

A RESOLUTION AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT
AS AMENDED, BETWEEN THE VILLAGE OF ORLAND PARK AND THE
ORLAND PARK METROPOLITAN EXPOSITION, AUDITORIUM AND
OFFICE BUILDING AUTHORITY

WHEREAS, the Village of Orland Park is currently initiating the development of the Village Center; and

WHEREAS, the Orland Park Metropolitan Exposition, Auditorium and Office Building Authority desires to construct an Exhibition Hall as Sub-Phase A of Phase 1 of its Civic Center project; and

WHEREAS, the proposed Exhibition Hall will be an integral part of the entire Village Center development; and

WHEREAS, the State of Illinois has indicated that subject to a successful application it will make available a grant to assist in funding the proposed Exhibition Hall; and

WHEREAS, the Village of Orland Park will donate land and finance public improvements related to the Exhibition Hall, as well as absorb operating deficits generated by Sub-Phase A of the Phase 1 facility.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Orland Park:

1. That the Village enter into an Intergovernmental Agreement in substantial conformance with the attached draft being Exhibit A.
2. That said Agreement will provide for:
 - (a) Transfer of ownership of a 3-acre parcel of land to the Authority.
 - (b) Outline exact financial commitments and specific services to be contributed by the Village.
 - (c) Commit the Village to fund all operating deficits in part by utilizing a system of Village user-hours in compensation.
3. That any and all resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed insofar as they conflict herewith.
4. That the Officers of the Municipality are hereby authorized and directed to make such further covenants, estimates, representations, or assurances as may be necessary or advisable to the end that the Agreement conforms to Village, State and Orland Park Metropolitan Exposition, Auditorium and Office Building Authority requirements and to execute such documents.

PASSED this 21st day of April, 1986.


Village Clerk

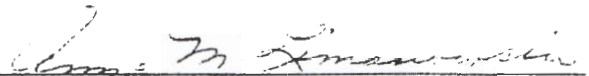
VOTING AYE: Trustees O'Sullivan, Harlan, Ciccone, Nogal, McLaughlin,
Murphy, and President Owens

VOTING NAY: None

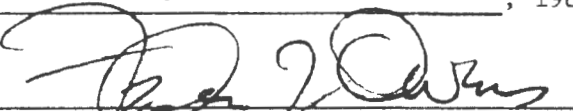
ABSENT: None

ABSTAIN: None

DEPOSITED in my office this 21st day of April, 1986.


Village Clerk

APPROVED this 21st day of April, 1986.


Village President

INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE
OF ORLAND PARK, COOK COUNTY, ILLINOIS AND THE
ORLAND PARK METROPOLITAN EXPOSITION, AUDITORIUM
AND OFFICE BUILDING AUTHORITY, COOK COUNTY,
ILLINOIS.

THIS AGREEMENT, made this _____ day of _____, 1986,
by and between the VILLAGE OF ORLAND PARK, an Illinois Municipal Corporation,
(hereinafter referred to as "VILLAGE":), and the ORLAND PARK METROPOLITAN
EXPOSITION, AUDITORIUM AND OFFICE BUILDING AUTHORITY, (hereinafter referred
to as "AUTHORITY"),

W I T N E S S E T H :

WHEREAS, the VILLAGE OF ORLAND PARK is a home rule unit of local
government, as defined by Article VII, Section 1 and Section 6, of the
Constitution of the State of Illinois; and

WHEREAS, the ORLAND PARK METROPOLITAN EXPOSITION, AUDITORIUM AND
OFFICE BUILDING AUTHORITY is a unit of local government as defined by Article
VII, Section 1 of the Constitution of the State of Illinois, and as
established by the Orland Park Civic Center Act, Chapter 85, Section 3701, et
seq., of the Illinois Revised Statutes; and

WHEREAS, units of local government are enabled by Article VII,
Section 10, of the Constitution of Illinois to enter into agreements among
themselves to

...obtain or share services and to exercise, combine, or transfer
any power or function in any manner not prohibited by law or by
ordinance..., or may use their credit, revenues, and other
resources to pay costs and to service debt related to intergovern-
mental activities...

and

EXHIBIT A

WHEREAS, the VILLAGE and the AUTHORITY, pursuant to the Inter-governmental Cooperation Act, Chapter 127, Section 741 et seq. of the Illinois Revised Statutes, are permitted to enter into agreements to perform any governmental service, activity, or undertaking which either of them entering into this agreement is authorized by law to perform, and to exercise jointly any powers or power, privilege, or authority which either of the parties entering into this Contract is authorized by law to perform; and

WHEREAS, the VILLAGE and the AUTHORITY propose to construct various facilities within that area of the VILLAGE OF ORLAND PARK commonly described as the Orland Park Village Center; and

WHEREAS, the AUTHORITY proposes to construct an Exhibition Hall as Sub-Phase A of Phase I of its construction program within the said Orland Park Village Center; and

WHEREAS, the AUTHORITY has submitted a grant application to the Department of Commerce and Community Affairs under the Metropolitan Civic Center Support Act, Chapter 85, Section 1391 et seq., of the Illinois Revised Statutes and the Department, if the application is certified, will agree pursuant to an intergovernmental agreement with the AUTHORITY to provide State financial support in the amount of \$1,550,000; and

WHEREAS, the VILLAGE is in accord with and has made various commitments in the AUTHORITY'S application to the Department of Commerce and Community Affairs; and

WHEREAS, pursuant to said AUTHORITY application, various responsibilities are placed upon the VILLAGE and the AUTHORITY; and

WHEREAS, the VILLAGE and the AUTHORITY hereby desire to set forth their respective agreements with respect to the construction and operation of the Exhibition Hall and Sub-Phase A of Phase 1 of said Orland Park Village Center.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, and for other good and valuable considerations, it is agreed by and between the VILLAGE and AUTHORITY as follows:

1. The AUTHORITY agrees to process diligently with the Illinois Department of Commerce and Community Affairs, its application for State financial support to construct the Exhibition Hall which has been designated as Sub-Phase A of Phase 1 of the Orland Park Village Center.

