

VILLAGE OF BARTLETT

COMMITTEE AGENDA

OCTOBER 1, 2019

COMMUNITY & ECONOMIC DEV., CHAIRMAN GABRENYA

1. The Still BEDA Application

FINANCE & GOLF, CHAIRMAN DEYNE

1. 2019 GO Bonds Review

POLICE & HEALTH, CHAIRMAN CARBONARO

1. Create Smoke and Vape-Free Ordinance; Amend Tobacco and Nicotine Products/Minors; Use of Tobacco or Nicotine on School Property

EXECUTIVE SESSION

To Discuss Security Procedures & Equipment Pursuant to Section 2(c)8
of the Open Meetings Act



Agenda Item Executive Summary

Item Name The Still BEDA Application Committee or Board Committee

BUDGET IMPACT

Amount:	\$20,000	Budgeted	Yes
List what fund	Economic Incentives		

EXECUTIVE SUMMARY

Brett Gaylord & Jim Leo have owned and operated the Still for five years. They have wanted to expand for some time and were made aware of the BEDA program early last year.

Mr. Gaylord & Mr. Leo have submitted plans to expand and improve their business into a neighboring unit. They have submitted a detailed quote from Lionhart Construction covering nine work items for a total of \$52,535.

Since the August EDC meeting, the owners have indicated their plans to spend an additional \$20,000 for mill work, tables, chairs and additional equipment. Also, staff has indicated that they must make other Code-related improvements before the expansion is approved.

Thus, Staff recommends a BEDA grant in the amount of \$20,000 based upon expected expenditures of at least \$72,000.

ATTACHMENTS (PLEASE LIST)

Staff Memo, The Still BEDA grant application, minutes from the August 12, 2019 Economic Development Commission meeting.

ACTION REQUESTED

- To review the Petitioner's request and forward to the Village Board for a final vote.
- Resolution
- Ordinance
- Motion

Staff: Tony Fradin, E.D. Coordinator Date: September 23, 2019

ECONOMIC DEVELOPMENT MEMORANDUM

DATE: September 23, 2019
TO: Paula Schumacher, Village Administrator
FROM: Tony Fradin, Economic Development Coordinator *TF*
RE: The Still BEDA Application

APPLICANTS: Brett Gaylord and Jim Leo

BACKGROUND: The Still Bar & Grill has been in operation for five years. The applicants and building owners are business partners Brett Gaylord and Jim Leo.

They purchased the northern portion of Main Street Plaza in July 2013. That portion of the building includes the location of The Still Bar & Grill at 326 S. Main Street, the unit directly north of it that they propose expanding into at 318 S. Main Street and the unit housing JDN Heating & Air Conditioning at 314 S. Main Street.

Please note that this portion of the shopping center was constructed after the south portion of the shopping center was built. It was developed and owned by the Koehler family for several decades until it fell into foreclosure and was sold to Mr. Gaylord and Mr. Leo. The adjoining portion of Main Street Plaza remains owned by Mr. Ed Krueger, who has owned it for many years.



Staff worked closely with the owners when they first purchased the property and redesigned the space to open The Still, a restaurant featuring barbecue and southern fare, moonshine-inspired drinks and much more.

Ever since, they have expressed a desire to upgrade the façade and modernize the look of their portion of the building to beautify their space and attract customers. They have periodically inquired about any assistance that the Village may be able to provide in that regard.

With the creation of the BEDA program in spring 2018, staff apprised Mr. Gaylord and Mr. Leo that a portion of the funds used to upgrade their property may be rebated as a grant via the program. I encouraged them to investigate the cost of upgrading the property.

BEDA APPLICATION: It should be noted that the applicants included a description of approximately \$300,000 worth of expenditures made while renovating the space to its current state five years ago. Staff has explained to them and several other business and property owners who made improvements prior to the creation of the BEDA program that the starting date for the program was May 1, 2018, thus no expenditures made prior to that date are eligible.

They included it for informational purposes only and for the EDC and Village Board's consideration.

The application also includes information on property tax payments made although that, too, is included for informational purposes only and demonstrates the high amount of taxes levied by the Cook County Assessor. Staff has verified that the property taxes are up to date per the attachment.

The applicants' current plan is to expand the restaurant into the adjacent space and to make improvements to the entire restaurant and bar and further upgrades to the property. They would like to provide an area for occasional live entertainment and larger events than they can currently handle.

A detailed quote in the amount of \$52,535 from Lionhart Construction is included, including nine work items proposed.

Some of the items pertain to the interior only, such as expanding the space and adding additional seating, while others will beautify the exterior, including updating the façade and upgrading parking lot lighting.

RECOMMENDATION: To date, BEDA applicants have included two restaurants, an existing small grocery store that would like to add hot food items and a major multi-million dollar overhaul of Bartlett Plaza to the Streets of Bartlett.

This application fits well into the Village's plans to revitalize the downtown commercial district into a walkable, vibrant area offering eating, drinking and live entertainment. Also, as the Village strives to implement the TOD Plan and an Overlay District, this is the type of project that can fit into both by beautifying both a building's interior and exterior.

Staff recommended a grant in the amount of **\$15,000** to the EDC, which amounts to 28.5% of the total project costs. The EDC unanimously recommended that amount at its August meeting.

Since that time, new information has come to light including Mr. Leo indicating that they may spend an additional \$20,000 in additional mill work, tables, chairs and other equipment that would bring their total project cost to \$72,535. Staff has also asked the owners to bring some additional items up to Code, which could potentially increase the cost by another \$10,000.

Thus, should the owners spend in excess of \$72,000 on this project, Staff amends the recommendation to a grant in the amount of **\$20,000** for an upcoming Village Board agenda. That would amount to 27.8% of total project costs, keeping in line with the percentage for other restaurant-related projects.



8/2/19

Dear Mr. Fradin,

As a follow up to our last meeting I am including additional items for our BEDA grant application. I thought it would be beneficial to also include as part of this package the investment we have already made in the location in the form of leasehold improvements, facility upgrades and equipment. We would ask that the committee respectfully take that into consideration as we made those investments without any grants or TIF funds. By considering the costs incurred the committee would be able to evaluate our proposal on an equal footing with new entrants into the marketplace.

We are looking to expand into the adjacent space and to make improvements to the entire restaurant and bar as well as further upgrades to the property. The plans include an expansion of the bar by removing a section of wall between the current barber shop space and our bar area. I have enclosed the drawings outlining the expansion which will add additional seating and provide an area for occasional live entertainment and larger size events that we cannot currently handle. We are also planning to address the outside front of the building by painting the bricks and replacing the cedar shakes with a modern material and color scheme. The front dryvit area will be replaced with the same material making a consistent look and feel with the design element.

I have included a detailed quote from Lion Hart Construction for the build out and improvements. In addition to the proposed quote we will need to add millwork and furniture and fixtures (estimates included).

Thank You for your consideration

Jim Leo

322 S. Main Street
Bartlett, IL 60103
(630) 855-9402 Location
(630) 675-4590 Cell
[www. TheStillBarGrill.com](http://www.TheStillBarGrill.com)

Village of Bartlett Economic Development Assistance Application

Applicant Information:

Applicant(s) Name The Still BAR: Grill, Saddle Bay Holdings
Applicant(s) Address: 322 S. Main St Bartlett, IL 60103
E-Mail Address: brgay606@YAHOO.COM Jimleo@outlook.com
Primary Contact for Project: Brett Coyle & Jim Leo ←
Cell Phone Number and/or Home Number: 630 855-9402 630 675-4590
Applicant is or will be (check all that apply) Tenant Property Owner
Number of Years in Business: 15 yrs Number of Years in Bartlett: 5 yrs
Contact Name and Information for Applicant's Agent or Architect (if any):
N/A

(Note: if applicant is a tenant, attach a letter from the property owner granting permission for project)

Property Information:

Project Property Location/Address: 322 S. Main Street, Bartlett IL 60103
This Property is (check all that apply): Retail Restaurant Office
Other (explain) Rental
Number of Businesses on Site: 4
Names of Other Businesses on Site: JDN, HAVC, Preferred Dental, The Still, Bar
Size of Building (dimensions or total square feet) 6620 sqft Rental 5936
Stories in building: 1 Parking spaces on property: estimate 35
Last Real Estate Taxes Paid: See attached TAX Pmnts made.
Property Tax Index Number(s) (PIN): 06-34-414-068-0000
County: Cook DuPage Kane

Project Information:

Total Anticipated Project Cost: \$ 50 to 75k
Amount Requested from Village: \$ 50,000
Project Scope: Describe and identify all exterior/interior improvements proposed (Use additional paper if necessary to fully describe proposed project)
see attached.
If approved, estimated project completion date: oct 2019

Please Attach: Receipts; Copies of both sides of cancelled checks, credit card statements or bank accounts from which materials were purchased and contractors paid; Waivers of Lien

[REDACTED]

Application Statement (Read and Sign Below)

I hereby make application to participate in the Bartlett Economic Development Assistance (BEDA) program. In making this application I understand that the purpose of BEDA is to help encourage and leverage private investment in the Village's business community and help my business bring an underperforming property into more productive use.

I understand that prior to commencing any work, the Village must first approve both my participation and proposed scope of work for the project. Applicants must meet with Economic Development staff prior to paying for improvements in order to review how much, if any, the Village may reimburse for the project.

I understand that all improvements made through the help of BEDA must be in accordance with all Village plans and codes. Moreover, as a condition of approval, I understand the Village may require changes to the scope of work I am proposing. I further understand that any work started or completed prior to approval of the project and my participation in the BEDA program is not eligible for reimbursement.

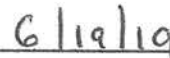
In making this application, I understand that the BEDA program is competitive, funds are limited and selection for participation is at the sole discretion of the Village of Bartlett. I understand that the Village will review my application and at the Village's discretion may reject or approve my participation in the program. I recognize that a project that enhances the Village's business climate by returning an underutilized property into economic productivity, increases local employment opportunities and includes a larger percentage of private investment than public stands a greater chance of being funded by the Village.

I also understand that if selected for this program, the Village will establish a maximum grant award for the project and this may be at a lower amount than requested or less than half of the anticipated cost of the project. I further understand that BEDA operates as a rebate program and, therefore, if selected for participation, Village funds will be disbursed to me at the conclusion of the work, after submittals by me of copies of all bills and satisfactory evidence of their payment, either by lien waivers or bills stamped "Paid" by all contractors. I understand that the actual rebate amount will be calculated at 50% of the documented actual costs by me for eligible expenses to complete the agreed upon improvements, up to the maximum grant amount awarded by the Village for the project.

By signing this application, I hereby acknowledge that I have read the above statement and understand these important features about the BEDA Program.



Applicant Signature



Date



Return this completed application with attachments to:
Tony Fradin, Economic Development Coordinator
Village of Bartlett
228 S. Main Street
Bartlett, IL 60103

We are seeking funds for the following projects:

Expansion and Improvements to Interior Build-Outs

Expansion of current bar area located at The Still Bar & Grill by removing a section of wall separating 322 S. Main Street and 316 S. Main Street (currently a barber shop space). The space located at 316 S. Main Street is vacant and not generating any revenue or tax dollars. We believe that a use for that space which incorporates the adjacent restaurant and bar will increase sales and hence tax revenue. This will provide The Still an ability to expand revenue by adding additional seating and a larger area for patrons.

In addition the remodel expansion would include a new flooring throughout the facility with the look and feel of wood boarding covering up the current cement floor.

HVAC and Fire Alarm Expansion for New Space

Lighting will be upgraded to energy efficient LED units.

Signage for new expansion.

Façade Improvements & Lighting

Update current cedar shank shingle façade with a more modern look and feel. Replace parking lot lighting front and back to energy efficient LED units.

Other items

Repair/Improvement of Parking Lot Surfaces

Replacement of Metal Door in rear of building

Actual quotes and final scope of work will be finalized upon approval from the Village. Thus we have developed a range for the project based on estimated costs.

Price estimate from Lion Hart Construction for the following items:

- New modern flooring to complement the location design elements.
- Paint and tuck-pointing front brick and aluminum window trims
- Replace shaker shingles
- Replace Fire rated metal doors in rear
- Replace Dryvit with new material
- Cut and trim opening between barbershop space and current bar
- Lighting in new unit
- Paint new unit
- Ceiling tiles new unit
- Millwork trim to match existing space
- Remove partition

Total proposed cost \$52,535. Quote attached.

Other items:

Mill work for bar area, seating tables and chairs and other equipment: \$20,000

Total estimated project cost \$72,535

Amount spent to date on improvements and equipment at location: \$278,059.

ARTHUR LIO
LIONHART CONSTRUCTION

(1)

Contractors Invoice

WORK PERFORMED AT:

- SAME -

TO: JIM LEO
THE STILL BAR AND GRILL
326 S MAIN ST. BARTLETT

THE STILL BAR AND GRILL
326 S MAIN ST.
BARTLETT IL 60103

DATE
7/31/19

YOUR WORK ORDER NO.

OUR BID NO.

DESCRIPTION OF WORK PERFORMED

1. REMOVE ALL TABLES AND CHAIRS, INSTALL NEW FLOOR (RUBBERIZED PLANK FLOORING) 2400 sq ft x 8 = \$19,200.00.
2. PAINTING AND TUCKPOINTING OF FACE BRICK: \$4,900.00
3. REMOVE AND REPLACE SHAKER SHINGLES AND REPLACE WITH CORRUGATED METAL SHEETING: \$6,750.00
4. REMOVE AND REPLACE EXISTING REAR FIRE RATED COMMERCIAL STEEL DOUBLE SECURITY DOOR FOR MECHANICAL ROOM: \$5,325.00
5. REPLACE DRYVIT AND INSTALL METAL CORRUGATED SHEETING NEAR ENTRANCE \$3,675.00
6. CUT DOOR WAY IN NORTH SIDE OF EXISTING UNIT TOWARDS VACANT UNIT AND INSTALL STEEL HEADER, TRIM OUT USING CEDAR PLANKING. \$4,710.00

(CONT'D) →

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of _____

Dollars (\$ _____).

This is a Partial Full invoice due and payable by:

7

31

19

in accordance with our Agreement Proposal

No. _____

Dated _____

Month

Day

Year

ARTHUR LO
LIONHART CONSTRUCTION

(2)

Contractors Invoice

WORK PERFORMED AT

- SAME -

TO: JIM LEO
THE STILL BAR AND GRILL
326 S. MAIN ST BARTLETT

THE STILL BAR AND GRILL
326 S. MAIN ST
BARTLETT IL 60103

DATE 7/31/19

YOUR WORK ORDER NO. (CONT'D)

OUR JOB NO.

DESCRIPTION OF WORK PERFORMED

7. REPAIR AND REPLACE MORTAR BETWEEN
BROKEN BRICKS FOR 300 SQ FT IN REAR OF
BUILDING: \$ 3,650.00

8. PRIME AND PAINT VACANT UNIT: \$ 2,425.00

9. INSTALL CAN LIGHTING THROUGHOUT
VACANT UNIT: \$ 1,900.00

PRICE INCLUDES MATERIAL AND LABOR:

\$ 52,535.00

All Material is guaranteed to be as specified, and the above work was performed in accordance with the drawings and specifications provided for the above work and was completed in a substantial workmanlike manner for the agreed sum of

Dollars \$ 52,535.00

This is a Partial Full invoice due and payable by:

in accordance with our Agreement Proposal No. _____ Dated 7 31 19
Month Day Year

SaddleBag Holdings LLC
The Still Bar & Grill

Parcel Pin 06-34-414-068-0000
314-330 S. Main Street Bartlett, IL 60103

Tax Payments Made

	Total	2018 (*)	2017	2016	2015	2014
March		20,239.14	23,637.28	22,552.40	24,765.30	10,755.24
August		17,189.79	19,339.59	23,882.01		11,554.98
Dec					43,758.38	
Total Tax Payments	217,674.11	37,428.93	42,976.87	46,434.41	68,523.68	22,310.22

Appraised Property Value

10/10/2017 240,000.00

Taxes Paid to Appraisal 91%

Purchase Price 6/5/2013 180,000.00

Taxes Paid to Purchase Price 121%

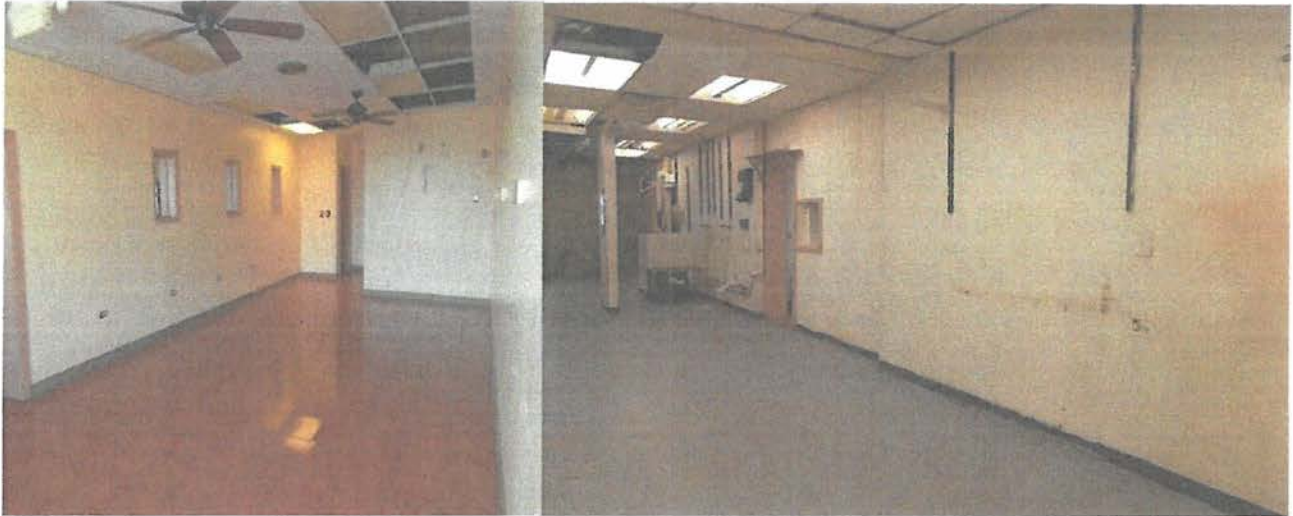
The amount of taxes paid exceeds the purchase price of the property and is at Par with the current property appraisal.

(*) Paid in March 2019 and scheduled for payment on Aug 1,2019.

Improvements Made since 2013

Location Photos Prior to Initial Investment and Remodel. As the photos illustrate a significant investment was made in remodeling and equipment.

