

**Deloitte.**

**Public Building  
Commission of Chicago**

Basic Financial Statements as of and for the  
Years Ended December 31, 2008 and 2007,  
and Independent Auditors' Report

# **PUBLIC BUILDING COMMISSION OF CHICAGO**

## **TABLE OF CONTENTS**

---

	<b>Page</b>
INDEPENDENT AUDITORS' REPORT	1
MANAGEMENT'S DISCUSSION AND ANALYSIS	2-5
BASIC FINANCIAL STATEMENTS AS OF AND FOR THE YEARS ENDED DECEMBER 31, 2008 AND 2007:	
Statements of Net Assets	6-7
Statements of Revenues, Expenses, and Changes in Net Assets	8
Statements of Cash Flows	9
Notes to Basic Financial Statements	10-22

## INDEPENDENT AUDITORS' REPORT

Members of the Board of Commissioners of the  
Public Building Commission of Chicago:

We have audited the accompanying basic financial statements of the Public Building Commission of Chicago (the "Commission") as of December 31, 2008 and 2007, and for the years then ended, listed in the foregoing table of contents. These financial statements are the responsibility of the Commission's management. Our responsibility is to express an opinion on these financial statements based on our audits.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes consideration of internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control over financial reporting. Accordingly, we express no such opinion. An audit also includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audits provide a reasonable basis for our opinion.

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Commission as of December 31, 2008 and 2007, and the results of its operations and its cash flows for the years then ended in conformity with accounting principles generally accepted in the United States of America.

The Management's Discussion and Analysis on pages 2 through 5 is not a required part of the basic financial statements, but is supplementary information required by the Governmental Accounting Standards Board. This supplementary information is the responsibility of the Commission's management. We have applied certain limited procedures, which consisted principally of inquiries of management regarding methods of measurement and presentation of the required supplementary information. However, we did not audit such information and we do not express an opinion on it.

*Deloitte & Touche LLP*

August 18, 2009

## **MANAGEMENT'S DISCUSSION AND ANALYSIS**

Management of the Public Building Commission of Chicago (the "Commission") provides the following narrative overview and analysis of the Commission's financial performance during the years ended December 31, 2008, 2007, and 2006. Please read it in conjunction with the Commission's financial statements, which follow this section.

### **INTRODUCTION**

The Management's Discussion and Analysis ("MD&A") is an element of the reporting model adopted by the Governmental Accounting Standards Board.

The Commission's financial statements for the years ended December 31, 2008 and 2007 have been prepared using proprietary fund (enterprise fund) accounting that uses the same basis of accounting as private-sector business enterprises. The financial statements reflect that the Commission is operated under one enterprise fund.

### **OVERVIEW**

The Commission was created in 1956 pursuant to Illinois legislation as an independent governmental unit responsible for building and renovating public buildings and facilities for local government branches and agencies in Chicago and Cook County. The Commission's organizing and client agencies include the City of Chicago, the County of Cook, the Chicago Park District, the Chicago Public Schools, the Metropolitan Water Reclamation District, the Cook County Forest Preserve District, the Chicago Public Library, the Chicago Transit Authority, and the City Colleges of Chicago.

The Commission's operating mission is to deliver high quality capital projects on time, on budget, as specified. The Commission's 11 member Board of Commissioners provides oversight and direction for the Commission's activities from land acquisition through the stages of project planning, design and construction. Additionally, the Commission serves as the owning and operating entity for the Richard J. Daley Center ("Daley Center"). The financial statements address the overall financial position and results of these activities and operations.

### **BASIC FINANCIAL STATEMENTS**

The Commission reports on an economic resources measurement focus and an accrual basis of accounting. Revenue is recognized when earned, which generally occurs as project construction expenses are incurred, and expenses are recognized when incurred. The Commission's basic financial statements include a Statement of Net Assets, a Statement of Revenues, Expenses and Changes in Net Assets, and a Statement of Cash Flows. Notes to the Basic Financial Statements are also included.

The Statement of Net Assets presents information on the assets and liabilities, with the difference reported as total net assets. This statement provides an indication of the assets available to the Commission for project construction, debt service and administrative operation. The Commission anticipates that assets for project development will fluctuate over time based on the capital programs of its client agencies.

Assets for project development are provided to the Commission directly by the client agencies or from Commission-issued long-term revenue bonds, which are supported by lease agreements with client agencies. Funding received and held by the Commission for project development in excess of expenditures is reported as deferred project revenue. The capital assets of the Commission reflect its role as the owning and operating

entity of the Daley Center. The Commission does not capitalize other facilities it builds for client agencies as the ownership of the facilities is transferred back to the client agencies upon completion of the projects or upon expiration of the facility leases between the Commission and client agencies.

The Statement of Revenues, Expenses and Changes in Net Assets reports the operating revenues and expenses and other revenue and expenses of the Commission for the year with the difference reported as the increase or decrease in net assets for the year. This statement provides an indication of the project development expenditures, the Daley Center operating expenses, Commission administrative operating expenses and interest income and expense. Project revenues are recognized to the extent of current project expenditures. Future principal and interest on bonds issued by the Commission are to be covered by future lease rental payments from its client agencies.

The Commission does not have authority to levy and collect taxes and relies on fees for project development services provided to client agencies and fixed lease administrative fees to fund its operations. The Commission is limited to providing its services to only governments and agencies. Therefore the Commission anticipates fluctuations in its operating revenues based on the volume of activity requested by client agencies. The Commission anticipates it will continue to serve a significant role in assisting client agencies in the development of new and enhanced public facilities.

The Statement of Cash Flows reports cash and cash equivalent activity for the year resulting from operating activities, capital and related financing activities, and investing activities.

The Notes to the Basic Financial Statements provide required disclosures and other information that are essential to a full understanding of the financial statements.

## **FINANCIAL INFORMATION**

The assets of the Commission exceeded liabilities by approximately \$73.1 million at December 31, 2008. Of this amount, \$53.9 million is invested in capital assets and \$19.2 million is restricted for use by the Daley Center and for Commission operations. The Commission's total net assets decreased by \$3.3 million for the year ended December 31, 2008 and decreased by \$3.6 million for the year ended December 31, 2007. The decrease in net assets for the year ended December 31, 2008 is attributable, in part, to an increase in operating expenses associated with the program management office, which is assisting in managing the growing development programs of the Commission. Decreasing investment income has also been a factor, as the Commission achieved lower interest rate returns on investments in 2008, similar to general results throughout the investment marketplace.

