

CITY OF LINCOLN
REGULAR COMMITTEE OF THE WHOLE MEETING
TUESDAY, MAY 10, 2016
CITY HALL COUNCIL CHAMBERS
7:00PM

AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Public Participation**
4. **Proclamation ___: Bicycle Safety Week**
5. **Proclamation ___: Community Action Month**
6. **Logan County Tourism Bureau Funding Agreement**
7. **Request to Permit – American Legion Poppy Distribution**
8. **Ordinance ___: Revising Billboard Regulations**
9. **FY 2015-2016 Budget Amendment**
10. **Pekin Street Parking Lot Bid Award**
11. **Lincoln Civic Foundation Bylaws**
12. **Discussion on Committee Format**
13. **Other Discussion**
14. **Executive Session**
15. **Adjournment**
16. **Upcoming Meetings:**
 - Council: Monday, May 16, 2016 7:00pm**
 - Committee of Whole: Tuesday, May 24, 2016 7:00pm**

We welcome the participation of persons with disabilities at all City of Lincoln meetings. If auxiliary aid or service is required for most effective participation and communication, please notify the City Clerk's office at 217-735-2815 or cityclerk@lincoln.il.gov no later than 48 hours prior to the meeting time.

#2016-
PROCLAMATION

CITY OF LINCOLN

WHEREAS, bicyclists of all ages throughout the City of Lincoln, the State of Illinois and the nation will be promoting bicycling as an environmentally friendly alternative to the automobile and a wholesome leisurely activity during the week of May 16-20, 2016.

WHEREAS, the bicycle is a viable and environmentally sound form of transportation, and an excellent form of recreation; and

WHEREAS, millions of Americans will experience the joys of bicycling during the this week of May through individual and group rides and commuting events; and

WHEREAS, Americans in record numbers are turning to bicycling for transportation, recreation and exercise; and

WHEREAS, bicycling will enhance your physical health, improve your mental outlook and overall quality of life; and

WHEREAS, bicycling has a wide range of benefits for the cyclists as well as the community at large, including saving money and time, reducing traffic and pollution, and creating a healthier community; and

WHEREAS, the keys to bicycle safety are the education and cooperative understanding of properly sharing the road with motorists and vehicles, traffic handling skills, communication between cyclists and motorists, obeying traffic laws and the rules of the road; and

WHEREAS, the City of Lincoln has joined with the Healthy Communities Partnership and Ride Illinois for May 16-20, 2016 to be Bicycle Safety Week; and

NOW, THEREFORE, the City of Lincoln, does hereby proclaim May 16-20, 2016 as BICYCLE SAFETY WEEK in Lincoln, Illinois and urges all residents as motorists and bicyclists to respect cycling and encourage safety throughout our community. The City of Lincoln encourages all motorists and cyclists of all ages in Lincoln, Illinois to take the League of Illinois Bicyclist's bike safety quiz at bikesafetyquiz.org.

ADOPTED this 16th day of May, 2016.

Attested by:

Susan K. Gehlbach, City Clerk

Martha A. Neitzel, Mayor

Proclamation _____

WHEREAS, Community Action emerged from the heart of President Lyndon B. Johnson's 1964 proclamation of America's "War on Poverty" where battles must be won in the field, in every private home, in every public office, from the courthouse to the White House; and

WHEREAS, Community Action has put a human face on poverty for 52 years by advocating for limited-income citizens without a voice, so that they may enter the middle class and reach for the American dream, replacing their despair with opportunity; and

WHEREAS, Community Action builds and promotes economic stability as an essential aspect of enabling and enhancing stronger communities, which in turn promotes self-sufficiency, ensuring that all Americans are able to live in dignity; and

WHEREAS, Community Action has enhanced the lives of millions of people across America by providing essential, life-changing services and opportunities such as affordable housing, economic development, health care, energy assistance, natural disaster relief and recovery; and

WHEREAS, Community Action already serves 99% of America's counties in rural, suburban, and urban communities and because it is right, because it is wise, and because, in our hearts and minds we believe it is possible, we will conquer poverty in our lifetime; and

WHEREAS, Community Action will continue to implement innovative and cost-effective programs to improve the lives and living conditions of the impoverished; continue to provide support and opportunities for all citizens in need of assistance; and continue to be a major voice of reason in establishing welfare system reforms;

NOW, THEREFORE, I *Martha Neitzel, Mayor of the City of Lincoln*, do hereby proclaim May 2016 as COMMUNITY ACTION MONTH in recognition of the hard work and dedication of the local Community Action agency.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Lincoln, on this day of May 16, 2016.

Mayor

City Clerk

M E M O R A N D U M

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator



MEETING

DATE: May 10, 2016

RE: American Legion Post 263 Request to Distribute Poppies

On May 28th from 8AM to Noon, the American Legion Post 263 requests permission to distribute poppies to the public in remembrance of the sacrifice made by the men and women who served and died for their country during a time of war. The Legion will use the Broadway/McLean intersection corners near City Hall and the Post Office to distribute the flowers. This is a request that comes before the Council annually. The proceeds from the distribution go toward veterans services. The Legion has provided their certificate of insurance naming the City a holder.

COW Recommendation: Place this request from the American Legion on the consent agenda for May 16th.

Council Recommendation: Allow for the American Legion, Post 263 to distribute poppies on May 28th from 8AM-Noon on the corners of McLean and Broadway.

April 24, 2016

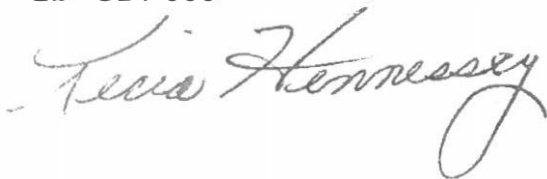
Mayor & City Council,

American Legion Auxiliary Unit 263 of Lincoln request permission to distribute Poppies on the corner of McLean and Broadway May 28,2016 from the hours of 8 a.m. to 12 Noon.

Copies of Insurance attached.

Thank you for your consideration in this matter.

