

NAPERVILLE TOWNSHIP BOARD OF TRUSTEES  
Open Session Special Meeting Minutes Taken Tuesday, November 19, 2013  
Naperville Township Office, 139 Water Street, Naperville, Illinois 60540

1.0 CALL TO ORDER:

Supervisor Rachel Ossyra called the meeting to order commencing at 5:30 p.m.

2.0 PLEDGE OF ALLEGIANCE:

Supervisor Ossyra led the meeting in the Pledge of Allegiance.

3.0 ROLL CALL AND ESTABLISHMENT OF A QUORUM:

Town Clerk Barry Greenberg called the Roll; the Supervisor and all Trustees being present, Greenberg announced that a quorum was present for the purpose of conducting the meeting. Present: Janice Anderson, Kerry Malm, Rachel Ossyra, Paul Santucci, and Robert Wegner. Also present are Highway Commissioner Stan Wojtasiak and Assessor employee Warren Dixon III. Township residents in attendance this evening are listed on the attached Board of Trustees Regular Meeting Sign-In Sheet.

4.0 NEW BUSINESS:

4.1 Motion to Approve Resolution for 2014-2015 Estimated Township Taxes of \$2,004,090.00 (Resolution T-13-1119-01) by Wegner and Seconded by Malm, and there being no discussion: Greenberg called the Roll, and the Motion to Approve passed unanimously.

Ayes: Anderson, Malm, Ossyra, Santucci and Wegner. Nays: None. Absent: None.

4.2 Motion to Approve Resolution for 2014-2015 Estimated Road District Taxes of \$1,711,000.00 (Resolution R-13-1119-01) by Malm and Seconded by Santucci, and there being no discussion: Greenberg called the Roll, and the Motion to Approve passed unanimously.

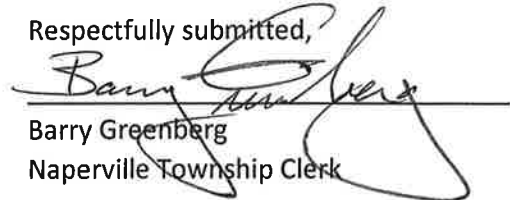
Ayes: Anderson, Malm, Ossyra, Santucci and Wegner. Nays: None. Absent: None.

5.0 ADJOURNMENT:

Motion to Adjourn by Malm and Seconded by Santucci, and there being no discussion: Greenberg called for a Voice Vote, and the Motion to Adjourn passed unanimously at 5:40 p.m.

Ayes: Anderson, Malm, Ossyra, Santucci and Wegner. Nays: None. Absent: None.

Respectfully submitted,

  
Barry Greenberg  
Naperville Township Clerk

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Rachel Ossyra  
Naperville Township Supervisor

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Resolution Adopting Naperville Township Healthcare Plan

**RECOMMENDATION:** Approve Resolution T-13-1210-01 Adopting Township Healthcare Plan

**BACKGROUND:**

With the commencement of the Affordable Care Act, January 1, 2014, health insurance companies have provided additional options, including keeping the current healthcare plan while changing the anniversary date to December 1, 2013 or enrolling in a new ACA-Compliant Metals healthcare plan effective January 1, 2014.

On October 22, 2013, the Township Board determined that the new BCBS G513PPO Blue PPO Gold 012 Plan with HSA and BCBS P501PSN Blue Precision Platinum HMO 004 Plan provide the most cost-effective, value-added plans consistent with the Board's goals of reducing health care costs, while maintaining high quality health care coverage.

Effective January 1, 2014, we are terminating the Township's current BCBS BAE BlueEdge PPO RPSH1807 Plan with Envision HRA, and proceeding with the above BCBS Gold HSA PPO and Platinum HMO options. Employees selecting the PPO option will receive SelectAccount HSA's which they will own and can use to pay health care costs on a pre-tax basis. The Township will deposit funds in each employee's HSA (\$2000/year for each family member enrolled, up to 3 family members). Open enrollment is underway.

