

CITY OF GENEVA COUNCIL MEETING

July 6, 2021

City of Geneva meetings are also livestreamed for the public to provide the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Please visit the city website for details on how to watch the meeting live. Individuals limited or restricted from attending meetings in person, may provide public comment in advance (recommended) or during the meeting by sending an email to: publiccomment@geneva.il.us For more information, please see the <https://www.geneva.il.us/DocumentCenter/View/8694/Notice-Regarding-Meeting-And-Public-Comment>

In addition, individuals unable to attend in person may be recognized during the meeting (audio only) by accessing the meeting via the link below:

<https://attendee.gotowebinar.com/register/2113350825045999884>

CALL TO ORDER

The Geneva City Council meeting was called to order by Mayor Kevin Burns at 7:00 p.m.

Aldermen present: Mike Bruno, Tara Burghart, Becky Hruby, Craig Maladra, Richard Marks, Amy Mayer, Robert Swanson,

Attending by video or teleconference: Brad Kosirog

Aldermen absent: Gabriel Kaven, Dean Kilburg

Staff Present: City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Clerk Roger Godskesen, Economic Development Director Cathleen Tymoszenko, Fire Chief Mike Antenore, Director of Community Development David DeGroot, City Atty. Ron Sandack

Staff attending by video or teleconference: None

PLEDGE OF ALLEGIANCE

Led by Jennifer Milewski

PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

a. Consider Mayor's Appointment of Jennifer Milewski to City Treasurer

Moved by Ald. Marks, seconded by Ald. Bruno to approve the appointment.

Ald. Swanson asked for a definition of the role of City Treasurer, and Adm. Dawkins described the history and role of the office of Treasurer, and how it has evolved over time.

Ald. Burghart asked about Milewski's reasons for applying for the job, and about her past experience. Milewski came to the podium and described her work and educational experience, including past and current roles with municipal government

MOTION CARRIED by unanimous voice vote 8/0 with two absent.

b. Recognize the 2021 State Champion Geneva High School Dance Team

Mayor Burns invited each member of the team to the podium, where they answered questions and described their experiences on the team and during the Covid pandemic, and of their plans for the future. Notably, of the 12 members of the team, 5 were twins, including both sisters of one set of twins who were on the team and present tonight. A road sign was unveiled and

presented in the team's honor, noting that Geneva is the home of the 2021 IHSA Class 2 Dance State Champions, and which will be placed at a location to be determined.

AMENDMENTS TO AGENDA

None

OMNIBUS AGENDA

All Items listed on the Omnibus Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member so requests in which event the item will be removed from the Omnibus (Consent) Agenda and considered in its normal sequence on the agenda.

Moved by Ald. Swanson, seconded by Ald. Maladra to approve the agenda as presented.

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hruba, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Kaven, Kilburg)

NAYS: 0 MOTION CARRIED

***6. Approve Minutes of the Last Regular Meeting on June 21, 2021 and Special Meeting on June 14, 2021. (Clerk Recommend Approval)**

Moved by Ald. Swanson, seconded by Ald. Maladra to approve the measure as presented. Approved by unanimous roll call vote 8/0 with two absent. (Omnibus Agenda). MOTION CARRIED

***APPROVE REPORTS**

None

COUNCIL COMMITTEES

None

OTHER ITEMS AND CORRESPONDENCE

a. Consider Approval of Special Event Application from the Geneva Chamber of Commerce for the Geneva Arts Fair July 24-25, 2021 Including the Use Public Right-of-Way and City Services.

Moved by Ald. Bruno, seconded by Ald. Mayer

Paula Schmidt, President of the Chamber of Commerce, described some of the changes necessitated by Covid and highlights of this year's festival.

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hruba, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Kaven, Kilburg)

NAYS: 0 MOTION CARRIED

MUNICIPAL BILLS FOR PAYMENT

City of Geneva Expenditures - 7/6/2021

\$ 2,933,500.78

Manual Check(s) –	
Utility Billing Refund(s)	428.15
Misc. Refund(s) –	
Sales Tax Abatement –	
City of Geneva Payroll	722,158.73
Tri-Com Expenditures - 7/6/2021	349,235.13
Tri-Com Payroll	108,547.00
Total Expenditures	<u>\$ 4,113,869.79</u>

Moved by Ald. Bruno, seconded by Ald. Burghart to approve the bills as presented.
Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hraby, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Kaven, Kilburg)

NAYS: 0 MOTION CARRIED

COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

***a. Approve Resolution No. 2021-54 Adopting IDOT Form BLR 14220 for Maintenance Under the Illinois Highway Code.**

Moved by Ald. Swanson, seconded by Ald. Maladra to approve the measure as presented.
Approved by unanimous roll call vote 8/0 with two absent. (Omnibus Agenda). MOTION CARRIED

PRESENTATION OF ORDINANCES, PETITIONS, RESOLUTIONS, AND BID AWARDS

a. Consider Approval of Resolution No. 2021-55 Approving a Four-Year Collective Bargaining Agreement Between the City of Geneva and the Geneva Professional Firefighters Association Local 4287.