The assets of the Commission exceeded liabilities by approximately \$76.4 million at December 31, 2007. Of this amount, \$48.9 million is invested in capital assets and \$27.5 million is restricted for use by the Daley Center and for Commission operations. The Commission's total net assets decreased by \$3.6 million for the year ended December 31, 2007 and decreased by \$0.2 million for the year ended December 31, 2006. The decrease in net assets for the year ended December 31, 2007 is attributable, in part, to an increase in operating expenses associated with the program management office, which is assisting in managing the growing development programs of the Commission. Decreasing investment income has also been a factor, as cash balances held in investments have decreased as a result of construction activity, as further described below.

Operating revenues for 2008 and 2007 were \$331.1 million and \$255.8 million, respectively. Operating expenses were \$323.3 million and \$251.4 million, respectively. Both fluctuate based on the volume of construction activity as operating revenue includes project revenue, which is recognized to the extent of current construction costs. Investment income for 2008 and 2007 was \$1.8 million and \$5.7 million, respectively. The decrease is due to lower interest rate performance as realized throughout the investment marketplace.

Operating revenues for 2007 and 2006 were \$255.8 million and \$246.2 million, respectively. Operating expenses were \$251.4 million and \$239.0 million, respectively. Both fluctuate based on the volume of construction activity as operating revenue includes project revenue, which is recognized to the extent of current construction costs. Operating revenue additionally reflects a decrease in other revenue in the form of fees from project development services recognized and stable rental income lessees, which includes amounts collected from lessees, which were used for interest expense. Investment income for 2007 and 2006 was \$5.7 million and \$8.1 million, respectively. The decrease was due to decreases in cash balances held in investments during the year as a result of construction activity. Also, in October 2006, the Commission received a settlement in the amount of \$24.3 million with the United States Gypsum Company (USG) regarding the past, present and future costs of asbestos remediation within the Daley Center. The settlement amount, along with interest earned, was allocated among the tenants of the Daley Center in July 2007. An other expense and payable to related parties of \$23.8 million was recorded in the basic financial statements as of December 31, 2006, for the amounts paid to the tenants other than the Commission.

Operating revenues are projected to continue to increase in 2009, as the Commission maintains its key role in the development of different public capital programs, the largest being the "Modern Schools Across Chicago" program. Under this campaign, the Commission has been charged with the construction of more than 20 new public schools, with Miles Davis Academy opening in 2008 and five more schools, including the new Westinghouse High School, projected for 2009 openings.

The Commission also is working with the Chicago Public Library on its current capital program, with the new Beverly Branch Library reaching completion and opening in 2009, while four other branch libraries will begin construction in 2009 or 2010. During 2008, there was considerable activity in the area of public safety construction, as the Commission completed and opened three firehouses and one new police station in 2008. One additional firehouse and one additional police station were completed and opened in early 2009.

Operating revenue from programs like these, in the form of the Commission's charged administrative fee, continue to be critical to the Commission's operation since resources from bond leases are declining due to retirement of prior bond series.

#### Summary of Condensed Financial Information at December 31, 2008, 2007, and 2006:

	2008	2007	2006
Total assets	\$ 470,793,343	\$ 457,952,989	\$ 529,830,837
Total liabilities	<u>397,686,794</u>	<u>381,506,522</u>	<u>449,826,266</u>
Total net assets	<u>\$ 73,106,549</u>	<u>\$ 76,446,467</u>	<u>\$ 80,004,571</u>
Operating revenues	\$ 331,105,580	\$ 255,821,592	\$ 246,185,713
Operating expenses	323,277,874	251,372,647	239,047,800
Other income (expense)	<u>(11,167,624)</u>	<u>(8,007,049)</u>	<u>(7,352,562)</u>
Change in net assets	<u>\$ (3,339,918)</u>	<u>\$ (3,558,104)</u>	<u>\$ (214,649)</u>

## **Capital Assets**

At December 31, 2008, the Commission's \$53.9 million invested in capital assets is net of accumulated depreciation of \$77.5 million. The Commission had \$131.4 million of gross capital assets, including \$11.7 million in land, \$71.3 million in the Daley Center building, \$40.5 million of building improvements to that structure as well as \$7.9 million of construction in process. During 2008, the Commission had capital additions of \$8.3 million, which consisted of building improvements for the Daley Center. The Commission's 2009 capital budget for the Daley Center authorizes up to \$10.7 million in capital expenditures including \$4.7 million for the final phase of sprinkler installation. A summary of changes in capital assets is included in Note 3 to the financial statements.

At December 31, 2007, the Commission's \$48.9 million invested in capital assets is net of accumulated depreciation of \$74.2 million. The Commission had \$123.1 million of gross capital assets, including \$11.7 million in land, \$71.3 million in the Daley Center building, \$32.8 million of building improvements to that structure as well as \$7.3 million of construction in process. During 2007, the Commission had capital additions of \$2.3 million, which consisted of building improvements for the Daley Center. The Commission's 2008 capital budget for the Daley Center authorizes up to \$9.5 million in capital expenditures including \$6.3 million for the fourth phase of sprinkler installation. A summary of changes in capital assets is included in Note 3 to the financial statements.

## **Long-Term Debt and Capital Leases Receivable**

As of December 31, 2008 and 2007, the Commission had \$251 million and \$265.6 million, respectively, in debt outstanding. No additional long-term debt was incurred by the Commission in 2008. In 2008, the remaining \$1.9 million in Public Building Commission of Chicago Building Revenue Bonds Series 1993B were retired which attributed to the decrease. The remaining decrease is due to debt payments made throughout the year.

As of December 31, 2006, the Commission had \$279.5 million in debt outstanding. The Commission issued \$91.3 million in Public Building Commission of Chicago Building Refunding Revenue Bonds Series 2006 (Chicago Transit Authority) bonds in 2006, which, along with other sources, refunded the Public Building Commission of Chicago Building Refunding Revenue Bonds Series 2003 (Chicago Transit Authority) and reduced by \$23.8 million the amount of bonds outstanding for that purpose. Also in 2006, the remaining \$110.6 million in Public Building Commission of Chicago Building Revenue Bonds Series C of 1999 were retired.

As of December 31, 2008 and 2007, the Commission had \$251 million and \$263.7 million, respectively, in capital leases receivable. The decrease in capital lease receivable is due to the lease payments made in 2008 for the Series 1993A, Series 1998A and Series 2006 leases.