The 100% Township-funded Envision HRA will be eliminated, effective January 1, 2014, with a 3-month run-out period in place to pay any outstanding bills.

The new BCBS Gold HSA PPO and Platinum HMO provide Township employees with attractive consumer-driven health care plan options, while providing the Township with reduced costs for employee coverage.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed to adopt Township healthcare plan resolution.

**REVIEW BY OTHERS:** Township Assessor, Township Highway Commissioner

**FINANCIAL IMPACT:** Significant reduction in FY2014-2015 healthcare costs

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Ordinance Adopting Policy Governing Social Services Provider Funding, Selection, Contacting & Oversight

**RECOMMENDATION:** Approve Ordinance T-13-1210-02 Adopting Policy Governing Social Services Provider Funding, Selection, Contacting & Oversight

**BACKGROUND:**

The Township's mission is to provide cost effective, high quality public service that is responsive to the needs of our community in the most transparent, easily accessible way possible. The Township Code authorizes the Township Board and other designated entities to enter into contractual agreements with established organizations to provide a wide variety of social services to the Township's residents, including youth services, senior citizen services, services for the mentally ill or developmentally disabled, services to other disabled citizens, employment and training programs, programs to assist Township children and families struggling with hunger, as well as general public safety, public transportation, health, and other services for the poor and aged.

The Township has historically chosen to partner with social service providers in the community for many Township programs rather than directly administer such programs through the Township. Examples include youth services, food pantry, public transportation for seniors and disabled, special needs recreation, employment and training programs, mental health programs. The quality, efficacy and cost effectiveness of services provided by our partners is far superior to what the Township would have been able to provide on our own. This is a more optimal approach for the Township taxpayers. We are proud of the valuable, life changing services these partnerships have provided to the residents of Naperville Township.

The Township desires to increase transparency, accountability and the standardization of the practices and procedures we use to determine outside agency provider selection, funding, contracting and oversight, and have developed a new policy to assure these objectives commencing with the FY2014-2015 budget cycle in accordance with the Township Code. Previously, there was no documented formal process in place.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for all policies, resolutions and ordinances.

**REVIEW BY OTHERS:** Township Attorney

**FINANCIAL IMPACT:** Continued delivery of high quality services to Township residents in most cost effective manner through partnerships with social services providers

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Ordinance Approving Agreement for Provision of Youth Services between Naperville Township and 360 Youth Services

**RECOMMENDATION:** Approve Ordinance T-13-1210-03 Approving Agreement for Provision of Youth Services between Naperville Township and 360 Youth Services

**BACKGROUND:**

The Township's mission is to provide cost effective, high quality public service that is responsive to the needs of our community in the most transparent, easily accessible way possible. Over the last 20 years or so, the Township has partnered with various social services providers, most notably 360 Youth Services (formerly Naperville Community Outreach), to provide some of these services. We are proud of the valuable, life changing services these partnerships have provided to the residents of Naperville Township.

360 Youth Services provides a broad range of youth services for the benefit of the residents in Naperville and Naperville Township, including services provided by youth services bureaus. The Illinois Township code authorizes the Township Board to enter into contractual agreements with established organizations such as 360, whether public or private, with provide youth services in the general area of the Township.

Despite the longstanding partnership, previously there was no contractual agreement in place for 360 to provide these services for the Township. The attached agreement covers the September 2013 – September 2014 period, defining the services and reporting 360 is to provide.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for all policies, resolutions and ordinances.

**REVIEW BY OTHERS:** Township Attorney

**FINANCIAL IMPACT:** None. Funds for 360 were approved in FY2013-2014 Budget and Appropriation Ordinance (\$150,000 for 360, \$5000 for 360 Snowball)

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** 2014 Pace/Ride DuPage Agreement

**RECOMMENDATION:** Approve Pace/Ride DuPage Agreement

**BACKGROUND:**

The Township participates with Lisle Township, Wheatland Township and the City of Naperville in a local Dial-A-Ride program for senior and disabled residents administered by Pace, known as Ride DuPage and Ride DuPage to Work.

