinance:</i> Approving Establishment of School Entrance Speed Limit, Kane County – Galligan Road <i>Ordinance:</i> Approving Establishment of School Speed Limit, Blackberry Township Road District – Grengs Lane & South Mill Creek Drive	
	Presenter / Sponsor:	Thomas Rickert	
Assigned Committee: Transportation			Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
If not budgeted, explain funding source:			Appropriation: N/A
<p>Summary:</p> <p>The following proposed speed limit alterations has been determined in accordance with Kane County Resolution No. 01-419 <i>Policy for the Establishment and Posting of Altered Speed Limits on County and Township Roads</i> and are being submitted for approval in accordance with 625 5/11-604/605 of the <i>Illinois Compiled Statutes</i>.</p> <p><u>Kane County:</u>          In response to a request from the Village of Gilberts, regarding traffic safety on Galligan Road near the entrance of the Gilberts Elementary School campus, Staff has investigated and recommends the following:</p> <p style="padding-left: 40px;">Reduction in current 45 mph speed limit on Galligan Road (adjacent to the school campus) to 35 mph (during school hours only)</p> <p>This conditional speed limit will be in effect during the times on school days – 7:00 AM – 4:00 PM. The current posted speed limits will be in effect at all other times. The primary factors for this recommendation are:</p> <ul style="list-style-type: none"> <li>• Average 85<sup>th</sup> percentile speed of ~51 mph on Galligan Road.</li> <li>• Multiple agency support – Village of Gilberts, School District 300 and Kane County Sheriff Department</li> <li>• In accordance with Section 7B.12 of the <i>Illinois Manual on Uniform Traffic Control Devices</i> for Traffic Control in School Areas</li> </ul> <p><u>Blackberry Township Road District:</u>          In response to a request from the Geneva School District 304, Mill Creek Special Service Area, Blackberry Township Road District and local residents regarding traffic safety near the Mill Creek Elementary School campus located in Mill Creek Subdivision, Staff has investigated and recommends the following:</p> <p style="padding-left: 40px;">Reduction in current 30 mph speed limits on Grengs Lane and South Mill Creek Drive (adjacent to the school campus) to 20 mph (during school hours only)</p> <p>This conditional speed limit will be in effect during the times on school days – 7:00 AM – 4:00 PM and when children are present. The current posted speed limits (30 mph) will be in effect at all other times. The primary factors for this recommendation are:</p> <ul style="list-style-type: none"> <li>• Five (5) marked pedestrian crossings adjacent to school grounds - Grengs Lane, South Mill Creek Drive and the two school entrances (on Grengs Lane)</li> <li>• Multiple agency support –Blackberry Township Road District, School District 303, Kane County Sheriff Department and local residents</li> <li>• In an accordance with Section 7B.11 of the <i>Illinois Manual on Uniform Traffic Control Devices</i> for Traffic Control in School Areas</li> </ul>			
List Attachments: Ordinances, Location Map			
Detailed information available from / at: Thomas Szabo, Traffic Manager, (630) 208-3139			
Staff Comments / Recommendations: Staff recommends approval.			

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 10 - 386

**APPROVING ESTABLISHMENT OF SCHOOL ENTRANCE SPEED LIMIT  
KANE COUNTY – GALLIGAN ROAD**

WHEREAS, the Kane County Division of Transportation has caused an engineering and traffic investigation to be made on Kane County Highway No. 6, also known as Galligan Road, a highway under the exclusive jurisdiction of the County of Kane; and

WHEREAS, the Transportation Committee of the Kane County Board has reviewed the results of said investigation and recommends the establishment of a School Entrance Speed Limit of thirty five (35) miles per hour as set forth herein below pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, so as to establish a speed limit that is reasonable, safe and proper; and

WHEREAS, the School Entrance Speed limit shall be conditional and in effect only on school days between the hours of seven o'clock (7:00) am and four o'clock (4:00) pm and the current statutory speed limit shall otherwise be in effect.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, that pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, the reasonable and safe absolute maximum speed limit on the section of Galligan Road shall be thirty five miles per hour as indicated in the schedule set forth herein below.