Bar and Kitchen Space Prior to Remodel



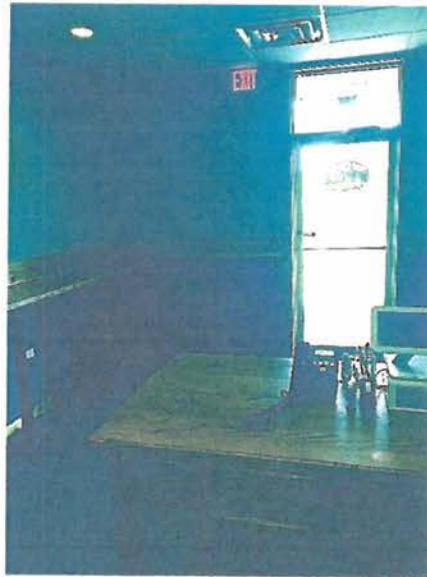
Main Dining Area prior to remodel

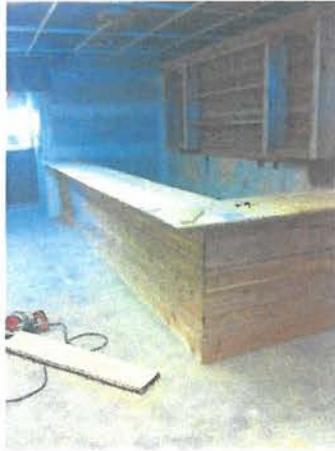


Dining Room, bathroom, kitchen and office prior to improvements



Sample photos of Location after Improvements





As the photos indicate the work was extensive and included the following work:

- Complete tear down including flooring
- Removal of wall to create carry out area
- Framing and drywall
- Ceiling Tiles
- New LED lighting throughout restaurant and bar area
- Remodel bathrooms
- Upgrade electrical
- New men's bathroom
- New plumbing including two grease traps
- Painting, flooring and counter tops for office area
- State of the art Hood for the Kitchen
- Restaurant equipment, furniture and fixtures
- New HVAC units
- New commercial grade water heater
- Extensive custom mill work including bar area
- Painting
- Signage
- New State of the art Fire alarm system
- POS System
- Network equipment and wiring
- Alarm system, panic button, audio system and TV's
- Carry Out area and server station.

Break down of improvement and equipment costs \$278,059.57.

I have included a detailed summary of the expenditures on a separate schedule.

The point to be made is that we have added with soft costs approximately \$300,000 to the location. Factoring in our property tax bills takes that number to over \$500,000.

The Still Bar & Grill
Summary of Improvements made since 2013.

Initial Equipment	Supplies	2013	Description	Supplier	Yr. 2013	Yr. 2014	Yr. 2014	Yr. 2014	Yr. 2014	Yr. 2014	Yr. 2014 Total 2014
Hand Sinks	Gator Chef	315.00	Tables and Chairs	Waco Furniture	12,915.33						
Dishwasher	Gator Chef	5,243.76	Build Out/ Mill Work	Somora Construction	57,353.72	8,182.32	5,000.00	2,000.00	2,000.00	1,000.00	5,360.87
Fryers	Gator Chef	2,159.40	Fire Suppression	Chicago Defense	1,800.00	2,200.00					28,543.19
Blodgett Oven	Gator Chef	2,950.00	Hood	Commercial Food Serv	14,935.08	4,500.00	5,020.00				2,200.00
Drain Boards	Gator Chef	989.78	Architect Work	Jim Bolender	5,500.00						9,520.00
Hand Sink KR18	Gator Chef	681.27	Bathroom Fixtures	Home Depot		1,014.94					
Under bar Sink	Gator Chef	1,159.17	Kitchen Shelving	Gator		1,900.00					1,014.94
Continental Refrig	Gator Chef	4,320.03	Alarm & Fire	LaMarco		3,642.50	3,292.50				1,900.00
Continental Bar Refrig	Gator Chef	3,321.74	Equipment Install	Gator		1,718.08					5,935.00
Hot Food serve table	Gator Chef	989.30	Blinds, Lights Bathroom	Home Depot		13,966.45					1,718.08
Reach in Refrigerator	Gator Chef	2,596.40	AC Unit	JDN		6,450.00					13,966.45
Reach in Freezer	Gator Chef	2,147.95	Wiring & Technology	OCM		6,335.81					6,450.00
Undercounter Freezer	Gator Chef	1,502.76	Audio & Video System	Sound of Music		11,401.61					6,335.81
Refrig Prep Table	Gator Chef	3,262.78	POS System	Clover		4,365.08					11,401.61
American Range	Gator Chef	1,379.21	Trager Smoker	Trager		859.99					4,365.08
Salamander	Gator Chef	1,854.43	Outdoor Sign	Bright Signs		5,500.00					859.99
Griddle	Gator Chef	747.56	Subtotal 2013		92,504.13						5,500.00
Char broiler	Gator Chef	887.48	2013 Equipment		62,545.64						100,710.15
3 Compartment Sink	Gator Chef	2,596.00	Total 2013		155,049.77						
Work Table w/Sink	Gator Chef	1,073.80	Total 2014		100,710.15						
Walk In Cooler	Gator Chef	4,954.74	Total Project Costs		255,759.92						
Heated Cabinet	Gator Chef	1,558.80	Other Items 2015-2018								
Food Processor	Gator Chef	618.52	Tables & Chairs	WACO		1,236.65					
Toaster	Gator Chef	231.00	Water Heater	Drain Man		7,000.00					
Microwave	Gator Chef	333.65	Table Chairs	CFAS Inc		4,000.00					
Gas Connection Kit	Gator Chef	1,192.00	Leaseholds	CFAS Inc		2,500.00					
Faucet Kits	Gator Chef	329.99	HVAC Unit	JDN		5,263.00					
Faucets	Gator Chef	49.14	Parking Lot	Seal & Lines		2,300.00					
Casters	Gator Chef	237.00									
Freight and set up	Gator Chef	1,893.00									
		51,575.66									
Glass Chiller	US Foods	1862.12									
Grill	Sears	1969.97									
2 TV's	Sound of Music	3181.46									
Grill	Home Depot	1978.43									
Salad Prep ref Table	US Foods	1978									
		10,969.98									
Total Equipment		62,545.64	Grand Total Project Costs and Improvements		\$ 278,059.57						

Does not include soft costs like training, supplies, mailers etc..

Expansion Schematics

FLOORING TILES TO BE REMOVED
IN ALL AREAS

CEILING TILES AND LIGHTING TO
BE REMOVED IN ALL AREAS

REMOVE COUNTER

ALL SINKS TO BE REMOVED.
PLUMBER TO CAP WATER AT WALL
PLUMBER TO CAP DRAINS AT WALL

ALL WOOD PANELING TO BE REMOVED
AND REPLACED WITH $\frac{3}{4}$ " DRYWALL

REMOVE WALL

REMOVE COUNTER

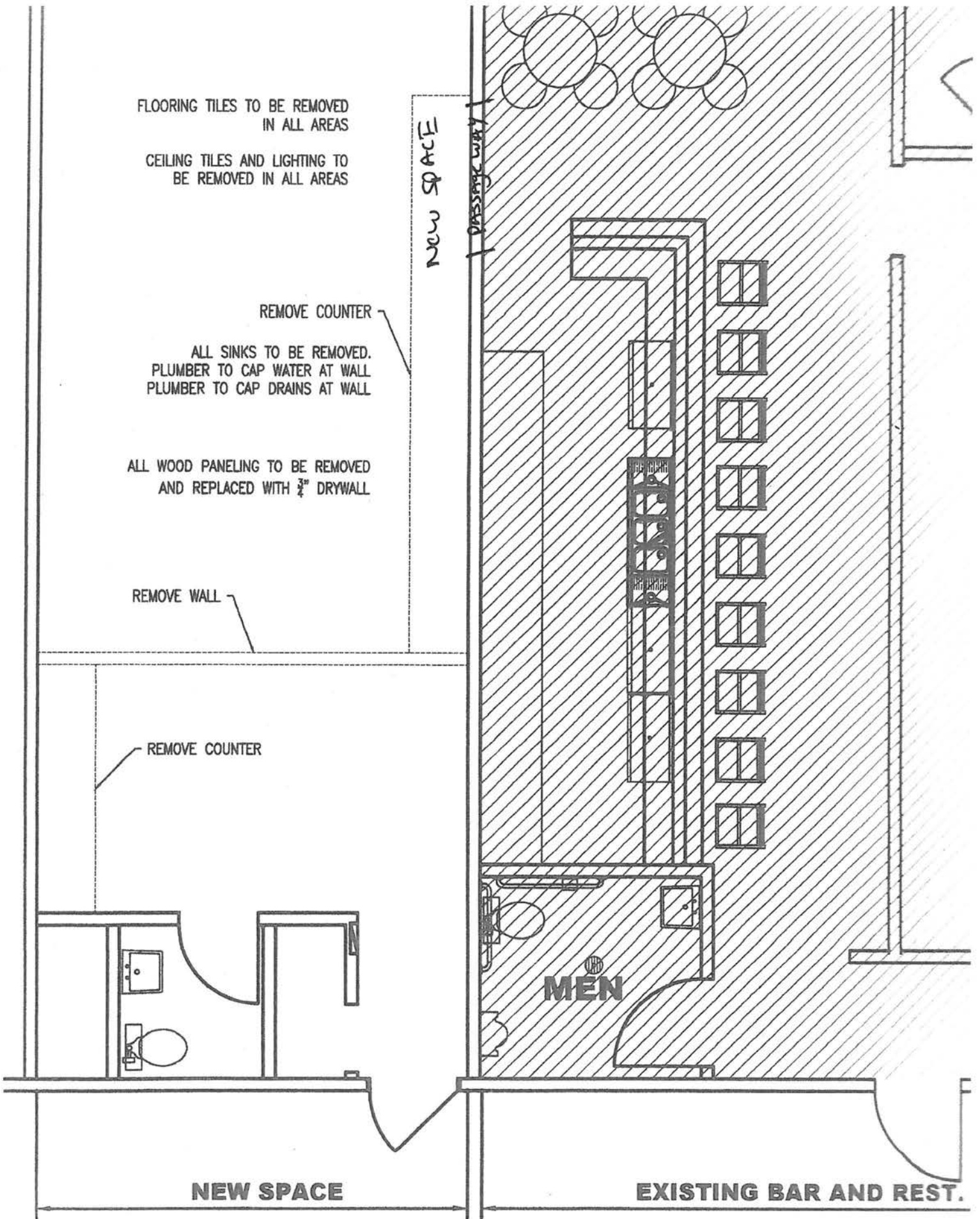
NEW SPACE

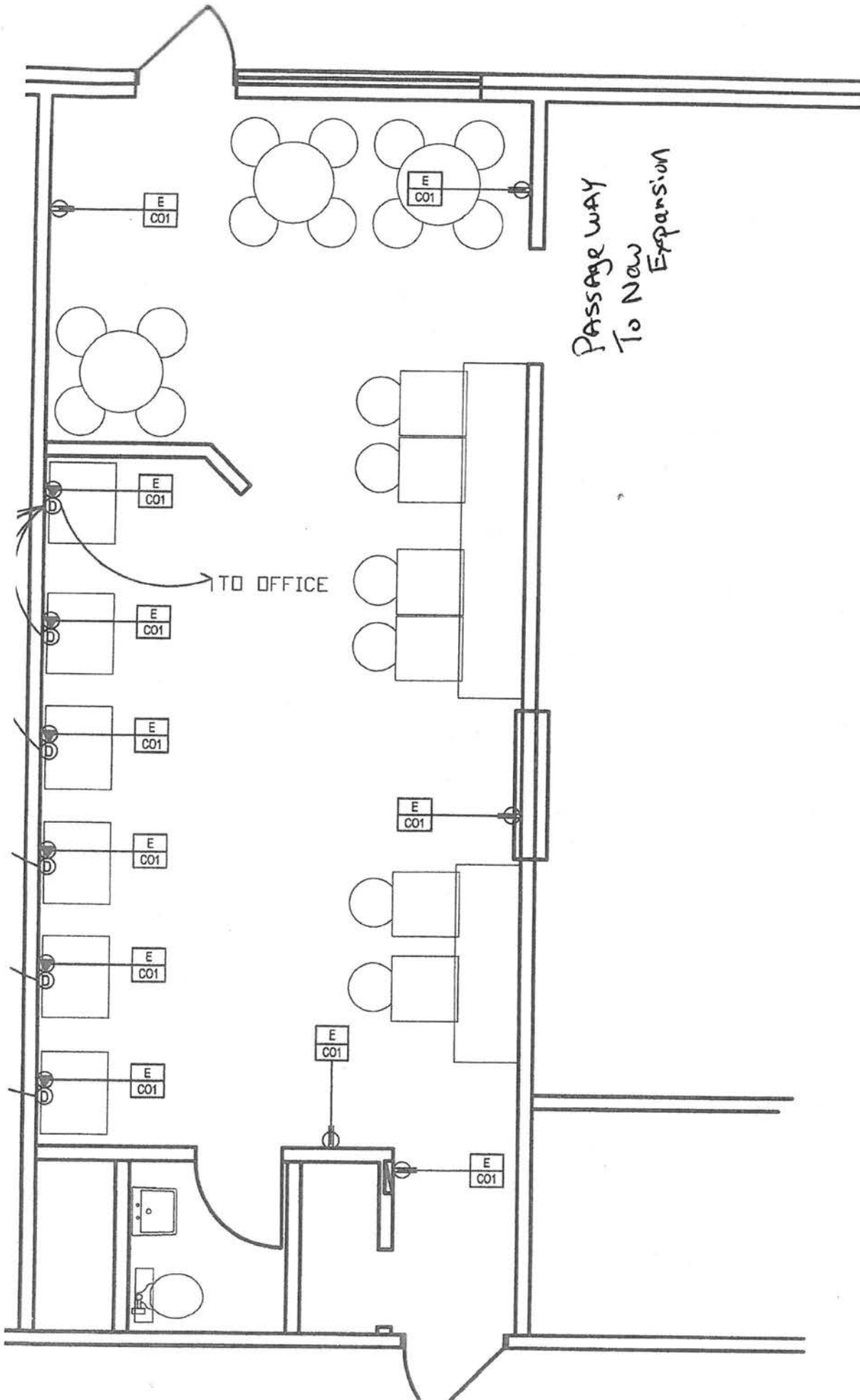
PASSAGE WAY

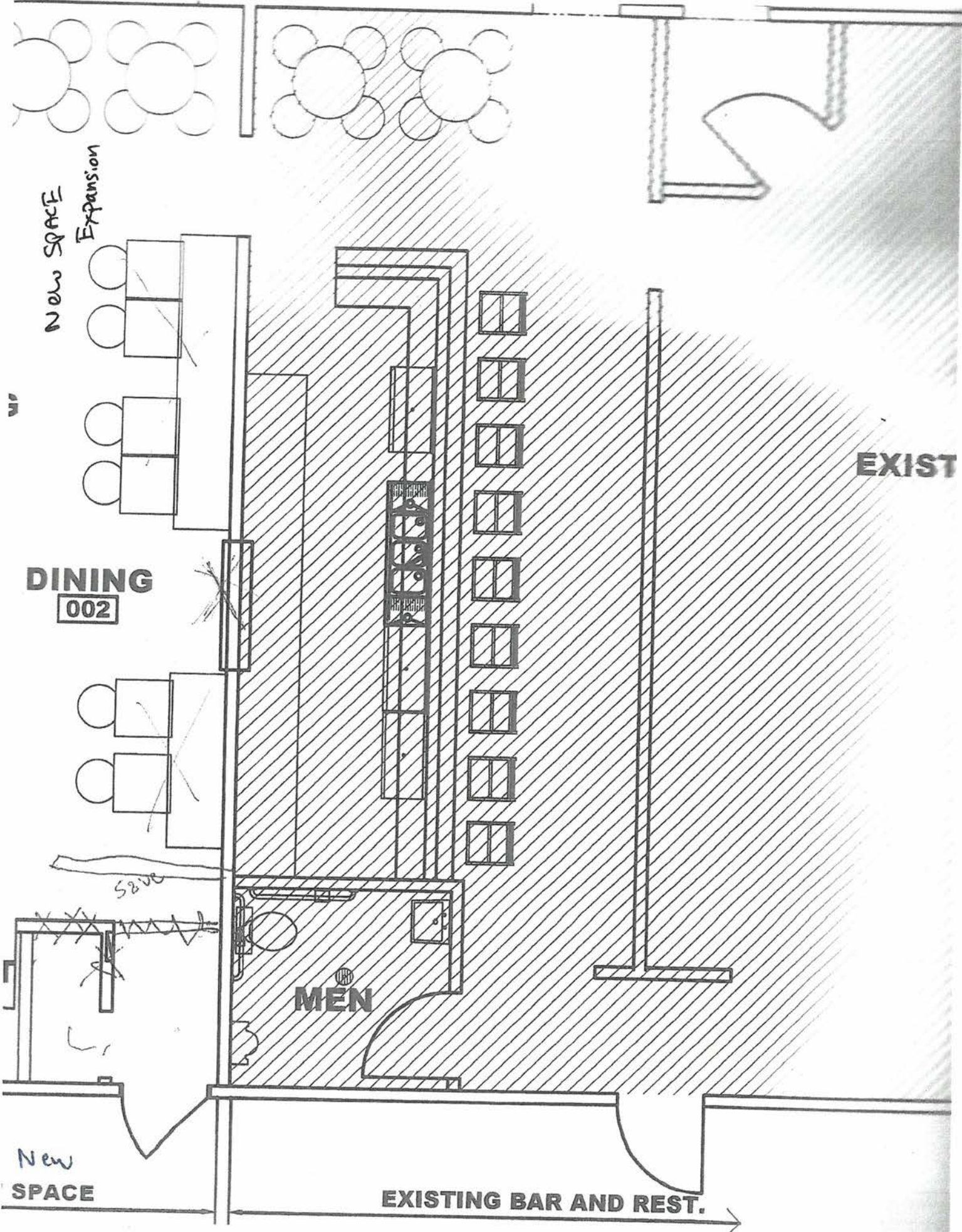
MEN

NEW SPACE

EXISTING BAR AND REST.







New SPACE
Expansion

DINING
002

EXIST

MEN

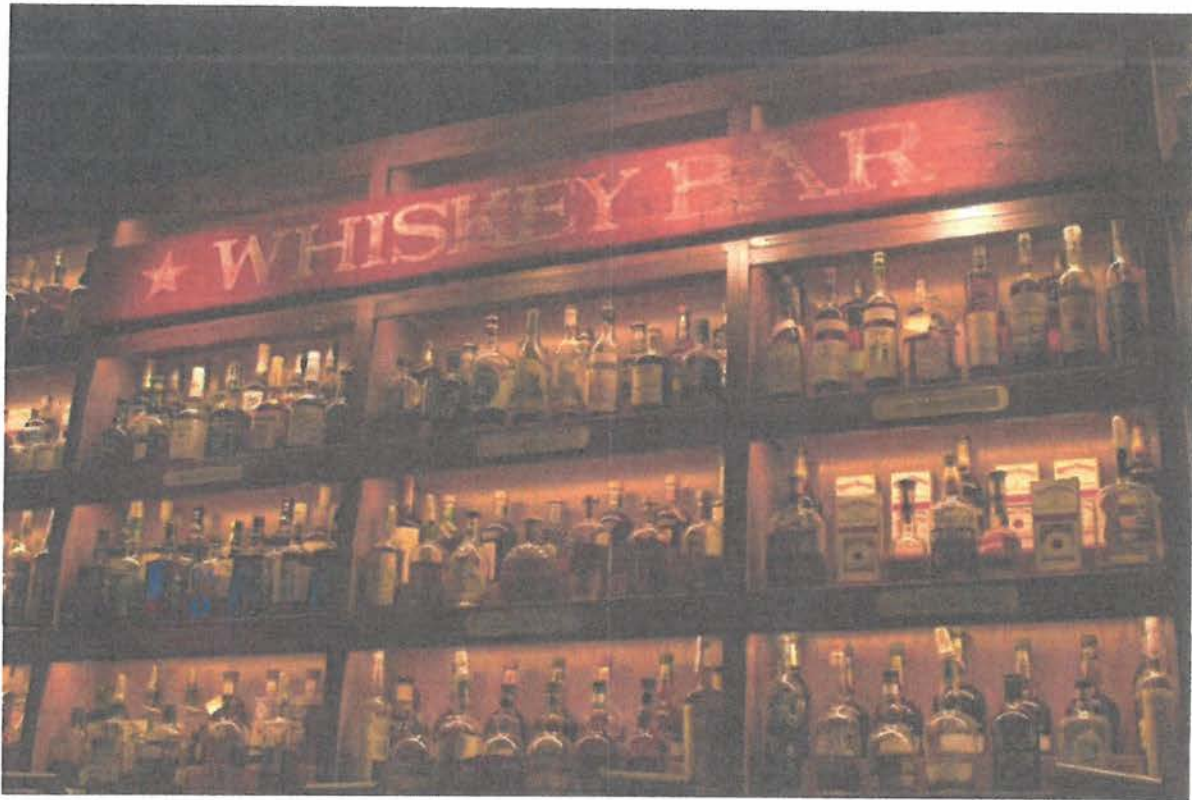
EXISTING BAR AND REST.