Pace has submitted the annual local share funding agreement for Township approval and execution. The term is January 1 – December 31, 2014. On November 13, 2013, the RTA Board approved Pace's 2014 budget, and included an increase in local share funding due to a projected 18% increase in ridership, a 13% increase in costs and only a 2% increase in grants and subsidies.

Subsequently the Naperville Township Local Share for 2014 is \$77,183, a 35% increase from our 2013 Local Share of \$57,114.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for all contracts and agreements above \$20,000.

**REVIEW BY OTHERS:**

**FINANCIAL IMPACT:** Ride DuPage funding will be increased in FY2014-2015 Budget

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Identity Theft Prevention Quarterly Report

**RECOMMENDATION:** Approve Dec 2013 Identity Theft Prevention Quarterly Report

**BACKGROUND:**

In compliance with the Identity Theft Prevention Policy approved by the Township Board on October 22, 2013, I, as Program Administrator, am submitting the 1<sup>st</sup> quarterly report to the Board addressing implementation of compliance with the policy.

Significant activities include comprehensive training for Supervisor's and Assessor's staff on December 3, development of comprehensive Statement of Purpose form for Collection of SSNs, notification of service providers who potentially have access to Identifying or Sensitive information kept, maintained, stored or transmitted by the Township, and identifying and implementing a number of best practices for protecting confidential information.

The Township requires the protection of any Identifying or Sensitive Information that is kept, maintained, stored or transmitted to or from the Township by or on the behalf of its officers, employees, residents and program participants.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for report

**REVIEW BY OTHERS:**

**FINANCIAL IMPACT:** None

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Budget Line Item Intra-Fund Transfers

**RECOMMENDATION:** Approve Resolution T-13-1210-04 Approving Budget Line Item Intra-Fund Transfers for Town Fund

**BACKGROUND:**

The Township is authorized to make transfers from one line item to another with the same fund upon a finding by the Treasurer that there is a surplus in one or more line items, and provided that the aggregate transfers do not exceed 10% of the total amount appropriated for the fund.

A total of \$24,000 is requested for transfer within the Town Fund 10 Expenditures for necessary business services. The total amount of expenditures appropriated for Town Fund 10 in FY2013-2014 is \$1,934,000. There are no prior transfers of funds within the Town Fund 10 Expenditures during the FY2013-2014. The amount requested is well below the maximum allowable aggregate transfer of \$193,400 (10% of appropriated fund budget).

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for intra-fund transfers

**REVIEW BY OTHERS:** Assessor

**FINANCIAL IMPACT:** None

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Adopt 2013 Township Tax Levy Ordinance

**RECOMMENDATION:** Adopt 2013 Township Tax Levy Ordinance in the Amount of \$1,945,400 (T-13-1210-05)

**BACKGROUND:**

The Township Board is required to adopt the 2013 Township Tax Levy Ordinance by December 31, 2013 (last Tuesday in December). The Township Tax Levy Ordinance, Certification of Tax Levy Ordinance and Certificate of Compliance for Truth in Taxation Law must be filed with the County Clerk by December 31, 2013 (last Tuesday in December). The levy is the amount of revenue the Township needs to raise through the taxation of real estate.

The 2013 Township Tax Levy Ordinance is for the amount of \$1,945,400, an \$8,519 increase over the 2012 aggregate Township tax extension of \$1,936,881. The \$8,519 increase is strictly from 2013 New Construction taxes, which is less than the \$8,592 maximum allowed from New Construction. The 2013 Levy amount will provide for budgeting funds in FY2014-2015 for the 1<sup>st</sup> year of a multi-year building capital improvement plan. The Township Tax Levy is less than the amount originally estimated due to quantification of significant health plan savings. It also will provide for a significant reduction in funds for Social Services Providers vs. the current fiscal year budget.

