

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES
OSWEGO VILLAGE HALL
100 PARKERS MILL, OSWEGO, ILLINOIS
May 12, 2020**

Pursuant to Executive Order 2020-07 signed by Governor Pritzker and Guidance Provided by Legal Counsel, the Village of Oswego may conduct all or portions of this meeting by use of telephonic or electronic means. Instructions on public access to this meeting are available through the link within the agenda.

CALL TO ORDER

President Troy Parlier called the meeting to order at 6:15 p.m.

ROLL CALL

Board Members Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Luis Perez and Brian Thomas.

Board Member Attended Electronically: Trustee Pam Parr, Judy Sollinger (attended at 6:22 pm)

Staff Physically Present: Dan Di Santo, Village Administrator; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Jenette Sturges, Community Engagement Coordinator, Marketing; and Joe Renzetti, IT/GIS Director.

Staff Attended Electronically: Christina Burns, Asst. Village Administrator; Jennifer Hughes, Public Works Director; Rod Zenner, Community Development Director; Corinna Cole, Economic Development Director; Carri Parker, Purchasing Manager; Susan Quasney, Project Engineer; Karl Ottosen, Village Attorney; and Ryan Morton, Village Attorney.

PUBLIC FORUM

Public Forum was opened at 6:16 p.m. One person showed as a participant in the Zoom meeting but did not speak. All comments received via email will be read during the Public Forum section at the Village Board meeting. There was no one else who requested to speak; the Public Forum was closed at 6:16 p.m.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

G.1 Update on COVID-19 Small Business Financial Assistance Programs

Director Cole addressed the Board regarding an update on the status of the small business crisis loans and provided a presentation on the Downstate Stabilization Grant. Since the April 21st Committee of the Whole meeting, she has reviewed all the applications in the system. Not all of the applications were fully submitted, which means potential applicants began filling out the form, but then decided not to finish it. She followed up with all of the entries with the majority saying they had decided not to apply after all. The Village has processed six restart loans. There are three remaining applications; two are possibly ineligible and one has not submitted all the required paperwork. Of the three applications for the Rent Assistance Loan program, two were approved, but one opted not to receive the loan. The third applicant has not responded to follow up questions.

Downstate Stabilization Grant (DSG):

The DSG is a State managed program which uses federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds. The grant program can grant qualifying businesses 60 days of verifiable expenses, up to \$25,000. The DSG requires the local government to apply on behalf of a business to the State. The grant would then pass from the State through the Village to the business. The application process requires multiple steps which could take many weeks. First, the business must fill out a detailed application which includes extensive

supportive documentation, the Village must hold a public hearing regarding each application and the Village Board must pass a resolution in support of each application. Then the application is sent to the State Department of Commerce and Economic Opportunity (DCEO) for review. The DCEO makes the entire determination of who is eligible, which is dictated by the HUD money. If successful, the State will disburse money to the Village, which in turn will disburse to the applicant. If the business fails to either open or closes before the twelve months is complete, then the Village must repay the State for the value of the grant if it cannot recover it from the business. The Village should be cautioned against adding additional requirements or review on top of just checking the application because it is State CDBG money, not the Village's to condition.

To help mitigate that risk, the Kendall County Board has approved use of their revolving loan fund in an amount up to \$400,000 specifically allocated to Oswego as a backstop against a business's default. Theoretically, the Village could draw from the County's revolving loan allocation to repay itself during a default after returning the grant value to the State. The details of this assistance are still being worked out at the State's Attorney's office.

Next steps:

The DSG's protracted application timeline and limited funds, require the Village make an immediate decision on whether to participate in the program. Staff recommends the Village begin accepting applications despite the fact that the County's repayment program is still being formalized. The Village's ultimate participation can be conditioned on reaching satisfactory terms with the County. Individual applications are subject to the Village Board's approval.