BE IT FURTHER ORDAINED, that this ordinance shall be effective upon the approval of the Kane County Board as provided by Statute and the posting of signs giving notice of the thirty five (35) miles per hour maximum speed limit.

**KANE COUNTY**

STREET	LIMITS (IF NOT ENTIRE LENGTH)		EXISTING SPEED LIMIT (MPH)* REPEALED	MAXIMUM SPEED LIMIT (MPH)*
	FROM	TO		
County Hwy. No. 6, Galligan Road			45**	35 (during school days between 7 AM and 4 PM)

\*miles per hour

\*\*during school days between 7 AM and 4 PM

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12ORDCOGLGN.4LH



STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 10 - 387

**APPROVING ESTABLISHMENT OF SCHOOL ENTRANCE SPEED LIMIT  
BLACKBERRY TOWNSHIP – GRENGS LANE AND SOUTH MILL CREEK DRIVE**

WHEREAS, the Kane County Division of Transportation has caused an engineering and traffic investigation to be made on Grengs Lane and South Mill Creek Drive, highways under the exclusive jurisdiction of Blackberry Township; and

WHEREAS, the Transportation Committee of the Kane County Board has reviewed the results of said investigation and recommends the establishment of a School Entrance Speed Limit of twenty (20) miles per hour as set forth herein below pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, so as to establish a speed limit that is reasonable, safe and proper; and

WHEREAS, the School Entrance Speed limit shall be conditional and in effect only on school days between the hours of seven o'clock (7:00) am and four o'clock (4:00) pm and when children are present. The current statutory speed limit (30 mph) shall otherwise be in effect.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, that pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, the reasonable and safe absolute maximum speed limit on the section of Grengs Lane and South Mill Creek Road shall be twenty (20) miles per hour as indicated in the schedule set forth herein below.

BE IT FURTHER ORDAINED, that this ordinance shall be effective upon the approval of the Kane County Board as provided by Statute and the posting of signs giving notice of the twenty (20) miles per hour maximum speed limit as set forth herein below.

**BLACKBERRY TOWNSHIP**

STREET	LIMITS (IF NOT ENTIRE LENGTH)		EXISTING SPEED LIMIT (MPH)* REPEALED	MAXIMUM SPEED LIMIT (MPH)*
	FROM	TO		
Grengs Lane			30**	20 (during school days between 7 AM and 4 PM)
South Mill Creek Drive			30**	20 (during school days between 7 AM and 4 PM)

\*miles per hour

\*\*during school days between 7 AM and 4 PM

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12ORDBLCKBERRYSCHOOL.4LH



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #7B-3

Date:

November 29, 2010

Item:

*Ordinance: Approving Establishment of Speed Limit, Stearns Road – Kane County*

Presenter / Sponsor:

Thomas Rickert

Assigned Committee: Transportation

Budgeted: ☐ Yes ☐ No ☒ N/A

*If not budgeted, explain funding source:*

Appropriation: N/A

### Summary:

The following proposed establishment of speed limit has been determined in accordance with Kane County Resolution No. 01-419 *Policy for the Establishment and Posting of Altered Speed Limits on County and Township Roads* and are being submitted for approval in accordance with 625 5/11-604 of the *Illinois Compiled Statutes*.

### Stearns Road (Kane County)

The establishment of a 45 mph speed limit is recommended by staff for the following proposed County Highway sections related to the new Stearns Road Corridor. The Geometric roadway design (of the project) reflects 45 mph vehicle speeds and is the primary factor in this determination.

1. Randall Road to IL 25
2. IL 25/Dunham Road to the Kane/DuPage County Line

List Attachments: Proposed Ordinances and Exhibits

Detailed information available from: Thomas Szabo, Traffic Manager - 630/208-3139

Staff Comments / Recommendations: Staff requests Committee approval.