Tecia Hennessey
Poppy Chairman
ALA Unit 263
1028 N. College Apt. 505
Lincoln, Il. 62656
217-314-0007

A handwritten signature in cursive script that reads "Tecia Hennessey". The signature is written in dark ink and is positioned below the typed name and contact information.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/30/2015

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

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

PRODUCER HARRIS-HODNETT INSURANCE SERVICES 617 KEOKUK STREET LINCOLN IL 62656		CONTACT NAME: GEORGE E. PETRO PHONE (A/C, No, Ext): (217) 732-4115 FAX (A/C, No): (217) 732-4116 E-MAIL ADDRESS: HGEOPE@GMAIL.COM	
		INSURER(S) AFFORDING COVERAGE INSURER A: CINCINNATI INSURANCE CO.	NAIC #
INSURED AMERICAN LEGION POST #263 P.O. BOX 425 LINCOLN IL 62656		INSURER B: CINCINNATI INDEMNITY INS. CO.	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

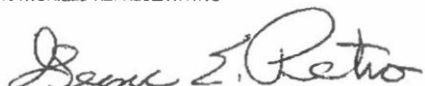
COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			ENP 033 19 29	07/03/2015	07/03/2016	EACH OCCURRENCE \$ 300,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJUR \$ 300,000 GENERAL AGGREGATE \$ 600,000 PRODUCTS - COMPOP AGG \$ 600,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			EBA 033 19 29	07/03/2015	07/03/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 300,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			ENP 033 19 29	07/03/2015	07/03/2016	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below Y/N N/A			DWC 025 89 - 01	07/03/2015	07/03/2016	WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Poppy Days to be held at the corner of Broadway and McLean Street on May 28, 2016.

CERTIFICATE HOLDER**CANCELLATION**

City Council of Lincoln City Hall Lincoln IL 62656	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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 INS026 (201005)01

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MEMORANDUM

TO: Mayor Martha Neitzel and Members of the City Council

FROM: John R. Lebegue, Building and Safety Official

DATE: May 5, 2016

RE: Proposed Amendments to Billboard Regulations and Proposed Regulations for Digital Billboards

As a result of the recent discussion that took place in regard to the possible siting of a new billboard on a property that was being considered for annexation into the city limits, it seemed obvious that there were concerns as to the siting of additional billboards in the city. In addition to concerns expressed by the members of the City Council in regard to the installation of additional billboards, concerns were recently expressed by a business owner on Woodlawn Road in regard to the height of a billboard that was recently installed adjacent to his business, which blocked the visibility of his business sign. To address the concerns that were recently expressed, the following amendments to the Billboard Requirements of Section 4-5-4 of the City Code are being proposed to greater restrict the height, location and distances from another billboard, existing buildings, residentially zoned property, overhead power lines, and park, playground, school, library or place of worship. The proposed amendments to the billboard requirements are highlighted in red as follows:

4-5-4: BILLBOARD REQUIREMENTS

(A) Billboards Limited: Billboards must meet the following requirements:

1. A billboard may only be placed on lands zoned C-2, I-1, and I-2.
2. The billboard must comply with all provisions of lands zoned C-2, I-1, and I-2 in title 11, chapters 5 and 6 of this code.
3. No billboard shall have more than four (4) panels.

(B) Size, Height And Mounting of Billboards: The size, height and mounting of billboards shall be regulated by the following:

1. The maximum area for any one billboard panel shall be three hundred (300) square feet with a maximum vertical dimension of fifteen feet (15') and a maximum horizontal dimension of twenty

feet (20') inclusive of border and trim but excluding the base or apron, supports, and other structural members.

2. The maximum height of a billboard shall not exceed ~~fifty five feet (55')~~ forty five feet (45') in a C-2 zone; ~~fifty five feet (55')~~ forty five feet (45') in an I-1 zone, or ~~seventy five feet (75')~~ fifty five feet (55') in an I-2 zone above the natural grade where the sign is installed.
3. No sign shall be located on the roof of a building or on a nonsign structure.
4. Billboards shall be freestanding and not attached to any other structure or building.
5. Billboards may be stacked such that a billboard panel is placed immediately above or below another billboard panel, but no more than two (2) high.
6. No billboard shall have blinking, flashing or fluttering lights or illuminating devices of variable light intensity, brightness or color.

(C) Separation Requirements: No billboard or any part of the billboard structure shall be erected:

1. Within ~~two hundred feet (200')~~ three hundred feet (300') of any residentially zoned property; or
2. Within ~~fifty feet (50')~~ seventy five feet (75') of any existing building; or
3. Within ~~two hundred feet (200')~~ three hundred feet (300') of any park, playground, school, library or place of worship; or
4. Within ~~fifty feet (50')~~ seventy five feet (75') of an overhead power line; or
5. Within ~~three hundred feet (300')~~ five hundred feet (500') of another billboard; or
6. Within fifty feet (50') of a city right of way.

The above detailed amendments would not prohibit the installation of future billboard, but would decrease the height and increase the setbacks to mitigate the impacts the installation of a billboard may have.

Digital Billboards

During the City Council discussion pertaining to amendments to the billboard regulations at the April 5, 2016, Committee of the Whole meeting, staff was directed to research digital billboard regulations and present the digital billboard regulations for discussion and consideration. Staff was further directed to determine if any ordinance language could be incorporated into the billboard ordinance that required that if a new billboard was constructed that the new billboard did not visually block the view of existing signs on adjacent commercial properties. Upon completing internet research, the following digital billboard regulations and standards and language pertaining to the blocking of the vision of existing signs is being presented for discussion and consideration.

The proposed digital billboard regulations are being presented as they would appear in the City Code and the amendments and deletions that would have to be made to facilitate the adoption of the new standards.

Delete existing Section 4-5-4, (B), (6) in its entirety and replace with new language as follows:

~~6. No billboard shall have blinking, flashing or fluttering lights or illuminating devices of variable light intensity, brightness or color.~~

6. Illumination: A billboard may be illuminated, provided such illumination is consistent with the requirements for a digital billboard as set forth herein, or is concentrated on the surface of the billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent premises.

Create a new Section 4-5-4, (B), (7) as follows:

7. Appearance: Except for time and temperature signs or digital billboards as otherwise regulated herein, all billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages. Under no circumstances may any type of billboard contain a message or display that appears to flash, undulate, pulse, move or portray explosions, fireworks, flashes of light, or blinking lights or otherwise appears to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist or make other comparable movements.

Create a new Section 4-5-4, (B), (8) as follows:

8. In the location and placement of a new billboard, the applicant must make his/her best effort that the proposed billboard does not unduly block the view of existing business signs from the public street on adjacent commercial properties.

