

In the Matter Of:
HAYMARKET DuPAGE LLC

REPORT OF PROCEEDINGS

June 23, 2021

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1 PRESENT VIA VIDEO CONFERENCE:

2 MR. BRENDAN DALY, Chairman;
3 MR. FRANK CARELLO, Commissioner;
4 MS. LORI DRUMMOND, Commissioner;
5 MR. JEFFREY HOLMES, Commissioner;
6 MS. KRISTA RAY, Commissioner;
7 MR. ANTHONY RUSSO, Commissioner;

8 ALSO PRESENT VIA VIDEO CONFERENCE:

9 MR. MO KHAN, Village Planner;

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1 CHAIRMAN DALY: Good evening, everyone.
2 Welcome to this meeting of the June 23rd, 2021,
3 Itasca Plan Commission. I now call this meeting to
4 order. Will the secretary please call the roll.

5 MR. KHAN: Commissioner Carello. 06:59

6 COMMISSIONER CARELLO: Here.

7 MR. KHAN: Commissioner Drummond.

8 COMMISSIONER DRUMMOND: Here.

9 MR. KHAN: Commissioner Holmes.

10 COMMISSIONER HOLMES: Here. 06:59

11 MR. KHAN: Commissioner Ray.

12 COMMISSIONER RAY: Here.

13 MR. KHAN: Commissioner Russo.

14 COMMISSIONER RUSSO: Here.

15 MR. KHAN: Chairman Daly. 06:59

16 CHAIRMAN DALY: Here. I declare a quorum
17 present. Good evening, everyone. Today is Wednesday
18 the 23rd of June 2021. The case before the Plan
19 Commission this evening is PC 19-014 continued from
20 our last hearing on the 9th of June. 06:59

21 The petitioner and owner is
22 Haymarket DuPage, LLC, and the location is 860 West
23 Irving Park Road. The procedures for tonight's
24 meeting and meetings moving forward until further

1 notice are as follows. This evening we will begin
2 with rebuttal testimony by Mr. Gruen and
3 Dr. Merriman. The Plan Commission has adopted new
4 rules of procedure which are now still in effect
5 until otherwise determined by government action.

06:59:

6 We are proceeding remotely with 25
7 people in the room due to COVID 19 and the public may
8 watch the proceedings through the Village's YouTube
9 channel. Anyone wishing to make public comment will
10 be able to do so after the presentation of cases.

07:00:

11 They will need to sign up on the Village's website.

12 Anyone wishing to ask questions of the petitioner,
13 Village staff, and other parties will be able to do
14 so after the presentation of cases. The signup form
15 is also on the Village's website.

07:00:

16 Finally, remote Village staff is
17 monitoring the video streaming. If the video
18 streaming does not work during the proceedings, we
19 will stop and wait until the video streaming is fixed
20 or reschedule for another day.

07:00:

21 At this time, I would like to turn
22 it over to the Village's counsel, Mr. Chuck Hervas,
23 for his opening remarks.

24 MR. HERVAS: Thank you, Mr. Chairman. Again,

1 my name is Chuck Hervas. I'm the attorney that
2 advises the Plan Commission in this matter. As a
3 reminder, this is a legal proceeding with legal
4 significance. A court reporter is swearing in
5 witnesses and is transcribing testimony.

07:00

6 This is not a trial, but we are
7 developing a record of proceedings before the Plan
8 Commission. This is a legal public hearing on a
9 zoning petition. My job is to protect the rights of
10 the petitioner, any objectors, and the public. The
11 Plan Commission will make findings and a
12 recommendation to the Village board.

07:01

13 Please understand that the Plan
14 Commission is a recommending body. The Village board
15 will make the final decision on the Haymarket zoning
16 petition. Due to the pandemic and the governor's
17 emergency orders, we are unable to meet in person. A
18 virtual hearing is not the preferred method for
19 hearing this zoning petition. However, the business
20 of government must move forward and the virtual
21 hearing has been approved by state statute and is
22 used by local governments across the state. Everyone
23 is doing the best they can under the circumstances.

07:01

07:01

24 And I will add that things may

1 change in the next week or so, depending on the
2 governor's orders with respect to the pandemic and
3 public meetings, and so this process may or may not
4 continue into the month of July.

5 The procedures used by the Plan
6 Commission for large hearings during the pandemic are
7 available on the Village's website. The website has
8 a lot of information, including a comprehensive
9 step-by-step guide about this hearing. The public
10 will have an opportunity to ask questions and provide
11 public comment at the appropriate time. Witnesses
12 will be presented by the petitioner and possibly by
13 other interested parties. Cross-examination will be
14 allowed only by the attorneys or anyone who has been
15 legally recognized as an interested party.

16 Finally, this is a slow and
17 deliberate process. It creates a record appropriate
18 for a Plan Commission hearing. We ask that you
19 please respect the legal process, even if you do not
20 agree with it. Thank you, Mr. Chairman.

21 CHAIRMAN DALY: Thank you, Mr. Hervas.

22 At this time, I would like to open
23 the public hearing on Case PC 19-014. The request
24 for petition for a planned development by special use

1 with exceptions and Class 1 site approval all in
2 order to permit a mixed-use residential and
3 healthcare facility and other accessory uses in the
4 B-2 community business district at 860 West Irving
5 Park Road.

6 I will now entertain a motion to
7 open this continued public hearing.

8 COMMISSIONER HOLMES: So moved, Chairman.

9 COMMISSIONER RAY: Second. Ray.

10 CHAIRMAN DALY: There's a motion and a second. 07:03

11 Will the secretary please call the vote.

12 MR. KHAN: Commissioner Carello.

13 COMMISSIONER CARELLO: For.

14 MR. KHAN: Commissioner Drummond.

15 COMMISSIONER DRUMMOND: For. 06:59

16 MR. KHAN: Commissioner Holmes.

17 COMMISSIONER HOLMES: For.

18 MR. KHAN: Commissioner Ray.

19 COMMISSIONER RAY: For.

20 MR. KHAN: Commissioner Russo. 06:59

21 COMMISSIONER RUSSO: For.

22 MR. KHAN: Chairman Daly.

23 CHAIRMAN DALY: For. Motion carries. The
24 public hearing is open.

1 At this time, I would ask if both
2 Mr. Gruen and Dr. Merriman would raise their right
3 hands so the court reporter can swear you both in
4 simultaneously and we can speed this up. Thank you.

5 (Witnesses sworn.)

6 CHAIRMAN DALY: Thank you very much.

7 Ms. O'Keefe, how would you like to
8 begin?

9 MS. O'KEEFE: Good evening, Mr. Chairman.
10 We're going to begin with Dr. Merriman for a few
11 questions, and then we'll be turning it over to
12 Ms. Dickson to question Mr. Gruen. So if we could, I
13 would like to start with Dr. Merriman, who I see on
14 the screen. Dr. Merriman is a professor at the
15 University of Illinois Chicago, and we've asked him
16 here tonight just to clarify a few issues related to
17 the impact of a property tax exemption on taxing
18 bodies.

19 So, Dr. Merriman, could you just
20 open up --

21 MS. SMITH: I'm going to -- I'd like to
22 object, first, to the witness, that the testimony, if
23 it's opinion testimony, was not properly disclosed
24 and to the extent -- and there's not been tendered

1 information that suggests it's relevant fact
2 information or rebuttal information.

3 MR. ELLENBECKER: I join that objection.

4 MS. O'KEEFE: So, Mr. Hervas, Dr. Merriman is
5 being presented for the sole purpose of addressing a 07:05
6 few statements that were made during last week's
7 testimony -- two weeks ago, their testimony regarding
8 property tax exemptions and the impact they have on
9 taxing bodies. He's not being presented to express
10 any opinions. He's only being presented to address 07:05
11 the process used to grant the property tax exemption
12 and what that means on the relevant taxing bodies.
13 So there's no reason to present any -- any further
14 documentation. It's a very short testimony.

15 MS. SMITH: May I respond? 07:05

16 MR. KHAN: Mr. Hervas?

17 MR. HERVAS: Yes.

18 MR. KHAN: Can we hold on? We're having
19 technical issues with the sound.

20 MR. HERVAS: All right. We need to hold on,
21 everybody.

22 (Recess taken.)

23 MR. HERVAS: All right. We're going to pick
24 it up where we left off. An objection by made by

1 Ms. Smith, a response was made, and now I'm going to
2 ask for a reply from Ms. Smith, if you have one.

3 MS. SMITH: Thank you. So my reply would be
4 if you're talking about -- are you talking about
5 Ms. Ketchum's testimony? She did not, to my reading 07:11:
6 of her testimony, say that she was an expert in the
7 property tax process, nor did she testify to the
8 appeal process. I think she said at different times
9 she's not an attorney expert in that area. There's
10 not been testimony about the property tax appeal 07:12:
11 process or any testimony to rebut at this point.

12 So I -- again, that's the basis of
13 the objection. There's not a -- there's not a
14 fact at -- in dispute about the property tax appeal
15 process, and, again, I'm taking it they're not 07:12:
16 proffering him as a expert witness, no opinion's
17 tendered.

18 MS. O'KEEFE: Mr. Hervas, could I reply?

19 MR. HERVAS: Well --

20 MS. O'KEEFE: Because I think there's a fact 07:12:
21 at issue that -- I just would like to reference a
22 particular page of Ms. Ketchum's testimony that is at
23 issue that we believe Dr. Merriman can address.