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 10 - 388

**APPROVING ESTABLISHMENT OF SPEED LIMIT  
KANE COUNTY – STEARNS ROAD**

WHEREAS, the Kane County Division of Transportation has caused an engineering and traffic investigation to be made on Kane County Highway No. 37, also known as Stearns Road, a highway under the exclusive jurisdiction of the County of Kane; and

WHEREAS, the Transportation Committee of the Kane County Board has reviewed the results of said investigation and recommends the establishment of a Speed Limit of forty five (45) miles per hour as set forth herein below pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, so as to establish a speed limit that is reasonable, safe and proper.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, that pursuant to the Illinois Vehicle Code, 625 ILCS 5/11-604, the reasonable and safe absolute maximum speed limit on the section of Stearns Road shall be forty five (45) miles per hour as indicated in the schedule set forth herein below.

BE IT FURTHER ORDAINED, that this ordinance shall be effective upon the approval of the Kane County Board as provided by Statute and the posting of signs giving notice of the forty five (45) miles per hour maximum speed limit.

**KANE COUNTY**

STREET	LIMITS (IF NOT ENTIRE LENGTH)		EXISTING SPEED LIMIT (MPH)* REPEALED	MAXIMUM SPEED LIMIT (MPH)*
	FROM	TO		
County Hwy. No. 37, Stearns Road	Randall Road	DuPage County Line		45

\*miles per hour

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

No

Voice

Abstentions

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #7C

Date: November 29, 2010

Item: Ordinance: Approving Establishment of Class II Truck Route, Kane County – Stearns Road From Randall Road to Illinois Route 25 and From Illinois Route 25 at Dunham Road to the Kane/DuPage County Line

Presenter / Sponsor: Tom Rickert

Assigned Committee: Transportation

Budgeted: ☐ Yes ☐ No ☒ N/A

If not budgeted, explain funding source:

Appropriation: N/A

### Summary:

The following proposed establishment of a Class II Truck Route has been determined in accordance with the Stearns Road Corridor project design and is being submitted for approval in accordance with sections 5/15-111(g), 5/15-107 & 5/15-102 of the *Illinois Vehicle Code*.

#### Stearns Road (Kane County)

The establishment of a Class II Truck Route is recommended by staff for the following proposed County Highway sections related to the new Stearns Road Corridor.

1. Randall Road to IL 25
2. IL 25/Dunham Road to the Kane/DuPage County Line

The Geometric roadway design (of the project) reflects the Class II truck requirements for:

- Weight (gross vehicle) - up to 80,000 lbs
- Length - up to 65 feet
- Width - up to 8 ½ feet

List Attachments: Ordinance, Map

Detailed information available from: Thomas Szabo, Traffic Manager - 630/208-3139

Staff Comments / Recommendations: Staff recommends approval.

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 10 - 389

**APPROVING ESTABLISHMENT OF CLASS II TRUCK ROUTE  
KANE COUNTY – STEARNS ROAD FROM RANDALL ROAD TO ILLINOIS ROUTE 25 AND  
FROM ILLINOIS ROUTE 25 AT DUNHAM ROAD TO THE KANE/DUPAGE COUNTY LINE**

WHEREAS, the Illinois Vehicle Code, 625 ILCS 5/1-126.1 (d) and 625 ILCS 5/15-111 (f) provides that counties may designate highways within their respective jurisdictions as Class II Truck Routes, and in accordance with 625 ILCS 5/15-111(f), any such weight limitations shall be designated by the placement of appropriate signs on such highways; and

WHEREAS, pursuant to the Illinois Vehicle Code, 625 ILCS 15-102(a), a highway designated as a Class II Truck Route permits certain vehicle widths of up to eight (8) feet six (6) inches thereon; and

WHEREAS, pursuant to the Illinois Vehicle Code, (625 ILCS 15-111 (f)), a highway designated as Class II Truck Route allows for certain loads of up to 80,000 pounds thereon; and

WHEREAS, pursuant to the Illinois Vehicle Code, 625 ILCS 15-107(e), a highway designated as a Class II Truck Route permits certain vehicle lengths of up to sixty five (65) feet thereon; and

WHEREAS, Kane County desires to designate Stearns Road as a Class II Truck Route for the purpose of accommodating vehicle lengths, widths and loads as described aforesaid.