Delete existing Section 4-5-4, (D) in its entirety and replace with new language as follows:

~~D. Inspection Reports: Whenever a billboard is erected or maintained within the city, the owner of such billboard shall cause an inspection of it at least every five (5) years and a photocopy of the inspection shall be submitted to the building and safety officer. (Ord. 686, 10-20-2008; and Ord. 2014-817, 8-18-2014)~~

D. Digital Billboards

1. Purpose and intent: The City recognizes that billboards are, by their nature, different in scope and purpose from other types of signage in the City. Among other matters, billboards advertise or communicate goods, services or messages not conducted, sold or generated on the lot where the billboard is located. Billboards are significantly larger in size than other types of signage allowed in the City and their principal purpose is to dramatically attract the attention of the travelling public. The potential impact of a billboard on adjacent areas is significantly greater than other types of signage. Recently,

more businesses desire to utilize advancements in technology which permit billboards to change copy electronically (e.g., utilizing an LED or digital type of sign). These newer technologies exacerbate the potential impact of a billboard in terms of adversely dominating the environment in which they operate due to light spillover and light pollution, unless regulated in a reasonable fashion. The intent of this section is to establish operating standards and regulations for billboards utilizing these newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas (with a principal focus on residential neighborhoods), protect property values in all areas of the City, and reduce traffic and similar hazards caused by undue distractions.

2. Display

(a) The display or message on a digital billboard, of any type, may change no more frequently than once every ten (10) seconds, with a transition period of one second or less.

(b) The display or message must otherwise comply with subsection (7) and the digital billboard must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this ordinance.

(c) Maximum brightness levels for digital billboards shall not exceed .02 (two tenths) foot candles over ambient light levels measured within 150 feet of the sign. Certification must be provided to the City demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the City, in its reasonable discretion, at the permittee's expense to insure that the specified brightness levels are maintained at all times.

(d) Brightness of digital billboards shall be measured as follows:

i. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the billboard is off or displaying black copy. The reading shall be made with the meter aimed directly at the billboard area at the pre-set location.

ii. The billboard shall then be turned on to full white copy to take another reading with the meter at the same location.

iii. If the difference between the readings is 0.2 foot candles or less the brightness is properly adjusted.

3. Other Requirements: The use, size and location of digital billboards, must comply with all other relevant regulations and ordinance of the City.

E. Construction and Maintenance and Inspection Reports: A billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message. Whenever a billboard is erected or maintained within the city, the owner of such billboard shall cause an inspection of it at least every five (5) years and a photocopy of the inspection shall be submitted to the building and safety officer. (Ord. 686, 10-20-2008; amd. Ord. 2014-817, 8-18-2014)

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: May 10, 2016

RE: Pekin Street Parking Lot Bid Award

Included with your materials is a memorandum from Farnsworth summarizing the bid opening for the Pekin Street Parking Lot on April 27th. The City received three bidders and the low bid of ICCI, was approximately \$100,000 less than the previous bid opening of this project. Much of the lowering of cost had to do with the modifications to the scope of the project, eliminating some of the uncertainty about dealing with the alley sewer. The base bids did come in below the engineer's estimate of \$470,000. The Farnsworth memorandum includes a bid tab with Illinois Civil Contractors, Inc. (ICCI) being the low bidder.

There are ultimately two decisions to make with the project. The first is to award the low bidder the project work. The second is to decide whether or not to accept the proposed alternates. As the Farnsworth memorandum states, "Alternate 1" relates to the use of concrete for surface as opposed to asphalt, "Alternate 2" is the running of electric conduit for future lighting, and "Alternate 3" is the purchase and installation of the decorative archways as described in the downtown revitalization plan. Accepting Alternate 1, with the substitution of concrete for an additional \$20,477.50, would double the life of the surface.

As stated before, this is more than a parking lot project. This is a sewer improvement which should improve the drainage of the area and help mitigate some of the odors stemming from the sewers. It can also be viewed as an aesthetic improvement to one of the main entry corridors to our downtown.

COW Recommendation: Place the award of the Pekin Street/Library Parking Lot Project on the Council's May 16th agenda.

Council Recommendation: The additional cost of extending the life of this surface seems to be a worthwhile expenditure, and one that can be accommodated in the Capital Project Fund. By motion vote, award the Pekin Street/Library Parking Lot project to Illinois Civil Contractors, Inc. in an amount not to exceed \$480,644.70.

Memorandum

To: Clay Johnson
 From: Gary Davis and Justin Reese
 Date: May 5, 2016
 Re: City of Lincoln Library Parking Lot Improvements

A public bid opening for the library parking lot was conducted on April 27, 2016 with three bidders. The project was structured with a base bid and the following three (3) bid alternatives:

- Bid Alternate 1 – Substitute Portland Cement Concrete (PCC) instead of Hot Mix Asphalt (HMA) for the parking lot surface.
- Bid Alternate 2 – Complete the electrical site rough-in for parking lot.
- Bid Alternate 3 - Complete the decorative archways at each side of the pedestrian walkway.

Bids were received in the following amounts:


	ICCI	Leander	Otto Baum
Base Bid	\$ 460,167.20	\$ 499,866.00	\$ 520,016.45
Alt 1 Base Bid Change	\$ 20,477.50	\$ 91,830.00	\$ (37,335.50)
Alternative 2	\$ 28,900.00	\$ 19,000.00	\$ 20,117.34
Alternative 3	\$ 22,000.00	\$ 13,000.00	\$ 16,545.46
Lowest Cost Alt Bid	\$ 460,167.20	\$ 499,866.00	\$ 482,680.95
Base Bid + Alt 1	\$ 480,644.70	\$ 591,696.00	\$ 482,680.95
Base Bid + Alt 2	\$ 489,067.20	\$ 518,866.00	\$ 540,133.79
Base Bid + Alt 1&2	\$ 509,544.70	\$ 610,696.00	\$ 502,798.29
Base Bid + All Alt	\$ 531,544.70	\$ 623,696.00	\$ 519,343.75

This project was previously bid in January of 2016, where the apparent low bid exceeded the budget. After this bid, several modifications were made to the project scope to reduce the overall project cost. These modifications include the following:

1. Removed the replacement of the 18-inch sewer from project scope;
2. Removed the replacement of one (1) existing manhole on the 18-inch sewer;
3. Removed the installation of one (1) new manhole on the 18-inch sewer;
4. Removed the two (2) sewer service line modifications;
5. Removed the landscaping from the project;

With the revised project scope that was bid on April 27 2016, ICCI is the low bidder for both base bid project and the base bid plus alternate 1 project. The revised estimate for the project was approximately \$470,000. Because the low bid is below the project estimate it is recommended the City accept Illinois Civil Contractors bid for the project. Should the City decide they prefer a concrete surface for the project, the increase in cost would be \$20,477.50 for a total project cost of \$480,644.70.

