

AGENDA
ADMINISTRATION COMMITTEE MEETING

201 W. DIGGINS ST.

November 20, 2023 – 7:00 PM

1. Roll Call
2. Public Comments
3. Presentation One Fiber Inc. – Municipal Fiber Internet
4. Tax Levy
5. Resolution adopting the 2023 McHenry Co. Natural Hazards Mitigation Plan and Continuation of Hazard Mitigation Planning Committee (plan available electronically)
6. Proposed Ordinance to Dissolve TIF #1 (Downtown TIF)
7. Surplus Property Declaration
8. Amend Driveway Ordinance
9. New Business
 - (a) Personnel Manual for Review
 - (b) Paid Leave for All Workers Act – Vacation Benefits Draft Policy
 - (c) RFP Water Tower Maintenance
10. Adjourn

Harvard, IL Municipal Fiber Internet Project Highlights



Community benefits:

- Property values will increase by 2%-4% and resident's economic output will increase between 9-15% within 3 years
- Harvard can attract "digital nomads" and "work from home" workers
- Local businesses and community organizations will have affordable premium internet access - unlocking untold potential
- Harvard residents will own and control their internet access for decades to come
- 2-4 Internet Service Providers will compete to provide monthly subscriptions and offer high quality front-line customer service and technical support

Financial details:

- Estimated build cost of \$8M USD
- The network pays for itself in 15 years with an expected life of at least 40 years
- Subscribers pay \$35-\$100 / month for access
- Funded through a municipal bond
- A budget neutral turnkey solution fully managed by OneFiber

Technical specifications:

- 100Gbps fully managed symmetrical network
- 1Gbps to each home or business (can upgrade to 10Gbps as needed)
- One year to build infrastructure and connect the first address
- Three years to fully build out the network and connect all addresses

Bringing municipally owned fiber internet to Harvard at no cost to your constituents would be a career-defining initiative for you and your administration. It would positively impact the community for decades.

For more information or to setup a consultation call to explore bringing fiber internet to Harvard please contact Scott Allan at 202-379-9622 or email s@one-fiber.com.

Municipal Fiber Success Story Ammon, Idaho



“The city with the best fiber-optic network in America might surprise you”

Which American city has the most sophisticated fiber network?

It's Ammon, Idaho, population 16,500, which offers residents performance, pricing, and options that inhabitants of a metropolis dominated by one or two internet service providers can only dream of. Ammon is a true local network, where residents own the fiber and providers compete to serve them.

“If you were to ask me what the key component of Ammon is, I would say it's a broadband infrastructure as a utility,” says Bruce Patterson, Ammon's technology director and one of the key drivers behind the network. “We've just found a way to make it a true public infrastructure, like a road.” [Source: Fast Company](#)

See also, [The Verge](#), [Idaho Statesman](#), [East Idaho News](#), and [ARS TECHNICA](#).

Municipal Fiber Success Story

Mont Belvieu, Texas



“Starting in June 2018, every household in Mont Belvieu could sign up for the city’s homegrown internet service, MB Link. It costs \$75 a month for speeds of up to 1 gigabit per second.

Comcast charged \$75 a month and Verizon FiOS — now Frontier Communications — \$60 a month for 75 megabits per second, according to a 2016 study by the city. If residents wanted faster speeds closer to what MB Link ultimately delivered, they were paying up to \$280 a month.

MB Link sold internet to nearly a third of households before even flipping the switch.

About half of the town’s households are now signed up — and MB Link recently began selling the service to local businesses. About 30 businesses, including the chamber of commerce, have subscribed.

This fall, the city began offering free WiFi at the high school football stadium.

City Manager Nathan Watkins saw the football stadium — packed with residents on Fridays in the fall — as a prime marketing opportunity.

“We were even nice enough to put it on the visitors’ side,” he said with a laugh.” Source: Dallas Morning News

www.one-fiber.com - 202-379-9622

Municipal Fiber Success Story Chattanooga, Tennessee



“Chattanooga’s high-speed, community-wide fiber optic network has delivered economic and social benefits worth over US\$2.69 billion in its first decade, according to new, independent research.

The network, launched in 2010, was built by the city-owned utility EPB to support an advanced smart grid power distribution system. There are several other municipal broadband networks in the country but EPB was the first to offer gigabit speeds city-wide – at 1,000 Mbps and later 10,000 Mbps.

The new study, conducted by Bento Lobo, PhD, head of the Department of Finance and Economics at the Rollins College of Business at the University of Tennessee at Chattanooga, finds that the infrastructure has helped to bridge the digital divide and supported job creation, reduced carbon emissions and more.

The value realised exceeds the costs of the project by over US\$2.20 billion, or a factor of 4.42, the report says.” Source: cities-today.com

See also, The New York Times, The Guardian, Washington Post, Daily Beast, The Nation, and CNET.



“Our mission is to bring affordable and equitable broadband internet connections to everyone.”

Robert Schouwenburg, Founder

OneFiber was founded by technology veteran Robert Schouwenburg. The company has received funding from gener8tor, a nationally-ranked venture capital firm, and Hendricks Commercial Properties, based in Beloit, Wisconsin.

OneFiber has established partnerships with national service providers, including ADB Companies and Ervin Cable Construction.

Our team has decades of experience building and managing networks, launching innovative technology platforms, and scaling organizations.



These inputs determine the output of the cashflow model on the next sheet.

