

Proceedings of the

KANE COUNTY BOARD



KANE COUNTY, ILLINOIS

December 13, 2011

COUNTY BOARD MINUTES – December 13, 2011

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The Adjourned Meeting of the Kane County Board was held at the Kane County Government Center, Geneva, IL 9:53 a.m. on Tuesday December 13, 2011 Chairman, Karen McConnaughay, County Clerk, John Cunningham.

Roll call as follows: PRESENT: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki: ABSENT: 0 PRESENT: 26 ABSENT: 0

PLEDGE OF ALLEGIANCE - led by Michael Kenyon. Chairman McConnaughay said that the Pledge of Allegiance is said before the Forest Preserve meeting that is held right before the County Board meeting but she included it in this Board meeting.

APPROVAL OF MINUTES

Motion by Kenyon; seconded by Vazquez that the minutes of the December 13, 2011 meetings be approved. Motion carried unanimously by voice vote to approve the minutes of the December 13, 2011.

SPEAKERS

Chairman McConnaughay stated that there were many people signed up to speak and that she would adhere to the three minute rule for speakers. There were nine signed up to speak regarding the Youth Detention Services in a combined effort of intergovernmental cooperation of Kane County and DuPage County.

Signed up to speak were Robert Larsen of Wheaton, Bill Hall of West Chicago, Eric Shipman of West Chicago, M. Kim Johnson of Downers Grove, Siobhan Burke of Aurora, Florence Nogai of Wheaton, Richard Nogai of Wheaton, Robert Bowers of Naperville, Dirk Enger of DuPage-County Board member, Sandy Kaczmariski of Elburn, Bradley Bloom of Hinsdale regarding the Youth Detention Center for DuPage County and Kane County.

Bill Hall of West Chicago Police Department, signed up to speak on the closing of the DuPage County Youth Home. He asked the Board to TABLE the vote on this until the law enforcement community had some say in this matter.

Eric Shipman of West Chicago Police Commander speaking on behalf of the Chief of Police. He said that the police of DuPage County were not able to have their voices heard on the DuPage youth home matter. Several others may come before the Kane County Board, not all the liabilities have been thought through completely from the Kane County Board perspective. We teach the youngest of children as police officers and he learned as a young person to call 911. He said in the police world they have joked about it that people call 911 because they know the cops can come. He said people have called for the cats up in the tree, plumbing leaks or the piece of mail that came, they call 911 to help solve their problems. He said that "we" never say no. "We" never turn them down and "we" hope that "our" input is valuable. He asked the County Board to call 911 and let the "polices" voice be heard. Let them (police) say what they have to say in a matter that is critical to Kane and DuPage County.

M. Kim Johnson of Downers Grove was not present to speak.

Siobhan Burke of Aurora was not present to speak.

Florence Nogai of Wheaton, she addressed and thanked the Board to be able to speak on the Youth home merger. She said that she holds a master degree in public administration. She said that it is much easier to have more concentration of knowledge when human beings are involved. There were

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no public hearings but she went to DuPage County meetings and said she heard a lot of conflicting information. When she went for the facts she said there were no documents. She discussed the contract. She wants the Board, if they have to vote today to feel confident that they have all the facts and if not, their vote will reflect that.

Richard Nogai of Wheaton thanked the Board with the opportunity to speak. He follows one of the largest engineering firms in this area and over the last thirty five years the "Company" has performed scores of infrastructure projects in this multicounty area. All the critical factors, first they have studied to determine feasibility, evaluate alternatives, and identify potential impacts. Both positive and negative involving cost of human factors. In this case he said an impact evaluation study has not been performed. Closing of a multimillion dollar facility in DuPage County to transfer DuPage County juvenile offenders to Kane County for incarceration and detention; all this for Kane County to be paid \$110 per day for juvenile. No one really knows since that a third party study has not been performed. He stressed that an impact evaluation study be performed and wanted to know why the rush to judgment.

Robert Bowers, of Naperville, said he has attended some of the meetings at DuPage County regarding the youth center, no studies were done on this. He went to the police department in Naperville and they knew nothing about this. The police wanted to know how they were going to transport youth to Kane County. He said that an impact study needs to be done. No one knows what the cost for DuPage and Kane County were going to be. He said he hears from DuPage County that this is the fiscal thing to do and right thing to do but haven't shown him on paper what the cost is going to be. In the news articles regarding Kane County will be going to other counties to hold there youths and asking for more money on the next contract. No answers have been given. He would like the Board to TABLE this.

Sandy Kaczmarek of Elburn was not present.

Bradley Bloom of DuPage County Chiefs, Police Chief of Hinsdale and President of DuPage Police Chief Association. He understands that this has only been looked at from a cost perspective. "We" as police chiefs and juvenile officers association have never had the opportunity to vet this issue out. "We" do not know what the affect is operationally on the departments and would like to study it further and weigh in on the pros and cons on this issue and would like the Board to TABLE this until studied further.

Dirk Enger, DuPage County Board member, thanked the Board that he represents District 6 of DuPage County and speaking on behalf of Jim Zay (sp), his colleague also of District 6. He said he also sees Bob Larson of District 6 is in present. He said he would not comment on what it will cost the police department since they do not know what it is going to cost them. He said it started out as a great idea and as intergovernmental agreements when you look at the final vote it always weighs on your mind as to how well vetted it is. He said the DuPage County Board final vote was eight to ten. That should send a signal that it is one vote from being a split board. When it started its intentions were sound. Statistics have not been produced and has not gone through the due process. Today everyone had a chance to represent themselves and that is what an intergovernmental agreement does. He would like the Kane County Board to send this back to all areas involved and TABLE this and not pass this off to municipalities for something the State does not fund. He wants to work together and send it back to his county and looks forward to working with the Board to straighten out the language and making it more transparent.

Bob Larson, DuPage County Board member, thanked the Board for the opportunity to speak on this matter. He wanted to come here on behalf of DuPage County. He said that the DuPage Board voted 11-7 not 10-8 to support this. He spent time with the Chief Judge's Offices of DuPage and Kane

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County. He has met with the staff and is impressed with the professionalism with “folks” of Kane County. Chief Judge Brown was a speaker at their meeting. They went through items line by line. Kane County and DuPage County worked together on this. He said the issues have been discussed for over a year. Director of Youth of both counties said this is a win-win for the youth of both counties, win you look at the numbers you will agree. The other side to look at is financial, taxpayers are tired of paying for this...Three options, raise taxes, cut services or find a smarter way to do what the taxpayers have asked “us” to do. We can work together for the best interest of both counties. When you look at the numbers you will agree. He SUPPORTS this.

Lisa Aust said she would address a couple of issues and how it will impact the counties. They can use home monitoring that would be for 8-10 kids are send all their children which would be around 24. They average over 45 a day over the course of a year. Ten years ago it was 65 children a day. Numbers of kids are being detained have decreased. Staffing would not have to increase. When the financial crisis hit in 2008 the juvenile justice cut 4 staff positions currently the board has authorized to increase those position. Still cooperating with DuPage on how many “kids” they are trying to send over as soon as DuPage makes those internal decision. JJC was built the way it was actually designed. It is modular in design so it expands and retracts very easily and smoothly.

Doug Naughton (Court Services) said that the judges over in DuPage(county) to discuss this issue have been partnering with other counties since 1997. He said all they are doing is adding a new partner. Kane County has been partnering with DeKalb and Kendall County for over twenty years. “We” have been with McHenry with at least twelve (12) now we are going to add one more partnership so dealing with the individuals with other counties is something we are used to doing. Kane County has the capacity to assume more children from DuPage. Most people who came into the facility liked it and the programs. DuPage county board made the very difficult and unenviable decision to bring the DuPage children to Kane County.

Chief Judge Spence said the issue the county board is facing is different than what the DuPage County Board was facing. Whether or not it is cost saving to DuPage County has no relevance today, whether it is studied by a consultant has no relevance to Kane County Board. He said this is said with respect. Whether they believe “we” have a quality program is not the issue for today. Criticism that we don’t have a GED program is because the average stay is seven days with the goal to get them back into school. This is really nothing new for Kane County since we have gone through this with other counties-McHenry, DeKalb. Three issues to address, first is liability issue which has been addressed in the agreement, second issue is the space issue, what if we have more than twenty four. He said that we can adjust this easily. Kane has open right now 30-40-empty beds, “we” can fill them and double that amount. The third issue is the revenue issue 30-40 empty beds we can fill them. It is a regional program and may make it five counties instead of four.

Chairman asked for the Chief Judge and staff to stay until after consent agenda is passed and when the Board considers the resolution.

CONSENT AGENDA

Chairman McConnaughay requested items to be considered separately. Items removed from Consent Agenda as follows: #11-384 by Wojnicki; #11-386 and #11-399 by Smith, #11-389 by Van Cleave, #11-396-Lewis, #11-404 by Frasz. Motion by Vazquez seconded by Ford that the Consent Agenda (# 11-376, #11-377, #11-378, #11-379, #11-380, #11-381, #11-382, #11-383, #11-385, #11-387, #11-388, #11-390, #11-391, #11-392, #11-393, #11-394, #11-395, #11-397, #11-398, #11-400, #11-401, #11-402, #11-403, #11-405, #11-406, #11-407, #11-408, #11-409, #11-410, #11-411, #11-412, #11-413, #11-414, #11-415) be adopted.

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###

RESOLUTION #11-376

**PURCHASE OF ONE (1) 2012 FORD F-450 HEAVY DUTY ONE TON TRUCK CHASSIS WITH DUMP BODY AND EQUIPMENT PACKAGES INSTALLED
KANE COUNTY DIVISION OF TRANSPORTATION**

WHEREAS, bids have been solicited and received for the purchase of one (1) 2012 Ford F-450 heavy duty one ton truck chassis with dump body and equipment packages installed for the Kane County Division of Transportation (hereinafter the “equipment”); and

WHEREAS, the low responsible bid for said equipment of \$39,398.00 less trade-in allowance for Truck #22 of \$12,350.00 for a net cost of \$27,048.00 was from Freeway Ford – Sterling Truck Sales, Inc. of Lyons, Illinois.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low responsible bid for the one (1) 2012 Ford F-450 heavy duty one ton truck chassis with dump body and equipment packages installed from Freeway Ford – Sterling Truck Sales, Inc., 8445 45th Street, Lyons, Illinois 60534 be accepted and that the equipment be purchased from Freeway Ford in the amount of Twenty Seven Thousand Forty Eight Dollars (\$27,048.00) which shall be paid from County Highway Fund No. 300, Line Item #70070 (Automotive Equipment) and the Chairman be and hereby is authorized to enter into an agreement for the purchase of said equipment for the above stated amount including the stated trade-in allowance.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
300.520.520.70070	Automotive Equipment	Yes	Yes	

###

RESOLUTION #11-377

**PURCHASE OF TWO (2) 2012 FORD F-350 HEAVY DUTY ONE TON TRUCK CHASSIS WITH DUMP BODY AND EQUIPMENT PACKAGES INSTALLED
KANE COUNTY DIVISION OF TRANSPORTATION**

WHEREAS, bids have been solicited and received for the purchase of two (2) 2012 Ford F-350 heavy duty one ton truck chassis with dump body and equipment packages installed for the Kane County Division of Transportation (hereinafter the “equipment”); and

WHEREAS, the low responsible bid for said equipment of \$81,160 (\$40,580.00 each) less trade-in allowance of \$21,700.00 (Trade-in Allowances: Truck #2 - \$11,350.00 and Truck #26 - \$10,350.00) for a net cost of \$59,460.00 was from Freeway Ford – Sterling Truck Sales, Inc. of Lyons, Illinois.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low responsible bid for the two (2) 2012 Ford F-350 heavy duty one ton truck chassis with dump body and equipment packages installed from Freeway Ford, 8445 West 45th Street, Lyons, Illinois 60534-0286 be accepted and that the equipment be purchased from Freeway Ford – Sterling Truck Sales, Inc. in the amount of Fifty Nine Thousand Four Hundred Sixty Dollars (\$59,460.00) which shall be paid from County Highway Fund No. 300, Line Item #70070 (Automotive Equipment) and the Chairman be and hereby is

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authorized to enter into an agreement for the purchase of said equipment for the above stated amount including the stated trade-in allowances.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
300.520.520.70070	Automotive Equipment	Yes	Yes	

###

RESOLUTION #11-378

**PURCHASE OF TWO (2) 2012 FORD F-250 FORD CAB AND CHASSIS
KANE COUNTY DIVISION OF TRANSPORTATION**

WHEREAS, bids have been solicited and received for two (2) 2012 Ford F-250 Cab and Chassis (hereinafter the “vehicles”) to replace Trucks #31 and #59 for the Kane County Division of Transportation through the Joint Purchasing Program for the State of Illinois; and

WHEREAS, Morrow Brothers Ford Inc. of Rural Route 2, Greenfield, Illinois 62044 was the low bidder for the vehicles with the amount of \$44,720.00 (\$22,360 each).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bid for said vehicles from Morrow Brothers Ford Inc., Greenfield, Illinois 62044 in the amount of Forty Four Thousand Seven Hundred Twenty Dollars (\$44,720.00) be accepted and that the County of Kane purchase said vehicles from Morrow Brothers Ford Inc.; payment therefor to be made from the County Highway Fund #300, Line Item #70070 (Automotive Equipment).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
300.520.520.70070	Automotive Equipment	Yes	Yes	

###

RESOLUTION #11-379

**PURCHASE OF THREE (3) 2012 FORD F-350 FORD CREW CAB PICK-UP TRUCKS
KANE COUNTY DIVISION OF TRANSPORTATION**

WHEREAS, bids have been solicited and received for three (3) 2012 Ford F-350 Crew Cab Pick-Up Trucks (hereinafter the “vehicles”) to replace Trucks #27, 28, and 29 of the Kane County Division of Transportation through the Joint Purchasing Program for the State of Illinois; and

WHEREAS, Morrow Brothers Ford Inc. of Rural Route 2, Greenfield, Illinois 62044 was the low bidder for the vehicles with the total amount of \$68,115.00 (\$22,705.00 each).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the low bid for said vehicles from Morrow Brothers Ford Inc., Greenfield, Illinois 62044 in the amount of Sixty Eight Thousand One Hundred Fifteen Dollars (\$68,115.00) be accepted and that the County of Kane purchase said vehicles from Morrow Brothers Ford Inc.; payment therefor to be made from the County Highway Fund #300, Line Item #70070 (Automotive Equipment).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?