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln
FROM: Clay T. Johnson, City Administrator 
MEETING
DATE: May 10, 2016
RE: Lincoln Civic Foundation Bylaws

During the course of our preliminary discussion on the Lincoln Civic Foundation's bylaws, there were questions raised about the composition of the Board of Directors. In this revision of the bylaws, the members of the Board of the Foundation would be selected by the aldermen of each Ward and provided to the Mayor. The two aldermen of each ward would select a single representative of their ward to serve on the Board. The Mayor would also have a selection of a candidate who can be from anywhere in the City. This process mirrors that of the Citizen of the Year recognitions previously awarded by the Council and Mayor. The list of candidates would then be submitted by the Mayor for the advice and consent of the Council. The terms of all the members of the Board are coterminous with the term of the Mayor.

At any time, a $\frac{3}{4}$ majority vote could remove any director or officer of the Foundation. Vacancies created in the Board would be filled using the same process as described above.

Officers of the Foundation are selected by the Board of Directors for one year terms beginning May 1.

The remaining language remains as it was previously discussed in February.

COW Recommendation: Place the approval of the Lincoln Civic Foundation Bylaws on the May 16th Agenda.

Council Recommendation: After discussion, by motion vote, approve the Lincoln Civic Foundation Bylaws as amended.

BYLAWS

of

Lincoln Civic Foundation, Inc.

ARTICLE I

Introduction

- Section 1. **Definition of Bylaws.** These Bylaws constitute the code of rules adopted by the Board of Directors of Lincoln Civic Foundation, Inc. for the regulation and management of its affairs.
- Section 2. **Purpose.** This Foundation will have the purposes or powers as may be stated in its Articles of Incorporation and such powers as are now or may be granted hereafter by the laws of the United States and the State of Illinois. The general purposes of the Foundation are to enhance the quality of life for Lincoln, Illinois residents and standard of living; without regard for race, color, national origin, age, sex, religion, marital status or handicap. In furtherance of its general purposes, the particular purpose for which this Foundation is formed is to improve the quality of life by hosting community events, enhancing community assets, and improve the aesthetic quality of the community. The Foundation shall be of such purposes that are solely for charitable, religious, governmental, and educational purposes, as defined under the section 501(c)(3) of the Internal Revenue code, as amended or any future such code.
- Section 3. **Powers.** The Foundation may purchase, receive and/or accept, hold title to or borrow against property, whether real, personal or mixed, by way of gift, devise or bequest, from any person, firm, trust or Foundation, to be held, administered, or disposed of, and to do any other business permissible by law in accordance with and pursuant to its purposes and Articles of Incorporation while remaining tax exempt under 501(c)(3) of the Internal Revenue Code, as amended or any future such code.

ARTICLE II

Membership

- Section 1. **Membership.** The Foundation will have no members other than those serving on the Board of Directors or its appointed, affiliated Committees.

Section 2. **Classes of Members.** There will be no classes of membership.

ARTICLE III

Directors

Section 1. **Definition of Board of Directors.** The Board of Directors is that group of persons vested with the management of the business and affairs of this Foundation subject to the law, Articles of Incorporation, and these Bylaws.

Section 2. **Structure of Board.** The Board of Directors of this Foundation will constitute a single class.

Section 3. **Qualifications of Directors.** The qualifications for becoming and remaining a Director of this Foundation are as follows: persons must be of legal voting age, a United States Citizen, and fully subscribe to, and have a working interest in, the purposes and basic policies of the Foundation.

Section 4. **Number of Directors.** The number of Directors of this Foundation will not be less than five (5) at any time. Furthermore, the number of Directors may vary from time to time between a minimum of five (5) and a maximum of nine (9) with the amount to be determined by majority vote of the current directors. No decrease in the number shall have the effect of shortening the term of any current or incumbent director.

Section 5. **Terms of Directors.** The Directors constituting the initial Board of Directors as named in the Articles of Incorporation will be submitted to the Mayor for nomination by the two Aldermen of representing each ward of the City of Lincoln. The Mayor and Aldermen representing each ward will submit a single nominee to the Mayor for the advice and consent of by the City Council. The nominees submitted to the Mayor for approval must live within the boundaries of the ward of the nominating Aldermen. The Mayor's shall also have a nominee who must be a Lincoln resident and can represent the city at-large. Their Directors terms on the Board shall run concurrently with the term of the Mayor of the City of Lincoln.

Section 6. **Vacancies of the Board.** Resignation of a Director will become effective immediately or on the date specified therein and vacancies will be deemed to exist as of such effective date. Any vacancy occurring in the Board of Directors, and any directorship shall be filled utilizing the same process as outlined in Section 5 and be submitted by the Mayor for the advice and consent of the City Council.

Section 7. **Place of Directors' Meetings.** Meetings of the Board of Directors, regular or special, will be held at the registered office of this Foundation or at any other place within or without the State of Illinois, as provided or such place or

places as the President designates.

Section 8. **Regular Directors' Meetings.** The Board of Directors will meet as needed but hold, at a minimum, one meeting per calendar year.

Section 9. **Call of Special Board Meetings.** A special meeting of the Board of Directors may be called by a number constituting a quorum of the Board of Directors directing that the President of the Board of Directors call a special meeting.

Section 10. **Notice of Directors' Meetings.** Written, printed, or electronic means of notice stating the place, day and hour of any meeting of the Board of Directors will be delivered to each Director not less than two (2) nor more than forty-five (45) business days before the date of the meeting, either personally, electronically or by first class mail, by or at the direction of the President or the Secretary. If mailed, such notice will be deemed to be delivered when deposited in the United States mail addressed to the Director at his address as it appears on the records of this Foundation, with postage prepaid. Such notice need not state the business to be transacted at, or the purpose of, such meeting.

Section 11. **Waiver of Notice.** Attendance of a Director at any meeting of the Board of Directors will constitute a waiver of notice of such meeting except where such Director attends a meeting for the express purpose of objecting, at the beginning of the meeting, to the transaction of any business because the meeting is not lawfully called or convened.

Section 12. **Quorum of Directors.** A group of no less than five (5) Directors present at a meeting having received proper notice will constitute a quorum. The act of a majority of the Directors present at a meeting when a quorum is present will be the act of the Board of Directors unless a greater number is required under the provisions of the Articles of Incorporation of this Foundation, or any other provision of these Bylaws.

Section 13. **Director Conduct.**

(A) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a policy as to what constitutes a conflict of interest, and that assists the Board members in identifying and disclosing actual and potential conflicts, and help ensure the avoidance of conflicts of interest where necessary.