Capital costs

Construction cost / bond \$7,610,000

Revenue

Serviceable addresses 4200

Average retail price / month \$69

Predicted market penetration once network is built 60%

Revenue allocation

Bond servicing (principal and interest) 50% \$35 (/month)

Network maintenance & management (OneFiber) 20% \$14 (/month)

Customer service / billing (ISPs who support end users) 30% \$21 (/month)

Bond terms

Bond term (years) 20

Interest rate 4.00%



Fiber Network Costs & Benefits for Harvard, IL

This tool calculates the cost of building a fiber network in Harvard, IL. It also shows the value of other benefits of bringing fiber internet to your city.

Network construction costs

Serviceable Addresses	4200	This is based on the number of residents divided by 2, and represent the total addressable market
Market penetration	60%	The percentage of serviceable addresses that ultimately adopts the service
Install cost per address	\$3,000	This should be between \$2000 and \$4000 based on town density
Middle miles	2	This is the distance from the nearest fiber access point to the center of town
Cost per middle mile	\$25,000	This should be \$25,000 for aerial connections, and \$130,000 for underground connections

Total construction cost

\$7,610,000

Financial details

Average retail price / month	\$69	This is the average monthly price for the service paid by users of the network for a symmetrical 1Gbps fiber internet connection
Bond servicing (principal and interest)	50%	The percentage of the retail revenue from the network that would go towards servicing the bond
Bond term (years)	15	
Interest rate	4%	
Network becomes cash flow positive (years)	2	This is how long it will take for the network to generate enough revenue to completely service the bond itself
Revenue generated by the network annually (fully subscribed)	\$1,043,280	This is how much revenue the network will generate annually once the predicted market penetration is reached
Bridge financing provided by OneFiber at 0% interest rate	\$550,080	This is how much money OneFiber will loan the city to cover the period between starting construction and generating enough revenue to service the debt

Total cost for the city of Harvard, IL

\$0

Other Benefits

Real Estate

Average value of home	\$150,000	
Percentage increase in value	3%	
Net benefit to homeowners (one-time)	\$18,900,000	This would also result in increased property tax revenues for the city, which could be used to lower property taxes

Economic output

Number of workers	2000	
Economic output per household	\$35,000.00	Annually
Percentage increase in value	5%	
Net benefit to local economy	\$3,500,000	Annually
Benefit over 15 years	\$52,500,000	

Total all other benefits

\$71,400,000

For more information please contact [Scott Allan](#) or call (202) 379-9622. © [OneFiber, Inc](#) 2023

CPI (COLA) 2023 = 6.5%
EXTENSION 2023 = 5%

The Consumer Price Index (CPI) "cost of living" or inflation percentage to use in computing the 2023 extensions (taxes payable in 2024) under PTELL is 5.0%

Section 18-185 of the Property Tax Code defines CPI as "the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor." This index is sometimes referred to as CPI-U. Section 18-185 defines "extension limitation" and "debt service extension base" as "...the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year..." (emphasis added).

For 2023 extensions (taxes payable in 2024), the CPI to be used for computing the extension limitation and debt service extension base is 5.0%. The CPI is measured from December 2021 to December 2022. The U.S. City Average CPI for December 2021 was 278.802 and 296.797 for December 2022. The CPI change is calculated by subtracting the 2021 CPI from the 2022 CPI. The amount is then divided by the 2021 CPI which results in 6.5% CPI. $(296.797 - 278.802) / 278.802 = 6.5\%$. The Statute indicates the lesser of 5% or the actual percentage increase, in this case 5% is the lesser amount.

TAX LEVY 2023 - FOR 2024 COLLECTION - 5% REQUEST

Aggregate Extension Base	\$	2,795,752
x CPI (Cap)		5%
	\$	139,788
Current Extension (Capped)	\$	2,935,540
		1.05
Current EAV	\$	160,161,160
less new growth	\$	348,782
x State Multiplier		1
New EAV	\$	159,812,378
Current Extension	\$	2,935,540
Divided by New EAV	\$	159,812,378
Limiting Rate		1.8369

Maximum Extension: \$ 159,812,378
Rate: 5.00%

	Levy Requested	Max Rate	EAV	Calculated Rate
Corporate General	\$ 490,201	0.437500	\$ 160,161,160	0.3061
IMRF	\$ 107,560		\$ 160,161,160	0.0672
Police Protection	\$ 560,000	0.600000	\$ 160,161,160	0.3496
Police Pension	\$ 771,000		\$ 160,161,160	0.4814
Library	\$ 451,960	0.600000	\$ 160,161,160	0.2822
Audit	\$ 25,290		\$ 160,161,160	0.0158
Liability Insurance	\$ 113,820		\$ 160,161,160	0.0711
Parks	\$ 276,289	0.233000	\$ 160,161,160	0.1725
Social Security	\$ 139,420		\$ 160,161,160	0.0870
SUB TOTAL	\$ 2,935,540			1.8329
				1.8369
Non-Capped:				
NISRA	\$ 41,000.00			
TOTAL 2023 EXTENSION	\$ 2,976,540			

