(Published by the Authority of the City Council of the City of Chicago)

COPY

JOURNAL of the PROCEEDINGS of the CITY COUNCIL of the CITY of CHICAGO, ILLINOIS

Regular Meeting—Monday, December 31, 1984

at 11:00 A.M.

(Council Chamber—City Hall—Chicago, Illinois)

OFFICIAL RECORD.

HAROLD WASHINGTON
Mayor

WALTER S. KOZUBOWSKI
City Clerk

Attendance at Meeting.

Present -- Honorable Harold Washington, Mayor, and Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone.

Absent -- Aldermen Beavers, Brady, Marzullo, Frost.

Call to Order.

On Monday, December 31, 1984 at 5:15 P.M. (the hour appointed for the meeting was 11:00 A.M.) Honorable Harold Washington, Mayor, called the City Council to order. Honorable Walter S. Kozubowski, City Clerk, called the roll of members and it was found that there were present at that time: Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 46.

Quorum present.

On motion of Alderman Madrzyk, it was ordered noted in the Journal that Alderman Brady was absent due to illness.

Invocation.

Reverend H. J. Brady, Christian Hope M.B. Church, opened the meeting with prayer.

At the suggestion of Alderman Burke, the Council expressed through applause its appreciation to Reverend Brady for his patience and fortitude in awaiting the start of the meeting.

REPORTS AND COMMUNICATIONS FROM CITY OFFICERS.

City Council Informed As To Publication Of Journal.

The City Clerk informed the City Council that all those ordinances, etc. which were passed by the City Council on December 28, 1984, and which were required by statute to be published in book or pamphlet form or in one or more newspapers, were published in pamphlet form on December 31, 1984, by being printed in full text in printed pamphlet copies of the Journal of the Proceedings of the City Council of the regular meeting held on December 28, 1984, published by authority of the City Council in accordance with the provisions of Section 5-5 of the Municipal Code of Chicago, as passed on December 22, 1947.

Filing of Certified Copies of Ordinance with County Clerks of Cook and Du Page Counties.

The City Clerk further informed the City Council that he filed with the County Clerks of Cook and Du Page Counties, an ordinance passed by the City Council on December 18, 1984:

An ordinance providing for levy of taxes sufficient to pay principal of and interest on an issue of $114,500,000 General Obligation School Assistance Bonds, Series E (1984) of the Chicago School Finance Authority.

Filed with the County Clerks of Cook and Du Page Counties on December 18, 1984.

Miscellaneous Communications, Reports, Etc., Requiring Council Action (Transmitted To City Council By City Clerk).

The City Clerk transmitted a communication relating to the subject listed below, which was acted upon by the City Council in the manner noted, as follows:

ZONING RECLASSIFICATION OF PARTICULAR AREA.

An application (in triplicate) together with the proposed ordinance for amendment of the Chicago Zoning Ordinance, as amended, for the purpose of reclassifying a particular area, which was *Referred to the Committee on Zoning,* as follows:

Mark R. Porcaro -- to classify as a Communications Planned Development by supplementing all the B4-1 Restricted Service District symbols and indications as shown on Map No. 20-J in area bounded by

a line 142 feet 9 3/8 inches north of and parallel to W. 84th Street; the alley next east of S. Pulaski Road; W. 84th Street; and S. Pulaski Road.

REPORTS OF COMMITTEES.

COMMITTEE ON FINANCE.

CHAPTER 99 OF MUNICIPAL CODE AMENDED CONCERNING REIMBURSEMENT FOR REFUSE COLLECTION.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith:

WHEREAS, The City of Chicago is a home rule municipality under Article VII Section 6(a) of the Illinois Constitution; and

WHEREAS, All property owners in the City of Chicago pay City of Chicago property taxes; and

WHEREAS, A portion of the City of Chicago real estate tax assessment is used for refuse collection; and

WHEREAS, The City of Chicago provides refuse collection for only those residential buildings with four units or less; and

WHEREAS, Since most condominium and cooperative residential buildings have more than four units, the City of Chicago does not provide refuse collection services for these residential buildings, but yet the owners of units in these buildings pay property taxes which cover the cost of providing refuse collection for residential buildings with four units or less; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. Chapter 99 of the Municipal Code of the City of Chicago is hereby amended by adding a new Section 99-18.1, entitled "Reimbursement for Refuse Collection" by adding the following italic language:

99-18.1 Every alderman may introduce into the City Council, on behalf of the governing associations or boards of the Condominium and Cooperative Residential Buildings located in his ward, an ordinance providing for the rebate of the cost incurred by the residential building for refuse collection. Attached to this ordinance shall be a notarized statement listing the amount of the annual cost incurred for refuse collection for the residential units in the building, the number of residential units in the building, and a copy of the executed agreement with the private scavenger service providing the refuse collection for the residential building. The original ordinance and notarized statement shall be referred to the Committee on Claims and Liabilities. A copy of the ordinance and attached notarized statement shall be transmitted to the City Comptroller.

After review, the Committee on Claims and Liabilities may recommend that the City Council approve the reimbursement to the governing association or board in an amount equal to the annual cost incurred for the refuse collection for the residential units in the building; provided, however, that the aggregate annual amount of the reimbursement paid to a governing association or board shall not exceed an amount equal to the number of residential units in the building multiplied by Seventy-five Dollars ($75). During the first year in which the cost of refuse collection is reimbursed, the governing association or board shall submit the bill for the prior year's refuse collection services. The City Council may not *reimburse a governing association or board for the cost of refuse collection services which is unreasonable.*

In no event shall the governing association or board be reimbursed for that portion of the cost of refuse collection attributable to any commercial or other non-residential unit located in the residential building. After City Council approval of the reimbursement, the City Comptroller promptly shall pay the governing association or board the approved reimbursement.

SECTION 2. This ordinance shall be effective ten (10) days from and after its passage and due publication.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 46.

Nays -- None.

Alderman Natarus moved to reconsider the foregoing vote. The motion was lost.

AUTHORITY GRANTED TO REDUCE AMOUNT OF 1984 PROPERTY TAXES ON PUBLIC BUILDING COMMISSION OF CHICAGO BUILDING REVENUE BONDS, SERIES "B" OF 1971.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith:

* * *

WHEREAS, The City of Chicago entered into a lease dated June 30, 1971, with the Public Building Commission of Chicago for the construction of two (2) Law Enforcement Facilities, 4th Area Police Headquarters and Courts Facility located at South Kedzie and West Harrison Streets, and 6th Area Police Headquarters and Courts Facility at West Belmont and North Western Avenues, together with twelve (12) other City Facilities under Public Building Commission of Chicago Building Revenue Bonds, Series "B" of 1971; and

WHEREAS, The City of Chicago did by ordinance provide for the levy and collection of a direct annual tax sufficient to pay the rentals due under said lease, as and when the same become due and payable, said lease and said tax levying ordinance having been filed with the County Clerks of Cook and DuPage Counties; and

WHEREAS, Subsequent to the above events, the City of Chicago approved the Public Building Commission of Chicago entering into a lease with the County of Cook for the exclusive use and occupancy of the Court Facilities in said two (2) Law Enforcement Facilities; whereby the County of Cook will pay rent to the Public Building Commission of Chicago; said rental being approved by the City of Chicago; and the Public Building Commission of Chicago will forthwith give credit to the City of Chicago upon receipt of this rental; and

WHEREAS, In the year 1984, the County has paid the Public Building Commission of Chicago $368,641 in rental for these facilities, and this amount should be abated; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The County Clerks of Cook and DuPage Counties, Illinois, be and they are hereby directed and authorized to reduce the total amount of 1984 taxes to be extended for the purpose of providing revenues for the payment of rent on behalf of the City of Chicago for Public Building Commission of Chicago Building Revenue Bonds Series "B" of 1971, by the sum of $368,641 plus reserve for loss and cost of collection of $19,402, for a total tax abatement of $388,043 for the year.

SECTION 2. The City Clerk be and he is hereby directed to present and file with the County Clerks of Cook and DuPage Counties, Illinois, a copy of this ordinance duly certified by said City Clerk.

SECTION 3. This ordinance shall take effect and be in force from and after its passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 46.

Nays -- None.

Alderman Stemberk moved to reconsider the foregoing vote. The motion was lost.

TRANSFER OF FUNDS AUTHORIZED AND DIRECTED FOR COMMISSION ON CHICAGO HISTORICAL AND ARCHITECTURAL LANDMARKS.

The Committee on Finance submitted a report recommending that the City Council pass the following proposed ordinance transmitted therewith:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the City Comptroller and the City Treasurer are authorized and directed to make the following transfer of funds for the year 1984. This transfer will leave sufficient unencumbered appropriations to meet all liabilities that have been or may be incurred during the year 1984 payable from such appropriations.

FROM:

Account	Number	Amount
Court Reporting	100-4350-143	$2,000
Other Professional and Technical Services	100-4350-149	$1,600

TO:

Account	Number	Amount
Office Machines	100-4350-422	$3,600

SECTION 2. That the sole purpose of this transfer of funds is for the payment of outstanding invoices for P.O. 023636 (furniture for expanded office space in Room 516 of 320 North Clark Street).

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, McLaughlin, Orbach, Schulter, Volini, Orr, Stone -- 46.

Nays -- None.

Action Deferred -- TECHNICAL AMENDMENTS TO CHICAGO-O'HARE INTERNATIONAL SPECIAL FACILITY REVENUE BONDS (AMERICAN AIRLINES, INCORPORATED) PROJECT.

The Committee on Finance submitted the following report which was, on motion of Alderman Tillman and Alderman Oberman, *Deferred* and ordered published:

CHICAGO, December 31, 1984.