As of December 31, 2006, the Commission had \$277.0 million in capital leases receivable. In 2006, the remaining obligation of \$110.6 million for the capital lease receivable for the Public Building Commission of Chicago Building Revenue Bonds Series C of 1999 was fulfilled.

## **REQUESTS FOR INFORMATION**

This financial report is designed to provide the reader with a general overview of the Commission's finances. Questions concerning any of the information provided in this report, or requests for additional financial information should be addressed to the Director of Finance at Richard J. Daley Center, 50 West Washington, Room 200, Chicago, Illinois 60602.

# PUBLIC BUILDING COMMISSION OF CHICAGO

## STATEMENTS OF NET ASSETS AS OF DECEMBER 31, 2008 AND 2007

	2008	2007
<b>ASSETS</b>		
<b>CURRENT ASSETS:</b>		
Cash and cash equivalents	\$ 5,659,705	\$ 1,866,174
Due from other governments — rent receivables	4,968,275	6,886,840
Due from other agencies — project receivables	55,201,286	43,850,208
Other receivables	836,889	262,119
Other current assets	531,926	176,330
Current portion of capital lease receivable	<u>15,625,000</u>	<u>12,660,000</u>
Total current assets	<u>82,823,081</u>	<u>65,701,671</u>
<b>INVESTMENTS:</b>		
United States Treasury obligations	7,836,870	10,038,820
Money market mutual funds	89,222,465	73,688,128
Federal National Mortgage Association	<u>                    </u>	<u>6,964,523</u>
Total investments	<u>97,059,335</u>	<u>90,691,471</u>
<b>CAPITAL LEASES RECEIVABLE</b>	<u>235,415,000</u>	<u>251,040,000</u>
<b>CAPITAL ASSETS (DALEY CENTER):</b>		
Land	11,667,688	11,667,688
Building	71,276,903	71,276,903
Building improvements	40,524,882	32,837,816
Construction in progress	7,938,981	7,324,799
Accumulated depreciation	<u>(77,509,038)</u>	<u>(74,245,795)</u>
Net capital assets	<u>53,899,416</u>	<u>48,861,411</u>
<b>OTHER ASSETS</b>	<u>1,596,511</u>	<u>1,658,436</u>
<b>TOTAL</b>	<u>\$470,793,343</u>	<u>\$457,952,989</u>

(Continued)

# PUBLIC BUILDING COMMISSION OF CHICAGO

## STATEMENTS OF NET ASSETS AS OF DECEMBER 31, 2008 AND 2007

---

	2008	2007
<b>LIABILITIES AND NET ASSETS</b>		
<b>CURRENT LIABILITIES:</b>		
Accounts payable and accrued expenses	\$ 67,803,946	\$ 41,905,754
Interest payable	2,505,896	2,660,312
Retained on contracts	16,289,132	14,316,225
Deferred rental income	10,019,281	10,495,337
Current portion of deferred project revenue	9,858,782	9,768,481
Current portion of long-term debt	<u>15,968,235</u>	<u>14,913,235</u>
 Total current liabilities	 <u>122,445,272</u>	 <u>94,059,344</u>
<b>NONCURRENT LIABILITIES:</b>		
Long-term debt	243,327,549	259,295,783
Other liabilities	2,106,250	2,255,000
Deferred project revenue	<u>29,807,723</u>	<u>25,896,395</u>
 Total noncurrent liabilities	 <u>275,241,522</u>	 <u>287,447,178</u>
 Total liabilities	 <u>397,686,794</u>	 <u>381,506,522</u>
<b>NET ASSETS:</b>		
Invested in capital assets — net of related debt	53,899,416	48,861,411
Restricted — Daley Center	8,490,011	11,162,245
Restricted — Commission's operations	<u>10,717,122</u>	<u>16,422,811</u>
 Total net assets	 <u>73,106,549</u>	 <u>76,446,467</u>
 <b>TOTAL</b>	 <b><u>\$ 470,793,343</u></b>	 <b><u>\$ 457,952,989</u></b>

See notes to basic financial statements.

(Concluded)

# PUBLIC BUILDING COMMISSION OF CHICAGO

## STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS FOR THE YEARS ENDED DECEMBER 31, 2008 AND 2007

	2008	2007
<b>OPERATING REVENUES:</b>		
Project revenue	\$ 289,563,996	\$ 212,208,185
Rental income — lessees	18,774,075	25,130,524
Rental income — Daley Center	20,797,558	18,200,760
Other revenue	1,969,951	282,123
Total operating revenues	<u>331,105,580</u>	<u>255,821,592</u>
<b>OPERATING EXPENSES:</b>		
Construction costs	290,897,315	220,023,597
Maintenance and operations — Daley Center	18,563,355	15,513,964
Administrative expense	10,553,961	12,791,050
Depreciation expense	3,263,243	3,044,036
Total operating expenses	<u>323,277,874</u>	<u>251,372,647</u>
OPERATING INCOME	<u>7,827,706</u>	<u>4,448,945</u>
<b>OTHER INCOME (EXPENSES):</b>		
Investment income	1,758,869	5,650,895
Other income	193,834	167,749
Interest expense	(13,120,327)	(13,825,693)
Net other expenses	<u>(11,167,624)</u>	<u>(8,007,049)</u>
DECREASE IN NET ASSETS	(3,339,918)	(3,558,104)
NET ASSETS — Beginning of year	<u>76,446,467</u>	<u>80,004,571</u>
NET ASSETS — End of year	<u>\$ 73,106,549</u>	<u>\$ 76,446,467</u>

See notes to basic financial statements.