Moved by Ald. Burghart, seconded by Ald. Marks to approve the measure as presented.

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hraby, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Kaven, Kilburg)

NAYS: 0 MOTION CARRIED

b. Consider Approval of Resolution No. 2021-56 Authorizing Execution of an Affordable Housing Agreement Between ELA, LLC and the City of Geneva Related to the Emma's Landing Subdivision.

Moved by Ald. Mayer, seconded by Ald. Hraby to approve the measure as presented.

City Adm. Dawkins noted that Peter Quigley, attorney for the Burton Foundation and Tracey Manning, president of the Burton Foundation, were attending remotely, and were available to answer questions. Dawkins also noted that the closing is scheduled later this month.

Ald. Kosirog asked for descriptions and purpose of the various LLC's outlined in the agreement.

Manning described the LLC process. Emma's Landing is the development itself, so the Burton Foundation is 100% the owner, Manning said, and Emma's Landing GP (General Partnership) LLC is the single asset entity that's created to own this specific development.

ELA LLC is the joint ownership and partnership between the investor and the Burton Foundation, Manning said, adding that this is the structure for every development financed this way. Hudson Housing Capital LLC is the investor. Hudson is the syndicator for the development, and they find the investors for this particular property.

In answer to a question from Kosirog about timing of the annual report and Burton's fiscal year reporting, Peter Quigley answered that the FY for this project was based on the investors calendar, but that normally projects use December 31 for fiscal year-end. There being no further questions:

Roll Call:

AYES: 8 (Ald. Bruno, Burghart, Hruby, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Kaven, Kilburg)

NAYS: 0 MOTION CARRIED

NEW BUSINESS AND PUBLIC COMMENT

Lindsey McCall, by phone, noted that her questions about the Burton LLC's had been answered during the meeting, and was happy that the city was requiring financial statements from Burton.

Rodney Nelson, by phone, noted concerns about aspects of the Emma's Landing project.

Mayor Burns read a note from Jerry Bleck, former director of the Tri-Cities 911 emergency system, stating that this July 4 noted the 45th year since the introduction of the 911 emergency phone system in the Tri-Cities. Prior to this, Burns noted, there were 24 separate phone numbers for emergency services in the region.

ADJOURNMENT

There being no further business, moved by Ald. Swanson to adjourn the Geneva City Council meeting.

MOTION CARRIED by unanimous voice vote 8/0 with two absent.

The meeting adjourned at 8:21 PM.

City Clerk
Roger Godskesen

From: [Rod Nelson](#)
To: [Public Comment](#)
Subject: Public Comment for the July 6, 2021 City Council Meeting
Date: Saturday, July 3, 2021 6:03:29 AM

EXTERNAL EMAIL - USE CAUTION

Dear Neighbors,

The Geneva Municipal Code reads:

"10-1-5 F. Action On Permit: Action on permit after filing and examination of application shall be as follow

4. **Permit lapses** if a substantial start is not made in six (6) months, if substantial progress is not made in a one year period, and **after two (2) years unless extended.**"

The Dunkin' building permit lapsed on June 25, 2021 by ordinance as two years had elapsed since its issuance.

The construction site right now is an unsecured disaster full of code violations and hazards including bare wires extending from electrical boxes and conduits, pits in the ground, gravel and dirt washed on the public sidewalks, scattered whiskey bottles, pipes protruding from the ground and bent over so as to be hidden in the grass, etc., etc.

The contaminated soil material excavated for the electrical transformer and underground conduit recently installed in the Crissey ROW has been piled up along the unlawful retaining wall (along with large rocks and chunks of concrete). The retaining wall unlawfully (per explicit Geneva Ordinance) encroaches on the Crissey ROW.

The irresponsible property tax scofflaw "developer" of the Dunkin' site must be held accountable to State and Local statutes and ordinances which both, inter alia, prohibit encroachments into public ROW's.

The time has come for you to start the painful journey back to the high road of honest application of the Geneva Municipal Code that you swore to uphold.