(B) In their capacity as Directors, the members of the Board of Directors must act at all times in the best interests of the Foundation. The Board shall adopt a whistleblower policy that (1) encourages staff and volunteers to come forward with credible information on illegal practices or serious violations of adopted policies of the Foundation;

(2) specifies that the Foundation will protect the person from retaliation; and (3) identifies where such information can be reported.

Section 14. **Removal of Directors.** Any Director elected or appointed to the Board may be removed by a ¾ majority of the City Council whenever in their judgment the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Appointment to the Board shall not of itself create such contract rights. Removal of a board member requires a three-fourths majority vote of the entire Board at a duly called meeting.

ARTICLE IV

Officers

Section 1. **Roster of Officers.** The officers of this Foundation will consist of the following personnel:
President
Vice-president
Secretary-Treasurer

Section 2. **Selection of Officers.** Each of the Officers of this Foundation will be elected or appointed for a one year term by the Board of Directors on or prior to April 30. Each officer will remain in office until a successor to such office has been selected and qualified. The first such election will take place at the meeting of the Board of Directors in _____ being effective immediately. The Election shall be every year thereafter at a meeting of the Board of Directors. Elected officers' terms are effective May 1.

Section 3. **Multiple Officeholders.** In any election of Officers, the Board of Directors may not elect or appoint a single person to any two or more offices simultaneously. In the case of a tie vote of the Board, the President, if not a Director, may cast the deciding vote when there is a tie vote.

Section 4. **President.** The President subject to the control of the Board of Directors, supervise and control the affairs of the Foundation. The President shall run all meetings and perform all duties incident to such office and such other duties as may be provided in these Bylaws or as may be prescribed by the Board of Directors.

Section 5. **Vice-President.** The Vice-President will perform all duties and exercise all powers of the President when the President is absent or is otherwise unable to act. The Vice-President will perform other such duties as may be prescribed by the Board.

Section 6. **Secretary-Treasurer.** The Secretary-Treasurer will keep minutes of all meetings of Board of Directors, will be the custodian of the corporate records, will give all notices as are required by law or these Bylaws, and, generally, will perform all duties incident to the office of Secretary-Treasurer and such

other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors.

The Secretary-Treasurer will have charge and custody of all funds of this Foundation, will deposit the funds as required by the Board of Directors, will keep and maintain adequate and correct accounts of the Foundation's properties and business transactions, will render reports and accountings to the Directors as required by the Board of Directors, or as required by law. The Treasurer will perform, in general, all duties incident to the office of Treasurer and such other duties as may be required by law, by the Articles of Incorporation, or by these Bylaws, or which may be assigned from time to time by the Board of Directors. The Treasurer may service no more than five (5) consecutive terms.

Section 8. **Removal of Officers.** Any officer elected or appointed to the office may be removed by a $\frac{3}{4}$ majority vote of the Lincoln City Council whenever in their judgement the best interests of this Foundation will be served. However, such removal will be without prejudice to any contractual rights of the Officer so removed. Election of an officer shall not of itself create such contract rights.

ARTICLE V

Executive Director

Section 1. **Executive Director.** The Board of Directors may appoint an Executive Director, who shall be in charge of the operation of the Foundation and its related programs. The Executive Director shall be responsible for its administration and activities, according to policies established by the Board. He or she shall have the authority to employ and dismiss other personnel of the staff according to the policies approved by the Board. The Executive Director shall submit an annual report at a designated meeting on the conditions and activities of the organization and related programs and he or she shall make such recommendations in regard thereto as he or she sees fit. The Executive Director shall submit informal progress reports at all meetings of the Board and he or she shall call to their attention any matters requiring action or notice. The Executive Director shall be an ex-officio member of the Board of Directors, may be an ex-officio member of all committees and shall have financial document execution authority.

Section 3. **Absence of Executive Director.** At such time when there is not an Executive Director employed by the Foundation, or in the absence of the Executive Director when employed, the President shall assume the duties of the Executive Director and be responsible for the day-to-day activities of the Foundation as provided for in these bylaws and the polices and procedures of the Foundation.

ARTICLE VI

COMMITTEES

Section 1.

Definition of Advisory Committee. This Foundation may have an Advisory Committee, which will consist of two (2) Directors and the Executive Director. The Board of Directors may appoint up to six (6) additional members to the Advisory Committee. Such Advisory Committee will have and exercise some prescribed authority of the Board of Directors in the management of this Foundation or its functions. However, no such Committee will have the authority of the Board in reference to affecting any of the following:

- (A) Amending, altering, or repealing of the Bylaws.
- (B) Electing, appointing, or removing of any such committee, or any director, or officer of the Foundation; except the Endowment Directorial Committee may add or remove its own members if they are not directors of this Foundation.
- (C) Amending the Articles of Incorporation, restating articles of Incorporation adopting a plan of merger or adopting a plan of consolidation with another Foundation.
- (D) Authorizing the sale, lease, exchange, or mortgage of all or a substantial part of the property and assets of this Foundation.
- (E) Authorizing the voluntary dissolution of this Foundation or revoking proceedings thereof.
- (F) Adopting a plan for distribution of assets of this Foundation, except the assets managed by the said Directorial Committee under agreement with the Foundation.
- (G) Amending, altering, or repealing of any resolution of the Board of Directors.
- (H) Action on matters committed by Bylaws or resolution of the Board to another Committee of the Board.

Section 2.

Appointment of Committees. The Board of Directors, by resolution duly adopted by a majority of the Directors, will designate and appoint the Advisory Committee and delegate to such Committees specific and prescribed authority on the Board of Directors to exercise in the management of this Foundation. However, the creation of such Advisory Committees will not operate to relieve the Board of Directors, or any individual Director, of any responsibility imposed on such personnel otherwise by law.

Section 3. **Funds and Endowment Management.** The Board of Directors shall direct and monitor the distribution of all funds exclusively for the Foundation's charitable purposes. The Board shall have the power:

- (A) To modify any restriction or condition on distribution of funds for the Foundation's specified charitable purposes or to specified organizations if in the sole judgment of the Board, the restriction or condition becomes, in effect, unnecessary, incapable of fulfillment, or inconsistent with the charitable mission;
- (B) To replace any participating trustee, custodian, or agent for breach of fiduciary duty under state law; and
- (C) To hold funds for itself or a fellow nonprofit.