To the President and Members of the City Council;

Your Committee on Finance to which was referred an ordinance concerning certain technical amendments to an ordinance passed on December 12, 1984, authorizing the issuance of Chicago-O'Hare International Airport Special Facility Revenue Bonds (American Airlines, Inc. Project) in the amount of $150,000,000, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said proposed ordinance transmitted with the foregoing committee report:

WHEREAS, On December 12, 1984, this City Council adopted an ordinance approving the issuance of Chicago-O'Hare International Airport Special Facility Revenue Bonds (American Airlines, Inc. Project) (the "Bond Ordinance") appearing in the Journal of the City Council of the City for said date at pages 11895 to 11904, inclusive; and

WHEREAS, It is necessary and advisable for the City Council to make certain amendments to the Bond Ordinance and to ratify and confirm the adoption of, and to re-enact, the Bond Ordinance in its entirety; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The second paragraph of Section 3 of said ordinance is hereby amended to read as follows:

"Each series of Series 1984 Bonds shall mature no later than December 1, 2020, and, except for a short period ending not later than the fifth business day in February, 1985, during which the Series 1984 Bonds may bear interest at a fixed rate, shall initially bear interest at a daily variable interest rate, all as more fully set forth in Section 202 and Section 210 of the Indenture related to such series and thereafter at such other interest rate as may be established in accordance with the provisions of the Indenture related to such series, provided that in no event shall any series of Series 1984 Bonds bear interest at a rate in excess of the lesser of twenty-five percent (25%) per annum or, so long as any series of Series 1984 Bonds is secured by a Letter of Credit (as defined in the related Indenture), with respect to such Bonds, the maximum interest rate stated in such Letter of Credit for purposes of calculating the stated amount thereof."

SECTION 2. Paragraph (a) of Section 6 of said ordinance is hereby amended to read as follows:

"(a) The form of the Bond Purchase Agreement presented to this meeting is hereby approved in all respects. The Mayor or the City Comptroller of the City is hereby authorized and directed to execute and deliver a Bond Purchase Agreement in substantially the form of the Bond Purchase Agreement presented to this meeting, together with such changes and completions thereof as many be approved by the Mayor or the City Comptroller, as the case may be, subject to the limitations contained in

Paragraph (b) of this Section 6, the execution thereof to constitute conclusive evidence of the approval of such changes and completions. The sale to the Underwriter of the Series 1984 Bonds pursuant to the terms and conditions of the Bond Purchase Agreement is hereby approved by this City Council."

SECTION 3. Paragraph (a) of Section 7 of said ordinance is hereby amended to read as follows:

"(a) The Special Facility Use Agreements, the Indentures and the Amendment of 1983 Agreements, in substantially the forms submitted to this meeting, are hereby authorized and approved. The American Agreement, in the form approved by the Mayor or the City Comptroller, is hereby authorized and approved. The United Agreement, as executed and delivered by the Mayor or the City Comptroller, is hereby ratified and approved. The Mayor or the City Comptroller of the City is hereby further authorized to execute on behalf of the City a statement carrying forward the City's 1984 unused private activity bond limit to the extent available under Section 103 of the Internal Revenue Code of 1954, as amended."

SECTION 4. The Bond Ordinance, as amended in the manner set forth in Sections 1, 2, and 3 above, is hereby ratified and confirmed in all respects and is hereby re-enacted, as so amended, in its entirety.

SECTION 5. All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed. This ordinance shall be made availabe to the public by the City Clerk, City Hall, Chicago, Illinois. Copies are to be made available in the office of the City Clerk for public inspection and distribution to members of the public who may wish to avail themselves of a copy of this ordinance.

SECTION 6. This ordinance shall be in full force and effect upon its passage and approval.

Action Deferred -- AMENDMENT OF MUNICIPAL CODE CHAPTER 185, SECTIONS 185-26, 185-27, 185-28 AND 185-31 CONCERNING WATER SERVICE RATES.

The Committee on Finance submitted the following report which was, on motion of Alderman Roti and Alderman Burke, *Deferred* and ordered published:

CHICAGO, December 31, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance amending Chapter 185, Sections 185-26, 185-27, 185-28 and 185-31 of the Municipal Code of the City of Chicago regarding rates for water service, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said proposed ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That Chapter 185, Section 185-26 of the Municipal Code of the City of Chicago is hereby amended by adding that language in italics and deleting that language bracketed as follows:

185-26. The minimum amount to be charged for water service to any building, structure or premises fronted by a public street, in or to which such building, structure or premises any water supply is laid, but excepting such service as is wholly controlled by meter, shall be as follows:

	Per Annum	
For buildings having a front width of 12 feet or less	$[22.40]	*24.90*
For buildings having a front width:		
Exceeding 12 feet but not exceeding 15 feet	[30.80]	*34.20*
Exceeding 15 feet but not exceeding 18 feet	[42.10]	*46.70*
Exceeding 18 feet but not exceeding 21 feet	[50.90]	*56.50*
Exceeding 21 feet but not exceeding 24 feet	[53.90]	*59.80*
Exceeding 24 feet but not exceeding 27 feet	[62.40]	*69.30*
Exceeding 27 feet but not exceeding 30 feet	[73.40]	*81.50*
Exceeding 30 feet but not exceeding 33 feet	[81.40]	*90.40*
Exceeding 33 feet but not exceeding 36 feet	[84.70]	*94.00*
Exceeding 36 feet but not exceeding 40 feet	[98.50]	*109.30*
Exceeding 40 feet but not exceeding 44 feet	[104.80]	*116.30*
Exceeding 44 feet but not exceeding 48 feet	[113.00]	*125.40*
Exceeding 48 feet but not exceeding 52 feet	[121.70]	*135.10*

	Per Annum	
Exceeding 52 feet but not exceeding 56 feet	[130.00]	*144.30*
Exceeding 56 feet but not exceeding 62 feet	[138.80]	*154.10*
Exceeding 62 feet but not exceeding 67 feet	[143.90]	*159.70*
Exceeding 67 feet but not exceeding 72 feet	[152.50]	*169.30*
Exceeding 72 feet but not exceeding 77 feet	[161.00]	*178.70*
Exceeding 77 feet but not exceeding 82 feet	[169.60]	*188.30*
Exceeding 82 feet but not exceeding 87 feet	[180.80]	*200.70*

For each additional five feet, or major fraction thereof, in excess of 87 feet a charge of [eight dollars and sixty cents ($8.60)] *nine dollars and sixty cents ($9.60)* shall be made.

Wings, bays, or projections of a depth not greater than seventy-five percent of the depth of the main portion of the structure shall have but one-half of their front width included in computing the front width of the building.

In applying the aforesaid schedule to buildings, structures or premises where the outline is as a right-angle triangle, only two-thirds of the measurement of the base of such triangle outline shall be taken as the front width.

Where the measurement of the front width of a building of rectangular outline is greater than the measurement of its depth, the measurement of such depth may be taken instead of the measurement of the front width in applying schedule of frontage charge.

For each story in height of building in excess of one story, a charge of [thirteen dollars and seventy cents ($13.70)] *fifteen dollars and twenty cents ($15.20)* per annum shall be made in addition to the foregoing.

The term story as used in the foregoing shall include:

(a) Basements containing two or more finished rooms, not including laundry rooms.

(b) Basements or attics used for business purposes, other than those used exclusively for storage, and in which no person is regularly employed.

(c) Attics containing two or more finished rooms.

Outbuildings, rear buildings or buildings on alleys shall be exempt from service charge when located in the rear of other buildings assessed such service charge; but such buildings shall not be considered as rear buildings when fronted by any street.

For the purpose of assessment, the occupancies of buildings, structures or premises shall be classified as nearly as may be possible as follows:

Class A. Buildings used as private residences exclusively, which are occupied by members of one family only, and in which no portion of the building is rented or maintained for rent to other persons.

Class B. (b1) Flat or apartment buildings containing one or more flats or apartments with a minimum of one water closet, one bath, and one sink.

(b2) Flat or apartment buildings not having baths for any of the flats or apartments.

The amounts to be charged for service to buildings in Class "A" shall be the amounts heretofore specified as minimum charge for service. This charge shall include service for all ordinary domestic fixtures and openings, but shall not include service for outbuildings, air conditioning, or use of hose for sprinkling, washing or like purposes, or other devices which require large quantities of water. Such service as is not included shall be charged for additionally at rates hereinafter specified.

The amounts to be charged for service to buildings in Class "B" shall be the amounts heretofore specified as minimum charge for service, and this charge shall include, in class (b1), one flat or apartment equipped with not less than one water closet, one bath or one sink, and in class (b2), one water closet and two family sinks, each of such sinks being open to use of not to exceed one family. If either sink is open to use of other families a charge of [$28.20] *$31.30* per annum shall be made for each such other family.

For each other flat or apartment equipped with not less than one water closet, one bath and one sink, a charge of [$65.40[*$72.60* per annum shall be made.

For fixtures for use of apartments having less than the above equipment the following:

For each water closet-	per annum [$28.20]	*$31.30*

If such water closet is open to the use of more than one family, an additional charge of [$28.20] *$31.30* shall be made for each such family.

For each wash basin-	per annum [$ 8.60]	*$9.60*
For each family sink which is open to the use of not more than one family-	per annum [$28.20]	*$31.30.*

If such sink is open to the use of more than one family, an additional charge of [$28.20] *$31.30* per annum shall be made for each such family.

All openings at trays used for private laundry purposes shall be allowed with service charge, but service for outbuildings, air conditioning, use of hose for sprinkling, washing or like purposes, or other devices which require large quantities of water, shall not be included. Such service as is not included shall be charged for additionally at rates hereinafter specified.

For other special water fixtures or for any other special or unusual use of water for which no charge has been specified, the Commissioner of Water shall determine the amount to be charged for such special fixture and for such use of water, such charge to be based on an estimate of the amount of water used.