2022/2023 TAX LEVY COMPARISON

2023-2024 Levy Requested			2022-2023 Levy Requested	
Corporate General	\$ 490,201		\$ 475,513	\$ 14,688
IMRF	\$ 107,560		\$ 100,430	\$ 7,130
Police Protection	\$ 560,000		\$ 559,160	\$ 840
Police Pension	\$ 771,000		\$ 704,299	\$ 66,701
Library	\$ 451,960		\$ 439,367	\$ 12,593
Audit	\$ 25,290		\$ 24,874	\$ 416
Liability Insurance	\$ 113,820		\$ 99,557	\$ 14,263
Parks	\$ 276,289		\$ 263,179	\$ 13,110
Social Security	\$ 139,420		\$ 129,365	\$ 10,055
SUB TOTAL	\$ 2,935,540		\$ 2,795,744	\$ 139,796
Non-Capped:				
NISRA	\$ 41,000		\$ 42,000	
TOTAL 2023 EXTENSION	\$ 2,976,540		\$ 2,837,744	

CITY OF HARVARD
2023 PROPERTY TAX EXTENSION

Corporate General	\$	490,201
IMRF	\$	107,560
Police Protection	\$	560,000
Police Pension	\$	771,000
Library	\$	451,960
Audit	\$	25,290
Liability Insurance	\$	113,820
Parks	\$	276,289
Social Security	\$	139,420
SUB TOTAL	\$	2,935,540
Non-Capped:		
NISRA	\$	41,000
TOTAL 2023 EXTENSION	\$	2,976,540

RESOLUTION OF THE CITY OF HARVARD

A Resolution Approving the 2023 McHenry County Natural Hazard Mitigation Plan and Continuation of Hazard Mitigation Planning Committee

WHEREAS, McHenry County is subject to flooding, severe summer and winter storms, tornadoes, drought, and other natural hazards that can damage property, close businesses, disrupt traffic, and present a public health and safety hazard; and,

WHEREAS, the McHenry County Hazard Mitigation Plan Committee has prepared a recommended McHenry County Natural Hazard Mitigation Plan that reviews the County's options to protect people and reduce damage from hazards; and,

WHEREAS, the McHenry County Natural Hazard Mitigation Plan was developed as a multi-jurisdictional plan has been submitted and approved by the Illinois Emergency Management Agency and the Federal Emergency Management Agency; and,

WHEREAS, the recommended McHenry County Natural Hazard Mitigation Plan has been widely circulated for review by residents and federal, state and regional agencies and has been supported by those reviewers; and,

WHEREAS, the preparation and adoption of a community mitigation plan is a requirement of the Federal Emergency Management Agency for McHenry County to be eligible for federal mitigation funds under Section 104 of the Disaster Mitigation Act of 2000 (42 USC 5165), and under 44 CFR (Code of Federal Regulations) Part 201; and,

WHEREAS, after review and discussion, the Law & Government and Planning, Environment & Development Committees concur with said request and are recommending approval by the City Council of the City of Harvard; and,

NOW, THEREFORE, be it resolved by the Mayor and Aldermen of the City of Harvard, McHenry County, Illinois, that it hereby authorizes the McHenry County Natural Hazard Mitigation Plan, September 2023, declaring that said plan has been adopted as of November 2023, and is hereby adopted as an official plan of the City of Harvard; and,

BE IT FURTHER RESOLVED, that the action items contained in the McHenry County Natural Hazard Mitigation Plan identifies and are hereby assigned to the noted department, division, or office of the County for implementation as staff resources and funding permits:

- Action Item 1: Plan Adoption – McHenry County Board
- Action Item 2: Continuation of Mitigation Committee – McHenry County Board
- Action Item 3: Plan Monitoring and Maintenance – McHenry County Hazard Mitigation Planning Committee and McHenry County Emergency Management Agency
- Action Item 4: Include the McHenry County Natural Hazard Mitigation Plan into Other Plans

- Action Item 5: Watershed Studies – McHenry County Planning & Development
- Action Item 6: Expand Stream Gaging Network – McHenry County Planning & Development
- Action Item 7: Stream Maintenance Programs – McHenry County Planning & Development
- Action Item 8: Prohibited Waterway Dumping Ordinances – McHenry County Planning & Development
- Action Item 9: Mitigation of Public Infrastructure – McHenry County Planning & Development
- Action Item 10: Continued NFIP Compliance - McHenry County Planning & Development
- Action Item 11: Repetitive Loss Areas Study - McHenry County Planning & Development
- Action Item 12: Identification of Floodplain Structure – McHenry County Planning & Development and GIS
- Action Item 13: Investigation of Critical Facilities – McHenry County Emergency Management Agency and GIS
- Action Item 14: Critical Facilities Design with Natural Hazards Protection – All County Agencies
- Action Item 15: Mitigation of Floodplain Properties – Property Projects – McHenry County Planning & Development and McHenry County Emergency Management Agency
- Action Item 16: Safe Rooms – McHenry County Emergency Management Agency
- Action Item 17: Consider Community Rating System Participation – McHenry County Planning & Development
- Action Item 18: Urban Forestry – Consider Participation in Tree City USA – Not Applicable to County
- Action Item 19: Consider Participation in Storm Ready – McHenry County Emergency Management Agency
- Action Item 20: Strengthen Building Codes and Code Enforcement Training - McHenry County Planning & Development
- Action Item 21: Seek Mitigation Grant Funding – All County Agencies
- Action Item 22: Implementation of the Water Resources Protection Action Plan – McHenry County Water Resources Management
- Action Item 23: Development of a Public Information Strategy – McHenry County Hazard Mitigation Planning Committee and McHenry County Emergency Management Agency
- Action Item 24: Property Protection References – All County Agencies