24 MR. HERVAS: Go ahead.

1 MS. O'KEEFE: Okay. So on page 27 of her
2 PowerPoint, which is entitled "Historical Development
3 Tax Revenues," it lays out tax revenue sources. And
4 at the end, the last column, says "incremental impact
5 of lost tax revenue. And so the limited purpose that 07:13
6 Dr. Merriman is going to address is the issue of the
7 words "lost tax revenue." That was something that
8 she did rely on in her PowerPoint and in her
9 testimony, and we believe it's a valid question for
10 Dr. Merriman. 07:13

11 MR. HERVAS: Okay. This is how -- this is how
12 we'll proceed on this. There -- there was an
13 attorney agreement relating to disclosure of experts
14 14 days with respect to opinions, and then all
15 PowerPoint materials or any exhibits that would be 07:13
16 utilized would be disclosed five days before. And
17 we've followed that pretty well.

18 In this particular instance, we have
19 a rebuttal witness who's coming in, and this is a
20 rebuttal witness who is here to rebut some testimony 07:13
21 that was previously made. I'm going to reserve
22 ruling on the objection and allow the witness to
23 testify, and the objection can be renewed if there's
24 a feeling that there was some element of surprise

1 that made it impossible for the attorney to
2 adequately cross-examine. So we're going to move
3 forward, and we'll -- we'll abide by a reserved
4 objection right now.

5 MS. O'KEEFE: Thank you, Mr. Hervas. 07:14

6 So I'd like to introduce
7 Mr. David Merriman. He is a professor at the
8 University of Illinois Chicago.

9 DIRECT EXAMINATION

10 BY MS. O'KEEFE:

11 Q. Dr. Merriman, could you give a brief
12 overview of your credentials to speak on the property
13 tax process?

14 A. Yes, thank you. I'm a Stukel
15 Presidential Professor in the department of public 07:14
16 administration at the University of Illinois and also
17 a senior scholar in the Institute of Government and
18 Public Affairs at the University of Illinois. I have
19 a Ph.D. in economics from the University of
20 Wisconsin, Madison. For 30-some years I've taught 07:14
21 state and local public finance students and done
22 research in those areas. I've been a consultant to
23 governments at the local, state, and federal level
24 and also internationally with reference to issues

1 surrounding local public finance.

2 Q. So, Dr. Merriman, as we discussed, we're
3 just seeking to clarify a few issues related to the
4 property tax exemption on taxing bodies.

5 So when a property that has
6 historically been taxable successfully gains a tax
7 exemption from property taxes, do the relevant taxing
8 bodies lose the property tax revenue that was
9 previously generated by the property?

07:15

10 A. No, the property tax revenue that they
11 get is determined by the levy that they issue.

07:15

12 Q. So if -- and so in that instance, who
13 pays the property taxes that were previously
14 generated by that property?

15 A. Other taxpayers. The property tax
16 payment of taxpayers is determined by the levy and
17 that is divided by the tax base. And so if the tax
18 base is reduced because a parcel becomes exempt, the
19 other taxpayers pay a greater share of the levy.

07:15

20 Q. So -- and just to put it in perspective.
21 If there's a hundred taxpayers paying the taxes for a
22 taxing body and one becomes exempt, the same amount
23 is paid? It's just paid by 99 people?

07:16

24 A. That's correct.

1 Q. 99 pin numbers? Okay.

2 A. That's correct.

3 Q. Can you provide examples of types of uses
4 that are typically eligible for a property tax
5 exemption?

07:16

6 A. Sure. So non-profit uses, such as
7 hospitals, other kinds of public benefit
8 organizations, are typically exempt. Governments at
9 all levels, government properties, state, federal,
10 and local properties, are typically exempt. Part of
11 the parcels from residential homeowners who have a
12 homestead exemption or senior exemption or a veterans
13 exemption also reduce the tax base.

07:17

14 Q. Okay. So in those instances, the
15 property tax burden is paid by the other taxpayers;
16 correct?

07:17

17 A. That's correct.

18 Q. Okay. So in order for a charitable
19 organization to secure a property tax exemption,
20 doesn't the property owner have to be a non-profit
21 who is proposing to use the property for a taxable
22 purpose -- I mean for a charitable purpose? Excuse
23 me.

07:17

24 A. Right. They have to -- they have to be

1 consistent with the -- the legal basis to get an
2 exemption, and that's generally a non-profit or a
3 government organization in order to get that
4 non-profit -- that property tax exemption.

5 Q. So if a tax exempt property owner uses a 07:17
6 property for commercial purposes, what happens to the
7 tax exemption in that case?

8 A. In that circumstance, the property would
9 be reclassified -- or the portion of the property
10 used for nonexempt purposes -- for instance, a 07:18
11 for-profit organization -- would then become taxable.

12 This is a very common situation.
13 For example, universities very frequently have a
14 portion of their -- their land that's not taxable and
15 a portion that is taxable. For instance, they might 07:18
16 have a bookstore or a cafe on the property which
17 would then be subject to property taxes.

18 Q. Okay. And my last question is if the
19 property is sold, does the property tax exemption
20 flow to the subsequent owner of the property? 07:18

21 A. Not necessarily. It would depend upon
22 the use. If the use changed, then the property --
23 the taxability or the exemption could be withdrawn.

24 Q. But the new property owner would have to

1 go in and apply for that exemption?

2 A. Right.

3 Q. Okay.

4 MS. O'KEEFE: Okay. That's the only questions
5 we have. Thank you very much, Dr. Merriman.

6 MR. MERRIMAN: Thank you.

7 MR. HERVAS: I'm going to interject here at
8 this point and ask Ms. Smith if she's going to
9 continue with her objection to the testimony?

10 Ms. Smith, did you hear me?

11 MS. SMITH: Yeah, I apologize. I had to
12 unmute myself. Yes, I maintain the objection that
13 it's not relevant or -- as rebuttal evidence and that
14 it seems to give an opinion about property tax law
15 that was not disclosed. I'm going to maintain that
16 objection.

17 MR. HERVAS: Okay. I'm going to overrule the
18 objection based on the testimony, and we can now go
19 to cross-examination.

20 CHAIRMAN DALY: At this time, I would ask,
21 Mr. Ellenbecker, if you'd like to start if you have
22 any cross-examination for the witness?

23 MR. ELLENBECKER: Yeah, just briefly.

24 CROSS-EXAMINATION

1 BY MR. ELLENBECKER:

2 Q. Dr. Merriman, just out of curiosity, we
3 received a resumé for you today, and I was looking at
4 the selected publications and selected presentations.
5 And I understand it's a shortened list, but have you 07:20
6 ever written on the specific issue of increased
7 levies on residential or commercial taxpayers as a
8 result of the not-for-profit sector moving into an
9 area?

10 A. I don't think I have ever written on that 07:20
11 specific issue.

12 Q. Okay. Would you agree that the
13 non-profit sector can impose fiscal hardships on
14 villages or cities?

15 MS. O'KEEFE: Objection; outside the scope of 07:20
16 direct.

17 MR. ELLENBECKER: Do I need to respond,
18 Mr. Hervas?

19 MR. HERVAS: Sorry, I need the question
20 repeated, please. 07:21

21 MR. ELLENBECKER: Yeah, I said would you agree
22 that the non-profit sector can pose fiscal hardships
23 on villages and municipalities.

24 MS. O'KEEFE: And I objected saying that was

1 outside the scope of his direct testimony.

2 MR. HERVAS: I'm going to overrule the
3 objection.

4 BY THE WITNESS:

5 A. I guess -- I guess you would have to be 07:21
6 more specific. I guess what do you mean by a "fiscal
7 hardship"?

8 BY MR. ELLENBECKER:

9 Q. Well, you would agree that there can
10 be -- you can reach a certain point when a non-profit 07:21
11 or a non-profit sector grows too large that the levy
12 against all the remaining taxpayers can impose a
13 hardship financially on some of those --

14 A. The levy -- the -- their tax levy could
15 go up if there were a lot of non-profits. I can 07:22
16 agree with that. At what point it becomes a fiscal
17 hardship, I guess, is -- you know, I don't know.

18 Q. And like you testified, if there's a loss
19 of property tax revenue due to a not-for-profit
20 moving in, the municipality or village still needs to 07:22
21 provide services to that property in terms of fire or
22 police; correct?

23 A. Well, I guess I wouldn't call it a loss
24 of property tax revenue. What you would get is a

1 higher tax rate for the remaining taxpayers.

2 Q. I'll reword it. You would agree that a
3 non-for-profit still gets the benefit of village
4 services, like police and fire?

5 A. Yes, that I would agree with. 07:23

6 Q. And the cost of those services is, as you
7 mentioned, as a result of the levy imposed on the
8 remaining taxpayers?

9 A. That's correct.

10 Q. And as it relates to the current 07:23
11 application or the people who brought you in here
12 today, Haymarket, if Haymarket is provided a tax
13 exemption those -- or the continuation of those
14 services would then be borne by increased taxes paid
15 by Itasca residents and businesses; right? 07:23

16 MS. O'KEEFE: Objection; there's been no
17 discussion of a Haymarket case in the direct
18 testimony.

19 MR. ELLENBECKER: So if we're not going to tie
20 it to Haymarket, should we agree his testimony is 07:23
21 irrelevant?

22 MS. O'KEEFE: No, I think his testimony is
23 very irrelevant because it addresses property taxes
24 and the impact they have on taxing bodies.

1 MR. HERVAS: Do you have a response to the
2 objection?

3 MR. ELLENBECKER: Yeah, the response is that
4 they brought him in to testify and represented his
5 testimony as relevant to the special-use application 07:24
6 at issue and that applicant is Haymarket. And I
7 think it's a logical corollary or extension of his
8 testimony that if we ask him specifically, based on
9 his general testimony, who is going to bear the
10 increased financial imposition, that I ask the next 07:24
11 question and say "and that would be Itasca
12 residents."

