



Monday, July 13, 2020  
5:30 PM  
Civic Center Theater

## CITY COUNCIL STUDY SESSION AGENDA

**Pursuant to Phase 4 of Governor Pritzker's Executive Order, a maximum of 50 people will be allowed in the Civic Center Theater. An in-person meeting of all members of the City Council of the City of Decatur as well as in-person meetings of all members of other Boards and Commissions of the City of Decatur is not practical or prudent because of the COVID-19 pandemic.**

### **I. Call to Order**

1. Roll Call
2. Pledge of Allegiance

### **II. Appearance of Citizens**

#### Policy relative to Appearance of Citizens:

A 30-minute time period is provided for citizens to appear and express their views before the City Council. Each citizen speaking will be limited to one appearance of up to 3 minutes. No immediate response will be given by City Council or City staff members. Citizens are to give their documents (if any) to the Police Officer for distribution to the Council. When the Mayor determines that all persons wishing to speak in accordance with this policy have done so, members of the City Council and key staff may make comments.

**III. Study Session:** Study Sessions are less formal meetings of the City Council called to discuss broad policy themes and obtain input from the governing body about proposals and initiatives that are still being developed. No formal votes are taken at Study Sessions, and no informal directions expressed at Study Sessions bind the City Council, or its individual members, to vote in a certain manner at a future City Council meeting. The Mayor will accept public comments at different times on the agenda topics below as council and staff discussions proceed. Members of the public should limit their remarks to three (3) minutes, unless granted additional time by the council.

1. Minority Business & Other Small Business Assistance Initiatives
2. Proposals for Distribution of External COVID/CARES Relief Funds

### **IV. Adjournment**

City Clerk

**DATE:** 7/9/2020

**MEMO:**

**TO:** Mayor Moore Wolfe  
City Council Members

**FROM:** Scot Wrighton, City Manager

**SUBJECT:** Minority Business & Other Small Business Assistance Initiatives

**ATTACHMENTS:**

Description	Type
Memo	Cover Memo
City Code Chapter 28	Backup Material
Article 10 Amendment	Backup Material
MBE Council Policy	Backup Material
MBE Addendum	Backup Material
Copy of 2019 MBE Summary	Backup Material

July 9, 2020

TO: Mayor Julie Moore Wolfe & Members of the Decatur City Council

FROM: Scot Wrighton, City Manager

RE: Minority Business & Other Small Business Assistance Initiatives

For many years the city of Decatur has sought to provide assistance to different groups seeking to better themselves, grow their small businesses and contribute to the local economy. The city has also sought to eliminate numerous forms of direct and indirect discrimination: by enacting anti-discrimination laws, funding programs to assist historic victims of discrimination, and by creating mechanisms for people who believe they have experienced discrimination to seek and obtain redress. The Decatur Human Relations Commission is one of those mechanisms. Chapter 28 of the City Code not only incorporates national policy on anti-discrimination (making United States anti-discrimination laws the formal policy of the city of Decatur), but it also forbids discriminatory practices in the use of financial credit instruments, real estate transaction methods, housing and accommodation practices, and access to public facilities. It broadly empowers the Human Relations Commission to intervene and hear complaints, and actively find solutions and remedies that provide justice, and advance our nation's goal of equality under the law for all. Over the years, this Commission has mediated many cases and resolved most to the satisfaction of involved parties without the need for litigation or appealing complaints to the State or Federal government, or the courts.

Chapter 28 of the City Code also includes the city's Minority Business Enterprise (MBE) program. Currently, the Decatur MBE program is not so much an incentive system as it is a set of enforceable goals for inclusion of minority contractors and employees in city-funded construction projects. The city's MBE program has been an important first step toward bringing more minorities into the workforce and helping them achieve economic independence. Since late last year, the city has been evaluating how to improve the MBE program. A logical next step would be to examine other MBE enhancements, and consider adding certain incentives to the program. A complete copy of Chapter 28 of the City Code is included in the study session packet. Also attached is a report on recent MBE activity and compliance. The MBE program is not the only way that the city aids new, start-up, and nascent entrepreneurs. Also attached to this memo is a list of current and proposed programs to assist small and start-up businesses.

Incentive programs and proscriptive laws to target assistance to certain groups vary widely from city to city, in part because each city is different, and leaders in each city differently evaluate what policies are best suited to their local environment. Some states and localities focus more on helping small businesses, others focus on minorities, the disabled or woman-owned businesses. Others may focus on giving preferences to local businesses; and still others may choose to incentivize so-called "disadvantaged" sectors of the population—i.e., a broader grouping of persons who may have been subjected to historic racial, ethnic, disability, gender or cultural bias because of their identity as a member of a group without regard to their individual

skills and qualities, and/or economically disadvantaged businesses and individuals whose ability to compete in the free enterprise system may have been impaired due to diminished access to capital and credit opportunities compared to others in the same locality; or simply to favor local businesses over non-local ones. I hope this is useful background for what I hope will be a wide-ranging study session discussion about how to help MBEs and small businesses be successful.

The City Council can elect to enlarge its policies to aid certain groups with regard to:

1. Minority owned enterprises
2. Women owned enterprises
3. Local enterprises
4. Small and nascent (start-up) enterprises
5. Disabled persons owned enterprises

In the past the council has focused principally on categories #1 and #4 above. There are compelling reasons for this emphasis: a) Decatur has a large minority population, and b) if efforts are taken to aid small and start-up businesses and reduce or eliminate the traditional barriers that small and start-up businesses face, it usually serves to benefit everyone in all of the above categories. If council members believe these priorities should be altered, this can be discussed at the study session. In this memo, I have focused primarily on categories #1 and #4.

Concerning additional ways to assist MBEs, a possible amendment to the existing MBE ordinance is attached (using ~~strikeouts~~ and underlining to show changes). In addition to ordinance changes, it is recommended that some MBE changes be enacted using new City Council policies and administrative policies (possible City Council policy language also attached). Together, the proposed changes add incentives for aggregated minority participation in public contracts, and for the first time would add incentives for minority owned businesses bidding on most city procurement proposals. The changes also provide a post-project incentive payment for projects where total minority participation passes twenty percent (20%). If desired, and based on the attached MBE activity report, council may want to discuss raising this percentage to obtain even more minority participation.

The proposed MBE changes suggest defining MBEs as those entities that have 51% or more minority ownership, AND which are located in Macon County or one of the counties adjoining Macon County, because I believe our focus should be on aiding MBEs in Central Illinois and nurturing an environment in Central Illinois where minority enterprise can thrive (rather than encouraging contractors from Chicago or St. Louis to bid). This is a form of local preference policy, but built-in to the MBE rules. The city has experimented with broad local preference purchasing and contracting in the past, but it has not been sustained. As an Illinois home rule municipality, I would argue that the City Council already has the ability to favor local companies in the administration of purchasing and contracting, because in making awards the council has the discretion to approve contracts with vendors other than the lowest bidder for several reasons—one of which is that an alternative vendor is local. I prefer this less proscriptive approach to local preference because more formalized (and less discretionary) local

preference rules run counter to State regulations, can result in retaliatory policies by other cities, and can be confusing when stacked on top of other incentive programs, like MBE programs.

Since equality under the law is the national objective, a foundational assumption behind public contract goals and incentive programs is that initiatives targeting persons and businesses that have been disadvantaged in the past should remain in place until the “unlevel playing field” created by historic bias or economic disparities are realigned. With this in mind, the Supreme Court in 1989 ruled (*City of Richmond v. Croson*, and other subsequent cases) that programs providing unequal preferences are acceptable as long as a municipality can establish that there has been actual disparity occurring in the past, and so long as the tools applied by the city are comparatively narrow in providing relief, redress and targeted incentives.

It is requested that the City Council review possible revisions to the city’s MBE goals, policies and ordinances, and instruct staff on how to prepare them for final adoption in the future.

Less narrow are assistance programs provided to small, start-up and new entrepreneurial businesses. The barriers these businesses often face have more to do with access to start-up capital, financing, assistance in developing and implementing a business plan, and obtaining help related to everything from marketing, to managing cash flow, and finding the right employees. Following the sale of the former small business incubator located on Imboden Drive in 2019, the City Council signaled that they wanted to remain active in helping small businesses and micro start-ups, but wanted to use a different model than was used in the past. Recently, the City Council decided to accomplish this goal by realigning programs of the Community Investment Corporation of Decatur (CICD) and setting them up in an office somewhere in the Wabash Crossing neighborhood immediately north of the central business district so they could serve as a small business development office, host a relocated Small Business Development Center (SBDC), connect small business assistance requests and help for start-ups to the local SCORE chapter, provide access to lower cost office or manufacturing space by managing city-owned real estate or serving as an intermediary for properties owned by others, and engage in other training and assistance to small and start-up businesses. Prior to the pandemic, both Millikin University and Richland Community College tentatively agreed to participate in this endeavor in limited ways, but personnel changes and the pandemic will require that this be revisited. A final decision about the precise site for a relocated CICD has not yet been made.

So in addition to discussing MBE and other types of targeted assistance to certain groups, it is also requested that the council have a closely related discussion about how the city can be more directly involved in assisting all small businesses, and new start-ups, that want and need help. To aid in this discussion, the City Council can review the attached description of current, planned and potential strategies for assisting small, start-up and new entrepreneur businesses so they can give more feedback to staff as to which ones should be researched further and prepared for final adoption at a future action meeting.

# City of Decatur Small Business Assistance Plans/Programs

Currently Planned (not executed):

- Establish a stand-alone office from which the Community Development Corporation of Decatur (CICD) can provide small business assistance, business coaching, instruction on how to develop business plans, write small business marketing plans, administer revolving loan funds and other information related to access to capital, conduct housing training, and related business assistance programs.
- Coordinate the above activities with those of the SBDC, The Ink Spot (new African-American small business assistance office to be launched in Decatur later this year), SCORE, DCEO, SBA and others so that small and start-up business assistance in Decatur is better coordinated.
- Manage, but not own, any city-owned housing facilities (serving as a facility manager), since CICD already provides housing training programs.
- Manage, but not own, commercial space intended for short-term rental at sub-market rates to qualified small business start-ups, entrepreneurs and others that are engaged with training assistance programs provided by the CICD (including vacant space on the second floor of the library, buildings to be acquired from Northeast Community Fund, and others. This is what is meant by a “decentralized” approach to providing business incubator services and space.
- Manage data tracking, external monitoring and public disclosure of the city’s MBE program.
- Integrate small business and entrepreneurial training offered by local institutions of higher education into the “real life” environment of a downtown incubator.

Other Ideas for Assisting Small/Start-Up Businesses (not planned):

- Find a location for an ‘artist colony’
- All-season Farmer’s/Craft market located in or near downtown
- Targeted grants/loans for certain types of small start-ups
- Job shadowing, and test coaching for special trade/skill examinations

Notes:

The U.S. Commerce Department predicts that by 2040 nearly half of all employees will work for small businesses or be independent sole-proprietors. This means that cities like Decatur cannot rely principally on large corporations to continue to serve as the area’s economic base. If the city and its stakeholder partners are more directly involved in helping launch and nurture small business start-ups, it is reasonable to expect it will help the local economy of the future.

## **CHAPTER 28**

### **UNLAWFUL DISCRIMINATION**

#### **ARTICLE 1. POLICY**

SECTION 1-1. It is hereby declared to be the policy of the City of Decatur in the exercise of its home rule powers to prohibit unlawful discrimination as hereinafter defined.

#### **ARTICLE 2. VIOLATIONS AND GENERAL DEFINITIONS.**

SECTION 2-1. It shall be unlawful, and shall constitute a human rights violation, for any person to discriminate against another person because of his or her race, color, religion, national origin, age, sex, sexual orientation, marital status, disability or unfavorable discharge from military service.