BE IT FURTHER RESOLVED, that the McHenry County Mitigation Planning Committee is hereby established as a permanent advisory body, and shall be comprised of representatives from (1) The McHenry County’s Emergency Management Agency and all applicable County departments and divisions that might be directly involved in the implementation of the Plan’s action items, (2) those municipalities that pass a resolution to adopt the McHenry County Natural Hazard Mitigation Plan, (3) representatives of interested townships, and (4) representatives of interested agencies, organizations, associations or the general public appointed by the Chair of the

County Board to represent stakeholders in hazard mitigation. The Committee shall meet as often as necessary to prepare or review mitigation activities and progress toward implementing the McHenry County Natural Hazard Mitigation Plan, but at least once each year to review the status of ongoing projects, and the schedule of Committee meetings shall be posted in appropriate places. All meetings of the Committee shall be open to the public; and,

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to distribute a certified copy of this Resolution to the McHenry County Emergency Management Agency Director (who shall make this Resolution a part of said plan), the McHenry County Administrator, and the Illinois Emergency Management Agency.

DATED this 28th day of November, 2023.

APPROVED:

Mayor Michael Kelly

ATTEST:

Lori Moller, City Clerk

ORDINANCE NO. 2023 - ____

An Ordinance Dissolving the Special Tax Allocation Fund for the Redevelopment Project Area and Terminating the Designation of the Redevelopment Project Area as a Redevelopment Project Area

WHEREAS, on September 7, 2000, the City adopted the following ordinance:

1. Ordinance No. 2000-130, *An Ordinance Amending the Tax Increment Redevelopment Plan and Project for the Harvard Downtown Redevelopment Project Area of the City of Harvard, Illinois.*

WHEREAS, on February 15, 2000, the City adopted three ordinances as follows:

1. Ordinance No. 2000-109, *An Ordinance of the City of Harvard, McHenry County, Illinois, Approving a Tax Increment Redevelopment Plan and Project for the Proposed Tax Increment Redevelopment Area,*
2. Ordinance No. 2000-110, *An Ordinance of the City of Harvard, McHenry County, Illinois, Designating the Tax Increment Redevelopment Area A Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act; and,*
1. Ordinance No. 2000-111, *An Ordinance of the City of Harvard, McHenry County, Illinois, Adopting Tax Increment Allocation Financing for the City of Harvard Tax Increment Redevelopment Project Area.*

WHEREAS, Section 11-74.4-8 of the Illinois Municipal Code provides in part as follows:

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, the retirement of obligations, the distribution of any excess monies pursuant to this Section, and

final closing of the books and records of the redevelopment project area, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area.

65 ILCS 5/11-74.4-8.

WHEREAS, notice of the dissolving of this special tax allocation fund has been submitted to the relevant taxing bodies and the City has received no objection; and

WHEREAS, the City hereby determines that there are no outstanding, unpaid redevelopment project costs as of this time and there are no municipal financing redevelopment projected costs incurred by the City to be retired.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Harvard, McHenry County, Illinois, as follows:

SECTION 1: The foregoing recitals are incorporated herein as the findings of the Mayor and City Council of the City of Harvard.

SECTION 2: Effective November 28, 2023, the City hereby dissolves the special tax allocation funds for the redevelopment project areas and terminates the designation of the redevelopment project area as a redevelopment project area.

SECTION 3: All surplus funds remaining in the special tax allocation funds shall be first distributed by being paid by the City Treasurer to the Department of Revenue and the City in direct proportion to the tax incremental revenue received from the State and the City but not to exceed the total incremental revenue received from the State or the City less any annual surplus distribution of incremental revenue previously made. Any remaining surplus funds after payment, if any, to the Department of Revenue and the City, shall be paid to the McHenry County Collector who shall immediately thereafter pay such funds to the relevant taxing districts in the redevelopment project area in the same proportionate manner as the most recent distribution by the County Collector to the affected districts of real property taxes from real property in the redevelopment project area in accordance with section 11-74.4-8 of the Illinois Municipal Code, 65 ILCS 5/11-74.4-8.

SECTION 4: Ordinance No. 2000-130, *An Ordinance Amending the Tax Increment Redevelopment Plan and Project for the Harvard Downtown Redevelopment Project Area of the City of Harvard, Illinois*; Ordinance No. 2000-109, *An Ordinance of the City of Harvard, McHenry County, Illinois, Approving a Tax Increment Redevelopment Plan and Project for the Proposed Tax Increment Redevelopment Area*; Ordinance No. 2000-110, *An Ordinance of the City of Harvard, McHenry County, Illinois, Designating the Tax Increment Redevelopment Area A Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act*; and, Ordinance No. 2000-111, *An Ordinance of the City of Harvard, McHenry County, Illinois, Adopting Tax Increment Allocation Financing for the City of Harvard Tax Increment Redevelopment Project Area*, are hereby repealed with an effective date of November 28, 2023.

SECTION 5: The final tax year for the Downtown Redevelopment Project Area is the year 2023; however, taxes for years 2024 and beyond shall be levied as if Ordinance Nos. 2000-130, 2000-109, 2000-110 and 2000-111 were never enacted.

SECTION 6: A copy of this Ordinance shall be forwarded immediately after publication to the County Clerk.

SECTION 7: The McHenry County Clerk, McHenry County Treasurer, and other relevant McHenry County officials and offices are hereby requested to carry out the termination of the Downtown Redevelopment Project Area as soon as possible.

SECTION 8: City staff is directed to effectuate the final closing of the books and records of the Downtown Redevelopment Project Area.