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300.520.520.70070	Automotive Equipment	Yes	Yes	
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**RESOLUTION #11-380
AUTHORIZATION TO GRANT AN ELECTRIC TRANSMISSION & FIBER EASEMENT
WITH THE CITY OF GENEVA**

WHEREAS, Kane County (the "County") owns the parcel identified as PIN 12-14-101-003, which formerly housed the old Youth Home on Fabyan Parkway; and

WHEREAS, the City of Geneva (the "City") has requested a ten foot easement immediately off the Fabyan Parkway Right of Way for an electric transmission & fiber optic easement; and

WHEREAS, it is in the best interest of the County and the City that said easement is granted.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an electric transmission & fiber optic easement for parcel 12-14-101-003, a copy of which is on file with the County Clerk's Office.

###

**RESOLUTION #11-381
FY12 CONTRACT EXTENSION WITH WM CURBSIDE, LLC
FOR HOUSEHOLD HAZARDOUS WASTE SERVICES**

WHEREAS, the Kane County Solid Waste Management Plan, adopted by the Kane County Board in 1992, and most recently updated in 2009, recommends that the County develop programs to divert household hazardous wastes (HHW) from the landfills; and

WHEREAS, the County has a current contract with Curbside (per Resolution # 09-69) to provide more convenient service for proper handling of HHW to residents of Burlington, Dundee, Elgin, Hampshire, Rutland, and Plato Townships; and

WHEREAS, Curbside has provided satisfactory service to residents of the City of Elgin since June 1999 and to County residents since 2000 and the current contract "may be extended upon mutual consent"; and

WHEREAS, the 2012 budget for the Enterprise Surcharge Fund (650) includes \$45,000 funding for HHW programs, on top of which the Village of Carpentersville contributes \$9,000/yr and South Elgin contributes \$7,000/yr towards this program; and

WHEREAS, the Department of Facilities, Development, and Environmental Resources, in cooperation with the Purchasing Department, have reviewed this contract and recommend its extension for a period of 12 months.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman is hereby authorized to extend the contract with WM Curbside, LLC to continue to provide household hazardous waste services for FY 2012 to residents of the said northern six Townships, invoiced on a

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per use basis, in an amount not to exceed Thirty Thousand Dollars (\$30,000). A copy of said contract shall be kept on file with the Kane County Auditor.

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
650-670-670-50150	Contracts and Consulting	Yes	Yes	

###

RESOLUTION #11-382

**FY12 CONTRACT WITH SIMS RECYCLING SOLUTIONS, INC.
FOR ELECTRONICS RECYCLING SERVICES**

WHEREAS, the Kane County Solid Waste Management Plan, adopted by the Kane County Board in 1992, and most recently updated in 2009, recommends that the County develop programs to divert used electronic equipment from disposal in landfills; and

WHEREAS, the Illinois Electronic Products Recycling and Reuse Act (Public Act 97-0287), and the amendments expanding the act (SB2106), beginning in January 2012 bans the landfill disposal of 17 categories of used electronics collected; and

WHEREAS, beginning in January 2012, all manufacturers of the new list of electronic products must register with the Illinois EPA and meet an annual recycling goal, and therefore fund the recycling of electronics under the above legislation; and

WHEREAS, the manufacturer’s responsibility creates revenue for the ‘processor’ of the electronic products, and that revenue is, in part, passed on through a contract for electronics recycling to the County as the ‘collector’ of the electronics, on a per pound basis; and

WHEREAS, this opportunity represents a new revenue stream to be directed towards improvement and expansion of Kane County Recycling and Resource Conservation Programs, the revenue amount for which will be determined by the volume of electronics collected at the County’s monthly recycling events; and

WHEREAS, the purchasing department, working with the Department of Facilities, Development, and Environmental Resources, solicited bids for collection of used electronics and Sims Recycling Solutions was determined to be the most responsive bidder and said contract will generate approximately \$80,000 in new revenue for the County.

NOW, THEREFORE, BE IT RESOLVED that the Chairman is authorized to enter a contract with Sims Recycling Solutions, Inc. for electronic equipment recycling for 2012, and two one-year extensions to said contract.

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Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
650-670-000-50150	Contractual Services	revenue based contract	revenue based contract	n/a

###

**RESOLUTION #11-383
REVISION TO INTERGOVERNMENTAL AGREEMENT WITH CITY OF BATAVIA
FOR ELECTRONICS RECYCLING SERVICES**

WHEREAS, the Kane County Solid Waste Management Plan, adopted by the Kane County Board in 1992, and most recently updated in 2009, recommends that the County develop programs to divert used electronic equipment from disposal in landfills; and

WHEREAS, beginning in January 2012, the Illinois Electronic Products Recycling and Reuse Act (Public Act 97-0287), and the amendments expanding the act (SB2106) bans the landfill disposal of 17 categories of used electronics collected; and

WHEREAS, on May 20, 2011, Kane County passed resolution #11-114 authorizing an intergovernmental agreement with the City of Batavia for electronics recycling services, part of which specifies that revenues from said services are to be collected from the electronics recycling contractor by Kane County and distributed to the City of Batavia; and

WHEREAS, starting in FY 2012 Kane County will have a new agreement for electronics recycling which includes conducting used electronics recycling collections at Kane County’s monthly collection program as well as the City of Batavia’s permanent collection location ; and:

WHEREAS, due to said Public Act and amendment which expands the list of items qualified for collection, the revenue structure for electronics recycling is changing and Kane County expects to incur a small amount of staff time to administer revenue distribution associated with the Intergovernmental Agreement with the City of Batavia.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is authorized to execute the attached, revised Intergovernmental Agreement with the City of Batavia for electronic recycling services.

###

**RESOLUTION #11-385
AUTHORIZING AN AGREEMENT FOR AN ELECTRIC UTILITY (AGGREGATION) CONSULTANT**

WHEREAS, on December 9, 2008 the Kane County Board passed Ordinance No. 08-367 amending Section 2-48 of the Kane County Code, which created the Energy and Environmental Technology Committee which is charged to, among other things, “... have responsibility for all matters pertaining to the Kane County energy plan and other energy related issues and opportunities...”; and

WHEREAS, the Kane County Purchasing Department has solicited and received proposals for an Electric Utility Consultant to assist Kane County in implementing and managing a residential and small commercial electric aggregation program on behalf of, and for the purpose of reducing electric bills for, residents and businesses located in unincorporated Kane County; and

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WHEREAS, BlueStar Energy Services, Inc. was the most responsive consultant based on criteria included in the Request for Proposals issued by the Kane County Purchasing Department; and

WHEREAS, under this contract, consultants' services are to be paid for by an agreement brokered with an electric supply company, with no expense to be paid for by Kane County including in the event that Kane County voters do not approve a referendum to proceed with electric aggregation, or Kane County decides not to pursue an electric aggregation program.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Chairman thereof is authorized to execute an agreement with BlueStar Energy Services, Inc. to assist Kane County with the development and implementation of a Municipal Electric Aggregation Program.

###

RESOLUTION #11-387

ABATING THE TAX HERETOFORE LEVIED FOR THE YEAR 2011 TO PAY THE DEBT SERVICE ON \$7,000,000 GENERAL OBLIGATION BONDS (ALTERNATE REVENUE SOURCES), SERIES 2002 OF THE COUNTY OF KANE, ILLINOIS

WHEREAS, the County Board of the County of Kane, Illinois (the "County") by Ordinance No. 02-256 adopted on August 30, 2002 (the "Ordinance"), did provide for the issue of \$7,000,000 General Obligation Bonds (Alternate Revenue Source), Series 2002 (the "Bonds") and the levy of a direct annual tax sufficient to pay the debt service on the Bonds; and

WHEREAS, the County Treasurer has determined that the Pledged Revenues (as defined in the Ordinance) for the calendar year 2011 provides an amount not less than 1.25 times the debt service on the Bonds up to and including June 1, 2013, pursuant to Section 16 of the Ordinance; and

WHEREAS, the County has sufficient Pledged Revenues (as defined in the Ordinance) on deposit in the Pledged Revenues Account of the Alternate Bond Fund established pursuant to Section 12 of the Ordinance for the purpose of paying the debt service on the Bonds up to and including June 1, 2013; and

WHEREAS, it is necessary and in the best interests of the County that the tax heretofore levied for the year 2011 to pay the debt service on the Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kane, Illinois, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the year 2011 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of the Ordinance. Forthwith upon the adoption of this Ordinance, the County Clerk of the County shall file a certified copy hereof in his office and it shall be the duty of said County Clerk to abate said tax levied for the year 2011 in accordance with provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect herewith upon its passage and approval, without publication or posting or any further act or requirement.

###

COUNTY BOARD MINUTES – December 13, 2011

RESOLUTION #11-388

**ABATING THE TAXES HERETOFORE LEVIED FOR THE YEAR 2011
TO PAY THE DEBT SERVICE ON \$41,895,000 GENERAL OBLIGATION BONDS
(ALTERNATE REVENUE SOURCE), SERIES 2001, \$26,875,000 GENERAL OBLIGATION
REFUNDING BONDS (MFT ALTERNATE REVENUE SOURCE), SERIES 2004, AND \$40,000,000
GENERAL OBLIGATION ALTERNATE BONDS (REGIONAL TRANSPORTATION AUTHORITY
SALES TAX ALTERNATE REVENUE SOURCE), SERIES 2009**

WHEREAS, the County Board of The County of Kane, Illinois (the "County") by Ordinance No. 01-282 adopted in 2001 (the "2001 Ordinance"), did provide for the issuance of \$41,895,000 General Obligation Bonds (Alternate Revenue Source), Series 2001 (the "2001 Bonds"), by Ordinance No. 04-96, adopted by the County Board of the County on March 9, 2004 (the "2004 Ordinance"), did provide for the issuance of \$26,875,000 General Obligation Refunding Bonds (MFT Alternate Revenue Source), Series 2004 (the "2004 Bonds"), and by Ordinance No. 09-393 passed by the County Board of the County on October 13, 2009 and approved by the Chairman of the County Board on October 14, 2009 (the "2009 Ordinance") did provide for the issuance of \$40,000,000 General Obligation Alternate Bond (Regional Transportation Authority Sales Tax Alternate Revenue Source), Series 2009 (the "2009 Bonds") and the levy of direct annual taxes sufficient to pay the debt service on the 2001 Bonds, the 2004 Bonds and the 2009 Bonds; and

WHEREAS, the County Treasurer has determined that the Pledged Revenues (as defined in the 2001 Ordinance and the 2004 Ordinance) for the calendar year 2011 provide an amount equal to the debt service on the 2001 Bonds and the 2004 Bonds up to and including January 1, 2013, pursuant to the 2001 Ordinance and the 2004 Ordinance; and

WHEREAS, the County Treasurer has determined that the Pledged Revenues (as defined in the 2009 Ordinance) for the calendar year 2011 provides an amount equal to the debt service on the 2009 Bonds up to and including December 15, 2012, pursuant to the 2009 Ordinance; and

WHEREAS, the County has sufficient Pledged Revenues on deposit in the Pledged Revenues Accounts of the Alternate Bond Funds established pursuant to the 2001 Ordinance and the 2004 Ordinance for the purpose of paying the debt service on the 2001 Bonds and the 2004 Bonds up to and including January 1, 2013; and

WHEREAS, the County has sufficient Pledged Revenues on deposit in the Pledged Revenues Subaccount of the Principal and Interest Account established pursuant to the 2009 Ordinance for the purpose of paying debt service on the 2009 Bonds up to and including December 15, 2012; and

WHEREAS, it is necessary and in the best interests of the County that the taxes heretofore levied for the year 2011 to pay the debt service on the 2001 Bonds, the 2004 Bonds and the 2009 Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED by the County Board of The County of Kane, Illinois, as follows:

Section 1. Abatement of Tax. The taxes heretofore levied for the year 2011 in the 2001 Ordinance and the 2004 Ordinance are hereby abated in their entirety. The taxes heretofore levied for the year 2011 in the 2009 Ordinance, as previously reduced, are hereby abated for the year 2011 in their entirety.

