

**APPROVE ENTERING INTO AN INTERGOVERNMENTAL GRANT AGREEMENT WITH THE CITY OF CHICAGO TO CONSTRUCT A CAMPUS PARK AT BRENTANO ELEMENTARY SCHOOL**

**THE CHIEF EXECUTIVE OFFICER REPORTS THE FOLLOWING DECISION:**

Approve entering into an intergovernmental grant agreement ("IGA") with the City of Chicago ("City"), to receive up to \$1,152,000.00 for the construction of a Campus Park ("Campus Park") at Brentano Elementary School ("School"). A written intergovernmental grant agreement is currently being negotiated. The authority granted herein shall automatically rescind in the event an intergovernmental grant agreement is not executed within 120 days of the date of this Board Report. Information pertinent to this intergovernmental grant agreement is stated below.

<b>PARTIES:</b>	Board of Education 125 S. Clark Street Chicago, Illinois 60603 Contact: Kristine Rull Phone: 773-553-2355	City of Chicago Department of Planning and Development 121 N. LaSalle Street, Room 1000 Chicago, IL 60602 Contact: Nelson Chueng Phone: 312-744-5756
-----------------	---	---

**TERM:** The term of the IGA shall commence as of October 26, 2006 and shall end on the first to occur of Final Acceptance of the Project or December 31, 2008, whichever shall first occur.

**BASIC TERMS OF THE IGA:** The basic terms of the IGA are: the City will grant the Board an amount not to exceed \$1,152,000 (the "Grant") for the development of the Campus Park at the School (the "Project"). The Grant consists of an amount not to exceed \$576,000 from the State of Illinois Department of Natural Resources ("IDNR") pursuant to the Open Space Land Acquisition & Development Grant Program (the "OSLAD Grant") and \$576,000 as the City's matching contribution to OSLAD Grant. The Board agrees that the Project will redevelop the outside grounds at the School which will include:

1. Relocated and expanded playground (2 areas - tots (2-5 yr olds) and older children (5-12 yr olds);
2. Synthetic turf athletic field;
3. Renovated basketball/volleyball court;
4. Removal of outdated field house;
5. Re-aligned parking lot;
6. Outdoor educational butterfly garden area and entry plaza; and
7. New lighting, ornamental fencing, water fountain, walking paths, landscaping, and seating.

The Board is responsible for the construction of the Project and any costs for the Project which exceeds the Grant. There are a number of restrictions in the use of IDNR grant funds, all of which are acceptable to the Board including, but not limited to, the requirement that the Campus Park will be open to the public for outdoor recreational use for a certain number of years after the final Grant payment is received by the Board. In addition, the Board is required to indemnify the City for the Board's breach of the terms of the IGA and the failure of the Board or its contractors to pay general contractors, subcontractors, and material men (the "indemnity").

**AUTHORIZATION:** Authorize the General Counsel to include other relevant terms and conditions in the IGA, including, but not limited to, the indemnity. Authorize the President and Secretary to execute the IGA.

**AFFIRMATIVE ACTION:** Exempt.

**LSC REVIEW:** Local School Council approval is not applicable to this report.

**FINANCIAL:** Unless there are cost overruns, no cost to the Board. If there are overruns:

Credit Income to Brentano Elementary School: \$1,152,000.00

Fiscal Year: FY07

Budget Classification: 2370-436-000-9567-2007

**GENERAL CONDITIONS:**

Inspector General - Each party to each agreement shall acknowledge that, in accordance with 105 ILCS 5/34-13.1, the Inspector General of the Chicago Board of Education has the authority to conduct certain investigations and that the Inspector General shall have access to all information and personnel necessary to conduct those investigations.

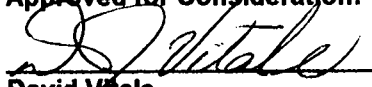
Conflicts - The agreements shall not be legally binding on the Board if entered into in violation of the provisions of 105 ILCS 5/34-21.3 which restricts the employment of or the letting of contracts to, former Board members during the one year period following expiration or other termination of their terms of office.

Indebtedness - The Board's Indebtedness Policy adopted July 26, 1995 (95-0726-EX3), as amended from time to time, shall be incorporated into and made a part of each agreement.

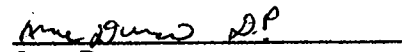
Ethics - The Board's Ethics Code adopted September 27, 1995 (95-0927-RU3), as amended from time to time, shall be incorporated into and made a part of each agreement.

Contingent Liability – Each agreement shall contain the clause that any expenditure beyond the current fiscal year is deemed a contingent liability, subject to appropriation in the subsequent fiscal year budget(s).

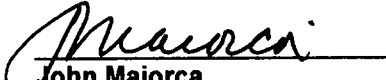
Approved for Consideration:

  
David Vitale  
Chief Operating Officer


Approved:

  
Arne Duncan  
Chief Executive Officer

Within Appropriation:

  
John Maiorca  
Chief Financial Officer

Approved as to legal form: 

  
Patrick J. Rocks  
General Counsel