NOW THEREFORE, BE IT RESOLVED, that Kane County Highway No. 37 (Stearns Road) from the Kane/DuPage county line to Illinois State Route 25 for a distance of 3.28 miles is hereby designated as a Class II Truck Route.

BE IT FURTHER RESOLVED that County Highway No. 37 (Stearns Road) from Illinois State Route 25 to Kane County Highway No. 34 (Randall Road), for a distance of 0.42 miles is also hereby designated as a Class II Truck Route.

BE IT ALSO FURTHER RESOLVED that the Kane County Engineer is directed to inform the Illinois Department of Transportation of the designation of Stearns Road as a Class II Truck Route.

Passed by the Kane County Board on December 14, 2010.

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John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

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Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #8B-1a&b								
	Date:	November 29, 2010									
	Item:	<i>Resolution:</i> Approving a Phase II Engineering Services Agreement with H.W. Lochner, Inc. for the Kirk Road at Douglas Road Intersection Improvement, Kane County Section No. 08-00377-00-CH  <i>Resolution:</i> Approving an Intergovernmental Agreement with the State of Illinois for Phase II Engineering Services for the Kirk Road at Douglas Road Intersection Improvement, Kane County Section No. 08-00377-00-CH									
	Presenter / Sponsor:	Manny Gomez									
Assigned Committee: Transportation		Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A									
If not budgeted, explain funding source: N/A		Appropriation: \$147,601.49									
<p><b>Summary:</b></p> <p>This intersection project includes construction of a new northbound to westbound left turn lane at the Kirk Road/Douglas Road intersection. Also the existing southbound to westbound right turn lane will be extended to accommodate traffic growth projections. Improvements on Douglas Road include construction of separate left turn and right turn lanes. A traffic signal is not included as warrants do not justify a traffic signal at this location. Phase II services include but are not be limited to:</p> <ul style="list-style-type: none"> <li>• Pickup Survey</li> <li>• Environmental Testing</li> <li>• Drainage Design</li> <li>• Contract Plans &amp; Specifications</li> <li>• Engineer's Construction Cost Estimate</li> </ul> <p>To initiate phase II engineering staff has completed the consultant selection process using current QBS Procedures. The QBS Process includes:</p> <ul style="list-style-type: none"> <li>• 136 engineering firms (Transportation's Consultant Database) were notified.</li> <li>• 52 firms responded and submitted a Statement of Interest (SOI) in providing the engineering services.</li> <li>• 3 prequalified firms (listed below) were requested to submit a proposal (RFP) outlining their understanding of the required services. No discussion of fees, hours or other information regarding costs per state statutes.</li> <li>• 3 face to face interviews were conducted with the Proposal and Interview used to develop an overall score for each firm. The overall ranking score is provided in the table below:</li> </ul> <table border="1" data-bbox="324 1239 1226 1360"> <thead> <tr> <th>Firm Name</th> <th>Overall Ranking Score</th> </tr> </thead> <tbody> <tr> <td>H. W. Lochner Inc.</td> <td>208.5</td> </tr> <tr> <td>James J. Benes and Associates, Inc.</td> <td>208.0</td> </tr> <tr> <td>Knight Engineers &amp; Architects</td> <td>200.5</td> </tr> </tbody> </table> <p>Based on the above scores, H. W. Lochner Inc. was selected and a contract negotiated to provide Phase III Engineering Services. The negotiated contract is for an amount not to exceed \$147,601.49.</p> <p>Federal Congestion Mitigation and Air Quality (CMAQ) funds provide \$80,000 for these services; the local (County) match will be \$67,601.49. An Intergovernmental Agreement between the State of Illinois and Kane County is attached. This agreement is needed to allow for the use of CMAQ funds for Phase II Engineering.</p>				Firm Name	Overall Ranking Score	H. W. Lochner Inc.	208.5	James J. Benes and Associates, Inc.	208.0	Knight Engineers & Architects	200.5
Firm Name	Overall Ranking Score										
H. W. Lochner Inc.	208.5										
James J. Benes and Associates, Inc.	208.0										
Knight Engineers & Architects	200.5										
List Attachments: Resolutions, Engineering Agreement, Funding Agreement, Location Map											
Detailed information available from / at: Manny Gomez, Assistant Director of Transportation, (630) 845-7873											
Staff Comments / Recommendations: Staff recommends approval.											