We will have the option in the first quarter of 2014 to consider a tax abatement based on fund balance projections. The 2012 Township Tax Levy was abated by the amount of \$500,000.

**REASON FOR BOARD ACTION REQUIRED:** Board approval for the Township Tax Levy Ordinance

**REVIEW BY OTHERS:** Assessor

**FINANCIAL IMPACT:** This ordinance will allow the Township to collect property taxes in calendar year 2014, with the final extension amount based on the Property Tax Extension Limitation Act.



**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Adopt 2013 Road District Tax Levy Ordinance

**RECOMMENDATION:** Adopt 2013 Road District Tax Levy Ordinance in the Amount of \$1,711,000 (R-13-1210)

**BACKGROUND:**

The Road District Levy is determined by the Highway Commissioner. The Township Board is required to adopt the 2013 Road District Tax Levy Ordinance by December 31, 2013 (last Tuesday in December). The Township Board may not amend the Road District Tax Levy Ordinance. The Road District Tax Levy Ordinance, Certification of Tax Levy Ordinance and Certificate of Compliance for Truth in Taxation Law must be filed with the County Clerk by December 31, 2013 (last Tuesday in December). The levy is the amount of revenue the Road District needs to raise through the taxation of real estate.

**REASON FOR BOARD ACTION REQUIRED:** Board adoption needed for the Road District Tax Levy Ordinance

**REVIEW BY OTHERS:** Highway Commissioner

**FINANCIAL IMPACT:** This ordinance will allow the Road District to collect property taxes in calendar year 2014, with the final extension amount based on the Property Tax Extension Limitation Act.

**DATE:** December 10, 2013

**TO:** Honorable Board of Trustees

**FROM:** Rachel M. Ossyra, Township Supervisor

**RE:** Ordinance Adopting Naperville Township No Smoking Policy

**RECOMMENDATION:** Approve Ordinance (T-13-1210-08) Adopting Naperville Township Smoke Free Illinois No Smoking Policy

**BACKGROUND:**

According to the National Cancer Institute, secondhand tobacco smoke causes at least 65,000 deaths each year from heart disease and lung cancer. Secondhand tobacco smoke causes heart disease, stroke, cancer, sudden infant death syndrome, low-birth-weight in infants, asthma and exacerbation of asthma, bronchitis and pneumonia in children and adults. Secondhand tobacco smoke is the 3rd leading cause of preventable death in the United States. Illinois workers who are exposed to secondhand tobacco smoke are at increased risk of premature death. An estimated 2,900 Illinois citizens die each year from exposure to secondhand tobacco smoke.

The Illinois General Assembly adopted the Smoke Free Illinois Act in 2007, and the Township wishes to adopt rules consistent with the Act and authorize signage to ensure the Township's compliance with the Act.

The Township Supervisor will verify compliance with all requirements of the policy.

The Township Supervisor shall cause the policy to be reviewed and updated on an as-needed basis, but not less than annually.

**REASON FOR BOARD ACTION REQUIRED:** Board approval is needed for all policies, resolutions and ordinances.

**REVIEW BY OTHERS:** None

**FINANCIAL IMPACT:** None

NAPERVILLE TOWNSHIP  
ORDINANCE NO. T-13-1210-09

AN ORDINANCE APPROVING NAPERVILLE TOWNSHIP  
DRUG FREE WORKPLACE AND SUBSTANCE ABUSE  
PREVENTION POLICY

**WHEREAS**, the Naperville Township ("Township") is a unit of local government operating pursuant to the Illinois Township Code, 60 ILCS 1/1-1 et seq. (the "Township Code"); and

**WHEREAS**, federal and state law require that certain recipients of government funding enact policies designed to eliminate the illegal use of controlled substances by individuals providing services or materials on publicly funded projects, including the Illinois Drug Free Workplace Act, the Illinois Substance Abuse Prevention on Public Works Projects Act, and the federal Drug Free Workplace Act; and

**WHEREAS**, the Supervisor has caused to be drafted for and on behalf of the Township, the "Naperville Township Drug Free Workplace and Substance Abuse Prevention Policy," that complies with the statutes referenced above, which policy is attached to and incorporated in this Ordinance as Exhibit 1 ("Naperville Township Drug Free Workplace and Substance Abuse Policy").