SECTION 2-2. Unlawful discrimination is prohibited in employment practices, financial credit practices, housing practices and unequal public places of accommodation practices.

SECTION 2-3. It is also a human rights violation for a person, or for two or more persons to conspire to:

A. Retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment, discrimination based on citizenship status in employment, or because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Chapter;

B. Aid, abet, compel or coerce a person to commit any violation of this Chapter;  
Willfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 2-4. For purposes of this Article, "sexual harassment" and "citizenship status" shall have the same meaning as defined in Article 6 of this Chapter.

Revised 3/2015

SECTION 2-5. For the purposes of this Chapter, the following definitions shall apply unless the context indicates or requires a different meaning:

(A) "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Article 6, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Article 6, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) "Charge" means an allegation filed with the Human Rights Commission by an aggrieved party, pursuant to Article 4. (Amended, Ordinance 2014-32, July 7, 2014)

(C) "Commission" means the Human Relations Commission created by this Chapter.

(D) "Complainant" means a person who makes a complaint or files a charge.

(E) "Complaint" means the formal pleading filed with the Commission by an aggrieved party pursuant to Article 4. (Amended, Ordinance 2014-32, July 7, 2014)

(F) "Disability" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 6 is unrelated to the person's ability to perform the duties of a particular job or position;

(2) For purposes of Article 8, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 9, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(G) "Human Rights Violation" includes and shall be limited to only those specific acts set forth in Sections 2-1, 2-2, 2-3, 6-2, 8-2, 8-3, 8-4, 8-5, 8-6 and 9-2 of this Chapter.



(H) "Marital Status" means the legal status of being married, single, separated, divorced or widowed.

(I) "National Origin" means the place in which a person or one of his or her ancestors was born.

(J) "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.

(K) "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 6, "religion" has the meaning ascribed to it in Section 6-1(I).

(L) "Respondent" means the person or organization against whom a charge or complaint has been filed.

(M) "Sex" means the status of being male or female.

(N) "Sexual Orientation" means having or being perceived as having an emotional, physical, or sexual attraction to another person without regard to the gender of that person; or having or being perceived as having an orientation for such attraction; or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. 'Sexual orientation' does not include a physical or sexual attraction to a minor by an adult. (AMENDED, Ordinance No. 2002-85, October 7, 2002)

(O) "Unfavorable Military Discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized RE-4 or "Dishonorable".

(P) "Unlawful Discrimination" means discrimination against a person because of his or her race, color, religion, national origin, age, sex, sexual orientation, marital status, disability or unfavorable discharge from military service.

**ARTICLE 3. HUMAN RELATIONS COMMISSION.**

SECTION 3-1. There is hereby created and established a commission which shall be known as the Decatur Human Relations Commission, the members of which shall serve without compensation.

SECTION 3-2. The Human Relations Commission shall consist of nine (9) residents of the City appointed by the Mayor with advice and consent of the City Council. In making appointments, the Mayor shall strive to select citizens who broadly represent the community with regard to race, color, religion, sex, national origin, disability and sexual orientation. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 3-3. The terms of members of the Human Relations Commission shall be for three years. Vacancies shall be filled by the Mayor, with such successors being appointed with the consent of the City Council. No member shall serve more than two complete successive terms.

SECTION 3-4. There shall be a chairperson of the Human Relations Commission elected by the Commission from members of the Commission. The Commission shall also elect one of its members to serve as vice chairperson and such additional officers as the Commission may, from time to time, elect to carry out its functions. A majority of members duly appointed shall constitute a quorum. A majority vote of the quorum shall constitute approval of business before it, except as otherwise expressly provided herein. Special meetings may be called by the chairperson or by not less than four (4) members of the Commission. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 3-5. A. The purpose of the Human Relations Commission shall be to further the cause of mutual understanding and respect between all groups, ethnic, religious, and otherwise, in which differences or problems regarding prejudice, intolerance, bigotry, discrimination, and disorder may arise; to foster an adjustment by all people to social problems and opportunities; to encourage a spirit of community harmony by creating channels for constructive communication between people and groups; and to further the equal enjoyment of rights, privileges, and opportunities of each person of the community.

B. The Commission may facilitate investigations in the field of human relations in accordance with the ordinances of the City of Decatur. In performing this function, the Commission shall cooperate

with the Mayor, City Council, City Manager, departments and divisions of the City, or with any other appropriate governmental agencies. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 3-6. The Commission shall at least annually report to the City Council its activities and recommendations.

#### **ARTICLE 4. INVESTIGATION AND CONCILIATION.**

SECTION 4-1. Any individual who believes that he or she has been unlawfully discriminated against may file a charge with the Human Relations Commission. Such charge must be filed within 180 days after the date that the human rights violation allegedly was committed. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 4-2. Such charge shall be a written statement, under oath or affirmation, setting forth facts alleging that a human rights violation has occurred in a manner sufficient to enable the Human Relations Commission to identify the protected class of the complainant, the specific act of discrimination alleged, and the identity of the respondent. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 4-3. Charges may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified in Article 5.

SECTION 4-4. The Human Relations Commission shall itself or through other means as provided by the City Council investigate allegations of discrimination set forth in any charge, and make a determination in writing whether or not there is probable cause to believe that this Chapter has been violated and on what facts such violation is based. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 4-5. If the investigation finds, with respect to any respondent, that the Commission lacks jurisdiction or that probable cause does not exist, a written notice dismissing the charge and cause shall be served on the appropriate parties by certified mail with return receipt requested. A request for such review must be filed within forty (40) days of the mailing of the notice. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 4-6. A. If it is determined that there is probable cause, at any party's request and upon mutual agreement, an attempt shall be made to eliminate the alleged discriminatory practice with

informal methods of resolution such as conference, conciliation, and mediation. (Amended, Ordinance 2014-32, July 7, 2014)

B. Nothing said or done in the course of conciliation may be used as evidence in a subsequent proceeding without the written consent of the persons concerned.

SECTION 4-7. If it is determined that probable cause does exist, a complaint shall be filed with the Commission. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 4-8. At any time after a charge is filed, the Corporation Counsel, may petition the Circuit Court for temporary relief, pending final determination of the proceedings under this Chapter, including an order or judgment restraining the respondent from doing or causing any act which would render ineffectual an order which the Commission may enter with respect to the complainant. (Amended, Ordinance 2014-32, July 7, 2014)

#### **ARTICLE 5. PUBLIC HEARING.**

SECTION 5-1. In lieu of the Commission presiding over a public hearing and hearing evidence in the matter, the City Manager of the City of Decatur, upon request of the commission, may appoint a hearing officer for the purpose of presiding over a public hearing and hearing evidence in the matter. (Amended, Ordinance No. 2009-77, October 19, 2009) (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 5-2. Within five (5) days after a complaint is filed by a complainant, the Commission shall cause a copy of it to be served on the respondent together with a notice of hearing before the Commission or a hearing officer designated thereby, at a time and place therein fixed. (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 5-3. The hearing shall be held not less than forty-five (45) nor more than ninety (90) days after the service of the complaint provided that the Commission, or the hearing officer, may, for good cause shown, extend the date of the hearing.

SECTION 5-4. A. A complaint may be amended under oath by leave of the Commission, or the hearing officer, for good cause shown, upon reasonable notice to all interested parties at any time prior to the commencement of the hearing thereon. Amendments to the complaint may encompass any unlawful

discrimination which is like or reasonably related to the charge and growing out of the allegations in such charge, including, but not limited to, allegations of retaliation.

B. A motion that the complaint be amended to conform to the evidence made prior to the close of the public hearing may be addressed orally on the record to the Commission, or the hearing officer conducting the public hearing, and shall be granted for good and sufficient cause.

SECTION 5-5. A. The respondent shall file an answer under oath or affirmation to the original or amended complaint within thirty (30) days of the date of service thereof, but the Commission, or the hearing officer may, for good cause shown, grant further time for the filing of an answer.

B. When the respondent files a motion to dismiss the complaint within thirty (30) days and the motion is denied by the Commission or the hearing officer, the time for filing the answer shall be within fifteen (15) days of the date of denial of the motion.

C. Any allegation in the complaint which is not denied or admitted in the answer is deemed admitted unless the respondent states in the answer that he is without sufficient knowledge or information to form a belief with respect to such allegation.

D. The failure to file an answer is deemed to constitute an admission of the allegations contained in the complaint.

E. The respondent has the right to amend his answer upon leave of the Commission or the hearing officer, for good cause shown.

SECTION 5-6. For the purpose of compelling testimony or other evidence to be brought before the Commission or the hearing officer at any hearing held pursuant to a complaint, the Commission or the hearing officer may, at the written request of either party, issue a subpoena or a subpoena duces tecum.

SECTION 5-7. A. Both the complainant and the respondent may appear and be represented by counsel at the hearing and examine and cross-examine witnesses.

B. The testimony taken at the hearing shall be under oath or affirmation and a transcript shall be made and filed in the office of the Commission.

C. The testimony taken at the hearing is subject to the same rules of evidence that apply to courts in this State in civil cases.

SECTION 5-8. A. If the hearing provided for hereby is conducted by a hearing officer, said hearing officer shall submit a recommended decision and order to the Commission upon the completion of said hearing, in a form substantially in compliance with Section 5-9 hereof. A copy of said recommended decision and order shall be served on each of the parties.

B. Within ten (10) days of the receipt of service of a hearing officer's recommended decision and order, a party may file with the Commission any written exceptions to any part of the decision and order. Exceptions shall be supported by argument and served on all parties at the time they are filed.

SECTION 5-9. At the conclusion of any hearing, or upon receipt of a recommended order from a hearing officer, the Commission shall render a decision as to whether or not the respondent has committed a human rights violation or has otherwise violated the provisions of this chapter. If it is determined that a respondent has not committed a human rights violation, the Commission shall issue, and cause to be served on the respondent and the complainant, an order dismissing the case. If it is determined that a respondent has committed a human rights violation, the Commission shall issue, and cause to be served on such respondent, an order, accompanied by findings of fact and conclusions of law, providing for any relief or penalty listed in this Article as, in the judgment of the Commission, will carry out the purposes of this Chapter.

SECTION 5-10. In dismissing a case pursuant to Section 5-9, or in approving a dismissal of a charge pursuant to Section 5-5, the Commission may award the payment to respondent by complainant of respondent's reasonable attorney's fees as well as award payment to the City of Decatur or the Commission by the complainant the costs of maintaining and conducting the public hearing including, but not limited to the costs and fees of the hearing officer and court reporter if the Commission finds that the charge or complaint was frivolous, unreasonable or groundless or that the complainant continued to litigate after it became clearly so. (Amended, Ordinance No. 2009-77, October 19, 2009)

SECTION 5-11. Upon finding a human rights violation, the Commission may direct and order the respondent to:

- 1) cease and desist from any violation of this Chapter;
- 2) pay actual damages, as reasonably determined by the Commission and supported by the evidence, for injury or loss suffered by the complainant;
- 3) hire, reinstate or upgrade the complainant with or without back-pay or provide such fringe benefits as the complainant may have been denied;
- 4) Admit or restore the complainant to labor organization membership, to a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program;
- 5) Admit the complainant to a public accommodation;
- 6) Extend to the complainant the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of the respondent;
- 7) Pay to the complainant all or a portion of the costs of maintaining the action, including reasonable attorney fees and expert witness fees incurred in maintaining this action before the Commission and in any judicial review and judicial enforcement proceedings; (Amended, Ordinance 2014-32, July 7, 2014)
- 8) Report as to the manner of compliance;
- 9) Post notices in a conspicuous place which the Commission may publish or cause to be published setting forth requirements for compliance with this Chapter or other relevant information which the Commission determines necessary to explain this Chapter;
- 10) Take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages and back-pay from the date of the human rights violation; and,
- 11) In the case of a violation of Article 8 of this Chapter, pay to the City of Decatur a fine of not more than Five Hundred Dollars (\$500.00) for the first such offense, and not more than One Thousand

Dollars (\$1,000.00) for each subsequent offense. Each day of a continuing offense shall not be considered a separate offense for the purposes hereof; and,

12) Pay to the City of Decatur or the Commission all or a portion of the costs of maintaining and conducting the public hearing including, but not limited to the costs and fees of the investigation, the hearing officer and court reporter. (Amended, Ordinance No. 2009-77, October 19, 2009) (Amended, Ordinance 2014-32, July 7, 2014)

SECTION 5-12. If damage awards or fines ordered hereunder are not paid within thirty (30) days after they are assessed, they shall be considered to be debts to the City of Decatur or the party to whom they are owed under the terms of said order, and shall be collectible in the same manner provided by law for the collection of all other debts.