Section 4. **Audit Committee.** The Audit Committee as a Directorial Committee may be operative as part of the due management of the Foundation when deemed necessary. The Committee will be made up of at least two members of the Board of Directors and that shall be independent; where independent means to not be paid staff, have check approval authority, or consultant for other audit/review services. The Audit Committee should have at least one member that is a financial expert. The Audit Committee may enlist the advice of a compensated independent advisor should the Audit Committee believe it necessary to perform its work proficiently. The Audit Committee shall ensure that the auditor or firm does not provide non-audit services while providing audit services, except preparation of the Form 990 (or related tax documents). The lead audit person should change ever 5 years. The Board of Directors shall provide adequate funding for the Audit Committee to carry on its duties. The Audit Committee has these powers and authorities:

- To hire, fire, and supervise an outside auditor to perform reviews and/or audits of the Foundation books;
- Establish procedures for receiving complaints and concerns regarding accounting matters;
- Determine if independent outside counsel, advisors, and auditors need to be enlisted.

ARTICLE VII

Operations

Section 1. **Fiscal Year.** The Fiscal Year of this Foundation will begin on May 1 and end on April 30.

Section 2. **Execution of Documents.** Except as otherwise provided by law, checks,

drafts, promissory notes, and orders for the payment of money, and other evidences of indebtedness of this Foundation will be signed by the Secretary-Treasurer and countersigned by the President and/or an agent duly approved by the Board of Directors. For said checks, drafts, or orders for the payment of money of a value less than five hundred dollars (\$500) the signatory can be the Secretary-Treasurer or an agent duly approved by the Board of Directors. Grant proposals, grant agreements, Memorandums of Agreement, and like documents for activities approved by the Board of Directors shall be signed by the President or in his absence the Vice-President; where there is an Executive Director employed he/she may be designated as signatory by the Board of Directors.

Section 3. **Books and Records.** This Foundation will keep correct and complete books and records of account, and will also keep minutes of the proceedings of its Board of Directors, and Committees. The Foundation will keep at its registered office a membership register giving the names, addresses, and showing classes and other details of the membership of the Board and each Committee, and the original or a copy of its Bylaws including amendments to date certified by the Secretary-Treasurer of the Foundation. The Foundation may choose to use an outside firm or organization to keep and maintain the books and records of its activities.

Section 4. **Inspection of Books and Records.** All books and records of this Foundation may be inspected by the Lincoln City Council, any Director, or his agent or attorney, for any proper purpose at any reasonable time on written demand under oath stating such purpose.

Section 5. **Annual Report.** Prior to the end of each fiscal year, the Executive Director shall provide an annual report to the Lincoln City Council outlining the activities of the organization, the gross revenues received by the Foundation, and the gross expenditures of the Foundation. The report may also include an anticipated budget and activities of the Foundation over the subsequent fiscal year.

Section 6. **Records Retention and Destruction.** The Foundation shall have a policy that identifies the record retention responsibilities of staff, volunteers, members of the Board of Directors, and outsiders for maintaining and documenting the storage and destruction of the Foundation's documents and records.

(A) **Rules.** The Foundation's staff, volunteers, members of the Board of Directors and outsiders (i.e., independent contractors via agreements with them) are required to honor these rules: (a) paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the Human Resources, Legal or Administrative staffs/departments or their equivalents; (b) all other paper documents will be destroyed after three years; (c) all other electronic documents will be deleted from all individual computers,

data bases, networks, and back-up storage after one year; and (d) no paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation.

(B) **Terms for retention.**

1. Retain permanently:

Governance records – Charter and amendments, Bylaws, other organizational documents, governing board and board committee minutes.

Tax records – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

Intellectual property records – Copyright and trademark registrations and samples of protected works.

Financial records – Audited financial statements, attorney contingent liability letters.

2. Retain for ten years:

Pension and benefit records -- Pension (ERISA) plan participant/beneficiary records, actuarial reports, related correspondence with government agencies, and supporting records.

Government relations records – State and federal lobbying and political contribution reports and supporting records.

3. Retain for three years:

Employee/employment records – Employee names, addresses, social security numbers, dates of birth, INS Form I-9, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).

Lease, insurance, and contract/license records – Software license agreements, vendor, hotel, and service agreements, independent contractor agreements, employment agreements, consultant agreements, and all other agreements (retain during the term of the agreement and for three years after the termination, expiration, or non-renewal of each agreement).

4. Retain for one year:

All other electronic records, documents and files – Correspondence files, past budgets, bank statements, publications, expired employee manuals/policies and procedures, survey information.

5. **Exceptions.** Exceptions to these rules and terms for retention may be granted only by the Foundation's chief staff executive or Chairman of the Board. Grant agreements, government record requirements, and memorandums of agreement take precedence over the above named requirements where the said records are to be held longer than this policy.

Section 7. **Nonprofit Operations - Compensation.** This Foundation will not have or issue shares of stock. No dividend will be paid, and no part of the income of this Foundation will be distributed to its Directors, Officers, or Executive Director. The Foundation shall not compensate the Executive Director, Officers, or Directors for services rendered. The Board of Directors shall have the sole power and authority to approve all compensation, should there be any, for any vendor or contractor.

Section 8. **Loans to Management.** This Foundation will make no loans to any of its Directors or Officers.

Section 9. **Miscellaneous Provisions.**

(A) No Director or Incorporator of this Foundation may have any vested right, interest, or privilege of, in, or to the assets, functions, affairs, or franchises of the Foundation, or any right, interest, or privilege which may be transferable or inheritable, or which will continue if its membership ceases, or while it is not in good standing.

(B) Expelled, resigned, or otherwise unseated Directors shall have no property rights.

(C) The Foundation: (i) will distribute its income for each tax year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Sec. 4942; (ii) will not engage in any act of self-dealing as defined in Sec. 4941(d); (iii) will not retain any excess business holdings as defined in Sec. 4943(c); (iv) will not make investments in any manner as to subject it to tax under Sec. 4944; (v) will not make taxable expenditures as defined in Sec. 4945(d) of the Internal Revenue Code, any future tax code, or applicable laws of the State of Illinois.

(D) On dissolution after either (i) the payment or discharge of all liabilities of the Foundation and expense related thereto; (ii) the return, transfer, or conveyances of assets held on conditions requiring the same in the event of dissolution or liquidation; and/or (iii) the transfer or conveyance of assets received and held subject to limitations permitting their use only for charitable, religious, governmental, educational, or similar purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, the assets remaining in this Foundation may be distributed to first, the City of Lincoln, and second to an entity which qualified as exempt charitable organization for Federal Income Tax purposes under Section 501(c)(3) of Internal Revenue Code of 1986, as amended, or any future such law.