13 MS. O'KEEFE: So, Mr. Hervas, if I could
14 reply. The genesis of the questions flow from the
15 testimony that was provided by the Village's economic 07:24
16 expert and the misstatement that she made with
17 regards to lost tax revenues. And the point of
18 Dr. Merriman's testimony is just to clarify the
19 process and the testimony -- that the taxes do not
20 engage a loss. Which Mr. Ellenbecker doesn't seem to 07:24
21 understand, because he keeps using the word "lost,"
22 and really they're just reallocated.

23 MR. ELLENBECKER: And, Mr. Hervas, I would
24 like to clarify with Dr. Merriman that the people who

1 are going to bear that increased cost will be the
2 businesses and residents of Itasca. That's all.

3 MR. HERVAS: With respect -- I'm sorry, I have
4 a little trouble when -- I need headphones to hear,
5 but then when I speak, I can't speak clearly with the
6 headphones on because I hear an echo. So I apologize
7 for that.

07:25

07:25

07:25

8 The specific objection related to
9 the mention of Haymarket into the question and the
10 application of that. And so with respect to that
11 objection, I'm going to overrule the objection. It's
12 obvious that the witness is presented here by
13 Haymarket, and the real overriding principle here is
14 will the testimony be helpful to the Plan Commission
15 in the application of that testimony.

16 So we'll see how far it goes, but
17 with respect to this specific question, I'm going to
18 allow it. So if the witness remembers the question
19 or needs it repeated, let's move on.

20 BY THE WITNESS:

21 A. Could you repeat the question, please.

22 BY MR. ELLENBECKER:

23 Q. I'll do my best. Assuming Haymarket
24 operates under tax exempt status, you would agree

1 that because there's no property taxes lost, there's
2 an increased levy on the remaining taxpayers? And
3 those remaining taxpayers would be the residents and
4 businesses in Itasca; correct?

5 A. Okay. So I think you have to say what 07:26
6 was the situation prior to Haymarket and what's the
7 situation after. So I'm not familiar with what the
8 use of the property was and what the -- the property
9 taxes paid prior to the -- Haymarket coming in. But,
10 yes, whatever -- if there were property taxes paid on 07:26
11 that property and now there were no property taxes
12 paid on that property, it is the case that, if the
13 levy remained the same, the tax rate would go up for
14 the taxpayers who remained.

15 Q. Right. And those remaining taxpayers are 07:27
16 Itasca residents?

17 A. I'm sorry?

18 Q. Those remaining tax taxpayers are Itasca
19 residents?

20 A. I would imagine it would be any overlying 07:27
21 governments, which would likely involve, you know,
22 the county, the school district, whatever other
23 overlying governments there were for that particular
24 parcel.

1 MR. ELLENBECKER: Okay. All right. Nothing
2 further.

3 CHAIRMAN DALY: Thank you, Mr. Ellenbecker.

4 Mr. DiNolfo, do you have any
5 cross-examination for the rebuttal witness,
6 Dr. Merriman?

7 MR. DI NOLFO: Mr. Chairman, I do not. Thank
8 you.

9 CHAIRMAN DALY: Thank you, Mr. DiNolfo.

10 Ms. Smith?

11 MS. SMITH: No, no questions. Thank you.

12 CHAIRMAN DALY: Okay, thank you. At this
13 point, is there any redirect at this time,
14 Ms. Smith -- or, excuse me, Ms. O'Keefe?

15 MS. O'KEEFE: No, there's no redirect.

16 CHAIRMAN DALY: Okay. Do any members of the
17 Plan Commission have any questions of the witness?

18 Hearing none, I would thank the
19 witness for his time this evening, and I would ask
20 Ms. O'Keefe to introduce your next witness, please.

21 MS. O'KEEFE: Mr. Chairman, I'm going to turn
22 it over to Ms. Dickson, who is going to introduce
23 Aaron Gruen.

24 CHAIRMAN DALY: Thank you.

1 MS. DICKSON: Okay. Good evening,
2 Mr. Chairman, Plan Commission, counsel. We are
3 presenting tonight Aaron Gruen, who is a principal
4 with Gruen Gruen + Associates. Mr. Gruen testified
5 to this panel back when we were all present and live 07:28
6 and we could see each other in person, so we bring
7 him here this evening virtually.

8 His original report, the economic
9 impact analysis report he prepared for Haymarket, is
10 a part of this record as a part of Exhibit 41, Tab 7, 07:29
11 and he is presenting, through his testimony this
12 evening, two exhibits. They're both as part of
13 Exhibit 91, which we submitted to the Village last
14 Friday.

15 Mo, if possible, I would ask if you 07:29
16 could have those exhibits ready so that when
17 Mr. Gruen calls for them, you have them. It's two
18 exhibits but it's under the heading of Exhibit 91.
19 And maybe you just want to keep it off the screen
20 until he calls for it so that the members of the 07:29
21 panel can see Mr. Gruen.

22 Mr. Gruen was brought specifically
23 this evening to provide rebuttal testimony to the
24 testimony that was provided by Sarah Ketchum, who is

1 the expert witness who was brought before the panel
2 by the Village.

3 DIRECT EXAMINATION

4 BY MS. DICKSON:

5 Q. And, Mr. Gruen, I would like to turn it 07:30
6 over to you for your rebuttal to that.

7 A. Thank you. The report I previously
8 submitted testified about, mischaracterized by Sarah
9 Ketchum as, quote, "showing an adverse impact," end
10 quote, on the Village of Itasca, I do not believe 07:30
11 that this is an accurate representation of the
12 analysis I presented. I've come here tonight to
13 correct the record. I'm not expressing new opinions.
14 I'm here to rebut Ms. Ketchum's opinions through an
15 analysis of my previously tendered report. 07:30

16 Using generally accepted standard
17 methodologies developed and refined over many years
18 and using reasonable and valid best available
19 assumptions as described in the original report, I
20 estimated the net annual fiscal impact to the Village 07:30
21 of Itasca general fund of the proposed Haymarket
22 DuPage plan development at a negative or shortfall of
23 approximately \$10,000 to approximately \$17,500. The
24 estimated annual shortfall equates to less than

1 one-tenth to less than two-tenths of one percent of
2 the total Itasca general fund budget in fiscal year
3 2018-2019 of \$10,780,900. As described in the
4 original report, the net annual fiscal impact
5 allocated to providing fire protection service to 07:31
6 Haymarket DuPage was estimated at a negative or
7 shortfall of \$32,937 to \$46,302. The estimated net
8 service cost of providing fire protection service,
9 including emergency medical services, or EMS, equates
10 to .721 of one percent to .93 of one percent of the 07:31
11 total Itasca Fire Protection District expenditures of
12 \$4,581,700. To provide further context, on an annual
13 cost per capita basis of all the Village residents,
14 excluding the businesses, the service cost estimate
15 equates to approximately \$3.36 to \$4.72 per Itasca 07:32
16 resident.

17 Ms. Ketchum expressed her
18 understanding that I did not address the Polaris
19 addendum. The Polaris addendum presents the
20 conclusion that, quote, "Itasca's public safety 07:32
21 agencies will continue to have sufficient capacity to
22 handle calls without the need for additional
23 personnel or equipment," end quote, even if the
24 service calls for advanced life support, or ALS,

1 reflect the level of calls experienced by Haymarket
2 Chicago. Based on this conclusion, as I previously
3 wrote, it is my opinion that the proposed Haymarket
4 DuPage facility will not induce additional capital
5 costs for providing ALS service.

6 The Polaris addendum also presents
7 the conclusion that the original projections based on
8 comparable suburban treatment and recovery home sites
9 is the most accurate analysis of the projected impact
10 on Itasca emergency responders. I understand that
11 Haymarket Chicago provides services that will not be
12 offered at Haymarket DuPage. And Haymarket Chicago
13 treats different types of patients than will be
14 treated at Haymarket DuPage. I also understand,
15 unlike Haymarket Chicago, women with children will
16 not be treated at Haymarket DuPage. Accordingly, I
17 relied, and still rely, on the original projections
18 by Polaris.

19 The Itasca Fire Protection
20 District's fiscal year 2018 annual financial report
21 indicates collections of revenues equaling average
22 service fees of approximately \$329 per call or
23 dispatch. We previously conservatively assumed
24 service fee revenue of 329 per call based on that

1 report rather than the 2,100 fee for BLS/ALS service
2 under the fee ordinance of February of 2019. Since
3 preparing the original report, the new ordinance has
4 raised the BLS/ALS service fee to \$5,390 up from
5 2,600 from the fee ordinance increase of 2020. It's
6 reasonable to assume the higher fee was set to
7 recover more funds or increase the collection of
8 service fees to offset the cost of providing service.

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9 In the Polaris addendum, based on
10 the comparison made to Haymarket Chicago, Polaris
11 estimated 43 ALS calls for Haymarket DuPage, although
12 this comparison was not deemed the most appropriate
13 basis for estimating calls induced by Haymarket
14 DuPage. Using the methodology previously described
15 in our report and prior presentation, 43 ALS calls
16 will result in an estimate of \$82,431 in cost before
17 fee recovery. Adding the estimated seven fire
18 service calls would result in an estimated net fiscal
19 impact or annual shortfall of \$86,052, assuming
20 service fees of only 329 per call rather than the
21 service fee called for in the new ordinance. This
22 equates to 1.88 percent of the budget for fiscal year
23 ending June 30th, 2018.

24 To put this percentage in context,

1 over the last four years the property tax levy for
2 the fire district has increased much higher, at an
3 annual average rate of over eight percent. On a
4 per capita basis, the estimated annual shortfall to
5 apply to the Chicago Haymarket scenario totals \$8.74
6 per resident up from \$4.72 per resident in the
7 original report. The higher call volume scenario,
8 then, would not result in an undue burden.

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07:37

9 In my opinion, the estimated net
10 fiscal impact of the proposed Haymarket DuPage plan
11 development does not represent an adverse fiscal
12 impact or undue fiscal burden on either the Village
13 or the fire district or any other taxing bodies.
14 Even with higher call volume assumptions under the
15 Polaris addendum and using the highest end of the
16 range of net costs we estimated for the village
17 general fund, the total estimated net impact for both
18 the Village and fire district equates to \$10.51 per
19 resident.