#### **ARTICLE 6. EMPLOYMENT.**

SECTION 6-1. The following definitions are applicable only as said words or phrases are used in this Article:

A. "Citizenship Status" means the status of being:

- a) a born U.S. citizen;
- b) a naturalized U.S. citizen;
- c) a U.S. national; or,
- d) a person born outside the United States and not a U.S. citizen who is not an

unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.

B. (1) "Employee" includes:

- a) Any individual performing services for remuneration within this State for an employer;
- b) An apprentice;
- c) An applicant for any apprenticeship.

(2) "Employee" does not include:



- a) Domestic servants in private homes;
- b) Individuals employed by persons who are not "employers" as defined by this Article;
- c) Elected public officials or the members of their immediate personal staffs;
- d) Principal administrative officers of the State or of any political subdivision, municipal corporation or other governmental unit or agency;
- e) A person in a vocational rehabilitation facility certified under federal law who has been designated an evaluatee, trainee, or work activity client; and,
- f) Employees of the City of Decatur.

C. 1. "Employer" includes:

- a) Any person employing one (1) or more employees within the City of Decatur;
- b) Any political subdivision of the State or any municipal corporation or other governmental unit or agency (except the State of Illinois and its agencies and departments); and
- c) A joint apprenticeship or training committee.

2. "Employer" does not include the following:

- a) the City of Decatur;
- b) or any religious corporation, association, educational institution, society or non-profit nursing institution conducted by and for those who rely upon treatment by prayer through spiritual means in accordance with the tenets of a generally recognized church or religious denomination with respect to the exclusive employment of individuals of their own respective religion to perform work connected with the carrying on by such corporation, association, educational institution, society or non-profit nursing institution of its activities.

D. "Employment Agency" includes both public and private employment agencies and any person, labor organization, or labor union having a hiring hall or hiring office regularly undertaking, with or without compensation, to procure opportunities to work, or procure, recruit or place employees.

E. "Labor Organization" includes any organization, labor union, craft union, or any voluntary unincorporated association designed to further the cause of the rights of union labor which is constituted

for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or apprenticeships or applications for apprenticeships, or of other mutual aid or protection in connection with employment, including apprenticeships or applications for apprenticeships.

F. "Public Employee" means an employee of a unit of local government, school district, instrumentality or political subdivision.

G. "Public Employer" means a unit of local government, school district, instrumentality or political subdivision.

H. "Public Officer" means a person who is elected to office pursuant to a statute or ordinance, or who is appointed to an office which is established, and the qualifications and duties of which are prescribed, by a statute or ordinance, to discharge a public duty for a unit of local government, school district, instrumentality or political subdivision.

I. "Religion" with respect to employers includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

J. "Sexual Harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

SECTION 6-2. It is a human rights violation:

A. For any employer to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure

or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status.

B. For any employment agency to fail or refuse to classify properly, accept applications and register for employment referral or apprenticeship referral, refer for employment, or refer for apprenticeship on the basis of unlawful discrimination or citizenship status or to accept from any person any job order, requisition or request for referral of applicants for employment or apprenticeship which makes or has the effect of making unlawful discrimination or discrimination on the basis of citizenship status as a condition of employment.

C. For any labor organization to limit, segregate or classify its membership, or to limit employment opportunities, selection and training for apprenticeship in any trade or craft, or otherwise to take, or fail to take, any action which affects adversely any person's status as an employee or as an applicant for employment or as an apprentice, or as an applicant for apprenticeship, or wages, tenure, hours of employment or apprenticeship conditions on the basis of unlawful discrimination or citizenship status.

D. For any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment; provided, that an employer shall be responsible for sexual harassment of the employer's employees by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

E. For any public employer to refuse to permit a public employee under its jurisdiction who takes time off from work in order to practice his or her religious beliefs to engage in work, during hours other than such employee's regular working hours, consistent with the operational needs of the employer and in order to compensate for work time lost for such religious reasons. Any employee who elects such deferred work shall be compensated at the wage rate which he or she would have earned during the originally scheduled work period. The employer may require that an employee who plans to take time off

from work in order to practice his or her religious beliefs provide the employer with a notice of his or her intention to be absent from work not exceeding five (5) days prior to the date of absence.

F. For any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.

G. For an employer to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such Section or to refuse to honor documents tendered that on their face reasonably appear to be genuine. It is not a human rights violation for an employer to take any action that is required by Section 1324a of Title 8 of the United States Code, as now or hereafter amended.

H. Unless otherwise authorized by law, it is a human rights violation for any employer, employment agency or labor organization to inquire into or to use arrest information or criminal history record information ordered expunged, sealed or impounded under Section 5 of the Criminal Identification Act as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. This Section does not prohibit a State agency, unit of local government or school district, or private organization from utilizing conviction information obtained from the Department of State Police under the provisions of Section 3 of the Criminal Identification Act in evaluating the qualifications and character of an employee or a prospective employee.

SECTION 6-3. Nothing contained in this Article shall prohibit an employer, employment agency or labor organization from:

A. Hiring or selecting between persons for bona fide occupational qualifications or any reason except those human rights violations specifically identified in this Article.

B. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the United States or this State or a unit of local government.

C. Using unfavorable discharge from military service as a valid employment criterion when authorized by federal law or regulation or when a position of employment involves the exercise of fiduciary responsibilities.

D. Giving or acting upon the results of any professionally developed ability test provided that such test, its administration, or action upon the results, is not used as a subterfuge for or does not have the effect of unlawful discrimination.

E. Applying different standards of compensation, or different terms, conditions or privileges of employment pursuant to a merit or retirement system provided that such system or its administration is not used as a subterfuge for or does not have the effect of unlawful discrimination.

F. Effecting compulsory retirement of any employee who has attained 65 years of age and who, for the two (2) year period immediately preceding retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans of the employer of such employee, which equals, in the aggregate, at least \$44,000. If any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits) or if the employees contribute to any such plan or make roll-over contributions, the retirement benefit shall be adjusted so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no roll-over contributions are made.

G. Establishing an educational requirement as a prerequisite to selection for a training or apprenticeship program provided such requirement does not operate to discriminate on the basis of any prohibited classification except age.

H. Making legitimate distinctions based on citizenship status if specifically authorized or required by State or federal law.

## **ARTICLE 7. FINANCIAL CREDIT.**

SECTION 7-1. The following definitions are applicable only as said words or phrases are used in this Article:

A. "Credit card" has the meaning set forth in Section 2.03 of the Illinois Credit Card Act.

B. "Financial institution" means any bank, credit union, insurance company, mortgage banking company, savings and loan association, or other business engaged in the lending of funds which operates or has a place of business in the City of Decatur.

C. "Loan" includes, but is not limited to, the providing of funds, for consideration, which are sought for: (1) the purpose of purchasing, constructing, improving, repairing or maintaining a housing accommodation as that term is defined in Section 8-1(C); or (2) any commercial or industrial purposes.

D. "Varying terms" includes, but is not limited to, the following practices:

(1) Requiring a greater down payment than is usual for the particular type of a loan involved.

(2) Requiring a shorter period of amortization than is usual for the particular type of loan involved.

(3) Charging a higher interest rate than is usual for the particular type of loan involved.

(4) An under appraisal of real estate or other item of property offered as security.

SECTION 7-2. It shall be a human rights violation for any financial institution, on the grounds of unlawful discrimination, to:

A. Deny any person any of the services normally offered by such an institution.

B. Provide any person with any service which is different from, or provided in a different manner than, that which is provided to other persons similarly situated.

C. Deny or vary the terms of a loan.

D. Deny or vary the terms of a loan on the basis that a specific parcel of real estate offered as security is located in a specific geographical area.

E. Deny or vary the terms of a loan without having considered all of the regular and dependable income of each person who would be liable for repayment of the loan.

F. Utilize lending standards that have no economic basis and which constitute unlawful discrimination.

SECTION 7-3. It is a human rights violation for a person who offers credit cards to the public in the City of Decatur:

A. To refuse to issue a credit card, upon proper application, on the basis of unlawful discrimination.

B. To fail to inform an applicant for a credit card, upon request, of the reason that his or her application for a credit card has been rejected.

SECTION 7-4. Nothing contained in this Article shall prohibit:

A. A financial institution from considering sound underwriting practices in contemplation of any loan to any person. Such practices shall include:

(1) The willingness and financial ability of the borrower to repay the loan.

(2) The market value of any real estate or other item of property proposed as security for any loan.

(3) Diversification of the financial institution's investment portfolio.

B. A financial institution or a person who offers credit cards from:

(1) Making an inquiry of the applicant's age, permanent residence, immigration status, or any additional information if such inquiry is for the purposes of determining the amount and probable continuance of income levels, credit history, or other pertinent element of credit-worthiness.

(2) Using any empirically derived credit system which considers age if such system is demonstrably and statistically sound, except that in the operation of such system the age of an applicant over the age of 62 years may not be assigned a negative factor or value.

C. A financial institution from refusing to extend credit when required to by or pursuant to any:

(1) credit assistance program expressly authorized by law for an economically disadvantaged class of persons.

(2) credit assistance program administered by a nonprofit organization for its members of an economically disadvantaged class of persons.

(3) special purpose credit program offered by a profit-making organization to meet special social needs.

## **ARTICLE 8. REAL ESTATE TRANSACTIONS.**

SECTION 8-1. The following definitions are applicable only as said words and phrases are used in this Article:

A. "Real property" includes buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

B. "Real estate transaction" includes the sale, exchange, rental or lease of real property. "Real estate transaction" also includes the brokering or appraising of residential real property and the making or purchasing of loans or providing other financial assistance:

(1) for purchasing, constructing, improving, repairing or maintaining a dwelling; or,

(2) secured by residential real estate.

C. "Housing accommodation" includes any improved or unimproved real property, or part thereof, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home or residence of one or more individuals.

D. "Real estate broker or salesman" means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property, or who negotiates or attempts to negotiate any of these activities, or who holds himself or herself out as engaged in these.

E. "Familial status" means one or more individuals (who have not attained the age of 18 years) being domiciled with:

(1) a parent or person having legal custody of such individual or individuals; or,

(2) the designee of such parent or other person having such custody, with the written permission of such parent or other person.



The protections afforded by this Article against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

F. As used in this Article "Covered multifamily dwellings" means:

(1) building consisting of four (4) or more units if such buildings have one or more elevators;  
and,

(2) ground floor units in other buildings consisting of four (4) or more units.

SECTION 8-2. It is a human rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman, because of unlawful discrimination or familial status, to:

A. Refuse to engage in a real estate transaction with a person or to discriminate in making available such a transaction.

B. Alter the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith.

C. Refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person.

D. Refuse to negotiate for a real estate transaction with a person.

E. Represent to a person that real property is not available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his or her attention, or to refuse to permit him or her to inspect real property.

F. Print, circulate, post, mail, publish or cause to be so published a written or oral statement, advertisement or sign, or to use a form of application for a real estate transaction, or to make a record or inquiry in connection with a prospective real estate transaction, which expresses any limitation founded upon, or indicates, directly or indirectly, an intent to engage in unlawful discrimination.