2. The VILLAGE agrees to convey to the AUTHORITY merchantable title to the real estate on which said Exhibition Hall is to be located, consisting of approximately 3 acres of real estate valued at \$253,000 and legally described on Exhibit A attached hereto and made a part hereof. Said real estate shall be conveyed to the AUTHORITY not later than thirty (30) days after the AUTHORITY has been certified by the Department of Commerce and Community Affairs to receive State financial support of \$1,550,000., (Exhibits B and C). Subject to the provisions of this Agreement, the VILLAGE and the AUTHORITY agree that the AUTHORITY will reconvey said real estate and the improvements made thereto to the VILLAGE at the time that the Illinois Civic Center Bonds, Series 1985, have matured, or after a period of ninety-nine years from the date of this agreement, whichever event first occurs.

MUNICIPAL CONTRIBUTIONS

3. The VILLAGE agrees to contribute as part of the local match required for State financial support, and as outlined in the AUTHORITY'S application to the Department of Commerce and Community Affairs and by this Agreement, and to construct, at the VILLAGE'S expense, the following public improvements to serve the Exhibition Hall:

- (a) Parking facilities for motor vehicles, such facilities to include paved, striped, lighted parking for not less than 250 vehicles;
- (b) Roadway improvements as outlined in Exhibit C;
- (c) Water service to within 100 feet of the Exhibition Hall;
- (d) Sanitary Sewer service, to within 100 feet of the Exhibition Hall;
- (e) Adequate detention pond and storm sewer mains to within 100 feet of the Exhibition Hall;
- (f) Approved first floor pad elevation (as set by the VILLAGE'S Engineering Consultant) compacted and rough-graded to ± 0.30 feet.

The above described public improvements shall be constructed pursuant to plans and specifications attached hereto as Exhibit D and as outlined in the AUTHORITY'S application to the Department of Commerce and Community Affairs for State financial support.

It is further agreed by the VILLAGE that the total cost for said improvement construction by the VILLAGE shall be no less than \$313,667.00, which is estimated to be as follows:

- (a) Parking facilities
- (b) Roadway improvements
- (c) Water Main
- (d) Sanitary Sewer
- (e) Storm Sewer facilities
- (f) Rough grading

TOTAL: \$313,667.00

In any event, the VILLAGE agrees that the total real estate conveyed and the improvements for the AUTHORITY shall be of a value of not less than \$556,667.00, as committed by the VILLAGE in the AUTHORITY'S application to the Department of Commerce and Community Affairs for State financial support.

4. The VILLAGE agrees that it or its assigned designee shall assume responsibility for all exterior maintenance of lawns and landscaping, snow plowing of drives, parking areas and sidewalks. The AUTHORITY shall be responsible for paying its share of these services to be prorated as follows:

10%. The AUTHORITY shall be responsible for all other maintenance and repairs to exterior lighting and Exhibition Center structure and facilities. Repairs to sidewalks, drives, and parking areas

not constructed as part of the VILLAGE matching funds provided to the AUTHORITY as described in Paragraphs 2 and 3 of this Agreement, and as outlined in the AUTHORITY'S application to the Department of Commerce and Community Affairs, shall be the responsibility of the AUTHORITY. The VILLAGE shall have the main service road and parking lot shown on Exhibit C constructed within the timetable included in the AUTHORITY'S application, and as a portion of the VILLAGE'S agreement to provide the local share required for receipt of State financial support. Upon completion of the main service road and parking lot, the AUTHORITY agrees to dedicate to the VILLAGE the said road with a thirty (30) foot right-of-way and also said parking lot.

5. The VILLAGE hereby agrees and is committed to working with the AUTHORITY and providing the financial support necessary to the AUTHORITY for completion of Sub Phase A of Phase I construction program within the ORLAND PARK VILLAGE CENTER.

SITE DEVELOPMENT

6. The AUTHORITY agrees to construct, at its own expense, and within the initial funds provided by the Department of Commerce and Community Affairs, plus any other funds available to it for this purpose, the following improvements to serve the Exhibition Center, to-wit:

- a. Final grading
- b. Any and all retaining walls, berms, or similar grade control features necessary for the Exhibition Center, subject to the Village Center Comprehensive Plan Amendment.

- c. Sodding and/or controlled seeding on all green spaces designated by the AUTHORITY
- d. Sidewalks and similar pedestrian use areas
- e. Final utility connections of water, sewer and storm water lines
- f. Any telephone, computer, electrical, gas, or similar private or public utility lines which traverse the property and service the Exhibition Center
- g. Exterior lighting

7. The AUTHORITY agrees to develop on its site only those improvements, architectural features, structure, courtyards, landscaping elements, signage, and exterior lighting features, as outlined in a report known as "The Village Center Design Guidelines", to be issued no later than January 1, 1987, by the VILLAGE, provided, however, that such improvements, architectural features, structure, courtyards, landscaping elements, signage, and exterior lighting features are not inconsistent with the AUTHORITY'S application as certified by the Department of Commerce and Community Affairs. As an alternative, the AUTHORITY may develop on its site those improvements and exterior lighting features as agreed by the VILLAGE and as approved by the Department of Commerce and Community Affairs. All construction shall be subject to the existing ordinances and codes of the VILLAGE.

