

March 28, 2001

01-0328-RS2

**RESOLUTION FURTHER REQUESTING THE PUBLIC BUILDING COMMISSION OF CHICAGO TO UNDERTAKE ACQUISITION FOR AND CONSTRUCTION OF THE HOMAN SQUARE COMMUNITY CAMPUS, AND REPEALING RESOLUTION NUMBER 00-1025-RS15 ADOPTED BY THE BOARD ON OCTOBER 25, 2000**

**WHEREAS**, on July 28, 1999, the Board of Education of the City of Chicago (the "Board") adopted Resolution 99-0728-RS4 (the "Authorizing Resolution") requesting the Public Building Commission of Chicago (the "Commission") to undertake acquisition for and construction of various projects, said projects to be undertaken and constructed in conjunction with the City of Chicago and the Chicago Park District; and

**WHEREAS**, in the Authorizing Resolution, the Board requested, among other things, that the Commission plan, develop and construct the Homan Square Community Center Campus, as it is now known (the "Homan Square Project"), and authorized the expenditure of \$500,000 for this purpose; and

**WHEREAS**, pursuant to the Authoring Resolution and that certain Master Intergovernmental Agreement, by and between the Board and the Commission, dated as of February 24, 1999, the Chief Fiscal Officer and Chief Operating Officer of the Board did issue a Project Notification, dated March 17, 2000, to the Commission directing the Commission to undertake design work related to the Homan Square Project and authorizing the expenditure of \$500,000 for this purpose; and

**WHEREAS**, the Commission has moved forward on the design of the Homan Square Project, and has worked with the City of Chicago and the Chicago Park District to develop plans for the construction, operation and maintenance of the Homan Square Project; and

**WHEREAS**, additional funds are now needed to complete the design of the Homan Square Project, and the Board's additional contribution to the Homan Square Project has been determined based upon the current cost of construction for this project, according to the scope of work and plans dated July 2000, as they relate to classrooms and other portions of the community center building to be utilized by the Board; and

**WHEREAS**, the Commission holds, for the benefit of the Board, certain monies that are on deposit in a Commission Surplus Fund Account, or such similar account (the "Surplus Account"); and

**WHEREAS**, the Board has determined that it is still necessary, desirable, advantageous, and in the public interest to undertake the Homan Square Project in conjunction with the City of Chicago and the Chicago Park District and to enter into an intergovernmental agreement delineating the responsibilities and duties of each such governmental entity with respect to the undertaking; and

**WHEREAS**, the Homan Square Project will enable the Board to work with the Chicago Park District to ensure that additional educational programs will be provided by the Board and facility space will be made available in the Homan Square Project; and

**WHEREAS**, pursuant to Resolution Number 00-1025-RS15 (the "Original Resolution"), the Board has previously approved an allocation for the Homan Square Project; and

**WHEREAS**, the Board desires at this time to repeal, in its entirety, the Original Resolution, and to adopt this resolution, which maintains the allocation made in the Original Resolution but also empowers certain Board officials to execute an intergovernmental agreement in connection with the Homan Square Project.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF EDUCATION OF THE CITY OF CHICAGO:**

1. The Commission is hereby requested to continue the planning, development and construction of the Homan Square Project on behalf of the Board and in conjunction with the City of Chicago Park and other governmental entities.
2. The Board hereby authorized the expenditure of not to exceed \$4,500,000 from the Surplus Account for the sole purpose of completing the design and construction of the Homan Square Project. This authorization, in conjunction with the earlier authorization of \$500,000, brings the Board's total contribution to the Homan Square Project to \$5,000,000, and the Board shall not contribute more than this \$5,000,000 to the Homan Square Project.
3. The Board's General Counsel is hereby authorized to execute the assignment to the PBC of any and all contracts entered into by the Board in connection with this project and to execute any and all other documents necessary to effectuate this transfer.
4. The Chief Fiscal Officer and the General Counsel are hereby authorized to execute and deliver, on behalf of the Board, an intergovernmental agreement, concerning the Homan Square Project, in substantially the same form as Exhibit A attached hereto, with such necessary changes as shall be deemed necessary and approved by the Chief Fiscal Officer and the General Counsel.
5. All resolutions or parts of resolutions in conflict herewith are, to the extent of such conflict, hereby repealed. This resolution is effective immediately upon its adoption.