# PUBLIC BUILDING COMMISSION OF CHICAGO

## STATEMENTS OF CASH FLOWS FOR THE YEARS ENDED DECEMBER 31, 2008 AND 2007

	2008	2007
<b>CASH FLOWS PROVIDED BY (USED IN) OPERATING ACTIVITIES:</b>		
Received for projects	\$ 283,460,978	\$ 154,490,749
Received for lease and rent payments	53,674,142	50,802,703
Payments for project construction and administration	<u>(295,892,425)</u>	<u>(246,922,138)</u>
Net cash flows provided by (used in) operating activities	<u>41,242,695</u>	<u>(41,628,686)</u>
<b>CASH FLOWS USED IN CAPITAL AND RELATED FINANCING ACTIVITIES:</b>		
Payments for capital acquisitions	(4,907,949)	(2,367,911)
Principal paid on revenue bonds	(14,570,000)	(13,900,000)
Interest paid on revenue bonds	<u>(13,556,054)</u>	<u>(13,606,166)</u>
Net cash flows used in financing activities	<u>(33,034,003)</u>	<u>(29,874,077)</u>
<b>CASH FLOWS (USED IN) PROVIDED BY INVESTING ACTIVITIES:</b>		
Change in investments	(6,367,864)	85,806,224
Investment income	1,758,869	5,643,433
Distribution receipt of asbestos settlement		(23,785,082)
Other income	<u>193,834</u>	<u>167,749</u>
Net cash flows (used in) provided by investing activities	<u>(4,415,161)</u>	<u>67,832,324</u>
<b>NET INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS</b>	<b>3,793,531</b>	<b>(3,670,439)</b>
<b>CASH AND CASH EQUIVALENTS — Beginning of year</b>	<b><u>1,866,174</u></b>	<b><u>5,536,613</u></b>
<b>CASH AND CASH EQUIVALENTS — End of year</b>	<b><u>\$ 5,659,705</u></b>	<b><u>\$ 1,866,174</u></b>
<b>RECONCILIATION OF OPERATING INCOME TO CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Operating income	\$ 7,827,706	\$ 4,448,945
Adjustments to reconcile:		
Depreciation	3,263,243	3,044,036
Changes in assets and liabilities:		
Due from other governments	1,918,565	(177,052)
Due from other agencies	(11,351,078)	(31,379,907)
Other receivables	(574,770)	(77,823)
Other current assets	(355,596)	3,444
Capitalized lease receivable	12,660,000	13,300,000
Accounts payable and accrued expenses	22,504,895	4,134,780
Retained on contracts	1,972,907	(2,183,001)
Deferred rental income	(476,056)	(5,651,529)
Deferred project revenue	4,001,629	(26,541,829)
Other liabilities	<u>(148,750)</u>	<u>(548,750)</u>
<b>NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES</b>	<b><u>\$ 41,242,695</u></b>	<b><u>\$ (41,628,686)</u></b>

See notes to basic financial statements.

# **PUBLIC BUILDING COMMISSION OF CHICAGO**

## **NOTES TO BASIC FINANCIAL STATEMENTS**

**AS OF AND FOR THE YEARS ENDED DECEMBER 31, 2008 AND 2007**

---

### **1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**Authorizing Legislation** — The Public Building Commission of Chicago (the “Commission”), Cook County, Illinois, is a municipal corporation and body politic created under the provisions of the Public Building Commission Act of the Illinois Revised Statutes (the “Act”), approved July 5, 1955, as amended. The Commission is authorized and empowered to construct, acquire, or enlarge public improvements, buildings, and facilities to be made available for use by governmental agencies and to issue bonds, which are payable solely from the revenues to be derived from the operation, management, and use of the buildings or other facilities by the Commission or pledged revenues. The Commission has no stockholders or equity holders, and all revenues of the projects shall be paid to the Treasurer of the Commission to be applied in accordance with the provisions of the respective bond resolutions and intergovernmental agreements.

The Act provides authority for the Commission to obtain permanent financing through the issuance of revenue bonds secured by leases with local governments or other users of facilities constructed or acquired by the Commission. The Act also provides authority for the Commission to obtain interim financing by issuing interim notes following the selection of an area or site for a requested project. The Commission has specific authority to accept donations, contributions, capital grants, or gifts.

Pursuant to the Act, the Board of Commissioners has 11 members; six members are appointed by the City of Chicago and one member each is appointed by the following: Cook County, Chicago Board of Education, Chicago Park District, Metropolitan Water Reclamation District of Greater Chicago, and the Cook County Forest Preserve. The Chairman of the Commission is elected from among the members of the board. The Mayor of the City of Chicago currently serves as the Chairman.

The accounting and reporting policies of the Commission conform to accounting principles generally accepted in the United States of America as applicable to governmental units in the United States of America. Following is a description of the more significant of these policies.

**Reporting Entity** — As defined by accounting principles generally accepted in the United States of America established by the Governmental Accounting Standards Board (GASB), the financial reporting entity consists of the primary government, as well as its component units, which are legally separate organizations for which the elected officials of the primary government are financially accountable. The accompanying basic financial statements present only the Commission (the primary government), since the Commission does not have any component units.

**Basis of Presentation** — The Commission applies all GASB pronouncements for the Commission’s proprietary funds, as well as the following pronouncements issued on or before November 30, 1989, unless those pronouncements conflict with or contradict GASB pronouncements: Statements and Interpretations of the Financial Accounting Standards Board, Accounting Principles Board Opinions, and Accounting Research Bulletins of the Committee on Accounting Procedure.

The accounts of the Commission are organized on the basis of fund accounting. A fund is an independent fiscal and accounting entity with a self-balancing set of accounts. The Commission maintains the following fund type:

**Proprietary Fund** — The Commission’s operations are accounted for in a single enterprise fund. Enterprise funds account for those operations financed and operated in a manner similar to private business enterprises. Under this method of accounting, an economic resources measurement focus and the accrual basis of accounting are used. Revenue is recognized when earned, and expenses are recognized when incurred. The basic financial statements include statements of net assets; statements of revenues, expenses, and changes in net assets; and statements of cash flows.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund’s principal ongoing operations. The principal operating revenue of the Commission is funded from bond-financed projects, reimbursement projects, and payments from lessees. Operating expenses include construction costs, maintenance expenses, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

**Cash and Cash Equivalents** — The Commission presents a statement of cash flows, which classifies cash receipts and payments according to whether they stem from operating, capital and related financing, or investing activities. Cash and cash equivalents include cash on hand.

**Investments** — Investments consist of money market (government bonds) mutual funds, United States Treasury obligations and Federal National Mortgage Association securities. Investments with maturity of less than one year are carried at amortized cost plus accrued interest, which approximates fair value. All other investments are carried at fair value. Investments at December 31, 2008 and 2007, consist of \$91,604,442 and \$75,785,653, respectively, restricted for future capital construction and improvements related to Commission projects and for amounts held to cover future debt service principal and interest payments. Other investments at December 31, 2008 and 2007, consist of \$5,454,893 and \$14,905,818, respectively, for use by the Richard J. Daley Center (“Daley Center”) and for Commission operations.