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE NAPERVILLE TOWNSHIP, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** The recitals contained in the preambles to this Ordinance are hereby incorporated into this Ordinance as if said preambles were fully set forth within this Section One.

**SECTION TWO:** The Township Board hereby approves the Naperville Township Drug Free Workplace and Substance Abuse Policy attached to and incorporated into this Ordinance as Exhibit 1.

**SECTION THREE:** Any and all policies, resolutions or ordinances of the Township which may conflict with this Ordinance are hereby repealed.

**SECTION FOUR:** This Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED THIS \_\_\_\_ day of \_\_\_\_\_, 2013 by roll call vote as follows:

AYES:  
NAYS:  
ABSENT:

\_\_\_\_\_  
Rachel M. Ossyra, Township Supervisor

ATTEST:

\_\_\_\_\_  
Barry Greenberg, Township Clerk

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF DUPAGE         )

I, the undersigned, do hereby certify that I am the duly qualified and acting Clerk of the Naperville Township, DuPage County, Illinois, and as such I am the keeper of the records and files of the Board of Trustees of said Township.

I further certify that the foregoing is a full, true and complete copy of Ordinance No. T-13-1210-09, titled,

**AN ORDINANCE APPROVING NAPERVILLE TOWNSHIP  
DRUG FREE WORKPLACE AND SUBSTANCE ABUSE  
PREVENTION POLICY**

adopted at a duly called Regular Meeting of the Board of Trustees of the Naperville Township, held at Naperville, Illinois at 7: \_\_ p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

I do further certify that the deliberations of the Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Township Code of the State of Illinois, as amended, and that the Board has complied with all the provisions of said Act and said Code and with all the procedural rules of the Board.

IN WITNESS WHEREOF I hereunto affix my official signature at Naperville, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Township Clerk  
Naperville Township  
DuPage County, Illinois

**EXHIBIT NO. 1**  
**[NAPERVILLE TOWNSHIP DRUG FREE WORKPLACE**  
**AND SUBSTANCE ABUSE PREVENTION POLICY]**

**NAPERVILLE TOWNSHIP  
DRUG FREE WORKPLACE AND  
SUBSTANCE ABUSE PREVENTION POLICY**

**I. BACKGROUND**

With their adoption of drug free workplace acts, the federal government and the Illinois General Assembly require that units of local government receiving state or federal funds adopt drug and alcohol substance abuse policies containing specific provisions. See 41 USC Sec 701 *et seq.*; 30 ILCS 580/1 *et seq.* (2013). In addition, entities entering into contracts with the Township must certify to the Township that it will provide a drug free workplace meeting certain requirements set forth below. The Illinois General Assembly has further adopted the Substance Abuse Prevention of Public Works Projects Act which prohibits employees from using or possessing drugs or alcohol while performing work on a public works project, among other prohibitions.

This policy sets forth the Township's drug free workplace and substance abuse prevention policies.

**II. DRUG FREE WORKPLACE POLICY**

In compliance with the requirements of the federal Drug-Free Workplace Act of 1988, and the Illinois Drug Free Workplace Act, it is the policy of the Naperville Township that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance (as defined in schedules I through V of section 202 of the Controlled Substances Act, 21 U.S.C. 812, or by the Illinois Controlled Substances Act or cannabis as defined in the Cannabis Control Act) or by the employees in the workplace is prohibited. Violations of this prohibition by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and up to and including termination of employment under applicable Board of Trustees regulations, Township policies, statutes, or employment contracts.

The illegal use of controlled substances can seriously injure the health of employees, adversely impair the performance of their duties, and endanger the safety and well-being of fellow employees, students, and others.