8. The AUTHORITY and the VILLAGE agree to allow each other the use of their respective parking facilities without charge. (However, the AUTHORITY shall retain the right to charge the public for parking fees.) The VILLAGE agrees that in the event any of its activities generate such demand for

parking on a regular or repeated basis that the AUTHORITY'S ability to effectively operate the activities of the Exhibition Center is compromised, the VILLAGE shall expand its parking area to alleviate and satisfy the demand.

9. The AUTHORITY agrees to cooperate and consider requests by the VILLAGE to construct roadways, utility lines, drainage facilities, landscaping, parking facilities and sidewalks on AUTHORITY property when such proposed construction is not detrimental to the Exhibition Hall and is consistent with the VILLAGE Center Comprehensive Plan Amendment, and not inconsistent with the application certified by the Department of Commerce and Community Affairs, or the Orland Park Civic Center Act (IRS, Chap. 85, par. 3701, et seq.) and other applicable laws.

10. The AUTHORITY agrees that joint use and access covenants and easements with the VILLAGE shall be established for all exterior public use features of the AUTHORITY property, including sidewalks, courtyards, main access drives, parking areas, and similar facilities.

11. It is intended that as the Village Center development progresses, an association of prime tenants or developers, similar in organization to a condominium management association, shall be formed to guide and assist the development process. This association is planned so that each component of the Village Center development will be coordinated with the operational needs of existing tenants or property owners. The AUTHORITY shall be designated as having an equal voice or role in this association as any other member.

12. The VILLAGE agrees that it will consistently, through its staff or a designated marketing agency or master developer, attempt to further the development of the Village Center property not owned by the AUTHORITY.

13. The AUTHORITY agrees to make every reasonable attempt to operate the Exhibition Center in a diligent, effective and efficient manner. The VILLAGE agrees to fund all annual operating deficits for five (5) years commencing with the opening of the facility. Thereafter, this agreement, only as it relates to operating deficits, may be renegotiated for five (five) year periods, but in each such period, funding of the operating deficit shall not be less per year than: (a) actual amount of the deficit; or (b) average annual deficit for the 3 years prior to the date of the amendment, whichever is less.

14. The AUTHORITY, with the advice of the VILLAGE, shall be responsible for the determination of duties and compensation of a Manager for the operation of the Exhibition Center. The AUTHORITY shall be responsible for the selection/dismissal of the Manager.

15. The AUTHORITY shall prepare an annual budget and present it to the VILLAGE at least 90 days prior to the beginning of the AUTHORITY'S fiscal year which shall be May 1st through April 30th. The VILLAGE shall examine the budget and render its written comments thereon within the 30-day period after receipt of the budget. Within the following 30 days the AUTHORITY shall respond in writing to the VILLAGE Board's comments. Prior to the beginning of the AUTHORITY'S fiscal year, the AUTHORITY shall take action to adopt its budget in final form. While final approval of the Budget shall rest in the discretion of the AUTHORITY, the purpose of the review described in this Section 15 is to seek the VILLAGE Board's advice and comment.

16. The AUTHORITY shall be responsible for applying for grants, foundation assistance, private contributions, and other revenue generating sources to assure an active and vital role for the Exhibition Center

programs, activities and operating expenses. Application for arts, cultural programming, or other assistance may be sought from: The Illinois Arts Council, the National Endowment for the Arts, the Joyce Foundation, the Illinois Tourism Matching Grant Program through the Department of Commerce and Community Affairs, and other similar sources.

17. The VILLAGE shall be compensated for up to 65% of the operating deficit generated by the AUTHORITY through VILLAGE reservation and use of the facility at then current rates for the type of space reserved as compensation for and reduction of the deficit. Priority for use of the facility, however, shall remain with other public or private users on a reservation basis.

18. The VILLAGE shall make available to the AUTHORITY, at no charge, the use of its VILLAGE Board chambers/meeting room, tentatively planned as a 200 to 400 fixed seat facility. The scheduling of use of this facility shall be mutually agreed upon by the VILLAGE and the AUTHORITY. The facility shall be made available to the AUTHORITY no less than (30) times per year. The VILLAGE reserves the right to limit certain uses which may generate greater than normal maintenance or repair needs unless mutually agreeable terms can be established. The VILLAGE agrees the income generated from the AUTHORITY'S use of this facility may be used for operations of the AUTHORITY.

REVERSION CLAUSE

The VILLAGE and the AUTHORITY agree that at the time the Illinois Civic Center Bonds, Series 1985, have matured, or after a period of ninety-nine

(99) years from the date of this Agreement, whichever occurs first, the facility designated as Phase 1, Sub-Phase A will become the property of the VILLAGE OF ORLAND PARK.

IN WITNESS WHEREOF, the VILLAGE and AUTHORITY have caused this Agreement to be duly executed by their authorized officers pursuant to Resolution passed by the respective Corporate Authorities thereof.

ORLAND PARK METROPOLITAN EXPOSITION,
AUDITORIUM AND OFFICE BUILDING
AUTHORITY

By: _____
Chairman

ATTEST:

Secretary

VILLAGE OF ORLAND PARK

By: _____
Village President

ATTEST:

Village Clerk

construction or maintenance work or for the delivery of materials, supplies or equipment.

The Board shall have the right to reject all bids and to readvertise for bids. If after any such advertisement no responsible and satisfactory bid, within the terms of the advertisement, shall be received, the Board may award such contract, without competitive bidding, provided that it shall not be less advantageous to the Authority than any valid bid received pursuant to advertisement.

The Board shall adopt rules and regulations to carry into effect the provisions of this Section.