(E) All programs will be conducted in compliance with the nondiscrimination provisions as contained in Title VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (PL 100-259) and other nondiscrimination statutes; namely, Section 504, of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and the Americans with Disabilities Act.

(F) The Foundation will comply with federal laws and regulations concerning restrictions on lobbying, a drug-free workplace, and responsibilities for non-procurement, suspension, and disbarment.

ARTICLE VIII

Indemnification and Liability

Section 1. **Indemnification.** A director of the Foundation shall not be personally liable to the Foundation for monetary damages for breach of duty as a director, except for liability (i) for any transaction in which the director's personal financial interest is in conflict with the financial interest of the Foundation; (ii) for acts or omissions not in good faith or which involve intentional misconduct or are known to the director to be a violation of law; (iii) for any transaction from which the director derived an improper personal benefit; or as provided and required under the provisions prescribed by State of Illinois statute.

Section 2. **Limitation of Liability.** No member of this Foundation shall ever be held liable or responsible for contracts, debts, or default of this Foundation in any further sum than the unpaid dues, if any owing by him or her to the Foundation, nor shall any mere informality in organization have effect of rendering these Articles of Incorporation null in whole or part or exposing the members to liability other than as above provided.

ARTICLE IX

Adoption and Amendments

Section 1. **Amendment of Articles of Incorporation.** The power to alter, amend, or repeal the Articles of Incorporation of this Foundation is vested in the Board of Directors. Such action must be taken pursuant to a resolution approved by a three-fourths majority of the Directors at a duly called meeting.

Section 2. **Modification of these Bylaws.** The power to alter, amend, or repeal these


Bylaws, or to adopt new Bylaws, insofar as is allowed by laws of the State of Illinois or Federal Code, is vested in the Board of Directors upon resolution approved by majority vote of the entire Board at a duly called meeting.

Section 3. **Bylaws Review.** The President shall appoint a committee to review and update the bylaws every two (2) years effective with the date of these bylaws. This committee shall review and update the bylaws and present recommendations for bylaw changes to the Board of Directors within ninety (90) days of their appointment.

Section 4. **Adoption of these Bylaws.** These bylaws were duly discussed and approved by unanimous vote of the Board of Directors on _____.

MEMORANDUM

TO: Mayor and Aldermen of the City of Lincoln

FROM: Clay T. Johnson, City Administrator 

MEETING

DATE: May 10, 2016

RE: City Council Committee Format and Structure

In April 2013, the City Council unanimously approved the repeal of the ordinance which contained the language on Standing Committees. The purpose of the standing committees broke the operations of the City into silos based upon functional area or department. At the time of the repeal of the ordinance there were ten committees, some of which met more often than others, each with representation of an alderman from each ward. The committee areas were as follows:

- Finance, Policy, and Procedure
- Streets and Alleys
- Sewage Treatment Plant, Sewers, and Drainage
- Police
- Ordinances and Zoning
- Sanitation
- Insurance
- Sidewalks, Forestry, and Lighting
- Fire, Water, and ESDA
- Public Grounds, Buildings, and Local Improvements

Each May, it was the responsibility of the Mayor to assign members to each committee. The committee's responsibility was to oversee and manage each functional area. Information and decisions were then reported to the Council based upon "whatever facts may be deemed of importance." If a final decision was necessary, the associated committee was to provide all reports and documentation to the Council as a whole. Procedurally, all committee meetings were open to all aldermen and the public, but aldermen not on the committee were unable to provide input during their discussions.

After April 2013, the Council moved into the Committee of the Whole (COW) format. The Committee of the Whole structure allowed issues and business to be discussed amongst all of the aldermen. Further, information sharing to a Committee of the Whole became easier and much more efficient. All aldermen were apprised of the same issues at the same time. Items discussed during the Committee of the Whole which required action were then placed on an upcoming voting meeting's agenda.

To move back to the Standing Committee format would require a vote of the Council to reinstitute the structure by ordinance and simultaneously repeal the current Committee of the Whole language.

I will echo some of the reasoning provided for moving to the Committee of the Whole format from 2013. Allowing the Council to discuss issues as a group in the COW provides the aldermen to each participate in the formation of policy and actions and eliminates a layer of red tape that slowed the efficiency at which work was completed by the City. The processes by which decisions are made are faster and more streamlined than they would be under a committee format. In regards to transparency, myself and all the department heads make themselves available for any questions regarding operations or policy from aldermen or the general public. Department heads provide regular reports to the City Council on tasks completed, the Council are also apprised of operational items at-least on a bi-weekly basis through a report from the City Administrator. All items for Council discussion are vetted at a staff level, a memorandum with background and related information is prepared, and is submitted to the Council for their review.

COW Recommendation: Because moving back to committees would require a policy shift and ordinance by the Council, place the Standing Committee structure on the Council's May 16th agenda.

Council Recommendation: To move back to the committee format adds layers to government that are unnecessary and divides the operations of the organization into individualized areas slowing down the City's responsiveness and productivity. This move would also stymie the flow of information between aldermen and between department heads. The recommendation of this office is to remain under the current format.

Lincoln, Illinois
April 15, 2013; Page 2

Ordinances and Resolutions
Ordinance Revising committee structure of the City Council of the City of Lincoln

Alderman O'Donohue moved to accept the Committee Report and Alderman Hoinacki seconded it. There were nine yeas (Alderman Anderson, Alderman Ambrust, Alderman Bacon, Alderman Carritchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs), zero nays, and one absent (Alderman Wilmert); motion carried. Alderman O'Donohue moved to accept the Ordinance revising committee structure of the City Council of the City of Lincoln and Alderman Hoinacki seconded it. Alderman Neitzel asked for a brief explanation of how the restructuring of the committee. Mayor Snyder said there will not be any individual committees but a committee as a whole and everything would be discussed together. Alderman Neitzel said wanted the community to know they could contact any Alderman. City Clerk Mrs. Gehlbach called the roll call. There were nine yeas (Alderman Anderson, Alderman Ambrust, Alderman Bacon, Alderman Carritchel, Alderman Hoinacki, Alderman Horn, Alderman Neitzel, Alderman O'Donohue, and Alderman Tibbs), zero nays, and one absent (Alderman Wilmert); motion carried.

ORD. # 2013 - 775

ORDINANCE COMMITTEE REPORT

TO: The Honorable Mayor and City Council:

Your Committee on Ordinances, to whom was referred the Draft of an Ordinance entitled: ORDINANCE REVISING THE COMMITTEE STRUCTURE OF THE CITY COUNCIL OF THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS

Begs leave to report that it has examined the same and Respectfully recommends that said Ordinance be passed.