**Capital Leases Receivable** — Capital leases receivable, discounted at the effective interest rate of each bond issue, are reflected as assets. The portion of the lease payments attributable to administrative and other period charges is not capitalized as a lease receivable. The corresponding revenue bonds are reflected as liabilities. The current portion of leases receivable at December 31, 2008 and 2007, is \$15,625,000 and \$12,660,000, respectively.

**Capital Assets (Daley Center)** — The Commission capitalizes assets that it owns and operates with a cost of more than \$1,000 and a useful life greater than one year. Capital assets are recorded at cost. Cost includes major expenditures for improvements and replacements, which extend useful lives or increase capacity and interest cost associated with significant capital additions. Depreciation of capital assets is computed using the straight-line method assuming the following useful lives:

	Years
Building	50
Building improvements	20
Furniture and fixtures	7
Equipment	3–5

The Picasso sculpture that stands on Daley Plaza is artwork that is held for public exhibition and is to be preserved for future generations. The sculpture is not capitalized or depreciated as a part of the Commission's capital assets.

**Other Assets** — Other assets are comprised of costs related to the issuance of the revenue bonds. The costs are held as a deferred asset and amortized over the life of the bond. Amortization is recognized as interest expense.

**Compensated Absences** — All salaried employees of the Commission are granted sick leave with pay at the rate of one working day for each month of service, up to a maximum accumulation of 175 days. In the event of termination, Commission employees are not reimbursed for accumulated sick leave and as such, the Commission does not have an accrual recorded.

All full-time employees of the Commission who have completed one year of service are entitled to vacation leave at varying amounts based on years of service. In the event of termination, an employee is reimbursed for accumulated vacation days up to a maximum accumulation of 40 days. Accrued vacation is included in accounts payable and accrued expenses on the statements of net assets.

**Long-Term Debt** — Long-term debt is recognized as a liability. The amount that is payable within a one-year period is classified as current.

**Project Revenue** — The Commission receives funding for bond-financed projects and reimbursement projects. Project revenue is recognized as the construction costs for the projects are incurred. Amounts received but unspent as of the end of the year are included in deferred project revenue. Fees for project development services are recognized upon completion of a project.

**Rental Income** — Annual lease rental payments are due on or before December 1 of each year. All rental payments received before December 31 that relate to the following year's administrative expenses and debt service are considered deferred rental income at December 31. Rental income is recognized in the year the related administrative expenses and debt service are incurred. Rental income includes amounts pledged under the lease agreements to cover all interest expense payments of the Commission's debt.

**Net Assets** — Net assets invested in capital assets, net of related debt reports the difference between capital assets less both the accumulated depreciation and the outstanding balance of debt, excluding unexpended proceeds, that is directly attributable to the acquisition, construction, or improvement of those assets. Net assets other than those invested in capital assets, net of related debt are considered to be restricted under the enabling legislation that established the limited specific purpose of the Commission.

**Use of Estimates** — The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and the disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

**New Accounting Standards** — GASB Statement No. 49, *Accounting and Financial Reporting for Pollution Remediation Obligations*, addresses accounting and financial reporting standards for pollution (including contamination) remediation obligations, which are obligations to address the current or potential detrimental effects of existing pollution by participating in pollution remediation activities, such as site assessments and cleanups. The requirements of this statement are effective for financial statements for periods beginning after December 15, 2007. The Commission adopted this statement in 2008. The effect of adoption did not have an impact on the basic financial statements for the year ended December 31, 2008.

GASB Statement No. 50, *Pension Disclosures — an amendment of GASB Statements No. 25 and No. 27*, requires defined benefit pension plans and defined contribution plans to disclose in the notes to financial statements the methods and assumptions used to determine the fair value of investments, if the fair value is based on other than quoted market prices. The requirements of this statement are effective for periods beginning after June 15, 2007. The Commission adopted this statement in 2008. The effect of adoption did not have an impact on the basic financial statements for the year ended December 31, 2008.

GASB Statement No. 51, *Accounting and Financial Reporting for Intangible Assets*, requires that all intangible assets not specifically excluded by its scope provisions be classified as capital assets. Accordingly, existing authoritative guidance related to the accounting and financial reporting for capital assets should be applied to these intangible assets, as applicable. The requirements of this statement are effective for financial statements for periods beginning after June 15, 2009. The provisions of this statement generally are required to be applied retroactively. This statement is not expected to have an impact on the Commission's basic financial statements.

GASB Statement No. 53, *Accounting and Financial Reporting for Derivative Instruments*, addresses the recognition, measurement, and disclosure of information regarding derivative instruments entered into by state and local governments. The requirements of this statement are effective for financial statements for periods beginning after June 15, 2009. The Commission has not yet determined the impact of the adoption of this standard on the basic financial statements.

GASB Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, enhances the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. The requirements of this statement are effective for financial statements for periods beginning after June 15, 2010. The Commission has not yet determined the impact of the adoption of this statement on the basic financial statements.

GASB Statement No. 55, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, incorporates the hierarchy of generally accepted accounting principles (GAAP) for state and local governments into the Governmental Accounting Standards Board's (GASB's) authoritative literature. The requirements of this statement are effective upon issuance of the statement, which is March 2009. This statement is not expected to have a material impact on the Commission's basic financial statements.

Summary of Statement No. 56, *Codification of Accounting and Financial Reporting Guidance Contained in the AICPA Statements on Auditing Standards*, incorporates into the GASB's authoritative literature certain accounting and financial reporting guidance presented in the American Institute of Certified Public Accountants' Statements on Auditing Standards. The requirements of this statement are effective upon issuance of the statement, which is March 2009. This statement is not expected to have a material impact on the Commission's basic financial statements.

## **2. CASH AND INVESTMENTS**

As provided by the respective bond resolutions, cash and investments of the construction and revenue funds will be subject to a lien and charge in favor of the bondholders until paid out or transferred. Cash and investments from bond proceeds at December 31, 2008 and 2007, were in custody of the trustees.