3627. Advertisements—Bids

§ 3-27. Advertisement for bids shall be published at least twice in a daily newspaper of general circulation published in the metropolitan area, the last publication to be at least 10 calendar days before the time for receiving bids, and such advertisements shall also be posted on readily accessible bulletin boards in the principal office of the Authority. Such advertisements shall state the time and place for receiving and opening of bids, and by reference to plans and specifications on file at the time of the first publication, or in the advertisement itself, shall describe the character of the proposed contract in sufficient detail to fully advise prospective bidders of their obligations and to insure free and open competitive bidding.

All bids in response to advertisements shall be sealed and shall be publicly opened by the Board, and all bidders shall be entitled to be present in person or by representatives. Cash or a certified or satisfactory cashier's check, as a deposit of good faith, in a reasonable amount to be fixed by the Board before advertising for bids, shall be required with the proposal of each bidder. Bond for faithful performance of the contract with surety or sureties satisfactory to the Board and adequate insurance may be required in reasonable amounts to be fixed by the Board before advertising for bids.

The contract shall be awarded as promptly as possible after the opening of bids. The bid of the successful bidder, as well as the bids of the unsuccessful bidders, shall be placed on file and be open to public inspection. All bids shall be void if any disclosure of the terms of any bid in response to an advertisement is made or permitted to be made by the Board before the time fixed for opening bids.

Any bidder who has submitted a bid in compliance with the requirements for bidding may bring a civil action in the circuit court in Kane County to compel compliance with the provisions of this Act relating to the awarding of contracts by the Board.

3628. Report—Financial statement

§ 3-28. As soon after the end of each fiscal year as may be expedient, the Board shall cause to be prepared and printed a complete and detailed report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of such report shall be printed for distribution to persons interested, upon request and a copy thereof shall be filed with the County Clerk and the appointing officers.

3629. Property tax exemption

§ 3-29. All property of the Authority shall be exempt from taxation by the State or any taxing unit therein.

3630. State financial support

§ 3-30. The Authority created by this Act shall receive financial support from the State in the amounts provided for in Section 4 of the Metropolitan Civic Center Support Act.¹

¹ Paragraph 1394 of this chapter.

3631. Anti-trust laws—State action exemption

§ 3-31. The Authority is hereby expressly made the beneficiary of the provisions of Section 1 of "An Act to make explicit the authorization for units of local government and certain other governmental bodies to act as permitted by statute or the Illinois Constitution, notwithstanding effects on competition", amendatory veto overridden November 3, 1983,¹ and the General Assembly intends that the "State action exemption" to the application of the federal anti-trust laws be fully available to the Authority to the extent its activities are either (1) expressly or by necessary implication authorized by this Act or other Illinois law, or (2) within traditional areas of local governmental activity.

¹ Paragraph 3901 of this chapter.

ORLAND PARK CIVIC CENTER ACT

AN ACT relating to civic center authorities and other metropolitan authorities and amending certain Acts herein named. P.A. 83-1456, Art. 4, approved and eff. Sept. 17, 1984.

3701. Short title

§ 4-1. This Article 4 shall be known and may be cited as the "Orland Park Civic Center Act".

3702. Definitions

§ 4-2. As used in this Article, unless the context otherwise requires:

"Authority" means the Orland Park Metropolitan Exposition, Auditorium and Office Building Authority.

"Governmental Agency" means the Federal government, the State of Illinois, any unit of local government or school district, and any agency or instrumentality thereof.

"Person" means any individual, firm, partnership, corporation, foreign or domestic company, association or joint-stock association; and includes any trustee, receiver, assignee or personal representative thereof.

"Board" means the governing and administrative body of the Orland Park Metropolitan Exposition, Auditorium and Office Building Authority.

"Metropolitan Area" means all that territory which lies within the corporate boundaries of the Village of Orland Park.

3703. Orland Park Metropolitan Exposition, Auditorium and Office Building Authority—Creation

§ 4-3. There is hereby created a unit of local government known as the Orland Park Metropolitan Exposition, Auditorium and Office Building Authority in the metropolitan area.

The Authority may sue and be sued in its own name but execution shall not in any case issue against any property of the Authority. The Authority may adopt a common seal and change such seal at pleasure. The principal

ice of the Authority shall be in the Village of Orlando.

14. Duties

§ 4-4. It shall be the duty of the Authority to promote, create and maintain expositions, conventions, or theatrical, sports or cultural activities from time to time in the metropolitan area and in connection therewith to arrange, finance and maintain industrial, cultural, educational, theatrical, sports, trade or scientific exhibits and to lease or construct, equip and maintain auditoriums, exposition buildings or office buildings for such purposes. The Authority is granted all rights and powers necessary to perform such duties.

15. Rights and duties

§ 4-5. The Authority shall have the following rights and duties: (a) To acquire, purchase, own, construct, lease or in any other way acquire, improve, extend, repair, reconstruct, regulate, operate, equip and maintain fair or exposition grounds, convention or exhibition centers, civic auditoriums, and office and municipal buildings, including sites and parking areas and facilities therefor located within the metropolitan area.

(b) To enter into contracts dealing in any manner with the objects and purposes of this Act.

(c) To plan for such grounds, centers and auditoriums and to plan, sponsor, hold, arrange, and finance fairs, industrial, cultural, educational, trade and scientific exhibits, shows and events and to use or allow the use of such grounds, centers and auditoriums for the holding of fairs, exhibits, shows and events, whether conducted by the Authority or some other person or governmental agency.

(d) To fix and collect just, reasonable and nondiscriminatory charges and rents for the use of such parking areas and facilities, grounds, centers, buildings and auditoriums, and to collect admission charges to fairs, shows, exhibits and events sponsored or held by the Authority. The charges collected may be made available to defray the reasonable expenses of the Authority and to pay the principal of and the interest on any bonds issued by the Authority.