Sincerely,

Rodney Nelson
23 Kane St
Geneva, IL 60134

From: [Rod Nelson](#)
To: [Public Comment](#)
Subject: Hudson Housing, the SEC, and Emma"s Landing. The pickpockets are back in Geneva?
Date: Tuesday, July 6, 2021 5:03:12 AM
Attachments: [Hudson Housing SEC Violations.pdf](#)

EXTERNAL EMAIL - USE CAUTION

Please include this comment and the attachment for the City Council and COW meetings of July 6, 2021

Subject: Hudson Housing, the SEC, and Emma's Landing. The pickpockets are back in Geneva?

Dear Geneva City Council,

So the Plat of the PUD referred to in the pending Affordable Housing Agreement with ELA (TBF in a clown suit disguise) as recorded by the Kane County Recorder refers to property putatively owned by a party not mentioned in the Agreement under consideration and IS Emma's Landing. The PUD Document is signed by Burns and other City of Geneva officials. The owner is not a publicly disclosed party to the AHA, etc. but if she owns the property as attested by the officially recorded PUD, the whole thing is a house of mirrors. The (invalid?) cited PUD document is not consistent with the AHA but is cited as a requirement in the "AHA" agreement. Historically, this is not the first time a gang of pickpockets has descended on Geneva. Geneva is becoming a major stopping point on the road to perdition.

I have asked several times for clarification of all this. Crickets... I see no reference to the glaring discrepancy in the Agenda Packet.

The City is about to enter another long-term commitment highly reminiscent of its failed marriage with Prairie State Power. If Peabody Coal can go broke so can any one or all these scores of will-o-the-wisp minuscule single-purpose LLCs. What could go wrong with Hudson Housing now in the mix?

Rodney Nelson, M.D.
23 Kane Street
Geneva, Illinois 60134

630 715-4499

ps: Please reread page 56 of the IHDA QAP about unacceptable practices: False documents (misrepresented PUD and false Identity of Interest certification that none exists between husband and wife. Of course, you might be tempted to raise the bar even higher to protect your Geneva constituents. Is your "Hudson Housing" (whoever they are) an acceptable partner? I observed about two decades ago that character ceased to matter to the City of Geneva. It has not always been this way and it need not continue.

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

INVESTMENT ADVISERS ACT OF 1940
Release No. 5047 / September 25, 2018

ADMINISTRATIVE PROCEEDING
File No. 3-18837

In the Matter of

**HUDSON HOUSING
CAPITAL LLC,**

Respondent.

**ORDER INSTITUTING
ADMINISTRATIVE AND CEASE-AND-
DESIST PROCEEDINGS, PURSUANT TO
SECTIONS 203(e) AND 203(k) OF THE
INVESTMENT ADVISERS ACT OF 1940,
MAKING FINDINGS, AND IMPOSING
REMEDIAL SANCTIONS AND A CEASE-
AND-DESIST ORDER**

I.

The Securities and Exchange Commission (“Commission”) deems it appropriate and in the public interest that public administrative and cease-and-desist proceedings be, and hereby are, instituted pursuant to Sections 203(e) and 203(k) of the Investment Advisers Act of 1940 (“Advisers Act”) against Hudson Housing Capital LLC (“HHC” or “Respondent”).

II.

In anticipation of the institution of these proceedings, Respondent has submitted an Offer of Settlement (the “Offer”) which the Commission has determined to accept. Solely for the purpose of these proceedings and any other proceedings brought by or on behalf of the Commission, or to which the Commission is a party, and without admitting or denying the findings herein, except as to the Commission’s jurisdiction over it and the subject matter of these proceedings, which are admitted, Respondent consents to the entry of this Order Instituting Administrative and Cease-and-Desist Proceedings, Pursuant to Sections 203(e) and 203(k) of the Investment Advisers Act of 1940, Making Findings, and Imposing Remedial Sanctions and a Cease-and-Desist Order (“Order”), as set forth below.

III.

On the basis of this Order and Respondent's Offer, the Commission finds that:

Summary

1. HHC, which registered with the Commission as an investment adviser in 2012, has failed to timely distribute annual audited financial statements to the investors in numerous private investment funds that it advised in each fiscal year from 2012 through 2017, in violation of Section 206(4) of the Advisers Act and Rule 206(4)-2 thereunder, commonly referred to as the "custody rule."