New
SPACE

SIDE

New design elements

Introduction of a bourbon, whiskey-based bar offering featuring a design element consistent to the current millwork at The Still.



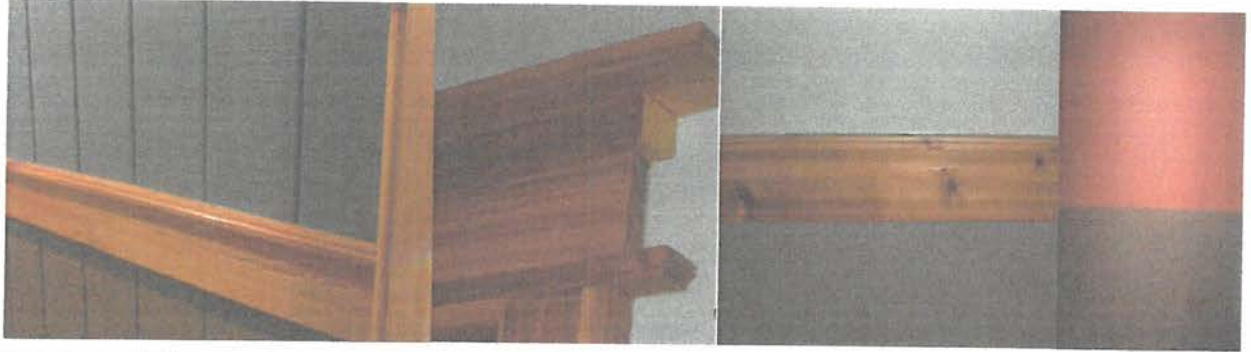
Current outside of building and sample of material to replace cedar shakes and example of dryvit replacement. Brick would be painted an earth tone color. Aluminum window trims would be painted in black.



The Still Design Elements Overview

The Still was designed to combine a rustic interpretation with an updated flair of a Tennessean Smokey Mountain establishment. Our design is focused on the selection of millwork trims, wall colors, branding and artwork with period pieces. The following section illustrates the key areas of design. Our plan is to expand the concept into the space next store providing a larger bar area with potential for live entertainment. In addition we would like to address the outside aesthetics of the location.

Chair Rail with two tone wood paneling, earth tone colors, period door trim.



Bowed window blinds for concept effect, rock element on chair rail for upscale look.



Bar Rail and bar in cedar for rustic look with stained concrete flooring in earth tone colors.



Use of millwork to form a rustic bar with an upscale feel for liquor display.



Period pieces to support concept branding



Use of chalk board and other elements to reinforce down home feeling



Branding Elements linkage to concept.



Use of LED displays for menu and information



Door design



Door framing with branding made out of cork, window design with rock element for upscale mountain retreat.



Cost Estimates

**Minutes
August 12th, 2019
Village of Bartlett
Economic Development Commission**

1) Call to Order

T. Smodilla called the meeting to order at 7:02 pm.

2) Roll Call

Present: S. Gandsey, M Hughes, N. Gudenkauf, J. LaPorte, A. Lewensky, R. Perri, T. Smodilla

Absent: C. Green, G. Kubaszko

Also Present: T. Fradin, Economic Development Coordinator;
S. Skrycki, Assistant Village Administrator;
J. Dienberg, Management Analyst

3) Approval of Minutes

A motion was made to approve the minutes from the May 13th, 2019 meeting.

Motioned by: S. Gandsey

Seconded by: M Hughes

Motion Carried

4) BEDA Application for the Still Bar and Grill

T. Fradin presented a BEDA application for the Still Bar & Grill, stating that it has been in operation for five years. The applicants and building owners are business partners Brett Gaylord and Jim Leo. He added that Mr. Leo is present tonight.

They purchased the northern portion of Main Street Plaza in July 2013. That portion of the building includes the location of The Still Bar & Grill at 326 S. Main Street, the unit directly north of it that they propose expanding into at 318 S. Main Street and the unit housing JDN Heating & Air Conditioning at 314 S. Main Street.

Mr. Fradin asked that the commissioners note that this portion of the shopping center was constructed after the south portion of the shopping center was built. It was developed and owned by the Koehler family for several decades until it fell into foreclosure and was sold to Mr. Gaylord and Mr. Leo. The adjoining portion of Main Street Plaza remains owned by Mr. Ed Krueger, who has owned it for many years.

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Ever since, they have expressed a desire to upgrade the façade and modernize the look of their portion of the building to beautify their space and attract customers. They have periodically inquired about any assistance that the Village may be able to provide in that regard.

With the creation of the BEDA program in spring 2018, staff apprised Mr. Gaylord and Mr. Leo that a portion of the funds used to upgrade their property may be rebated as a grant via the program. I encouraged them to investigate the cost of upgrading the property.

It should be noted that the applicants included a description of approximately \$300,000 worth of expenditures made while renovating the space to its current state five years ago. Staff has explained to them and several other business and property owners who made improvements prior to the creation of the BEDA program that the starting date for the program was May 1, 2018, thus no expenditures made prior to that date are eligible.

They included it for informational purposes only and for the EDC's consideration. The application also includes information on property tax payments made although that, too, is included for informational purposes only and demonstrates the high amount of taxes levied by the Cook County Assessor. Staff has verified that the property taxes are up to date per the attachment.

The applicants' current plan is to expand the restaurant into the adjacent space and to make improvements to the entire restaurant and bar and further upgrades to the property. They would like to provide an area for occasional live entertainment and larger events than they can currently handle.

A detailed quote in the amount of \$52,535 from Lionhart Construction is included, including nine work items proposed.

Some of the items pertain to the interior only, such as expanding the space and adding additional seating, while others will beautify the exterior, including updating the façade and upgrading parking lot lighting.

Mr. Fradin shared that to date, BEDA applicants have included two restaurants, an existing small grocery store that would like to add hot food items and a major multi-million dollar overhaul of Bartlett Plaza to the Streets of Bartlett.

This application fits well into the Village's plans to revitalize the downtown commercial district into a walkable, lively area offering eating, drinking and live entertainment. Also, as the Village strives to implement the TOD Plan and an Overlay District, this is the type of project that can fit into both by beautifying both a building's interior and exterior.

Staff recommends a grant in the amount of \$15,000, which amounts to 28.5% of the total project costs. Mr. Fradin asked if the EDC had any questions for staff or Mr. Leo.

A. Lewensky asked if this was the first application of the new fiscal year.

T. Fradin stated that that is correct, and added that the BEDA budget for this fiscal year is \$250,000.

T. Smodilla started by thanking Mr. Leo for his commitment to the community and added that she and her family have enjoyed the Still over the years. Commissioner Smodilla expressed concern with the cohesiveness of upgrading and beautification of the façade of one parcel and not the other. While she expressed enthusiasm for Mr. Leo's intended investment, she asked if there was any way to help move the Southern parcel forward in doing similar work to add cohesion.

J. Leo shared that he had a similar concern. He stated that they have worked to ensure that while it will look different, that it will flow between the two buildings, adding that it will make it look newer and cleaner, but won't clash with the neighbors.

T. Fradin shared that staff understands the concern, but shared that he has optimism that this improvement would only encourage the owner, or a future owner, to rehab the neighboring portion. He also stated that he does not believe that the current owner has any interest in taking on any rehabilitation projects such as this, and is more so looking to divest himself from the property. He added that staff would also encourage another owner to also take advantage of the BEDA program.

T. Smodilla added that by making the center more updated and having continuity, that it may ease the ability to sale the property.

M. Hughes agreed that the improvements would help to sell the property.

A. Lewensky added that it may even be beneficial to reach out to the contract to see what the cost of renovating the façade of the entire center would be.

R. Perri stated that in an ideal situation, both would be rehabbed at the same time. However, he also added that somebody has to take the time and money to start the process to start the momentum in the area. He commended Mr. Leo for his initiative.

S. Gandsey asked about the increased level of business expected with the build out.

J. Leo stated that they are looking to add 15-20 seats in the new area and expect about a 25% increase in sales. He stated that they will be expanding the bar, adding in a stage and relocating the video games to make room for some high tops.

A. Lewensky that he went in to the Still for the first time recently and really enjoyed himself. He admitted that it was his first time in because the outside appearance was not as appealing, and expressed enthusiasm that updating the façade could bring more people in.

T. Smodilla asked if they would only be upgrading the parking lighting on their portion of the lot. She expressed concern with it only being one section of the lot.

S. Skrycki also agreed with the sentiment and added that staff would reach out to the owner of the other portion and discuss using the BEDA program to help bring continuity to the center. He added that this wouldn't be the first time staff has done so, and hopes for a different result, as staff has more details on the BEDA program.

T. Smodilla summarized by stating that she is happy to see an owner not only make improvements to the interior, but the exterior as well. She wants to see business owners take pride in ownership as residents do. Her only concern with this project is neighbor not being as assiduous affecting Mr. Leo's business.

J. Leo stated that while it is a concern, he commended his neighbor for always keeping up on the property and having it well maintained, with his only complaint being that the façade is dated, with the inside being well maintained.

S. Gandsey asked how this fits in with the form based coding.

T. Fradin stated that this building does not fit the form based code, and does not put any restraints on Mr. Leo, and added that it only really applies to new construction.

S. Gandsey made a motion to recommend awarding \$15,000 to The Still Bar and Grill to the Village Board for approval.

Seconded by R. Perri

Motion Carried



Agenda Item Executive Summary

Item Name 2019 GO Bonds Review Committee or Board Committee

BUDGET IMPACT

Amount:	\$15,000,000	Budgeted	N/A
List what fund	Debt Service Fund, Sewer Fund		

EXECUTIVE SUMMARY

Attached is the parameters bond ordinance for the 2019 GO Bonds. The purpose of the bonds is to finance the Devon Avenue excess flow sewer project estimated to cost \$8,429,000 and to refund the remaining outstanding 2009 GO Bonds with a current par amount of \$5,695,000. The combined not to exceed par amount is \$15,000,000. The estimated present value savings of refinancing the 2009 bonds is just over \$480,000 due to the lower interest rates currently available.

ATTACHMENTS (PLEASE LIST)

Finance Department Memo
GO Bond Parameters Ordinance
Combined Bond Analysis
Refunding Bond Analysis

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Todd Dowden, Finance Director Date: September 23, 2019

Village of Bartlett
Finance Department Memo
2019 – 15

DATE: September 23, 2019

TO: Paula Schumacher, Village Administrator

FROM: Todd Dowden, Finance Director

SUBJECT: Proposed 2019 GO Bonds

The Bond Ordinance (the "Ordinance") is the one formal action to be taken by the President and Board of Trustees of the Village (the "Corporate Authorities") to approve the General Obligation Bonds, Series 2019 (the "Bonds"), which would be issued for the purpose of financing the Devon Avenue sewer project and refunding the remaining 2009 GO bonds. The Ordinance is a "parameters style" ordinance which means that the final interest rates and other repayment terms for the Bonds are not set in the Ordinance, but rather the Ordinance establishes parameters which act as limitations that must be followed when the final terms for the Bonds are established. The Ordinance delegates the final approval of those final terms to the "Designated Officers," which are the Village President, Clerk, Treasurer and Finance Director. The parameters include maximums for combined par amount (\$15,000,000), maturity date (2039), annual maturity amount (\$1,200,000), maximum interest rate (6.00%), maximum annual bond tax levy (\$1,915,000) and a minimum present value savings of the refunding (3%).

Attached are two hypothetical schedules by R. W. Baird showing a potential true interest cost rate of 2.33%. The annual debt service for the sewer project portion of the bonds would range from \$555,674 the first year to \$551,200 the final year. The annual debt service levy for the sewer project portion of the bonds will be abated and the debt service will be paid from Sewer Fund charges. Cook County sewer rates have been gradually increased to meet the estimated bond payments. Sewer rates will be reviewed again this year with one more year of increases planned. The low interest IEPA loan program was considered for financing the Devon Avenue project. But due to the uncertainties of the loan program and the time constraints to complete the project, it is a better option to issue bonds.

The second schedule shows the potential savings of refinancing the 2009 GO Bonds. The potential gross debt service savings of over \$531,000 and present value savings of over \$478,000, or over 8% of the refunded principal amount, is due to the more favorable interest rates currently available. The analysis is using the same debt service schedule and the same term as the remaining original debt. The ordinance includes a 3% minimum savings requirement or \$170,850. The Government Finance Officers Association recommends the 3% threshold as a best practice.

Dalena Welkomer from Robert W. Baird will be in attendance at the Committee meeting to answer questions about the bond issuance. If the Board's direction is to move forward with the bond issuance, the ordinance will be presented at the October 15, 2019 Board meeting for approval.

Village of Bartlett, Illinois

Hypothetical Illustration for Current Refunding General Obligation Refunding Bonds, Series 2009 Assumed Aa1 Rated / Bank Qualified Interest Rates

Illustration is subject to change based on market conditions. Actual rates may vary from those assumed.

BEFORE REFUNDING

Bond Year 12/1	General Obligation Refunding Bonds, Series 2009 Dated: December 22, 2009			General Obligation Refunding Bonds, Series 2019 ⁽¹⁾ Dated: November 12, 2019			Unrefunded Debt Service	POTENTIAL DEBT SERVICE SAVINGS
	Principal (12/1)	Rate	Interest (6/1 & 12/1)	Principal (12/1)	Assumed Coupon Yield ⁽²⁾	Interest (6/1 & 12/1)		
	\$715,000	3.500%	\$124,741	\$735,000	3.000%	\$190,553	\$839,741	\$0
2019	\$755,000	3.750%	\$224,456	\$780,000	3.000%	\$158,950	\$925,553	\$53,903
2020	\$795,000	3.750%	\$196,144	\$835,000	3.000%	\$135,550	\$938,950	\$52,194
2021	\$860,000	4.000%	\$166,331	\$870,000	3.000%	\$110,500	\$970,550	\$55,781
2022	\$900,000	4.000%	\$131,931	\$470,000	4.000%	\$84,400	\$980,500	\$51,431
2023	\$510,000	4.000%	\$95,931	\$280,000	4.000%	\$65,600	\$554,400	\$51,531
2024	\$325,000	4.000%	\$75,531	\$305,000	4.000%	\$54,400	\$345,600	\$54,931
2025	\$350,000	4.000%	\$62,531	\$330,000	4.000%	\$42,200	\$359,400	\$53,131
2026	\$375,000	4.000%	\$48,531	\$350,000	4.000%	\$29,000	\$372,200	\$51,331
2027	\$400,000	4.000%	\$33,531	\$375,000	4.000%	\$15,000	\$379,000	\$54,531
2028	\$425,000	4.125%	\$17,531				\$390,000	\$52,531
2029								
	\$6,410,000		\$1,177,191	\$5,330,000		\$886,153	\$6,216,153	\$531,297

CALLABLE MATURITIES

Potential Present Value Savings	\$478,172
Par Amount of Bonds Refunded ⁽³⁾	\$5,695,000
Potential Percent Present Value Savings ⁽⁴⁾	8.396%

Interest Rate Sensitivity Analysis	+10 basis points	-10 basis points
Potential Present Value Savings	\$451,436	\$505,120
Potential Percent Present Value Savings	7.93%	8.87%

(1) Assumed total costs of issuance of \$18 per \$1,000 of the public offering price. Preliminary, subject to change.

(2) This illustration represents a mathematical calculation of potential interest cost savings, assuming hypothetical rates based on current rates for non-bank qualified general obligation bonds rated Aa1 as of August 28, 2019. Actual rates may vary. If actual rates are higher than those assumed, the interest cost savings would be lower. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a refinancing or otherwise be considered as advice.

(3) Assumed the refunding of the 2020-2029 maturities.

(4) Calculated using the refunding bond yield of 1.962% as the discount rate.

Village of Bartlett, Illinois
Hypothetical Issuance of General Obligation Bonds, Series 2019 ⁽¹⁾
Current Refunding of Series 2009 and \$8,429,000 Sewer Improvements

Bond Year Ending December 1	Current Refunding of Series 2009			Sewer Improvements			Total		
	Principal (12/1)	Assumed Coupon (6/1 & 12/1)	Total Debt Service (6/1 & 12/1)	Principal (12/1)	Assumed Coupon (6/1 & 12/1)	Total Debt Service (6/1 & 12/1)	Principal (12/1)	Assumed Coupon (6/1 & 12/1)	Total Debt Service (6/1 & 12/1)
2020	\$735,000	3.000%	\$925,553	\$250,000	3.000%	\$305,674	\$985,000	3.000%	\$1,481,227
2021	\$780,000	3.000%	\$938,950	\$270,000	3.000%	\$282,850	\$1,050,000	3.000%	\$1,491,800
2022	\$835,000	3.000%	\$970,550	\$280,000	3.000%	\$274,750	\$1,115,000	3.000%	\$1,525,300
2023	\$870,000	3.000%	\$980,500	\$285,000	3.000%	\$266,350	\$1,155,000	3.000%	\$1,531,850
2024	\$470,000	4.000%	\$554,400	\$295,000	4.000%	\$257,800	\$765,000	4.000%	\$342,200
2025	\$280,000	4.000%	\$345,600	\$305,000	4.000%	\$246,000	\$585,000	4.000%	\$311,600
2026	\$305,000	4.000%	\$359,400	\$320,000	4.000%	\$233,800	\$625,000	4.000%	\$288,200
2027	\$330,000	4.000%	\$42,200	\$330,000	4.000%	\$221,000	\$660,000	4.000%	\$923,200
2028	\$350,000	4.000%	\$29,000	\$345,000	4.000%	\$207,800	\$695,000	4.000%	\$236,800
2029	\$375,000	4.000%	\$15,000	\$360,000	4.000%	\$194,000	\$735,000	4.000%	\$209,000
2030				\$375,000	4.000%	\$179,600	\$375,000	4.000%	\$179,600
2031				\$390,000	4.000%	\$164,600	\$390,000	4.000%	\$164,600
2032				\$405,000	4.000%	\$149,000	\$405,000	4.000%	\$149,000
2033				\$420,000	4.000%	\$132,800	\$420,000	4.000%	\$132,800
2034				\$440,000	4.000%	\$116,000	\$440,000	4.000%	\$116,000
2035				\$455,000	4.000%	\$98,400	\$455,000	4.000%	\$98,400
2036				\$475,000	4.000%	\$80,200	\$475,000	4.000%	\$80,200
2037				\$490,000	4.000%	\$61,200	\$490,000	4.000%	\$61,200
2038				\$510,000	4.000%	\$41,600	\$510,000	4.000%	\$41,600
2039				\$530,000	4.000%	\$21,200	\$530,000	4.000%	\$21,200
	\$5,330,000		\$6,216,153	\$7,530,000		\$3,534,624	\$12,860,000		\$4,420,777
									\$17,280,777

Assumed Sources and Uses of Funds

Sources of Funds	
Par Amount	\$12,860,000
Original Issue Premium	\$1,523,026
Transfer from Prior Issue Bond Fund	\$112,228
Total Sources	\$14,495,254
Uses of Funds	
Deposit to Project Fund	\$8,429,000
Deposit to Escrow Account	\$5,804,522
Assumed Costs of Issuance ⁽²⁾	\$258,894
Rounding Amount	\$2,838
Total Uses of Funds	\$14,495,254

Potential True Interest Cost ⁽¹⁾	2.33%
Potential True Interest Cost +10 Basis Points ⁽³⁾	2.43%
Potential True Interest Cost -10 Basis Points ⁽³⁾	2.23%

(1) This illustration represents a mathematical calculation of potential interest cost, assuming hypothetical rates for tax-exempt non bank qualified general obligation bonds rated Aa1 as of August 28, 2019. Actual rates may vary. If actual rates are higher than those assumed, the interest cost would be higher. This illustration provides information and is not intended to be a recommendation, proposal or suggestion for a financing or otherwise be considered as advice. Refunding portion is amortized to achieve level annual savings. New money portion is structured to achieve 20 year level debt service. Assumed a delivery date of November 12, 2019 and first interest payment date of June 1, 2020. Preliminary, subject to change.