3706. Obligations of Authority—Funds

§ 4-6. The Authority shall not incur any obligations for salaries or office or administrative expenses except within the amounts of funds which will be available to it when such obligations become payable.

3706.1. Prompt payment

§ 4-6.1. Purchases made pursuant to this Act shall be made in compliance with the "Local Government Prompt Payment Act", approved by the Eighty-fourth General Assembly.¹

Added by P.A. 84-731, § 33, eff. July 1, 1987.

¹ Paragraph 5601 et seq. of this chapter.

3707. Acquisition of property—Grants, loans and appropriations

§ 4-7. The Authority shall have the power to acquire and accept by purchase, lease, gift or otherwise any property or rights from any person or governmental agency useful for its purposes, and to apply for and accept grants, matching grants, loans or appropriations from the State of

Illinois or any agency or instrumentality thereof to be used for any of the purposes of the Authority, and to enter into any agreement with the State of Illinois in relation to such grants, matching grants, loans or appropriations.

3708. Federal government—Grants, loans and appropriations

§ 4-8. The Authority shall have the power to apply for and accept grants, matching grants, loans or appropriations from the Federal Government or any agency or instrumentality thereof to be used for any of the purposes of the Authority, and to enter into any agreement with the Federal Government in relation to such grants, matching grants, loans or appropriations.

3709. Insurance and indemnity contracts

§ 4-9. The Authority shall have the power to procure and enter into contracts for any type of insurance and indemnity against loss or damage to property from any cause, against loss of use and occupancy, against employers' liability, against any act of any member, officer, or employee of the Board in the performance of the duties of his office or employment, or against any other insurable risk.

3710. Power to borrow money—Bonds—Issuance and disposition

§ 4-10. The Authority shall have continuing power to borrow money for the purpose of carrying out and performing its duties and exercising its powers under this Act.

For the purpose of evidencing the obligation of the Authority to repay any money borrowed as aforesaid, the Authority may, pursuant to ordinance adopted by the Board, from time to time issue and dispose of its interest bearing revenue bonds, and may also from time to time issue and dispose of its interest bearing revenue bonds to refund any bonds at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders thereof. All such bonds shall be payable solely from the revenues or income to be derived from the fairs, expositions, exhibitions, rentals and leases and other authorized activities operated by the Authority, and from funds, if any, received and to be received by the Authority from any other source. Such bonds may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may bear interest at such rate or rates, not exceeding the maximum rate permitted by "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended,¹ may be in such form, may carry such registration privileges, may be executed in such manner, may be payable at such place or places, may be made subject to redemption in such manner and upon such terms, with or without premium as is stated on the face thereof, may be executed in such manner and may contain such terms and covenants, all as may be provided in the ordinance. In case any officer whose signature appears on any bond ceases (after attaching his signature) to hold office, his signature shall nevertheless be valid and effective for all purposes. The holder or holders of any bonds, or interest coupons appertaining thereto, issued by the Authority may bring mandamus, injunction, civil actions and proceedings to compel the

performance and observance by the Authority or any of its officers, agents or employees or any contract or covenant made by the Authority with the holders of such bonds or interest coupons and to compel the Authority and any of its officers, agents or employees to perform any duties required to be performed for the benefit of the holders of any such bonds or interest coupons by the provisions of the ordinance authorizing their issuance, and to enjoin the Authority and any of its officers, agents or employees from taking any action in conflict with any such contract or covenant.

Notwithstanding the form and tenor of any such bonds and in the absence of any express recital on the face thereof that it is non-negotiable, all such bonds shall be negotiable instruments under the Uniform Commercial Code of the State of Illinois.²

From and after the issuance of any bonds as herein provided it shall be the duty of the corporate authorities of the Authority to fix and establish rates, charges, rents, and fees for the use of facilities acquired, constructed, reconstructed, extended or improved with the proceeds of the sale of said bonds sufficient at all times, with other revenues of the Authority, to pay:

(a) The cost of leasing, maintaining, repairing, regulating and operating the facilities; and

(b) The bonds and interest thereon as they shall become due, and all sinking fund requirements and other requirements provided by the ordinance authorizing the issuance of the bonds or as provided by any trust agreement executed to secure payment thereof.

To secure the payment of any or all of such bonds and for the purpose of setting forth the covenants and undertakings of the Authority in connection with the issuance thereof and the issuance of any additional bonds payable from such revenue income to be derived from the fairs, recreational, theatrical or cultural expositions, sport activities, exhibitions, office rentals, and air space leases and rentals, and other revenue, if any, the Authority may execute and deliver a trust agreement or agreements; provided that no lien upon any physical property of the Authority shall be created thereby.

A remedy for any breach or default of the terms of any such trust agreement by the Authority may be by mandamus, injunction, civil actions and proceedings in any court of competent jurisdiction to compel performance and compliance therewith, but the trust agreement may prescribe by whom or on whose behalf such action may be instituted.

Before any such bonds (excepting refunding bonds) are sold, the entire authorized issue, or any part thereof, shall be offered for sale as a unit after advertising for bids at least 3 times in a daily newspaper of general circulation published in the metropolitan area, the last publication to be at least 10 days before bids are required to be filed. Copies of such advertisement may be published in any newspaper or financial publication in the United States. All bids shall be sealed, filed and opened as provided by ordinance and the bonds shall be awarded to the highest and best bidder or bidders therefor. The Authority shall have the right to reject all bids and readvertise for bids in the manner provided for in the initial advertisement. However, if no bids are received such bonds may be sold at not less than par value, without further advertising,

within 60 days after the bids are required to be filed pursuant to any advertisement.

¹ Chapter 17, § 6601 et seq.