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 390

**APPROVING A PHASE II ENGINEERING SERVICES AGREEMENT  
WITH H. W. LOCHNER, INC. FOR THE  
KIRK ROAD AT DOUGLAS ROAD INTERSECTION IMPROVEMENT  
KANE COUNTY SECTION NO. 08-00377-00-CH**

WHEREAS, the County of Kane desires to improve the intersection at Kane County Road No. 77 (commonly known as "Kirk Road") at Douglas Road (hereinafter the "Project"); and

WHEREAS, in order to accomplish the Project, it is necessary to retain the services of a professional engineering firm to provide Phase II Engineering services for the Project; and

WHEREAS, H. W. Lochner, Inc., 20 North Wacker Drive, Suite 1200, Chicago, IL 60606 has experience and professional expertise in Phase II Engineering services and is willing to perform the services for an amount not to exceed One Hundred Forty Seven Thousand Six Hundred One and 49/100 Dollars (\$147,601.49), upon the terms and conditions as set forth in the engineering services agreement (a copy of which is on file with the County Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the engineering services agreement be awarded to H. W. Lochner, Inc. and that the County Board Chairman is hereby authorized to execute a Phase II Engineering services agreement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the sum of One Hundred Forty Seven Thousand Six Hundred One and 49/100 Dollars (\$147,601.49) from County Highway Fund #300, Line Item #50140 (Engineering) to pay for said Phase II Engineering services with approximately fifty percent (50%) reimbursement from federal funds.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
300.520.520.50140	Engineering	Yes FY11-12	Yes	

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

No

Voice

Abstentions

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 391

**APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ILLINOIS  
FOR PHASE II ENGINEERING SERVICES FOR THE  
KIRK ROAD AT DOUGLAS ROAD INTERSECTION IMPROVEMENT  
KANE COUNTY SECTION NO. 08-00377-00-CH**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and 5 ILCS 220/1, *et seq.* authorizes the County of Kane (County) and the State of Illinois (State) to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and

WHEREAS, the County and the State, through the Illinois Department of Transportation desire to cooperate among themselves to accomplish the Phase II Engineering for the intersection improvement on Kane County Highway No. 77 (Kirk Road) at Douglas Road (hereinafter the "Improvement"); and

WHEREAS, the County and the State desire to undertake Phase II Engineering for the Improvement at an estimated cost of One Hundred Forty Seven Thousand Six Hundred Five Dollars (\$147,605.00); and

WHEREAS, the Improvement is deemed by the County and the State to be of immediate benefit to the residents of the County of Kane and the State of Illinois in that it shall facilitate the safe and efficient movement of traffic and shall provide for the safety of the motoring public; and

WHEREAS, the County and the State have determined a mutually satisfactory allocation of responsibilities and costs for said Improvement as set forth in a Local Agency Agreement for Federal Participation (a copy of which is on file with the County Clerk's Office) with the County being reimbursed approximately fifty percent (50%) of the cost thereof.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Local Agency Agreement for Federal Participation is approved and that the Chairman thereof is hereby authorized to execute said agreement with the Illinois Department of Transportation acting on behalf of the State of Illinois for the Phase II Engineering for the Improvement.

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

No

Voice

Abstentions

\_\_\_\_\_  
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## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #8B-2a

Date: November 29, 2010

Item: *Resolution:* Approving an Engineering Services Agreement with Hampton, Lenzini and Renwick, Inc. for 2011 Structure Safety Inspections

Presenter / Sponsor: Manny Gomez

Assigned Committee: Transportation

Budgeted: ☒ Yes ☐ No ☐ N/A

If not budgeted, explain funding source: N/A

Appropriation: \$360,000.00

### Summary:

The Surface Transportation Assistance Act of 1978 requires an inspection and inventory of all public bridges over 20 feet in length in accordance with the National Bridge Inspection Standards. Qualified personnel must inspect bridges on a regular schedule and have their findings submitted to IDOT for inclusion in the state and national databases. Bridges found to have deficient ratings are monitored. Depending on the nature of those deficiencies, some may require a reduction of load limits and ultimately prompt programming of funds for rehabilitation or replacement of the bridge structure.