Investments are authorized by the Public Funds Investment Act, the bond resolutions, and the Commission's investment policy. The Commission's investments are limited to various instruments by the indentures, restricted to one or more of the following:

- Bonds, notes, certificates of indebtedness, treasury bills, or other securities guaranteed by the full faith and credit of the United States of America as to principal and interest.
- Certain bonds, notes, debentures, or other similar obligations of the United States of America or its agencies.
- Short-term discount obligations issued by the Federal National Mortgage Association.
- Interest-bearing savings accounts, interest-bearing certificates of deposit, interest-bearing time deposits, or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act and which deposits are insured by the Federal Deposit Insurance Corporation.
- Money market mutual funds registered under the Investment Company Act of 1940 (limited to obligations described in (a) and (b) above and to agreements to repurchase such obligations).
- Repurchase agreements to acquire securities through banks or trust companies authorized to do business in the State of Illinois.

The Commission's Investment Policy contains the following stated objectives:

*Safety of Principal* — Investments of the Commission shall be undertaken in a manner that ensures the preservation of capital in the total portfolio.

*Liquidity* — The total portfolio of the Commission shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

*Rate of Return* — The total portfolio of the Commission shall be designed with the objective of attaining the highest rate of return, consistent with the Commission's investment risk constraints identified herein and with prudent investment principles and cash flow needs.

*Benchmark* — An appropriate benchmark shall be established to determine if market yields and performance objectives are being achieved.

*Public Trust* — All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transactions that might impair public confidence in the Commission.

*Local Consideration* — The Commission seeks to promote economic development in the city of Chicago. In accordance with this goal, preference shall be given to any depository institution meeting the requirements defined in this policy, within the city limits whose investment rates are within 0.125% of the rate that could be obtained at an institution outside the city limits. In addition, the Commission shall strongly consider depository institutions that are certified Minority Business Enterprise and Women Business Enterprise institutions.

At December 31, 2008 and 2007, the carrying amounts of the Commission's cash deposits were \$5,659,705 and \$1,866,174, respectively. The Commission's cash bank balances at December 31, 2008 and 2007, totaled \$5,204,481 and \$1,412,781, respectively, of which \$5,204,481 was covered by Federal Deposit Insurance Corporation insurance.

All securities that have scheduled maturities within one year of the balance sheet date are recorded at amortized cost, plus accrued interest, which approximates fair value. All other investments are carried at fair value (see Note 1). The Commission generally holds securities until maturity. An attempt is made within the construction funds to align scheduled maturities with the anticipated construction schedule of the underlying project. However, at times, certain securities are sold by the Commission prior to their scheduled maturities in order to meet construction financing requirements.

	<b>Carrying Amount at December 31, 2008</b>	<b>Maturities Less Than 1 Year</b>
U.S. Treasury obligations	\$ 7,836,870	\$ 7,836,870
Money market mutual funds	<u>89,222,465</u>	<u>89,222,465</u>
<b>Total</b>	<b><u>\$97,059,335</u></b>	<b><u>\$97,059,335</u></b>

**Credit Risk** — As of December 31, 2008, Moody's and S&P rated the Commission's investments in money market mutual funds Aaa and AAAM, respectively.

	<b>Carrying Amount at December 31, 2007</b>	<b>Maturities Less Than 1 Year</b>
U.S. Treasury obligations	\$10,038,820	\$10,038,820
Money market mutual funds	73,688,128	73,688,128
Federal National Mortgage Association	<u>6,964,523</u>	<u>6,964,523</u>
<b>Total</b>	<b><u>\$90,691,471</u></b>	<b><u>\$90,691,471</u></b>

**Credit Risk** — As of December 31, 2007, Moody's and S&P rated the Commission's investments in money market mutual funds Aaa and AAAM, respectively.

**Concentration of Credit Risk** — As of December 31, 2007, the Commission's total investments in the Federal National Mortgage Association were 7.7%. This security was sold subsequent to December 31, 2007, for its approximate fair value recorded at December 31, 2007.

### 3. CAPITAL ASSETS (DALEY CENTER)

A summary of changes in capital assets is as follows:

	Balance December 31, 2007	Additions, Transfers in, and Depreciation	Disposals, Adjustments, and Transfers Out	Balance December 31, 2008
Land	\$ 11,667,688	\$ -	\$ -	\$ 11,667,688
Building	71,276,903			71,276,903
Building improvements	32,837,816	7,687,066		40,524,882
Construction in progress	<u>7,324,799</u>	<u>7,028,433</u>	<u>(6,414,251)</u>	<u>7,938,981</u>
	123,107,206	14,715,499	(6,414,251)	131,408,454
Accumulated depreciation	<u>(74,245,795)</u>	<u>(3,263,243)</u>	<u>                    </u>	<u>(77,509,038)</u>
Total	<u>\$ 48,861,411</u>	<u>\$ 11,452,256</u>	<u>\$ (6,414,251)</u>	<u>\$ 53,899,416</u>

  

	Balance December 31, 2006	Additions, Transfers in, and Depreciation	Disposals, Adjustments, and Transfers Out	Balance December 31, 2007
Land	\$ 11,667,688	\$ -	\$ -	\$ 11,667,688
Building	71,276,903			71,276,903
Building improvements	32,362,214	475,602		32,837,816
Construction in progress	<u>5,432,491</u>	<u>2,367,910</u>	<u>(475,602)</u>	<u>7,324,799</u>
	120,739,296	2,843,512	(475,602)	123,107,206
Accumulated depreciation	<u>(71,201,759)</u>	<u>(3,044,036)</u>	<u>                    </u>	<u>(74,245,795)</u>
Total	<u>\$ 49,537,537</u>	<u>\$ (200,524)</u>	<u>\$ (475,602)</u>	<u>\$ 48,861,411</u>

#### 4. REVENUE BONDS

The summary of long-term debt outstanding as of December 31, 2008, is as follows (in thousands):

	Balance December 31, 2007	Additions	Reductions	Balance December 31, 2008
\$353,095,000 Series 1993A — Board of Education of the City of Chicago Buildings and Facilities — acquiring sites, constructing, and equipping buildings and facilities, 4.20% to 5.75%	\$ 42,960	\$ -	\$ 9,855	\$ 33,105
\$20,830,000 Series 1993B — Chicago Park District Park Sites and Facilities — design and constructing for the restoration of Soldier Field Stadium, 5.50% to 6.95% (taxable)	1,910		1,910	-
\$17,295,000 Series 1998A — Chicago Park District Park Sites and Facilities — building revenue refunding bonds (1993C), 4.15% to 5.375%	17,295		1,015	16,280
\$114,480,000 Series 1999B — Board of Education of the City of Chicago Building and Facilities — building revenue refunding bonds (1993A), 5.00% to 5.25%	114,480			114,480
\$91,340,000 Series 2006 — Chicago Transit Authority — building refunding revenue bonds 4.00% to 5.25%	<u>88,965</u>		<u>1,790</u>	<u>87,175</u>
Total revenue bonds outstanding — December 31, 2008	265,610	<u>\$ -</u>	<u>\$14,570</u>	251,040
Premium	8,599			8,256
Less current portion	<u>(14,913)</u>			<u>(15,968)</u>
Noncurrent portion	<u>\$259,296</u>			<u>\$243,328</u>