COUNTY BOARD MINUTES – December 13, 2011

Section 2. Filing of this Ordinance. Forthwith upon the adoption of this Ordinance, the County Clerk of the County shall file a certified copy hereof in his office and it shall be the duty of said County Clerk to abate said taxes levied for the year 2011 in accordance with provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect upon its passage and approval without publication or posting or any further act or requirement.

###

RESOLUTION #11-390

AUTHORIZATION TO REPLACE A PAINTER/LEAD MAINTENANCE WORKER BY THE DEPARTMENT OF BUILDING MANAGEMENT

WHEREAS, the Kane County Board adopted Resolution 08-278, Implementation of County Financial Policies Regarding Personnel Hiring and Replacement; and

WHEREAS, Resolution 08-278 specifically states "A moratorium on the hiring of new County personnel and the replacement of existing or future personnel vacancies is hereby adopted effective upon passage of this Resolution. No new personnel shall be hired unless specifically approved by the County Board"; and

WHEREAS, from May 1 to August 4, 2009, the Department of Building Management has reduced its total headcount from 31 to 27, and requires to hire a painter/lead maintenance worker to fill a position which was vacated on December 2, 2011, to meet the maintenance requirements of this department; and

WHEREAS, the filling of this position has been included in the FY12 budget; and

WHEREAS, as required by Resolution 08-278, the hiring of said painter/lead maintenance worker has been approved by the Administration and Finance Committee; and

WHEREAS, the passage of this resolution does not require a budget amendment for fiscal year 2012.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Department of Building Management is hereby authorized to hire a lead maintenance worker.

###

RESOLUTION #11-391

AMENDING THE FY11 BUDGET, CAPITAL CONSTRUCTION

WHEREAS, with the completion of the construction of traffic court, a housekeeping budget adjustment needs to be completed to account for expenditures which occurred over two fiscal years from two capital budgets, Capital Improvement Bond Construction 510.800.781 (also called the Five Year Capital Fund) the Capital Projects 500.800.805 (also called the Capital Reserve Fund); and

WHEREAS, approval of this resolution does not authorize or allocate any additional expenditures and is an expenditure neutral budget adjustment; and

WHEREAS, adequate capital funds are available in said fund for this budget adjustment.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board the FY 11 budget is amended as follows:

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510.800.000.39900 Cash on Hand -\$1,010,884

510.800.781.50150 Contracts/Consulting -\$ 330,919

510.800.781.72010 Building Improvements -\$ 679,965

500.800.000.39900 Cash on Hand +\$1,010,884

500.800.805.72010 Building Improvements +\$1,010,884

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
510.800.781.50150 510.800.781.72010 500.800.805.72010	Contracts/Consulting Building Improvements Building Improvements	Yes	Yes	Not applicable

###

RESOLUTION #11-392

AUTHORIZING THE CHAIRMAN TO EXPEND FUNDS ASSOCIATED WITH THE ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY (DCEO) GRANT PROGRAM

WHEREAS, the Illinois Department of Commerce and Economic Opportunity, (hereinafter "DCEO") has Build Illinois Bond Funds available through a grant program for the purpose of assisting in the funding of certain eligible capital construction projects within the State of Illinois; and

WHEREAS, on August 10, 2010, the Kane County Board approved Resolution No. 10-237, authorizing the Chairman to execute a grant application to the DCEO for the purposes of obtaining Build Illinois Bond Funds for the Kane County Department of Water Resources to apply for a grant in the amount of \$100,000 for stormwater improvements and flood control for Blackberry Creek; and

WHEREAS, said funds have been secured and agreements executed between Kane County and DCEO; and

WHEREAS, the FY12 Budget did not account for this grant revenue and grant expenditures and needs to be amended to account for these changes; and

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman is here by authorized to enter contracts and expend funds for design, permit, construct and maintain the proposed stormwater improvements and flood control measures within Blackberry Creek, in a total dollar amount not to exceed \$100,000. All contracts shall comply with Kane County purchasing requirements and shall be placed on file with the County Clerk and County Auditor.

BE IT FURTHER RESOLVED that the FY12 Budget it hereby be amended to account for this new revenue and these new and unbudgeted expenditures as follows:

420-670-680-55030 Grant Pass Thru (Expenditures) + \$100,000
420-670-680-33900 Miscellaneous Grant (Revenues) + \$100,000

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Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
420-670-680-55030	Grant Pass-Thru (Expenditures)	NO	NO	GRANT
420-670-000-33900	Misc. Grants (Revenues)	NO	NO	GRANT

###

RESOLUTION #11-393

**AMENDING THE 2011 FISCAL YEAR BUDGET
KANE COUNTY SHERIFF'S OFFICE
(Overtime Reimbursement)**

WHEREAS, the Kane County Sheriff's Office receives reimbursement from agencies requiring special assistance; and

WHEREAS, the Sheriff's Office provided special assistance to Illinois Law Enforcement Alarm System, Drug Enforcement Administration, Federal Emergency Management Agency and Custom Border Patrol; and

WHEREAS, the assistance was paid out of the Sheriff's FY 2011 overtime line item (001.380.380.40200) and was not budgeted in FY 2011; and

WHEREAS, Department of Illinois Law Enforcement Alarm System reimbursed the Sheriff's Office in the amount of \$5,133.00, Drug Enforcement Administration \$2,588.50, Federal Emergency Management \$9,523.23 and Custom Border Patrol \$2,933.99 and was deposited into the Sheriff's revenue line item (001.380.000.37900); and

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that Twenty Thousand One Hundred Seventy Nine dollars (\$20,179.00) be transferred from FY2011 revenue line item 001.380.000.37900 to FY2011 line item 001.380.380.40200.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2011 budget adjustment be made to reflect this transfer:

001.380.000.37900	Miscellaneous Reimbursement	\$20,179
001.380.380.40200	Overtime	\$20,179

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
001.380.380.40200	Overtime	No	No	001.380.000.37900 (Miscellaneous Reimbursement)

###

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RESOLUTION #11-394

**SUPPLEMENTAL BUDGET ADJUSTMENT
KANE COUNTY SHERIFF'S SALARY ADJUSTMENT
ARBITRATION DECISION FY 2011**

WHEREAS, the contract between the Kane County Board, Kane County Sheriff's Office and the Policeman's Benevolent Labor Committee expired on November 30, 2010; and

WHEREAS, the Kane County Board, Kane County Sheriff's Office and the Policeman's Benevolent Labor Committee have been in negotiations utilizing an arbitrator; and

WHEREAS, the arbitrator handed down a final decision and awarded the Policeman's Benevolent Labor Committee with pay increases; and

WHEREAS, such increases were not budgeted in the Sheriff's 2011 budget.

NOW, THEREFORE, BE IT RESOLVED that the Kane County Sheriff salary line item be increased by \$228,517, Corrections be increased by \$33,200, and related IMRF, SLEP, and FICA/SS be increased by \$64,674 and that the additional funding be transferred from the General Fund contingency and Allowance for Adult Board and Care line items.

BE IT FURTHER RESOLVED by the Kane County Board that the following FY2011 budget adjustment be made to reflect this transfer:

001.380.380.40000	Salaries	\$228,517
001.380.382.40000	Salaries	\$33,200
001.800.808.99000	Transfer to Other Funds (IMRF/SLEP)	\$44,653
001.800.808.99000	Transfer to Other Funds (FICA/SS)	\$20,021
001.900.900.85000	Allowance for Budget Expense/Contingency	(\$134,286)
001.900.900.85030	Allowance for Adult Board and Care	(\$192,105)
110.800.000.39000	Transfer From Other Funds	\$44,653
110.800.802.45200	IMRF	\$7,859
110.800.802.45210	SLEP	\$36,794
111.800.000.39000	Transfer From Other Funds	\$20,021
111.800.803.45100	FICA/SS	\$20,021

Line Item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specific line item?	If funds are not currently available in the specified line item, where are the funds available?
Various- see above	Salaries IMRF/SLEP FICA	No	No	001.900.900.85000 (Allowance for Budget Expense/ Contingency) & 001.900.900.85030 (Allowance for Adult Board & Care)

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RESOLUTION #11-395

AMENDMENT OF PERSONNEL POLICY HANDBOOK (HIRING OF INDEPENDENT CONTRACTORS)

WHEREAS, from time to time the Human Services Committees finds it desirable to amend certain policies contained in the Kane County Personnel Policy Handbook, to adopt new policies and to repeal previously enacted policies that may conflict with newly adopted policies; and

WHEREAS, the Human Services Committee desires to adopt a policy that establishes guidelines for the employment of independent contractors.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board the “Hiring of Independent Contractors” policy is adopted as set forth in the attached document and hiring departments are required to complete a detailed questionnaire created the Human Resources Department before any independent contractors may be hired.

HIRING OF INDEPENDENT CONTRACTORS

Independent contractors may be hired for a specific project, to substitute for employees on approved leave, or when the workload exceeds the ability of County staff to accomplish the work on a timely and quality basis. Any individual hired as an independent contractor must have the skills, knowledge and ability to perform the contracted work. Generally, independent contractors should perform less than 600 hours of work for the County in a single calendar year. If the work to be performed by the individual contractor is likely to last more than 600 hours, consideration should be given to hiring the individual as a regular employee.

Just because the County and an individual may agree to a label such as “independent contractor”, it does not mean that a governmental agency such as the Illinois Department of Employment Security, the Illinois Municipal Retirement Fund or the Internal Revenue Service will accept the label. Therefore, any County department or office wishing to classify an individual as an independent contractor must complete a detailed questionnaire answering a series of questions about the individual. These questions are based upon factors considered by various governmental agencies and are intended to determine if the individual is likely to be considered as a true independent contractor, in the event the individual makes a claim for benefits that will require that Kane County make payments on that individual’s behalf.

The questionnaire can be obtained from Human Resources. The completed questionnaire along with a copy of the proposed job description must be returned to Human Resources, which will make the determination, based upon a variety of factors, including the completed questionnaire and the job description, of whether the individual is likely to be deemed an independent contractor or an employee.

If the individual is determined to be an independent contractor, the hiring department or office will be referred to the Finance Department to complete any required forms to have the individual enrolled in the finance system as a vendor. Within five (5) days of hiring the individual, the hiring department or office must send a copy of the retainer agreement to Human Resources for filing, in the event the person files a claim for unemployment or other statutory benefits.

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INDEPENDENT CONTRACTOR QUESTIONNAIRE

	YES	NO
1. Does the hiring department set the individual's assignments, schedule work, set quotas or time requirements?		
2. Does the individual work on County premises?		
3. Does the individual work off County premises?		
4. Is the individual required to comply with instructions provided by the hiring department?		
5. Does the individual control the order or sequence of how the work is performed?		
6. Does the hiring department require the individual to report to a specific location and/or at regular intervals?		
7. Does the individual have regular work hours that are set by the hiring department?		
8. Does the individual have irregular work hours?		
9. Is the individual required to attend regular staff meetings that are set by the hiring department?		
10. Does the hiring department set the individual's wages and/or how much the individual is paid?		
11. Is the individual compensated by the County by the hour, week or month?		
12. Does the individual submit an invoice for services that details the work that was performed and the number of hours spent performing the work?		
13. Is the individual paid only when a project is completed?		
14. Is the individual paid a commission?		
15. Does the hiring department furnish the individual with materials, tools or equipment?		
16. Is the individual required to invest in tools/equipment to perform work?		
17. Does the individual pay his/her own expenses?		
18. Is the individual reimbursed for business or traveling expenses?		
19. Does the individual receive County benefits?		
20. Does the individual have an independently established trade, profession or business?		