SECTION 2. Chapter 185, Section 185-27 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets below and inserting the language in italics as follows:

185-27. In addition to other rates and charges assessed against any building, structure or premises, the supply to which is not controlled by meter, annual rates, or rates for other periods where so specified, shall be assessed where fixtures, devices or occupancies are found, as follows:

For hose such as is ordinarily used for sprinkling, washing or like purposes, per season:

For a frontage of 30 feet or less	$[19.90]	*$22.10*
For a frontage exceeding 30 feet but not exceeding 50 feet	[28.20]	*31.30*
For each additional 25 feet of frontage or major fraction thereof	[5.70]	*6.30*
For aquariums with water connection, and a capacity not to exceed ten cubic feet of water, per season	[19.90]	*22.10*
For each additional ten cubic feet or major fraction thereof	[19.90]	*22.10*

For fountains, per season:

Each jet 1/16 of an inch or less	[45.30]	*50.30*
Exceeding 1/16 of an inch but not exceeding 1/8 of an inch	[180.80]	*200.70*
Exceeding 1/8 of an inch but not exceeding 1/4 of an inch	[448.60]	*498.00*

Gardens sprinkled or irrigated which are not part of adjoining premises:

For 3,000 square feet or less, per season	[19.90]	*22.10*
For each additional 3,000 square feet or major fraction thereof	[8.60]	*9.60*
For street sprinklers, motor driven, operated for profit, per month, each	[335.70]	*372.60*

Air-conditioning charges for each horsepower	[52.90]	*58.70*

For building construction:

At the rate of [ninety cents (.90)] *one dollar ($1.00)* for every 1,000 cubic feet of building volume, or fraction thereof, provided, however, that no charge shall be less than [eight dollars and fifty cents ($8.50)] *nine dollars and forty cents ($9.40).*

For alterations, repairs, or reconstruction of buildings:

An amount equal to twenty-five percent of the amount of the fee charged for a building permit issued pursuant to Chapter 43 of this Code.

For other special water fixtures, or for any other special or unusual use of water for which no charge has been heretofore specified, the Commissioner of Water shall determine the amounts to be charged for such special fixtures or for such use of water, such charge to be based upon an estimate of the amount of water used.

SECTION 3. Chapter 185, Section 185-28 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets below and inserting the language in italics as follows:

185-28. When water is used for temporary purposes, or for purposes not herein otherwise specified, the quantity of water so used, or to be used, shall be estimated by the Commissioner of Water and shall be charged for at the rate of [twenty cents ($0.20)] *twenty-two cents ($0.22)* per one hundred gallons.

The amount to be charged for the use of water for such temporary or other purpose, when the quantity of water used or to be used shall have been estimated by the Commissioner, shall be paid in advance to the Department of Water by the person desiring to use such water at the rates herein fixed for such use.

SECTION 4. Chapter 185, Section 185-31 of the Municipal Code of Chicago, is hereby amended by deleting the language contained in brackets below and inserting the language in italics, as follows:

185-31. The rate for metered water shall be [five dollars and thirty-two cents ($5.32)] *five dollars and ninety-one cents ($5.91)* per one thousand cubic feet, subject to a discount of [thirteen cents ($0.13)] *fifteen cents ($0.15)* approximately 2 1/2 percent for each one thousand cubic feet charged if payment is received by the Bureau of Water Service within twenty-one calendar days of the time the bill therefore is mailed as shown by the records of the Bureau of Water Service. If such payment is made to an agent of the City of Chicago authorized to collect water rates the said agent shall transmit the amount of any bills so paid to the cashier of the Bureau of Water Service, in order that payment is received in the Bureau within twenty-one calendar days of the time the bill therefor is mailed as shown by the records of the Bureau. An expired discount may be allowed on only one bill for any premises in each calendar year. Where the correctness of a bill is disputed and where complaint of such incorrectness has been made within the period during which the bill for the premises involved would be subject to the ususal discount and where the adjusting of such complaint requires additional time, said discount may be allowed up to and including the fifth day succeeding the re-mailing of such bill.

SECTION 5. This ordinance shall be in full force and effect May 1, 1985.

Action Deferred – AMENDMENT OF MUNICIPAL CODE CHAPTER 104 CONCERNING CHICAGO AMUSEMENT TAX.

The Committee on Finance submitted the following report, which was, on motion of Alderman Roti and Alderman Burke, *Deferred* and ordered published:

CHICAGO, December 31, 1984.

To the President and Members of the City Council:

Your Committee on Finance to which was referred an ordinance amending Chapter 104 of the Municipal Code of the City of Chicago, the Chicago Amusement Tax, to provide for an expansion of the tax to subscription and cable television and certain technical amendments, having had the same under advisement, begs leave to report and recommend that Your Honorable Body *Pass* the proposed ordinance transmitted herewith.

This recommendation was concurred in by a viva voce vote of the members of the committee.

Respectfully submitted,
(Signed) EDWARD M. BURKE,
Chairman.

The following is said proposed ordinance transmitted with the foregoing committee report:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the Municipal Code of the City of Chicago, Chapter 104-1 et seq. is hereby amended by adding that language in italics and deleting that language bracketed as follows:

104-1. As used in this ordinance:

The word "amusement" means, (1) any theatrical, dramatic, musical or spectacular performance, motion picture show, flower, poultry or animal show, animal act, circus, rodeo, athletic contest, sport, game or similar exhibition for public entertainment, including, without being limited to, boxing, wrestling, skating, dancing, swimming, racing or riding on animals or vehicles, baseball, basketball, softball, football, tennis, golf, hockey, track, and field games, bowling, billiard and pool games; (2) any entertainment offered for the public participation, including, without being limited to, dancing, carnival, amusement park rides and games, bowling, billiard and pool games; *(3) any transmission or broadcast of programs by means of wire, radiowaves, microwaves or otherwise for public entertainment including but not limited to transmissions or* *broadcasts by subscription television service, but excluding, any such transmission or broadcast offered by any entity with whom the City has entered into or enters into a franchise agreement with respect to such transmissions or broadcasts.*

104-2. A [city] *City* amusement tax is imposed upon the patrons of any amusements within the [city] *City*, [,excepting automatic amusement machines,] of an amount equal to four percent of the [receipts from] admission fees or other charges [,exclusive of federal and state taxes,] to witness, *to view* or to participate in such amusements; provided, however, that [said] *any* tax *imposed under this Chapter* shall not apply to *patrons of automatic amusement machines as defined in Chapter 104.2 of the Municipal Code of Chicago*, or be imposed upon the privilege of witnessing or participating in any stock show or business show *which is not open to the general public*, or, *except as limited below, be imposed upon the privilege of witnessing or participating in* any amusement *sponsored or conducted by and* the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of:

(1) religious, educational and charitable institutions, societies or organizations;

(2) societies or organizations for the prevention of cruelty to children or animals;

(3) societies or organizations conducted for the sole purpose of maintaining symphony orchestras, opera performances and artistic presentations, including, but not limited to, musical presentations, and receiving substantial support from voluntary contributions;

(4) societies or organizations conducted and maintained for the purpose of civic improvement;

(5) fraternal organizations, legion posts, social and political groups which conduct amusements, sponsored occasionally but not oftener than twice yearly for periods not longer than thirty days;

Provided, however, that no part of the net earnings under paragraphs (1) to (5) inure to the benefit of any shareholder or person.

(6) organizations or persons in the armed services of the United States, or National Guard organizations, reserve officers' associations, or organizations or posts of war veterans, or auxiliary units or societies of such posts or organizations, if such posts, organizations, units or societies are organized in the State of Illinois, and if no part of their earnings inure to the benefit of any private shareholder or person;

(7) organizations or associations created and maintained for the purpose of benefiting the members, dependents or heirs of members of the police or fire departments of any political subdivision of the State of Illinois.

Provided, however, that said tax shall not apply to or be imposed upon the receipts of motion picture shows where the admission fees do not exceed ninety cents per single admission; and in the case of motion picture shows, where in whole or in part, the admission fees exceed ninety cents per single admission, said tax shall apply to and be imposed upon that portion of the receipts in excess of ninety cents per single admission derived from admission fees in excess of ninety cents. The exemption provided herein shall apply only to motion picture shows which exhibit motion pictures exclusively.

Provided, further, that said tax shall not apply to or be imposed upon the gross receipts of resident professional theatre companies.

A resident professional theatre company, as used in this ordinance, is hereby defined as being any society, organization, association, corporation or person advancing the cultural interests of the City of Chicago through the local production of live theatrical and dramatic presentations to a seated audience in any auditorium or theatre whose maximum seating capacity, including all balconies, is not more than seven hundred fifty (750) persons.

Provided, further, that in the case of any amusement for which exemption from payment of amusement tax is provided under any of the above classifications, written application for such exemption shall be filed with the City Comptroller *by the person or persons required to collect the tax*, on forms prescribed by [him] *the Director of Revenue* at least 15 days prior to the holding of such performance or event. *Failure to apply for such exemption shall make such amusement taxable, notwithstanding any other provision of this Chapter, unless the Director of Revenue determines that such failure was not due to any fault on the part of the person or persons required to collect the tax.*

For the purpose of determining the amount of the amusement tax due under this section, admission fees or other charges shall be computed exclusive of *this tax and any* federal and state taxes *imposed upon the amusement patron.*

It is unlawful for any person to produce, present or conduct any such amusements, [for gain or profit,] without collection of the tax. *All taxes imposed by this Chapter and remaining unpaid after they are due shall bear interest at the rate of 2% per month, or fraction thereof, and the person required to remit such tax shall be liable for said tax and interest and, in addition thereto, unless the Director of Revenue determines that the failure to remit such tax is not due to any fault on the part of the person required to remit the tax, such person shall be liable for a late payment penalty of 10% of the amount of the underpayment.*

104-3. It shall be the duty of every owner, manager or operator of *an* amusement[s] *or of a place where an amusement is being held* to secure said tax from the patron and [pay over] *remit such tax* to the Director of Revenue not later than the [tenth] *last* day of each calendar month for all admission [receipts] *fees or other charges received* during the preceding calendar month, excepting upon amusements produced, presented or conducted in a public place of amusement under a term license issued pursuant to Section 104.1-9 of this Code, in which case the tax shall be [paid] *remitted* each day. A verified statement of such [receipts] *admission fees or charges* in the form prescribed from time to time by the [City Comptroller] *Director of Revenue* shall accompany the [payment] *remittance*. Acceptance by the City of any amount tendered in payment of the tax shall be without prejudice to any claim, demand or right on account of any deficiency. Cancelled admission tickets and complete and accurate records, [book] *books,* and accounts in detail of all such receipts shall be kept at the place of amusement or such other place in the City as may be designated in writing by the person liable for collection of the tax addressed to the [City Comptroller] *Director of Revenue* and the [City Comptroller] *Director of Revenue* or some person appointed therefor by him shall have access to the place of amusement and to the cancelled admission tickets, records, books and accounts at all reasonable times for audit. *Every owner, manager or operator referred to herein which is required to collect the tax imposed by this Chapter shall be considered a tax collector for the City.* All amusement tax collected [by owners, managers or operators of amusements] shall be [collected and] held *by such tax collector* as trustee for and on behalf of the City of Chicago. *The failure of the tax collector to collect the tax herein imposed shall not excuse or release the patron from his obligation to pay the tax.*

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SECTION 2. If any provision, clause, sentence, paragraph, section, or part of this ordinance, or application thereof to any person or circumstance, shall for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Chapter and the application of such provision to other persons, firms, corporations, public agencies or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and it is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted even if such unconstitutional or invalid provision, clause, sentence, paragraph, section or part thereof had not been included.