² Chapter 26, § 1-101 et seq.

3711. Bonds—Nature of indebtedness

§ 4-11. Under no circumstances shall any bonds issued by the Authority be or become an indebtedness or obligation of the State of Illinois or any unit of local government or school district within the State, nor shall any such bond or obligation be or become an indebtedness of the Authority within the purview of any constitutional limitation or provision, and it shall be plainly stated on the face of each bond that it does not constitute such an indebtedness or obligation but is payable solely from revenues or income.

3712. Investments in bonds issued under Act

§ 4-12. The State and all counties, cities, villages, incorporated towns and other units of local government and public bodies, and public officers of any thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on an insurance business and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds issued pursuant to this Act, it being the purpose of this Section to authorize the investment in such bonds of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this Section may be construed as relieving any person from any duty of exercising reasonable care in selecting securities for investment.

3713. Elections—General obligation bonds—Form of ballot

§ 4-13. No bonds, other than revenue bonds issued pursuant to Section 4-10,¹ shall be issued by the Authority until the proposition to issue the same has been submitted to and approved by a majority of the voters of said metropolitan area voting upon the proposition at a general election in accordance with the general election law. The Authority may by resolution order such proposition submitted at a regular election in accordance with the general election law, whereupon the recording officer shall certify the resolution and the proposition to the proper election officials for submission. Any proposition to issue bonds as herein set forth shall be in substantially the following form:

Shall bonds of the "Orland Park Metropolitan Exposition, Auditorium and Office Building Authority" to the amount of..... Dollars (\$) be issued for the purpose of.....?	YES	
	NO	

¹ Paragraph 3710 of this chapter.

4. Bonds—Principal and interest payments—Taxation

4-14. If a majority of the voters of said metropolitan area approve the issuance of bonds as provided in Section 3 of this Act,¹ the Authority shall have power to levy and collect annually a sum sufficient to pay for the annual principal and interest charges on such bonds.

Such taxes proposed by the Authority to be levied upon taxable property within the metropolitan area shall be levied by ordinance. After the ordinance has been adopted it shall, within 10 days after its passage, be published once in a newspaper published and having a general circulation within the metropolitan area. A certified copy of such ordinance shall be filed with the County Clerk not later than the 3rd Tuesday in September in each year. Hereupon the County Clerk shall extend such tax; provided the aggregate amount of taxes levied for any one year shall not exceed the rate of .0005% of the full fair cash value of the taxable property in the metropolitan area, as equalized or assessed by the Department of Revenue.

¹ Paragraph 3713 of this chapter.

3715. Board—Compensation—Conflicts of interest

§ 4-15. The governing and administrative body of the Authority shall be a board consisting of 7 members and shall be known as the Oriand Park Metropolitan Exposition Auditorium and Office Building Board. The members of the board shall be individuals of generally recognized ability and integrity. The members shall serve without compensation, but shall be reimbursed for actual expenses incurred by them in the performance of their duties. No member of the Board or employee of the Authority shall have any private financial interest, profit or benefit in any contract, work or business of the Authority nor in the sale or lease of any property to or from the Authority.

3716. Members—Terms—Oath

§ 4-16. Within 60 days after this Act becomes effective, the Village President of Oriand Park, with the advice and consent of the Oriand Park Village Board of Trustees, shall appoint 7 members of the Board, 2 members to be appointed for terms of one year, 2 members to be appointed for terms of 2 years, and 3 members to be appointed for terms of 3 years, such terms commencing on the date each is appointed. One of the members appointed may be a representative from the Oriand Park Village Board of Trustees. At the expiration of the term of any member, his successor shall be appointed by the Village President of Oriand Park in a like manner. All successors shall hold office for a term of 3 years from the date of appointment, except in case of an appointment to fill a vacancy. Within 30 days after certification of his appointment, and before entering upon the duties of his office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.

3717. Resignations, removals or vacancies

§ 4-17. Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his office to take effect when his successor has been appointed and has qualified. The appointing officer may remove any member of the Board appointed by him, in case of incompetency, neglect of duty, or malfeasance in office, after service on him, by registered United States mail, return receipt

requested, of a copy of the written charges against him, and by providing him an opportunity to be publicly heard in person or by counsel in his own defense upon not less than 10 days' notice. In case of failure to qualify within the time required, or of abandonment of office, or in case of death, conviction of a felony or removal from office, a member's office shall become vacant. Each vacancy shall be filled for the unexpired term by appointment in like manner as in case of expiration of the term of a member of the Board.

3718. Officers—By-laws and regulations

§ 4-18. As soon as practicable after the appointment of the initial members, the Board shall organize for the transaction of business, select a chairman and a temporary secretary from its own number, and adopt by-laws and regulations to govern its proceedings. The initial chairman and his successors shall be elected by the Board from time to time for the term of his office as a member of the Board or for a term of 3 years, whichever is shorter.

3719. Meetings—Records

§ 4-19. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of such meetings to be fixed by the Board. Four members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by ordinance or resolution and the affirmative vote of at least 4 members shall be necessary for the adoption of any ordinance or resolution. All ordinances, resolutions and records of proceedings of the Authority, and all documents and records in its possession, shall be public records open to public inspection, except such documents and records as shall be kept or prepared by the Board for use in negotiations, actions or proceedings to which the Authority is a party.