Therefore, the Township encourages employees who have a problem with the illegal use of controlled substances to seek professional advice and assistance, including access to any Employee Assistance Program offered by the Township or its insurer. If job performance is adversely affected by abuse of controlled substances, an employee may be referred to the EAP. Participation in the EAP is confidential and is encouraged by the Township; however, it will not preclude normal disciplinary action or relieve an employee of responsibility for performing assigned duties.

Employees directly engaged in work under a federal or state grant or contract are required, as a condition of employment under the grant or contract, to:

1. Abide by the terms of this policy, and
2. Notify their supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. Such convictions may result in the application of sanctions, as described above. The Township will notify the granting or contracting federal or state agency within ten days of receiving notice of a criminal drug statute conviction when said conviction involves a drug offense occurring in the workplace. A copy of this statement shall be given to all employees assigned to work under a federal or state grant or contract.

Questions concerning the application of this policy should be addressed to the Township Supervisor, who has been assigned responsibility for its interpretation and enforcement.

All contractors that are directly responsible for the specific performance of a contract with the Township of \$5,000 or more (excepting those entities identified in section 30 ILCS 580/2 (g) (2013), shall comply with the requirements of the Illinois Drug Free Workplace Act, 30 ILCS 580/1 (2013).

### **III. SUBSTANCE ABUSE PREVENTION POLICY**

#### **Substance Abuse Prevention**

All contractors providing labor or material pursuant to a contract for a public works project (the "Work") with the Township (the "Owner") shall comply with, and cause all subcontractors to comply with, the requirements and provisions of the Illinois Substance Abuse Prevention on Public Works Projects Act (820 ILCS 265/1 et seq.) (the "Act") by:

1. Prohibiting the use, possession, distribution or delivery of any drug or alcohol (as defined under the Act) or allowing any employee to be under the influence of any said drug or alcohol while performing the Work;
2. Filing a written substance abuse prevention program with the Owner for the prevention of substance abuse among its employees prior to the commencement of the Work. Said program shall be available to the general public and, at a minimum, contain the following:
  - a. A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing; however, blood testing is not mandatory for the employer where a urine test is sufficient;

b. A prohibition against actions for the use, possession, distribution or delivery of any drug or alcohol (as defined under the Act) or any employee under the influence of any said drug or alcohol while performing the Work;

c. A requirement that employees performing the Work submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencement of the Work is not required if the employee participated in a random testing program during the 90 days preceding the date on which the employee commenced work hereunder; and

d. A procedure for notifying an employee that he or she may not perform any of the Work if he or she: 1) uses, possess, delivers or is under the influence of a drug or alcohol as prohibited under the Act; 2) tests positive for the presence of a drug as outlined in the Act; or 3) refuses to submit to drug or alcohol testing as required under the Contractor's substance abuse program until the employee tests negative for the presence of drugs or alcohol as outlined in the Act or has been approved to commence or return to work in accordance with the Contractor's substance abuse program.

3. Immediately removing and/or prohibiting access to the Work site of any employee who: 1) uses, possess, delivers or is under the influence of a drug or alcohol as prohibited under the Act; 2) tests positive for the presence of a drug as outlined in the Act; or 3) refuses to submit to drug or alcohol testing as required under the Contractor's substance abuse program. Said employee shall be prohibited from the Work site until he or she tests negative for the presence of drugs or alcohol as outlined in the Act or has been approved to commence or return to work in accordance with the Contractor's substance abuse program; and

4. Complying with all other requirements of the Act.

### **Failure to Comply**

Failure by the Contractor to comply with the requirements of the Illinois Substance Abuse Prevention on Public Works Projects Act shall constitute a material default of any contract between the contractor and the Owner and shall give the Owner the right to pursue any remedy available to it at law or in equity, including termination of the contract for cause in the Owner's sole discretion and any other remedy as provided by law.

Passed and approved by the Board of Trustees, Ordinance No \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2013.