SECTION 3. This ordinance shall be effective ten (10) days after passage and due publication.

MATTERS PRESENTED BY THE ALDERMEN.

(Presented by Wards, in Order, Beginning with the First Ward).

Arranged under the following subheadings:

1. Traffic Regulations, Traffic Signs and Traffic-Control Devices.
2. Zoning Ordinance Amendments.
3. Claims.
4. Unclassified Matters (arranged in order according to Ward numbers).
5. Free Permits, License Fee Exemptions, Cancellation of Warrants for Collection and Water Rate Exemptions, Etc.

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1. TRAFFIC REGULATIONS, TRAFFIC SIGNS AND TRAFFIC-CONTROL DEVICES.

Referred -- PROHIBITION AT ALL TIMES FOR PARKING OF VEHICLES AT SPECIFIED LOCATIONS.

The aldermen named below presented proposed ordinances to prohibit at all times the parking of vehicles at the locations designated and for the distances specified, which were *Referred to the Committee on Traffic Control and Safety*, as follows:

Alderman	Location and Distance
SANTIAGO (31st Ward)	West Haddon Avenue, at 4320 (except for handicapped);
VOLINI (48th Ward)	North-south alley bounded by North Sheridan Road, West Glenlake Avenue, North Kenmore Avenue and West Granville Avenue (tow-away zone).

Referred – ESTABLISHMENT OF LOADING ZONE ON PORTION OF NORTH CLARENDON AVENUE.

Alderman Volini (48th Ward) presented a proposed ordinance to establish a loading zone on the west side of North Clarendon Avenue from the bus stop at West Leland Avenue to the first alley north thereof, from 7:00 A.M. to 4:00 P.M. on Monday through Friday, which was *Referred to the Committee on Traffic Control and Safety.*

Referred -- AMENDMENT OF LOADING ZONE ON PORTION OF NORTH CENTRAL AVENUE.

Alderman Cullerton (38th Ward) presented a proposed ordinance to amend the hours for the loading zone located on North Central Avenue, from a point 90 feet north of West Cornelia Avenue to a point 50 feet north thereof, on Monday through Friday, to read 9:00 A.M. to 5:00 P.M. instead of 9:00 A.M. to 4:00 P.M., which was *Referred to the Committee on Traffic Control and Safety.*

2. ZONING ORDINANCE AMENDMENT.

Referred – ZONING RECLASSIFICATION ON PORTION OF MAP NO. 169 B.

Alderman Kelley (20th Ward) presented a proposed ordinance for amendment of the Chicago Zoning Ordinance, for the purpose of reclassifying a particular area, which was *Referred to the Committee on Zoning*, as follows:

> To classify as an R4 General Residence District instead of a B4-2 Restricted Service District the area shown on Map No. 169B bounded by

S. Ellis Avenue on the west; E. 67th Street on the south; the north-south alley first east of S. Ellis Avenue on the east; and an east-west line drawn 148 feet north of the south property line of E. 67th Street on the north (commonly known as 6649-6659 S. Ellis Avenue).

3. CLAIMS.

Referred -- CLAIM AGAINST CITY OF CHICAGO.

Alderman Nardulli (26th Ward) presented a proposed claim against the City of Chicago on behalf of claimant Mr. Salvador Oliveras, which was *Referred to the Committee on Claims and Liabilities.*

4. UNCLASSIFIED MATTERS.

(Arranged in Order According to Ward Numbers).

None.

5. FREE PERMITS, LICENSE FEE EXEMPTIONS, CANCELLATION OF WARRANTS FOR COLLECTION, AND WATER RATE EXEMPTIONS, ETC.

Proposed ordinances, orders, etc. described below, were presented by the aldermen named, and were *Referred to the Committee on Finance,* as follows:

FREE PERMIT:

BY ALDERMAN VRDOLYAK (10th Ward):

Ada S. McKinley -- for the construction of a not-for-profit facility on the premises known as 9135 S. Brandon Avenue.

LICENSE FEE EXEMPTION:

BY ALDERMAN ORBACH (46th Ward):

Louis A. Weiss Memorial Hospital, 4646 N. Marine Drive.

CANCELLATION OF WARRANTS FOR COLLECTION:

BY ALDERMAN MELL (33rd Ward):

Grace Convalescent Home, 2800 W. Grace Street -- elevator inspection.

BY ALDERMAN D. DAVIS FOR ALDERMAN FROST (34th Ward):

Archdiocese of Chicago/Saint Catherine of Genoa Church, 640 W. 118th Street -- building inspection.

BY ALDERMAN NATARUS (42nd Ward):

Anti-Cruelty Society, 516 N. LaSalle Street -- elevator inspection.

APPROVAL OF JOURNAL OF PROCEEDINGS.

JOURNAL (December 28, 1984).

The City Clerk submitted the printed Official Journal of the Proceedings of the regular meeting held on December 28, 1984, at 10:00 A.M., signed by him as such City Clerk.

Alderman Burke moved to *Approve* said printed Official Journal and to dispense with the reading thereof. The question being put, the motion *Prevailed.*

UNFINISHED BUSINESS.

MUNICIPAL CODE AMENDED BY ADDITION OF NEW CHAPTER 200.5 CONCERNING CHICAGO ALCOHOLIC BEVERAGE TAX.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance, deferred and published in the Journal of the Proceedings of December 7, 1984, pages 11531 thru 11540, recommending that the City Council pass a proposed ordinance amending the Municipal Code of Chicago by the addition of a new Chapter 200.5 to be known as the "Chicago Alcoholic Beverage Tax Ordinance".

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Tillman, Evans, Bloom, Sawyer, Humes, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Sherman, Stemberk, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Mell, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Oberman, Hansen, Orbach, Schulter, Volini, Orr, Stone -- 40.

Nays -- None.

The following is said ordinance as passed:

WHEREAS, The City of Chicago is a home rule unit with power over its own government and affairs, including the power to tax; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The Municipal Code of Chicago is hereby amended by deleting in its entirety the text of Chapter 200.5 of the Municipal Code of Chicago and substituting in its place a text in italics as follows:

200.5. This Chapter shall be known and cited as the "Chicago Alcoholic Beverage Tax Ordinance" and the tax herein imposed shall be known as the "Chicago Alcoholic Beverage Tax."

200.5.1. For the purposes of this Chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

City: The term "City" shall mean the City of Chicago, Illinois.

Department: The term "Department" or "Department of Revenue" shall mean the Department of Revenue of the City.

Director: The term "Director" or "Director of Revenue" shall mean the Director of Revenue of the City.

Alcoholic Beverage: The term "alcoholic beverage" includes alcoholic spirits, wine and beer and any liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being. The provisions of this Chapter shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.

Alcoholic Beverage Dealer: The term "Alcoholic Beverage Dealer" shall mean any person who engages in the business of selling alcoholic beverages in the City of Chicago to a purchaser for immediate consumption, and not for resale in any form. If a person is in the business of selling alcoholic beverage both for immediate consumption and not for immediate consumption such a person shall be considered an alcoholic beverage dealer for purposes of this Chapter, and all of his sales will be considered taxable unless he complies with Section 200.5-4.C. of this Chapter.

Alcohol: "Alcohol" shall mean the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

Spirits: The term "Spirits" shall mean any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whisky, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

Wine: The term "Wine" shall mean any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

Beer: The term "Beer" shall mean a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Immediate Consumption: The term "immediate consumption" shall apply to and mean purchases of alcoholic beverages (1) in open containers, (2) in any container or form that is not its original package, or (3) from establishments which provide for, allow or have facilities for the consumption of alcoholic beverages on its premises, except for those sales of alcoholic beverages intended for consumption off the premises of the establishment and actually consumed off such premises, if the requirements of Section 200.5-4.C. of this Chapter are met.

Original Package: The term "original package" shall mean any bottle, flask, jug, can, cask, barrel, kegs, logshead or other receptacle or container, whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic beverage, to contain and to convey any alcoholic beverage.

Manufacturer: The term "manufacturer" shall mean every brewer, fermenter, distiller, rectifier, blender, processor, bottler or person who fills or refills an original package, whether for himself or for another, and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic beverages as above defined.

Distiller: The term "Distiller" shall mean a person who distills, ferments, brews, makes, mixes, concocts, processes, blends, bottles or fills an original package with any alcoholic beverage. This definition includes but is not limited to a manufacturer of wine.

Sale: The term "sale" or "purchase" or any similar term shall mean any transfer of ownership or title or both, any exchange or any barter, in any manner or by any means whatsoever for a valuable consideration.

Establishment: The term "establishment" shall mean any building, grounds or other place, or part thereof.

Person: The term "Person" shall mean any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, receiver, trustee, conservator or representative appointed by any court.

B. In this Chapter, unless the context otherwise requires, words in the singular number include the plural, and in the plural include the singular; words of the masculine gender include the feminine and the neuter; and when the sense so indicates, words of the neuter gender may refer to any gender.

200.5-2.A. A tax is hereby imposed on the purchase of alcoholic beverages for immediate consumption from an alcoholic beverage dealer. Such tax is to be paid by the purchaser and nothing in this Chapter shall be construed to impose a tax upon the occupation of alcoholic beverage dealers. This tax shall be levied according to the following schedule:

(1) Wines containing 14% or less alcohol by volume, a tax at the rate of one cent per ounce.

(2) Wines containing more than 14% alcohol by volume, a tax at the rate of two cents per ounce.

(3) Alcohol and spirits, a tax at the rate of five cents per ounce.

(4) Beer, a tax at the rate of one-half cent per ounce.