2. HHC also failed to adopt and implement written policies and procedures reasonably designed to prevent violations of the Advisers Act and the rules thereunder, and failed to review at least annually these policies and procedures, in violation of Section 206(4) of the Advisers Act and Rule 206(4)-7 thereunder.

Respondent

3. HHC is a Delaware limited liability company with its principal place of business in New York, New York. HHC was formed in 1998 and has been registered with the Commission since March 29, 2012. From its registration in 2012 to the present, HHC's advisory clients have consisted of at least 87 private investment funds (the "Funds"). HHC advises the Funds, which are Delaware limited partnerships that were formed during the years 1998 to the present, with HHC as their investment adviser and a related person of HHC serving as general partner.

Background

4. The Funds are private investment funds that invest in interests of partnerships that develop new or rehabilitated low-income housing properties eligible for the federal low-income housing tax credits under Section 42 of the Internal Revenue Code. These tax credits are subject to regulations of the Internal Revenue Service as well as state and local governments. The fiscal year end for all but one of the Funds is December 31 of the corresponding year; the fiscal year end for one of the Funds is October 31 of the corresponding year. The limited partners in the Funds include large banks and insurance companies and have committed approximately \$3.2 billion to the Funds.

5. The custody rule is designed to protect advisory clients from the misuse or misappropriation of their funds and securities. It requires that registered advisers who have custody of client funds or securities implement an enumerated set of requirements to prevent loss, misuse, or misappropriation of those assets.

6. An adviser has custody of client assets if it holds, directly or indirectly, client funds or securities, or if it has the ability to obtain possession of those assets. Rule 206(4)-2(d)(2).

7. An adviser who has custody must, among other things: (i) ensure that a qualified custodian maintains the client assets; (ii) notify the client in writing of accounts opened by the adviser at a qualified custodian on the client’s behalf; (iii) have a reasonable basis for believing that the qualified custodian sends account statements at least quarterly to clients, except if the client is a limited partnership for which the adviser or a related person is a general partner, the account statements must be sent to each limited partner; and (iv) ensure that client funds and securities are verified by actual examination each year by an independent public accountant at a time chosen by the accountant without prior notice or announcement to the adviser. *See* Rule 206(4)-2(a)(1) - (5).

8. The custody rule provides an alternative to complying with the requirements of Rule 206(4)-2(a)(2), (3) and (4) for advisers to limited partnerships or other types of pooled investment vehicles. In relevant part, the rule prescribes that an adviser “shall be deemed to have complied with” the independent verification requirement and is not required to satisfy the notification and accounts statements delivery requirements with respect to a fund if the fund is subject to audit at least annually and the adviser “distributes [the fund’s] audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners . . . within 120 days of the end of [the fund’s] fiscal year” (the “Audited Financials Alternative”). Rule 206(4)-2(b)(4). The accountant performing the audit must be an independent public accountant that is registered with, and subject to regular inspection by, the Public Company Accounting Oversight Board (“PCAOB”). Rule 206(4)-2(b)(4)(ii). Conversely, an adviser to a limited partnership that fails to meet the requirements of the Audited Financials Alternative to timely distribute audited financial statements would need to satisfy all of the requirements of Rule 206(4)-2(a) in order to avoid violating the custody rule.

9. The Funds were each subject to an annual audit, and HHC relied exclusively on the Audited Financials Alternative. HHC arranged for a PCAOB-registered firm to conduct an annual audit of each Fund’s financial statements for the fiscal years 2012 through 2017, and, for completed audits, received unqualified audit opinions for each fiscal year. However, HHC failed to obtain and distribute those annual audited financial statements to the limited partners in certain of the Funds within the required timeframes, as summarized in the table below:

Fiscal Year	Number of Funds Advised	Number of Funds with Late Audits	Range of Days Late
2012	68	40	8 – 591
2013	69	27	6 – 616
2014	73	31	8 – 1050

2015	76	30	11 – 766+ ¹
2016	75	33	9 – 415+
2017	79	17	31 – 35+

10. For 32 of the Funds, HHC failed to timely distribute audited financial statements at least three times for the 2012 through 2017 fiscal years; HHC never distributed timely audited financial statements for six of the Funds for those years. Despite missing the deadline for distribution for multiple Funds under the Audited Financials Alternative during each year since it registered as an investment adviser, HHC did not make material changes to its processes related to subsequent audits through fiscal year 2017.

11. HHC also failed to comply with the requirement that every Commission-registered investment adviser adopt and implement written policies and procedures reasonably designed to prevent violation of the Advisers Act and the rules thereunder, and to review at least annually the adequacy and effectiveness of the adviser’s policies and procedures. Rule 206(4)-7(a) and (b).