3720. Secretary—Treasurer—Sureties

§ 4-20. The Board shall appoint a secretary and a treasurer, who need not be members of the Board, to hold office at the pleasure of the Board, and fix their duties and compensation. Before entering upon their duties of their respective offices they shall take and subscribe the constitutional oath of office, and the treasurer shall execute a bond with corporate sureties to be approved by the Board. The bond shall be payable to the Authority in whatever penal sum may be directed upon the faithful performance of the duties of the office and the payment of all money received by him according to law and the orders of the Board. The Board may, at any time, require a new bond from the treasurer in such penal sum as may then be determined by the Board. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure or closing of any savings and loan association or national or State bank wherein the treasurer has deposited funds if the bank or savings and loan association has been approved by the Board as a depository for these funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the Authority.

3721. Deposit of funds—Withdrawals—Payments

§ 4-21. All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the Authority and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by

the chairman of the Board. The Board may designate any of its members or any officer or employee of the Authority to affix the signature of the chairman and another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for payment of any other obligation of not more than \$2,500.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.¹

¹ Paragraph 906 of this chapter.

3722. Officers' signatures on checks or drafts—Validity

§ 4-22. In case any officer whose signature appears upon any check or draft, issued pursuant to this Act, ceases (after attaching his signature) to hold his office before the delivery thereof to the payee, his signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof.

3723. General manager—Attorney—Chief engineer

§ 4-23. The Board may appoint a general manager who shall be a person of recognized ability and business experience to hold office at the pleasure of the Board. The general manager shall manage the properties and business of the Authority and of the employees thereof subject to the general control of the Board, and shall direct the enforcement of all ordinances, resolutions, rules and regulations of the Board, and shall perform such other duties as may be prescribed from time to time by the Board. The Board may appoint a general attorney and a chief engineer and shall provide for the appointment of such other officers, attorneys, engineers, consultants, agents and employees as may be necessary. The Board shall define their duties and require bonds of such of them as the Board may designate. The general manager, general attorney, chief engineer, and all other officers provided for pursuant to this Section shall be exempt from taking and subscribing any oath of office and shall not be members of the Board. The compensation of the general manager, general attorney, chief engineer, and all other officers, attorneys, consultants, agents and employees shall be fixed by the Board.

3724. Ordinances—Rules and regulations

§ 4-24. The Board shall have power to pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to the Authority, with such fines or penalties as may be deemed proper. All fines and penalties shall be imposed by ordinance, which shall be published in a newspaper of general circulation published in the metropolitan area. No such ordinance shall take effect until 10 days after its publication.

3725. Contracts, concessions or leases—Bidding

§ 4-25. All contracts for sale of property of the value of more than \$2500, or for a concession in or lease of property, including air rights, of the Authority for a term of more than one year, shall be awarded to the highest responsible bidder, after advertising for bids. All construction contracts and contracts for supplies, materials, equipment and services, when the expense thereof will

exceed \$2500, shall be let to the lowest responsible bidder, after advertising for bids, except: (1) when repair parts, accessories, equipment or services are required for equipment or services previously furnished or contracted for; (2) when the nature of the services required is such that competitive bidding is not in the best interest of the public, including, without limiting the generality of the foregoing, the services of accountants, architects, attorneys, engineers, physicians, superintendents of construction, and others possessing a high degree of skill; and (3) when services such as water, light, heat, power, telephone or telegraph are required.

All contracts involving less than \$2500 shall be let by competitive bidding to the lowest responsible bidder whenever possible, and in any event in a manner calculated to insure the best interests of the public.

In determining the responsibility of any bidder, the Board may take into account the past record of dealings with the bidder, experience, adequacy of equipment, ability to complete performance within the time set, and other factors besides financial responsibility, but in no case shall any such contract be awarded to any other than the highest bidder in case of sale, concession or lease, or the lowest bidder in case of purchase or expenditure, unless authorized or approved by a vote of at least $\frac{1}{3}$ of the members of the Board, and unless such action is accompanied by a statement in writing setting forth the reasons for not awarding the contract to the highest or lowest bidder, as the case may be, which statement shall be kept on file in the principal office of the Authority and open to public inspection.

Members of the Board, officers and employees of the Authority, and their relatives within the fourth degree of consanguinity by the terms of the civil law, are forbidden to be interested directly or indirectly in any contract for construction or maintenance work or for the delivery of materials, supplies or equipment.

The Board shall have the right to reject all bids and to readvertise for bids. If after any such advertisement no responsible and satisfactory bid, within the terms of the advertisement, shall be received, the Board may award such contract, without competitive bidding, provided that it shall not be less advantageous to the Authority than any valid bid received pursuant to advertisement.

The Board shall adopt rules and regulations to carry into effect the provisions of this Section.

3726. Advertisements—Bids

§ 4-26. Advertisements for bids shall be published at least twice in a daily newspaper of general circulation published in the metropolitan area, the last publication to be at least 10 calendar days before the time for receiving bids, and such advertisements shall also be posted on readily accessible bulletin boards in the principal office of the Authority. Such advertisements shall state the time and place for receiving and opening of bids, and by reference to plans and specifications on file at the time of the first publication, or in the advertisement itself, shall describe the character of the proposed contract in sufficient detail to fully advise prospective bidders of their obligations and to insure free and open competitive bidding.

All bids in response to advertisements shall be sealed and shall be publicly opened by the Board, and all bidders shall be entitled to be present in person or by representatives. Cash or a certified or satisfactory cashier's check,

as a deposit of good faith, in a reasonable amount to be fixed by the Board before advertising for bids, shall be required with the proposal of each bidder. Bond for faithful performance of the contract with surety or sureties satisfactory to the Board and adequate insurance may be required in reasonable amounts to be fixed by the Board before advertising for bids.

The contract shall be awarded as promptly as possible after the opening of bids. The bid of the successful bidder, as well as the bids of the unsuccessful bidders, shall be placed on file and be open to public inspection. All bids shall be void if any disclosure of the terms of any bid in response to an advertisement is made or permitted to be made by the Board before the time fixed for opening bids.