The tax rates stated above shall be prorated in sales involving a fraction of an ounce, and shall be rounded down to the nearest cent when less than one-half a cent is due and rounded up to the nearest cent when one-half a cent or more is due.

B. The ultimate incidence of and liability for payment of the tax herein levied is to be borne by the purchaser of said alcoholic beverage. The tax herein levied shall be in addition to any and all other taxes authorized by law.

C. The tax imposed herein shall be collected from the purchaser by the Alcoholic Beverage dealer at the time of the sale and remitted to the City on a quarterly basis, with the tax due for the months of January, February and March of each year by April 30 of that year, for the months of April, May and June of each year by July 31 of that year, for the months of July, August and September of each year by October 31 of that year, and for the months of October, November and December of each year by January 31, of the following year. A remittance return shall accompany each remittance of tax. The format of the remittance return shall be prescribed by the Director of Revenue, and such return shall include the number of ounces sold for each tax category of alcoholic beverage, the beginning and ending inventory and all purchases by the Alcoholic Beverage Dealer by ounces for each tax category of alcoholic beverage sold, and any other reasonable information the Director deems necessary. The remittance return shall be filed and signed by the alcoholic beverage dealer under penalty as provided in Section 200.5-13 of this Chapter.

D. The failure of the alcoholic beverage dealer to collect the tax herein imposed shall not relieve the purchaser of his duty to pay it. If the alcoholic beverage dealer fails to collect the tax the purchaser shall be required to pay it directly to the Department in the same manner, and form as the alcoholic beverage dealers.

E. Except as provided in this Section, the alcoholic beverage dealer filing the return under this Chapter shall, at the time of filing such return, remit to the Department the amount of tax imposed by this Chapter less a commission of 2% or $5.00 per calendar year, whichever is greater, which is allowed to reimburse the alcoholic beverage dealer for the expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax, and supplying data to the Department upon request. However, the commission shall not be allowed for any taxes not remitted when due.

F. This tax shall not apply to purchases of alcoholic beverages wherein the purchaser is a passenger on an interstate carrier; nor shall this tax apply to the extent it would violate the United States Constitution or the Constitution of the State of Illinois.

200.5-3.A. Any tax not paid or remitted when due shall bear interest of 2% per month, or fraction thereof, until the tax is paid or remitted.

B. In addition to any interest charged, any tax not paid or remitted when due shall subject the person failing to pay or remit such to a 10% late payment penalty, unless a late filing penalty is due as provided in subsection C below. This penalty shall be calculated upon the amount of tax underpaid or underremitted.

C. In addition to any interest charge, any remittance return not filed when due shall subject the person failing to file such to a 10% late filing penalty calculated upon the total tax liability due for such filing period.

D. Where the failure to pay or remit any tax, or file any return, required under this Chapter on the date prescribed is due to reasonable cause, the penalties provided in subsections B or C of this Section shall not apply.

E. Any payment or return not physically received by the Department by the due date shall be considered late.

200.5-4.A. All alcoholic beverage dealers who make sales of alcoholic beverages within the City of Chicago shall be required to register with the Department within 30 days of the later of the effective date of this Chapter or the date they first started such business.

B. Every alcoholic beverage dealer subject to this Chapter shall keep accurate and complete books and records of his business which will include records of all sales of alcoholic beverages, quarterly inventories, and other pertinent papers and documents. All such books and records which are required to be kept by this Chapter shall be kept in the English language and shall, at all times during business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees.

C. It shall be presumed that all sales of alcoholic beverages from an alcoholic beverage dealer are subject to tax under this Chapter until the contrary is established. The burden of proving that such is not taxable hereunder shall be upon the alcoholic beverage dealer and taxpayer. Unless an alcoholic beverage dealer, who sells alcoholic beverages both for immediate consumption and not for immediate consumption segregates at the time of the sale his not for immediate consumption sales from his immediate consumption sales and keeps accurate and complete books and records of such, all sales by such alcoholic beverage dealer shall be considered taxable.

200.5-5. The Director is hereby empowered to adopt, promulagate, and to enforce, rules and regulations relating to any matter or thing pertaining to the administration and enforcement of the provisions of this Chapter, including provisions for the re-examination, correction and amendment of all returns. The Director, or any agent or employee designated in writing by him, is hereby authorized to examine the books and records of any alcoholic beverage dealer during regular business hours, in order to verify the accuracy of any return made, or if no return was made to ascertain the tax imposed by this Chapter.

200.5-6. If it shall appear to the Director that any person has violated any provision of this Chapter or any rule or regulation promulgated hereunder, or if the amount of any tax *payment or remittance is incorrect in that it does not include all taxes payable for such calendar quarter or period, or if the Director shall find that the collection of any taxes which have accrued but are not yet due will be jeopardized by delay, and declares said taxes to be immediately due and payable, or if it shall appear to the Director that he has made any final assessment which did not include taxes payable for the periods involved, or if it appears to the Director that any person has, by reason of any act or omission or by operation of law, become liable for the payment of any taxes, interest or penalties not originally incurred by him, the Director may in any of the above events determine and assess the amount of such taxes or deficiency, as the case may be, together with the interest and penalties due and unpaid, and immediately serve notice upon such person of such determination and assessment and make a demand for payment of the tax together with interest and penalties thereon. If the person incurring any such liability has died, such assessment may at the discretion of the Director be made against his personal representative. Such determination and assessment by the Director shall be deemed a final determination and assessment at the expiration of 20 days from the date of the service of such written notice thereof and demand for payment, unless such person shall have filed with the Director a written protest and a petition for a hearing, specifying its objections thereto within this 20 day period. Upon the receipt of such petition within the 20 days allowed, the Director shall fix the time and place for a hearing and shall notify the petitioner thereof. The Director may amend his determination and assessment at anytime before it becomes final. In the event of such amendment the person affected shall be given notice thereof and an opportunity to be heard in connection therewith. At any hearing held as herein provided, the determination and assessment that has been made by the Director shall be prima facie correct and the burden shall be upon the protesting person to prove that it is incorrect. Upon the conclusion of such hearing a decision shall be made by the Director either canceling, increasing, modifying or affirming such determination and assessment and notice thereof given to the petitioner. Such notice shall contain a statement by the Director of the cost of the certification of the record computed at the rate of 5 cents per 100 words, which cost shall be charged to the petitioner if the determination or assessment is affirmed. The record shall consist of the notices and demands caused to be served by the Director, the original determination and assessment of the Director, the written protest and petition for hearing, the testimony introduced at such hearing, the exhibits produced at such hearing, or certified copies thereof, the decisions of the Director and such other documents in the nature of pleadings filed in the proceeding.*

B. Whenever any person shall fail to pay any tax as herein provided, the City's Corporation Counsel shall, upon the request of the Department, bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any court of competent jurisdiction.

C. If the Mayor, after hearing held by or for him, shall find that any person has wilfully evaded payment or remittance of the tax imposed by this Chapter, he may suspend or revoke all City licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing to be held not less than 7 days after notice is given to him of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any license issued by the City possessed by said person may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge said person from his civil liability for the payment or collection and remittance of the tax, nor from prosecution for such offense.

200.5-7.A. Whenever it appears that an amount of tax, interest or penalty has been paid in error to the Department of Revenue by the person remitting such tax directly to Department, whether such amount be paid through a mistake of fact or an error of law other than an error resulting from the tax, any of its provisions or its application being declared invalid or unconstitutional, not later than three years from the date upon which such payment was made, such person may file a claim for credit or refund with the Department on forms provided by said Department for that purpose. No credit or refund shall be allowed for any amount paid by such person unless it appears that he bore the burden of such amount and did not shift the burden to another person or if he had shifted such burden that he had unconditionally repaid such amount to the person to whom he had shifted such burden.

B. Any credit or refund that is allowed under this Section shall bear interest at the rate of one-half of one percent (1/2%) per month, or any fraction thereof, from the date when the erroneous payment for which credit or refund is being allowed was made to the Department, until a credit memorandum is issued or a refund is paid.

C. A claim for credit or refund shall be considered to have been filed with the Department on the date upon which it is received by the Department, and receipt of any claim for credit or refund filed under this Section shall be acknowledged by the Director or any designated person on his behalf, said receipt to describe the claim in sufficient detail as to identify it, and to state the date upon which the claim was received by the Department.

D. As soon as practicable after a claim for credit or refund is filed, the Director, or his designate, shall examine the same and determine the amount of credit or refund due, if any, and shall issue a Notice of Tentative Determination of Claim and notify the claimant of such determination. If the claimant disagrees with the determination, he shall file a protest and challenge thereto within 20 days after the date of Notice of Tentative Determination of Claim has been mailed to him. Upon receipt of such protest within the 20 days allowed, the Director, or his designate, shall fix the time and place for a hearing thereon, giving notice to the claimant thereof, not less than 7 days prior thereto. At any hearing held as herein provided, the Tentative Determination of Claim shall be prima facie correct and the burden shall be upon the claimant to prove that it is incorrect. Upon the conclusion of the hearing, a decision shall be made by the Director and notice thereof given to the claimant. In the event no protest or challenge to the Tentative Determination of Claim is filed within the 20 day period hereinabove set forth, said notice shall thereafter become and operate as a final determination.

E. The Director may in his discretion issue a letter of credit to a claimant who may be able to use said credit in the foreseeable future, or a refund certificate in lieu of a credit memorandum on application by a person who cannot use said credit, or sell or assign the same. Refund certificates shall be numbered serially as they are issued and shall be paid in the order of their issuance from funds that are appropriated to the Department for that purpose.

200.5-8. Whenever notice is required by this Chapter, such notice may be given by United States registered or certified mail, addressed to the person concerned at his last known address, and proof of such mailing shall be sufficient for the purposes of this Chapter. Notice of any hearing provided for by this Chapter shall be so given not less than 7 days prior to the day fixed for the hearing. Following the initial contact of a person *represented by an attorney, the Department shall not contact the person concerned but shall only contact the attorney representing the person concerned.*

All hearings provided for in this Chapter shall be at the Department's office.