The summary of long-term debt outstanding as of December 31, 2007, is as follows (in thousands):

	December 31, 2006	Additions	Reductions	December 31, 2007
\$353,095,000 Series 1993A — Board of Education of the City of Chicago Buildings and Facilities — acquiring sites, constructing, and equipping buildings and facilities, 4.20% to 5.75%	\$ 51,975	\$ -	\$ 9,015	\$ 42,960
\$20,830,000 Series 1993B — Chicago Park District Park Sites and Facilities — design and constructing for the restoration of Soldier Field Stadium, 5.50% to 6.95% (taxable)	4,420		2,510	1,910
\$17,295,000 Series 1998A — Chicago Park District Park Sites and Facilities — building revenue refunding bonds (1993C), 4.15% to 5.375%	17,295			17,295
\$114,480,000 Series 1999B — Board of Education of the City of Chicago Building and Facilities — building revenue refunding bonds (1993A), 5.00% to 5.25%	114,480			114,480
\$91,340,000 Series 2006 — Chicago Transit Authority — building refunding revenue bonds 4.00% to 5.25%	<u>91,340</u>		<u>2,375</u>	<u>88,965</u>
Total revenue bonds outstanding — December 31, 2007	279,510	<u>\$ -</u>	<u>\$13,900</u>	265,610
Premium	8,942			8,599
Less current portion	<u>(14,243)</u>			<u>(14,913)</u>
Noncurrent portion	<u>\$274,209</u>			<u>\$259,296</u>

Gross interest expense for 2008 and 2007 is \$13,401,638 and \$14,112,532, respectively, for debt service payments. Amortization of deferred issuance costs, bond premium, and gain on refunding of bonds of \$281,311 is also included as a reduction of interest expense for 2008 and amortization of deferred issuance costs, bond premium, and gain on refunding of bonds of \$286,839 is also included as a reduction of interest expense for 2007. This results in a net interest expense of \$13,120,327 and \$13,825,693 for 2008 and 2007, respectively.

**Security for Bonds** — As provided by the bond resolutions, the bonds are secured by liens on the revenues derived from leases for the facilities but not by mortgages on the facilities. Under the lease agreements, the lessees are obligated to levy taxes to pay rentals which, together with any other rentals, fees, and charges for use of space in the facilities, will produce revenues at all times sufficient to pay the principal of and the interest on the bonds and maintain the accounts created by the bond resolutions. Title to the properties under such lease agreements will be conveyed to the lessee upon certification by the Secretary and Treasurer of the Commission that all principal, interest, premium, administrative, and other expenses with respect to such revenue bond issue have been paid in full.

Series of	Leases	Annual Rentals Due	
		From	To
1988A	Community College District No. 508 <sup>1</sup>	1988	2007
1990A	Board of Education of the City of Chicago <sup>1</sup>	1990	2019
1990B	Board of Education of the City of Chicago <sup>1</sup>	1990	2014
1993A	Board of Education of the City of Chicago <sup>3</sup>	1993	2018
1993B	Chicago Park District	1997	2007
1996	Community College District No. 508 <sup>2</sup>	1997	2007
1998A	Chicago Park District	1998	2012
1999B	Board of Education of the City of Chicago	1999	2018
2001	Board of Education of the City of Chicago <sup>2</sup>	2001	2015
2001A	Board of Education of the City of Chicago <sup>2</sup>	2002	2018
2003A	Chicago Transit Authority <sup>4</sup>	2004	2023
2006	Chicago Transit Authority	2007	2033

<sup>1</sup> Principal and interest portion of lease has been defeased.

<sup>2</sup> Lease payments have been fully defeased.

<sup>3</sup> A portion of principal and interest has been defeased from the 1999B proceeds.

<sup>4</sup> Principal and interest has been defeased from the 2006 proceeds.

Except for the Series A of 1993 and Series B of 1999, the final bond principal payment is due in the year subsequent to the last rental payment.

During 2008, the remaining balance of \$1,910,000 in Public Building Commission of Chicago Building Revenue Bonds Series 1993B was paid off and the bonds were retired.

**Annual Requirements** — The total of principal and interest due on bonds during the next five years and in subsequent five-year periods as of December 31, 2008, are as follows:

<b>Years Ending</b>	<b>Principal</b>	<b>Interest</b>	<b>Total</b>
2009	\$ 15,625,000	\$ 12,849,057	\$ 28,474,057
2010	5,455,000	12,072,269	17,527,269
2011	28,385,000	11,817,100	40,202,100
2012	18,330,000	10,344,403	28,674,403
2013	19,345,000	9,399,275	28,744,275
2014–2018	99,590,000	32,923,250	132,513,250
2019–2023	16,160,000	15,189,188	31,349,188
2024–2028	20,930,000	10,556,700	31,486,700
2029–2033	<u>27,220,000</u>	<u>4,436,775</u>	<u>31,656,775</u>
<b>Total</b>	<b><u>\$251,040,000</u></b>	<b><u>\$ 119,588,017</u></b>	<b><u>\$ 370,628,017</u></b>

**Defeased Debt** — The Commission has refunded all or a portion of various bonds by depositing U.S. government securities in irrevocable trusts to provide for all future debt service payments on old bonds. As a result, such bonds are considered to be defeased and the liability for these bonds has been removed from the balance sheet. The outstanding balances for refunded bonds as of December 31, 2008 and 2007, are as follows (in thousands):

	<b>Amount Outstanding</b>	
	<b>2008</b>	<b>2007</b>
1988A	\$ -	\$ 31,695
1990A	235,806	239,505
1990B	8,445	9,355
1995A	6,720	7,445
2003	<u>102,370</u>	<u>106,870</u>
<b>Total</b>	<b><u>\$ 353,341</u></b>	<b><u>\$ 394,870</u></b>

**Arbitrage** — In accordance with the Internal Revenue Code of 1986, as amended, the Commission is required to rebate excess investment earnings (as defined) to the federal government. As of December 31, 2008 and 2007, the Commission had estimated it had no liability pursuant to the arbitrage rebate regulations.