To ensure compliance with the Act of 1978 staff has negotiated a contract with Hampton, Lenzini, & Renwick, Inc. for the 2011 Structure Safety Inspections.

The negotiated contract is for an amount not to exceed \$360,000.00.

List Attachments: Resolution, Engineering Agreement

Detailed information available from / at: Manny Gomez, Assistant Director of Transportation, (630) 845-7873

Staff Comments / Recommendations: Staff recommends approval.

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 392

**APPROVING AN ENGINEERING SERVICES AGREEMENT  
WITH HAMPTON, LENZINI AND RENWICK, INC. FOR  
2011 STRUCTURE SAFETY INSPECTIONS**

WHEREAS, engineering services are necessary to perform annual on-going inspections of various in-service bridge structures throughout Kane County (herein referred to as "Project"); and

WHEREAS, the Project was developed through the Kane County Division of Transportation to ensure the safety of in-service bridges and is mandated by the Federal Surface Transportation Assistance Act of 1978; and

WHEREAS, in order to complete the Project, it is necessary to retain the services of a professional engineering firm to perform the bridge inspections; and

WHEREAS, Hampton, Lenzini and Renwick, Inc., 380 Shepard Drive, Elgin, Illinois 60123 (hereinafter the "Consultant") has experience and professional expertise in bridge inspection and is willing to perform the required services for the Project for an amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00), upon the terms and conditions as set forth in the bridge structures inspection agreement (a copy of which is on file with the County Clerk's Office); and

WHEREAS, the County has determined that it is in the County's best interest to enter into an agreement for the bridge inspection services with the Consultant.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the bridge structures inspection services agreement be awarded to Hampton, Lenzini and Renwick, Inc., of Elgin, Illinois and that the County Board Chairman is hereby authorized to execute said agreement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of Three Hundred Sixty Thousand Dollars (\$360,000.00) to pay for bridge inspections services and that said funds be paid from County Bridge Fund No. 301, Line Item # 52100 (Bridge Inspection).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
301.520.521.52100	Bridge Inspection	Yes	Yes	