20 I will also offer tonight rebuttals
21 to the opinions Ms. Ketchum expressed related to
22 whether every property in the community needs to
23 produce net positive fiscal revenue to the
24 municipality; the impact study section of the zoning

1 ordinance; the past testimony and discussion related
2 to sales and utility tax estimates as well as
3 property taxes and residential equivalents; the
4 criteria required to be met for any land use or land
5 uses is to generate impacts; the identification of 07:37
6 taxing districts potentially impacted by the proposed
7 development; and, finally, I'll offer a brief comment
8 related to the discussion at the end of last week's
9 testimony about forecasting techniques and evaluation
10 of the fiscal impacts of the proposed development. 07:37

11 In my judgment and experience, not
12 every property or use in Itasca or any other
13 community is required to produce more revenues than
14 cost for the taxing bodies. And this determination
15 reflects appropriate public policy and sound 07:38
16 planning. Not all households live in residences that
17 generate more revenue than municipal service costs.
18 But these same residents generate demands for other
19 goods and services from other non-government sources,
20 they serve as a source of labor for local employers, 07:38
21 and they volunteer their time to community affairs.
22 Houses of worship, as another example, are not
23 typically net revenue generators but are part of the
24 fabric of what makes the community a community. Like

1 most other communities across the nation, Itasca's
2 zoning ordinance recognizes the inherent benefits of
3 a balance of land uses and permits non-profit uses in
4 the B-2 district in which the proposed Haymarket
5 DuPage plan development is located.

6 Now, as Ms. Ketchum described on her
7 Slide 10 of the presentation she gave, Section 14 of
8 the Itasca zoning ordinance provides the Plan
9 Commission, as it is done here, require an economic
10 impact/tax impact study detailing the impact which
11 the plan development will have upon all taxes bodies.
12 Nothing in the Village of Itasca zoning ordinance
13 specifies that the economic impact/tax impact study
14 contemplates or requires comparing the plan
15 development to past uses. Nothing in the HKA
16 PowerPoint presentation by Ms. Ketchum or the Kenrich
17 report cites a specific legal or other source to
18 justify comparing the plan development to a past use.

19 In her June 2nd testimony,
20 Ms. Ketchum indicated agreement with the conclusion
21 that the current zoning is not relevant when
22 projecting the future impacts from Haymarket, which
23 is what the current Itasca zoning ordinance requires.
24 She asserted, however, that the, quote, "current

1 zoning is relevant to the Plan Commission as it
2 evaluates the potential difference in impact from the
3 past years," end quote.

4 The position and approach adopted by
5 Ms. Ketchum is outside the four corners of the Itasca 07:40
6 zoning ordinance impact study provision. It's not
7 what the ordinance about the impact study expressly
8 states. A comparison of past uses is not required of
9 an applicant. But apparently from a synthesis of
10 Ms. Ketchum's testimony, the rationale for looking 07:40
11 back at the past use and comparing it to the proposed
12 plan development is that the property previously
13 generated tax revenue and it could, according to
14 Ms. Ketchum, continue to do so, quote, "under a host
15 of different hotel operators," end quote. 07:40

16 Ms. Ketchum acknowledged that she
17 did no research, she conducted no analysis, and did
18 not perform any outreach to hotel developers or
19 managers to confirm the validity of this essential
20 assumption. She did, however, extrapolate from the 07:41
21 historical hotel tax receipt status, she reported
22 when the former Holiday Inn was operating to forecast
23 what the hotel tax revenues would be under two
24 scenarios. In doing so, Ms. Ketchum did not present

1 the obvious conclusion of the story of Attachment 1
2 to the Kenrich report, which shows the hotel tax
3 receipt's peak in 2015 at \$126,357 and steadily
4 declined every year to a low of \$46,220 in 2019.

5 In fact, the hotel was marketed for 07:41
6 sale for two years and was not able to be sold as a
7 hotel use, which is another indicator of a hotel not
8 being the highest and best use of the property. In
9 April 26th of 2019, the hotel informed Mayor Pruyn
10 that growth in the supply of hotels in the market 07:42
11 area exceeded the demand for hotel rooms and that it
12 would not be financially feasible to invest in the
13 obsolete Holiday Inn to make it viable given the
14 excess supply relative to demand.

15 Ms. Ketchum did not disclose to the 07:42
16 Plan Commission the most important conclusion of a
17 proper hotel's receipts analysis of the former
18 Holiday Inn hotel that said persistently low revenues
19 for the reasons identified by the owner of the hotel
20 show that the operation of a hotel use is not 07:42
21 sustainable. Any hotel tax is projected in the
22 future based on six years of historic data on what
23 was clearly a troubled and non-sustainable use are
24 merely illusionary.

1 Now, to generate any fiscal or
2 economic impacts, the land use or land uses must be
3 occupied. That is, the building space must be
4 absorbed and operated. Equally important, however,
5 is the test of investment feasibility that requires
6 prices paid to occupy the space to be greater than
7 the cost associated with paying for ongoing
8 operations and any guest service. Unless both the
9 market responsiveness and investment feasibility
10 tests are met, there are no fiscal or economic
11 impacts. While a consideration of past uses is not
12 within the scope of the impact study requirement, had
13 an actual analysis been done as opposed to merely
14 reporting of historical receipts, the analysis would
15 have revealed that the hotel use failed to meet the
16 basic requirement for impact to be generated in the
17 future. Comparing to the plan development the past
18 and feasible hotel use is irrelevant.

19 I will now focus on the impacts of
20 the zoning ordinance required to be analyzed; that
21 is, the act of the plan development on taxing bodies
22 starting with property taxes. The testimony and
23 slides by Ms. Ketchum appear to suggest that the
24 taxing bodies would lose property tax revenue if

1 Haymarket DuPage obtains a property tax exemption.
2 None of the taxing bodies will be impacted by the
3 loss of property taxes from the closure of the
4 Holiday Inn and the use of the property by Haymarket
5 DuPage. The good news for you is Dr. Merriman has 07:44
6 explained this fact, so out of respect for your time,
7 I will not elaborate on this point. I will, however,
8 put the property tax exemption into proper context.

9 According to information from the
10 DuPage County Clerk and DuPage County Assessor, as 07:44
11 shown on Slide 1 -- which I'd appreciate, if anyone's
12 interested in it, being shown -- the former Holiday
13 Inn property has an equalized assessed value of
14 \$2,965,160 for the 2020 tax year. That's taxables
15 payable this year in 2021. That represents about 07:45
16 four-tenths of one percent of the total tax base in
17 the Village and fire district. The district-wide tax
18 base for the Village of Itasca is 696 million, and
19 the total tax base for the Itasca Fire District is
20 661 million. 07:45

21 Accordingly, if a tax exemption
22 could be granted to the Haymarket property and all
23 else being equal, the tax rates for the Village and
24 fire district would need to increase by the same

1 proportion. For every hundred dollars of equalized
2 assessed value, this equates to a rate increase of an
3 additional one-tenth of one cent for the Village and
4 four-tenths of one cent for the fire district.

5 It is also important to recognize 07:46
6 that the Itasca tax base and economic base is strong
7 and growing. This is not a bedroom community without
8 a commercial and industrial tax base. Itasca has a
9 vibrant business community which is responsible for
10 the growth in EAV. As indicated in -- by the -- and 07:46
11 maybe you can put up Slide 2, if you wouldn't mind.
12 As indicated by the experience of the past five
13 years, equalized assessed value increases annually
14 more than offset the four-tenths of one percent
15 decline in the EAV associated with the potential 07:46
16 property tax exemption to Haymarket DuPage. The tax
17 base of the Village and fire district increased by 19
18 percent are almost 110 million just between the 2016
19 and 2020 tax years. This is the equivalent of 36
20 former Holiday Inn properties being added to the tax 07:47
21 base. The small negative fiscal impacts associated
22 with the proposed Haymarket DuPage plan development
23 are negligible compared to the growth of the EAV or
24 tax base.

1 Now, as I just reviewed, the
2 property for the 2020 tax year comprised .43 of one
3 percent and .45 of one percent of equalized assessed
4 value within the fire and Village district
5 respectfully. Therefore, the property taxes paid by
6 the property represent the same percentage; less than
7 one-half of one percent of total district-wide
8 property tax revenues. Now, as shown on the slide
9 that's up on the screen, Slide 2, the only district
10 for which the property currently generates more than
11 .51 of one percent of total property tax revenue is
12 the Special Service Area No. 3. I understand that
13 Haymarket has paid and will continue to pay the
14 assessment for this Special Service Area No. 3.

15 The largest property tax
16 distribution is grade school District 10. Current
17 taxes on the property represent only .51 percent of
18 one percent of the total tax exemption for grade
19 school District 10. I've been provided information
20 to show Haymarket DuPage will not place any service
21 demands on either of the school districts.

22 Accordingly, ignoring the fact that,
23 as Dr. Merriman testified, revenues would not be lost
24 if the property becomes tax exempt and ignoring the

1 growth of the EAV that more than offsets the EAV of
2 the Haymarket DuPage property, if the amount of
3 property taxes currently attributable to the
4 Haymarket property were not paid, the effect on the
5 taxing bodies would be insignificant.