Dated: 4/15/13

Thomas H. O'Donoghue
CHAIRMAN

Janette Jonin Ibb
MEMBER

[Signature]
MEMBER

CITY OF LINCOLN

ORDINANCE NO. 2013-775

ADOPTED BY THE
CITY COUNCIL
OF THE

CITY OF LINCOLN, ILLINOIS

THIS 15TH DAY OF APRIL, 2013

Published in pamphlet form by authority of the City Council of the City of
Lincoln, Illinois this 16TH day of APRIL, 2013

ORDINANCE NO. 2013-775

**ORDINANCE REVISING THE COMMITTEE STRUCTURE OF THE CITY COUNCIL OF
THE CITY OF LINCOLN, LOGAN COUNTY, ILLINOIS**

WHEREAS, the City of Lincoln is a municipal corporation situated in Logan County, Illinois; and,

WHEREAS, Title 1, Chapter 6, Sections 7 and 8 of the Lincoln City Code outline the standing committees of the City Council of the City of Lincoln and the duties of each committee; and,

WHEREAS, the City Council of the City of Lincoln conducts the majority of their committee business during the Committee of the Whole meetings; and,

WHEREAS, the alderman of the City Council are all actively involved in the standing committees outlined in the City Code of the City of Lincoln; and,

WHEREAS, the City Council of the City of Lincoln believes that all business previously relegated to the standing committees should be conducted and discussed during the monthly Committee of the Whole meetings; and,

WHEREAS, the City Council of the City of Lincoln believes

that this structure of governance will lead to more productivity and greater transparency when conducting the business of the City of Lincoln; and,

WHEREAS, it is in the best interest of the citizens of the City of Lincoln, Logan County, Illinois, that the committee structure of the City Council of the City of Lincoln be revised.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lincoln, Logan County, Illinois, as follows:

1. That all recitals are incorporated herein as if appearing verbatim.
2. That Title 1, Chapter 6, Section 7 is hereby deleted.
3. That Title 1, Chapter 6, Section 8 is hereby deleted and the following is inserted in place thereof:

"1-6-8: Committee of the Whole

A. There is hereby established a standing committee, known as the committee of the whole, which shall consist of all the aldermen and the mayor. A quorum of the committee of the whole shall not be less than five (5). The mayor shall serve as chair of the committee of the whole and conduct the order and consideration of business of the committee of the whole. The mayor pro tem shall serve as chair of the committee of the whole in the absence of the mayor. The committee of the whole shall consider and make recommendations to the city council regarding business of the city, including, but not limited to, the subject matters of finance, administration, community and economic development, public utilities, public parking, public land renovations, public safety and transportation.

1. The committee of the whole shall meet on the Tuesday of the week following a regular City Council meeting at the hour specified by the

Mayor. The Mayor may call such additional meetings of the committee of the whole as are required, pursuant to the notice requirements set forth in subsection 1-5-4(B) of this chapter.

B. Special Committees: The Mayor shall appoint such special committees as he may deem necessary or as may be directed by the city council.

C. Membership in Committees:

1. Committee of the Whole: The committee of the whole shall consist of the Mayor and the Aldermen

2. Special Committees: The Mayor shall appoint the members of all special committees, in the absence of specific direction of the city council, and shall designate the chair thereof. Every special committee shall consist of no less than three (3) members, including the chair, unless the city council shall provide otherwise."

4. That should any clause, sentence, paragraph, or part of this Ordinance be declared invalid by any Court of competent jurisdiction, such invalidity shall not affect the validity of this Ordinance as a whole nor any part thereof other than the part so declared to be invalid.

5. That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

The vote on the adoption was as follows:

Alderwoman Anderson	<u>AYE</u>	Alderwoman Bacon	<u>AYE</u>
Alderwoman Tibbs	<u>AYE</u>	Alderman Wilmert	<u>ABSENT</u>
Alderman Carmitchel	<u>AYE</u>	Alderman Armbrust	<u>AYE</u>

Alderman Hoinacki AYE Alderman O' Donohue AYE

Alderwoman Horn AYE Alderwoman Neitzel AYE

Ayes: 9-Alderwomen Anderson, Tibbs, Bacon, Horn & Neitzel
Aldermen Carmitchel, Armbrust, Hoinacki & O'Donohue

Nays: 0

Absent: 1-Alderman Wilmert

Abstentions: 0

Passed and approved this 15th day of April, 2013.

CITY OF LINCOLN,

BY: Keith Snyder
Keith Snyder, Mayor
City of Lincoln, Logan
County, Illinois

ATTEST: Susan K. Schellbach (SEAL)
City Clerk, City of Lincoln,
Logan County, Illinois

1-6-7: STANDING COMMITTEES: 

It shall be the duty of the mayor at the first regular meeting of the council in May in each year, or as soon thereafter as may be, to appoint the standing committees of the city council, which shall be as follows: (Ord. 269, 3-20-1989)

Committee on finance, policy and procedure	5 members, 1 from each ward
Committee on streets and alleys	5 members
Committee on sewage treatment plant, and sewers and drainage	5 members
Committee on police	5 members
Committee on ordinances and zoning	5 members
Committee on sanitation	5 members
Committee on insurance	5 members
Committee on sidewalks, forestry and lighting	5 members
Committee on fire, water and ESDA	5 members
Committee on public grounds, buildings and local improvements	5 members

(Ord. 327, 4-8-1991)

1-6-8: DUTIES, REPORTS OF STANDING COMMITTEES: 

(A) It shall be the duty of the standing committees of the city council to keep a close watch of the affairs of their respective departments of the city government; they shall have the general management, control and supervision over all works and things ordered to be made or done by the council in their respective departments, and they shall make report to the council of whatever facts may be deemed of importance. Each committee shall promptly and thoroughly investigate and report in writing upon all matters referred to it by the council and do and perform such other and further duties as the council may from time to time by ordinance, resolution or motion prescribe. (1960 Code, Sec. 1.06.080)

(B) 1. Every committee of the city council, in reporting upon any subject referred to it, shall attach to its report all papers or documents in the possession of the committee relative to the matter so referred. (1960 Code, Sec. 1.06.150)

2. Any report of a committee of the city council shall be deferred for final action thereon to the next regular meeting of the same after the report is made, upon the request of any two (2) aldermen present. (1960 Code, Sec. 1.06.160)