3727. Report—Financial statement

§ 4-27. As soon after the end of each fiscal year as may be expedient, the Board shall cause to be prepared and printed a complete and detailed report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of such report shall be printed for distribution to persons interested upon request, and a copy thereof shall be filed with the county clerk and the Village President of Orland Park.

3728. Property tax exemption

§ 4-28. All property of the Authority shall be exempt from taxation by the State or any taxing unit therein.

3729. Anti-trust laws—State action exemption

§ 4-29. The Authority is hereby expressly made the beneficiary of the provisions of Section 1 of "An Act to make explicit the authorization for units of local government and certain other governmental bodies to act as permitted by statute or the Illinois Constitution, notwithstanding effects on competition", amendatory veto overridden November 3, 1983,¹ and the General Assembly intends that the "State action exemption" to the application of the federal anti-trust laws be fully available to the Authority to the extent its activities are either (1) expressly or by necessary implication authorized by this Act or other Illinois law, or (2) within traditional areas of local governmental activity.

¹ Paragraph 2901 of this chapter.

3730. State financial support

§ 4-30. The Authority created by this Act shall receive financial support from the State in the amounts provided for in Section 4 of the Metropolitan Civic Center Support Act.¹

¹ Paragraph 1394 of this chapter.

CENTRE EAST CIVIC CENTER ACT

AN ACT relating to civic center authorities and other metropolitan authorities and amending certain Acts herein named. P.A. 83-1456, Art. 5, approved and eff. Sept. 17, 1984.

3801. Short title

§ 5-1. This Article 5 shall be known and may be cited as the "Centre East Civic Center Act".

3802. Definitions

§ 5-2. As used in this Article, unless the context otherwise requires:

"Authority" means the Centre East Metropolitan Exposition, Auditorium and Office Building Authority.

"Governmental Agency" means the Federal government, the State of Illinois, any unit of local government or school district, and any agency or instrumentality thereof.

"Person" means any individual, firm, partnership, corporation, foreign or domestic company, association or joint-stock association; and includes any trustee, receiver, assignee or personal representative thereof.

"Board" means the governing and administrative body of the Centre East Metropolitan Exposition, Auditorium and Office Building Authority.

"Metropolitan Area" means all that territory in the State of Illinois lying within the corporate boundaries of Niles Township or any municipality a part of which lies within Niles Township.

3803. Centre East Metropolitan Exposition, Auditorium and Office Building Authority—Creation

§ 5-3. There is hereby created a unit of local government known as the Centre East Metropolitan Exposition, Auditorium and Office Building Authority in the metropolitan area.

The Authority may sue and be sued in its own name but execution shall not in any case issue against any property of the Authority. The Authority may adopt a common seal and change such seal at pleasure. The principal office of the Authority shall be in the Village of Skokie.

3804. Duties

§ 5-4. It shall be the duty of the Authority to promote, operate and maintain expositions, conventions, or theatrical, sports or cultural activities from time to time in the metropolitan area and in connection therewith to arrange, finance and maintain industrial, cultural, educational, theatrical, sports, trade or scientific exhibits and to lease or construct, equip and maintain auditoriums, exposition buildings or office buildings for such purposes. The Authority is granted all rights and powers necessary to perform such duties.

3805. Rights and duties

§ 5-5. The Authority shall have the following rights and duties: (a) To acquire, purchase, own, construct, lease as lessee or in any other way acquire, improve, extend, repair, reconstruct, regulate, operate, equip and maintain fair or exposition grounds, convention or exhibition centers, civic auditoriums, and office and municipal buildings, including sites and parking areas and facilities therefor located within the metropolitan area.

(b) To enter into contracts treating in any manner with the objects and purposes of this Act.

(c) To plan for such grounds, centers and auditoriums and to plan, sponsor, hold, arrange, and finance fairs, industrial, cultural, educational, trade and scientific exhibits, shows and events and to use or allow the use of such grounds, centers and auditoriums for the holding of fairs, exhibits, shows and events, whether conducted by the Authority or some other person or governmental agency.

(d) To fix and collect just, reasonable and nondiscriminatory charges and rents for the use of such parking areas

26 Section 6. The Orland Park Civic Center Act is amended 795
27 by changing Section 4-23 as follows: 796

28 (Ch. 85, par. 3723) 799
29 Sec. 4-23. The Board may appoint a general manager who 801
30 shall be a person of recognized ability and business 802
31 experience to hold office at the pleasure of the Board. The 803
32 general manager shall manage the properties and business of 804
33 the Authority and of the employees thereof subject to the 805

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1 general control of the Board, and shall direct the 805
2 enforcement of all ordinances, resolutions, rules and 806
3 regulations of the Board, and shall perform such other duties 807
4 as may be prescribed from time to time by the Board. The 808
5 Board may delegate its authority to appoint and act as 809
6 employer to the governing body of the Village of Orland Park,
7 and any such delegation of power occurring before the 810
8 effective date of this amendatory Act of 1991 is hereby 811
9 validated. The Board may appoint a general attorney and a 812
10 chief engineer and shall provide for the appointment of such 813
11 other officers, attorneys, engineers, consultants, agents and 814
12 employees as may be necessary. The Board shall define their 815
13 duties and require bonds of such of them as the Board may 816
14 designate. The general manager, general attorney, chief
15 engineer, and all other officers provided for pursuant to 817
16 this Section shall be exempt from taking and subscribing any 818
17 oath of office and shall not be members of the Board. The 819
18 compensation of the general manager, general attorney, chief
19 engineer, and all other officers, attorneys, consultants, 820
20 agents and employees shall be fixed by the Board. 821
21 (Source: P.A. 83-1456) 823