07:49:

6 Now, the physical impact analysis
7 report Gruen Gruen + Associates provided covered
8 these taxing bodies identified to be impacted by the
9 plan development, those with real relevance to the
10 Village. Other districts, taxing districts, such as
11 the County of DuPage, the Forest Preserve District,
12 the Addison Township and Road District, the DuPage
13 Airport Authority, and College of DuPage will not be
14 impacted by Haymarket DuPage because its clients will
15 not use services provided by these entities. The
16 Itasca Park District and the Village of Itasca
17 library could conceivably be patronized by Haymarket
18 DuPage workers or others, but given the nature of
19 these services, it would not increase the cost of the
20 programs to accommodate such patronage. The library
21 cannot be expected to have to buy more books,
22 increase staff, or the park district to buy more land
23 because of Haymarket.

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24 Now, Ms. Ketchum's Slide 42

1 presentation and testimony on her criticisms about
2 the sales tax estimates presented in our report
3 amount to distractions overlooking the most important
4 points, including the conservatism of the average
5 expenditure of \$5 per day assumption, which 07:50
6 Ms. Ketchum acknowledged is de minimis or minimal.
7 The conservatism of the average spending assumption
8 more than offsets any quibble she may have with the
9 other assumptions.

10 If a worker stops in at an Itasca 07:50
11 Walgreens during the week, the typical basket will be
12 well in excess than \$5. Filling up a tank of gas
13 costs more than \$5. Going out to lunch costs more
14 than \$5. It is not necessary to refer to treatises
15 or academic journals or other sources to know from 07:51
16 everyday experience that an assumption on average of
17 \$5 a day in spending is extremely low.

18 For simplicity of exposition, we use
19 sales tax and workers as a proxy (phonetic) for all
20 sources of spending, which would obviously include 07:51
21 service providers to Haymarket which are not employed
22 by Haymarket, family and friends which visit clients,
23 and other visitors. This could include, for example,
24 family members and friends who live outside the

1 Chicago metropolitan area and come to Itasca to
2 support their family members. Such as -- some
3 visitors could stay at Itasca hotels, engage in
4 video-gaming, purchase retail goods, and dine at
5 Itasca restaurants that but for the presence of
6 Haymarket would not generate taxes for Itasca.

7 It's standard accepted practice to
8 estimate sales, hotel, food, and beverage, other
9 taxes, or job and income impacts of convention
10 centers, of conference centers, of airports, or other
11 property that attract visitors by their presence.

12 It's not the physical property of an airport or
13 convention center, for example, that matters in terms
14 of impacts but the visitation to a community they
15 attract that counts. It's misleading and inaccurate
16 to exclude consideration of the impacts of spending
17 of visitors that will only come to Itasca because of
18 the Haymarket DuPage facility and only consider the
19 impacts associated with the physical property and not
20 the economic activity it generates.

21 If residents employed outside of
22 Itasca take a job with Haymarket in Itasca, this
23 means instead of spending money outside of Itasca, on
24 their way to and from their places of employment,

1 they'll be more likely to spend money in Itasca
2 during, before, and right after work hours. If a
3 worker employed elsewhere in the Village leaves for a
4 job with Haymarket, it would be reasonable to assume
5 the other employer would replace the position. The
6 criticisms related to all jobs are new jobs and all
7 jobs are staffed by non-Itasca residents are examples
8 of distractions that obscure the main point; which
9 is, we have estimated annual spending that would
10 occur in Itasca of \$297,475. An estimate of such
11 spending and therefore sales tax of less than \$4,500
12 per year is not excessive given an on-site payroll of
13 over nine-and-a-half million and the additional
14 sources of spending not explicitly quantified but
15 incorporated into the workers' spending metrics.

16 While Ms. Ketchum did not indicate
17 by how much she believes the sales tax estimate to be
18 overstated -- and, in fact, she didn't quantify
19 anything about what was overstated or understated
20 because she didn't do that analysis -- she did,
21 indeed, testify she could not speak to whether the
22 figure is excessive. That's a quote. Given the
23 small amount of sales tax revenue estimated by Gruen
24 Gruen + Associates in the first place, it would not

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1 change my conclusion that Haymarket DuPage would not
2 impose an undue negative impact on the general fund
3 of Itasca even if the sales tax were lower than the
4 estimated nearly 4,500 per year. Keep in mind, the
5 Village budget in 2018-19 was nearly \$11 million.

07:54

6 Slide 43 of the presentation
7 testimony by Ms. Ketchum is yet another example of a
8 distraction without any basis and facts in an attempt
9 to undermine the report we provided. Gruen Gruen +
10 Associates did not suggest anything one way or the
11 other about electric and gas consumption by the prior
12 use. The Itasca ordinance regarding the impact study
13 does not require or refer to comparing the utility
14 tax revenue estimated for a plan development to that
15 of a failed and closed past use and it's irrelevant
16 to do so. The estimates of the utility consumption
17 were provided by Haymarket, which is the best source
18 of an estimate for its expected use of utilities.
19 The anticipated expenditure on electricity and
20 natural gas is about 288,000 per year.

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21 The building, according to the
22 appraiser's presentation, is 109,202 square feet in
23 size. This indicates an annual utility cost of \$2.64
24 per square foot. The latest commercial building

1 energy consumption survey released in 2016 by the
2 U.S. Energy Information Administration indicated that
3 healthcare facilities incur annual electricity and
4 natural gas expenditures averaging more, 2.86 per
5 square foot of floor space. Accordingly, we think
6 the information provided by Haymarket is reliable and
7 valid.

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8 I'm not going to talk about
9 residential equivalents. Nothing in Slide 52
10 prepared by Ms. Ketchum or in the oral testimony by
11 Ms. Ketchum actually explained what, how, or why
12 residential equivalents are overstated with respect
13 to general service -- general government costs. The
14 residential equivalents approach is a standard
15 technique of fiscal analysis. It's reasonable to
16 include businesses in estimating costs of municipal
17 service in Itasca, as they make up a much larger
18 service population than the residential population.
19 We use a very conservative metric of three workers
20 equals the demand of one resident.

21 Excluding workers and only
22 considering the resident population of Itasca, the
23 budget declined over the 2009 to 2019 period. It
24 went from 1681 in 2009 per resident to 1100 per

1 resident in 2019 in constant dollars. The importance
2 of this is, even though there was growth in both
3 population and the job base, the Itasca budget
4 declined over the 2009-2019 period. Itasca's
5 employment base is approximately 1.9 times larger
6 than its resident base. 18,760 jobs are estimated to
7 be based in Itasca. Itasca provides municipal
8 services to the business, employing those 18,786
9 workers in Itasca. It's not costless to provide
10 municipal services to businesses, so it's just common
11 sense, reasonable and standard practice in fiscal
12 impact analysis to factor in the employment or
13 business base when estimating costs of providing
14 municipal services, especially when the employment
15 base is significantly larger than the resident base,
16 as it is in Itasca.

17 Finally, I'll offer a brief comment
18 related to the discussion at the end of last week's
19 testimony about forecasting techniques and the
20 evaluation of fiscal impacts of the proposed
21 development. There are times and circumstances in
22 which it is, indeed, appropriate to look back and to
23 look forward. A good rule of thumb applicable to
24 statistical and many types of data analysis is to

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1 look back as many years as looking forward. But to
2 produce credible estimates and answers, this is not
3 one of those times. Looking back and extrapolating
4 from a specific land use in the past that was not
5 market responsive nor financially viable to a
6 completely new and different land use is not a valid
7 reliable approach to evaluate the impacts of the
8 proposed plan development.

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9 In this case, looking back at an
10 unviable for-profit land use compared to a non-profit
11 use is not what the impact statute requires by its
12 clear language, which considers the proposed plan
13 development going forward. And it actually ignores
14 that public purchase and charitable oriented uses,
15 such as proposed plan development, are contemplated
16 uses in the B-2 zoning district, even if they do not
17 generate property taxes and positive net revenues.

18 We have provided an objective
19 evaluation of the fiscal and economic impacts of the
20 proposed Haymarket DuPage plan development based on
21 well-established methodologies, reasonable,
22 supported, and valid assumptions and estimates, as
23 well as judgment gained from our experience in
24 actually producing impact analyses and not just

1 reviewing them, as well as from our teaching and
2 writing about impact analysis for many years. We're
3 actually the only ones who have completed a
4 quantitative impact analysis of the plan development.

5 As I stated at the beginning, it is 08:00
6 my opinion that Haymarket DuPage plan development
7 would not pose an adverse fiscal impact or undue
8 fiscal burden on taxing bodies. Thank you for
9 letting me give you these rebuttal remarks and for
10 your consideration. 08:00

11 CHAIRMAN DALY: Thank you, Mr. Gruen.

12 I think before we start any sort of
13 cross-examination, I'm going to call for a 10-minute
14 recess. If we could reconvene, please, at about
15 8:12. Thank you. 08:00

16 MS. O'KEEFE: Thank you, Mr. Chairman.

17 (Recess taken.)

18 CHAIRMAN DALY: Okay. Looks like we're back.
19 At this time, Mr. Gruen concluded his initial
20 testimony. At this time, I would ask if, 08:11
21 Mr. Ellenbecker, you would like to begin the
22 cross-examination, please?

23 MR. ELLENBECKER: I do. And before I do, I
24 would, you know, for the record like to strike all

1 opinions of Mr. Gruen not related to the disclosed
2 Slides 1 and 2, which were the only disclosures we
3 received related to his testimony this evening the
4 undisclosed opinions are contravention of the
5 disclosure agreements made by the parties in this 08:11:
6 case and went far beyond the Slides 1 and 2 that were
7 provided.