SECTION 9: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 10: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 11: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye:

Nay:

Absent:

Abstain:

APPROVED:

City Mayor Michael Kelly

(SEAL)

ATTEST: _____
City Clerk Lori Moller

Passed: November 28, 2023

Approved: November 28, 2023

Published: In Pamphlet Form

Z:\H\HarvardCityofOrdinances

CERTIFICATION

I, LORI MOLLER, do hereby certify that I am the duly elected, acting and qualified Clerk of the City of Harvard, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Aldermen of said City of Harvard.

I do hereby further certify that at a regular meeting of the Mayor and Aldermen of the City of Harvard, held on the **XXth day of November 2023**, the foregoing Ordinance entitled *An Ordinance Dissolving the Special Tax Allocation Fund for the Redevelopment Project Area and Terminating the Designation of the Redevelopment Project Area as a Redevelopment Project Area*, was duly passed by the Mayor and Aldermen of the City of Harvard.

The pamphlet form of Ordinance No. 2023-**XXX** including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the _____ day of _____, 2023, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and corporate seal of the City of Harvard this _____ day of _____, 2023.

Lori Moller, Clerk
City of Harvard,
McHenry County, Illinois

(SEAL)

SURPLUS PROPERTY NOVEMBER 2023

Item Description	Qty	Serial/ID #	Intent
Stone Trash Receptacles	14	NA	Auction
NAPA Lift	1		Auction
Fencing		N/A	Auction
2007 Ford F-150	1	1FTRF12257KC90969	Auction
Berlong Strong Rock Bucket SKL-84	1	SN 93687	Auction



City of Harvard Memo
Community Development Department
201 West Diggins Street - PO Box 310 – 60033 – 815-943-6468

To: Chairwoman Haderlein & Administration Committee
From: Donovan Day, Community Development Director
CC: Lou Leone, City Administrator
Date: November 20, 2023
RE: Discussion Regarding Amending Section 19.15 of the City Code

Purpose and Action Requested

Staff is seeking Administration Committee’s consideration for the attached Ordinance draft amending Section 19.15.B.4 and 19.15.F.1.d Driveways and Private Parking Lots.

Background/Discussion

Driveway expansions extending beyond the width of the garage require a variance. For single-car garages, the code allows for a six (6) foot expansion without the need for a variance. A typical parking stall, as required in the UDO, is nine (9) feet wide.

In order to reduce the amount of driveway variance requests that come before the City Council, since the majority are approved, staff was directed to suggest amendments to the appropriate sections of the City Code.

Staff recommends making amendments to two sections of the code as follows:

That Section 19.15.B., Driveways and Parking Area Requirements to read as follows:

4. In the case where a single car garage is attached to the principal use, the driveway may be extended up to 6 9 feet into the side yard, as long as all set backs are met. ~~and the driveway extension occurs to the opposite side of the principal use.~~

SECTION 2: That Section 19.15.F, Design and Maintenance-Parking Spaces shall be amended which shall read as follows:

- d. ~~Existing circumstances (as of the effective date of this amendment) may require additional driveway width to comply with City parking ordinances.~~ The Zoning

Officer may approve, subject to certain conditions, the widening of a driveway up to an additional nine feet without the need for obtaining a variation pursuant to Section 1.15 of the Harvard Municipal Code.

Recommendation

Staff recommends the Administration Committee consider the attached Ordinance, and recommend the City Council adopt the Ordinance at their next regularly scheduled meeting.

ORDINANCE NO. 2023

An Ordinance Amending Chapter 19, Building Code, of the Harvard Municipal Code, Relating to Driveways and Parking Area Requirements

BE IT ORDAINED by the City Council of the CITY OF HARVARD, McHenry County, Illinois, as follows:

SECTION 1: That Section 19.15.B., Driveways and Parking Area Requirements shall be amended which shall read as follows:

4. In the case where a single car garage is attached to the principal use, the driveway may be extended up to 6 9 feet into the side yard, as long as all set backs are met. ~~and the driveway extension occurs to the opposite side of the principal use.~~

SECTION 2: That Section 19.15.F, Design and Maintenance-Parking Spaces shall be amended which shall read as follows:

- d. ~~Existing circumstances (as of the effective date of this amendment) may require additional driveway width to comply with City parking ordinances.~~ The Zoning Officer may approve, subject to certain conditions, the widening of a driveway up to an additional nine feet without the need for obtaining a variation pursuant to Section 1.15 of the Harvard Municipal Code.

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Aye:

Nay:

Absent:

Abstain:

APPROVED:

Michael Kelly, Mayor

(SEAL)

ATTEST: _____
Lori Moller, City Clerk

Passed:

Approved:

Published: In Pamphlet Form

CERTIFICATION

I, LORI MOLLER, do hereby certify that I am the duly elected, acting and qualified Clerk of the City of Harvard, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Aldermen of said City of Harvard.

I do hereby further certify that at a regular meeting of the Mayor and Aldermen of the City of Harvard, held on the ___ day of _____, 2023, the foregoing Ordinance entitled *An Ordinance Amending Chapter 19, Building Code, of the Harvard Municipal Code Relating to Driveways and Parking Area Requirements*, was duly passed by the Mayor and Aldermen of the City of Harvard.

The pamphlet form of Ordinance No. 2023-_____, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the ??? day of _____, 2023, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and corporate seal of the City of Harvard this _____ day of _____, 2023.