G. Offer, solicit, accept, use or retain a listing of real property with knowledge that unlawful discrimination or discrimination on the basis of familial status in a real estate transaction is intended.

SECTION 8-3. A. It is a human rights violation to refuse to sell or rent or to otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of that buyer or renter; a disability of a person residing or intending to reside in that dwelling after it is sold, rented or made available or a disability of any person associated with the buyer or renter.

B. It is a human rights violation to alter the terms, conditions or privileges of sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling because of a person's disability or a disability of any person residing or intending to reside in that dwelling after it is sold, rented or made available, or a disability of any person associated with that person.

SECTION 8-4. It is a human rights violation:

A. To refuse to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises; except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before modifications, reasonable wear and tear excepted. The landlord may not increase for disabled persons any customarily required security deposit. However, where it is necessary in order to ensure with reasonable certainty that funds will be available to pay for the restorations at the end of the tenancy, the landlord may negotiate as part of such a restoration agreement a provision requiring that the tenant pay into an interest bearing escrow account, over a reasonable period, a reasonable amount of money not to exceed the cost of the restorations. The interest in any such account shall accrue to the benefit of the tenant. A landlord may condition permission for a modification on the renter providing a reasonable description of the proposed modifications as well as reasonable assurances that the work will be done in a workmanlike manner and that any required building permits will be obtained.

B. To refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.

C. In connection with the design and construction of covered multifamily dwellings for first occupancy after January 1, 1994, to fail to design and construct those dwellings in such a manner that:

(1) the public use and common use portions of such dwellings are readily accessible to and usable by disabled persons;

(2) all the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and,

(3) all premises within such dwellings contain the following features of adaptive design:

(i) an accessible route into and through the dwelling;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in bathroom walls to allow later installation of grab bars; and,

(iv) usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

Compliance with the appropriate standards of the Illinois Accessibility Code for adaptable dwelling units suffices to satisfy the requirements of this subsection.

SECTION 8-5. It is a human rights violation for any person to:

A. Solicit for sale, lease, listing or purchase any residential real estate within the City of Decatur, on the grounds of loss of value due to the present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, age, sex, marital status, familial status, disability or sexual orientation.

B. Distribute or cause to be distributed, written material or statements designed to induce any owner of residential real estate in the City of Decatur to sell or lease his or her property because of any present or prospective changes in the race, color, religion, national origin, age, sex, marital status, familial status, disability or sexual orientation of residents in the vicinity of the property involved.

C. Intentionally create alarm, among residents of any community, by transmitting communications in any manner, including a telephone call whether or not conversation thereby ensues,

with a design to induce any owner of residential real estate in the City of Decatur to sell or lease his or her property because of any present or prospective entry into the vicinity of the property involved of any person or persons of any particular race, color, religion, national origin, age, sex, marital status, familial status, disability or sexual orientation.

SECTION 8-6. It is a human rights violation for the owner or agent of any housing accommodation to:

A. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny property to any blind, hearing impaired or physically disabled person because he has a guide, hearing or support dog.

B. Discriminate against any blind, hearing impaired or physically disabled person in the terms, conditions or privileges of sale or rental property, or in the provision of services or facilities in connection therewith, because he has a guide, hearing or support dog.

C. Require, because a blind, hearing impaired or physically disabled person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

SECTION 8-7. Nothing contained in this Article shall prohibit:

A. Any sale of a single family home by its owner so long as the following criteria are met:

(1) The owner does not own or have a beneficial interest in more than three (3) single family homes at the time of the sale;

(2) The owner or a member of his or her family was the last current resident of the home;

(3) The home is sold without the use in any manner of the sales or rental facilities or services of any real estate broker or salesman, or of any employee or agent of any real estate broker or salesman; and,

(4) The home is sold without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of Section 8-2(F).

B. Rental of a housing accommodation in a building which contains housing accommodations for not more than five families living independently of each other, if the lessor or a member of his or her family resides in one of the housing accommodations.

C. Rental of a room or rooms in a private home by an owner if he or she or a member of his or her family resides therein or, while absent for a period of not more than twelve months, if he or she or a member of his or her family intends to return to reside therein.

D. A religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental or occupancy of a dwelling which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

E. Restricting the rental of rooms in a housing accommodation to persons of one sex.

F. Conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the federal Controlled Substances Act (21 U.S.C. 802).

G. Persons engaged in the business of furnishing appraisals of real property from taking into consideration factors other than those based on unlawful discrimination or familial status in furnishing appraisals.

H. Housing for Older Persons. No provision in this section regarding familial status shall apply with respect to housing for older persons.

(1) As used in this Section, "housing for older persons" means housing:

(a) provided under any State or Federal program that the Secretary of Housing and Urban Development has determined to be specifically designed and operated to assist elderly persons (as defined in the State or Federal program); or

(b) intended for, and solely occupied by, persons 62 years of age or older; or

(c) intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the Commission shall develop regulations which require at least the following:

(i) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and

(ii) that at least 80% of the units are occupied by at least one person 55 years of age or older per unit; and,

(iii) the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

#### **ARTICLE 9. PUBLIC ACCOMMODATIONS.**

SECTION 9-1. The following definitions are applicable only as said words and phrases are used in this Article:

A. (1) "Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

(2) By way of example, but not of limitation, "place of public accommodation" includes facilities of the following types: inns, restaurants, eating establishments, hotels, taverns, barber shops, department stores, clothing stores, hat stores, shoe stores, bathrooms, restrooms, theatres, skating rinks, public golf courses, public golf driving ranges, concerts, cafes, bicycle rinks, elevators, ice cream establishments, railroads, busses, taxicabs, airplanes, boats, funeral hearses, crematories, cemeteries, and public conveyances of land, water, or air, public swimming pools and other places of public accommodation and amusement.

B. "Operator" means any owner, lessee, proprietor, manager, superintendent, agent, or occupant of a place of public accommodation or an employee of any such person or persons.

C. "Public official" means any officer or employee of state political subdivisions, municipal corporations, park districts, forest preserve districts, educational institutions and schools.

SECTION 9-2. It is a human rights violation for any person, on the basis of unlawful discrimination, to:

A. Deny or refuse to another the full and equal enjoyment of the facilities and services of any public place of accommodation.

B. Directly or indirectly, as the operator of a place of accommodation, publish, circulate, display or mail any written communication, except a private communication sent in response to a specific inquiry, which the operator knows is to the effect that any of the facilities of the place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination.

C. Deny or refuse to another, as a public official, the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official's office or services or of any property under the official's care because of unlawful discrimination.

SECTION 9-3. Nothing in this Article shall apply to:

A. A private club, or other establishment not in fact open to the public, except to the extent that the goods, services, facilities, privileges, advantages, or accommodations of the establishment are made available to the customers or patrons of another establishment that is a place of amusement.

B. Any facility, as to discrimination based on sex, which is distinctly private in nature such as restrooms, shower rooms, bath houses, health clubs and other similar facilities.

C. Any facility, as to discrimination based on sex, which restricts the rental of rooms to individuals of one sex.

## **ARTICLE 10: MINORITY PARTICIPATION GOALS FOR PUBLIC WORKS CONTRACTS.**

SECTION 10-1. POLICY: The City of Decatur encourages a diverse workforce for all public projects. Toward that end, the City establishes goals for participation by Minority

Business Enterprises (MBE) and minority workers for public works contracts. The objectives of the minority participation goals include:

A. Ensuring non-discrimination in the award and administration of City public works contracts;

B. Encouraging a level playing field on which MBE and minority workers can compete fairly for City public works contracts;

C. Helping to remove barriers to the participation of MBE and minority workers in City public works contracts;

D. Promoting the use of MBE and minority workers in City public works projects;

E. Ensuring the minority participation goals are narrowly tailored in accordance with applicable law;

F. Providing appropriate flexibility to contractors in establishing and providing opportunities for MBE and minority workers;

#### SECTION 10-2. DEFINITIONS:

A. MINORITY: For purposes of this Article, the City hereby adopts and incorporates by reference “minority person” as defined in the Illinois Business Enterprise for Minorities, Females and Persons with Disabilities Act, 30 ILCS 575/2.

B. MINORITY BUSINESS ENTERPRISE (MBE): A business that is owned and controlled by minorities. There must be not less than 51 percent minority ownership of the business, and the minority ownership must control the management and daily operations of the business.



SECTION 10-3. MINORITY PARTICIPATION GOALS IN PUBLIC PROJECTS.

A. Contractors for City projects shall make a good faith effort to comply with the following minimum goals: (1) Ten (10) percent of the total dollar amount of the contract should be performed by Minority Business Enterprises if subcontracting opportunities are available; and (2) Eighteen (18) percent of the total hours worked should be performed by minority workers.

B. Subcontracting is not required for a City project. If a subcontractor is used, the contractor shall make a good faith effort to meet the City's minority participation goals.

C. A contractor shall provide evidence of meeting the City's minority participation goals as directed and required by the Public Works Director or provide evidence that it made a good-faith effort to meet the goals.

D. A good faith effort means the contractor took reasonable and necessary steps to achieve the minority participation goals. Good faith means the contractor actively and aggressively sought participation by MBE or minority workers. The City shall consider the quality, quantity and intensity of efforts made by a contractor.

E. Evidence of a good-faith effort includes, but is not limited to, as appropriate:

(i) Soliciting through all reasonable and available means the interest of MBE and minority workers;

(ii) Outreach and recruitment efforts of MBE and minority workers;

(iii) Packaging requirements, when feasible, into tasks or quantities that permit maximum participation from MBE and minority workers;

(iv) Providing interested MBE and firms that employ minority workers with adequate information about the bidding process, adequate time to respond and assistance in responding to a solicitation;

(v) Negotiating in good faith with MBE and firms that employ minority workers;

(vi) Assisting interested MBE and firms that employ minority workers in obtaining bonding, lines of credit or insurance;

(vii) Assisting interested MBE and firms that employ minority workers in obtaining necessary equipment, supplies or materials;

(viii) Seeking services from available minority community organizations; minority contractors' groups, minority business assistance offices and other organizations, as appropriate, to provide assistance in recruiting MBE and minority workers;

(ix) If an MBE or a firm that employs minority workers is rejected, providing sound reasons for rejection based on a thorough investigation of the firm;

(x) Providing payroll records or other evidence showing the percentage of minority workers employed on the project or the percentage of project hours completed by minority workers;

(xi) All other good faith efforts or evidence of due diligence to meet the City's minority participation goals.

F. The minority participation goals shall be reviewed annually by the City Manager or his designee. Any changes of the goals shall require a majority vote by Decatur City Council.

#### SECTION 10-4. PROGRAM ADMINISTRATION:

A. The Public Works Director, or his designee, shall:

(i) Administer and enforce the provisions of this Article;

(ii) Monitor, track and report on contractors over the contract duration to ensure compliance with this Article.

SECTION 10-5. PENALTIES:

A. If a contractor fails to meet the City's minority participation goals and fails to provide evidence of a good faith effort to meet the goals, the Public Works Director or his designee may, as appropriate:

(i) Order immediate corrective action, as appropriate and practicable, to meet the minority participation goals or to show a good faith effort toward meeting the goals;

(ii) Assess a fine or penalty not to exceed \$2,000 for each offense, and each day on which a violation occurs or continues shall be considered a separate offense;

(iii) Withhold the fine or penalty assessed from the unpaid portion of the contract;

(iv) Order that the contractor will not be considered a responsive responsible bidder for future City projects until the contractor provides evidence of making a good faith effort toward meeting the City's minority participation goals.

SECTION 10-6. APPEALS: The penalty assessed by the Public Works Director or his designee shall be appealable to the City's Human Relations Commission.