Board and staff discussion focused on opinion of how the program is going; have told most businesses to apply for Federal loans; Village programs are only filling a small gap; getting a lot of inquiries; still room for additional applicants; everyone who went through the full program process received a loan; some businesses going after other loans; can receive PPP and DSG; it's a first come first serve program; whether a flow chart can be added to the Village's website to assist businesses with applying; Village's website has guides for businesses; whether there is a lot of interest in the program; time frame and public hearing is not as attractive; demand may be lessened; clarification is needed on specific reasons for not paying back; acts of god can also affect the grant; concern on how long businesses will be closed and not able to open again; big part is on the County and exposure to the Village in recouping cost; primarily for non-essential business and costs incurred after the business reopens; Yorkville is in conversations with the County; committee meeting being held on Thursday; each community will be treated the same; contingent on County backing up the Village; working on our own loans while waiting on the County; time is of the essence; total of DSG is around \$20 million; unsure of how much is remaining; unlikely a lot of businesses have been approved; wanting to start collecting paperwork to get the process started; helping businesses and avoiding risk; Montgomery is doing mini grants; concerns with bandwidth; would incur some costs, but seems money well spent and it's the right thing to do; ensuring the terms with the County are acceptable; tracking time and attorney fees and submitting for reimbursement; whether Village will be fined for not filing proper paperwork; needing to batch applications and impose deadlines; minimize and maximize success; minimize risk. There was no further discussion.

G.2 Police Department Local Prosecution Discussion

Chief Burgner addressed the Board regarding the local prosecution process. Currently, the Oswego Police Department prosecutes nearly all traffic related offenses under State statute via the Kendall County State's Attorney's Office. These cases are heard by judges in the Kendall County Courthouse. When a case is adjudicated and an offender pleads or is found guilty, fines and court costs are assessed by the courts. Currently, traffic offense violators are assessed a fine and costs of approximately \$250 for violations such as speeding, failure to obey a stop sign or other similar offenses. The Village receives approximately \$25 from the total fine and costs. For more serious violations, such as driving while license suspended or revoked, the offender is typically assessed a fine and costs of approximately \$400 of which the Village receives approximately \$75.

Staff researched the concept of local prosecution for Illinois Vehicle Code Village issued traffic citations. Under this model, the Village would contract an attorney to prosecute certain traffic related offenses rather than having the Kendall County States Attorney prosecute the cases. However, the cases would still be heard in the Kendall County Courthouse by a judge. Prosecuting traffic offenses under local prosecution would give the Village the ability to

collect a larger portion of fine money as well as have more input on the prosecution of the cases. The concept of local prosecution has been in place in many other collar counties of Chicago for years. Kane, Will, DuPage and Lake Counties currently have municipalities prosecuting cases under local ordinance in their courthouses. To put this concept in place, the Village Board would have to approve an ordinance that would adopt the Illinois Vehicle Code with exception to DUI sections of the Code as well as felony offenses. Felony offenses must be prosecuted by the Kendall County State's Attorney's Office. Staff conducted an analysis of tickets issued in 2018 & 2019 and determined that the Village could potentially collect approximately \$45,000 in additional revenues, each year, under the local prosecution model. This amount does not include attorneys' fees that would be negotiated with the selected firm. The following is a step by step process on how to implement the model should the Village Board provide direction to move forward with local prosecution of certain Illinois Vehicle Code violations:

- Release RFP for attorney to prosecute cases
- Review firm qualifications and select/contract desired firm
- Village Board approval of ordinance that adopts the Illinois Vehicle Code
- Coordinate court appearances with Kendall County Judiciary, Circuit Clerk and State's Attorney
- Train officers on new citation process
- Begin issuing citations under local ordinance

Board and staff discussion focused on what cases would be handled through the local prosecutor; concerns with costs; why DUI provision was taken out; State's Attorney concerns in having the Village take over the prosecuting of DUI's; some cases will need approval from the State's Attorney before moving it to local prosecutor; looking into the Village handling DUI's which would provide a higher revenue; giving PD more involvement and ownership; enforcing on our own; opportunity for another revenue stream; could allow for hiring another officer; creating a lighter sentence; more discretions; remaining consistent; State's Attorney could be an option as the local prosecutor; same standard for prosecuting local or state charges; staff will look into the State's Attorney option. There was no further discussion.

G.3 Direction on Mosquito Abatement, Contractual Street Sweeping, and Pavement Condition Analysis

Item was moved to the May 12, 2020 Regular Board meeting under Staff Reports.

CLOSED SESSION

There was no Closed Session held.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

Tina Touchette
Village Clerk