Lori Moller, City Clerk
City of Harvard,
McHenry County, Illinois

(SEAL)

304 Vacation Benefits

Effective Date: 07/02/2001

Revision Date: 05/01/2010, 9/1/2019, 11/1/2023

Vacation time off with pay is available to eligible active employees to provide opportunities for rest, relaxation, personal pursuits, or any other reason. All full-time and part-time employees are eligible to accrue vacation time commensurate with their hours worked. The City of O'Fallon, as a home rule community, has opted out of the Paid Leave for All Workers Act by Resolution. The accrual and use of vacation time is intended to comply with Illinois' Paid Leave for All Workers Act and all other applicable laws, and this policy shall be interpreted to conform with applicable law.

The City uses an accrual method for purposes of vacation time at a rate of at least one hour for every forty hours worked for eligible employees. Vacation will not be earned while on inactive employment status (including worker's compensation). For each full year of continuous employment, all full-time employees shall earn vacation leave on a weekly basis as follows (unless otherwise stipulated by collective bargaining agreement or the Library Board):

Accumulation Table (40 hour work week):

Years of Eligible Service	Annual Vacation	Weekly Hours Accrued
New Hire - 7 years	80 hours	1.54
8 - 14 years	120 hours	2.31
15 - 21 years	160 hours	3.08
22 and over	200 hours	3.85

New hires will typically be ineligible to use vacation time until after 90 days of continuous employment. However, at the request of a Department Head, the City Administrator or their designee may approve a new hire to use vacation time prior to this 90-day period for exceptional circumstances.

Exempt employees earn one additional week of vacation annually.

Exempt Accumulation Table (40 hour work week)

Years of Eligible Service	Annual Vacation Hired or moved to Exempt status before 5/1/2009	Annual Vacation Hired or moved to Exempt status after 5/1/2009	Weekly Hours Accrued
New Hire - 1 year	80 hours	80 hours	1.54
2 - 7 years	120 hours	120 hours	2.31
8 - 14 years	160 hours	160 hours	3.08
15 - 21 years	200 hours	200 hours	3.85
22 and over	240 hours	200 hours	4.61/ 3.85

NOTE FOR PART-TIME EMPLOYEES: Vacation eligibility will be based on the foregoing schedule but will be prorated based on the total number of hours of hours worked (does not include used benefit time).

The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

[KCL(L4)]

Paid vacation time can be used in minimum increments of one hour. To take vacation, employees should request advance approval of 7 calendar days [KCL(L5)] from their supervisors. If the need for vacation time is not foreseeable, employees must request approve as soon as it is practical after the employee is aware of the necessity of the leave. In some instances in which the use of vacation leave is not foreseeable, at the discretion of management, employees may be required to utilize sick time in accordance with the city of O'Fallon's sick time policy. employees shall provide notice as soon as practicable to their supervisors. Requests will be reviewed and may be denied based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, [KCL(L6)] bonuses, or shift differentials.

Employees are expected to use vacation time regularly and once the maximum account of accrual is reached (typically two years of accumulation), an employee will not continue to earn hours. Lost hours will not be replaced.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

Union contracts, Library Staff, or individuals with unique work schedules may have slightly different vacation provisions.

PAID LEAVE FOR ALL WORKERS ACT

Effective January 1, 2024



The Paid Leave for All Workers Act, Public Act (P.A.) 102-1143, will require employers, including municipalities, to provide 40 hours of paid leave to employees on an annual basis.

ESTABLISHING A MINIMUM PAID LEAVE STANDARD

Beginning January 1, 2024, employers must provide employees one hour of paid leave per 40 hours worked and allow them to carry over up to 40 hours of paid leave annually. Employers may set a minimum increment of no more than two hours per day for the use of paid leave. Paid leave accrued may be taken for any reason without documentation, but employers may set leave policies that require employees to provide notice of seven days for foreseeable leave and as soon as possible for unforeseeable leave.

MUNICIPAL PAID LEAVE ORDINANCES

The Act does not require municipalities to pass paid leave ordinances. The Act does not apply to employers, including municipalities, covered by a current ordinance that requires them to provide any form of paid leave to their employees.

NON-HOME RULE MUNICIPALITIES

Non-home rule municipalities currently have authority to adopt leave ordinances for their own municipal employees, but such ordinances do not apply to other employers within the community. Those other employers will be required to provide 40 hours of paid leave annually, as outlined in the Act. If a non-home rule municipality adopts a leave ordinance for their own employees after the Act's effective date, the ordinance must comply with the minimum paid leave standard outlined in the Act.

HOME RULE MUNICIPALITIES

Home rule municipalities currently have authority to adopt paid leave ordinances that apply to all employers within their community and may continue to adopt alternative ordinances after this Act's effective date. However, employers will be required to comply with both local and state standards if those ordinances do not meet the state's minimum required benefits. Nothing in this Act preempts a home rule municipality from adopting ordinances providing broader or more expansive paid leave requirements for employers within that specific community.



EMPLOYER RESPONSIBILITIES UNDER PAID LEAVE FOR ALL WORKERS ACT

Employers will be required to maintain records documenting hours worked, paid leave accrued and taken and the paid leave balance for each employee for at least three years. Employers will also have notification responsibilities including posting a physical notice summarizing the Act, information on filing a complaint and supplying employees with notice of their amount of accrued time. Additionally, employers will be barred from retaliating against employees for using paid leave.