200.5-9. Any officer or employee of any corporation subject to the provisions of this Chapter who has the control, supervision or responsibility of filing returns and making payment of or remitting the amount of tax herein imposed and who wilfully fails to file such return or to make such payment or remittance to the Department shall be personally liable for such amounts, including interest and penalties thereon, in the event that after proper proceedings for the collection of such amounts, as provided in this Chapter, such corporation is unable to pay such amounts to the Department; and the personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

200.5-10. Any alcoholic beverage dealer subject to the tax imposed by this Chapter who sells or transfers his business of selling alcoholic beverage for immediate consumption or a major part of the assets of such business, other than a sale of assets (including inventory) in the ordinary and usual course of such business, is required to file a notice of such intended sale or transfer with the Department at least 45 days prior to the date of such sale or transfer, setting forth the name of the seller or transferor, the purchaser or transferee, a description of the property or business sold, the amount of the purchase or transfer price and such other information as the Department may reasonably request. Within 30 days after such sale or transfer, such seller or transferor shall file any remittance returns and pay any tax due and not paid up to the date of sale or transfer. At least 45 days before the sale or transfer referred to above takes place, the purchaser or transferee shall also file a notice of intended sale or transfer with the Department, setting forth the same information as required in the seller's or transferor's notice and further requesting that the Department perform an audit of the seller's or transferor's books and records or to do whatever else is necessary to determine how much tax is due up to the date of sale or transfer. The purchaser's or transferee's notice may be made in conjunction with the seller's or transferor's notice. If the purchaser or transferee fails to file the notice as required herein, the purchaser or transferee shall be personally liable to the Department for the amount of tax, interest and penalty owed by the seller or transferor to the Department up to the amount of the reasonable value of the property acquired by the purchaser or transferee. If a notice is filed, the Department shall notify both the seller (or transferor) and the purchaser (or transferee) of the amount to be withheld from the purchase or transfer price to cover all taxes, interest and penalties due under this Chapter and unpaid up to the date of sale or transfer. The purchaser or transferee shall withhold this amount from the purchase or transfer price or if payment of money or property is not involved, he shall withhold the performance that constitutes consideration for the sale or transfer, until the seller or transferor produces a receipt from the Department showing that such tax, interest and penalty had been paid or a certificate from the Department showing no tax is due. The purchaser or transferee is relieved of any duty to withhold from the purchase or transfer price and shall have no liability for tax, interest or penalty due hereunder from the seller or transferor, if the Department fails to notify the purchaser or transferee of such amount claimed due at least five days before the date of such sale or transfer. If the purchaser or transferee is notified by the Department of the amount to be withheld from the purchase or transfer price and does withhold such amount, the purchaser's or transferee's liability for any tax, interest or penalty hereunder shall be limited to the amount withheld. If the purchaser or transferee fails to withhold from the *purchase or transfer price the amount requested by the Department, the purchaser or transferee shall be liable for any tax, interest or penalty due in excess of any amount withheld, but not exceeding the amount of the reasonable value of the property acquired by him. The purchaser or transferee shall pay over to the Department any amount withheld hereunder upon notification of the refusal of the seller or transferor to pay any tax, interest or penalty due hereunder and upon notification of the Department claim against the purchaser or transferee for any such money. Nothing in this section shall be construed to relieve the seller or transferor of his liability for tax, interest and penalty due from him, except that any payments received from the purchaser or transferee as provided herein shall reduce such liability payable to the Department.*

200.5-11. All proceeds resulting from the imposition of this tax including interest and penalties shall be deposited in the Corporate Fund of the City.

200.5-12. Any tax required to be collected by an alcoholic beverage dealer pursuant to this Ordinance and any tax collected by such alcoholic beverage dealer, shall constitute a debt owed by such alcoholic beverage dealer to the City.

200.5-13. Any person found guilty of violating, disobeying, neglecting, or refusing to comply with any of the provisions of this Chapter except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than $50.00 nor more than $200.00 for the first offense and not less than $300.00 nor more than $500.00 for the second and each subsequent offense in any 180-day period, provided, however, that all actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure (Ill. Rev. Stat. 1983, Ch. 110, par. 1-101, et seq.). A person who commits repeated offenses in excess of three within any 180-day period may also be punished as committing a misdemeanor by incarceration in the County Jail for a term not to exceed six months under the procedures set forth in Section 1-2-1.1 of the Illinois Municipal Code (Ill. Rev. Stat. 1983, Ch. 24, par. 1-2-1.1) and under the provisions of the Illinois Code of Criminal Procedure (Ill. Rev. Stat. 1983, Ch. 38, pars. 100-1, et seq.) in a separate proceedings. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist, after notification thereof.

200.5-14. If any provision of this Chapter or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Chapter is severable, unless otherwise provided by this Chapter. In particular, but without limitation, each provision creating an exception to or an exemption or exclusion from the imposition of the tax is severable. It is hereby declared to be the legislative intent of the City Council that this Chapter would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

SECTION 2. This ordinance shall be effective ten days after passage and due publication, but no earlier than January 1, 1985.

TRANSFER OF FUNDS AUTHORIZED FOR COMMITTEE ON ADMINISTRATION, REORGANIZATION AND PERSONNEL.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance, deferred and published in the Journal of the Proceedings of December 18, 1984, pages 12009-12010, recommending that the City Council pass a proposed ordinance authorizing a transfer of funds for the Committee on Administration, Reorganization and Personnel.

On motion of Alderman Burke, the said proposed ordinance was *Passed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Kellam, Sheahan, Stemberk, Krystyniak, Nardulli, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone - - 32.

Nays -- Aldermen Rush, Tillman, Evans, Bloom, Sawyer, Streeter, Kelley, Henry, W. Davis, D. Davis, Oberman, Orr -- 12.

The following is said ordinance as passed:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the City Comptroller and the City Treasurer are authorized and directed to make the following transfer of funds for the year 1984. This transfer will leave sufficient unencumbered appropriations to meet all liabilities that have been or may be incurred during the year 1984 payable from such appropriations.

FROM:

Account	Number	Amount
Personnel Services	100-1220-000	$12,365.00

TO:

Account	Number	Amount
Contractual Services	100-1220-100	$265.00
Commodities	100-1220-300	12,100.00

SECTION 2. That the sole purpose of this transfer of funds is to cover furniture expenses, court reporting bills and the purchase of a computer for committee activities.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

Re-Referred – CITY OF CHICAGO TAX AMNESTY PROGRAM.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance, deferred and published in the Journal of the Proceedings of December

26, 1984, pages 12222-12225, recommending that the City Council pass a proposed ordinance to authorize a City of Chicago Tax Amnesty Program.

Alderman Pucinski then presented the following amendment:

I hereby move to amend the proposed Tax Amnesty ordinance by deleting the bracketed language and adding the language in italics as follows:

SECTION 4. The amnesty program shall provide that upon written application by any Taxpayer or Tax Collector and payment by such Taxpayer or Tax Collector of all Taxes due from such Taxpayer or, *except as provided in Section 5,* [collected] *owed* by such Tax Collector to the City of Chicago for any taxable period ending prior to October 1, 1984, the Department shall not seek to collect any interest or penalties which may be applicable and the Department shall not seek civil or criminal prosecution for any Taxpayer or Tax Collector for the period of the time for which amnesty has been granted to a Taxpayer or Tax Collector *under this Section 4.*

SECTION 5. The amnesty program shall further provide that upon written application by any Tax Collector who has not collected [a] *Chicago Sales* Tax imposed pursuant to authorization by [any ordinance of the City] *Chapter 200.6 of the Municipal Code of Chicago* and payment by such Tax Collector to the City of a sum equal to [25%] *40%* of the amount of the *Chicago Sales* Tax[es] imposed by such ordinance for any Taxable Period ending prior to October 1, 1984, the Department shall not seek to collect any further sums measured by the amount of such Taxes or, *except as herein provided,* any interest or penalties thereon which may be applicable and the Department shall not seek civil or criminal prosecution for such Tax Collector for the period of time for which amnesty has been granted to such Tax Collector pursuant to this [Ordinance] *Section 5. Such Tax Collector shall pay interest in an amount equal to 5% of the amount of the Chicago Sales Tax due and owing for such Taxable Period.* The amnesty provided under this Section 5 shall be granted only to Tax Collectors *of the Chicago Sales Tax* described in this Section 5 and shall not be construed to grant amnesty to the Taxpayers upon whom the *Chicago Sales* Tax is imposed.

SECTION 6. *Except as otherwise provided in this Ordinance,* [F] failure to pay all Taxes due to the City shall invalidate any amnesty granted pursuant to this Ordinance.

Alderman Pucinski moved to *Adopt* the foregoing proposed amendment. The motion *Prevailed* by a viva voce vote.

Alderman Burke then moved to *Re-refer* the said proposed ordinance, as amended, to the Committee on Finance. The motion *Prevailed* and said proposed amended ordinance was *Re-referred to the Committee on Finance.*

Re-Referred -- CHAPTER 11 OF MUNICIPAL CODE AMENDED BY ADDING NEW SECTION 11-48 ENTITLED "AUXILIARY POLICE".

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance deferred and published in the Journal of the Proceedings of December 21, 1984, pages 12138-12140, recommending that the City Council pass a proposed ordinance to amend Chapter 11 of the Municipal Code of Chicago by the addition of a new Section 11-48 entitled "Auxiliary Police".

Alderman Burke moved to *Re-refer* the said proposed ordinance to the Committee on Finance. The motion *Prevailed* and said proposed ordinance was *Re-referred to the Committee on Finance.*

1985 ANNUAL APPROPRIATION ORDINANCE APPROVED.

On motion of Alderman Burke, the City Council took up for consideration the report of the Committee on Finance, deferred and ordered published in the Journal of the Proceedings on December 21, 1984, page 12138, recommending that the City Council pass the 1985 Annual Appropriation Ordinance as amended. (Proposed 1985 Annual Appropriation Ordinance printed as an addendum to the December 21, 1984 Journal of the Proceedings).

Alderman Burke then presented a substitute ordinance and a series of amendments to the substitute 1985 Annual Appropriation Ordinance.

Alderman Burke then moved to *Adopt* the said proposed amendments. The motion *Prevailed* by a viva voce vote.

[Adopted amendments are printed as a part of the Addendum to this Journal.]

Alderman Oberman next presented the following amendment to the substitute Annual Appropriation Ordinance.

