

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X

Resolution or Ordinance (Blue) _____ *Waiver of First Requested*
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: William T. Lichter, Village Manager
DATE: November 29, 2006 (B of T) Date: December 7, 2006
TITLE: Cornerstone Site 700/800 MGZ DuPage Dispatch Communications System Grant
SUBMITTED BY: Department of Community Development *Qatt*

BACKGROUND/POLICY IMPLICATIONS:

The Department of Community Development transmits for your consideration a resolution authorizing the signatures of President and Clerk for the purpose of making application for a grant to fund improvements to the Cornerstone Site 700/800 MGZ DuPage Dispatch Communications System. Application will be made jointly with the Villages of Bartlett and Hanover Park.

Staff recommends approval of this request.

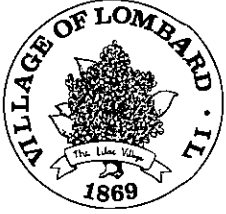
Please place this item on the December 7, 2006 Board of Trustees agenda.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X *William T. Lichter* _____ Date 11/29/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon Wednesday, prior to the Agenda Distribution.



Memorandum

TO: William T. Lichter, Village Manager

FROM: David A. Hulseberg, AICP, Assistant Village Manager *D.A.H.*

DATE: November 29, 2006

**SUBJECT: TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE
FEE SETTLEMENT**

This memorandum suggests that the Village of Lombard partner in an application with the Villages of Hanover Park and Bartlett on a grant application under the Infrastructure Maintenance Fee Litigation Cy Pres Committee. Said application will fund necessary improvements to the Cornerstone Site 700/800 MHZ DuPage Dispatch Communications System.

Background:

In 1997 the State of Illinois enacted the Telecommunications Infrastructure Maintenance Fee (IMF) Act, which authorized the imposition of a fee of 1% of the gross charges on wireless retailers. Municipalities throughout the state imposed the IMF on telecommunications bills from January 1, 1998 through February 7, 2002. In 1998, a lawsuit was filed challenging the fee, which the court ruled unconstitutional. Upon appeal the Illinois Supreme Court affirmed the unconstitutionality of the Municipal IMF only as it applied to wireless retailers. In the year 2000, municipalities that imposed the IMF were joined as defendants in a class action lawsuit that asserted the unconstitutionality of the IMF and such refunds from the IMF. In 2005, a settlement was approved that required the defendant municipalities to pay into the settlement fund 70% of the amount collected through the municipal IMF not for wireless telecommunications services.

Under the court approved settlement agreement the Village of Lombard can make application individually or jointly with one or more grant eligible municipalities. Joint applications are encouraged. The grant must be municipal emergency 9-1-1 telecommunication programs and the application must be completed and received by January 31, 2007.

Proposal:

The Village of Lombard has approached Du-Comm's Executive Committee to consider having Du-Comm serve as a conduit for Bartlett, Hanover Park and Lombard in expending our grant funds on a Du-Comm project and then reimbursing the three municipalities over time for those grant funds when our share is due for the Cornerstone Site 700/800 MHZ DuPage Dispatch Communications System.

While the mechanics of this reimbursement have not been worked out the concept would provide a conduit for each of the communities to get credit for funds that they contributed to the settlement fund. Albeit without this approach, none of the communities are likely to have a project themselves.

DuPage County Public Safety Project Contemplated:

The DuPage Emergency Telephone System Board (DuPage 9-1-1) has entered into a contract with Motorola to commence an engineering study for the placement of nine (9) antennae towers to be placed throughout DuPage County to benefit DuPage County public safety agencies, including Du-COMM member agencies, as part of the 700 MHz radio interoperability system. The Village of Lombard agreed to host one of these antennae locations as part of its hotel-conference center project at Yorktown Mall. The grant application would specify this project and funds would be used to complete the antennae room support which would serve as one of the main hub antennae locations. The Motorola engineering team has been instructed to utilize the Lombard location as the first antennae location and plan from there. Du-Comm would attempt to utilize the full allotment that the three communities are eligible to apply for. Those amounts are as follows:

Bartlett -	\$150,296.52
Hanover Park -	\$217,744.73
Lombard -	<u>\$160,440.48</u>
Combined Total -	\$528,481.73

Recommendation:

It is recommended that the three municipalities work collaboratively with Du-Comm to facilitate an eligible project in accordance with the IMF settlement guidelines. In this manner, if the grant is approved all communities will be credited through Du-Comm for their share of the awarded grant against future 700/800 HZ Du-Comm project expenses. Staff recommends that the Village Board authorize the Village President and the Village Clerk to sign a Resolution Authorizing Application for a Grant under the Infrastructure Maintenance Fee Litigation Cy Pres Committee's General Authority to Make Such Grants for the Cornerstone Site 700/800 MHZ DuPage Dispatch Communications System.

SECTION 2: That David A. Hulseberg, Assistant Village Manager of the Village of Lombard, is authorized to file an application on behalf of the Village of Lombard with the Cy Pres Committee for a grant for Cornerstone Site 700/800 MHZ DuPage Dispatch Communications.

SECTION 3: That the funds applied for will be expended consistent with the recitals in the application.

SECTION 4: That David A. Hulseberg Assistant Village Manager of the Village of Lombard, is authorized to furnish such additional information, assurances, certifications and amendments as the Cy Pres Committee may require in connection with this grant application.

SECTION 5: That David A. Hulseberg, Assistant Village Manager of the Village of Lombard, is authorized and directed on behalf of the Village of Lombard to execute and deliver a grant application and all subsequent amendments thereto between the Village of Lombard and the Cy Pres Committee and the Clerk of the Village of Lombard is authorized and directed on behalf of the Village of Lombard to attest said application and all subsequent amendments thereto.

SECTION 6: That David A. Hulseberg, Assistant Village Manager of the Village of Lombard, is authorized and directed to take such action as is necessary or appropriate to implement, administer and enforce said applications and all subsequent amendments thereto on behalf of the Village of Lombard.

SECTION 7: That the Village of Lombard will provide the Cy Pres Committee with a certification of a certified public accountant certifying that the grant funds were expended in conformity with the formal application of the use of the funds to ensure compliance with the grant program. Certification will be provided within 90 days of a request by the Cy Pres Committee

PRESENTED and ADOPTED this ____ day of _____, 2006.

VILLAGE OF LOMBARD

By: _____
William J. Mueller
Village President

ATTEST: _____
Brigitte O'Brien
Village Clerk