12. HHC adopted a written investment adviser compliance manual when it registered on March 29, 2012. Among other things, the policies or procedures in HHC’s compliance manual were not reasonably designed to prevent violations of the custody rule. In addition, from the time HHC registered with the Commission through 2017, HHC failed to conduct at least annually a review of the adequacy of its written policies and procedures established, as it was required to do.

13. In 2018, HHC performed a review of its written compliance policies and procedures, with the assistance of counsel and a compliance consultant, and adopted revisions addressing its business model and the custody rule. HHC also entered into arrangements to effect future compliance under the requirements of Rule 206(4)-2(a)(2)-(4) for certain Funds that had not timely distributed audited financials.

Violations

14. Section 206(4) of the Advisers Act prohibits an investment adviser from engaging in acts, practices or courses of business that are fraudulent, deceptive, or manipulative, as defined by the Commission in rules and regulations promulgated under the statute. Among other things, Rule 206(4)-2 requires registered investment advisers with custody of client assets to have independent public accountants conduct surprise examinations of those client funds or securities, or to have any private fund clients timely distribute annual audited financial statements to their investors. Rule 206(4)-7 requires, among other things, that an investment adviser registered with the Commission adopt and implement written policies and procedures reasonably designed to

¹ The “+” reflects that no audit has been completed to date for at least one Fund for that fiscal year.

prevent violation of the Advisers Act and rules thereunder by the adviser and its supervised persons, and to review, no less frequently than annually, the adequacy of such policies and procedures and the effectiveness of their implementation. Proof of scienter is not required to establish a violation of Section 206(4) of the Advisers Act and the rules thereunder. *See SEC v. Steadman*, 967 F.2d 636, 647 (D.C. Cir. 1992). As a result of the conduct described above, HHC willfully² violated Section 206(4) of the Advisers Act and Rules 206(4)-2 and 206(4)-7 thereunder.

HHC's Remedial Efforts

15. In determining to accept the Offer, the Commission considered certain remedial acts undertaken taken by HHC and HHC's cooperation provided to the Commission staff during its investigation.

IV.

In view of the foregoing, the Commission deems it appropriate to impose the sanctions agreed to in Respondent HHC's Offer.

Accordingly, pursuant to Sections 203(e) and 203(k) of the Advisers Act, it is hereby ORDERED that:

A. Respondent cease and desist from committing or causing any violations and any future violations 206(4) of the Advisers Act and Rules 206(4)-2 and 206(4)-7 thereunder.

B. Respondent is censured.

C. Respondent shall, within 15 days of the entry of this Order, pay a civil money penalty in the amount of \$65,000 to the Securities and Exchange Commission for transfer to the general fund of the United States Treasury, subject to Exchange Act Section 21F(g)(3). If timely payment is not made, additional interest shall accrue pursuant to 31 U.S.C. § 3717.

Payment must be made in one of the following ways:

- (1) Respondent may transmit payment electronically to the Commission, which will provide detailed ACH transfer/Fedwire instructions upon request;

² A willful violation of the securities laws means merely “that the person charged with the duty knows what he is doing.” *Wonsover v. SEC*, 205 F.3d 408, 414 (D.C. Cir. 2000) (quoting *Hughes v. SEC*, 174 F.2d 969, 977 (D.C. Cir. 1949)). There is no requirement that the actor “also be aware that he is violating one of the Rules or Acts.” *Id.* (quoting *Gearhart & Otis, Inc. v. SEC*, 348 F.2d 798, 803 (D.C. Cir. 1965)).

- (2) Respondent may make direct payment from a bank account via Pay.gov through the SEC website at <http://www.sec.gov/about/offices/ofm.htm>; or
- (3) Respondent may pay by certified check, bank cashier's check, or United States postal money order, made payable to the Securities and Exchange Commission and hand-delivered or mailed to:

Enterprise Services Center
Accounts Receivable Branch
HQ Bldg., Room 181, AMZ-341
6500 South MacArthur Boulevard
Oklahoma City, OK 73169

Payments by check or money order must be accompanied by a cover letter identifying Hudson Housing Capital LLC, as Respondent in these proceedings, and the file number of these proceedings; a copy of the cover letter and check or money order must be sent to Sanjay Wadhwa, Senior Associate Director, Securities and Exchange Commission, New York Regional Office, 200 Vesey Street, Suite 400, New York, NY 10281.