(2) G.O. bonds assumed costs of issuance of \$18 per \$1,000 of bonds issued. Preliminary, subject to change.

(3) True Interest Cost is the rate of interest, compounded semi-annually, required to discount the payments of principal and interest to bondholders to the original purchase price.



EXTRACT OF MINUTES of a regular public meeting of the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, held at the Village Hall, in said Village, at 7:00 p.m., on the 15th day of October, 2019.

The Village President called the meeting to order and directed the Village Clerk to call the roll.

Upon the roll being called, the President and the following Trustees answered physically present at said location: _____

The following Trustees were allowed by a majority of the Trustees in accordance with and to the extent allowed by rules adopted by the President and Board of Trustees to attend the meeting by video or audio conference: _____

No Trustee was not permitted to attend the meeting by video or audio conference.

The following Trustees were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

There was then a discussion of an ordinance providing for the issuance of General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, authorizing the execution of one or more bond order and providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds. The President then explained that the ordinance sets forth the parameters for the issuance of said bonds and sale thereof by designated officials of the Village and summarized the

pertinent terms of said parameters, including the specific parameters governing the manner of sale, length of maturity, rates of interest, purchase price and tax levy for said bonds.

Thereupon, Trustee _____ presented the following ordinance:

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

(the "*Bond Ordinance*") which was laid before the President and Board of Trustees in words and figures as follows.

Trustee _____ moved and Trustee _____

seconded the motion that the Bond Ordinance as presented be adopted.

A discussion of the matter followed. During the Board discussion, the President gave a public recital of the nature of the matter, which included a reading of the title of the Bond Ordinance and statements that (1) the ordinance provided for the issuance of general obligation bonds for the purpose of paying the costs of constructing sewer system and other capital improvements and refunding certain outstanding general obligation bonds, (2) said Bonds are issuable without referendum pursuant to the home rule powers of the Village, (3) the Bond Ordinance provides for the levy of taxes sufficient to pay the principal of and interest on said Bonds, (4) the Bond Ordinance sets forth the parameters for the issuance of said Bonds and the sale thereof by designated officials of the Village and (5) summarized the pertinent terms of said parameters, including the manner of sale, length of maturity, rates of interest, purchase price and tax levy for said Bonds.

The Village President directed that the roll be called for a vote upon the motion to adopt the ordinance.

Upon the roll being called, the following Trustees voted AYE: _____

and the following Trustees voted NAY: _____.

WHEREUPON, the Village President declared the motion carried and the ordinance adopted.

Other business was duly transacted at said meeting.

Upon motion duly made and carried, the meeting adjourned.

Village Clerk

ORDINANCE NUMBER _____

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

Adopted by the President and Board
of Trustees on the 15th day of October,
2019.

TABLE OF CONTENTS

SECTION	HEADING	PAGE
PREAMBLES		1
SECTION 1.	DEFINITIONS	3
SECTION 2.	INCORPORATION OF PREAMBLES.....	6
SECTION 3.	DETERMINATION TO ISSUE BONDS	6
SECTION 4.	BOND DETAILS	6
SECTION 5.	EXECUTION; AUTHENTICATION	8
SECTION 6.	REDEMPTION.....	8
SECTION 7.	REDEMPTION PROCEDURE	9
SECTION 8.	BOOK-ENTRY PROVISIONS; REGISTRATION AND EXCHANGE OR TRANSFER OF BONDS; PERSONS TREATED AS OWNER	14
SECTION 9.	FORM OF BOND.....	18
SECTION 10.	TAX LEVY.....	23
SECTION 11.	FILING WITH COUNTY CLERKS.....	25
SECTION 12.	SALE OF BONDS	26
SECTION 13.	CREATION OF FUNDS AND APPROPRIATIONS.....	28
SECTION 14.	REIMBURSEMENT.....	30
SECTION 15.	NOT PRIVATE ACTIVITY BONDS	31
SECTION 16.	REGISTERED FORM	31

SECTION 17.	FURTHER TAX COVENANTS	31
SECTION 18.	OPINION OF COUNSEL EXCEPTION	33
SECTION 19.	RIGHTS AND DUTIES OF BOND REGISTRAR AND PAYING AGENT	33
SECTION 20.	DEFEASANCE	34
SECTION 21.	CONTINUING DISCLOSURE UNDERTAKING.....	35
SECTION 22.	MUNICIPAL BOND INSURANCE.....	35
SECTION 23.	PUBLICATION OF ORDINANCE	36
SECTION 24.	SUPERSEDER; EFFECTIVE DATE	37

ORDINANCE NUMBER _____

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

WHEREAS, the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois (the "*Village*"), pursuant to the provisions of Section 6 of Article VII of the 1970 Constitution of the State of Illinois, is a home rule unit and may exercise any power or perform any function pertaining to its government and affairs including, but not limited to, the power to tax and to incur debt; and

WHEREAS, pursuant to the provisions of said Section 6, the Village has the power to incur debt payable from ad valorem property tax receipts or from any other lawful source and maturing within 40 years from the time it is incurred without prior referendum approval; and

WHEREAS, the President and Board of Trustees of the Village (the "*Corporate Authorities*") have heretofore, and it hereby is, determined that it is advisable and necessary and in the public interest of the residents of the Village that the Village construct sewer system and other capital improvements within the Village, together with all necessary land and rights in land, professional, legal, engineering, electrical, financial and other services, costs of borrowing, reserves, capitalized interest, if any, and other related costs (collectively, the "*2019 Project*"); and

WHEREAS, the estimated costs of the 2019 Project to be paid from bond proceeds are not more than \$9,500,000 and investment earnings thereon; and

WHEREAS, the Village has insufficient funds on hand and lawfully available to pay the costs of the 2019 Project, and it will be necessary to borrow said amount of not to exceed \$9,500,000 to pay the same and issue bonds of the Village therefor;

WHEREAS, the Village has outstanding General Obligation Refunding Bonds, Series 2009, dated December 22, 2009 (the "*Prior Bonds*"); and

WHEREAS, it is necessary and desirable to refund all or a portion of the Prior Bonds (said portion of the Prior Bonds to be refunded referred to herein as the "*Refunded Bonds*") in order to realize debt service savings for the Village; and

WHEREAS, the Refunded Bonds shall be more fully described in the Escrow Agreement referred to in Section 13 hereof and are presently outstanding and unpaid and are binding and subsisting legal obligations of the Village; and

WHEREAS, in accordance with the terms of the Refunded Bonds, the Refunded Bonds may be called for redemption prior to their maturity, and it is necessary and desirable to make such call for the redemption of the Refunded Bonds on their earliest possible and practicable call date, and provide for the giving of proper notice to the registered owners of the Refunded Bonds; and

WHEREAS, the Corporate Authorities have determined that in order to refund the Refunded Bonds (the "*Refunding*"), it is necessary to borrow an amount not to exceed \$6,500,000 and issue bonds of the Village therefor; and

WHEREAS, it is in the best interests of the Village to issue General Obligation Bonds of the Village (the "*Bonds*" as further defined herein), in an amount not to exceed \$9,500,000 for the 2019 Project (the "*Project Bonds*") and bonds in an amount not to exceed \$6,500,000 for the Refunding (the "*Refunding Bonds*"), in an aggregate principal amount not to exceed \$15,000,000; and

WHEREAS, the Corporate Authorities have heretofore and it hereby is determined that it is advisable and necessary that such indebtedness be incurred in accordance with the Act as hereinafter defined, and without submitting the question of incurring such indebtedness to the electors of the Village for their approval:

NOW THEREFORE Be It Ordained by the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, in the exercise of its home rule powers, as follows:

Section 1. Definitions. In addition to such other words and terms used and defined in this Ordinance, the following words and terms used in this Ordinance shall have the following meanings, unless, in either case, the context or use clearly indicates another or different meaning is intended:

A. The following words and terms are as defined in the preambles.

Bonds

Corporate Authorities

Prior Bonds

Project Bonds

Refunded Bonds

Refunding

Refunding Bonds

2019 Project

Village

B. The following words and terms are defined as set forth.

“*Act*” means the Illinois Municipal Code, as supplemented and amended, and the home rule powers of the Village under Section 6 of Article VII of the Illinois Constitution of 1970. In the event of conflict between the provisions of said code and home rule powers, the home rule powers shall be deemed to supersede the provisions of said code.

“*Bond*” or “*Bonds*” means one or more, as applicable, of the General Obligation Bonds, Series 2019, authorized to be issued by this Ordinance.

“*Bond Fund*” means the Bond Fund established and defined in (Section 13 of) this Ordinance.

“*Bond Moneys*” means the Pledged Taxes, any other moneys deposited into the Bond Fund and investment income earned in the Bond Fund.

“*Bond Register*” means the books of the Village kept by the Bond Registrar to evidence the registration and transfer of the Bonds.

“*Bond Registrar*” UMB Bank, National Association, Kansas City, Missouri, or a successor thereto or a successor designated as Bond Registrar hereunder.

“*Bond Order*” means the Bond Order and Notification of Sale to be executed by the Designated Officers as hereinafter provided and setting out final details of the Bonds as hereinafter provided.

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

“*County Clerks*” means the respective County Clerks of The County of DuPage, Illinois, The County of Cook, Illinois, and The County of Kane, Illinois.

“*Depository*” means The Depository Trust Company, New York, New York, or successors or assigns duly qualified to act as a securities depository for the Bonds.

“*Designated Officers*” means the Village President, Clerk, Treasurer and Finance Director or designee, or any of them acting together.

“Escrow Agent” means UMB Bank, National Association, Kansas City, Missouri, a national banking association having trust powers, or a successor thereto or a successor designated as Escrow Agent hereunder.

“Escrow Agreement” means the escrow letter agreement by and between the Village and the Escrow Agent as authorized in Section 13 hereof and set forth as *Exhibit A*.

“Ordinance” means this Ordinance, numbered as set forth on the title page hereof, passed by the Corporate Authorities on the 15th day of October, 2019.

“Paying Agent” means UMB Bank, National Association, Kansas City, Missouri, or a successor thereto or a successor designated as Paying Agent hereunder.

“Pledged Taxes” means the taxes levied on the taxable property within the Village to pay principal of and interest on the Bonds as made in (Section 10 of) this Ordinance.

“Private Business Use” means any use of the 2019 Project by any person other than a state or local government unit, including as a result of (i) ownership, (ii) actual or beneficial use pursuant to a lease or a management, service, incentive payment, research or output contract or (iii) any other similar arrangement, agreement or understanding, whether written or oral, except for use of the 2019 Project on the same basis as the general public. Private Business Use includes any formal or informal arrangement with any person other than a state or local governmental unit that conveys special legal entitlements to any portion of the 2019 Project that is available for use by the general public or that conveys to any person other than a state or local governmental unit any special economic benefit with respect to any portion of the 2019 Project that is not available for use by the general public.

“Purchase Price” means the price to be paid for each series the Bonds, as set forth in the Bond Order, which shall be not less than 96.0% of the par amount of such series of Bonds (without regard to original issue discount, if any, or original issue premium, if any).

“*Purchaser*” means, for any series of Bonds issued hereunder, the initial purchaser of such series of Bonds, as set forth in the Bond Order.

“*Record Date*” means the 15th day of the month of the month next preceding any regular interest payment date and the 15th day next preceding any interest payment date occasioned by a redemption of Bonds on other than a regularly scheduled interest payment date.

“*Tax-exempt*” means, with respect to the Bonds, the status of interest paid and received thereon as excludable from the gross income of the owners thereof under the Code for federal income tax purposes, and as not included as an item of tax preference in computing the federal alternative minimum tax for individuals and corporations, but as taken into account in computing an adjustment used in determining the alternative minimum tax for certain corporations.

“*Term Bonds*” means Bonds which are subject to mandatory redemption prior to maturity by operation of the Bond Fund.

Section 2. Incorporation of Preambles. The Corporate Authorities hereby find that all of the recitals contained in the preambles to this Ordinance are true, correct and complete and do incorporate them into this Ordinance by this reference.

Section 3. Determination To Issue Bonds. It is necessary and in the best interests of the Village to provide for the 2019 Project and the Refunding, to pay all related costs and expenses incidental thereto, and to borrow money and issue the Bonds for such purposes. It is hereby found and determined that such borrowing of money pertains to the government and affairs of the Village, is necessary for the welfare of the government and affairs of the Village, is for a proper public purpose or purposes and is in the public interest, and is authorized pursuant to the Act; and these findings and determinations shall be deemed conclusive.

Section 4. Bond Details. For the purpose of providing for the payment of the costs of the 2019 Project and the Refunding and to pay all related costs and expenses incidental thereto,

the Bonds, if issued, shall be issued in an amount not to exceed \$15,000,000, as set forth in the Bond Order. The Bonds shall be designated "*General Obligation Bonds, Series 2019*" or such other series designation set forth in the Bond Order. The Bonds shall be in fully registered form, be dated the date of delivery thereof (not later than April 15, 2020) as set forth in the Bond Order (the "*Dated Date*"), and shall also bear the date of authentication thereof. The Bonds shall be in denominations of \$5,000 or integral multiples thereof (but no single Bond shall represent principal maturing on more than one date), shall be numbered consecutively in such fashion as shall be determined by the Bond Registrar and shall become due and payable (subject to provisions for Term Bonds and right of prior redemption as hereinafter stated) on December 1 of each of the years (not later than 2039), in the amounts (not exceeding \$1,200,000 per year) and bearing interest at the rates percent per annum (not exceeding 6.00% per annum) as set forth in the Bond Order.

Each Bond shall bear interest from the later of its Dated Date as herein provided or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of such Bond is paid or duly provided for, such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable on June 1 and December 1 of each year, commencing on the date set forth in the Bond Order. Interest on each Bond shall be paid by check or draft of the Paying Agent, payable upon presentation thereof in lawful money of the United States of America, to the person in whose name such Bond is registered at the close of business on the applicable Record Date or at such other address furnished in writing by such person to the Bond Registrar or as may otherwise be agreed by the Village and the Depository. The principal of the Bonds shall be payable in lawful money of the United States of America upon presentation thereof at the principal office maintained for the purpose by the Paying Agent or at successor Paying Agent and locality.

The full faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds. The Bonds shall be direct and general obligations of the Village, and the Village shall be obligated to levy ad valorem taxes upon all the taxable property in the Village for the payment of the Bonds and the interest thereon, without limitation as to rate or amount.

Section 5. Execution; Authentication. The Bonds shall be executed on behalf of the Village by the manual or duly authorized facsimile signature of its Village President (or Village President) and attested by the manual or duly authorized facsimile signature of its Village Clerk, as they may determine, and shall have impressed or imprinted thereon the corporate seal or facsimile thereof of the Village. In case any such officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. All Bonds shall have thereon a certificate of authentication, substantially in the form hereinafter set forth, duly executed by the Bond Registrar as authenticating agent of the Village and showing the date of authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance unless and until such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

Section 6. Redemption. (A) OPTIONAL REDEMPTION. All or a portion of the Bonds due on and after the date, if any, specified in the Bond Order shall be subject to redemption prior

to maturity at the option of the Village from any available funds, as a whole or in part, and if in part in integral multiples of \$5,000 in any order of their maturity as determined by the Village (less than all of the Bonds of a single series and maturity to be selected by the Bond Registrar), on the date specified in the Bond Order (but not later than 10-1/2 years from the date of issuance of the Bonds), and on any date thereafter, at the redemption prices (expressed as a percentage of the principal amount redeemed) plus accrued interest to the date fixed for redemption, if applicable, as set forth in the Bond Order.

(B) TERM BONDS. The Bonds maturing on the date or dates, if any, indicated in the Bond Order are subject to mandatory redemption, in integral multiples of \$5,000 selected by lot by the Bond Registrar, at a redemption price of par plus accrued interest to the redemption date for the Bonds, on December 1 of the years, if any, and in the principal amounts, if any, as indicated in the Bond Order.

The principal amounts of Bonds to be mandatorily redeemed in each year may be reduced through the earlier optional redemption thereof, with any partial optional redemptions of such Bonds credited against future mandatory redemption requirements in such order of the mandatory redemption dates as the Village may determine. In addition, on or prior to the 60th day preceding any mandatory redemption date, the Bond Registrar may, and if directed by the Board shall, purchase Bonds required to be retired on such mandatory redemption date. Any such Bonds so purchased shall be cancelled and the principal amount thereof shall be credited against the mandatory redemption required on such next mandatory redemption date.

Section 7. Redemption Procedure. The Bonds subject to redemption shall be identified, notice given, and paid and redeemed pursuant to the procedures as follows:

1. *Redemption Notice.* For a mandatory redemption of Term Bonds, the Bond Registrar shall proceed to redeem the Term Bonds without any further order or

direction from the Village whatsoever. For an optional redemption, the Village shall, at least 45 days prior to any optional redemption date (unless a shorter time period shall be satisfactory to the Bond Registrar), notify the Bond Registrar of such redemption date and of the principal amount and maturities of Bonds to be redeemed.

2. *Selection of Bonds within a Maturity.* For purposes of any redemption of less than all of the Bonds of a single maturity, the particular Bonds or portions of Bonds to be redeemed shall be selected by lot by the Bond Registrar for the Bonds of such maturity by such method of lottery as the Bond Registrar shall deem fair and appropriate; *provided*, that such lottery shall provide for the selection for redemption of Bonds or portions thereof so that any \$5,000 Bond or \$5,000 portion of a Bond shall be as likely to be called for redemption as any other such \$5,000 Bond or \$5,000 portion. The Bond Registrar shall make such selection (1) upon or prior to the time of the giving of official notice of redemption, or (2) in the event of a refunding or defeasance, upon advice from the Village that certain Bonds have been refunded or defeased and are no longer Outstanding as defined.