SECTION 10-7. WAIVER:

A. If a contractor does not or cannot meet the City's minority participation goals for contracts, it may seek in writing a waiver. The waiver request shall include, as appropriate:

(i) Evidence of the contractor's good faith efforts to secure participation by MBE and minority workers;

(ii) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation.

B. The Public Works Director or his designee may, at his or her discretion, waive the minority participation goals upon finding:

- (i) The project is essential for city operations;
- (ii) Emergency circumstances require a waiver;
- (iii) Evidence of a good faith effort by the contractor;

(iv) Evidence the contractor received no proposals or inquiries from qualified MBE or firms that employ minority workers in response to a good faith effort to secure participation. (Amended, Ordinance 2015-07, March 2, 2015)

**ARTICLE 11. GENERAL PROVISIONS.**

SECTION 11-1. The provisions of this Chapter are, and shall be construed to be, severable, and a finding of invalidity of any of such provisions by a court of competent jurisdiction shall not invalidate the other provisions hereof.

SECTION 11-2. Nothing in this Chapter shall be construed, and it is not the intent hereof, to require more costly means of compliance herewith than are required for compliance with standards set out in applicable State or Federal laws which are similar or comparable hereto.

**ARTICLE 10: MINORITY PARTICIPATION GOALS FOR PUBLIC WORKS CONTRACTS.**

SECTION 10-1. POLICY: The City of Decatur encourages a diverse workforce for all public works projects. Toward that end, the City establishes goals for participation by Minority Business Enterprises (MBE) and minority workers for public works contracts. The objectives of the minority participation goals include:

A. Ensuring non-discrimination in the award and administration of City public works contracts;

B. Encouraging a level playing field on which MBE and minority workers can compete fairly for City public works contracts;

C. Helping to remove barriers to the participation of MBE and minority workers in City public works contracts;

D. Promoting the use of MBE and minority workers in City public works projects;

E. Ensuring that the minority participation goals are narrowly tailored in accordance with applicable law;

F. Providing appropriate flexibility to contractors in establishing and providing opportunities for MBE and minority workers;

SECTION 10-2. DEFINITIONS:

A. MINORITY: For purposes of this Article, the City hereby adopts and incorporates by reference “minority person” as defined in the Illinois Business Enterprise for Minorities, Females and Persons with Disabilities Act, 30 ILCS 575/2.

B. MINORITY BUSINESS ENTERPRISE (MBE): A business that is owned and controlled by minorities. There must be not less than 51 percent minority ownership of the

business, and the minority ownership must control the management and daily operations of the business.

C. PUBLIC WORKS CONTRACTS. All City contracts entered into for the repair, remodeling, renovation or construction of public buildings, structures and rights of way.

D. PUBLIC WORKS PROJECTS. All City projects entered into for the repair, remodeling, renovation or construction of public buildings, structures and rights of way.

#### SECTION 10-3. MINORITY PARTICIPATION GOALS IN PUBLIC PROJECTS.

A. As allowed by law, Contractors for City public works projects shall make a good faith effort to comply with the following minimum goals: (1) Ten (10) percent of the total dollar amount of the contract should be performed by Minority Business Enterprises if subcontracting opportunities are available and/or ten (10) percent of the total dollar amount of the contract should be for the purchase of goods, materials and equipment to be used for the public works project from Minority Business Enterprises with the ten (10) percent goal being met separately or in combination; and (2) Eighteen (18) percent of the total hours worked should be performed by minority workers.

B. Where a proposal or bid for a public works contract meets or exceeds the twenty percent (20%) total MBE amount described in Section A above to the total dollar amount of the contract, the City will award a two percent (2%) bonus of final contract amount up to a maximum of fifty thousand dollars (\$50,000). Payment of this extra amount or bonus will be made at the end of the contract and after the City has verified and documented that MBE expenditures met or exceeded twenty percent (20%) of total contract value.

C. Subcontracting is not required for a City project. If a subcontractor is used, the contractor shall make a good faith effort to meet the City's minority participation goals in the selection of subcontractors.

D. A contractor shall provide evidence of meeting the City's minority participation goals as directed and required by the Public Works Director or provide evidence that it made a good-faith effort to meet the goals.

E. A good faith effort means the contractor took reasonable and necessary steps to achieve the minority participation goals. "Good faith" means the contractor actively and aggressively sought participation by MBE sub-contractors or vendors or minority workers. The City shall consider the quality, quantity and intensity of efforts made by a contractor.

F. Evidence of a good-faith effort includes, but is not limited to, as appropriate:

(i) Soliciting through all reasonable and available means the interest of MBE and minority workers;

(ii) Outreach and recruitment efforts of and to MBEs and minority workers;

(iii) Packaging requirements, when feasible, into tasks, quantities or subcontracts that permit maximum participation from MBEs and minority workers;

(iv) Providing interested MBEs and firms that employ minority workers with adequate information about the bidding process, adequate time to respond and assistance in responding to a solicitation;

(v) Negotiating in good faith with MBEs and firms that employ minority workers;

(vi) Assisting interested MBEs and firms that employ minority workers in obtaining bonding, lines of credit or insurance;

(vii) Assisting interested MBEs and firms that employ minority workers in obtaining necessary equipment, supplies or materials;

(viii) Seeking services from available minority community organizations; minority contractors' groups, minority business assistance offices and other organizations, as appropriate, to provide assistance in recruiting MBEs and minority workers;

(ix) If an MBE is rejected, providing sound reasons for rejection based on a thorough investigation of the firm;

(x) Providing payroll records or other evidence showing the percentage of minority workers employed on the project or the percentage of project hours completed by minority workers;

(xi) All other good faith efforts or evidence of due diligence to meet the City's minority participation goals.

G. The minority participation goals shall be reviewed annually by the City Manager or his designee. Any changes of the goals shall require a majority vote by Decatur City Council.

#### SECTION 10-4. PROGRAM ADMINISTRATION:

A. The Public Works Director, his designee, or third party contractor, shall:

(i) Administer and enforce the provisions of this Article;

(ii) Monitor, track and report on contractors over the contract duration to ensure compliance with this Article.

(iii) Report to the City Council no less than annually on MBE utilization pursuant to this City Code.



SECTION 10-5. PENALTIES:

A. If a contractor fails to meet the City's minority participation goals, falsifies MBEs documentation, and/or fails to provide evidence of a good faith effort to meet the goals, the Public Works Director or his designee may, as appropriate:

(i) Order immediate corrective action, as appropriate and practicable, to meet the minority participation goals or to show a good faith effort toward meeting the goals;

(ii) Assess a fine or penalty not to exceed \$2,000 for each offense. Each day on which a violation occurs or continues shall be considered a separate offense. The assessed fine or penalty may be deducted and withheld from the unpaid portion of the contract;

(iii) Order that the contractor will not be considered a responsive responsible bidder for future City projects for a fixed period of time and/or until the contractor provides evidence of making a good faith effort toward meeting the City's minority participation goals.

SECTION 10-6. APPEALS: The penalty assessed by the Public Works Director or his designee shall be appealable to the City's Human Relations Commission.

SECTION 10-7. WAIVER:

A. If a contractor does not or cannot meet the City's minority participation goals for contracts, it may seek in writing a waiver. The waiver request shall include, as appropriate:

(i) Evidence of the contractor's good faith efforts to secure participation by MBE and minority workers;

(ii) Evidence the contractor received no proposals or inquiries from qualified MBEs or firms that employ minority workers in response to a good faith effort to secure participation.

B. The Public Works Director or his designee may, at his or her discretion, waive the minority participation goals upon finding:

- (i) The project is essential for city operations;
- (ii) Emergency circumstances require a waiver;
- (iii) Evidence of a good faith effort by the contractor;
- (iv) Evidence the contractor received no proposals or inquiries from qualified MBE

or firms that employ minority workers in response to a good faith effort to secure participation.

(Amended, Ordinance 2015-07, March 2, 2015)

**ARTICLE 11. GENERAL PROVISIONS.**

SECTION 11-1. The provisions of this Chapter are, and shall be construed to be, severable, and a finding of invalidity of any of such provisions by a court of competent jurisdiction shall not invalidate the other provisions hereof.

SECTION 11-2. Nothing in this Chapter shall be construed, and it is not the intent hereof, to require more costly means of compliance herewith than are required for compliance with standards set out in applicable State or Federal laws which are similar or comparable hereto.

**PROPOSED CITY COUNCIL POLICY NUMBER \_\_\_\_\_.**

**Minority Business Enterprises (July 20, 2020)**

For purposes of this City Council Policy, Minority Business Enterprises are defined as those companies owned 51% or more by minority persons, where a majority of the board and leadership of the company are minority persons, and where the primary place of business is located in one of the following Illinois counties: Macon, Dewitt, Sangamon, Piatt, Moultrie, Logan, Christian and Shelby.

For expenditures the City Manager is authorized to approve in accordance with Chapter 7 Section 26 and Chapter 10 Section 6 of the City Code, the City Manager or his designee may award contracts or purchase orders to MBEs as defined in Chapter 28 of the City Code following submittal of written proposals or bids if the MBE is not more than two percent (2%) of the total value of the contract or purchase order above the low proposal or bid, if the low proposal or bid is not an approved MBE value of the contract or purchase order.

For those expenditures and contracts requiring City Council approval, the City Manager or his designee may recommend approval of such with MBEs if the MBE expenditure or contract is not the lowest responsive bid so long as the MBE bid is within two percent (2%) of the lowest responsive bid.

## **M.B.E. ADDENDUM**

In order to strengthen our MBE ordinance as well as promote, encourage and strengthen the economic development of our community through the use of various resources available to the City, I would recommend we amend Chapter 28 Section 10 of the City Code, amend City Council Policies and add an Administrative Policy.

Chapter 28, Section 10 has been changed in an effort to achieve the results requested. In order to reduce uncertainty, definitions have been added for public works contracts and public works projects. The goals for subcontracting (if utilized in a public works project) remain at 10% MBE of the total dollar amount of the public works project contract and 18% MBE workers of the total hours worked on the public works project. While the 18% goal has been successful, the 10% subcontracting goal seems to be more challenging to achieve, especially when contractors elect to subcontract little or no work (choosing instead to perform all the work).

In order to assist contractors in achieving this goal as well as provide additional opportunities to MBEs, an amendment is proposed that would allow the 10% goal to be achieved through the use of MBEs for the purchase of goods, materials and equipment to be used for the public works project. The 10% goal could be achieved by utilizing 10% MBE subcontractors or by purchasing goods, materials and equipment for use in the project from MBEs in an amount representing at least 10% of the total dollar value of the contract or by utilizing a combination of the two. In addition, MBE would apply for the first time to procurements over a certain dollar threshold.

Another proposed amendment would provide a 2% bonus of the total dollar amount of the contract up to a maximum of \$50,000 if the contractor meets or exceeds 20% MBE utilization.

The changes to the City Council Policies would add a section providing that the City Manager could approve (if within his authority to approve under City Code) or recommend to City Council for approval contracts or purchase orders to MBEs if the MBE bid is within 2% of the lowest non-MBE bid. MBEs would be defined in Council Policies as those companies with 51% minority ownership and with their primary place of business in Macon, Dewitt, Sangamon, Piatt, Moultrie, Logan, Christian and Shelby counties.

The final item to help promote and encourage the economic development of MBEs in the community would be to institute updated internal purchasing policies for the City. These policies would attempt to promote the utilization of purchases from MBEs for internal use of the City and its employees in as an efficient, practical and cost effective means as possible. Discussions with the purchasing supervisor and others most familiar with procurement will occur in the drafting of the Administrative Policy and Procedures, once the City Council sets the general direction through enactment of ordinance revisions and new City Council policies.