8 MR. DI NOLFO: I will join in that objection,
9 especially as it pertains to any comments about
10 ordinances of the Itasca Fire Protection District as 08:11:
11 well as capacity issues that I don't believe were
12 raised at all with Ms. Ketchum, who apparently he was
13 responding to. So I don't believe that is rebutting
14 any prior testimony, so, therefore, I would join the
15 motion to strike on those bases. 08:12:

16 MS. SMITH: I will also join and add the
17 opinion about the impact on the school district.

18 MS. DICKSON: May I respond, Mr. Hervas?

19 MR. HERVAS: Yes, please.

20 MS. DICKSON: First, I think that there's some 08:12:
21 confusion by counsel, and perhaps yourself,
22 Mr. Hervas, relative to the rules that were adopted
23 for the large hearings. The rules that were adopted
24 in Section 7 provide that visual presentations by the

1 petitioner, interested parties, and the public must
2 be made available to both members of the Plan
3 Commission and to the public. In order to ensure
4 that the presentation materials are available to the
5 public, individuals must submit all presentation
6 materials and post exhibits five to 14 days in
7 advance of the Plan Commission meeting in which such
8 materials are expected to be presented. That allows
9 all materials to be posted with the agenda on the
10 Village's website.

08:12

08:12

11 In that, to the extent Mr. Gruen was
12 testifying tonight relative to a presentation slide
13 that was a part of his original presentation, we did
14 provide that to everyone, counsel and the Village and
15 the public, in accordance with the rules on Friday.

08:13

16 This is rebuttal testimony. To the
17 extent Mr. Gruen testified this evening, he
18 referenced his original report, which is a part of
19 this proceeding already as part of Haymarket's
20 application. To the extent he rebutted any of
21 Ms. Ketchum's information, he specifically allowed
22 counsel to know what slide he was referring to so
23 that they could pull that slide and verify what he
24 was saying. There's nothing in Mr. Gruen's testimony

08:13

1 this evening that is any surprise to anyone.

2 And relative to the Fire Protection
3 District's ordinance, which increased the fees from
4 2,600 to over \$5,000 as of April of this year, that
5 fee ordinance has been submitted and there should be 08:14
6 no surprise to anyone, because that's -- that slide
7 was -- or that ordinance was submitted at least as
8 early as Friday.

9 So there's nothing here that
10 would -- this is rebuttal. There's nothing that 08:14
11 Mr. Gruen said other than to say where he had issues
12 with the analysis that was undertaken by Ms. Ketchum.

13 MR. DI NOLFO: Mr. Hervas, as to the Fire
14 Protection District's objections, there was no
15 testimony to rebut. The submission of an exhibit 08:14
16 with no testimony to back it up doesn't allow
17 somebody then to come in and opine. What he did do,
18 he had new opinions now based on that exhibit, which
19 is contrary to the agreement we had in place that all
20 opinions and reports would be exchanged 14 days 08:14
21 prior.

22 So to the extent that he is
23 commenting about ordinances, that's not rebutting
24 anything. Rebuttal is that somebody's testified or

1 there was evidence that is contrary to somebody
2 else's. There's been no testimony. Therefore, there
3 is nothing to rebut, and he went beyond the scope of
4 what rebuttal is. Further, I think he shared a
5 number of new opinions that weren't disclosed and I'm 08:15
6 not talking about the rules that were public on the
7 website. This is an agreement that counsel had
8 amongst themselves to avoid a trial by ambush, which
9 is what we are experiencing right now. So I do stand
10 by my objection, and I would move to strike that 08:15
11 information.

12 MR. ELLENBECKER: I would just add,
13 Mr. Hervas, that with all due respect to Ms. Dickson,
14 I don't think she can predict what I'm surprised
15 with. The fact that it's rebuttal is not a defense 08:15
16 to not disclosing opinions. Rebuttal is, by
17 definition, opinion testimony because he's rebutting
18 an expert witness in the form of Ms. Ketchum. If he
19 simply relied on his old report, that's not rebuttal
20 either, that's regurgitation. And on that basis, it 08:15
21 should also be stricken.

22 MR. HERVAS: The issue with respect to the
23 objection relates to unfair surprise or, you know,
24 inability to respond appropriately with respect to

1 the expert's opinions that he's given. I find, and
2 based on the testimony that was given, that the
3 rebuttal was appropriate and that I'm going to
4 overrule the objection.

5 MR. ELLENBECKER: Okay. Mr. Chairman, may I 08:16
6 proceed?

7 CHAIRMAN DALY: Yes, please.

8 CROSS-EXAMINATION

9 BY MR. ELLENBECKER:

10 Q. Mr. Gruen, briefly, with regard to your 08:16
11 testimony and your preparation of the rebuttal
12 statement you just read, you're still being
13 compensated by Haymarket; true?

14 A. Yes.

15 Q. You mentioned the Polaris report on 08:16
16 multiple occasions. Did you rely -- as it related to
17 fire or emergency response calls and the financial
18 impact of that, did you rely exclusively on the
19 Polaris report?

20 A. Yes. 08:17

21 Q. Were you at all or ever provided the
22 Fitch report?

23 A. Yes.

24 Q. You would agree you don't have the

1 expertise in emergency medical response to formulate
2 or conduct your own assessment of the impact on
3 emergency medical response units; correct?

4 A. Yes.

5 Q. With regard to your testimony -- well, 08:17:
6 strike that. You testified that one of the bases for
7 your testimony here tonight was that it's your
8 understanding that there are different types of
9 patients and different types of services being
10 offered at Haymarket's West Loop as opposed to what 08:17:
11 would be offered in Itasca; is that right?

12 A. Yes.

13 Q. Which services are different, sir?

14 A. I would have to refer back to the
15 transcripts that Dr. Lustig testified about to be 08:17:
16 more specific than what I said earlier. One example,
17 is the -- as I mentioned, was there won't be services
18 provided to women with children here at the -- at
19 DuPage, but it is provided in Chicago.

20 Q. And you anticipated my next question. 08:18:

21 Other than women and children, are you aware of any
22 other different demographic or patient type that the
23 Loop facility serves or services and Itasca won't?

24 A. Again, I think it would be best if -- the

1 Haymarket representatives who already testified on
2 this, they would be in the best position to describe
3 the differences. But I understand that they would be
4 patients, for example, with -- in Chicago have much
5 more severe mental health issues than those expected 08:18
6 to be here. But, again, I'm just -- the details of
7 how they vary would be best answered by the people
8 who serve the different population bases.

9 Q. Did you do any sort of assessment to
10 determine what type of patient or service yields the 08:19
11 highest number of EMS calls and fire calls in the
12 West Loop?

13 A. No.

14 Q. And without that assessment, you don't
15 know whether the different patients or services would 08:19
16 amount to more or less calls in Itasca; correct?

17 A. I relied on the Polaris reports and the
18 transcripts that indicated there's a difference in
19 client makeup between the two facilities. I did not
20 do any analysis of how they vary. 08:19

21 Q. If the Polaris report is wrong, do you
22 agree that that aspect of your report is wrong?

23 A. No.

24 Q. Okay. Would you agree that if the

1 Polaris report is wrong, any aspect of your report
2 relying on the Polaris report should be removed?

3 A. I was -- the analytical approach we did
4 and presented is valid. If -- if, as I indicated
5 today, a different set of calls is true, that under 08:20
6 our approach there would be a different result but
7 the analytical approach is still valid. And in both
8 cases of Polaris and the Fitch report, they
9 acknowledged, as I understand it, that the fire
10 district has sufficient capacity to serve Haymarket 08:20
11 without adding equipment or staff and the -- one
12 primary difference is the Fitch report did not take
13 into consideration the contractual arrangements I
14 understand Haymarket's made to provide private
15 ambulance service for the basic calls, and so they 08:21
16 have different -- different call volume estimates.

17 But I have -- our approach still
18 stands and both of them say that there's adequate
19 capacity. So I don't necessarily think that if the
20 Haymarket -- if the Polaris report is wrong, that our 08:21
21 whole report's wrong.

22 Q. You mentioned James Baldwin on page 11 of
23 your report. Did you ever work up the financial, I
24 guess, calculations of the financial impact on Itasca

1 fire, EMS, if -- Mr. Baldwin's recognition in his
2 testimony that there could be up to 1500 lines of
3 calls to EMS and fire out of the Chicago West Loop
4 facility? Did you --

5 MS. DICKSON: Mr. Hervas -- I'm sorry, 08:22
6 Mr. Ellenbecker, continue.

7 MR. ELLENBECKER: I was done.

8 MS. DICKSON: I'm sorry, I didn't mean to
9 speak over you. I want to -- I want to object,
10 because that does go outside the scope of the 08:22
11 rebuttal to refer to Mr. Baldwin's testimony. To the
12 extent you want to provide some latitude, I don't
13 mind that, but we did talk specifically this
14 afternoon about the whole how far we're going to go
15 on a rebuttal question. I think that there -- to 08:22
16 refer back to information that wasn't provided this
17 evening in rebuttal isn't appropriate.

18 MR. HERVAS: Any --

19 MR. ELLENBECKER: In response to that, 08:22
20 Mr. Hervas, they repeatedly referred to Polaris.
21 There was considerable testimony today about fire
22 impact or fire numbers. There were references to his
23 report, which also addressed it. I'm merely pointing
24 out the fact that he reiterated numbers that didn't

1 include testimony from Haymarket people themselves.

2 MR. HERVAS: Yeah, the objection is going to
3 be overruled. It's clearly germane to the topic of
4 what was discussed in the rebuttal, and if the
5 witness is able to answer, he should do so.

08:23

6 MS. DICKSON: Do you need the question
7 re-read?

8 BY THE WITNESS:

9 A. If the question's referring to testimony
10 by Mr. Baldwin, I don't recall -- I apologize, I
11 don't recall reading the testimony. What I relied on
12 Mr. Baldwin was that he, as I recall, obtained the
13 financial information that we used to do the
14 analysis. I don't recall reading the transcript. I
15 know I didn't attend his testimony.

08:23

08:23

16 BY MR. ELLENBECKER:

17 Q. Okay.

18 A. So I'm just not a position to answer the
19 question. I apologize.

20 Q. All right. Did you survey any business
21 owners in and around 860 West Irving Park Road to
22 assess the impact that they thought would be imposed
23 on a non-commercial tax exempt use for the property?