3. *Official Notice of Redemption.* The Bond Registrar shall promptly notify the Village in writing of the Bonds or portions of Bonds selected for redemption and, in the case of any Bond selected for partial redemption, the principal amount thereof to be redeemed. Unless waived by the registered owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the Village by mailing the redemption notice by first class U.S. mail not less than 30 days and not more than 60 days prior to the date fixed for redemption to each registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond

Registrar. All official notices of redemption shall include the name of the Bonds and at least the information as follows:

- (a) the redemption date;
- (b) the redemption price;
- (c) if less than all of the outstanding Bonds of a particular maturity are to be redeemed, the identification (and, in the case of partial redemption of Bonds within such maturity, the respective principal amounts) of the Bonds to be redeemed;
- (d) a statement that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption and that interest thereon shall cease to accrue from and after said date; and
- (e) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the office designated for that purpose of the Bond Registrar.

4. *Conditional Redemption.* Unless moneys sufficient to pay the redemption price of the Bonds to be redeemed shall have been received by the Bond Registrar prior to the giving of such notice of redemption, such notice may, at the option of the Village, state that said redemption shall 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 shall be of no force and effect, the Village shall not redeem such Bonds, and the Bond Registrar shall give notice, in the same manner in which the notice of redemption was given, that such moneys were not so received and that such Bonds will not be redeemed.

5. *Bonds Shall Become Due.* Official notice of redemption having been given as described, the Bonds or portions of Bonds so to be redeemed shall, subject to the stated condition in paragraph (4) immediately preceding, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the Village 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 shall be paid by the Bond Registrar at the redemption price. The procedure for the payment of interest due as part of the redemption price shall be as herein provided for payment of interest otherwise due.

6. *Insufficiency in Notice Not Affecting Other Bonds; Failure to Receive Notice; Waiver.* Neither the failure to mail such redemption notice, nor any defect in any notice so mailed, to any particular registered owner of a Bond, shall affect the sufficiency of such notice with respect to other registered owners. Notice having been properly given, failure of a registered owner of a Bond 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. Such notice may be waived in writing by a registered owner of a Bond 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 registered owners 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. *In lieu of the foregoing official notice, so long as the Bonds are held in book entry form, notice may be given as provided in the Representation Letter, and the giving of such notice shall constitute a waiver by DTC and the book entry owner, as registered owner, of the foregoing notice. After giving proper*

notification of redemption to the Bond Registrar, as applicable, the Village shall not be liable for any failure to give or defect in notice.

7. *New Bond in Amount Not Redeemed.* Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of like tenor, of Authorized Denominations, of the same maturity, and bearing the same rate of interest in the amount of the unpaid principal.

8. *Effect of Nonpayment upon Redemption.* If any Bond or portion of Bond called for redemption shall not be so paid upon surrender thereof for redemption, the principal shall become due and payable on demand, as aforesaid, but, until paid or duly provided for, shall continue to bear interest from the redemption date at the rate borne by the Bond or portion of Bond so called for redemption.

9. *Bonds to Be Cancelled; Payment to Identify Bonds.* All Bonds which have been redeemed shall be cancelled and destroyed by the Bond Registrar and shall not be reissued. Upon the payment of the redemption price of 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 Bonds being redeemed with the proceeds of such check or other transfer.

10. *Additional Notice.* The Village agrees to provide such additional notice of redemption as it may deem advisable at such time as it determines to redeem Bonds, taking into account any requirements or guidance of the Securities and Exchange Commission, the Municipal Securities Rulemaking Board, the Government Accounting Standards Board, or any other federal or state agency having jurisdiction or authority in such matters; *provided, however,* that such additional notice shall be (1) advisory in nature, (2) solely in the discretion of the Village (unless a separate agreement shall be

made), (3) not be a condition precedent of a valid redemption or a part of the Bond contract, and (4) any failure or defect in such notice shall not delay or invalidate the redemption of Bonds for which proper official notice shall have been given. Reference is also made to the provisions of the Continuing Disclosure Undertaking of the Village with respect to the Bonds, which may contain other provisions relating to notice of redemption of Bonds.

11. *Bond Registrar to Advise Village.* As part of its duties hereunder, the Bond Registrar shall prepare and forward to the Village a statement as to notices given with respect to each redemption together with copies of the notices as mailed.

Section 8. Book-Entry Provisions; Registration and Exchange or Transfer of Bonds; Persons Treated as Owner. (A) BOOK-ENTRY PROVISIONS. The Bonds shall be initially issued in the form of a separate single fully registered Bond for each Series and maturity bearing the same interest rate. Upon initial issuance, the ownership of each such Bond shall be registered in the Bond Register in the name of the Depository or a designee or nominee of the Depository (such depository or nominee being the "*Book Entry Owner*"). Except as otherwise expressly provided, all of the outstanding Bonds from time to time shall be registered in the Bond Register in the name of the Book Entry Owner (and accordingly in Book Entry Form as such term is used in this Ordinance). Any Village officer, as representative of the Village, is hereby authorized, empowered, and directed to execute and deliver or utilize a previously executed and delivered Letter of Representations or Blanket Letter of Representations (either being the "*Letter of Representations*") substantially in the form common in the industry, or with such changes therein as the officer executing the Letter of Representations on behalf of the Village shall approve, his or her execution thereof to constitute conclusive evidence of approval of such changes, as shall be necessary to effectuate Book Entry Form. Without limiting the generality of

the authority given with respect to entering into such Letter of Representations, it may contain provisions relating to (a) payment procedures, (b) transfers of the Bonds or of beneficial interests therein, (c) redemption notices and procedures unique to the Depository, (d) additional notices or communications, and (e) amendment from time to time to conform with changing customs and practices with respect to securities industry transfer and payment practices. With respect to Bonds registered in the Bond Register in the name of the Book Entry Owner, none of the Village, any Village officer, or the Bond Registrar shall have any responsibility or obligation to any broker-dealer, bank, or other financial institution for which the Depository holds Bonds from time to time as securities depository (each such broker-dealer, bank, or other financial institution being referred to herein as a "*Depository Participant*") or to any person on behalf of whom such a Depository Participant holds an interest in the Bonds. Without limiting the meaning of the immediately preceding sentence, the Village, any Village officer, and the Bond Registrar shall have no responsibility or obligation with respect to (a) the accuracy of the records of the Depository, the Book Entry Owner, or any Depository Participant with respect to any ownership interest in the Bonds, (b) the delivery to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register or as otherwise expressly provided in the Letter of Representations, of any notice with respect to the Bonds, including any notice of redemption, or (c) the payment to any Depository Participant or any other person, other than a registered owner of a Bond as shown in the Bond Register, of any amount with respect to principal of or interest on the Bonds. No person other than a registered owner of a Bond as shown in the Bond Register shall receive a Bond certificate with respect to any Bond. In the event that (a) the Village determines that the Depository is incapable of discharging its responsibilities described herein and in the Letter of Representations, (b) the agreement among the Village, the Bond Registrar, and the Depository evidenced by the Letter of Representations

shall be terminated for any reason, or (c) the Village determines that it is in the best interests of the Village or of the beneficial owners of the Bonds either that they be able to obtain certificated Bonds or that another depository is preferable, the Village shall notify the Depository and the Depository shall notify the Depository Participants of the availability of Bond certificates, and the Bonds (of a given Series if applicable) shall no longer be restricted to being registered in the Bond Register in the name of the Book Entry Owner. Alternatively, at such time, the Village may determine that the Bonds of such Series shall be registered in the name of and deposited with a successor depository operating a system accommodating Book Entry Form, as may be acceptable to the Village, or such depository's agent or designee, but if the Village does not select such alternate book entry system, then the Bonds of such Series shall be registered in whatever name or names registered owners of Bonds transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(B) REGISTRATION. The Village shall cause the Bond Register to be kept at the office of the Bond Registrar maintained for such purpose, which is hereby constituted and appointed the registrar of the Village for the Bonds. The Village shall prepare, and the Bond Registrar or such other agent as the Village may designate shall keep custody of, multiple Bond blanks executed by the Village for use in the transfer and exchange of Bonds. Subject to the provisions of this Ordinance relating to the Bonds in Book Entry Form, 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 this Ordinance. Upon surrender for transfer or exchange of any Bond at the office of the Bond Registrar maintained for the purpose, duly endorsed by or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Bond Registrar and duly executed by the registered owner or an attorney for such owner duly authorized in writing, the Village shall execute and the Bond Registrar shall authenticate, date and deliver in the name

of the transferee or transferees or, in the case of an exchange, the registered owner, a new fully registered Bond or Bonds of like tenor, of the same maturity, bearing the same interest rate, of authorized denominations, for a like aggregate principal amount. The Bond Registrar shall not be required to transfer or exchange any Bond during the period from the close of business on the Record Date for an interest payment to the opening of business on such interest payment date or during the period of 15 days preceding the giving of notice of redemption of Bonds or to transfer or exchange any Bond all or any portion of which has been called for redemption. The execution by the Village 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 Bonds of each maturity authenticated by the Bond Registrar shall not at any one time exceed the authorized principal amount of Bonds for such maturity less the amount of such Bonds which have been paid. 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 Bond shall be made only to or upon the order of the registered owner thereof or his 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 to any registered owner of Bonds for any transfer or exchange of Bonds, but the Village 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.

Section 9. Form of Bond. The Bonds shall be in substantially the form hereinafter set forth; *provided, however,* that if the text of the Bonds is to be printed in its entirety on the front side of the Bonds, then the second paragraph on the front side and the legend “See Reverse Side for Additional Provisions” shall be omitted and the text of paragraphs set forth for the reverse side shall be inserted immediately after the first paragraph.

[FORM OF BOND - FRONT SIDE]

REGISTERED
No. _____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
STATE OF ILLINOIS
COUNTIES OF DUPAGE, COOK AND KANE
VILLAGE OF BARTLETT
GENERAL OBLIGATION BOND, SERIES 2019

See Reverse Side for
Additional Provisions

Interest Maturity Dated
Rate: _____% Date: December 1, 20__ Date: _____, 2019 CUSIP: 069338__

Registered Owner: CEDE & CO.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS that the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, a municipality, home rule unit, and political subdivision of the State of Illinois (the "Village"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above (subject to right of prior redemption), the Principal Amount identified above and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on such Principal Amount from the later of the Dated Date of this Bond identified above or from the most recent interest payment date to which interest has been paid or duly provided for, at the Interest Rate per annum identified above, such interest to be payable on June 1 and December 1 of each year, commencing _____ 1, 20__, until said Principal Amount is paid or duly provided for. The principal of this Bond is payable in lawful money of the United States of America upon presentation hereof at the principal office maintained for the purpose by UMB Bank, National Association, Kansas City, Missouri, as paying agent (the "Paying Agent"). Payment of interest shall be made to the Registered Owner hereof as shown on the registration

books of the Village maintained by UMB Bank, National Association, Kansas City, Missouri, as bond registrar (the "*Bond Registrar*"), at the close of business on the applicable Record Date (the "*Record Date*"). The Record Date shall be the 15th day of the month next preceding any regular interest payment date and the 15th day preceding any interest payment date occasioned by a redemption of Bonds on other than a regularly scheduled interest payment date. Interest shall be paid by check or draft of the Paying Agent, payable upon presentation in lawful money of the United States of America, delivered to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar, or as otherwise agreed by the Village and The Depository Trust Company, as depository, or nominee, or successor or assigns, as long as this Bond shall remain in book-entry only form as provided.

Reference is hereby made to the further provisions of this Bond set forth on the reverse hereof, and such further provisions shall for all purposes have the same effect as if set forth at this place.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and Laws of the State of Illinois to exist or to be done precedent to and in the issuance of this Bond, have existed and have been properly done, happened and been performed in regular and due form and time as required by law; that the indebtedness of the Village, represented by the Bonds, and including all other indebtedness of the Village, howsoever evidenced or incurred, does not exceed any constitutional or statutory or other lawful limitation; and that provision has been made for the collection of a direct annual tax, in addition to all other taxes, on all of the taxable property in the Village sufficient to pay the interest hereon as the same falls due and also to pay and discharge the principal hereof at maturity.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been signed by the Bond Registrar.

IN WITNESS WHEREOF the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, by its President and Board of Trustees, has caused this Bond to be executed by the manual or duly authorized facsimile signature of its Village President and attested by the manual or duly authorized facsimile signature of its Village Clerk and its corporate seal or a facsimile thereof to be impressed or reproduced hereon, all as appearing hereon and as of the Dated Date identified above.

Village President, Village of Bartlett
DuPage, Cook and Kane Counties, Illinois

ATTEST:

Village Clerk, Village of Bartlett
DuPage, Cook and Kane Counties, Illinois

[SEAL]

Date of Authentication: _____, 20__

CERTIFICATE
OF
AUTHENTICATION

Bond Registrar and Paying Agent:
UMB Bank, National Association
Kansas City, Missouri

This Bond is one of the Bonds described in the within-mentioned Ordinance and is one of the General Obligation Bonds, Series 2019, having a Dated Date of _____, 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois.

UMB BANK, NATIONAL ASSOCIATION
as Bond Registrar

By _____
Authorized Officer

[FORM OF BOND - REVERSE SIDE]

This bond is one of a series of bonds (the "*Bonds*") in the aggregate principal amount of \$_____ issued by the Village for the purpose of paying the costs of the 2019 Project and the Refunding and of paying expenses incidental thereto, all as described and defined in the ordinance authorizing the Bonds (the "*Ordinance*"), pursuant to and in all respects in compliance with the applicable provisions of the Illinois Municipal Code, as supplemented and amended, and as further supplemented and, where necessary, superseded, by the powers of the Village as a home rule unit under the provisions of Section 6 of Article VII of the 1970 Constitution of the State of Illinois (such code and powers being the "*Act*"), and with the Ordinance, which has been duly passed by the President and Board of Trustees, signed by the Village President, and published, in all respects as by law required.

This 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 this Bond at the principal office maintained for the purpose by the Bond Registrar in Kansas City, Missouri, duly endorsed by or accompanied by a written instrument or instruments of transfer or exchange in form satisfactory to the Bond Registrar and duly executed by the Registered Owner or an attorney for such owner duly authorized in writing, the Village shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees or, in the case of an exchange, the Registered Owner, a new fully registered Bond or Bonds of like tenor, of the same maturity, bearing the same interest rate, of authorized denominations, for a like aggregate principal amount.

The Bonds coming due on and after December 1, 20__, are subject to redemption prior to maturity on December 1, 20__, and any date thereafter, from any available monies, in whole or in part, and if in part, in such principal amounts and from such maturities as the Village shall

determine, at a redemption price of par plus accrued interest to the date fixed for redemption, and as otherwise provided in the Ordinance.

The Village, the Bond Registrar and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes, and the Village, the Bond Registrar and the Paying Agent shall not be affected by any notice to the contrary.

ASSIGNMENT

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

Here insert Social Security Number,
Employer Identification Number or
other Identifying Number

(Name and Address of Assignee)

the within Bond and does hereby irrevocably constitute and appoint

as attorney to transfer the said Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature guaranteed: _____

NOTICE: The signature to this transfer and assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Section 10. Tax Levy. A. PLEDGED TAXES LEVIED. For the purpose of providing funds required to pay the interest on the Bonds promptly when and as the same falls due, and to pay and discharge the principal thereof at maturity, there is hereby levied upon all of the taxable

property within the Village, in the years for which any of the Bonds are outstanding, a direct annual tax sufficient for that purpose; and there is hereby levied on all of the taxable property in the Village, in addition to all other taxes, the direct annual taxes for the years and in the amounts as follows (the “*Pledged Taxes*”):

FOR THE YEAR	A TAX SUFFICIENT TO PRODUCE THE DOLLAR SUM OF:	
2019	\$1,915,000.00	for principal and interest to and including December 1, 2020
2020	\$1,915,000.00	for principal and interest
2021	\$1,915,000.00	for principal and interest
2022	\$1,915,000.00	for principal and interest
2023	\$1,915,000.00	for principal and interest
2024	\$1,915,000.00	for principal and interest
2025	\$1,915,000.00	for principal and interest
2026	\$1,915,000.00	for principal and interest
2027	\$1,915,000.00	for principal and interest
2028	\$1,915,000.00	for principal and interest
2029	\$1,915,000.00	for principal and interest
2030	\$1,915,000.00	for principal and interest
2031	\$1,915,000.00	for principal and interest
2032	\$1,915,000.00	for principal and interest
2033	\$1,915,000.00	for principal and interest
2034	\$1,915,000.00	for principal and interest
2035	\$1,915,000.00	for principal and interest
2036	\$1,915,000.00	for principal and interest
2037	\$1,915,000.00	for principal and interest
2038	\$1,915,000.00	for principal and interest

Interest or principal coming due at any time when there are insufficient funds on hand from the Pledged Taxes to pay the same shall be paid promptly when due from current funds on hand in advance of the collection of the Pledged Taxes herein levied; and when the Pledged Taxes shall have been collected, reimbursement shall be made to said funds in the amount so advanced. The Village covenants and agrees with the Purchaser and registered owners of the Bonds that so long as any of the Bonds remain outstanding, the Village will take no action or fail to take any action which in any way would adversely affect the ability of the Village to levy and

collect the foregoing tax levy. The Village and its officers will comply with all present and future applicable laws in order to assure that the Pledged Taxes may be levied, extended and collected as provided herein and deposited into the Bond Fund.

To the extent that the taxes levied above exceed the amount necessary to pay debt service on the Bonds as set forth in the Bond Order, the Corporate Authorities are hereby authorized to direct the abatement of such taxes to the extent of the excess of such levy in each year over the amount necessary to pay debt service on the Bonds in the following bond year. Proper notice of such abatement shall be filed with the County Clerks in a timely manner to effect such abatement.

B. PROVISIONS FOR ABATEMENT. Whenever other funds from any lawful source are or have been determined that they will be available in time for the purpose of paying any principal of or interest on the Bonds, so as to enable the abatement of the taxes levied herein for the payment of same, the Corporate Authorities shall, by proper proceedings, direct the abatement of the Pledged Taxes by such amount. A certified copy or other notification of any such proceedings abating taxes may then be filed with the County Clerks in a timely manner to effect such abatement.

Section 11. Filing with County Clerks. Promptly, as soon as this Ordinance becomes effective, a copy hereof, certified by the Village Clerk, shall be filed with the County Clerks; and said County Clerks shall in and for each of the years set forth hereinabove ascertain the rate percent required to produce the aggregate tax hereinbefore provided to be levied in each of said years; and said County Clerks shall extend the same for collection on the tax books in connection with other taxes levied in said years in and by the Village for general corporate purposes of the Village; and in said years such annual tax shall be levied and collected by and for and on behalf

of the Village in like manner as taxes for general corporate purposes for said years are levied and collected, and in addition to and in excess of all other taxes.