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<ol style="list-style-type: none">21. Does the individual have the opportunity to gain a profit or realize a loss?22. Is the individual performing services that are normally performed by an employee?23. Is there a continuing relationship between the individual and the hiring department?24. Does the individual devote full-time efforts to the work performed for the hiring department?25. Is the individual required to submit regular oral or written reports to the hiring department?26. Does the hiring department have a contract with the individual?27. Did the individual provide the contract to the hiring department?28. If the contract was provided by the hiring department, does the individual have the right to negotiate terms with the hiring department?29. Does the hiring department provide the individual with a significant amount (more than a few hours) of training?30. Does the individual work for a variety of companies at the same time?31. Is the individual's services generally available to the public on a regular and consistent basis?32. Does the individual advertise his or her services to the public?33. Does the individual have the right to end the relationship with the hiring department at any time without incurring liability?34. Can the hiring department terminate the work of the individual at any time?35. Is the hiring department responsible for paying for injuries that happen to the individual while he or she is performing work for the hiring department?		
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RESOLUTION #11-397

PARTICIPATION IN APPELLATE PROSECUTOR PROGRAM

WHEREAS, the Office of the States Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the States Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the States Attorneys Appellate Prosecutor, one-third from the States Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have the final authority in preparing, filing, and arguing all appellate briefs and any trial assistance; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget for Fiscal Year 2012, which funds will provide for the continued operation of the Office of the State's Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board, does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor and designates the Office of the State's Attorneys Appellate Prosecutor as its agent to administer the operation of the appellate offices and process said appellate court cases for this County.

BE IT FUTHER RESOLVED that the attorneys employed by the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the Kane County State's Attorney in the appeal of all cases, when requested to do so by the State's Attorney and with the advice and consent of the State's Attorney prepare, file and argue appellate briefs for those cases and, also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act, the Narcotics Profit Forfeiture Act and the Methamphetamine Control and Community Protection Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations, as well as the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist State's Attorneys in the discharge of their duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that the Kane County Board, hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2012, commencing December 1, 2011, and ending November 30, 2012, by hereby appropriating the sum of

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money not to exceed Thirty Thousand Dollars (\$30,000.00) for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the Fiscal Year 2012. Said funds shall be paid as follows: Thirty Thousand Dollars (\$30,000.00) from line item 001.300.300.50150.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately.

###

ORDINANCE #11-398

ORDINANCE AMENDING CHAPTER 8.5 OF THE KANE COUNTY CODE (KANE COUNTY EMERGENCY COMMUNICATIONS BOARD)

WHEREAS, The Illinois Commerce Commission has directed and authorized local units of government to establish and operate Public Safety Answering Points (PSAP); and

WHEREAS, The County of Kane ("Kane County") owns, operates and maintains an emergency communications system for the most efficient provision of emergency services; and

WHEREAS, The Kane County PSAP shall be known as Kane County Emergency Communications ("KaneComm") which is created for the receipt of a request for emergency services; and

WHEREAS, Kane County Emergency Communications has heretofore been commissioned to serve the interests of public safety, provide quality emergency communications services and promote the safe and efficient dispatch of emergency services to the people of Kane County; and

WHEREAS, Kane County previously established a Kane County Emergency Communications Board, depicted by the interim ordinance as hereinafter provided.

NOW THEREFORE, BE IT ORDAINED by the Kane County Board that Chapter 8.5 of the Kane County code be amended as follows:

Chapter 8.5 KANE COUNTY EMERGENCY COMMUNICATIONS BOARD

Sec. 8.5-1. Creation of KaneComm:

The Illinois Commerce Commission has directed and authorized local units of government to establish and operate Public Safety Answering Points ("PSAP"). The Kane County PSAP shall be known as Kane County Emergency Communications ("KaneComm") which is created for the receipt of a request for emergency services; and whereby pertinent information is noted by the recipient of a telephone request for such services, and is relayed to the appropriate public safety agency or other provider of emergency services for dispatch of an emergency service unit so as the proper action may be taken.

Sec. 8.5-2. Membership:

KaneComm shall be governed by a seven (7) member board (the "KaneComm board") comprised of the following:

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- ~~(1) The chairman of the Kane County board, or a member of the county board designated by the chairman;~~
- ~~(2) The sheriff of Kane County, or a member of the sheriff's office designated by the sheriff;~~
- ~~(3) The chairman of the county board judicial and public safety committee;~~
- ~~(4) The executive director of the Kane County department of information technology;~~
- ~~(5) The Kane County 911 director appointed as hereinafter provided;~~
- ~~(6) A member appointed by the chairman of the Kane County board chosen from among the units of government entering into subscriber agreements with the county (the "user member"). The user member shall be either the chief elected official of the subscriber or the head of the public safety agency of such subscriber;~~
- ~~(7) A member of the public appointed by the chairman of the Kane County board;~~
- ~~(8) A nonvoting ex officio police or fire representative. If the user member is a police representative, the nonvoting representative shall be a fire representative. If the user member is a fire representative, the nonvoting representative shall be a police representative. (Ord. 08-254, 8-12-2008; Ord. 10-19, 1-12-2010)~~

Sec. 8.5-2. Board Created:

There is hereby established the Kane County Emergency Communications Board ("KaneComm") with the duties, responsibilities and membership hereafter provided. (Ord. 08-254, 8-12-2008)

Sec. 8.5-3. Membership:

KaneComm shall be governed by an eleven (11) member board (the "KaneComm Board") comprised of the following:

- (1) The Chairman of the Kane County Board, or a member of the County Board designated by the Chairman, who shall also serve as the Chairman of the KaneComm Board;
- (2) The County Board member appointed by the chairman of the Kane County Board, who is the Chairman of the County Board Judicial and Public Safety Committee;
- (3) A County Board member appointed by the chairman of the Kane County Board, who is a resident of the Kane County Emergency Communications service area;
- (4) The Executive Director of the Kane County Department of Information Technology;
- (5) The Executive Director of 911 as appointed as hereinafter provided;
- (6) The sheriff of Kane County, or a member of the sheriff's office designated by the sheriff;

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(7) A police user member as determined by volume of service activity chosen from among the units of government entering into subscriber agreements with the county (the "user member").

(8) A police user member appointed by the Chairman of the Kane County Board chosen from among the units of government entering into subscriber agreements with the county (the "user member").

(9) A fire user member as determined by volume of service activity chosen from among the units of government entering into subscriber agreements with the county (the "user member").

(10) A fire member appointed by the Chairman of the Kane County Board chosen from among the units of government entering into subscriber agreements with the county (the "user member").

(11) A member of the public appointed by the chairman of the Kane County Board, who is a resident of the Kane County Emergency Communications service area;

Sec. 8.5-4. Term of Board; Ex Officio Members; Removal from Office:

~~(a) All appointed members of KaneComm shall serve for a term of four (4) years or until their successors are appointed and qualified, unless otherwise provided in this chapter.~~

~~(b) All members appointed by the Chairman of the County Board may be removed by the Chairman with or without cause.~~

~~(c) All members except the public member shall serve ex officio. (Ord. 08-254, 8-12-2008)~~

Sec. 8.5-4. Term of Board; Ex Officio Members; Removal from Office:

(a) All appointed members of KaneComm shall serve for a term of four (4) years or until their successors are appointed and qualified, unless otherwise provided in this chapter.

(b) All members except the public member shall serve ex officio. (Ord. 08-254, 8-12-2008)

Sec. 8.5-5. Compensation and Expenses:

All members of the KaneComm Board shall serve without compensation but shall be reimbursed for their actual mileage and expenses. Nothing herein shall be construed to preclude or limit any board member from receiving any compensation for any other office. (Ord. 08-254, 8-12-2008)

Sec. 8.5-6. Meetings; Officers:

~~The KaneComm board shall meet at least quarterly. Special meetings may be called by the chairman of the KaneComm board in accordance with the requirements of the open meetings act, or may be scheduled at any regular meeting. All meetings shall be governed by rules to be adopted by the board subject to the approval of the Kane County board. A majority of the members shall constitute a quorum to do business. The board shall elect from among its members a chairman and such other officers as it shall deem proper at its regular meeting in May, except for the initial election of officers which shall take place upon adoption of this chapter and the initial appointment of the board. The secretary of the board may, but need not, be a member of the board. (Ord. 08-254, 8-12-2008)~~

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The KaneComm Board shall meet quarterly. Special meetings may be called by the Chairman of the KaneComm Board or any two user representatives, in accordance with the requirements of the Open Meetings Act, or may be scheduled at any regular meeting. The proceedings of the Board shall be governed by Robert's Rules of Order (current edition) and such other rules as may be adopted by the KaneComm Board or the Kane County Board. A majority of the members shall constitute a quorum to do business. The Executive Director of 911 shall serve as the ex officio Secretary to the KaneComm Board. (Ord. 08-254, 8-12-2008)

Sec. 8.5-7. Special Account Established:

All fees, grants, or revenues related to the operation of the Kane County Emergency Communications System shall be deposited in a special account (the "KaneComm Fund") in the custody of the Kane County Treasurer. All warrants and charges on the KaneComm fund shall be by order of the board and paid by the Treasurer. The special account shall be subject to audit by the County Auditor and shall have an annual audit of its books and records. (Ord. 08-254, 8-12-2008)

Sec. 8.5-8. Annual Budget:

~~The County Board shall determine the annual budget for KaneComm and shall also approve all capital expenditures in excess of fifteen thousand dollars (\$15,000.00). All provisions of the county procurement ordinance shall apply to expenditures by KaneComm. (Ord. 08-254, 8-12-2008)~~

The KaneComm Board shall determine its annual budget subject to the approval of the Kane County Board and the KaneComm Board shall also approve all expenditures in accordance with applicable law and County ordinances. (Ord. 08-254, 8-12-2008)

Sec. 8.5-9. Powers and Duties of the Board:

The board shall have the following powers and duties:

- ~~(1) To set all fees and charges for subscribers;~~
- ~~(2) To recommend to the Kane County board all subscriber agreements with other units of local government who are dispatched through the Kane County 911 center;~~
- ~~(3) To receive all funds provided by this chapter or other provision of law related to the emergency communications system;~~
- ~~(4) To keep and maintain all books and records necessary to the discharge of its duties;~~
- ~~(5) To authorize the 911 director to approve for payment any invoices which have been authorized and approved in the annual KaneComm budget necessary to the operation of the emergency communications system;~~
- ~~(6) To plan for and recommend improvements and upgrades to the county 911 system;~~
- ~~(7) To coordinate and supervise the implementation, upgrading or maintenance of the county 911 system, including the establishment of equipment specifications;~~

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~~(8) To review regular financial and budget reports and expenditures no less than quarterly and to approve, as needed, disbursements from the KaneComm fund;~~

~~(9) To set the guiding vision for PSAP operations, ensure representation of the subscriber community, clarify KaneComm's mission and strategic direction, subject to the final approval of the Kane County board;~~

~~(10) To support the 911 director in setting strategic direction, providing input into operations and promoting accountability for service and results among the user group;~~

~~(11) To carry out such other duties and responsibilities as may be delegated to it from time to time by the Kane County board. (Ord. 08-254, 8-12-2008; Ord. 10-19, 1-12-2010)~~

(1) To adopt the format of all subscriber agreements with other units of local government who are dispatched through KaneComm to be ratified by the Kane County Board;

(2) To approve all subscriber agreements to the fullest extent permitted by applicable law.

(3) To set all fees and charges for subscribers;

(4) To keep and maintain all records necessary to the discharge of its duties;

(5) To receive and administer all funds provided by this chapter or other provision of law related to the emergency communications system, the custody of which is not given to some other officer;

(6) To authorize the Executive Director of 911 to approve for payment any invoices which have been authorized and approved in the annual KaneComm budget necessary to the operation of the emergency communications system;

(7) To plan for and recommend improvements and upgrades to the county 911 system;

(8) To coordinate and supervise the implementation, upgrading or maintenance of the county 911 system, including the establishment of equipment specifications;

(9) To review regular financial and budget reports and expenditures no less than annually and to approve, as needed, disbursements from the KaneComm fund;

(10) To set the guiding vision for PSAP operations, ensure representation of the subscriber community, clarify KaneComm's mission and strategic direction;

(11) To support the Executive Director of 911 in setting strategic direction, providing input into operations and promoting accountability for service and results among the user group;

Sec. 8.5-10. 911 Director:

The sheriff may hire, subject to approval of the KaneComm board, a director (the "911 director") for E-911 operations who shall be the executive director for the KaneComm board. The 911 director may be removed by the sheriff with the concurrence of the KaneComm board. The 911 director shall submit

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~~reports as directed by the sheriff and the KaneComm board on the status of PSAP activities and issues, and shall be responsible for the hiring of all 911 employees. The director shall also submit an annual report on all PSAP operations and the operations of the KaneComm board. Department of information technology personnel assigned to the PSAP shall remain the staff of the information technology department. (Ord. 08-254, 8-12-2008)~~

The Chairman shall appoint with concurrence of a majority of the KaneComm board, a Director (the "Executive Director of 911") for the 911 operation who shall be the Executive Director for the KaneComm Board. The 911 Director shall submit reports as directed by the KaneComm board on the status of PSAP activities and issues, and shall be responsible for the hiring of all 911 employees. The 911 Director shall also submit an annual report on all PSAP operations. Department of Information Technology Personnel assigned to the PSAP shall remain the staff of the Information Technology Department. (Ord. 08-254, 8-12-2008)

Sec. 8.5-11. User Group:

~~The 911 director shall organize a user group, which shall hold regular meetings to assist in providing input into operations, setting direction and promoting accountability of services and results among the subscribers. (Ord. 08-254, 8-12-2008)~~

The 911 Director shall organize a user group, which shall hold regular meetings to assist in providing input into operations, setting direction and promoting accountability of services and results among the subscribers. The user group shall be comprised of the elected or appointed head of the police and/or fire user agency of each subscriber. Any decision impacting more than one user agency as it relates to KaneComm must be presented to the user group for approval prior to implementation. (Ord. 08-254, 8-12-2008)

Sec. 8.6-11. User Members:

Five (5) user members shall be appointed by the County Board Chairman as voting members of the KaneComm Board. Three (3) members shall be representatives of the police discipline. The first shall be the sheriff of Kane County, or a member of the sheriff's office designated by the sheriff. A representative from the police agency utilizing the greatest volume of services shall be appointed to the KaneComm Board. One (1) additional member shall be appointed by the Chairman of the County Board by recommendation of the user group.