--Wendy Morthland, Corporation Counsel

2019 PROJECTS UNDER CHAPTER 28 MINORITY GOALS - HOURS WORKED SUMMARY												
Demographic	Number of Contracts in ePrizm: 22						2019 Contract Amount:			\$21,246,019.40		
	Male			Female			Unspecified Gender			Total		
	Count	Hours Worked		Count	Hours Worked		Count	Hours Worked		Count	Hours Worked	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	86	12,426	20.45%	3	150	31.52%	0	0	0	87	12,461	20.39%
Caucasian	559	46,999	77.36%	18	325.86	68.48%	0	0	0	577	47,325	77.44%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	4	466	0.77%	0	0	0	0	0	0	4	466	0.76%
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	8	470	0.77%	0	0	0.00%	0	0	0	8	470	0.77%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	5	392	0.64%	0	0	0	0	0	0	5	392	0.64%
Totals	662	60,752	100.00%	21	475.86	100.00%	0	0	0	681	61,113	100%
<b>Total Minority</b>	<b>98</b>	<b>13,361</b>	<b>21.99%</b>	<b>3</b>	<b>150</b>	<b>31.52%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>99</b>	<b>13,396</b>	<b>21.92%</b>

FINAL SUBCONTRACTOR PARTICIPATION FOR 2019 PROJECTS										
Project #	Project Name	Contractor	Final Project Cost	Initial Subcontracting Estimate	Final Subcontracting Total	Initial MBE Estimate	Initial Waiver Status	Final MBE Amount	Final MBE %	Status of MBE Goal
2018-09	Misc. Sanitary and Storm Sewer Project	Entler Excavating	\$496,172	\$76,930	\$72,174	\$0	Good Faith Effort	\$0	0.00%	Evidence of good faith effort was documented
2018-25	Local MFT Street Improvements	Dunn Company	\$2,294,455	\$669,268	\$917,974	\$28,250	Good Faith Effort	\$66,071	2.88%	Evidence of good faith effort was documented
2018-28	2018 Trenchless Long Lining Repairs	Insituform Technologies	\$709,379	\$53,051	\$55,489	\$0	Good Faith Effort	\$0	0.00%	Evidence of good faith effort was documented
2018-10	2018 Annual Watermain Replacement	Burdick Plumbing & Heating	\$2,434,910	\$662,000	\$661,908	\$275,000	Goal Met	\$362,154	14.87%	Goal Exceeded
2018-36	Lake Office Parking & Pier Improvement	Christy-Foltz	\$383,220	\$226,562	\$244,720	\$39,532	Goal Met	\$35,866	9.36%	Goal Not Met
2019-01	ML King Watermain Flow Meter Test Vault	Entler Excavating	\$51,900	\$0	\$0	\$0	No Subs	\$0	0.00%	Subcontracting is not required
2019-14	Manhole Rehabilitation Project	Front Range Environmental	\$160,200	\$0	\$0	\$0	No Subs	\$0	0.00%	Subcontracting is not required
2019-23	2019 Valve & Hydrant Replacement	Kinney Contractors	\$461,800	\$0	\$0	\$0	No Subs	\$0	0.00%	Subcontracting is not required
2019-28	2019 Trenchless Long Lining Repairs	Insituform Technologies	\$500,959	\$66,090	\$70,939	\$56,320	Goal Met	\$57,007	11.38%	Goal Exceeded
<b>Totals</b>			<b>\$7,492,995</b>	<b>\$1,753,901</b>	<b>\$2,023,204</b>	<b>\$399,102</b>		<b>\$521,098</b>	<b>6.95%</b>	

Note: This list only includes those projects for which the MBE and Hourly requirements applied.

### 2019 Projects and Projects Completed in 2019

<b>Contract:</b>	<b>Tree and Brush Removal Areas 4, 5 and 6</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Homer Tree Care</b>						<b>Contract Amount:</b>		<b>\$139,000</b>			
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>		<b>\$0</b>			
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified												
African American												
Caucasian												
Native American												
Asian												
Asian Pacific												
Hispanic												
Latin America												
Subcontinent Asian												
Other												
Totals												
Total Minority												
*Not a prevailing wage project* Minority information has been requested												

<b>Contract:</b>	<b>Tree Removal Areas 1, 2 &amp; 3</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: JT's Tree Service</b>						<b>Contract Amount:</b>		<b>\$96,520.80</b>			
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>		<b>\$0</b>			
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	3	360	38.14%	0	0	0	0	0	0	3	360	38.14%
Caucasian	6	584	61.86%	0	0	0	0	0	0	6	584	61.86%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	9	944	100%	0	0	0	0	0	0	9	944	100%
Total Minority	3	360	38.14%	0	0	0	0	0	0	3	360	38.14%
*Not a prevailing wage project*												

<b>Contract:</b>	<b>FAU 7386 (Main St.) over Stevens Creek, City Project 2018-02</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Reyhan Bros, Inc. DBA Sangamo Construction Company</b>						<b>Contract Amount:</b>			<b>\$130,351.38</b>			
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>			<b>\$0</b>			
	Male			Female			Unspecified Gender			Total			
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	2	90	8.70%	1	9	0.87%	0	0	0	4	99	9.57%	
Caucasian	12	915.5	88.50%	2	20	1.93%	0	0	0	14	935.5	90.43%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	15	1005.5	97.20%	3	29	2.80%	0	0	0	18	1034.5	100%	
Total Minority	2	90	8.70%	3	29	2.80%	0	0	0	5	93	11.50%	
*This is a State Motor Fuel Tax project and not under the City's minority goals*													

<b>Contract:</b>	<b>Lake Decatur Dam Gates Evaluation</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Hanson Professional Services, Inc.</b>						<b>Contract Amount:</b>			<b>\$153,900.00</b>			
	<b>Subcontractor: John Henry Foster, Christy-Foltz, Inc., Global Infrastructure</b>						<b>Subcontract Amount:</b>			<b>\$113,351.00</b>			
	Male			Female			Unspecified Gender			Total			
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	0	0	0	0	0	0	0	0	0	0	0	0	
Caucasian	4	27	100%	0	0	0	0	0	0	4	27	100%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	4	27	100%	0	0	0	0	0	0	4	27	100%	
Total Minority	0	0	0%	0	0	0	0	0	0	0	0	0	
*Professional Services contract, not under minority goals*													

<b>Contract:</b>	<b>2019-14 Manhole Rehabilitation Project</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Front Range Environmental, LLC</b>						<b>Contract Amount:</b>			<b>\$192,080.00</b>		
	<b>Subcontractor: None.</b>						<b>Subcontract Amount:</b>			<b>\$0</b>		
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	1	27.83	2.63%	0	0	0	0	0	0	1	27.83	2.63%
Caucasian	5	818.47	77.24%	0	0	0	0	0	0	5	818.47	77.24%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	2	213.28	20.13%	0	0	0	0	0	0	2	213.28	20.13%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	8	1059.58	100%	0	0	0	0	0	0	8	1059.58	100%
Total Minority	3	246.11	22.76%	0	0	0	0	0	0	3	246.11	22.76%

<b>Contract:</b>	<b>2017-22 McKinley Ave Sewer Rehabilitation</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: SAK Construction, LLC</b>						<b>Contract Amount:</b>			<b>\$5,379,460.31</b>		
	<b>Subcontractor: Tele-Scan, Inc., Luka Company, Inc</b>						<b>Subcontract Amount:</b>			<b>\$531,000</b>		
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	7	2866.78	25.21%	0	0	0	0	0	0	7	2866.78	25.21%
Caucasian	36	8262.28	72.66%	1	8.36	0.07%	0	0	0	37	8270.64	72.73%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	1	97	0.85%	0	0	0	0	0	0	1	97	0.85%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	137	1.20%	0	0	0	0	0	0	1	137	1.20%
Totals	45	11363.06	100%	1	8.36	0.07%	0	0	0	46	11371.42	100%
Total Minority	9	3100.78	27.26%	0	0	0	0	0	0	9	3100.78	27.26%



<b>Contract:</b>	<b>2019-05 Decatur Library Parking Lot Improvement Project</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Christy-Foltz, Inc</b>						<b>Contract Amount:</b>			<b>\$1,055,779.40</b>		
	<b>Subcontractor: Bodine Electric of Decatur, Dunn Company, Anderson Backhoe Service, General Fence Company, Jay Kan, Inc., Hohulin Fence, Illinois Forest Products, Co., Marengo Enterprises, LLC, Burdick Plumbing &amp; Heating Co., Inc., Varsity Striping</b>						<b>Subcontract Amount:</b>			<b>\$621,348.61</b>		
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	10	630	13.87%	0	0	0	0	0	0	10	630	13.87%
Caucasian	78	3803.25	83.72%	5	90.5	1.99%	0	0	0	83	3893.75	85.71%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	2	19	0.42%	0	0	0	0	0	0	2	19	0.42%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	90	4452.25	98.01%	5	90.5	1.99%	0	0	0	95	4542.75	100%
Total Minority	12	649	14.29%	0	0	0	0	0	0	12	649	14.29%
*Project still in progress. Expected August 2020*												

<b>Contract:</b>	<b>2019-25 2019 Local Motor Fuel Tax Street Improvement Project</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Dunn Company</b>						<b>Contract Amount:</b>			<b>\$1,881,564.88</b>		
	<b>Subcontractor: Anderson Backhoe Services, Bodine Electric of Decatur, Kinney Contractors, Inc., Varsity Striping &amp; Construction Co., Burdick Plumbing &amp; Heating, Inc., Marengo Enterprises, LLC, Smoodies Trucking, James Cox Trucking, Inc.</b>						<b>Subcontract Amount:</b>			<b>\$886,166.41</b>		
	Male			Female			Unspecified Gender			Total		
Demographic	Count	Hours		Count	Hours		Count	Hours		Count	Hours	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	18	1764	28.07%	2	142	2.26%	0	0	0	20	1906	30.33%
Caucasian	82	4098.5	65.21%	6	120	1.91%	0	0	0	88	4218.5	67.12%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	1	35.5	0.56%	0	0	0	0	0	0	1	35.5	0.56%
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	125	1.99%	0	0	0	0	0	0	1	125	1.99%
Totals	102	6023	95.83%	8	262	4.17%	0	0	0.00%	110	6285	100.00%
Total Minority	20	1924.5	30.62%	2	142	2.26%	0	0	0.00%	22	2066.5	32.88%

<b>Contract:</b>	<b>2019-28, 2019 Trenchless Long Lining Repairs</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Insituform Technologies, LLC</b>						<b>Contract Amount:</b>			<b>\$559,506.75</b>		
	<b>Subcontractor: Votruba Excavating, David Mason &amp; Associates, Inc., Odesco Industrial</b>						<b>Subcontract Amount:</b>			<b>\$71,830.90</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	3	214.5	12.71%	0	0	0	0	0	0	3	214.5	12.71%
Caucasian	20	1314	77.84%	1	35	2.07%	0	0	0	21	1349	79.92%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	2	124.5	7.38%	0	0	0	0	0	0	2	124.5	7.38%
Totals	25	1653	97.93%	1	35	2.07%	0	0	0	26	1688	100%
Total Minority	5	339	20.09%	0	0	0	0	0	0	5	339	20.09%

<b>Contract:</b>	<b>2019-08, Street Restoration 19-00908-00-FP</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Dunn Company</b>						<b>Contract Amount:</b>			<b>\$403,300</b>		
	<b>Subcontractor: Varsity Striping &amp; Construction Co., Kinney Contractors, Inc.</b>						<b>Subcontract Amount:</b>			<b>\$59,646</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	5	79	7.84%	1	7.5	0.74%	0	0	0	6	86.5	8.59%
Caucasian	36	887	88.04%	1	28	2.78%	0	0	0	37	915	90.82%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	41	966	95.88%	3	41.5	4.12%	0	0	0	44	1007.5	100%
Total Minority	5	79	7.84%	1	7.5	0.74%	0	0	0	6	86.5	4.86%
*This is a State Motor Fuel Tax project and not under the City's minority goals*												