Employers will be subject to penalties for violations of the Act including fines of up to \$1,000 per violation of the Act's posting and notice requirements, up to \$2,500 for all other violations and possible civil penalties and damages to the employee.

EXCEPTIONS TO PAID LEAVE POLICY

The Act does not preempt or alter leave benefits subject to current collective bargaining agreements. The Act does not apply to federal employees, or school district and park district employees. Other excluded workers include: independent contractors, railroad employees subject to railroad unemployment insurance or the Railway Labor Act, part-time student employees who are employed by a college or university and short-term employees at institutions of higher education.

ADDITIONAL RESOURCES

The Illinois Department of Labor (IDOL) will monitor employer compliance and enforce the Act ([more information available via this link](#)). IDOL has compiled a list of Frequently Asked Questions about the Act ([available via this link](#)) and those particularly applicable to municipal employers are listed below. Specific questions or comments related to the Act can be submitted by email to IDOL at DOL.PaidLeave@illinois.gov.

FREQUENTLY ASKED QUESTIONS COMPILED BY IDOL

DOES THE ACT APPLY TO PART-TIME EMPLOYEES OR JUST FULL-TIME EMPLOYEES?

The Act doesn't distinguish between part-time, full-time or seasonal employees. Both full-time and part-time employees are covered by this Act. However, employees who work fewer hours may accrue less leave time compared to full-time employees.

MY COMPANY (OR MUNICIPALITY) ALREADY OFFERS EMPLOYEES 40+ HOURS OF PAID LEAVE. DOES MY POLICY NEED TO COMPLY WITH THE OTHER REQUIREMENTS OF THE ACT?

If your company has an existing policy that meets or provides the minimum amount of leave required by the Act (40 hours) in a 12-month period and your employees can in fact take that amount of leave for any reason of their choosing, you do not need to modify the terms of your policy.

IDOL expects to further clarify how existing policies meet expectations of the law in rulemaking.

MUST PAID LEAVE PROVIDED UNDER THE ACT BE PAID OUT UPON AN EMPLOYEE'S TERMINATION, RESIGNATION OR RETIREMENT?

The Paid Leave for All Workers Act (PLAWA) does not require payout of unused leave unless the leave is credited to the employee's paid time off bank or employee vacation account; however, employers should additionally consider their vacation payout obligations under the Illinois Wage Payment and Collection Act.

COOK COUNTY HAS A PAID LEAVE ORDINANCE, BUT MUNICIPALITIES ARE ALLOWED TO OPT OUT OF THAT COUNTY ORDINANCE. ARE EMPLOYERS LOCATED IN MUNICIPALITIES WHICH OPTED OUT REQUIRED TO COMPLY WITH THE ACT?

Yes, if on the effective date of the Act (1/1/24) a municipality does not have an ordinance in place that requires payment of paid sick or paid leave, then employers in that municipality shall be covered by this Act.

MAY MUNICIPALITIES OPT OUT OF PLAWA USING THEIR HOME RULE POWERS?

No. Under the Act, the only circumstance in which a municipality may avoid PLAWA coverage is if they have a local ordinance in effect that provides paid sick or paid leave or, after the effective date, if their local ordinance provides benefits, rights and remedies that are greater than or equal to those provided under the Act.

THIS COULD NEGATIVELY IMPACT LOCAL GOVERNMENTS WITH POLICE AND FIRE PERSONNEL, WHAT ARE THEY SUPPOSED TO DO?

The Act does not prohibit an employer from adopting an evenly applied paid leave policy to allow it to address operational issues and meet safety objectives. Employers of unionized employees can also address these concerns through collective bargaining.

CAN I DENY AN EMPLOYEE USE OF PAID LEAVE UNDER THIS LAW? PUT DIFFERENTLY, IS AN EMPLOYEE ALLOWED TO TAKE LEAVE UNDER THIS ACT IN ANY CIRCUMSTANCE?

Nothing in the Act prohibits an employer from adopting a policy that establishes some parameters for taking leave and limited reasons the employer may deny leave for operational necessity. Any such policy must be communicated to employees, applied equally to all employees and conform with other applicable state and federal laws.

IDOL will seek to provide further clarity regarding this issue in rulemaking.

AT WHAT INCREMENT CAN EMPLOYEES TAKE THIS LEAVE UNDER THE LAW?

An employee may take PLAWA leave at a minimum of two-hour increments, although an employer could choose to allow an employee to take leave in smaller increments. An employer whose existing policy meets the minimum requirement of 40 hours of paid time off for any reason of the Act would not have to modify that existing policy in regards to leave increments.

CAN AN EMPLOYER FRONT LOAD PAID LEAVE TIME AT THE BEGINNING OF THE YEAR?

Yes, an employer may front load paid leave time by giving a full year's worth of leave that meets the minimum requirements of the Act to an employee at the beginning of the year.

An employer may make available the minimum number of hours of paid leave, subject to pro rata requirements, a proportional share of accrued hours, under the law, at the beginning of the year for its employees.

IF OUR BUSINESS WANTS TO FRONT LOAD PLAWA BENEFITS FOR PART-TIME STAFF, DOES THE BUSINESS HAVE TO FRONT LOAD 40 HOURS OR CAN I FRONT LOAD AN AMOUNT PROPORTIONATE TO THEIR WORK SCHEDULE?