FUND: 100-Corporate

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
53	1275.000	Com. on Public Records and Information				
	1275.000	For Personal Services		$49,000		
	1275.100	For Contractual Services		200		
	1275.300	For Commodities		300		
	1275.700	For Contingencies		500		
		Organization Total		$50,000		
118	3140	Bureau of Community Health Services				
	3751	Public Health Nurse I			2	$18,468
	3611	Nurses Aide			1	13,064

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
		Activity Total	12	$2,593,923	15	$2,643,923

Alderman Hutchinson moved to *Lay on the Table* the foregoing amendment. The motion *Prevailed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Nardulli, W. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 35.

Nays -- Aldermen Rush, Tillman, Evans, Bloom, Langford, Henry, Smith, D. Davis, Oberman -- 9.

Alderman Oberman next presented a second series of amendments to the substitute 1985 Annual Appropriation Ordinance, which reads as follows:

FUND: 100-Corporate

PAGE	CODE	DEPT. & ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
22		Comm. on Administration, Reorganization & Personnel				
	1220	Organization Total		$95,000		-0-
23		Comm. on Aviation				
	1222	Organization Total		75,000		-0-
24		Comm. on Beautification and Recreation				
	1224	Organization Total		55,000		-0-
26		Comm. on Cable Television				
	1228	Organization Total		250,000		-0-
27		Comm. on Claims & Liabilities				
	1230	Organization Total		50,000		
28		Comm. on Committees & Rules				

PAGE	CODE	DEPT. & ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
	1232.000	For Personal Services		$97,500		47,500
	1232.100	For Contractural Services		2,000		2,000
	1232.300	For Commodities		500		500
		Organization Total		100,000		50,000
29		Comm. on Cultural Development & Historical Landmark Preservation				
	1234	*Organization Total*		74,465	-0-	
30		Comm. on Economic Development				
	1236.100	For Personal Services		72,400		47,400
		Organization Total		75,000		50,000
31		Comm. on Education				
	1238.000	For Personal Services		75,000		43,200
		Organization Total		81,800		50,000
32		Comm. on Employment				
	1240	Organization Total		95,000	-0-	
33		Comm. on Energy & Environmental Protection				
	1242	Organization Total		55,000	-0-	
34		Comm. on Health				
	1244	Organization Total		83,000	-0-	
35		Comm. on Housing & Neighborhood Development				
	1246	Organization Total		86,356	-0-	
36		Comm. on Alcoholism and Substance Abuse				
	1247	Organization Total		50,000	-0-	
37		Comm. on Human Rights & Consumer Protection				

PAGE	CODE	DEPT. & ITEM	STRIKE No.	STRIKE Amount	INSERT No. Amount
	1248	Organization Total		$65,000	-0-
38		Comm. on Human Services			
	1249	Organization Total		65,000	-0-
39		Comm. on Intergovernmental Relations			
	1250	Organization Total		85,300	-0-
40		Comm. on Land Acquisition and Disposition			
	1252	Organization Total		75,500	-0-
41		Comm. on Leases			
	1254	Organization Total		68,000	-0-
42		Comm. on Licenses			
	1256	Organization Total		105,500	-0-
43		Comm. on Streets & Alleys			
	1258	Organization Total		109,588	-0-
45		Comm. on Municipal Code Revision			
	1262	Organization Total		92,000	-0-
44		Comm. on Local Transportation			
	1260	Organization Total		27,060	-0-
46		Comm. on Police, Fire, and Municipal Institutions			
	1264	Organization Total		97,000	-0-
47		Comm. on Ports, Wharves, and Bridges			
	1265	Organization Total		65,000	-0-

PAGE	CODE	DEPT. & ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
48		Comm. on Public Utilities				
	1268	Organization Total		$83,000	-0-	
49		Comm. on Aging & Disabled				
	1269	Organization Total		50,000	-0-	
50		Comm. on Special Events and World's Fair				
	1270	Organization Total		110,000	-0-	
51		Comm. on Municipal Institutions				
	1271	Organization Total		50,000	-0-	
52		Comm. on Zoning				
	1274.000	For Personal Services		206,000		62,700
		Organization Total		243,300		100,000
53		Comm. on Public Records and Information				
	1275	Organization Total		50,000	-0-	
54		Comm. on Animal Treatment and Control				
	1276	Organization Total		50,000	-0-	
55		Comm. on Neighborhood & Community Affairs				
	1277	Organization Total		65,000	-0-	
56		Comm. on Community Services				
	1278	Organization Total		65,000	-0-	
365		Comm. on Local Transportation				
	1260.000	For Personal Services		342,836		0
	1260.831	For Genl. Off. Exp.		12,000		0

PAGE	CODE	DEPT. & ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
	1260.832	For Emplymnt. of Spec. Counsel, etc.		$189,000		0
	1260.800	For Spec. Purposes-Genl.		201,000		0
		Organization Total		543,836		0
		Comm. on Traffic Cntl. and Safety				
366	1272.200	For Travel		250		0
	1272.300	For Commodities		1,750		0
	1272.801	For Plans and Surveys, etc.		380,300		0
	1272.800	For Spec. Purposes-Genl.		380,300		0
		Organization Total		382,300		0
		Comm. on Traffic, Transportation and Public Ways				
	1260.000	For Personal Services		0		50,000
	1260.100	For Contractual Services		0		25,000
	1260.200	For Travel		0		500
	1260.300	For Commodities		0		20,000
		Organization Total		0		100,000

Alderman Vrdolyak moved to *Lay on the Table* the foregoing amendments. The motion *Prevailed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Nardulli, W. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 35.

Nays -- Aldermen Rush, Tillman, Evans, Bloom, Langford, Henry, Smith, D. Davis, Oberman -- 9.

Alderman Oberman then presented a third series of amendments to the substitute 1985 Annual Appropriation Ordinance, which reads as follows:

FUND: 100-Corporate

CODE	DEPT. AND ITEM	INSERT	STRIKE
9112.831	For public hearings, professional services and other incidental expenses related to the 1992 World's Fair to be expended at the direction of the Chairman of the Committee on Special Events and World's Fair		$250,000

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
		Department of Finance/General				
306	9112.715	Contingent and other expense for corporate purposes not otherwise provided for; to be expended under the direction of the Vice-Mayor		$70,000		0
	9112.718	Contingent and other expense for corporate purposes not otherwise provided for; to be expended under the direction of President Pro Tempore of the City Council		50,000		0
	9112.720	For contingent expense authorized by the Chairman of the Committee on Finance	0	100,000		
307	9112.721	For expenses in connection with the conduct of public hearings in the communities of Chicago, and such other expenses as may be necessary in the study of public utility practices, procedures, policies and activities in the City of Chicago; to be expended under the direction of the Chairman of the Committee on Finance		100,000		0
	9112.730	Contingent and other expense for corporate purposes not otherwise provided for; to be expended under the direction of the City Council		60,000		0
	9112.822	For legal, technical, medical and professional services, appraisers, consultants, printers,				

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
		court reporters and professional services authorized by the Chairman of the Committee on Finance		$300,000		0
	9112.823	For legal, technical, medical and professional services, appraisers, consultants, printers, court reporters and professional services authorized by the City Council		280,000		0
		SAVINGS 960,000				

FUND: 200-Water Fund

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
344	9112.801	Expense of invest. by Comm. of Finance		$350,000		$175,000
345	9112.806	For expense of invest. by Comm. on Claims		50,000		-0-
		SAVINGS $225,000				

FUND: 300-Vehicle Tax Fund

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
377	9112.802	Expense of investigation by Comm. on Finance		$55,000		-0-
		SAVINGS $55,000				

FUND: 310-Motor Fuel Tax

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
379	9112.890	Expenditures for projects from this account shall be made only to the extent of the cash available, received from the City's distributive		Paragraph 1		

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
		share of state motor fuel tax under allotments approved by the State. Expenditures or encumbrances from this account shall be accounted for by allotments for projects as expended		$62,377,000		$62,177,000
		*Organization Total		62,337,000		62,177,000
		SAVINGS $160,000				

Alderman Oberman moved to adopt the foregoing amendments. The motion was lost by yeas and nays as follows:

Yeas -- Aldermen Tillman, Bloom, Langford, Smith, D. Davis, Oberman -- 6.

Nays -- Aldermen Roti, Rush, Evans, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 39.

Alderman Oberman then presented a fourth series of amendments to the substitute 1985 Annual Appropriation Ordinance which reads as follows:

FUND: 100-Corporate

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
267		Bureau of Electricity				
	5416	In-Service Maintenance of Electrical Equipment				
	7183	Motor Truck Driver	48	$14.30	12	$14.30
261		Bureau of Sanitation				
	5317	Refuse Collection Field Services-02				
	9534	Laborer (as Truck Loader)	1243	10.48H	854	10.48

FUND: 310-Motor Fuel Tax

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
399	9112.890	Motion to amend by adding the following language:				X

Provided, however, that within
the Bureau of Streets, crews
shall follow these guidelines
and not exceed the limits listed below:
Asphalt Maintenance
Summer Patch Crew-4 Asphalt Helpers
Winter Patch Crew-4 Asphalt Helpers
Concrete Maintenance
Summer Cement Crew-1 Cement Finisher Foreman
1 Labor Foreman
4 Cement Mixers
Winter Cement Crew-1 Cement Finisher Foreman
1 Labor Foreman
2 Cement Mixers
Summer Breakout Crew-1 Labor Foreman
2 Jackhammermen
4 Cement Mixers
Winter Breakout Crew-1 Foreman
2 Jackhammermen
4 Cement Mixers
Vaulted Walks Crew-1 Cement Finisher Foreman
1 Labor Foreman
2 Cement Mixers

Alderman Oberman then moved to adopt the foregoing amendments. The motion was lost by yeas and nays as follows:

Yeas -- Aldermen Tillman, Bloom, Langford, Smith, Oberman -- 5.

Nays -- Aldermen Roti, Rush, Evans, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 40.