Two (2) members shall be representatives of the fire discipline. The one (1) fire user utilizing the greatest volume of services shall be appointed to the KaneComm Board. One (1) additional member shall be appointed by the Chairman of the County Board by recommendation of the user group. (Ord. 08-254, 8-12-2008)

No two user members representing the same community, village or organization shall be permitted to serve concurrently on the KaneComm Board.

Sec. 8.7-12. Definitions:

As used in this chapter:

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Subscriber: A unit of local government that enters into an agreement with the Kane County board for emergency dispatch services.

Subscriber Agreement: An intergovernmental agreement executed between the County of Kane and a unit of local government desiring to utilize the dispatch services of KaneComm that explicitly identifies the terms of the agreement.

User Or User Group: The public safety agency of a subscriber. (Ord. 08-254, 8-12-2008)

Public Safety Answering Point: A facility equipped and staffed to receive 9-1-1 calls.

###

RESOLUTION #11-400 ESTABLISHING THE JUDICIAL AND PUBLIC SAFETY TECHNOLOGY COMMISSION

WHEREAS, the Settlement Agreement between the County of Kane and the Kane County Circuit Clerk (“Settlement Agreement”) calls for the establishment of a Judicial and Public Safety Technology Commission to aid and assist in the acquisition of new Case Management Systems and other capital technologies; and

WHEREAS, a number of governmental departments in the County of Kane have important and related technology programs/concerns that require a coherent and cooperative effort to best maintain an efficient use of technology and funds; and

WHEREAS, these departments include but are not limited to, the Circuit Clerk’s Office, the Judiciary, the State’s Attorney’s Office, the Public Defender’s Office, the Sheriff’s Office, and the Court Services Office.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board to adopt the following, hereafter known as Ordinance 11-_____.

Section 1. The County of Kane (“County”) hereby establishes the Kane County Judicial and Public Safety Technology Commission (“Commission”). The Commission is to function in all ways as a successor to the Judicial and Public Safety Technology Task Force previously established by the County.

Section 2. The Commission shall be composed of the following Members:

- i. The County Board Chair
- ii. The County Board Public Safety Chair
- iii. The County Board Finance Chair
- iv. A County Board Member, appointed by the County Board Chair
- v. A Member from the Public at Large, appointed by the County Board Chair

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- vi. The County State's Attorney
- vii. The County Public Defender
- viii. The Chief Judge of the Sixteenth Judicial Circuit
- ix. A Judge presiding in the County, appointed by the Chief Judge
- x. The County Sheriff
- xi. The Circuit Clerk

The Chair of the Commission shall be elected from among the Members by a majority vote. The term of Chairman shall commence on December 1st of any year a Chair is elected. The term of Chairmanship shall be for two years.

Section 3. The Commission shall make decisions for the County regarding capital purchases in technology for the judiciary and public safety departments of the County. These departments shall include but are not limited to the Judiciary, the State's Attorney's Office, the Public Defender's Office, the Sheriff's Office, and the Circuit Clerk's Office.

Section 4. The Commission shall, upon receipt of a report developed by the firm of URL Integration outlining proposed standards and budgets for the acquisition of new Case Management Systems ("CMSs") for the Circuit Clerk, Judiciary, States Attorney and Public Defender for judicial and public safety departments of the County, propose a budget for the development and purchase of new CMSs. Thereafter, the Commission shall forward its proposed CMS budget to the County Board for approval. If the proposed budget is acceptable to the County Board, the County Board shall pass a resolution formally approving the budget for the CMSs, and establishing the method by which the budget shall be funded, the source of such funds, and the allocation of such funds between County departments ("CMS Process Resolution"). The budget so proposed and approved shall include both a proposed CMS budget, and a sub-budget for each department that shall seek to participate in CMS acquisition and integration.

Section 5. In addition to proposing budgets for the development and purchase of new CMSs, any time the County wishes to expend funds to be used for capital technology, the Commission shall make recommendations to the County Board regarding that capital technology, and regarding the selection of consultants for capital technology purposes.

Section 6. Upon the County Board's adoption of the CMS Process Resolution, any office holder or department head, in consultation with the Chief Judge of the Sixteenth Judicial Circuit ("Chief Judge"), the Circuit Clerk, and the Kane County Information Technology Director ("IT Director"), shall be responsible for writing a Request for Proposals ("RFP") for that department or office holder's office, which RFP shall be consistent with the URL report and the budget approved by the County Board. Once completed, that CMS RFP shall be submitted to the Commission for review and approval. If a CMS RFP is approved by the Commission, the CMS RFP shall be formally issued by the County Purchasing Department to solicit responses. The CMS RFP shall be subject to all applicable County purchasing regulations and ordinances not in contradiction with the Settlement Agreement.

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Section 7. Any responses to a department's CMS RFP shall be submitted to the department head or office holder, the Circuit Clerk, the Chief Judge, and the IT Director. Any responses to a CMS RFP shall also be submitted to any of the following not already given the responses, for informational purposes: the Kane County State's Attorney, the Kane County Public Defender, the Kane County Court Services Director, the Kane County Sheriff, and to the chairperson of the Commission. The department head, the Circuit Clerk, the Chief Judge and the IT Director shall jointly make a recommendation to the Commission as to the respondent of the department's CMS RFP which they believe should be selected as the approved vendor, within the confines of the approved budget (or any amendment thereto). In formulating a recommendation, these parties will also consult with any of the following parties not already among them, who will serve in an advisory role, with no decision making authority: the Kane County State's Attorney, the Kane County Public Defender, the Kane County Court Services Director, and the Kane County Sheriff. At any time prior to the Commission's approval of the recommended respondent, the department head may meet with any respondent to the department's CMS RFP for purposes of discussing, detailing or negotiating any of the terms of any submitted response to the departments CMS RFP. At all stages from RFP development to selection of the CMS, the department head and Chief Judge will retain approval over the CMS and other systems applicable to the department's office.

Section 8. The Commission shall review the recommendation of the department head, the Circuit Clerk, the Chief Judge, and IT Director as to which respondent to the department's CMS RFP should be selected, and shall approve or reject the recommendation. The Commission shall not have the authority to recommend approval of an alternate respondent. If the Commission determines to approve of the RFP/respondent selected by the department head, Circuit Clerk, Chief Judge and IT Director, the Commission shall do so by formal motion, and shall forward that recommendation to the County Board. The County Board shall thereafter consider the recommendation and, if it determines that it is appropriate to do so, shall undertake such action as shall be necessary to approve of the selected RFP/respondent, to fund out of the aforementioned budget and to implement the department's CMS project. If the County Board fails to approve the recommendation of the Commission, no CMS acquisition shall be undertaken as a component of this process.

Section 9. The Commission shall evaluate the CMS needs of each department on a case-by-case basis. Should the County Board, by passage of an appropriate resolution, approve a budget for a change to the CMS of any County department, then for each such department, the process outlined above shall generally be followed.

###

RESOLUTION #11-401

AUTHORIZATION TO ESTABLISH A SPECIAL RESERVE FUND FOR THE REFUND OF TAXES ERRONEOUSLY COLLECTED

WHEREAS, The Illinois Property Tax Code, at 35 ILCS 200/30-10, permits governing taxing bodies to establish by resolution a special reserve fund for the refund of taxes erroneously collected; and

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WHEREAS, the County of Kane has established special service areas, specifically Kane County SSA SW38 (Middle Creek) and SSA SW41 (Wildwood West); and

WHEREAS, SSA SW41 and SSA SW38 property owners were erroneously overbilled taxes for those areas for the tax year 2010 payable in 2011.

NOW, THEREFORE, BE IT RESOLVED that the County of Kane hereby establishes a Special Reserve Fund equal to the amount of erroneously billed taxes for SSA SW38 and SSA SW41 in order to fund from the General Fund, and authorize the refund of overpaid taxes, and to pay any government expenses incident to the processing of refunds.

###

RESOLUTION #11-402

**APPROVING AMENDMENT TO AN AGREEMENT
WITH NATIONAL ROOFING CORPORATION AND SUPPLEMENTAL APPROPRIATION
ROOF REPAIRS – BUILDING B EAST TRUCK BAYS
KANE COUNTY DIVISION OF TRANSPORTATION**

WHEREAS, pursuant to Resolution No. 11- 217, the Kane County Board appropriated Sixty Six Thousand Three Hundred Dollars (\$66,300.00), (hereinafter the “appropriation”) and entered into an agreement with National Roofing Corporation for roof repair services for the Kane County Division of Transportation Building B East Truck Bays (hereinafter the “Improvement”); and

WHEREAS, undetectable and unforeseen wood rot was discovered during the Improvement requiring the replacement and repair thereof; and

WHEREAS, the Improvement’s wood removal and replacement requirements resulted in an additional expense of \$1,150.00; and

WHEREAS, it is in the County’s best interest to extend the upper limit of the appropriation for National Roofing Corporation services by an additional One Thousand One Hundred Fifty Dollars (\$1,150.00) from \$66,300.00 to \$67,450.00.

NOW, THEREFORE, BE IT RESOLVED that the Kane County Board appropriate the additional sum of One Thousand One Hundred Fifty Dollars (\$1,150.00) from County Highway Fund #300, Line Item #72010 (Building Improvements).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
300.520.520.72010	Building Improvements	Yes	Yes	

###

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RESOLUTION #11-403

**ESTABLISHING PUBLIC HEARING DATE FOR CONSIDERATION
OF THE COMPREHENSIVE ROAD IMPROVEMENT PLAN AND
THE IMPOSITION OF IMPACT FEES**

WHEREAS, the Road Improvement Impact Fee Law 605 ILCS 5/5-901 *et. seq.* requires that a public hearing shall be held to consider the Comprehensive Road Improvement Plan and the imposition of the road improvement impact fees related thereto; and

WHEREAS, 605 ILCS 5/5-905(i) requires the Kane County Board to adopt a resolution establishing a public hearing date to consider said Comprehensive Road Improvement Plan and the imposition of impact fees; and

WHEREAS, County of Kane is required to publish notice of the public hearing date once each week for three consecutive weeks, not less than 30 and not more than 60 days before the scheduled hearing date, in a newspaper of general circulation within Kane County.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the public hearing for the consideration of the proposed Comprehensive Road Improvement Plan and the imposition of road improvement impact fees related thereto will be held on Wednesday, February 1, 2012 at 7:00 p.m. in the Auditorium of the Kane County Government Center, 719 Batavia Avenue, Geneva, IL.

###

RESOLUTION #11-405

**APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN
THE COUNTY OF KANE AND THE STATE OF ILLINOIS
FOR UTILIZATION OF STATEWIDE MAPPING DATA**

WHEREAS, the State of Illinois (State) through its Department of Transportation (IDOT) has entered in an agreement with NAVTEQ to use NAVTEQ'S statewide mapping data for highways, roads, streets, governmental boundaries, and other key geographic features that has been collected and maintained by NAVTEQ; and

WHEREAS, NAVTEQ'S data is beneficial to the County of Kane (County) for coordinating engineering, planning and other issues across the multiple jurisdictions within Kane County; and

WHEREAS, the agreement between IDOT and NAVTEQ allows IDOT to share the NAVTEQ data with the County; and

WHEREAS, the State and the County desire to enter into an agreement (a copy of which is on file with the County Clerk's Office) to allow the County to utilize the data NAVTEQ has provided to the State.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement with the State of Illinois through its Department of Transportation to allow the County of Kane to utilize the NAVTEQ data provided to the Illinois Department of Transportation.