08:23

24 A. No.

1 Q. Did you do any sort of study to determine
2 how much money current Haymarket employees in the
3 West Loop spend on a daily basis?

4 A. In the Haymarket Chicago in the West
5 Loop? No.

6 Q. You're not a zoning expert; correct?

7 A. I don't -- for this purpose, I would say
8 no.

9 MR. ELLENBECKER: That's all I have. Thank
10 you.

11 CHAIRMAN DALY: Thank you, Mr. Ellenbecker.
12 Mr. DiNolfo, would you have any cross-examination for
13 the witness?

14 CROSS-EXAMINATION

15 BY MR. DI NOLFO:

16 Q. Mr. Ellenbecker covered most of my
17 questions, but you mentioned tonight the ambulance
18 fee ordinance that was marked as an exhibit at one
19 point. You did not do a study to determine how that
20 number was studied, did you?

21 A. Referring to the new fee? That number?

22 Q. Yes, sir?

23 A. No.

24 Q. And I assume you didn't do a study to see

1 the collection rate by the Itasca Fire Protection
2 District from insurance companies or other payment
3 sources?

4 A. Correct.

5 Q. Okay. And you don't know for those who 08:25
6 do make payments, what percentage of the fee amount
7 is paid?

8 A. No, that's why we relied on the \$329
9 estimate in the 2018 report for doing the
10 calculations. 08:25

11 Q. And when you used the \$329 estimate, does
12 that number take into consideration the daily
13 staffing requirements and the salaries associated
14 with those staffing requirements for the collective
15 bargaining agreement? 08:25

16 A. It takes into account the -- it was
17 simply the amount of revenue received divided by the
18 number of calls to get the average service fee per
19 call. That's all it does.

20 Q. All right. So the answer to my question, 08:26
21 then, is it does not take into account daily staffing
22 or the salaries associated with that daily staffing
23 per the collective bargaining agreement?

24 A. It's not relevant to estimating the

1 average fee revenue collected. We could -- all we
2 had to do is take the revenue shown in the
3 five districts' reports and divide it by the number
4 of calls. We weren't trying to do anything fancy
5 otherwise.

08:26

6 Q. Okay.

7 MR. DI NOLFO: Okay. Thank you. That's all I
8 have.

9 CHAIRMAN DALY: Thank you, Mr. DiNolfo.

10 Ms. Smith, do you have any cross?

08:26

11 MS. SMITH: Just a few questions.

12 CROSS-EXAMINATION

13 BY MS. SMITH:

14 Q. You testified that you received
15 information that the school district -- the school
16 district's services will not be used as a result of
17 Haymarket's operations. What information did you
18 receive?

08:26

19 A. Yeah, information that's from the
20 representatives of Haymarket that they would not be
21 accepting clients with school-aged children that
22 would be attending schools. And that was also
23 referenced, I believe, in one of the past transcripts
24 but originally just from them.

08:26

1 Q. Did you review the transcript of
2 Superintendent Craig Benes?

3 A. I -- I reviewed -- I believe I reviewed
4 sections of it. I can't recall if I reviewed the
5 entire testimony. 08:27

6 Q. Well, if you reviewed any of it, you
7 would agree that he testified there are several
8 different bases on which Haymarket will establish
9 residency or other bases for students to attend or
10 otherwise use services of the local school district;
11 correct? 08:28

12 A. I understand that in the history -- since
13 the Haymarket Chicago was brought up, I'll mention
14 that I understand from Haymarket that in the history
15 of Haymarket Chicago, not a single client has
16 accessed those programs in the -- as a result of
17 being a patient of Haymarket Chicago. So, again, I
18 understand from the testimony that there are -- 08:28

19 Q. I'm going to -- excuse me. I know this
20 isn't a formal proceeding, but that was entirely
21 unresponsive. I asked about your review of Craig
22 Benes' testimony, which was -- I asked if you would
23 agree with his statements in which Haymarket will
24 establish residency and entitlement to attend the 08:28

1 local school district; correct?

2 A. I --

3 MS. DICKSON: Stop just a moment. One, I have
4 to say, Ms. Smith, for some reason your -- your audio
5 is being clipped out. But I do want to -- my
6 understanding of Superintendent Benes' testimony
7 differs from yours, because I don't think he said
8 "will." I think he said "may."

9 MS. SMITH: I asked a question to the --

10 MS. DICKSON: But you're -- I think you're
11 misstating Mr. Benes' testimony.

12 MS. SMITH: Are you objecting to my question
13 or are you testifying?

14 MS. DICKSON: I will object to your question,
15 because I think it misstates Mr. Benes' testimony.

16 MR. HERVAS: Well, the pending objection was
17 Ms. Smith's objection to the answer. Okay? So now
18 we have an objection to a comment by Ms. Smith.

19 So what we're going to do is we're
20 going to start with the objection that was made by
21 Ms. Smith as it being nonresponsive. And I'm going
22 to sustain that objection. It was nonresponsive, and
23 so I don't know if there's anything left to rule on.

24 Let's --

1 MR. GRUEN: Well, could you -- first of all,
2 it's been extraordinarily difficult to hear your
3 question, and so perhaps I misheard it. Would you
4 mind repeating it and I'll do my best to answer it?

5 MS. SMITH: If everyone will give me just a 08:30
6 moment, I'll change my audio source to see if I can
7 use a different speaker and if that helps.

8 (Brief recess taken.)

9 CHAIRMAN DALY: Ms. Smith, please proceed. Go
10 off mute. We hear you very clearly here in Village 08:30
11 hall, and I hope that the Haymarket team can also
12 hear you clearly.

13 MS. SMITH: Okay. I am -- I switched to a
14 different speaker.

15 MR. GRUEN: Much better. 08:30

16 MS. DICKSON: Much better.

17 MS. SMITH: Okay.

18 BY MS. SMITH:

19 Q. Okay. So my question was whether your --
20 well, just to backtrack so that we're on the same 08:30
21 page, I'd asked if you had reviewed Superintendent
22 Benes' testimony and you said you reviewed portions
23 of it. So then I asked whether you agree that he
24 testified that there would be several different bases

1 for -- that Haymarket would establish residency for
2 students to use school district -- local school
3 district services. Is that your understanding?

4 A. I would -- I would say that I understand
5 and I may -- I'm trying to be as accurate as I can in 08:31
6 recollection, that he did testify about ways in which
7 Haymarket patients could access services provided by
8 the school district, including individuals, I believe
9 it was, from 18 to 22, that if they were getting
10 service from Haymarket could also access school 08:31
11 services. Is that --

12 Q. That was one basis. So would you agree
13 that conflicts with your statement in your testimony
14 tonight? And I'm asking what is your basis for
15 disputing Craig Benes' testimony? 08:32

16 A. My basis is simply that Haymarket's
17 indicated that they would not be having patients who
18 would be -- have children or accessing the school
19 services.

20 Q. Well, in the case that you -- the 08:32
21 specific provision you just cited regarding Craig
22 Benes, he said 18 to 22-year-olds are entitled, in
23 different circumstances, to access school district
24 services. What testimony from Haymarket -- or are

1 you talking about out-of-hearing statements that
2 you're relying on to dispute that?

3 A. You know, I can't recall the -- whether
4 it was in the transcripts or previous information. I
5 would point out my understanding of the testimony was 08:33
6 that there was no specific estimate made that -- of a
7 certain number, you know, of clients who would -- who
8 would access and search out the --

9 Q. Let me interrupt. There's no question
10 pending about the conclusion or the total amount. 08:33

11 I asked a question about what you
12 were relying on to dispute Craig Benes' testimony?

13 A. And I answered it.

14 MS. DICKSON: Okay. Give her a moment --

15 MR. GRUEN: Okay.

16 MS. DICKSON: -- to complete her question.

17 MR. GRUEN: Yeah.

18 MS. SMITH: Okay. So I guess this is another
19 motion to strike, then, as nonresponsive. If that's
20 not disputed, can we strike that and go back to the 08:33
21 question?

22 MR. HERVAS: I -- you know, the problem is is
23 that the question wasn't entirely clear, and I think
24 he was trying to answer it based on what his

1 recollection of the testimony was. So let's just
2 start over.

3 MS. SMITH: Sure.

4 BY MS. SMITH:

5 Q. So you testified that Craig Benes -- you 08:34
6 did recall and understand Superintendent Benes
7 testified 18 to 22-year-olds can access school
8 district services. I'm asking for your basis for
9 disputing that in your rebuttal testimony?

10 A. I'm not sure -- and, again, I really am 08:34
11 trying to be responsive. I'm not disputing what he
12 said or that they don't have the -- the right to
13 petition or whatever the right procedures are to
14 access services. I'm just saying we relied on the
15 understanding from Haymarket that there wouldn't be 08:34
16 services induced by Haymarket. I don't -- I'm sorry,
17 I can't give you any more information than that. I
18 just -- that's all I have.

19 Q. Okay. And the same for any other
20 categories of students? You're just relying on 08:34
21 Haymarket telling you there won't be students and
22 discounting Craig Benes' testimony; is that accurate?

23 A. I'm not discounting his testimony. As I
24 tried to indicate before, there was no estimate of

1 the number -- there was nothing actionable in that
2 testimony. There was no number of students
3 estimated, so in terms of the impacts, I don't have
4 any way of quantifying what that testimony is. He
5 said they had the right to do it. There wasn't any 08:35
6 information, as I recall -- I apologize if I recall
7 incorrectly -- about the number of students that
8 would be induced by Haymarket. It wasn't in the
9 testimony that I reviewed.