Section 12. Sale of Bonds. The Designated Officers are hereby authorized to proceed, without any further authorization or direction whatsoever from the Corporate Authorities, to sell and deliver the Bonds, in one or more series, upon the terms as prescribed in this Section, pursuant to one or more Bond Orders. Each series of Bonds shall be sold and delivered to the Purchaser at the Purchase Price, plus accrued interest to the date of delivery, if any. Each such sale shall be made upon the advice (in the form of a written certificate or report) of Robert W. Baird & Co., Incorporated, Naperville, Illinois, the Village's municipal advisor ("*Baird*"), that the terms of the Bonds are fair and reasonable in view of current conditions in the bond markets. Further, the Purchaser shall be the best bidder for the Bonds pursuant to a competitive sale conducted by Baird. Nothing in this Section shall require the Designated Officers to sell any of the Bonds if in their judgment, aided by Baird, the conditions in the bond markets shall have deteriorated from the time of adoption thereof or the sale of all or any portion of the Bonds shall for some other reason not be deemed advisable, but the Designated Officers shall have the authority to sell the Bonds in any event so long as the limitations set forth in this Ordinance and the conditions of this Section shall have been met. As a further exercise of this authority, the Designated Officers may sell the Bonds in more than one series; and, in such event, shall be authorized to change the name of the Bonds for each such series so that such series may properly be identified separately. Further, in such event, the provisions for registration, redemption and exchange of Bonds shall be read as applying to Bonds only of each series, respectively, and not as between series. Upon the sale of the Bonds or any series of the Bonds, the Designated Officers and any other officers of the Village as shall be appropriate, shall be and are hereby authorized and directed to approve or execute, or both, such documents of sale of the Bonds as

may be necessary, including, without limitation, the Bond Order, Preliminary Official Statement, Official Statement, Purchase Contract, a tax exemption certificate and agreement as prepared by Bond Counsel (a "*Tax Certificate*"), and certain further closing documents. The Designated Officers must find and determine in the Bond Order that that the net present value debt service savings to the Village as a result of the issuance of the Refunding Bonds and the refunding of the Refunded Bonds is not less than 3% of the principal amount of the Refunded Bonds and that no person holding any office of the Village either by election or appointment, is in any manner financially interested either directly, in his or her own name, or indirectly in the name of any other person, association, trust or corporation in the Purchase Contract. The distribution of the Preliminary Official Statement relating to the Bonds is hereby in all respects authorized and approved, and the proposed use by the Purchaser of an Official Statement (in substantially the form of the Preliminary Official Statement but with appropriate variations to reflect the final terms of the Bonds) is hereby approved. The Designated Officers shall execute the Purchase Contract (which may take the form of an executed bid form) in the form approved by the attorney for the Village. Upon the sale of the Bonds, the Designated Officers shall prepare the Bond Order, which shall include the pertinent details of sale as provided herein, and such shall be entered into the records of the Village and made available to the President and Board of Trustees at the next public meeting thereof. The Designated Officers shall also file with the County Clerks the Bond Order or like document including a statement of taxes. The authority granted in this Ordinance to the Designated Officers to sell Bonds as provided herein shall expire on April 15, 2020.

The Designated Officers are hereby authorized to take any action as may be required on the part of the Village to consummate the transactions contemplated by the Purchase Contract for

the Bonds (the “*Purchase Contract*”), this Ordinance, said Preliminary Official Statement, said final Official Statement, the Tax Certificate and the Bonds.

Section 13. Creation of Funds and Appropriations.

A. There is hereby created the “*General Obligation Bonds, Series 2019 Bond Fund*” (the “*Bond Fund*”), which shall be the fund for the payment of principal of and interest on the Bonds. Accrued interest, if any, shall be deposited into the Bond Fund and be applied to pay first interest coming due on the Bonds.

B. The Pledged Taxes shall either be deposited into the Bond Fund and used solely and only for paying the principal of and interest on the Bonds or be used to reimburse a fund or account from which advances to the Bond Fund may have been made to pay principal of or interest on the Bonds prior to receipt of Pledged Taxes. Interest income or investment profit earned in the Bond Fund shall be retained in the Bond Fund for payment of the principal of or interest on the Bonds on the interest payment date next after such interest or profit is received or, to the extent lawful and as determined by the Corporate Authorities, transferred to such other fund as may be determined. The Village hereby pledges, as equal and ratable security for the Bonds, all present and future proceeds of the Pledged Taxes on deposit in the Bond Fund for the sole benefit of the registered owners of the Bonds, subject to the reserved right of the Corporate Authorities to transfer certain interest income or investment profit earned in the Bond Fund to other funds of the Village, as described in the preceding sentence.

C. From the principal proceeds of the Project Bonds, the sum necessary, as determined by the Designated Officers, shall be used to pay costs of the 2019 Project and to that end shall be deposited into a separate and segregated account of the Village, hereby created, and to be known as the “*2019 Project Fund*” (the “*Project Fund*”). Monies on deposit in and to the credit of the Project Fund shall be disbursed from time to time as needed by the Finance Director, without

further official action or direction of the Corporate Authorities, in accordance with normal Village procedures for disbursements of corporate funds for capital projects. Upon the completion of the 2019 Project, as certified to the Finance Director by the architect or engineer in responsible charge of the 2019 Project, remaining funds, if any, on deposit in and to the credit of the Project Fund shall be transferred by the Finance Director, without further official action of or direction by the Corporate Authorities, to the Bond Fund. Monies on deposit in and to the credit of the Project Fund may be (a) advanced to the Bond Fund in anticipation of the receipt of Pledged Taxes as necessary in order to assure the timely payment of principal of and interest on the Bonds and (b) invested by the Finance Director in any investments lawful under Illinois law for Village funds, each without further official action of or direction by the Corporate Authorities.

Alternatively, the Village may deposit from the principal proceeds of the Project Bonds, the sum necessary, as determined by the Designated Officers, to be used to pay costs of the 2019 Project into the existing Capital Projects Fund of the Village and assign thereto a separate project number in accordance with customary Village procedures for capital improvement projects, and the Project Fund shall be deemed to consist of said proceeds *provided, however*, that the hereinabove stated provisions for the Project Fund shall in all other respects be in effect.

D. The sum of principal proceeds of the Refunding Bonds as is necessary, together with funds of the Village on hand and lawfully available, shall be used to provide for the Refunding and is hereby deposited in escrow pursuant to an Escrow Agreement to be entered into between the Village and the Escrow Agent, the Escrow Agreement in substantially the form attached hereto as *Exhibit A* and made a part hereof by this reference, or with such changes therein as shall be approved by the officers of the Village executing the Escrow Agreement, such execution to constitute evidence of the approval of such changes, for the purpose of paying the

principal and interest on the Refunded Bonds, as provided in the Escrow Agreement. The Corporate Authorities approve the form, terms and provisions of the Escrow Agreement and direct the Village President and Treasurer to execute, attest and deliver the Escrow Agreement in the name and on behalf of the Village. Amounts in the escrow may be used to purchase direct obligations of or obligations guaranteed by the full faith and credit of the United States of America as to principal and interest (the "*Government Securities*") to provide for the payment of the principal of and interest on the Refunded Bonds, as provided in the Escrow Agreement. Baird, the Escrow Agent and the Purchaser are each hereby authorized to act as agent for the Village in the purchase of the Government Securities.

E. The sum necessary, as determined by the Designated Officers, of the principal proceeds of the Bonds shall be deposited into a separate and segregated fund, hereby created, to be known as the "*2019 Expense Fund*" (the "*Expense Fund*") and shall be disbursed upon the delivery of the Bonds or be used by the Finance Director to pay costs of issuance of the Bonds in accordance with normal Village disbursement procedures (which may include direction to the Purchaser to pay such expenses directly on the date the Bonds are delivered). Any funds remaining to the credit of the Expense Fund on the date which is three months following the date of delivery of the Bonds shall be transferred by the Finance Director to the Bond Fund.

Section 14. Reimbursement. None of the proceeds of the Bonds will be used to pay, directly or indirectly, in whole or in part, for an expenditure that has been paid by the Village prior to the date hereof except architectural or engineering costs incurred prior to commencement of any of the construction of the Infrastructure (as hereinafter defined) or expenditures for which an intent to reimburse it as properly declared under Treasury Regulations Section 1.150-2. This Ordinance is in itself a declaration of official intent under Treasury Regulations Section 1.150-2 as to all costs of the Infrastructure paid after the date hereof and prior to issuance of the Bonds.

Section 15. Not Private Activity Bonds. None of the Bonds is a “private activity bond” as defined in Section 141(a) of the Code. In support of such conclusion, the Village certifies, represents and covenants as follows:

A. No direct or indirect payments are to be made on any Bond with respect to any Private Business Use by any person other than a state or local governmental unit.

B. None of the proceeds of the Bonds is to be used, directly or indirectly, to make or finance loans to persons other than a state or local governmental unit.

C. No user of the improvements to the general public capital infrastructure financed with the proceeds of the Bonds (the “Infrastructure”) other than the Village or another governmental unit will use the same on any basis other than the same basis as the general public; and no person other than the Village or another governmental unit will be a user of the Infrastructure as a result of (i) ownership or (ii) actual or beneficial use pursuant to a lease, a management or incentive payment contract, or (iii) any other arrangement.

Section 16. Registered Form. The Village recognizes that Section 149 of the Code requires the Bonds to be issued and to remain in fully registered form in order to be and remain Tax-exempt. In this connection, the Village agrees that it will not take any action to permit the Bonds to be issued in, or converted into, bearer or coupon form.

Section 17. Further Tax Covenants. The Village agrees to comply with all provisions of the Code which, if not complied with by the Village, would cause the Bonds not to be Tax-exempt. In furtherance of the foregoing provisions, but without limiting their generality, the Village agrees: (a) through its officers, to make such further specific covenants, 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 Bonds; (c) to consult with such counsel and to comply with such advice as may be given; (d) to file such forms, statements and supporting documents as may be required and in a timely manner; 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 Village in such compliance.

The Village further certifies and covenants as follows with respect to the requirements of Section 148(f) of the Code, relating to the rebate of “excess arbitrage profits” (the “*Rebate Requirement*”) to the United States:

A. Unless an applicable exception to the Rebate Requirement is available to the Village, the Village will meet the Rebate Requirement.

B. Relating to applicable exceptions, the Designated Officers are hereby authorized to make such elections under the Code as either such officer shall deem reasonable and in the best interests of the Village. If such election may result in a “penalty in lieu of rebate” as provided in the Code, and such penalty is incurred (the “*Penalty*”), then the Village shall pay such Penalty.

C. The officers of the Village shall cause to be established, at such time and in such manner as they may deem necessary or appropriate hereunder, a “2019 General Obligation Bonds Rebate [or Penalty, if applicable] Fund” (the “*148 Compliance Fund*”) for the Bonds, and such officers shall further, not less frequently than annually, cause to be transferred to the 148 Compliance Fund the amount determined to be the accrued liability under the Rebate Requirement or Penalty. Said officers shall cause to be paid to the U.S., without further order or direction from the Corporate Authorities, from time to time as required, amounts sufficient to meet the Rebate Requirement or to pay the Penalty.

D. Interest earnings in the Bond Fund are hereby authorized to be transferred, without further order or direction from the Corporate Authorities, from time to time as required, to the 148 Compliance Fund for the purposes herein provided; and proceeds of the Bonds and other funds of the Village are also hereby authorized to be used to meet the Rebate Requirement or to pay the Penalty, but only if necessary after application of investment earnings as aforesaid and only as appropriated by the Corporate Authorities.

The Village also certifies and further covenants with the Purchaser and registered owners of the Bonds from time to time outstanding that moneys on deposit in any fund or account in connection with the Bonds, whether or not such moneys were derived from the proceeds of the sale of the Bonds or from any other source, will not be used in a manner which will cause the Bonds to be "arbitrage bonds" within the meaning of Code Section 148 and any lawful regulations promulgated thereunder, as the same presently exist or may from time to time hereafter be amended, supplemented or revised.

Section 18. Opinion of Counsel Exception. The Village reserves the right to use or invest moneys in connection with the Bonds in any manner, notwithstanding the tax-related covenants set forth (in Sections 15 through 17) herein, provided it shall first have received an opinion from an attorney or a firm of attorneys of nationally recognized standing as bond counsel to the effect that use or investment of such moneys as contemplated is valid and proper under applicable law and this Ordinance and, further, will not adversely affect the Tax-exempt status for the Bonds.

Section 19. Rights and Duties of Bond Registrar and Paying Agent. If requested by the Bond Registrar or the Paying Agent, or both, any Designated Officer of the Village is authorized to execute such forms of agreements between the Village and the Bond Registrar or Paying Agent with respect to the obligations and duties of the Bond Registrar or Paying Agent

hereunder as shall be approved by the Village Attorney. In addition to the terms of any such agreements and subject to modification thereby, the Bond Registrar and Paying Agent by acceptance of duties hereunder agree:

(a) to act as bond registrar, paying agent, authenticating agent, and transfer agent as provided herein;

(b) as to the Bond Registrar, to maintain a list of Bondholders as set forth herein and to furnish such list to the Village upon request, but otherwise to keep such list confidential to the extent permitted by law;

(c) as to the Bond Registrar, to give notice of redemption of Bonds as provided herein;

(d) as to the Bond Registrar, to cancel and/or destroy Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;

(e) as to the Bond Registrar, to furnish the Village at least annually a certificate with respect to Bonds cancelled and/or destroyed; and

(f) to furnish the Village at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds.

The Village Clerk of the Village is hereby directed to file a certified copy of this Ordinance with the Bond Registrar and the Paying Agent.

Section 20. Defeasance. Bonds which (a) are paid and cancelled, (b) which have matured and for which sufficient sums been deposited with the Paying Agent to pay all principal thereof and interest due thereon, or (c) for which sufficient U.S. funds and direct non-callable U.S. Treasury obligations have been deposited with the Paying Agent or similar institution to pay, taking into account investment earnings on such obligations, all principal of and interest on Bonds when due at maturity, pursuant to an irrevocable escrow or trust agreement, shall cease to

have any lien on or right to receive or be paid from the Bond Moneys hereunder and shall no longer have the benefits of any covenant for the registered owners of outstanding Bonds as set forth herein as such relates to lien and security of the outstanding Bonds. All covenants relative to the Tax-exempt status of the Bonds; and payment, registration, transfer, and exchange; are expressly continued for all Bonds whether outstanding Bonds or not.

Section 21. Continuing Disclosure Undertaking. The Village President or the Village Clerk of the Village is hereby authorized, empowered and directed to execute and deliver the Continuing Disclosure Undertaking (the "*Continuing Disclosure Undertaking*") in customary form as provided by Bond Counsel and as heretofore executed by the Village, or with such changes therein as the officer executing the Continuing Disclosure Undertaking on behalf of the Village shall approve, his or her execution thereof to constitute conclusive evidence of his or her approval of such changes. When the Continuing Disclosure Undertaking is executed and delivered on behalf of the Village as herein provided, the Continuing Disclosure Undertaking will be binding on the Village and the officers, employees and agents of the Village, and the officers, employees and agents of the Village are hereby 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 Continuing Disclosure Undertaking as executed. Notwithstanding any other provision of this Ordinance, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Bond to seek mandamus or specific performance by court order, to cause the Village to comply with its obligations under the Continuing Disclosure Undertaking.

Section 22. Municipal Bond Insurance. In the event the payment of principal of and interest on the Bonds is insured pursuant to a Municipal Bond Insurance Policy issued by a bond insurer (a "*Bond Insurer*"), and as long as such Municipal Bond Insurance Policy shall be in full force and effect, the Village and the Bond Registrar agree to comply with such usual and

reasonable provisions regarding presentment and payment of the Bonds, subrogation of the rights of the Bondholders to the Bond Insurer when holding Bonds, amendment hereof, or other terms, as approved by the President of the Village on advice of counsel, his or her approval to constitute full and complete acceptance by the Village of such terms and provisions under authority of this Section.

Section 23. Publication of Ordinance. A full, true and complete copy of this Ordinance shall be published within ten days after passage in pamphlet form by authority of the Corporate Authorities.

Section 24. *Superseder; Effective Date.* All ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. This Ordinance shall be in full force and effect immediately upon its passage and approval.

AYES: _____

NAYS: _____

ABSENT: _____

ADOPTED: The 15th day of October, 2019

APPROVED: October 15, 2019

Village President, Village of Bartlett
DuPage, Cook and Kane Counties, Illinois

Recorded in Village Records: October 15, 2019.

Published in pamphlet form by authority of the Corporate Authorities on October __,
2019.

ATTEST:

Village Clerk, Village of Bartlett
DuPage, Cook and Kane Counties, Illinois

EXHIBIT A

FORM OF ESCROW AGREEMENT

_____, 2019

UMB Bank, National Association
Kansas City, Missouri

Re: Village of Bartlett, DuPage, Cook and Kane Counties, Illinois
\$ _____ General Obligation Bonds, Series 2019

Ladies and Gentlemen:

The Village of Bartlett, DuPage, Cook and Kane Counties, Illinois (the "Village"), by an ordinance adopted by the President and Board of Trustees (the "Board") on the 15th day of October, 2019 (the "Bond Ordinance"), has authorized the issue and delivery of \$ _____ General Obligation Bonds, Series 2019, dated _____, 2019 (the "Bonds"). The Village has authorized by the Bond Ordinance that proceeds of the Bonds be used to pay and redeem on December __, 2019, \$5,695,000 of the Village's outstanding and unpaid General Obligation Refunding Bonds, Series 2009, dated December 22, 2009, due serially on December 1 of the years and in the amounts and bearing interest as follows:

YEAR OF MATURITY	PRINCIPAL AMOUNT	INTEREST RATE
2020	\$755,000	3.750%
2021	795,000	3.750%
2022	860,000	4.000%
2023	900,000	4.000%
2024	510,000	4.000%
2025	325,000	4.000%
2026	350,000	4.000%
2027	375,000	4.000%
2028	400,000	4.000%
2029	425,000	4.125%

(the "Refunded Bonds").

The Village hereby deposits with you \$ _____ from the proceeds of the Bonds and \$ _____ from funds of the Village on hand and lawfully available (collectively, the "Deposit") and you are hereby instructed as follows with respect thereto:

1. Upon deposit, you are directed to purchase U.S. Treasury Securities State and Local Government Series Certificates of Indebtedness in the amount of \$ _____

and maturing as described on *Exhibit A* hereto (the “*Securities*”). The *Securities* are to be held in an irrevocable trust fund account (the “*Trust Account*”) for the Village to the benefit of the holders of the Refunded Bonds.

2. You shall hold the *Securities* and any interest income or profit derived therefrom and any uninvested cash in the *Trust Account* for the sole and exclusive benefit of the holders of the Refunded Bonds until redemption of the Refunded Bonds on December __, 2019, is made.

3. The Village has called the Refunded Bonds for redemption and payment prior to maturity on December __, 2019. You are hereby directed to cause the Prior Paying Agent (as hereinafter defined) to provide for and give timely notice of the call for redemption of the Refunded Bonds. The form and time of the giving of such notice regarding the Refunded Bonds shall be as specified in the resolution authorizing the issuance of the Refunded Bonds. The Village agrees to reimburse you for any actual out-of-pocket expenses incurred in the giving of such notice, but the failure of the Village to make such payment shall not in any respect whatsoever relieve you from carrying out any of the duties, terms or provisions of this Agreement.

4. In addition, you are hereby directed to cause the Prior Paying Agent to give notice of the call of the Refunded Bonds, on or before the date the notice of such redemption is given to the holders of the Refunded Bonds, to the Municipal Securities Rulemaking Board (the “*MSRB*”) through its Electronic Municipal Market Access system for municipal securities disclosure or through any other electronic format or system prescribed by the *MSRB* for purposes of Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended. Information with respect to procedures for submitting notice can be found at <https://msrb.org>.