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois


Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>		Agenda Item #8C-1a&b								
	Date:	November 29, 2010									
	Item:	<i>Resolution:</i> Approving Contract for Construction, 2010 Bridge Maintenance Group #1, Kane County Section No. 10-00406-00-BR <i>Resolution:</i> Approving a Phase III Engineering Services Agreement with Thomas Engineering Group, LLC for 2010 Bridge Maintenance Group #1, Kane County Section No. 10-00406-00-BR									
	Presenter / Sponsor:	Manny Gomez									
Assigned Committee: Transportation		Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A									
If not budgeted, explain funding source:		Appropriation: \$891,415.60 (Construction) Appropriation: \$126,052 (Phase III Engineering)									
<p><b>Summary:</b></p> <p><b>Construction</b></p> <p>On November 10, 2010 construction bids were opened at the KDOT office for the 2010 Bridge Maintenance Group #1 project. Six locations are included in this contract. These are Allen Road over Coon Creek, Dauberman Road over Welch Creek, Harter Road over Welch Creek, Hughes Road over Blackberry Creek, Keslinger Road over Mill Creek, and Scott Road over Welch Creek.</p> <p>These bridges are box beam designs. This design is prone to differential movement between the beams which causes reflective cracking through the deck. The cracking eventually allows penetration of salt and moisture which can lead to premature deterioration of the beams and substructure. This project consists of removing the existing bituminous surface from the bridge deck and replacement with a reinforced concrete wearing surface. The reinforced concrete surface will increase the rigidity of the deck, making the box beams work more in unison to eliminate the differential movement between the beams. Other improvements include upgrading guardrail to current standards to enhance safety for the motoring public. If approved work is anticipated to start next spring with completion by the fall of 2011.</p> <p>Attached is the bid tabulation along with a location map for this contract. The low bidder and proposed contract amount for the project is as follows:</p> <p style="padding-left: 40px;">Martam Construction, Inc. of Elgin, Illinois in the amount of \$891,415.60</p> <p>The low bid amount is approximately 5.29% below the engineer's estimate of \$941,187.18.</p> <p><b>Phase III Engineering</b></p> <p>To initiate the construction engineering phase, staff has completed the consultant selection process using current QBS Procedures. The QBS Process includes:</p> <ul style="list-style-type: none"> <li>• 136 engineering firms (Transportation's Consultant Database) were notified.</li> <li>• 32 firms responded and submitted a Statement of Interest (SOI) in providing the engineering services.</li> <li>• 3 prequalified firms (listed below) were requested to submit a proposal (RFP) outlining their understanding of the required services. No discussion of fees, hours or other information regarding costs per state statutes.</li> <li>• 3 face to face interviews were conducted with the Proposal and Interview used to develop an overall score for each firm. The overall ranking score is provided in the table below:</li> </ul> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Firm Name</th> <th>Overall Ranking Score</th> </tr> </thead> <tbody> <tr> <td>Thomas Engineering Group, LLC</td> <td>178</td> </tr> <tr> <td>Stanley Consultants, Inc.</td> <td>171</td> </tr> <tr> <td>TranSystems</td> <td>154</td> </tr> </tbody> </table> <p>Based on the above scores, Thomas Engineering Group, LLC was selected and a contract negotiated to provide Phase III Engineering Services. This contract is for an estimated 1073 man hours with an amount not to exceed \$126,052.00.</p>				Firm Name	Overall Ranking Score	Thomas Engineering Group, LLC	178	Stanley Consultants, Inc.	171	TranSystems	154
Firm Name	Overall Ranking Score										
Thomas Engineering Group, LLC	178										
Stanley Consultants, Inc.	171										
TranSystems	154										
List Attachments: Resolutions, Bid Tab, Engineering Agreement, Location Map											
Detailed information available from / at: Manny Gomez, Assistant Director of Transportation, (630)845-7873											
Staff Comments / Recommendations: Staff recommends approval.											

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 – 393

**APPROVING CONTRACT FOR CONSTRUCTION  
2010 BRIDGE MAINTENANCE GROUP #1  
KANE COUNTY SECTION NO. 10-00406-00-BR**

WHEREAS, the Kane County Division of Transportation has solicited and received bids for the work and construction described as:

KANE COUNTY SECTION NO. 10-00406-00-BR  
2010 BRIDGE MAINTENANCE GROUP #1  
(hereinafter the "Project")

WHEREAS, the lowest responsible bidder for the Project is:

MARTAM CONSTRUCTION INC. OF ELGIN, ILLINOIS  
with a low bid of  
\$891,415.60

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the contract for the Project described hereinabove shall be awarded to the lowest responsible bidder in the amount as indicated hereinabove and that the County Board Chairman is hereby authorized and directed to execute a contract and contractor's bond therefore.

BE IT FURTHER RESOLVED that there is hereby appropriated the sum Eight Hundred Ninety One Thousand Four Hundred Fifteen and 60/100 Dollars (\$891,415.60) from MFT Local Option Fund #304, Line Item #52040 (Repair & Maintenance - Bridges) to pay for the Project.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
304.520.524.52040	Repair & Maintenance - Bridges	Yes	Yes	

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes

No

Voice

Abstentions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 394

**APPROVING A PHASE III ENGINEERING SERVICES AGREEMENT WITH  
THOMAS ENGINEERING GROUP, LLC FOR  
2010 BRIDGE MAINTENANCE GROUP #1  
KANE COUNTY SECTION NO. 10-00406-00-BR**

WHEREAS, Phase III Engineering services are needed for the 2010 Bridge Maintenance Group #1, Kane County Section No. 10-00406-00-BR (hereinafter referred to as the "Important"); and

WHEREAS, in order to accomplish the improvement, it is necessary that the County retain the services of a professional engineering firm to provide Phase III Engineering services; and