Employers may front load PLAWA benefits for part-time employees at a pro rata amount consistent with the employee's work schedule. However, if the employee in fact works more



hours than the employer anticipates, the employee is entitled to accrue more hours at a rate of 1 hour of paid leave for every 40 hours worked, up to 40 hours for the 12-month period. If a part-time employee works fewer hours than anticipated by their employer, the employer may not diminish or recoup used or unused front-loaded paid leave benefits.

CAN AN EMPLOYER REQUIRE EMPLOYEES TO ACCRUE PAID LEAVE TIME OVER THE COURSE OF THE YEAR?

Yes, instead of front loading leave benefits, an employer may allow employees to accrue or earn paid leave time at a rate of one hour of paid leave for every 40 hours worked. Notably, a part-time employee might not accrue the full 40 hours of leave provided for in the law by the end of the year, based on the number hours the employee works.

Example: Employee A works 15 hours per week, 52 weeks per year. They will accrue 19.5 hours of paid leave annually. (15 times 52 = 780 hours worked per year. 780 divided by 40 = 19.5 hours of paid leave.)

WHEN DOES ACCRUAL BEGIN UNDER THE ACT? WHEN CAN EMPLOYEES START TAKING PAID TIME OFF?

The Act takes effect January 1, 2024. Accrual begins upon the start of employment or January 1, 2024, whichever is later. Employees are entitled to begin using the accrued paid leave after 90 days. If an employee begins accruing paid leave on January 1, 2024, the first day they could take that paid time off would be March 31, 2024.

Example: The Paid Leave for All Workers Act takes effect January 1, 2024. Six months later, Employee B starts a new job on July 1, 2024, and works 40 hours per week. They start accruing paid leave on their first day (July 1) but must wait 90 days (until September 29, 2024) before taking any of their accrued paid leave.

Example: Employee C has worked for their employer since 2019 but did not previously get paid time off. Employee C will begin accruing paid time off beginning January 1, 2024 (the effective date of the Act.)

HOW DOES ACCRUAL APPLY TO EMPLOYEES WHO WORK MORE THAN 40 HOURS IN A WEEK BUT ARE EXEMPT FROM THE OVERTIME REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT?

Employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40 hours in each workweek for purposes of paid leave time accrual if they regularly work 40 or more hours in a workweek. If such employee's regular workweek is less than 40 hours, their paid leave time accrues based on the number of hours in their regular workweek.

IF AN EMPLOYER ALLOWS EMPLOYEES TO BORROW AGAINST FUTURE ACCRUAL, THEREBY MAKING THE EMPLOYEE'S PAID LEAVE BALANCE GO NEGATIVE, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE IF THE EMPLOYEE TERMINATES BEFORE THEY HAVE EARNED THAT LEAVE?

An employer may only make an employee repay borrowed accrued leave if that policy is disclosed in the employer's written paid leave policy and the employee agrees to that policy in writing prior to taking any leave. All payroll deductions must comply with the requirements of the Illinois Wage Payment and Collection Act.

IF AN EMPLOYER FRONTLOADS AN EMPLOYEE'S PAID LEAVE AT THE BEGINNING OF THE 12-MONTH PERIOD, AND THE EMPLOYEE USES ALL OF THEIR LEAVE AND THEN QUILTS BEFORE THE END OF THE 12-MONTH PERIOD, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE?

No, the law does not allow an employer to make an employee repay paid leave time that was frontloaded at the beginning of the 12-month period. Benefits that have already been provided may not be retroactively diminished.

HOW CAN AN EMPLOYER TRACK THE TIME REQUIRED UNDER THIS ACT VERSUS OTHER BENEFIT TIME GIVEN TO THE EMPLOYEE?

The Act requires employer tracking of paid time off for any reason. If the employer chooses to offer paid sick time or other forms of paid time off in addition to paid leave, they should track that too as a best practice, but it is not covered by this Act.

IS THERE A DIFFERENCE BETWEEN "VACATION" AND "PTO" (PAID TIME OFF)?

Generally speaking, PTO is leave that can be taken for any reason or no reason at all and may not have to be paid out to an employee upon separation. Leave specified as "vacation" leave is subject to pay out pursuant to Section 4 of the Wage Payment and Collection Act.

HOW WILL PLAWA INTERACT WITH FMLA?

The Family and Medical Leave Act (FMLA) is unpaid job protected leave that can only be used by covered employees in covered circumstances. Employees going on FMLA may use PLAWA time concurrently during their FMLA leave. [All FMLA questions should be directed to the [United States Department of Labor](#)]

HOW DOES CARRY OVER, ALSO KNOWN AS "ROLL OVER," WORK UNDER THIS LAW?

Employees are allowed to carry over or roll over unused, accrued leave from one year to the next under this law. However, there is no obligation for the employer to offer more than 40 hours of paid leave off in a year. An employer may offer more than the 40 hours off if they choose.

HOW DOES THIS LAW INTERACT WITH OTHER UNPAID LEAVE PROTECTIONS?

An employee covered under the Act is entitled to use paid leave under the Act before using unpaid leave under any employer policy or other state law.

WHEN WILL IDOL HAVE RULES IN PLACE FOR THIS ACT?

The Department anticipates filing a draft of the rules before the effective date of this Act. Under the rulemaking process there will then be a public comment period on those rules and a time period for the Department to make any changes. Finalized rules should be in place before March 31, 2024.

WHEN WILL THE NOTICE THAT IS REQUIRED IN THE ACT BE AVAILABLE FROM THE DEPARTMENT?

The required notice will be on our website by the end of 2023.