## 5. CAPITAL LEASES RECEIVABLE

The summary of capital leases receivable as of December 31, 2008, is as follows (in thousands):

	Balance December 31, 2007	Additions	Reductions	Balance December 31, 2008
\$353,095,000 Series 1993A — Board of Education of the City of Chicago Buildings and Facilities — acquiring sites, constructing, and equipping buildings and facilities	\$ 42,960	\$ -	\$ 9,855	\$ 33,105
\$17,295,000 Series 1998A — Chicago Park District Park Sites and Facilities — building revenue refunding bonds (1993C)	17,295	-	1,015	16,280
\$114,480,000 Series 1999B — Board of Education of the City of Chicago Building and Facilities — building revenue refunding bonds (1993A)	114,480			114,480
\$91,340,000 Series 2006 — Chicago Transit Authority — building Transit Authority — building refunding revenue bonds (2003)	<u>88,965</u>		<u>1,790</u>	<u>87,175</u>
Total capital lease receivable — December 31, 2008	263,700	<u>\$ -</u>	<u>\$12,660</u>	251,040
Less current portion	<u>(12,660)</u>			<u>(15,625)</u>
Noncurrent portion	<u>\$251,040</u>			<u>\$235,415</u>

The summary of capital leases receivable as of December 31, 2007, is as follows (in thousands):

	December 31, 2006	Additions	Reductions	December 31, 2007
\$353,095,000 Series 1993A — Board of Education of the City of Chicago Buildings and Facilities — acquiring sites, constructing, and equipping buildings and facilities	\$ 51,975	\$ -	\$ 9,015	\$ 42,960
\$20,830,000 Series 1993B — Chicago Park District Park Sites and Facilities — design and constructing for the restoration of Soldier Field Stadium	1,910		1,910	-
\$17,295,000 Series 1998A — Chicago Park District Park Sites and Facilities — building revenue refunding bonds (1993C)	17,295			17,295
\$114,480,000 Series 1999B — Board of Education of the City of Chicago Building and Facilities — building revenue refunding bonds (1993A)	114,480			114,480
\$91,340,000 Series 2006 — Chicago Transit Authority — building Transit Authority — building refunding revenue bonds (2003)	<u>91,340</u>		<u>2,375</u>	<u>88,965</u>
Total capital lease receivable — December 31, 2007	277,000	<u>\$ -</u>	<u>\$13,300</u>	263,700
Less current portion	<u>(13,300)</u>			<u>(12,660)</u>
Noncurrent portion	<u>\$263,700</u>			<u>\$251,040</u>

Future Minimum Lease Payment Receivable — The future minimum lease payment receivables as of December 31, 2008, are as follows:

<b>Years Ending</b>	<b>Principal</b>	<b>Interest and Other</b>	<b>Total Rent Payment</b>
2009	\$ 15,625,000	\$ 13,959,905	\$ 29,584,905
2010	5,455,000	12,854,515	18,309,515
2011	28,385,000	12,595,678	40,980,678
2012	18,330,000	11,377,549	29,707,549
2013	19,345,000	10,411,982	29,756,982
2014–2018	99,590,000	36,365,689	135,955,689
2019–2023	16,160,000	14,780,731	30,940,731
2024–2028	20,930,000	10,007,288	30,937,288
2029–2033	<u>27,220,000</u>	<u>3,722,250</u>	<u>30,942,250</u>
<b>Total</b>	<b><u>\$251,040,000</u></b>	<b><u>\$126,075,587</u></b>	<b><u>\$377,115,587</u></b>

The future minimum lease payment receivables as of December 31, 2007, are as follows:

<b>Year(s) Ending</b>	<b>Principal</b>	<b>Interest and Other</b>	<b>Total Rent Payment</b>
2008	\$ 12,660,000	\$ 14,542,124	\$ 27,202,124
2009–2037	<u>251,040,000</u>	<u>126,075,592</u>	<u>377,115,592</u>
<b>Total</b>	<b><u>\$263,700,000</u></b>	<b><u>\$140,617,716</u></b>	<b><u>\$404,317,716</u></b>

## 6. RETIREMENT PLAN

On June 21, 1995, the Board of Commissioners of the Commission approved the adoption of the Public Building Commission of Chicago Retirement Plan (the “Plan”) for Commission employees meeting certain minimum age and service requirements. Amendments to the Plan were approved November 9, 2004, and made effective January 1, 2005. The Plan, as amended, is a defined contribution plan, which requires the Commission to make quarterly contributions to the Plan to equal an annualized amount of 8.75% of participants’ salary. Participants in the Plan vest at a rate of 20% per year after three years, with 100% vesting after seven years from date of hire. Participants must make nonelective contributions, deducted from their compensation, up to 7% based on their annual salary. Certain employees of the Commission are eligible to participate in the City of Chicago Municipal Employee’s pension plan. Those employees are excluded from coverage under the Commission’s Plan.

The amount of covered payroll for those Commission employees participating in the Plan was \$2,771,325 and \$2,459,855, respectively, for the years ended December 31, 2008 and 2007. The contribution requirement of the Commission for the quarter ended December 31, 2008 and 2007, was \$74,853 and \$50,606, respectively. The required contribution for 2008 will be paid in 2009.

The Commission's personnel policy also provides for certain employer-funded, postemployment benefits to be paid to eligible employees of the Commission. The benefits are a defined amount to be paid to employees upon retirement from the Commission. The Commission's payments under the terms of the policy are financed on a pay-as-you-go basis. During 2008 and 2007, the Commission made payments of \$200,664 and \$203,367, respectively. The remaining payments under this policy as of December 31, 2008 and 2007 are estimated at \$341,000 and \$542,000, respectively.

**7. COMMITMENTS**

At December 31, 2008 and 2007, the Commission had commitments for construction contracts and related architects' and consultants' fees of approximately \$383 million and \$243 million, respectively.

**8. LITIGATION**

There are several pending lawsuits in which the Commission is a defendant. The Commission has accrued for all losses it deems probable. Pursuant to the advice of legal counsel, management believes that the ultimate outcome of the remaining claims is not expected to have a material impact on the basic financial statements of the Commission.

\* \* \* \* \*