5. You shall submit the sum of \$ _____ on December __, 2019, to Wells Fargo Bank, N.A., Chicago, Illinois, as paying agent for the Refunded Bonds (the “*Prior Paying Agent*”), such sum being sufficient to pay the principal of and interest on the Refunded Bonds on such date and such remittance shall fully release and discharge you from any further duty or obligation thereto under this Agreement.

6. You shall make no payment of fees, due or to become due, of the bond registrar and paying agent on the Bonds or the Refunded Bonds. The Village shall pay the same as they become due.

7. If at any time it shall appear to you that the funds on deposit in the *Trust Account* will not be sufficient to pay the principal of and interest on the Refunded Bonds, you shall notify the Village not less than five (5) days prior to such payment date and the Village shall make up the anticipated deficit from any funds legally available for such purpose so that no default in the making of any such payment will occur.

8. Upon final disbursement of funds sufficient to pay the Refunded Bonds as hereinabove provided for, you shall transfer any balance remaining in the Trust Account to the Village and thereupon this Agreement shall terminate.

Very truly yours,

VILLAGE OF BARTLETT,
DUPAGE, COOK AND KANE COUNTIES,
ILLINOIS

By _____
President

By _____
Village Clerk

Accepted this ____ day of _____, 2019.

UMB BANK, NATIONAL ASSOCIATION,
KANSAS CITY, MISSOURI

By _____
Its _____

EXHIBIT A TO THE ESCROW AGREEMENT

GOVERNMENT SECURITIES

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATION OF MINUTES AND ORDINANCE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois (the "*Village*"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes and files of the Village and of the President and Board of Trustees (the "*Corporate Authorities*") thereof.

I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Corporate Authorities held on the 15th day of October, 2019, insofar as the same relates to the adoption of an ordinance, numbered _____, entitled:

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all newspapers, radio or television stations and other news media requesting such notice; that an agenda for said meeting (the "*Agenda*") was posted at the location where the meeting was held on a day which was not a Saturday, Sunday or legal holiday for Illinois municipalities and not less than 96 hours prior to holding the meeting, that the Agenda described or made reference to said ordinance; that a true, correct and complete copy of the Agenda as so posted is attached hereto, and that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code, except as validly superseded by the home rule authorities of the Village, and with all of the procedural rules of the Corporate Authorities in the adoption of said ordinance and the fixing of the Agenda.

IN WITNESS WHEREOF I hereunto affix my official signature and the seal of the Village
this 15th day of October, 2019.

Village Clerk

[SEAL]

[VILLAGE CLERK TO ATTACH AGENDA]

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE OF PUBLICATION IN PAMPHLET FORM

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois (the "*Village*"), and as such official I am the keeper of the official journal of proceedings, books, records, minutes, and files of the Village and of the President and Board of Trustees (the "*Corporate Authorities*") thereof.

I do further certify that on the ____ day of October, 2019, there was published in pamphlet form, by authority of the Corporate Authorities, a true, correct and complete copy of Ordinance Number _____ of the Village providing for the issuance of General Obligation Bonds, Series 2019, of the Village and that said ordinance as so published was on said date readily available for public inspection and distribution, in sufficient number to meet the needs of the general public, at my office as Village Clerk located in the Village.

IN WITNESS WHEREOF I have affixed hereto my official signature and the seal of the Village this ____ day of October, 2019.

Village Clerk

[SEAL]

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CERTIFICATE OF FILING

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Cook, Illinois, and as such officer I do hereby certify that on the ____ day of _____, 2019, there was filed in my office a properly certified copy of Ordinance Number _____, passed by the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, on the 15th day of October, 2019, and entitled:

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

and that the same has been deposited in, and all as appears from, the official files and records of my office.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the seal of The County of Cook, Illinois, this ____ day of _____, 2019.

County Clerk of The County
of Cook, Illinois

[SEAL]

STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

CERTIFICATE OF FILING

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of DuPage, Illinois, and as such officer I do hereby certify that on the ___ day of _____, 2019, there was filed in my office a properly certified copy of Ordinance Number _____, passed by the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, on the 15th day of October, 2019, and entitled:

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

and that the same has been deposited in, and all as appears from, the official files and records of my office.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the seal of The County of DuPage, Illinois, this ___ day of _____, 2019.

County Clerk of The County
of DuPage, Illinois

[SEAL]

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CERTIFICATE OF FILING

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Kane, Illinois, and as such officer I do hereby certify that on the ____ day of _____, 2019, there was filed in my office a properly certified copy of Ordinance Number _____, passed by the President and Board of Trustees of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, on the 15th day of October, 2019, and entitled:

AN ORDINANCE providing for the issuance of not to exceed \$15,000,000 General Obligation Bonds, Series 2019, of the Village of Bartlett, DuPage, Cook and Kane Counties, Illinois, for the purpose of financing various capital improvements and refunding certain outstanding general obligation bonds, providing for the levy and collection of a direct annual tax sufficient for the payment of the principal of and interest on said bonds, and providing for the sale of said bonds to the purchaser thereof.

and that the same has been deposited in, and all as appears from, the official files and records of my office.

IN WITNESS WHEREOF I have hereunto affixed my official signature and the seal of The County of Kane, Illinois, this ____ day of _____, 2019.

County Clerk of The County
of Kane, Illinois

[SEAL]



Agenda Item Executive Summary

Request to Create a Smoke and Vape-Free Ordinance and Amend the Tobacco and Alternative Tobacco or Nicotine Products/Minors and Use of Tobacco and Alternative Tobacco or Nicotine Products on School Property Ordinances

Item Name: School Property Ordinances Committee or Board: Committee of the Whole

BUDGET IMPACT

Amount:	N/A	Budgeted	N/A
List what fund	N/A		

EXECUTIVE SUMMARY

The Police Department is requesting the Village Board to consider passing a Smoke and Vape-Free ordinance that contains alternative nicotine products and electronic cigarettes language. This would allow the Police Department to issue a local ordinance citation to any person who smokes or vapes in an area where smoking or vaping is prohibited. It would also allow the Police Department to issue a local ordinance citation to any person who owns, manages, operates, or otherwise controls an enclosed public place, a place of employment, or designated open air dining area where smoking or vaping is prohibited.

The Police Department is requesting the Village Board to consider amending Title 5, Chapter 5, Section 5-5-6, and Title 5, Chapter 7 of the Bartlett Municipal Code after Governor JB Pritzker signed HB0345, known as the "Tobacco 21" initiative. Most important, the proposed amended ordinance would prohibit the possession of tobacco products, electronic cigarettes, or alternative nicotine products by any person under 21 years of age since the underage possession component was eliminated from the new state law. It would also prohibit the sale or purchase of tobacco products, electronic cigarettes, or alternative nicotine products to any person under 21 years of age. Some of the key terms and definitions that are found in Title 5, Chapter 5, Section 5-6-6 and Title 5, Chapter 7 would be revised to reflect the exact same key terms and definitions that are contained in HB0346. The proposed amended ordinance would also prohibit the use of tobacco products, electronic cigarettes, or alternative nicotine products on school property.

ATTACHMENTS (PLEASE LIST)

- Police Department Memorandum
- Draft of an Ordinance Amending Title 5, Chapter 5, Section 5-5-6, entitled "Tobacco and Alternative Tobacco or Nicotine Products/Minors"
- Draft of an Ordinance Amending Title 5, Chapter 7, entitled "Use of Tobacco and Alternative Tobacco or Nicotine Products on School Property"
- Draft of an Ordinance Amending Title 4 to add New Chapter 4 Thereto Entitled "Smoke And Vape-Free Air Regulations" to be known as "The Bartlett Smoke and Vape-Free Ordinance"

ACTION REQUESTED

- For Discussion Only
- Resolution
- Ordinance
- Motion

Staff: Geoffrey T. Pretkelis, Deputy Chief of Police Date: September 19, 2019

POLICE DEPARTMENT MEMORANDUM

19-58

DATE: September 20, 2019
TO: Paula Schumacher, Village Administrator
FROM: Geoffrey T. Pretkelis, Deputy Chief of Police
RE: Request to Create a Smoke and Vape-Free Ordinance and Amend the Tobacco and Alternative Tobacco or Nicotine Products/Minors and Use of Tobacco and Alternative Tobacco or Nicotine Products on School Property Ordinances

The Police Department is requesting the Village Board to consider passing a Smoke and Vape-Free ordinance.

The Police Department is also requesting the Village Board to consider voting on the ordinance amending Title 5, Chapter 5, Section 5-5-6, entitled "TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS/MINORS" and Title 5, Chapter 7, entitled "USE OF TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS ON SCHOOL PROPERTY" of the Bartlett Municipal Code as originally presented during the Village Board Meeting on Tuesday, September 3, 2019.

Smoke and Vape-Free Ordinance

The Village Board made a motion to table the ordinance amending Title 5, Chapter 5, Section 5-5-6, entitled "TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS/MINORS" and Title 5, Chapter 7, entitled "USE OF TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS ON SCHOOL PROPERTY" of the Bartlett Municipal Code. They also requested to bring back the tabled motion at an upcoming Village Board Meeting with expanded language prohibiting the use of tobacco products, electronic cigarettes, and alternative nicotine products in municipal owned buildings and on municipal owned properties with the exception of the golf course and parking lot areas at Bartlett Hills Golf Club.

During its research, the Police Department discovered that the Smoke Free Illinois Act allowed home rule units of local government to regulate smoking in public places as long as the regulation was not less restrictive than the state law. The Smoke Free Illinois Act was also amended in 2019 to allow state-certified local public health departments, and local, Department of Natural Resources, and Department of State police law enforcement agencies to enforce the provisions of the Smoke Free Illinois Act and assess civil penalties against a person who smokes in an area where smoking is prohibited under the Smoke Free Illinois Act.

The Police Department is requesting the Village Board to consider passing a Smoke and Vape-Free ordinance that contains alternative nicotine products and electronic cigarettes language. This would allow the Police Department to issue a local ordinance citation to any person who smokes or vapes in an area where smoking or vaping is prohibited. It would also allow the Police Department to issue a local ordinance citation to any person who owns, manages, operates, or otherwise controls an enclosed public place, a place of employment, or designated open air dining area where smoking or vaping is prohibited. Several other communities such as Schaumburg, Wheaton, Aurora, Palatine, Springfield, Chicago, and Glenview have already enacted similar Smoke Free Illinois ordinances prohibiting vaping and electronic cigarettes.

State law prohibits smoking indoors in public places or a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under the Smoke Free Illinois Act. The state law was written before electronic or “e-cigarettes” existed and defines smoking in a way which does not apply to electronic cigarettes. The proposed ordinance would close a loophole in the state law and allow the Police Department to enforce the provisions of the Smoke Free Illinois Act and the use of alternative nicotine products and electronic cigarettes in public places and other areas such as near entrances, exits, and open windows. A proposed ordinance would also deter individuals from discreetly and conveniently using electronic cigarettes to consume cannabis products inside a public place or a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under the Smoke Free Illinois Act.

The proposed Smoke and Vape-Free ordinance would allow the designation of other nonsmoking and designated open air dining areas to allow any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment the option to designate an open air dining area or non-enclosed area of a public place or place of employment as areas where smoking or vaping would be allowed or prohibited. It also would allow individuals to smoke or vape in the open air dining area on the south veranda of the Bartlett Hills Clubhouse.

Amending the Tobacco and Alternative Tobacco or Nicotine Products/Minor and Use of Tobacco and Alternative Tobacco or Nicotine Products Ordinance

The Police Department is also requesting the Village Board to consider voting on the ordinance amending Title 5, Chapter 5, Section 5-5-6, entitled “TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS/MINORS” and Title 5, Chapter 7, entitled “USE OF TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS ON SCHOOL PROPERTY” of the Bartlett Municipal Code as originally presented during the Village Board Meeting on Tuesday, September 3, 2019.

On Sunday, April 7, 2019, Governor JB Pritzker signed HB0345, known as the “Tobacco 21” initiative. The new law prohibits the purchase, sale, or furnishing of tobacco products, electronic cigarettes, or alternative nicotine products to a person under 21 years of age. It also made changes in regard to definitions, age verification, penalties, possession, and other matters. The most significant change to the new law was eliminating the penalties and offense of underage possession of tobacco products, electronic cigarettes, or alternative nicotine products.

Several local communities such as Hanover Park, St. Charles, Elk Grove Village, Hoffman Estates, Aurora, and Downers Grove have already enacted ordinances prohibiting the sale, purchase, or possession of tobacco products, electronic cigarettes, or alternative nicotine products to any person under 21 years of age.

Most important, the proposed amended ordinance would prohibit the possession of tobacco products, electronic cigarettes, or alternative nicotine products by any person under 21 years of age since the underage possession component was eliminated from the new state law. It also would prohibit the sale or purchase of tobacco products, electronic cigarettes, or alternative nicotine products to any person under 21 years of age. Some of the key terms and definitions that are found in Title 5, Chapter 5, Section 5-6-6 and Title 5, Chapter 7 would also need to be revised to reflect the exact same key terms and definitions that are contained in HB0346. The proposed amended ordinance also would prohibit the use of tobacco products, electronic cigarettes, or alternative nicotine products on school property.

VILLAGE OF BARTLETT

ORDINANCE 2019 - _____

**AN ORDINANCE AMENDING TITLE 4 OF THE BARTLETT MUNICIPAL
CODE TO ADD NEW CHAPTER 4 THERETO ENTITLED "SMOKE AND
VAPE-FREE AIR REGULATIONS" TO BE KNOWN AS "THE
BARTLETT SMOKE AND VAPE-FREE ORDINANCE"**

**ADOPTED BY THE VILLAGE PRESIDENT AND
BOARD OF TRUSTEES OF THE VILLAGE OF BARTLETT
ON THE _____ DAY OF _____, 2019**

**PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF
THE VILLAGE OF BARTLETT, COOK, DUPAGE AND KANE
COUNTIES, ILLINOIS, THIS _____ DAY OF _____, 2019**

ORDINANCE 2019 - _____

AN ORDINANCE AMENDING TITLE 4 OF THE BARTLETT MUNICIPAL CODE TO ADD NEW CHAPTER 4 THERETO ENTITLED "SMOKE AND VAPE-FREE AIR REGULATIONS" TO BE KNOWN AS "THE BARTLETT SMOKE AND VAPE-FREE ORDINANCE"

BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, in exercise of its home rule powers, as follows:

SECTION ONE: That Title 4 of the Bartlett Municipal Code, entitled "HEALTH AND SANITATION", is hereby amended to add new Chapter 4 entitled "SMOKE AND VAPE-FREE AIR REGULATIONS" as follows:

- 4-4-1: FINDINGS:**
- 4-4-2: PURPOSE:**
- 4-4-3: DEFINITIONS:**
- 4-4-4: PROHIBITION IN ENCLOSED PUBLIC PLACES:**
- 4-4-5: PROHIBITION IN PLACES OF EMPLOYMENT:**
- 4-4-6: PROHIBITION IN DESIGNATED OPEN AIR DINING AREAS:**
- 4-4-7: PROHIBITION AT PUBLIC ENTRANCES:**
- 4-4-8: DESIGNATION OF OTHER NON-SMOKING AREAS:**
- 4-4-9: SIGNS:**
- 4-4-10: EXEMPTIONS:**
- 4-4-11: PENALTIES:**

4-4-1: FINDINGS:

- A. The corporate authorities find that tobacco smoke is a harmful and dangerous carcinogen to human beings and a hazard to public health. Secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer according to the National Cancer Institute. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low birth weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the third leading cause of preventable death in the United States. Illinois workers exposed to secondhand tobacco smoke are at increased risk for premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.
- B. The corporate authorities also find that the United States Surgeon General's 2006 report has determined that there is no risk-free level of exposure to secondhand smoke; the scientific evidence that secondhand smoke causes serious diseases, including lung cancer, heart disease, and respiratory illnesses such as bronchitis and asthma, is massive and conclusive; separating smokers from nonsmokers, cleaning the air and ventilating buildings cannot eliminate secondhand smoke exposure; smoke-free workplace policies are effective in reducing secondhand smoke exposure; and smoke-free workplace policies do not have an adverse economic impact on the hospitality industry.

- C. The corporate authorities also find that the Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are capable only of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smoke-free environments because it cannot determine a safe level of exposure to secondhand smoke, which contains cancer-causing chemicals, and ASHRAE acknowledges that technology does not exist that can remove chemicals that cause cancer from the air. A June 30, 2005 ASHRAE position document on secondhand smoke concludes that, at present, the only means of eliminating health risks associated with indoor exposure is to eliminate all smoke activity indoors.
- D. Smoke creates the hazard of injury to the personal health of those in the environment of such smoke as well as the potential of damage to property that may result from the incendiary nature of such activity. It has been determined that breathing ambient smoke is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68 percent of the total smoke produced by a cigarette) affects the health of the bystander, interfering with respiratory tract defenses, often causing nonsmokers to have allergic or irritative reactions, and is a known cause of lung cancer.
- E. Because the hazards of smoking have a potentially harmful effect, material and direct, on the public health, safety, welfare, comfort, and property of residents of the village, it is necessary and desirable to establish regulations that prohibit smoking in all enclosed public places, in all enclosed places of employment, near entrances to all such public places and places of employment, in and near open-air public dining areas, and within certain unenclosed public places. The corporate authorities of the village adopt the findings, conclusions and reports of the Surgeon General of the United States regarding the effects of secondhand smoke as further support for this chapter.
- F. Alternative tobacco and nicotine delivery products have recently become available to the public in the commercial market. Electronic cigarettes, or vapor cigarettes, are an alternative nicotine product which contains nicotine and/or other chemicals which are turned into a vapor or steam that is inhaled by the user and then exhaled. Although there is limited research on their health risks, the United States Food and Drug Administration notes that the solution used in electronic cigarettes contains toxic chemicals found in antifreeze and several other cancer-causing chemicals, such as nitrosamines.
- G. The concentration of these chemicals in electronic cigarettes is not definitively known; the potential harmful effects and addictiveness appear to vary based upon the brand and degree of vaporization selected by the user. Research evidences that nicotine can affect brain development in children and teens. The vapor emitted by electronic cigarettes is in aerosol form that has the capacity to deeply penetrate lung cells and the cellular lining of the organs made up of these cells.

H. An article published in the New England Journal of Medicine reported a study performed using nuclear magnetic resonance spectroscopy which permitted researchers to look at vape aerosol after vaping. The researchers found that the pre-vaping liquid breaks down into formaldehyde and that the reaction between an electronic aerosolizer, propylene glycol, glycerol and formaldehyde create a formaldehyde-releasing agent called formaldehyde hemiacetals, which are known as industrial biocides. Although small amounts of formaldehyde are not dangerous, higher levels are strongly associated with certain cancers, according to the international agency for research on cancer, making it one of 114 compounds known as carcinogens. The village corporate authorities adopt these findings in the New England Journal of Medicine as a basis to support these amendments.

4-4-2: PURPOSE:

This chapter shall be cited as "The Bartlett Smoke and Vape-Free Ordinance," the purpose of which is to protect the public health, comfort, and environment by prohibiting smoking and vaping alternative nicotine products in all enclosed public places and places of employment; within 15 feet of all public entrances to such places; within 15 feet of all entrances, exists, windows that open, and ventilation intakes of all public places and places of employment; and within certain open-air public dining areas in order to ensure that non-smokers and non-vapers may breathe air free from the hazardous effects of secondhand smoke and alternative nicotine products.