###

COUNTY BOARD MINUTES – December 13, 2011

RESOLUTION #11-406

**APPROVING AMENDMENT NO. 1 TO AN AGREEMENT
WITH CHRISTOPHER B. BURKE ENGINEERING
FOR PHASE II ENGINEERING SERVICES AND SUPPLEMENTAL APPROPRIATION
BIG TIMBER ROAD OVER PINGREE AND TYLER CREEKS
KANE COUNTY SECTION NO. 01-00266-00-BR**

WHEREAS, pursuant to Resolution No. 07-387, the Kane County Board appropriated Three Hundred Twenty Four Thousand Dollars (\$324,000.00), (hereinafter the “appropriation”) and entered into an agreement with Christopher B. Burke Engineering for Phase II engineering services (hereinafter the “agreement”) for the Big Timber Road (Kane County Highway No. 21) over the Pingree and Tyler Creeks improvement (hereinafter “improvement”); and

WHEREAS, unforeseen engineering changes to the plans and specifications were required by the Illinois Department of Transportation to address changing wetland and environmental regulations; and

WHEREAS, said improvement engineering changes resulted in an additional expense of \$31,799.62 of which approximately eighty percent (80%) will be reimbursed with federal funds; and

WHEREAS, it is in the County’s best interest to extend the upper limit of the appropriation by an additional Thirty One Thousand Seven Hundred Ninety Nine and 62/100 Dollars (\$31,799.62) from \$324,000.00 to \$355,799.62 and to enter into Amendment No. 1 to the agreement with Christopher B. Burke Engineering (a copy of which is on file with the County Clerk’s Office).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute Amendment No. 1 to the agreement with Christopher B. Burke Engineering for the Big Timber Road Bridge over the Pingree and Tyler Creeks improvement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the additional sum of Thirty One Thousand Seven Hundred Ninety Nine and 62/100 Dollars (\$31,799.62) from Local Option Fund #304, Line Item #50140 (Engineering), P.O. #2007-388, for a total appropriation for the Project not to exceed Three Hundred Fifty Five Thousand Seven Hundred Ninety Nine and 62/100 Dollars (\$355,799.62), subject to approximately eighty percent (80%) reimbursement from Highway Bridge Replacement and Rehabilitation Program funds.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
304.520.524.50140	Engineering	Yes	Yes	

###

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RESOLUTION #11-407

**APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT
WITH THE STATE OF ILLINOIS FOR PHASE II ENGINEERING SERVICES
BIG TIMBER ROAD OVER PINGREE AND TYLER CREEKS
KANE COUNTY SECTION NO. 01-00266-00-BR**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and 5 ILCS 220/1, *et seq.* authorizes the County of Kane (County) and the State of Illinois (State) to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and,

WHEREAS, the County and the State acting through its Illinois Department of Transportation desire to cooperate among themselves to accomplish the replacement of the Kane County Highway No. 41 (commonly known as Big Timber Road) Bridge over Pingree and Tyler Creeks (hereinafter referred to as the "Improvement"); and

WHEREAS, pursuant to Kane County Resolution No. 07-386, the County and the State entered into an intergovernmental agreement that provides that federal cost participation covers eighty percent (80%) of the entire costs for Phase II Engineering for the Improvement, (hereinafter the "Agreement"); and

WHEREAS, Kane County has made significant progress on the Phase II Engineering, but additional work is necessary to complete Phase II Engineering; and

WHEREAS, the County and the State desire to continue to cooperate among themselves to accomplish the improvement on Big Timber Road; and

WHEREAS, the County and the State desire to complete Phase II Engineering for the Improvement for an estimated final cost of \$355,799.62; and

WHEREAS, the County and the State have determined a mutually satisfactory allocation of responsibilities and all costs for said improvement as set forth in an amendment to the Agreement with the State (a copy of which is on file with the County Clerk's Office), with the County's share of the Phase II Engineering estimated to be \$71,159.92.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an amendment to an intergovernmental agreement with the State of Illinois for Phase II Engineering for the Improvement.

###

RESOLUTION #11-408

**APPROVING AN ENGINEERING SERVICES AGREEMENT
WITH HAMPTON, LENZINI AND RENWICK, INC. FOR THE
2012 STRUCTURE SAFETY INSPECTIONS**

WHEREAS, engineering services are necessary to perform annual on-going inspections of various in-service bridge structures throughout Kane County (herein referred to as "Project"); and

WHEREAS, the Project was developed through the Kane County Division of Transportation to ensure the safety of in-service bridges and is mandated by the Federal Surface Transportation Assistance Act of 1978; and

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WHEREAS, in order to complete the Project, it is necessary to retain the services of a professional engineering firm to perform the mandated bridge inspections; and

WHEREAS, Hampton, Lenzini and Renwick, Inc., 380 Shepard Drive, Elgin, Illinois 60123 (hereinafter the "Engineer") has experience and professional expertise in bridge inspections and is willing to perform the required services for the Project for an amount not to exceed Three Hundred Sixty Thousand Dollars (\$360,000.00), upon the terms and conditions as set forth in the Bridge Structures Inspection Services Agreement (a copy of which is on file with the County Clerk's Office); and

WHEREAS, the County has determined that it is in the County's best interest to enter into an agreement for the bridge inspection services with the Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Bridge Structures Inspection Services Agreement be awarded to Hampton, Lenzini and Renwick, Inc., of Elgin, Illinois and that the County Board Chairman is hereby authorized to execute said Agreement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of Three Hundred Sixty Thousand Dollars (\$360,000.00) to pay for said bridge inspections services and that said funds be paid from County Bridge Fund No. 301, Line Item # 52100 (Bridge Inspection).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
301.520.521.52100	Bridge Inspection	Yes	Yes	

###

RESOLUTION #11-409

**APPROVING A PHASE III ENGINEERING SERVICES AGREEMENT
WITH CIORBA GROUP, INC. FOR THE
KIRK ROAD / DUNHAM ROAD**

**FROM ILLINOIS ROUTE 56 TO STEARNS ROAD TRAFFIC SIGNAL INTERCONNECT
KANE COUNTY SECTION NO. 10-00403-00-TL**

WHEREAS, Phase III Engineering services are needed for the proposed Kane County Highway No. 77 (also known as Kirk Road) / Kane County Highway No. 19 (also known as Dunham Road) from Illinois Route 56 to Stearns Road traffic signal interconnect (herein referred to as the "project"); and

WHEREAS, in order to accomplish the project, it is necessary to retain the services of a professional engineering firm to provide Phase III Engineering services; and

WHEREAS, Ciorba Group, Inc., 5507 North Cumberland Avenue, Chicago, IL 60656-1471 has experience and professional expertise in Phase III Engineering and is willing to perform the required services for an amount not to exceed One Hundred Forty Nine Thousand Six Hundred Twenty Two and 13/100 Dollars (\$149,622.13) as set forth in the Phase III Engineering Services Agreement (a copy of which is on file with the County Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute a Phase III Engineering services agreement with Ciorba Group, Inc.

BE IT FURTHER RESOLVED that the Kane County Board appropriate the not to exceed sum of One Hundred Forty Nine Thousand Six Hundred Twenty Two and 13/100 Dollars (\$149,622.13) from

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Transportation Capital Fund #540, Line Item #50140 (Engineering) to pay for said Phase III Engineering services with approximately eighty percent (80%) thereof to be reimbursed to the County from federal funds.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds currently available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
540.520.525.50140	Engineering	Yes	Yes	

###

RESOLUTION #11-410

APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ILLINOIS FOR PHASE III CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES FOR THE KIRK ROAD / DUNHAM ROAD FROM ILLINOIS ROUTE 56 TO STEARNS ROAD TRAFFIC SIGNAL INTERCONNECT KANE COUNTY SECTION NO. 10-00403-00-TL

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and 5 ILCS 220/1, *et seq.* authorizes the County of Kane (County) and the State of Illinois (State) to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and

WHEREAS, the County and the State (through its Illinois Department of Transportation) desire to cooperate among themselves to accomplish the Phase III Construction and Construction Engineering for the traffic signal interconnect on Kane County Highway No. 77 (Kirk Road) / Kane County Highway No. 19 (Dunham Road) from Illinois Route 56 to Stearns Road (hereinafter referred to as the "Improvement"); and

WHEREAS, the County and the State desire to undertake Phase III Construction and Construction Engineering Services for the Improvement at an estimated cost of \$1,480,775.00; and

WHEREAS, the Improvement is deemed by the County and the State to be of immediate benefit to the residents of the County of Kane and the State of Illinois in that it shall facilitate the safe and efficient movement of traffic and shall provide for the safety of the motoring public; and

WHEREAS, the County and the State have determined a mutually satisfactory allocation of responsibilities and costs for said Improvement as set forth in the intergovernmental agreement (a copy of which is on file with the County Clerk's Office), with the County share of the Phase III Engineering Services estimated to be \$296,155.00.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an intergovernmental agreement with the State of Illinois acting through the Illinois Department of Transportation for Phase III Construction and Construction Engineering Services for the Improvement.

###

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RESOLUTION #11-411

**APPROVING A PHASE III ENGINEERING SERVICES AGREEMENT WITH
HOMER L. CHASTAIN & ASSOCIATES, LLP FOR
RANDALL ROAD AT FOOTHILL DRIVE / U.S. ROUTE 20
KANE COUNTY SECTION NO. 06-00345-00-CH**

WHEREAS, Phase III Engineering services are necessary for the improvement of Kane County Highway No. 34 (Randall Road) at Foothill Drive / U. S. Route 20, Kane County Section No. 06-00345-00-CH (hereinafter referred to as the "Improvement"); and

WHEREAS, in order to accomplish the Improvement, it is necessary that the County retain the services of a professional engineering firm to provide Phase III Engineering services; and

WHEREAS, Homer L. Chastain & Associates, LLP, 8609 West Bryn Mawr, Suite 204, Chicago, IL 60631 has experience and professional expertise in Phase III Engineering services and is willing to perform the required engineering services for an amount not to exceed Two Hundred Two Thousand Two Hundred Thirty Three and 57/100 Dollars (\$202,233.57), upon the terms and conditions as set forth in an engineering services agreement (a copy of which is on file with the County Clerk's Office).

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an agreement for Phase III Engineering services with Homer L. Chastain & Associates, LLP for the Improvement.

BE IT FURTHER RESOLVED that the Kane County Board appropriate Two Hundred Two Thousand Two Hundred Thirty Three and 57/100 Dollars (\$202,233.57) to be paid from Local Option Tax Fund #304 Line Item #50140 (Engineering) to pay for said Phase III Engineering services for the Improvement with approximately eighty percent (80%) thereof to be reimbursed from federal and state funds.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
304.520.524.50140	Engineering	Yes	Yes	

###

RESOLUTION #11-412

**APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ILLINOIS
FOR PHASE III CONSTRUCTION AND CONSTRUCTION ENGINEERING SERVICES
RANDALL ROAD AT FOOTHILL DRIVE / U.S. ROUTE 20
KANE COUNTY SECTION NO. 06-00345-00-CH**

WHEREAS, the Illinois Constitution of 1970, Article VII, Section 10 and 5 ILCS 220/1, *et seq.* authorizes the County of Kane (County) and the State of Illinois (State) to cooperate in the performance of their respective duties and responsibilities by contract and other agreements; and

WHEREAS, the County and the State acting through its Department of Transportation desire to cooperate among themselves to accomplish the improvement of Kane County Highway No. 34 (also known as Randall Road) at Foothill Drive / U.S. Route 20 (hereinafter referred to as the "Improvement"); and

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WHEREAS, the County and the State desire to undertake Phase III Construction and Construction Engineering services for the Improvement at an estimated cost of \$2,666,234.00; and

WHEREAS, the Improvement is deemed by the County and the State to be of immediate benefit to the residents of the County of Kane and the State of Illinois in that it shall facilitate the safe and efficient movement of traffic, shall provide for the safety of the motoring public, and shall preserve and protect sensitive environmental features from adjacent roadway improvements; and

WHEREAS, the County and the State have determined a mutually satisfactory allocation of responsibilities and costs for said Improvement as set forth in an agreement with the State (a copy of which is on file with the County Clerk's Office), with the County's share of the Phase III Construction and Construction Engineering services estimated to be \$971,457.00.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute an intergovernmental agreement with the State of Illinois acting through the Illinois Department of Transportation for Phase III Construction and Construction Engineering services of the Improvement.

###

RESOLUTION #11-413

AUTHORIZING THE SALARY OF THE COUNTY ENGINEER SECTION NO. 12-CS089-00-AC

WHEREAS, the County of Kane (hereinafter "County") has entered into an intergovernmental agreement (hereinafter "Agreement") with the Illinois Department of Transportation (hereinafter "IDOT") for funding the salary of the County of Kane's County Engineer (hereinafter "County Engineer"); and,

WHEREAS, the Agreement provides IDOT fund fifty percent (50%) of the County Engineer's salary from Surface Transportation Program Funds if said salary conforms to at least ninety-five (95%) of the salary schedule recommended by IDOT for County Engineers; and,

WHEREAS, IDOT recommends a County Engineer's salary for Kane County of One Hundred Twenty Seven Thousand Four Hundred Dollars (\$127,400.00); and

WHEREAS, the County Engineer's salary conforms with IDOT's guidelines and is at least ninety-five (95%) of the IDOT salary schedule; and

WHEREAS, the County desires to appropriate funds for the purpose of payment of the County Engineer's salary for the period beginning December 1, 2011 and ending November 30, 2012.