<b>Contract:</b>	<b>Fire Station #5</b>											
<b>Contractor &amp;</b>	<b>Contractor: Christy-Foltz</b>						<b>Contract Amount:</b>			<b>\$2,708,303</b>		
<b>Subcontractor</b>	<b>Subcontractor: Romer Bros Tree &amp; Shrub Service, Inc., Anderson Backhoe Services, Neiss Masonry Inc, Western Specialty Contractors, Top Quality Roofing, Springfield Overhead Doors, Arrow Glass, Carpet Weavers Commercial Inc, New Beginning Contractors, Storage &amp; Design Group, King-Lar, DME Elevators &amp; Lifts, Superior Fire Protection Systems, Bodine Electric of Decatur, Burdick Plumbing &amp; Heating Co., Inc., Dunn Company, F &amp; W Lawn Care &amp; Landscaping, Custom Hardscapes</b>						<b>Subcontract Amount:</b>			<b>\$1,277,207</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	6	759.61	5.46%	0	0	0	0	0	0	6	759.61	5.46%
Caucasian	110	13126.13	94.28%	1	37	0.27%	0	0	0	111	13163.13	94.54%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	116	13885.74	99.73%	1	37	0.27%	0	0	0	117	13922.74	100%
Total Minority	6	759.61	5.46%	0	0	0	0	0	0	6	759.61	5.46%

<b>Contract:</b>	<b>Fire Station 1, 2, 4, 5 Phase 2 Renovation</b>											
<b>Contractor &amp;</b>	<b>Contractor: D &amp; O Contractors</b>						<b>Contract Amount:</b>			<b>\$803,745</b>		
<b>Subcontractor</b>	<b>Subcontractor: B &amp; B Glass, Anderson Electric, Anderson Electric, Design-Air Heating &amp; Air Conditioning, Anderson Electric, Scott Custom Ceilings, Dave Minix Construction</b>						<b>Subcontract Amount:</b>			<b>\$502,361</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	1	65.46	5.97%	0	0	0	0	0	0	1	65.46	5.97%
Caucasian	15	822.9	75.08%	0	0	0	0	0	0	15	822.9	75.08%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	1	97.43	8.89%	0	0	0	0	0	0	1	97.43	8.89%
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	1	110.3	10.06%	0	0	0	0	0	0	1	110.3	10.06%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	18	1096.09	100%	0	0	0	0	0	0	18	1096.09	100%
Total Minority	3	273.19	24.92%	0	0	0	0	0	0	3	273.19	24.92%

<b>Contract:</b>	<b>2019 Miscellaneous Sanitary &amp; Storm Improvement Project 2019-09</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Entler Excavating Co., Inc.</b>						<b>Contract Amount:</b>		<b>\$601,430</b>			
	<b>Subcontractor: Loyalty Services, LLC, Burdick Plumbing &amp; Heating Co., Inc., C.L. Rhodes Concrete Construction</b>						<b>Subcontract Amount:</b>		<b>\$74,900</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	3	192.5	20.21%	0	0	0	0	0	0	3	192.5	20.21%
Caucasian	11	760	79.79%	0	0	0	0	0	0	11	760	79.79%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	14	952.5	100%	0	0	0	0	0	0	14	952.5	100%
Total Minority	3	192.5	20.21%	0	0	0	0	0	0	3	192.5	20.21%

<b>Contract:</b>	<b>2019-01 ML King Watermain Flow Meter Test Vault Project</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Entler Excavating Co., Inc.</b>						<b>Contract Amount:</b>		<b>\$61,875</b>			
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>		<b>\$0</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	1	34.5	29.11%	1	8	6.75%	0	0	0	2	42.5	35.86%
Caucasian	3	76	64.14%	0	0	0	0	0	0	3	76	64.14%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	4	110.5	93.25%	1	8	6.75%	0	0	0	5	118.5	100%
Total Minority	1	34.5	29.11%	1	8	6.75%	0	0	0	2	42.5	35.86%

<b>Contract:</b>	<b>2019-19 Annual Sewer Inspection (3 yr program)</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Tele-Scan, Inc.</b>						<b>Contract Amount:</b>			<b>\$450,000</b>			
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>			<b>\$0</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>			
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	1	22.26	8.74%	0	0	0	0	0	0	1	22.26	8.74%	
Caucasian	5	183.96	72.25%	1	48.41	19.01%	0	0	0	6	232.37	91.26%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	6	206.22	80.99%	1	48.41	19.01%	0	0	0	7	254.63	100%	
Total Minority	1	22.26	8.74%	0	0	0	0	0	0	1	22.26	8.74%	
*Professional Services contract, not under minority goals*													

<b>Contract:</b>	<b>2019-23, 2019 Valve &amp; Hydrant Replacement Project</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Kinney Contractors, Inc.</b>						<b>Contract Amount:</b>			<b>\$464,441</b>			
	<b>Subcontractor: Hutchins Excavating</b>						<b>Subcontract Amount:</b>			<b>\$10,000</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>			
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	4	397.5	27.02%	0	0	0	0	0	0	4	397.5	27.02%	
Caucasian	22	1068.5	72.64%	0	0	0	0	0	0	22	1068.5	72.64%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	1	5	0.34%	0	0	0	0	0	0	1	5	0.34%	
Totals	27	1471	100%	0	0	0	0	0	0	27	1471	100%	
Total Minority	5	402.5	27.36%	0	0	0	0	0	0	5	402.5	27.36%	

<b>Contract:</b>	<b>2019-10, 2019 Annual Water Main Replacement, Fairlawn Neighborhood</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Burdick Plumbing &amp; Heating Co., Inc.</b>						<b>Contract Amount:</b>			<b>\$2,624,752</b>		
	<b>Subcontractor: Marengo Enterprises, LLC, Kinney Contractors, Inc., Dunn Company, Bodine Electric of Decatur, Rainey Nursery, Bodine Electric of Decatur, Bodine Electric of Decatur</b>						<b>Subcontract Amount:</b>			<b>\$1,031,000</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	7	2190	31.97%	0	0	0	0	0	0	7	2190	31.97%
Caucasian	44	4550.5	66.42%	0	0	0	0	0	0	44	4550.5	66.42%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	1	110.5	1.64%	0	0	0	0	0	0	1	110.5	1.64%
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	52	6851	100%	0	0	0	0	0	0	52	6851	100%
Total Minority	8	2300.5	33.61%	0	0	0	0	0	0	8	2300.5	33.61%

<b>Contract:</b>	<b>Transit Carpet Replacement, IL-2017-029</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Carpet Weavers Commercial Inc</b>						<b>Contract Amount:</b>			<b>\$21,500</b>		
	<b>Subcontractor: None</b>						<b>Subcontract Amount:</b>			<b>\$0</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0
African American	1	48	43.64%	0	0	0	0	0	0	1	48	43.64%
Caucasian	2	62	56.36%	0	0	0	0	0	0	2	62	56.36%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	3	110	100%	0	0	0	0	0	0	3	110	100%
Total Minority	1	48	43.64%	0	0	0	0	0	0	1	48	43.64%

<b>Contract:</b>	<b>2018-36 Lake Office Parking &amp; Pier Improvement</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Christy-Foltz, Inc.</b>						<b>Contract Amount:</b>			<b>\$389,707.88</b>			
	<b>Subcontractor: Anderson Backhoe Services, Dunn Company, General Fence Company, Jay Kan, Inc., Marengo Enterprises LLC, Varsity Striping &amp; Construction Co.</b>						<b>Subcontract Amount:</b>			<b>\$222,062</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>			
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	7	171.5	15.44%	0	0	0	0	0	0	7	171.5	15.44%	
Caucasian	43	898.75	80.91%	2	17.5	1.58%	0	0	0	45	916.25	82.49%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	1	23	2.07%	0	0	0	0	0	0	1	23	2.07%	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	51	1093.25	98.42%	2	17.5	1.58%	0	0	0	53	1110.75	100%	
Total Minority	8	194.5	17.51%	0	0	0	0	0	0	8	194.5	17.51%	

<b>Contract:</b>	<b>Demolition of Property, Library Annex 444 E Main St</b>												
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Steve's Trucking, Inc.</b>						<b>Contract Amount:</b>			<b>\$125,500</b>			
	<b>Subcontractor: Parkland Environmental Group, Inc.</b>						<b>Subcontract Amount:</b>			<b>\$20,400</b>			
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>			
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		
Unspecified	0	0	0	0	0	0	0	0	0	0	0	0	
African American	2	115	22.62%	0	0	0	0	0	0	0	0	0	
Caucasian	8	393.4	77.38%	0	0	0	0	0	0	8	393.4	77.38%	
Native American	0	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0	
Latin America	0	0	0	0	0	0	0	0	0	0	0	0	
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	
Totals	10	508.4	100%	0	0	0	0	0	0	10	508.4	100%	
Total Minority	2	115	22.62%	0	0	0	0	0	0	2	115	22.62%	

<b>Contract:</b>	<b>2018 Miscellaneous Sanitary &amp; Storm Improvement Project</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Entler Excavating</b>						<b>Contract Amount:</b>			<b>\$524,880</b>		
	<b>Subcontractor: Loyalty Services, LLC, Dunn Company, C.L. Rhodes Concrete Construction, Burdick Plumbing &amp; Heating Co., Inc.</b>						<b>Subcontract Amount:</b>			<b>\$76,930</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	
African American	6	416.2	25.06%	0	0	0	0	0	0	6	416.2	25.06%
Caucasian	35	1225.4	73.77%	1	12.5	0.75%	0	0	0	36	1237.9	74.52%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	0	0	0	0	0	0	0	0	0	0	0	0
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	1	7	0.42%	0	0	0	0	0	0	1	7	0.42%
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	42	1648.6	99.25%	1	12.5	0.75%	0	0	0	43	1661.1	100%
Total Minority	7	423.2	25.48%	0	0	0	0	0	0	7	423.2	25.48%

<b>Contract:</b>	<b>City Project 2018-10, Annual Water Main Replacement Project, Fairlawn Neighborhood</b>											
<b>Contractor &amp; Subcontractor</b>	<b>Contractor: Burdick Plumbing &amp; Heating Co., Inc.</b>						<b>Contract Amount:</b>			<b>\$2,480,422</b>		
	<b>Subcontractor: Marengo Enterprises LLC, Hazels Haulin, Dunn Company, Bodine Electric of Decatur, Rainey Nursery, Marengo Enterprises LLC, Bodine Electric of Decatur</b>						<b>Subcontract Amount:</b>			<b>\$872,000</b>		
<b>Demographic</b>	<b>Male</b>			<b>Female</b>			<b>Unspecified Gender</b>			<b>Total</b>		
	<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>		<b>Count</b>	<b>Hours</b>	
Unspecified	0	0	0	0	0	0	0	0	0	0	0	
African American	6	2172.5	28.83%	0	0	0	0	0	0	6	2172.5	28.83%
Caucasian	39	5135	68.15%	1	5	0.07%	0	0	0	40	5140	68.21%
Native American	0	0	0	0	0	0	0	0	0	0	0	0
Asian	1	222.5	2.95%	0	0	0	0	0	0	1	222.5	2.95%
Asian Pacific	0	0	0	0	0	0	0	0	0	0	0	0
Hispanic	0	0	0	0	0	0	0	0	0	0	0	0
Latin America	0	0	0	0	0	0	0	0	0	0	0	0
Subcontinent Asian	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0
Totals	46	7530	99.93%	1	5	0.07%	0	0	0	47	7535	100%
Total Minority	7	2395	31.78%	0	0	0	0	0	0	7	2395	31.78%