10 So I just don't have a basis for -- 08:35
11 I understand that there's legal -- that he testified
12 there are legal options for -- for Haymarket people
13 to access school services. Haymarket told me that
14 there wouldn't be any. I have not -- and neither
15 provided any count of the number of students that 08:36
16 would be impacted. So I just -- I don't have any
17 more -- I couldn't address it any further, other than
18 the testimony, as I recall, also indicated a
19 \$16 million budget. So I would imagine that, given
20 the lack of any indication of the specific number of 08:36
21 students, it would be relatively small compared to
22 16 million. I just don't have any more.

23 Q. But you are -- do you have any expertise
24 in determining or assessing the credibility of

1 Haymarket's assumption or what it's based on with
2 respect to an estimate of enrollment for how many
3 students would -- would be anticipated out of their
4 project?

5 A. I did -- I did no independent research. 08:36
6 I have no -- no analysis to -- I just relied on that
7 and the indication that no one in the Chicago
8 facility's ever done what you're describing in
9 Chicago.

10 MS. SMITH: Okay. No other questions. 08:37

11 CHAIRMAN DALY: Thank you, Ms. Smith, and
12 thank you for changing your audio so it cleared up.

13 At this time, Ms. Dickson, do you
14 have any redirect of your witness?

15 MS. DICKSON: Your honor -- Mr. Chairman, I do 08:37
16 not have any redirect of this witness, and I think
17 that this does conclude -- oh, I'm sorry, does the
18 Plan Commission has any questions? I'm sorry.

19 CHAIRMAN DALY: That's quite okay. I would
20 ask at this time does the Plan Commission have any 08:37
21 questions of Mr. Gruen?

22 At this time, hearing none, I would
23 say, Mr. Gruen, thank you for your time this evening.
24 You are excused.

1 MR. GRUEN: Thank you.

2 CHAIRMAN DALY: You're welcome. At this time,
3 Ms. Dickson, Ms. O'Keefe, how do you wish to proceed?

4 MS. DICKSON: We have -- we were just -- as we
5 do at the conclusion of most of these hearings, we 08:38
6 would just bring to your attention that we did submit
7 Supplemental Exhibit No. 12, which has Exhibits 87
8 through 91, and we would just ask that those be
9 admitted at this time.

10 CHAIRMAN DALY: Consider them admitted. We 08:38
11 are in receipt, I've printed them, and I'm looking at
12 them. So, yes, thank you.

13 MR. DI NOLFO: Mr. Hervas, I have an objection
14 to No. 87 as there's been no testimony to that
15 exhibit, no foundation. Therefore I object to it. 08:38

16 MR. HERVAS: This is a Plan Commission
17 hearing, and so all we really need at this point is
18 some indicia of reliability with respect to
19 Exhibit 87, and I know that it's been admitted. It
20 hasn't been testified to, so I'll let Haymarket 08:38
21 address what Exhibit 87 is, and then let's see if
22 there will be a continuing objection or not.

23 MR. DI NOLFO: I know what it is. I can read
24 what it is. It's not --

1 MR. HERVAS: Hold on. I mean, is there any
2 doubt as to the authenticity of the documentation?

3 These are government-produced documents, and so --

4 MR. DI NOLFO: Sure. I understand they're
5 government-produced, but I assume, since this is a 08:39
6 legal proceeding with some significance, that we have
7 to have some relevance to exhibits. I mean, I can
8 just go FOIA a neighboring town and get some
9 documents and introduce them, but what's the
10 relevance to the matter? There's been no testimony 08:39
11 to tie this document to any relevant for the
12 commission to consider. That's my objection.

13 MR. HERVAS: I will let Haymarket address
14 that, please.

15 MS. O'KEEFE: Thank you, Mr. Hervas. During 08:39
16 the testimony of Chief Burke, there was discussion of
17 two different exhibits. I think they were -- I think
18 they were 66 and 67, that dealt with mutual aid. And
19 one of the documents was summary sheet issued by the
20 office of the State Fire Marshal regarding the mutual 08:40
21 aid numbers given aid received by Itasca, and it was
22 a summary sheet. And so 87 is basically the backup
23 to the summary sheet that was already testified to
24 extensively during our discussions with Chief Burke.

1 So the relevance is it's just basically supplemental
2 information that was obtained by a Freedom of
3 Information Act request to the office of the State
4 Fire Marshal that just basically provides the backup
5 to the numbers on the sheet that we've already
6 introduced into the record.

08:40

7 MR. DI NOLFO: Nobody has testified that
8 Exhibit No. 87 is backup to anything. That's my
9 point, Mr. Hervas.

10 MS. O'KEEFE: Well, the -- as part of
11 Exhibit 87, we've submitted the FOIA request, so you
12 can see the language that ties it directly.

08:40

13 MR. HERVAS: Given that this is a Plan
14 Commission hearing and there's really -- the
15 objection relates to relevancy or application with --
16 but not to authenticity, Haymarket is submitting this
17 documentation for whatever purpose they feel it would
18 serve, as Ms. O'Keefe as described. And unless
19 there's an objection as to this not being a proper
20 document for the -- in terms of authenticity, the
21 objection will be overruled and it should be admitted
22 into evidence.

08:41

08:41

23 (Petitioner's Exhibit No. 12
24 admitted.)

1 MR. DI NOLFO: Okay.

2 CHAIRMAN DALY: Okay. Moving on, Ms. O'Keefe,
3 Ms. Dickson, your plan for next week, June 30th?

4 MS. O'KEEFE: So next week we're going to
5 submit our two final witnesses. The first will be 08:41:
6 Ms. Alyssa Phillips from the Chicago Coalition to the
7 Homeless and then secondly will be Dr. Lustig from
8 Haymarket.

9 CHAIRMAN DALY: Okay. Thank you for that.
10 And then just for housekeeping for the purposes of 08:42:
11 keeping track of what meetings are happening when,
12 our next meeting is, in fact, next Wednesday,
13 June 30th. The following week, I believe the Plan
14 Commission does not have quorum, so there will be no
15 Haymarket hearing on the 7th. The 14th will be the 08:42:
16 next time we meet. Correct, Mo?

17 MR. KHAN: Correct.

18 CHAIRMAN DALY: Okay. And for the 14th, we'll
19 have all the counsels on the call and the Village
20 attorney and whatnot. Assuming we get through 08:42:
21 Ms. Phillips and Dr. Lustig at the next hearing, what
22 is the plan for the July 14th hearing, so those of us
23 and those at home understand where we are in the
24 process?

1 MR. HERVAS: Let me address that for the
2 Chairman. The intention is to begin the public
3 questioning on the 14th, and then the final meeting
4 in July and then the first Wednesday of August. And
5 the parties are working with Village staff to group 08:43
6 the witnesses into logical groups and then inform the
7 public of their opportunity to ask public questions
8 of those panels of people. And so the -- we will be
9 reserving the three meetings after next Wednesday for
10 public questions. 08:43

11 CHAIRMAN DALY: Thank you, Mr. Hervas. And at
12 that time, before then we'll know what the status of
13 the resumption of meeting in person may or may not
14 be. And other than that, I would ask for a motion to
15 continue this hearing until June 30th. Can I please 08:43
16 get a motion.

17 COMMISSIONER HOLMES: So moved.

18 COMMISSIONER CARELLO: Second. Commissioner
19 Carello.

20 CHAIRMAN DALY: We have a motion and a second. 08:44
21 Would the secretary please call the vote.

22 MR. KHAN: Commissioner Carello.

23 COMMISSIONER CARELLO: For.

24 MR. KHAN: Commissioner Drummond.

1 COMMISSIONER DRUMMOND: For.

2 MR. KHAN: Commissioner Holmes.

3 COMMISSIONER HOLMES: For.

4 MR. KHAN: Commissioner Ray.

5 COMMISSIONER RAY: For.

06:59

6 MR. KHAN: Commissioner Russo.

7 COMMISSIONER RUSSO: For.

8 MR. KHAN: Chairman Daly.

9 CHAIRMAN DALY: For. The case is continued
10 until next Wednesday. May I please get a motion to
11 adjourn?

08:44

12 COMMISSIONER HOLMES: So moved.

13 COMMISSIONER CARELLO: Second. Commissioner
14 Carello.

15 CHAIRMAN DALY: Would the secretary please
16 call the vote to adjourn.

17 MR. KHAN: Commissioner Carello.

18 COMMISSIONER CARELLO: For.

19 MR. KHAN: Commissioner Drummond.

20 COMMISSIONER DRUMMOND: For.

06:59

21 MR. KHAN: Commissioner Holmes.

22 COMMISSIONER HOLMES: For.

23 MR. KHAN: Commissioner Ray.

24 COMMISSIONER RAY: For.

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MR. KHAN: Commissioner Russo.

COMMISSIONER RUSSO: For.

MR. KHAN: Chairman Daly.

CHAIRMAN DALY: For. This hearing is now
closed. Thank you, everyone. Have a good evening.

08:44

* * * *

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)

3 I, Lynette J. Neal, CSR No. 84-004363, RPR, do
4 hereby certify that the foregoing Report of
5 Proceedings, Pages 1 through 77, was recorded
6 stenographically by me and computer-transcribed under
7 my personal direction; and that the said Report of
8 Proceedings constitutes a full, true, and correct
9 record of the proceeding as heard via remote video
10 conferencing.

11 I further certify that I am not counsel for
12 nor in any way related to any of the parties to this
13 suit, nor am I in any way, directly or indirectly,
14 interested in the outcome thereof.

15 This certification applies only to those
16 transcripts, original and copies, produced under my
17 direction and control; and I assume no responsibility
18 for the accuracy of any copies which are not so
19 produced.

20 IN WITNESS WHEREOF I have hereunto set my hand
21 this 12th day of July, 2021.



22 _____
23 Certified Shorthand Reporter
24

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\$10.51 31:18	16 68:22	30th 30:23 73:3,13 74:15	99 15:23 16:1
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