NOW, THEREFORE BE IT RESOLVED that the annual salary of the County Engineer shall be One Hundred Twenty One Thousand Thirty Dollars (\$121,030.00) effective December 1, 2011.

BE IT ALSO RESOLVED that the sum of One Hundred Twenty One Thousand Thirty Dollars (\$121,030.00) be hereby appropriated from Motor Fuel Tax Fund No. 302, Line Item No. 40000 (Full-Time Salaries) for the payment of the County Engineer's salary from December 1, 2011 through November 30, 2012.

BE IT FURTHER RESOLVED that the funding source for the County Engineer's salary shall be Sixty Thousand Five Hundred Fifteen Dollars (\$60,515.00) in Motor Fuel Tax Funds and Sixty Thousand Five Hundred Fifteen Dollars (\$60,515.00) in State of Illinois (hereinafter "State") funds

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received from IDOT in exchange for County Surface Transportation Program funds pursuant to said Agreement. The State funds shall equal fifty percent (50%) of the County Engineer’s annual salary and will be billed yearly to and received in one lump sum from IDOT. Upon receipt thereof said State funds shall, pursuant to the Agreement, be placed in the Motor Fuel Tax Fund No. 302, Line Item #40000 (Full-Time Salaries).

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
302.520.522.40000	Full-Time Salaries	Yes	Yes	

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RESOLUTION #11-414

**RESOLUTION APPROPRIATING FUNDS
FOR PAYMENT OF THE COUNTY ENGINEER’S SALARY
ILLINOIS DEPARTMENT OF TRANSPORTATION
SECTION NO. 12-CS089-00-AC**

WHEREAS, the County Board of Kane County (hereinafter “County”) has adopted a resolution establishing the salary of the County Engineer to be One Hundred Twenty One Thousand Thirty Dollars (\$121,030.00) which is ninety five percent (95%) of the recommended salary for the County Engineer as determined annually by the Illinois Department of Transportation (IDOT); and

WHEREAS, the County Board of Kane County has entered into an agreement with the Illinois Department of Transportation for the transfer of federal funds to pay one-half of the salary paid to the County Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that there is hereby appropriated the sum of One Hundred Twenty One Thousand Thirty Dollars (\$121,030.00) from the County’s Motor Fuel Tax Fund for the purpose of paying the County’s Engineer’s salary from December 1, 2011 through November 30, 2012.

BE IT ALSO RESOLVED that the Kane County Board hereby authorizes the Illinois Department of Transportation to transfer Sixty Thousand Five Hundred Fifteen Dollars (\$60,515.00) of Federal Surface Transportation Program Funds allocated to Kane County to the Illinois Department of Transportation in return for an equal amount of State funds.

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to certify the IDOT forms necessary to accomplish the same and to transmit two certified copies of this resolution to the district office of the Illinois Department of Transportation.

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RESOLUTION #11-415

**ACQUISITION OF HIGHWAY RIGHT OF WAY
LONGMEADOW PARKWAY BRIDGE CORRIDOR
KANE COUNTY SECTION NO. 94-00215-01-BR
PARCEL NOS. 1LN0057 &1LN0059**

WHEREAS, the County of Kane is authorized by law, pursuant to the Illinois Compiled Statutes, 605 ILCS 5/5-801 (2010), to acquire real property for highway purposes by negotiated purchase or eminent domain proceedings; and

WHEREAS, the County of Kane has developed right of way plans for the Longmeadow Parkway Bridge Corridor, Kane County Sec. No. 94-00215-01-BR; and

WHEREAS, Carl Lundstrom the property owner of Longmeadow Parkway Bridge Corridor Parcel No.1LN0059 and the Chicago Title and Trust Co. under Trust No. 1101140, the property owner of Longmeadow Parkway Bridge Corridor Parcel No.1LN0059, which are legally described in Exhibit “A” attached hereto (a copy of which is on file in the office of the Kane County Clerk), have offered to sell said property to the County of Kane for the amount of Six Hundred Two Thousand Six Hundred Dollars (\$602,600.00)

NOW THEREFORE, BE IT RESOLVED by the Kane County Board that the County of Kane accept the offer of Carl Lundstrom the property owner of Longmeadow Parkway Bridge Corridor Parcel No.1LN0059, and the Chicago Title and Trust under Trust No. 1101140, the property owner of Longmeadow Parkway Bridge Corridor Parcel No.1LN0059, to sell said property to the County of Kane for the total amount of Six Hundred Two Thousand Six Hundred Dollars (\$602,600.00) to be paid from the Impact Fees Fund No. 556, Line Item No. 74010 (Highway Right-of-Way) and the Chairman of the Kane County Board is hereby authorized and directed to execute a contract and possession agreement(s) therefor.

Line item	Line Item Description	Was personnel/item/service approved in original budget or a subsequent budget revision?	Are funds <u>currently</u> available for this personnel/item/service in the specified line item?	If funds are not currently available in the specified line item, where are the funds available?
556.520.556.74010	Highway Right-of-Way	Yes	Yes	

###

No questions or discussion. Roll call on Consent Agenda (# 11-376, #11-377, #11-378, #11-379, #11-380, #11-381, #11-382, #11-383, #11-385, #11-387, #11-388, #11-390, #11-391, #11-392, #11-393, #11-394, #11-395, #11-397, #11-398, #11-400, #11-401, #11-402, #11-403, #11-405, #11-406, #11-407, #11-409, #11-410, #11-411, #11-412, #11-413, #11-414, #11-415) as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki: NAYS: None ABSTAIN: None AYES: 26 NAYS: 0 ABSTAIN: 0 **CONSENT AGENDA ADOPTED.**

Roll call on #11-408 AYES: : AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki: NAYS: None ABSTAIN: Mihalec AYES: 26 NAYS: 0 ABSTAIN: 1 **RESOLUTION #11-408 IS ADOPTED.**

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RESOLUTION #11-384 AMENDED

Motion by Wojnicki second by Ford that Resolution #11-384 be adopted.

ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE COUNTY OF KANE, THE QUESTION WHETHER THE COUNTY SHOULD HAVE THE AUTHORITY UNDER PUBLIC ACT 096-0176 TO ARRANGE FOR THE SUPPLY OF ELECTRICITY FOR ITS RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO HAVE NOT OPTED OUT OF SUCH PROGRAM

WHEREAS, On January 1, 2010, the Illinois Power Agency Act, Chapter 20, Illinois Compiled Statutes, Act 3855, was amended to include Section 1-92 entitled Aggregation of Electrical Load by Municipalities and Counties (Hereinafter referred to as the "Act"); and

WHEREAS, Under the Act if the County of Kane ("County") seeks to operate an aggregation program under the Act as an opt-out program for residential and small commercial retail customers, then prior to adoption of an ordinance to establish a program, the County must first submit a referendum to its residents to determine whether or not the aggregation program shall operate as an opt-out program for residential and small commercial retail customers. If the majority of the electors voting on the question vote in the affirmative, then the County Board may implement an opt-out aggregation program for residential and small commercial retail customers; and

WHEREAS, an aggregation program would give the County the authority to enter into an electric supply power contract on behalf of residents and small businesses in unincorporated Kane County who have not opted out of said program with the intent to secure a lower rate for electric service, yielding reduced electric bills for its residents and small businesses; and

WHEREAS, nineteen Illinois municipalities have affirmatively voted to adopt a municipal aggregation program in 2011, and of those who have secured power supply contracts, an average electric rate reduction of 25% has been realized for their residents and small businesses; and

WHEREAS, the Kane County Board hereby finds that it is in the best interest of the County of Kane to operate the aggregation program under the Act as an opt-out program and to submit the question to the electors in a referendum pursuant to the Act.

NOW, THEREFORE, BE IT ORDAINED by the Chairman and Board of the County of Kane, Illinois as follows:

1. The facts and statements in the preamble to this Ordinance are hereby found by the County of Kane to be true and correct and are hereby incorporated as a part of this Ordinance.
2. It is in the best interests of the County of Kane to operate the aggregation program under the Act as an opt-out program.

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3. The County Clerk is directed to immediately certify and submit the following question to be placed on the ballot for the general election to be held on March 20, 2012, in the following form:

Shall the County of Kane have the authority to arrange for the supply of electricity for its residential and small commercial retail customers who have not opted out of such program?

YES _____ NO _____

¿ Debería tener el Condado de Kane la autoridad de arreglar el suministro de electricidad para sus clientes residenciales y sus comerciantes pequeños que no hayan optado por quedarse en tal programa?

SI _____ NO _____

4. In the event such question is approved by a majority of the electors voting on the question at the regular election on March 20, 2012, the Kane County Board may implement an opt-out aggregation program and if the Kane County Board adopts the program the County shall comply with all the terms and provisions of the Act.
5. In the event the State of Illinois amends the Act to revise the form of the question to be placed on the ballot, the Chairman of the Kane County Board is authorized to direct the County Clerk to change the form of the question to conform with the amended Act, if required.
6. The County will create a Plan of Governance and Execution, coordinating with the Illinois Commerce Commission, Illinois Power Authority, Attorney General's Office, Local Utility (ComEd) and Suppliers both at a local and national level.
7. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

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Wojnicki stated that on Page 2 Paragraph 3 there is a typo regarding the election. The election is on March 20 and Wojnicki motion to amend March 12 to March 20, second by Castro. Motion passed unanimously by voice vote. ROLL CALL as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki NAYES: None ABSTAIN: None AYES: 0 NAYES: 0 ABSTAIN: 0 **RESOLUTION #11-384 IS ADOPTED.**

RESOLUTION #11-386 REPLACEMENT

Motion by Vazquez second by Ford that Resolution #11-386 be adopted.

ORDINANCE OF THE COUNTY OF KANE, ILLINOIS PROVIDING FOR THE SALE AND ISSUANCE OF \$1,960,000 GENERAL OBLIGATION LIMITED TAX BONDS, SERIES 2011, OF THE COUNTY OF KANE, ILLINOIS, AND FOR THE LEVY OF A DIRECT ANNUAL TAX SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST ON SAID BONDS.

BE IT ORDAINED by the County Board of The County of Kane, Illinois, as follows:

Findings and Determinations. It is found and declared by the County Board (the "County Board") of The County of Kane, Illinois (the "County"), as follows:

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The County is a duly organized and existing county created under the laws of the State of Illinois, and is now operating under and pursuant to the provisions of the Counties Code of the State of Illinois, 55 ILCS 5/1-1001 *et seq.*, as amended (the “**Counties Code**”), and is a “governmental unit” within the meaning of the Local Government Debt Reform Act of the State of Illinois, 30 ILCS 350/1 *et seq.*, as amended, (the “Debt Reform Act”).

The County Board has determined that it is advisable, necessary and in the best interests of the County, in order to promote and protect the public health, welfare, safety and convenience of the residents of the County, to undertake a project consisting of improvements to properties of the County, including in connection with those improvements all mechanical, electrical and other facilities and services necessary, useful or advisable to the program of improvements and, incidental to those project costs, bond discount, if any, interest, bond reserve requirements, if any, legal and other financing and related administrative fees and costs (the “Project”). The County is authorized by various provisions of the Counties Code to undertake the Project, and the Project will further enable the County to perform duties imposed upon it by law.

The estimated costs of the Project, including all costs described above, are not less than \$1,962,910 plus earnings on the proceeds of the obligation to be issued pursuant to this Ordinance. The County Board has determined that there are not sufficient funds on hand and legally available to pay the costs of the Project and that the moneys necessary to pay the costs of the Project shall be raised from an issue of obligations of the County.

Section 5-1012 of the Counties Code provides that, subject to referendum, the County may deem it necessary to issue, and upon such determination issue bonds to enable it to perform any of the duties imposed upon it by law and provides further that such bonds may be issued in accordance with the Omnibus Bond Acts, including the Debt Reform Act.

Section 15.01 of the Debt Reform Act provides in part that counties are authorized to issue such bonds as limited bonds payable from the “debt service extension base,” as defined in the Property Tax Extension Limitation Law, 35 ILCS 200/18-185, and as such it is not necessary to submit the proposition of the issuance of the Series 2011 Bonds, as defined in Section 3 of this Ordinance, to the voters of the County for approval.

It is necessary and in the best interest of the County to borrow the sum of \$1,960,000 in order to finance the costs of the Project. Accordingly, the County shall issue the Series 2011 Bonds as “limited bonds” as defined in Section 3 of the Debt Reform Act in the aggregate principal amount of \$1,960,000.

The tax levy for debt service on the Series 2011 Bonds provided for in this Ordinance for each levy year will not upon extension thereof exceed the debt service extension base.