Alderman Oberman then presented a fifth amendment to the substitute 1985 Annual Appropriation which reads as follows:

FUND: 100-Corporate

PAGE	CODE	DEPT. AND ITEM	STRIKE No.	STRIKE Amount	INSERT No.	INSERT Amount
120	3162	Lakeview-Uptown Mental Health Center				
	3532	Clinical Therapist I			1	$18,312
	3567	Com. Men. Health Work. II	1	$18,312		
		Activity Total	8	$265,130.00	10	$301,754

Alderman Oberman moved to *Refer* the foregoing amendment to the Committee on Finance. The motion *Prevailed.*

Thereupon, Alderman Burke moved to *Pass* the substitute 1985 Annual Appropriation Ordinance as amended. The motion *Prevailed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Evans, Bloom, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Burke, Langford, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 42.

Nays -- Aldermen Rush, Tillman, Oberman -- 3.

Alderman Hansen moved to reconsider the foregoing vote. The motion was lost.

Alderman Bloom noted that Alderman Orr was unable to vote due to the impending birth of his first child.

[The Annual Appropriation Ordinance for the year 1985 is printed as an Addendum to this Journal.]

MISCELLANEOUS BUSINESS.

Rules Suspended -- TECHNICAL AMENDMENTS AUTHORIZED FOR CHICAGO-O'HARE INTERNATIONAL AIRPORT SPECIAL FACILITY REVENUE BONDS (AMERICAN AIRLINES, INCORPORATED, PROJECT).

Alderman Hutchinson moved to *Suspend the Rules Temporarily* for the immediate consideration of and action upon a proposed ordinance making certain technical amendments to an ordinance passed on December 12, 1984 concerning the issuance of Chicago-O'Hare International Airport Special Facility Revenue Bonds for the American Airlines, Inc., Project.

Alderman Oberman raised a *Point of Order,* stating that the motion to suspend the rules was out of order as he and Alderman Tillman had deferred and published the same ordinance during the Committee on Finance report.

The Chair stated that the matter was not a parlimentary but rather a statutory matter governed by state law -- Chapter 24, paragraph 3-11-16 of the Illinois Revised Statutes which reads:

> "Upon the request of any 2 aldermen present, any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the council after the report is made."

The Chair further stated that the motion to suspend was out of order because "it carries behind it an attempt to vote on an issue which has been in a sense tabled by the motion to publish and defer."

The Chair then ruled the point of order *Well Taken.*

Alderman Vrdolyak *Appealed the Ruling of the Chair.* The Chair then put the question, "Shall the decision of the Chair be sustained?"

The decision of the Chair was *Overruled* by yeas and nays as follows:

Yeas -- Aldermen Rush, Tillman, Evans, Bloom, Sawyer, Humes, Langford, Streeter, Kelley, Sherman, W. Davis, Smith, D. Davis, Natarus, Oberman -- 15.

Nays -- Aldermen Roti, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Kellam, Sheahan, Stemberk, Krystyniak, Henry, Nardulli, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 29.

Alderman Burke was excused from voting under the provisions of Rule 14 of the Council's Rules of Order.

Thereupon, the motion to suspend the rules temporarily *Prevailed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Streeter, Kellam, Sheahan, Sherman, Stemberk, Krystyniak, Henry, Nardulli, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 34.

Nays -- Aldermen Rush, Tillman, Evans, Bloom, Langford, Kelley, W. Davis, Smith, D. Davis, Oberman -- 10.

Alderman Burke was excused from the voting under the provisions of Rule 14 of the Council's Rules of Order.

Alderman Hutchinson then moved to *Pass* the said proposed ordinance.

The motion *Prevailed* by yeas and nays as follows:

Yeas -- Aldermen Roti, Rush, Evans, Sawyer, Humes, Hutchinson, Vrdolyak, Huels, Majerczyk, Madrzyk, Streeter, Kellam, Sheahan, Kelley, Sherman, Stemberk, Krystyniak, Henry, Nardulli, W. Davis, Smith, D. Davis, Hagopian, Santiago, Gabinski, Mell, Kotlarz, Banks, Damato, Cullerton, Laurino, O'Connor, Pucinski, Natarus, Hansen, McLaughlin, Orbach, Schulter, Volini, Stone -- 40.

Nays -- Aldermen Tillman, Bloom, Langford, Oberman -- 4.

Alderman Stemberk moved to reconsider the foregoing vote. The motion was lost.

Alderman Burke was excused from voting under the provisions of Rule 14 of the Council's Rules of Order.

Alderman Hutchinson then requested that the record reflect the said passed ordinance was transmitted to the Mayor, who affixed his signature at 7:34 P.M.

The following is said ordinance as passed:

WHEREAS, On December 12, 1984, this City Council adopted an ordinance approving the issuance of Chicago-O'Hare International Airport Special Facility Revenue Bonds (American Airlines, Inc. Project) (the "Bond Ordinance") appearing in the Journal of the City Council of the City for said date at pages 11895 to 11904, inclusive; and

WHEREAS, It is necessary and advisable for the City Council to make certain amendments to the Bond Ordinance and to ratify and confirm the adoption of, and to re-enact, the Bond Ordinance in its entirety; now, therefore,

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. The first paragraph of Section 3 of said ordinance is hereby amended to read as follows:

"For the purposes of financing the cost of the Project there are hereby authorized to be issued by the City its Chicago-O'Hare International Airport Special Facility Revenue Bonds, Series 1984 (American Airlines, Inc. Project) in one or more series in an aggregate principal amount not to exceed $122,800,000. Each series of Series 1984 Bonds shall be issuable only in fully registered form; shall be issued in the denominations authorized in the Indenture related to such series; and shall be dated and numbered as provided in the Indenture related to such series."

SECTION 2. The second paragraph of Section 3 of said ordinance is hereby amended to read as follows:

"Each series of Series 1984 Bonds shall mature no later than December 1, 2020, and, except for a short period ending not later than the fifth business day in February, 1985, during which the Series 1984 Bonds may bear interest at a fixed rate, shall initially bear interest at a daily variable interest rate, all as more fully set forth in Section 202 and Section 210 of the Indenture related to such series and thereafter at such other interest rate as may be established in accordance with the provisions of the Indenture related to such series, provided that in no event shall any series of Series 1984 Bonds bear interest at a rate in excess of the lesser of twenty-five percent (25%) per annum or, so long as any series of Series 1984 Bonds is secured by a Letter of Credit (as defined in the related Indenture), with respect to such Bonds, the maximum interest rate stated in such Letter of Credit for purposes of calculating the stated amount thereof."

SECTION 3. Paragraph (a) of Section 6 of said ordinance is hereby amended to read as follows:

"(a) The form of the Bond Purchase Agreement presented to this meeting is hereby approved in all respects. The Mayor or the City Comptroller of the City is hereby authorized and directed to execute and deliver a Bond Purchase Agreement in substantially the form of the Bond Purchase Agreement presented to this meeting, together with such changes and completions thereof as may be approved by the Mayor or the City Comptroller, as the case may be, subject to the limitations contained in Paragraph (b) of this Section 6, the execution thereof to constitute conclusive evidence of the approval of such changes and completions. The sale to the Underwriter of the Series 1984 Bonds pursuant to the terms and conditions of the Bond Purchase Agreement is hereby approved by this City Council."

SECTION 4. Paragraph (b) of Section 6 of said ordinance is hereby amended to read as follows:

"(b) Authority is hereby delegated to the Mayor or the City Comptroller to determine the aggregate principal amount of the Series 1984 Bonds, the principal amount of each series of Series 1984 Bonds, the final maturity date of each series of Series 1984 Bonds, the interest rate for the first Interest Period for each series of Series 1984 Bonds and the purchase price of each series of Series 1984 Bonds; provided, however, that (i) the aggregate principal amount of all series of the Series 1984 Bonds shall not exceed $122,800,000; (ii) the number of series of Series 1984 Bonds shall not exceed five (5); (iii) the interest rate for the first Interest Period shall not exceed fifteen percent (15%); (iv) the final maturity date of each series of Series 1984 bonds shall not be later than December 1, 2020; and (v) the aggregate purchase price for each series of Series 1984 Bonds shall not be less than ninety-five percent (95%) of the principal amount thereof to be issued."

SECTION 5. Paragraph (a) of Section 7 of said ordinance is hereby amended to read as follows:

"(a) The Special Facility Use Agreements, the Indentures and the Amendment of 1983 Agreement, in substantially the forms submitted to this meeting, are hereby authorized and approved. The American Agreement, in the form approved by the Mayor or the City Comptroller, is hereby authorized and approved. The United Agreement, as executed and delivered by the Mayor or the City Comptroller, is hereby ratified and approved. The Mayor or the City Comptroller of the City is hereby further authorized to execute on behalf of the City a statement carrying forward the City's 1984 unused private activity bond limit to the extent available under Section 103 of the Internal Revenue Code of 1954, as amended."

SECTION 6. The Bond Ordinance, as amended in the manner set forth in Sections 1, 2, 3, 4, and 5 above, is hereby ratified and confirmed in all respects and is hereby re-enacted, as so amended, in its entirety.

SECTION 7. All ordinances, resolutions, and orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed. This ordinance shall be made available to the public by the City Clerk, City Hall, Chicago, Illinois. Copies are to be made available in the office of the City Clerk for public inspection and distribution to members of the public who may wish to avail themselves of a copy of this ordinance.

SECTION 8. The ordinance shall be in full force and effect upon its passage and approval.

Time Fixed for Next Succeeding Regular Meeting.

By unanimous consent, Alderman Burke thereupon presented a proposed ordinance which reads as follows:

Be It Ordained by the City Council of the City of Chicago:

SECTION 1. That the next succeeding regular meeting of the City Council of the City of Chicago to be held after the regular meeting held on Monday, the thirty-first (31st) day of December, 1984, at 11:00 A.M. be and the same is hereby fixed to be held on Wednesday, the ninth (9th) day of January, 1985, at 10:00 A.M., in the Council Chamber in the City Hall.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

On motion of Alderman Burke, the foregoing proposed ordinance was *Passed* by a viva voce vote.

Adjournment.

Thereupon, Alderman Burke moved that the City Council do *Adjourn*. The motion *Prevailed* and the City Council *Stood Adjourned* to meet in regular meeting on Wednesday, January 9, 1985, at 10:00 A.M. in the Council Chamber in the City Hall.

Walter S Kozubowski

WALTER S. KOZUBOWSKI,
City Clerk.