D. Amounts ordered to be paid as civil money penalties pursuant to this Order shall be treated as penalties paid to the government for all purposes, including all tax purposes. To preserve the deterrent effect of the civil penalty, Respondent agrees that in any Related Investor Action, Respondent shall not argue that it is entitled to, nor shall it benefit by, offset or reduction of any award of compensatory damages by the amount of any part of Respondent's payment of a civil penalty in this action ("Penalty Offset"). If the court in any Related Investor Action grants such a Penalty Offset, Respondent agrees that it shall, within 30 days after entry of a final order granting the Penalty Offset, notify the Commission's counsel in this action and pay the amount of the Penalty Offset to the Securities and Exchange Commission. Such a payment shall not be deemed an additional civil penalty and shall not be deemed to change the amount of the civil penalty imposed in this proceeding. For purposes of this paragraph, a "Related Investor Action" means a private damages action brought against Respondent by or on behalf of one or more investors based on substantially the same facts as alleged in the Order instituted by the Commission in this proceeding.

By the Commission.

Brent J. Fields
Secretary

From: [Rod Nelson](#)
To: [Public Comment](#)
Cc: malone@ihda.org; maohle@ihda.org; sam.tornatore@dupageco.org
Subject: For City Councils Meeting of July 6, 2021
Date: Tuesday, July 6, 2021 9:57:15 AM

EXTERNAL EMAIL - USE CAUTION

Good evening,

Before you tonight is yet another action item that pertains to your Emma's Landing project, namely your Affordable Housing Agreement with shadowy partners. In accordance with your standard operating procedure, this agreement first appeared for public review in the waning minutes leading into a long holiday weekend. Also, just as in proceeding actions, new characters appear without any introduction. One such example tonight is an entity named "Hudson Capital Housing, LLC."

Back in the era of snail mail Winston Churchill observed that "A lie gets halfway around the world before the truth has a chance to get its pants on." Today a lie orbits the world a dozen times while the truth is still looking for its pants.

Ironically, I received a "partial" denial from IHDA of my early June Emma's FOIA request on the same July day I received your agenda for tonight. I immediately filed an appeal to the Illinois Attorney General's office. My last similar appeal under nearly identical circumstances of a City of Geneva FOIA denial resulted in a three-month delay until the Attorney General, in a binding opinion, ruled that Geneva erred in its denial. I am still searching for the authority upon which the 60-day extension on Emma's Governmental Contingency was based. Transparency, you are both unknown and unwelcome in the City of Geneva.

In the scant and redacted material I received from IHDA was a copy of the Plat of Emma's Planned Unit Development referenced in tonight's action item. Curiously, but not in any way surprisingly, the second page was devoid of even a single signature, even though the PUD document was officially recorded months ago with the mayor's signature on page 2. Somehow, even though I asked for all relevant documents, the signed and recorded copy I sent to IHDA weeks ago was not included in my FOIA requested documents.

Let us examine the Dunkin' City Sponsored development as test case. Geneva Code Section 10-1-5 on building permits contains this: "Building Permit lapses after two years." The two years were up last month. Even though a City paid consultant advised in writing that an IDOT permit was required before any work could be begun, Dunkin' never even applied for an IDOT permit. In fact, when I complained about this to IDOT they were not even aware of the project. A cease-and-desist request from IDOT was made to the applicant months ago. A recent FOIA to IDOT indicates no response has been received from the developer or City. The Dunkin' plan violates both state and local law on encroachments into a public Right of Way. Yet you approved a special use for a drive through in spite of the obvious violation of Standard 8 that requires compliance with "any and all regulations."

You have miserably failed to properly oversee the proper and timely remodeling of an existing 1600 square foot project. A project that would not have even been begun but for your "selling your book" of tif inventory. I see the same pattern developing at Geneva Pharmacy. The applicant has publicly stated his business plan will not work without a drive-thru. All the preliminaries have been approved and building permits issued. Work is in progress. Work that started before the pharmacy use was permitted by spot zoning. How can nearby property owners trust you to weigh

their safety, quality of life and property value issues on a scale that does not have your butcher's fat thumb on it when the drive-true question soon arises?

The City of Geneva seems hell-bent on spending its way to affordability. The City has its own financial scorecard that is synced up to its political agenda. The character of its partners is immaterial. Rules are made to be selectively broken. Those who are taxed out of town, like seniors and lower-income householders, will not vote in the next election. The resulting virtues of this profligate spending, if any, will be in the eyes of some select surviving beholders.

Thank you.

Rodney Nelson, M.D.
23 Kane Street
Geneva, IL 60134