City Clerk

**DATE:** 7/9/2020

**MEMO:**

**TO:** Mayor Julie Moore Wolfe  
City Council Members

**FROM:** Scot Wrighton, City Manager

**SUBJECT:** Proposals for Distribution of External COVID/CARES Relief Funds

**ATTACHMENTS:**

Description	Type
State COVID Funding Rules and Policies	Backup Material
Memo from HUD	Backup Material
CARES Act Flexibilities for CDBG Funds	Backup Material

July 9, 2020

TO: Mayor Julie Moore Wolfe & Members of the Decatur City Council

FROM: Scot Wrighton, City Manager

RE: Proposals for Distribution of External COVID/CARES Relief Funds

Through the efforts of Congressman Davis, the city of Decatur was awarded \$834,287 in one-time assistance to reduce the economic impact of COVID-19 in the community. These funds were provided through the CARES Act and were **NOT** appropriated to assist the city in plugging its large budget gaps created by significant reductions in General Fund revenues resulting from the Stay-at-Home order, resulting layoffs in local service sector employment, and other Macon County economic impacts from the pandemic. Although President Trump signed the CARES Act into law nearly three months ago, the Federal government has taken considerable time to decide on mechanisms for getting this money into the hands of local governments for subsequent distribution. They have decided that the funds will be routed to the city of Decatur through the existing Community Development Block Grant (CDBG) system. As an entitlement community, Decatur already receives close to \$1.8 million annually in CDBG and HOME funds directly from HUD. So the government has also decided to make a one-time amendment to our CDBG agreement to facilitate the additional funding. The Federal Government, through HUD, has also made two other key decisions impacting the use of its funds for COVID relief:

1. An additional amount of \$180,120 in annual payments for CHDO assistance (which the city has not used for several years because it has no CHDO) can now be repurposed for housing rehabilitation help to persons of low and moderate income (LMI) since progress on housing rehabilitation efforts has likely been slowed by the economic disruptions of COVID.
2. The city must develop a plan for spending the one-time CARES funds (\$834,287) following a hearing (set for July 10) and submission of a plan. Once the plan is approved, funds will be released to the city so they can be disbursed in accordance with the plan. However, HUD has stipulated that these CDBG-CV funds be used for the following:
  - a. Assistance to public service (non-profit) agencies that provide assistance directly to needy citizens, presumably those that are LMI
  - b. Job training, especially for training in health care jobs
  - c. Funds for medical testing at fixed or mobile locations
  - d. Funds for health care supplies and equipment used to care for those infected by COVID, and for cleaning that supports those with COVID or quarantined
  - e. Delivery of meals to medically vulnerable populations and those in quarantine

- f. Other costs incurred by the local government to prevent, prepare and/or respond to COVID
- g. Provide direct and indirect assistance to small businesses, especially those impacted by COVID in the form of working capital that directly retains jobs, training programs, assistance in sustaining operations, etc.
- h. Provide funding through short-term grants and loans to small businesses that seek to create new jobs for the manufacture of medical supplies
- i. Rehabilitation of facilities directly used for caring and treating persons with infectious diseases

Because the required public hearing will occur the day after this memo is sent to the City Council, a summary of the July 10 public hearing will be provided to the council separately. In addition to this input, staff has met with several local non-profit social service and community assistance entities. Based on these inputs, and the eligible activities permitted by the Federal government, the list of activities for potential disbursement in Decatur could include:

1. Rental and mortgage payment assistance to those who have suffered employment dislocation due directly to COVID (provided to agencies already engaged in this assistance to augment their resources, as adjusted for HUD requirements).
2. Utility assistance to those who cannot pay their delinquent bills due to employment dislocation directly caused by COVID or related economic disruption (provided to agencies already engaged in this assistance to augment their resources, as adjusted for HUD requirements).
3. Job training and on-the-job mentoring targeting at-risk youth and others who may have more difficulty accessing the work force as a direct result of COVID (provided to existing job training entities to deliver programs).
4. Partially fund the city's new small and start-up business assistance costs.
5. Direct loan assistance (with a portion to be forgivable) to small businesses (under 50 employees) that submit plans for their economic recovery that can be monitored by the city's new small business assistance office.
6. Conversion of 100% of CHDO funds to housing rehabilitation for use in fixing up existing structures of eligible low and moderate income homeowners.

Governor Pritzker recently announced that the State of Illinois planned to also provide significant funding for persons who may need rent and utility assistance due to loss of employment directly resulting from COVID disruptions. Details of this assistance have not yet been released, but the existence of such a relief program may influence the City Council's view about how much of its CARES funding should be allocated for the same purpose.

Although not comprehensive or exhaustive, the city has sought input on this topic from key local social service providers. Dove, the United Way, Decatur Township and the Salvation Army have said that they believe the greatest need is for items 1 & 2 to be funded as a bulwark against a COVID induced increase in homelessness. I would also recommend that a portion be

used for small business assistance. Alternatively, the city could set aside funds for items 1, 2 and 3 to be used as needed when existing or future funding for these initiatives runs out.

\* \* \* \*

Entirely separate from relief measures listed above, the State of Illinois has also announced that CARES Act funds distributed by the federal government directly to State government for use by cities and counties, will be governed with a different set of rules than those in the CARES Act (even though both direct funding to cities and funding provided to the State for local governments all come from the same CARES Act). In short, the State of Illinois proposes to make a little more than \$3.1 million available to the city of Decatur; but by being far more restrictive than the original CARES Act, the city will likely not be able to access all of these funds. The State also proposes a much shorter timeline for processing reimbursements than the federal CARES Act includes. Any funds for which cities and counties are unable to process reimbursements successfully will be claimed by the State.

The most significant change made by the State in their proposed rules is that expenses associated with the provision of economic support in connection with COVID-19 that are allowed by the CARES Act have been inexplicably listed as ineligible expenses under the State's proposed rules for distribution of funds. The Illinois Municipal League has asked the State to revise this rule; this is the category of local financial impact that most needs reimbursement.

It is requested that the City Council provide guidance on the distribution of the city's *direct* funding.




U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

9 April 2020

ASSISTANT SECRETARY FOR  
COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR: All Fiscal Year 2020 and 2019 CDBG and CDBG-CV Grantees and All CPD Field Office Directors

FROM:  John Gibbs, Acting Assistant Secretary for Community Planning and Development

SUBJECT: CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response and plan amendment waiver

*The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136)* makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Additionally, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG Grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements.

The Department has announced the allocations of the first \$2 billion in CARES Act funding for CDBG grantees, as well as \$1 billion for Emergency Solutions Grants (ESG) and \$53.7 million for Housing Opportunities for Persons With AIDS (HOPWA). You can find the allocations at [www.hud.gov/program\\_offices/comm\\_planning/budget/fy20/](http://www.hud.gov/program_offices/comm_planning/budget/fy20/).

This memorandum transmits the attached *CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response* Guide (Guide). The Guide describes the immediate availability of a 5-day public comment period for amendments and new plan submissions, uncaps the percentage of CDBG funding for public services to prevent, prepare for, and respond to coronavirus, as well as other flexibilities. Please note that these new provisions are not only applicable to the \$5 billion in CDBG funding from the CARES Act but many of the new provisions are also applicable to FY2019 and FY2020 CDBG funding. This broad applicability provides grantees with flexibility to help address the challenges facing our nation.

Grantees are advised to amend or prepare their plans as soon as possible and not to wait for the pending Federal Register notice, which may provide additional waivers and alternative requirements. Similarly, grantees should not wait for HUD to allocate the remaining nearly \$3 billion of the \$5 billion provided by the CARES Act for the CDBG program. Upon publication of the Federal Register notice and subsequent allocations, grantees receiving allocations will then amend plans accordingly.

Grantees should proceed with all amendments and plans under these new provisions by adding the CDBG-CV allocation in their plans as an available resource for the year. The CARES Act permits HUD to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the CDBG-CV funds, FY2019 and FY2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or

alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus.

To expedite grantees' use of CDBG-CV funds, HUD is waiving the requirements at 42 U.S.C. 12705(a)(2) to the extent it requires updates to the housing and homeless needs assessment, housing market analysis, and strategic plan and 24 CFR 91.220 and 91.320 to the extent the action plan is limited to a specific program year to permit grantees to prepare substantial amendments to their most recent annual action plan, including their 2019 annual action plan. Grantees must identify the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus.

The Department is also waiving 24 CFR 91.505 to facilitate the use of the CDBG-CV funds to the extent necessary to require submission of the substantial amendment to HUD for review in accordance with 24 CFR 91.500. To receive a CDBG-CV grant, a grantee must also submit a SF-424, SF-424D and the certifications at 24 CFR 91.225(a) and (b) or 24 CFR 91.325(a) and (b).

The Guide addresses many of the Field's initial questions. Email inquiries to [CPDQuestionsAnswered@hud.gov](mailto:CPDQuestionsAnswered@hud.gov) will continue to receive individual replies and guidance. HUD will also be batching questions and responses and periodically making them available as FAQs. Additional resources will continue to be posted to [www.hudexchange.info/programs/cdbg/disease/](http://www.hudexchange.info/programs/cdbg/disease/).

Thank you for the work you and your staff do with our communities in the fight against the coronavirus.

## CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response

April 9, 2020

President Trump has signed *The Coronavirus Aid, Relief and Economic Security Act* (CARES Act). The CARES Act:

- Makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants);
- Provides flexibilities for CDBG grantees to make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements;
- Requires CDBG-CV grantees to prevent the duplication of benefits, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost.

HUD will publish a Federal Register notice describing the requirements for CDBG-CV grants. The notice will also include waivers and alternative requirements for CDBG-CV and fiscal year 2019 and 2020 CDBG grants. A grantee may submit a CDBG-CV action plan substantial amendment to its most recent accepted CDBG action plan for the first CDBG-CV allocation before the notice is published. To apply for CDBG-CV grants, grantees may follow existing regulatory requirements for a substantial amendment to the grantee's action plan that describes the amount of CDBG-CV funds available in the first allocation and planned use of funds, in accordance with existing requirements and the flexibilities in the CARES Act, summarized below. HUD will publish a Q&A document with further information on this process.

Grantees may use CDBG-CV and CDBG funds for a range of activities to prevent, prepare for, and respond to coronavirus. For examples, see the [Quick Guide to CDBG Activities for Infectious Disease Response](#).

### Summary of CARES Act Provisions for Coronavirus Response With CDBG-CV and CDBG Grants

<i>For more information, refer to applicable sections of the CARES Act, Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i>			
<i>Description of Program Flexibility</i>	<i>Applicability to CDBG-CV and CDBG Grants</i>		
<b>Public Service Activities</b>			
Eliminates the 15 percent cap <sup>1</sup> on the amount of grant funds that can be used for public services activities.  <i>Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.</i>	CDBG-CV	Immediately Available	✓
	CDBG FY 19 and FY 20 Grants	Immediately Available	✓
	CDBG Grants before FY 19		Not Available ✗
<b>Reimbursement of Costs</b>			
Provides that grantees may use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. <i>For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).</i>	CDBG-CV	Immediately Available	✓
	CDBG FY 19 and FY 20 Grants		See current regulations. ✗
	CDBG Grants before FY 19		See current regulations. ✗

<sup>1</sup> Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
<b>Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)</b>			
<p>Provides that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans.</p> <p>In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee's certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.</p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✗
<b>Deadline to Submit Consolidated Plans (including Annual Action Plans)</b>			
<p>Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020 to August 16, 2021.</p> <p><i>Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15.</i></p> <p><i>*The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).</i></p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19* and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not applicable. ✗
<b>Waiver and Alternative Requirement Authority</b>			
<p>Authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus.</p> <p>Prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment.</p> <p><i>HUD has additional regulatory waiver and statutory suspension authorities that it may use for CDBG Grants before fiscal year 2019 if necessary.</i></p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not applicable. ✗

Submit your questions to: [CPDQuestionsAnswered@hud.gov](mailto:CPDQuestionsAnswered@hud.gov)