4-4-3: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALTERNATIVE NICOTINE PRODUCTS: A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. "Alternative nicotine product" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act¹ and tobacco products as defined in Section 10-5 of the Tobacco Products Act of 1995², tobacco product and electronic cigarette as defined in this section, or any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose, any asthma inhaler prescribed by a physician for that condition and is being marketed and sold for that approved purpose, or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.³

BAR: An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the

¹ 35 ILCS 130/1

² 35 ILCS 143/10-1, et seq.

³ 410 ILCS 130/1, et seq.

sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

BUSINESS: Any sole proprietorship, partnership, joint venture, corporation, including municipal corporations, limited liability company, association, or other business entity, whether formed for profit or nonprofit purposes and/or religious corporations.

CLUB: A private not-for-profit association, corporation or other entity which owns, leases or uses a building or portion the use of which is restricted primarily to members and their guests; is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and only sells alcoholic beverages incidental to its operation. For purposes of this definition, club means a private organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 USC 501.

DESIGNATED OPEN AIR DINING AREA: An open air dining area designated by the owner, occupant or lessee thereof as an area where smoking and vaping therein is also prohibited, provided the owner, occupant or lessee shall cause signs to be posted at appropriate locations, including at the entrance(s) to and in said designated open air dining area, advising persons that smoking and vaping are prohibited within said designated area. Even if the owner, occupant or tenant does not designate an open air dining area under his, her or its control to prohibit smoking, no smoking or vaping shall be allowed in that portion of an open air dining area that is within 15 feet of any public entrance, entrance, exit, window that opens, or ventilation intakes of any enclosed public place or place of employment.

ELECTRONIC CIGARETTE: Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance, whether or not it contains nicotine intended for use in the device. "Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act⁴ and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995⁵; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.⁶

⁴ 35 ILCS 130/1

⁵ 35 ILCS 143/10-1, et seq.

⁶ 410 ILCS 130/1, et seq.

EMPLOYEE: Any person employed by an employer in consideration for a direct or indirect monetary wages or profits, or a person who volunteers his or her services for a non-profit entity and shall include the owner or operator of a sole proprietorship or other similar business entity.

EMPLOYER: A person, business, partnership, association, corporation, including a municipal corporation, limited liability company, trust, or non-profit entity that employs the services of one or more individual persons.

ENCLOSED AREA: All space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows exclusive of doorways, or (ii) solid walls with partitions and no windows exclusive of doorways that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

ENCLOSED PUBLIC PLACE: An enclosed area regardless of whether the building is owned in whole or in part by private persons or entities, the village or any other public entity regardless of whether a fee is charged for admission, or any area to which the public is invited or in which the public is permitted, including without limitation:

- a. Common or public areas (including, without limitation, lobbies, hallways, reception areas, public restrooms, elevators and staircases) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple-family residential structures;
- b. Common or public areas (including, without limitation, lobbies, hallways, reception areas, public restrooms, elevators and staircases) of any building or structure that is accessible to the public, including, without limitation, office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor's offices, museums, libraries, restaurants, polling places, government and village-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, clubs, and retail and service establishments;
- c. Rooms, chambers, halls, or other locations within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of the village where there is in progress any public meeting.

The term "enclosed public place" shall not include:

- a. A private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or
- b. Hotel or motel rooms designated as smoking, provided that no more than 25 percent of the available rooms for rent in any single building shall be designated as smoking rooms.

HEALTH CARE FACILITY: An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Health care facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

KNOWINGLY: Having a general knowledge of or reason to know or ground firm belief which warrants further inquiry or inspection.

NICOTINE: Any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

OPEN AIR DINING AREA: A seating area open to the air that is accessory to a restaurant, bar, hotel, cafeteria, private club or other public place engaged in purveying commercial food or beverage service where members of the public, members or guests are invited to sit and receive food and/or beverage service for consideration.

PLACE OF EMPLOYMENT: Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve any enclosed area where smoking is prohibited; offices and work areas restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment", nor are enclosed laboratories, not open to the public, in an accredited university or government facility where the activity of smoking is exclusively conducted for the purpose of medical or scientific health related research.

PRIVATE CLUB: A not-for-profit association that (1) has been in active and continuous existence for at least three (3) years prior to the effective date of this chapter of the Bartlett Municipal Code, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

PRIVATE RESIDENCE: The part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

PUBLIC ENTRANCE: The doorway or other entrance to a public place that is open to and intended for use by the general public for ingress and egress to the public place. The term "public entrance" also means a doorway or other entrance for pedestrian ingress and egress to a place of employment:

- a. That is open to and intended for use by the general public or business invitee's ingress and egress to the place of employment;
- b. Where employees are required or permitted to enter or exit the place of employment.

PUBLIC PLACE: That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of 15 feet from entrances, exits, windows that open and ventilation intakes that serve any enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, bars, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government owned vehicles and facilities, including buildings and vehicles owned, leased, or operated by the State of Illinois or State subcontract, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excluding private residences.

RESTAURANT: (a) An eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and (b) a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

RETAIL TOBACCO STORE: A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" includes an enclosed workplace that manufactures, imports, or distributes tobacco or tobacco products, when, as a necessary and integral part of the process of making, manufacturing, importing, or distributing a tobacco product for the eventual retail sale of that tobacco or tobacco product, tobacco is heated, burned, or smoked, or alighted tobacco product is tested, provided that the involved business entity: (1) maintains a specially designated area or areas within the workplace for the purpose of the heating, burning, smoking or lighting activities, and does not create a facility that permits smoking throughout; (2) satisfies the 80% requirement related to gross sales; and (3) delivers tobacco products to consumers, retail establishments, or other wholesale establishments as part of its business. "Retail tobacco store" does not include a

tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food or restaurant license.

SMOKE or SMOKING: The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment. "Smoke" or "smoking" includes the use of alternative nicotine products, cannabis, and electronic cigarettes, as defined in this section. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.

TOBACCO PRODUCT: Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

VAPE or VAPING: Using an electronic cigarette or alternative vapor transmission modality to vape an alternative nicotine product.

4-4-4: PROHIBITION IN ENCLOSED PUBLIC PLACES:

It shall be unlawful:

1. To smoke or vape in any enclosed area of any public place.
2. For the owner, occupant or lessee in control of a public place to permit smoking and vaping, or either smoking or vaping, in any enclosed area in a public place.

4-4-5: PROHIBITION IN PLACES OF EMPLOYMENT.

It shall be unlawful:

1. To smoke or vape in any enclosed area of any place of employment.
2. For any employer to knowingly permit smoking and vaping, or either smoking or vaping, in any enclosed area of any place of employment.

4-4-6: PROHIBITION IN DESIGNATED OPEN AIR DINING AREAS:

It shall be unlawful:

1. To smoke or vape in any designated open air dining area.

2. To smoke or vape within 15 feet of the public entrance, exit, windows that open, or ventilation intake in or adjacent to any designated open air dining area or open air dining area.

4-4-7: PROHIBITION AT PUBLIC ENTRANCES:

It shall be unlawful:

1. To smoke or vape within 15 feet of a public entrance to a public place or to a place of employment, or within 15 feet of any entrances, exits, windows that open or ventilation intakes of any public place or place of employment.
2. For any person or persons to gather or congregate for the purpose of smoking or vaping within 15 feet of a public entrance, or to gather or congregate for the purpose of smoking or vaping, within 15 feet of any entrance, exit, window that opens, or ventilation intakes of any public place or place of employment.

4-4-8: DESIGNATION OF OTHER NON-SMOKING AREAS:

Nothing in this chapter shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking or vaping by designating outdoor areas not subject to the restrictions in this chapter as a place where smoking or vaping is also prohibited, provided that the owner, occupant or lessee shall cause signs to be posted at appropriate locations advising persons that smoking or vaping is prohibited within the designated outdoor area.

4-4-9: SIGNS:

Each owner, lessor, lessee, employer, or other person in control of a public place, shall post conspicuous "no smoking or vaping" signs in the enclosed area of any public place where smoking or vaping is prohibited. Such "no smoking or vaping" signs shall have a white field with the words "no smoking or vaping" printed in red letters, four inches high with a one-half-inch face or shall bear the international "no smoking or vaping" symbols. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this chapter.

4-4-10: EXEMPTIONS:

The prohibition on smoking or vaping set forth in sections 4-4-4 through 4-4-5 shall not apply to:

1. A public place or place of employment of a tobacco dealer that permits customers to sample tobacco or vape products on the premises of the tobacco dealer, provided that smoke generated by smoking or vaping on the premises of the dealer does not infiltrate any other enclosed public place or place of employment. For purposes of this exemption, a dealer is a retailer whose principal business is the sale at retail of tobacco, tobacco-related products, and/or vaping products.

2. All parks and forest preserves or unenclosed public lands owned by the Bartlett Park District or by the DuPage County Forest Preserve District, the Cook County Forest Preserve District, the Kane County Forest Preserve District, or by the State of Illinois; however, the buildings, enclosed areas, enclosed public places, and the public entrances thereto on any such park district, or forest preserve district property shall be subject to the prohibitions on smoking and vaping set forth in this chapter.
3. The Bartlett Hills Golf Course; however, this exemption shall not apply to the Clubhouse at the Bartlett Hills Golf Course, which is an enclosed public place, but this exemption shall apply to the open air dining area on the south veranda of the Bartlett Hills Clubhouse.

4-4-11: PENALTIES:

- A. Any person who smokes or vapes in an area where smoking or vaping is prohibited under the provisions of this chapter shall be guilty of an offense punishable by a fine of not less than \$100.00 and not more than \$250.00.
- B. Any person who owns, manages, operates or otherwise controls an enclosed public place, a place of employment, or a designated open air dining area where smoking or vaping is prohibited under the provisions of Section 4-4-6 who knowingly allows any person to smoke or vape in an enclosed public place, place of employment or designated open air dining area, shall be guilty of an offense punishable by a fine of not less than:
 1. \$250.00 for the first violation;
 2. Not less than \$500.00 for a second violation within one year after the first violation; and
 3. Not less than \$2,500.00 within one year after the second violation.

If offenses occur more than one year from a prior offense date, the cycle of minimum fines set forth in this section shall renew. Upon a third violation within a two-year period by a person/entity holding a village license or permit, the Village President, after a hearing in which the violator may contest the violation or penalty, may suspend or revoke any Village license or permit for the premises in which the violation occurred.

- C. Each day that any violation of this chapter shall continue shall constitute a separate offense.

SECTION TWO: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FOUR: EFFECTIVE DATE. This Ordinance shall become effective ten days after its passage, execution by the Village President and publication in pamphlet form as required by law.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Giles, Village Clerk

STATE OF ILLINOIS)
) SS:
COUNTIES OF COOK,)
DUPAGE AND KANE)

CERTIFICATE OF PUBLICATION

I, Lorna Giles, certify that I am the duly elected and acting Village Clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois.

I further certify that on _____, 2019, the Corporate Authorities of the Village of Bartlett passed and approved Ordinance 2019-_____, entitled:

AN ORDINANCE AMENDING TITLE 4 OF THE BARTLETT MUNICIPAL CODE TO ADD NEW CHAPTER 4 THERETO ENTITLED "SMOKE AND VAPE-FREE AIR REGULATIONS" TO BE KNOWN AS "THE BARTLETT SMOKE AND VAPE-FREE ORDINANCE"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance 2019 - _____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Bartlett Municipal Building, commencing on _____, 2019, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at Bartlett, Illinois, this _____ day of _____, 2019.

[SEAL]

Lorna Giles, Village Clerk

VILLAGE OF BARTLETT
COOK, DUPAGE AND KANE COUNTIES, ILLINOIS

ORDINANCE NO. 2019 - _____

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 5-5-6,
AND TITLE 5, CHAPTER 7, OF THE BARTLETT MUNICIPAL CODE

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF BARTLETT
THIS _____ DAY OF _____, 2019

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BARTLETT
COOK, DUPAGE AND KANE COUNTIES, ILLINOIS
THIS _____ DAY OF _____, 2019

ORDINANCE 2019 - _____

**AN ORDINANCE AMENDING TITLE 5, CHAPTER 5, SECTION 5-5-6,
AND TITLE 5, CHAPTER 7, OF THE BARTLETT MUNICIPAL CODE**

BE IT ORDAINED by the President and Board of Trustees of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, as follows:

SECTION ONE: That Title 5, Chapter 5, of the Bartlett Municipal Code entitled "MINORS" is hereby amended to be entitled "MINORS AND PERSONS UNDER 21".

SECTION TWO: That Title 5, Chapter 5, Section 5-5-6 of the Bartlett Municipal Code entitled "TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS/ MINORS" is hereby repealed.

SECTION THREE: That Title 5, Chapter 5, of the Bartlett Municipal Code is hereby amended to add new Section 5-5-6 thereto, now entitled "TOBACCO PRODUCTS, ELECTRIC CIGARETTES AND ALTERNATIVE NICOTINE PRODUCTS/ PERSONS UNDER 21" in place former Section 5-5-6 repealed in Section Two of this Ordinance, as follows:

**5-5-6: TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, AND/OR
ALTERNATIVE NICOTINE PRODUCTS/PERSONS UNDER 21:**

A. Definitions: For purposes of this Section, the following words and phrases shall have the following meanings ascribed to them:

ALTERNATIVE NICOTINE PRODUCTS: A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. "Alternative nicotine product" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act¹ and tobacco products as defined in Section 10-5 of the Tobacco Products Act of 1995², tobacco product and electronic cigarette as defined in this Section, or any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

ELECTRONIC CIGARETTE: Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance,

¹ 35 ILCS 130/1

² 35 ILCS 143/10-1, et seq.

whether or not it contains nicotine intended for use in the device. "Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act³ and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995⁴; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.⁵

KNOWINGLY: Having a general knowledge of or reason to know or ground firm belief which warrants further inquiry or inspection.

NICOTINE: Any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

POSSESSION: An act of physical dominion over, or within, a person's immediate and exclusive control. For purposes of this definition, exclusive control may occur even though possession is jointly held or shared.

TOBACCO PRODUCT: Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

³ 35 ILCS 130/1

⁴ 35 ILCS 143/10-1, et seq.

⁵ 410 ILCS 130/1, et seq.

B. Prohibited Sales, Delivery, Purchase, Possession

1. It shall be unlawful for any person or entity to sell, cause to be sold, offer for sale, give away or deliver a tobacco product, electronic cigarettes, and any alternative nicotine product, or any of them, to any person under twenty-one (21) years of age
2. A person or entity who has reason to believe that a person attempting to purchase a tobacco product, electronic cigarette, and/or alternative nicotine product is under twenty-one (21) years of age shall require photographic identification from the individual prior to making the sale.

C. Purchase By Persons Under 21 Prohibited: It shall be unlawful for any person under twenty-one (21) years of age to purchase, or attempt to purchase, any tobacco product, electronic cigarette, and alternative nicotine product, or any of them; or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing any tobacco product, electronic cigarette, and alternative nicotine product, or any of them.

D. Possession By Persons Under 21 Prohibited: It shall be unlawful for any person under twenty-one (21) years of age to knowingly possess any tobacco product, electronic cigarette, and alternative nicotine product, or any of them.

E. Exception:

1. Nothing contained in this Section shall prohibit a person under twenty-one (21) years of age from possessing any tobacco product, electronic cigarette, and alternative nicotine product, or any of them, in unopened packages, at the direction of and in connection with his or her course of employment.
2. Nothing contained in this Section shall prohibit a person under twenty-one (21) years of age from possessing any tobacco product, electronic cigarette, and alternative nicotine product, or any of them, for medical purposes when prescribed by a licensed physician, or under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home.

SECTION FOUR: That Chapter 7 of Title 5 of the Bartlett Municipal Code entitled "USE OF TOBACCO AND ALTERNATIVE TOBACCO OR NICOTINE PRODUCTS ON SCHOOL PROPERTY" is hereby repealed.

SECTION FIVE: That Title 5 of the Bartlett Municipal Code entitled "POLICE REGULATIONS" is hereby amended to add new Chapter 7 thereto entitled "USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND ALTERNATIVE NICOTINE PRODUCTS PROHIBITED ON SCHOOL PROPERTY" as follows:

CHAPTER 7

USE OF TOBACCO PRODUCTS, AND ELECTRONIC CIGARETTES, AND ALTERNATIVE NICOTINE PRODUCTS ON SCHOOL PROPERTY

5-7-1: DEFINITIONS:

5-7-2: PROHIBITED USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES AND/OR ALTERNATIVE NICOTINE PRODUCTS:

5-7-3: PENALTY:

5-7-1: DEFINITIONS:

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them:

ALTERNATIVE NICOTINE PRODUCT: A product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing or by any other means. "Alternative nicotine product" does not include cigarettes as defined in Section 1 of the Cigarette Tax Act⁶ and tobacco products as defined in Section 10-5 of the Tobacco Products Act of 1995⁷, tobacco product and electronic cigarette as defined in this Section, or any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

ELECTRONIC CIGARETTE: Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or any solution or substance, whether or not it contains nicotine intended for use in the device. The term "electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar products or devices, and any components or parts that can be used to build the product or device. "Electronic cigarette" does not include: cigarettes as defined in Section 1 of the Cigarette Tax Act⁸ and tobacco products as defined in Section 10-5 of the Tobacco Products Tax Act of 1995⁹; tobacco product and alternative nicotine product as defined in this Section; any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose; any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose; or any

⁶ 35 ILCS 130/1

⁷ 35 ILCS 143/10-1, et seq.

⁸ 35 ILCS 130/1

⁹ 35 ILCS 143/10-1, et seq.

therapeutic product approved for use under the Compassionate Use of Medical Cannabis Pilot Program Act.¹⁰

NICOTINE: Any form of the chemical nicotine, including any salt or complex, regardless of whether the chemical is naturally or synthetically derived.

SCHOOL PROPERTY: Means and includes any building and/or grounds of any public kindergarten, elementary, middle school or high school.

TOBACCO PRODUCT: Any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include: an electronic cigarette and alternative nicotine product as defined in this Section; or any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

5-7-2: PROHIBITED USE OF TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, AND ALTERNATIVE NICOTINE PRODUCTS:

It shall be unlawful to use any tobacco product, electronic cigarette, and alternative nicotine product, or any of them, on or within any school property located within the corporate limits of the village of Bartlett by any school personnel, student or other person, regardless of whether the use of any tobacco product, electronic cigarette, and alternative nicotine product, or any of them, occurs inside or outside of a school building and regardless of whether school is in session.

5-7-3: PENALTY:

Any person violating any provision of this chapter shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).

SECTION SIX: SEVERABILITY. The various provisions of this Ordinance are to be considered as severable, and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

¹⁰ 410 ILCS 130/1, et seq.

SECTION SEVEN: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION EIGHT: EFFECTIVE DATE. This Ordinance shall become effective ten days after its passage, execution by the Village President and publication in pamphlet form as required by law.

ROLL CALL VOTE:

AYES:

NAYS:

ABSENT:

PASSED:

APPROVED:

Kevin Wallace, Village President

ATTEST:

Lorna Gilles, Village Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the village clerk of the Village of Bartlett, Cook, DuPage and Kane Counties, Illinois, and that the foregoing is a true, complete and exact copy of Ordinance 2019 - _____, enacted on _____, 2018, and approved on _____, 2019, and published in pamphlet form on _____, 2019, as the same appears from the official records of the Village of Bartlett.

Lorna Gilles