WHEREAS, Thomas Engineering Group, LLC, 238 South Kenilworth Avenue, Suite 100, Oak Park, IL 60302 (hereinafter referred to as "Thomas") has experience and professional expertise in Phase III Engineering services and is willing to perform the required engineering services for an amount not to exceed One Hundred Twenty Six Thousand Fifty Two Dollars (\$126,052.00), upon the terms and conditions as set forth in the engineering services agreement (a copy of which is on file with the County Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the engineering services agreement be awarded to Thomas Engineering Group, LLC and that the Chairman thereof is hereby authorized to execute said agreement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of One Hundred Twenty Six Thousand Fifty Two Dollars (\$126,052.00) to be paid from MFT Local Option Fund #304, Line Item #50140 (Engineering) to pay for said Phase III Engineering services for the Improvement.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
304.520.524.50140	Engineering	Yes	Yes	

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_

No \_\_\_\_\_

Voice \_\_\_\_\_

Abstentions \_\_\_\_\_

12BRMNT1THMSPHIII.4LHGPJ



## AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item #8C-2a

Date:

November 29, 2010

Item:

*Resolution:* Approving Contract for Construction, Bliss Road From Ke-De-Ka Road to Merrill Road, Kane County Section No. 07-00359-01-CH

Presenter / Sponsor:

Manny Gomez

Assigned Committee: Transportation

Budgeted: ☒ Yes ☐ No ☐ N/A

*If not budgeted, explain funding source:*

Appropriation: \$822,921.60

### Summary:

On November 10, 2010 construction bids were opened at the KDOT office for the Bliss Road, Ke-de-Ka Road to Merrill Road project. Improvements include widening and resurfacing of Bliss Road to provide a new northbound to westbound left turn lane. Other improvements include misc storm sewer and guardrail work. If approved work is anticipated to start next spring with completion by the fall of 2011.

Attached is the bid tabulation along with a location map for this contract. The low bidder and proposed contract amount for the project is as follows:

Curran Contracting Company of Crystal Lake, Illinois in the amount of \$822,921.60

The low bid amount is approximately 19.24% below the engineer's estimate of \$1,018,992.60.

List Attachments: Resolution, Bid Tab, Location Map

Detailed information available from / at: Manny Gomez, Assistant Director of Transportation, (630)845-7873

Staff Comments / Recommendations: Staff recommends approval.

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 10 - 395

**APPROVING CONTRACT FOR CONSTRUCTION  
BLISS ROAD FROM KE-DE-KA ROAD TO MERRILL ROAD  
KANE COUNTY SECTION NO. 07-00359-01-CH**

WHEREAS, the Kane County Division of Transportation has solicited and received bids for the work and construction described as:

KANE COUNTY SECTION NO. 07-00359-01-CH  
BLISS ROAD FROM KE-DE-KA ROAD TO MERRILL ROAD  
(hereinafter the "Project")

WHEREAS, the lowest responsible bidder for the Project is:

CURRAN CONTRACTING COMPANY OF CRYSTAL LAKE, ILLINOIS  
with a low bid of  
\$822,921.46

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the contract for the Project described hereinabove shall be awarded to the lowest responsible bidder in the amount as indicated hereinabove and that the County Board Chairman is hereby authorized and directed to execute a contract and contractor's bond therefore.

BE IT FURTHER RESOLVED that there is hereby appropriated the sum Eight Hundred Twenty Two Thousand Nine Hundred Twenty One and 46/100 Dollars (\$822,921.46) from Impact Fees Fund #554, Line Item #73000 (Road Construction) to pay for the Project.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
554.520.554.73000	Road Construction	Yes	Yes	

Passed by the Kane County Board on December 14, 2010.

\_\_\_\_\_  
John A. Cunningham  
Clerk, County Board  
Kane County, Illinois

\_\_\_\_\_  
Karen McConnaughay  
Chairman, County Board  
Kane County, Illinois

Vote:

Yes \_\_\_\_\_  
No \_\_\_\_\_  
Voice \_\_\_\_\_  
Abstentions \_\_\_\_\_