Pursuant to and in accordance with the provisions of the Bond Issue Notification Act of the State of Illinois, as amended, 30 ILCS 352/1 *et seq.*, the Chairman of the County Board as presiding officer called a public hearing (the “Hearing”) for the 8th day of November, 2011, concerning the intent of the County Board to sell the Bonds.

Notice of the Hearing was given by (i) publication at least once not less than seven (7) or more than thirty (30) days before the date of the Hearing in the Daily Herald, the same being a newspaper of general circulation in the County, and (ii) posting at least 48 hours before the Hearing a copy of said notice at the principal office of the County.

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The Hearing was held on November 8, 2011 following the publication and posting of notice, at which the County Board explained the reasons for the proposed issuance of the Series 2011 Bonds and permitted persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits.

The only long-term bonded indebtedness that the County has issued (prior to the issuance of the Series 2011 Bonds) and that is now outstanding consists of the following:

General Obligation Refunding Bonds (Alternate Revenue Source), Series 2002 (the "Series 2002 Bonds") in the aggregate principal amount of \$3,030,000;

General Obligation Refunding Bonds (Alternate Revenue Source), Series 2004 (the "Series 2004 Bonds") in the aggregate principal amount of \$26,695,000; and

Debt Certificates, Series 2005 (the "Series 2005 Certificates") in the aggregate principal amount of \$6,845,000.

Debt Certificates, Series 2006 (the "Series 2006 Certificates") in the aggregate principal amount of \$22,240,000.

Taxable General Obligation Alternate Bonds (Regional Transportation Authority Sales Tax Alternate Revenue Source), Series 2009 (the "Series 2009 Bonds") in the aggregate principal amount of \$24,395,000.

Taxable General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 (the "Series 2010 Bonds") in the aggregate principal amount of \$7,060,000.

The Series 2002 Bonds, the Series 2004 Bonds, the Series 2009 Bonds and the Series 2010 Bonds (collectively, the "Outstanding Alternate Bonds") are alternate bonds issued under Section 15 of the Debt Reform Act. None of the conditions set forth in Section 15 of the Debt Reform Act, the existence of which would require the outstanding principal amount of the Outstanding Alternate Bonds to be included in the computation of indebtedness of the County, exists or has occurred. Accordingly, as provided in such Section 15, the Outstanding Alternate Bonds need not be regarded as or included in any computation of indebtedness of the County for purposes of any statutory provision or limitation.

The amount of all existing long-term bonded indebtedness of the County as described above (prior to the issuance of the Series 2011 Bonds), but including the \$61,180,000 aggregate principal amount of Outstanding Alternate Bonds for illustrative purposes and including the \$6,845,000 aggregate principal amount of Series 2005 Certificates and the \$22,240,000 principal amount of Series 2006 Certificates), including all bonds, leases, installment contracts, judgments and other indebtedness, is not more than \$90,265,000.

Section 1 of the Local Government Debt Limitation Act of the State of Illinois (50 ILCS 450/1 *et seq.*, as amended, the "Local Government Debt Limitation Act"), provides generally that, no county having a population less than 500,000 may incur any indebtedness which, when added to all existing indebtedness of the county, exceeds in aggregate amount an amount equal to 2.875% of the assessed valuation of all taxable property located within the county, as ascertained by the most recent assessment for state and county purposes as equalized by the Department of Revenue.

The County has a population of 404,119, as determined by the 2000 U.S. Census.

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The aggregate assessed valuation of all taxable property in the County as assessed by the County and equalized by the Department of Revenue for the year 2010, being the most recent assessment now available, is \$14,565,743,812.

Consequently, the debt limitation applicable to the County under the Local Government Debt Limitation Act equals \$408,765,034 (\$14,565,743,812 times 2.875%).

The Series 2011 Bonds will not, when added to all existing indebtedness of the County, cause the aggregate indebtedness of the County to exceed the debt limitation set forth above.

The County through its financial consultant distributed copies of the Official Statement (defined below) and the Official Notice of Sale for the Series 2010 Bonds to prospective purchasers. The County received bids for the purchase of the Series 2011 Bonds at the time and place specified in such Official Notice of Sale. The bids were reviewed by representatives of the County's financial consultant at such time and place. The names of the bidders, the purchase price specified by each bidder in its bid and the true interest cost specified in each bid are set forth in Exhibit B attached to this Ordinance.

The bid submitted by Oppenheimer & Co., Philadelphia, Pennsylvania (the "Purchaser") offering to purchase the Series 2011 Bonds at a price equal to \$1,962,910 (the "Purchase Price") plus accrued interest, if any, to the date of delivery of the Series 2011 Bonds results in the lowest true interest cost to the County. The Purchaser is a responsible bidder. It is in the best interests of the County to accept such bid and to sell the Bonds pursuant to it.

No member of the County Board, no officer of the County, and no managerial or supervisory employee of the County is now or was at any time on or subsequent to January 1, 2010, either an officer, director, employee or otherwise interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation in (i) the Purchaser of the Series 2011 Bonds, or any parent or subsidiary corporation of the Purchaser or any partnership which controls or is controlled by the Purchaser, or (ii) the Project or the contract or contracts for the acquisition, construction and equipping of the Project, or (iii) the Bond Registrar, the Paying Agent or the Authenticating Agent for the Series 2011 Bonds, or (iv) the contract for the purchase of the Series 2011 Bonds between the County and the Purchaser, or (v) the contract for services between the County and the Bond Registrar, the Paying Agent or the Authenticating Agent with respect to the Series 2011 Bonds.

Definitions; Rules of Interpretation.

In addition to terms defined elsewhere in this Ordinance, the following capitalized terms shall have the following meanings when used in this Ordinance, unless the context or use indicates otherwise:

"Authenticating Agent" means the Authenticating Agent appointed in Section 8, acting in the capacity of Authenticating Agent under this Ordinance, and any successor to it appointed pursuant to Section 21.

"Bond Holder" or **"Bondholder"** means the registered owner of a Series 2011 Bond as shown on the Bond Register.

"Bond Register" means the bond registration books of the County maintained by the Bond Registrar pursuant to Section 10.

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“**Bond Registrar**” means the Bond Registrar appointed in Section 8, or any successors to it appointed in accordance with Section 21.

“**Chairman**” means the Chairman of the County Board.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Continuing Disclosure Undertaking**” has the meaning given that term in Section 29.

“**Counties Code**” has the meaning given that term in Section 1(a).

“**County**” means The County of Kane, Illinois.

“**County Board**” means the County Board of the County, the governing body of the County.

“**County Clerk**” means the County Clerk of the County.

“**County Finance Director**” or “**Finance Director**” means the Finance Director of the County.

“**County Treasurer**” means the County Treasurer of the County.

“**Debt Reform Act**” has the meaning given that term in Section 1(a).

“**Letter of Representations**” has the meaning given that term in Section 11.

“**Ordinance**” means this Ordinance No. 11-386 adopted by the County Board on December 13, 2011.

“**Paying Agent**” means the Paying Agent appointed in Section 8, or any successors to it appointed in accordance with Section 21.

“**Pledged Taxes**” means the meaning given that term in Section 15.

“**Project**” has the meaning given that term in Section 1(b).

“**Project Fund**” means the fund of that name established in Section 19(c).

“**Purchaser**” has the meaning given that term in Section 1(m).

“**Purchase Price**” has the meaning given that term in Section 1(m).

“**Series 2011 Bond Fund**” means the fund of that name created in Section 16.

“**Series 2011 Bonds**” has the meaning given that term in Section 3.

“**Tax-Exempt**” means, with respect to the Series 2011 Bonds, the status of interest paid and received on each bond as not includible in the gross income of their owners under the Code for federal income tax purposes except to the extent that such interest will be taken into account in computing an adjustment used in determining the alternative minimum tax for certain corporations and in computing the “branch profit tax” imposed on certain foreign corporations.

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The words “hereof,” “herein,” “hereunder” and other words of similar import refer to this Ordinance as a whole.

The headings of this Ordinance are for convenience of reference only and shall not define or limit the provisions of this Ordinance.

Unless otherwise specified, reference to Sections and other subdivisions of this Ordinance are to the designated Sections and other subdivisions of this Ordinance as amended from time to time.

References to the masculine shall include the feminine and neuter genders and vice versa and references to the singular shall include the plural and vice versa, unless the context or use indicates otherwise.

“**Term Sheet**” has the meaning given that term in Section 14(b).

Authorization of the Series 2011 Bonds. The sum of \$1,960,000 shall be borrowed by the County to finance the costs of the Project. As evidence of such indebtedness, the County shall issue, sell and deliver its General Obligation Limited Tax Bonds, Series 2011, in the aggregate principal amount of \$1,960,000 (the “Series 2011 Bonds”). The County may incur the indebtedness represented by the Series 2011 Bonds without referendum as authorized by Section 15.01 of the Debt Reform Act.

Denomination, Numbers, Designation and Date of the Series 2011 Bonds. The Series 2011 Bonds shall be issued in fully registered form without coupons in the denominations of \$100,000 and \$1,000 increments in excess of that sum. The Series 2011 Bonds shall be designated “General Obligation Limited Tax Bonds, Series 2011” and shall be numbered consecutively from 1 upward but need not be authenticated or delivered in consecutive order. Series 2011 Bonds delivered before June 15, 2012 shall be dated December 28, 2011. Series 2011 Bonds authenticated and delivered on or after June 15, 2012, shall be dated as of the June 15 or December 15 next preceding the date of their authentication and delivery to which interest has been paid, except Series 2011 Bonds authenticated and delivered on a June 15 or December 15 to which interest has been paid, which Series 2011 Bonds shall be dated as of that June 15 or December 15.

Terms of the Series 2011 Bonds. The Series 2011 Bonds initially shall be dated December 28, 2011, and shall bear interest from their date until paid. Interest on the Series 2011 Bonds shall be payable on June 15 and December 15 in each year, with the first interest payment date being June 15, 2012. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. The Series 2011 Bonds shall mature on December 15th in the years and the amounts and shall bear interest at the rates per annum, all as set forth below:

<u>Year</u> <u>(December 15)</u>	<u>Amount</u>	<u>Interest</u> <u>Rate</u>
2012	\$975,000	1.50%
2013	\$985,000	1.50%

Redemption Provisions. The Series 2011 Bonds are not subject to redemption prior to maturity.

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Execution and Authentication of Series 2011 Bonds.

Execution. Each Series 2011 Bond shall be executed by the manual or facsimile signature of the Chairman and the manual or facsimile signature of the County Clerk and shall have the corporate seal of the County affixed to or impressed on it (or a facsimile of that seal printed on it). The Chairman and the County Clerk (if they have not already done so) are authorized to file with the Illinois Secretary of State their manual signatures certified by them pursuant to the Uniform Facsimile Signatures of Public Officials Act, as amended, which shall authorize the use of their facsimile signatures to execute the Series 2011 Bonds. Each Series 2011 Bond so executed shall be as effective as if manually executed. In case any officer of the County whose signature or a facsimile of whose signature appears on the Series 2011 Bonds shall cease to be such officer before authentication and delivery of any of the Series 2011 Bonds, that signature or facsimile signature shall nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until authentication and delivery.

Authentication. No Series 2011 Bond shall be valid for any purpose unless and until a certificate of authentication on that Series 2011 Bond substantially in the form set forth in the bond form attached as **Exhibit A** and incorporated in Section 13 of this Ordinance shall have been duly executed by an authorized officer of the Authenticating Agent appointed below. That certificate upon any Series 2011 Bond shall be conclusive evidence that the Series 2011 Bond has been authenticated and delivered under this Ordinance. It shall not be necessary that the same officer sign the certificate of authentication on all of the Series 2011 Bonds.

Appointment of Bond Registrar, Paying Agent and Authenticating Agent. The Bank of New York Mellon Trust, Chicago, Illinois, is appointed as Bond Registrar, Paying Agent and Authenticating Agent under this Ordinance.

Payment of Principal and Interest. The Series 2011 Bonds shall be payable in lawful money of the United States of America at the principal office of the Paying Agent. The principal of each Series 2011 Bond shall be payable at maturity upon presentment of the Series 2011 Bond at the principal office of the Paying Agent. Interest on each Series 2011 Bond shall be payable on each interest payment date by check or draft of the Paying Agent mailed to the person in whose name that Series 2011 Bond is registered on the books of the Bond Registrar at the close of business on the 15th day preceding that interest payment date.

Registration, Transfer and Exchange of Series 2011 Bonds. The Series 2011 Bonds shall be negotiable, subject to the following provisions for registration and registration of transfer. The County shall maintain or cause to be maintained books for the registration of the Series 2011 Bonds at the principal office of the Bond Registrar. Each Series 2011 Bond shall be registered on those books. Transfer of each Series 2011 Bond shall be registered on those books only upon surrender of that Series 2011 Bond to the Bond Registrar by the registered owner or his or her attorney duly authorized in writing together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney. Upon surrender of a Series 2011 Bond for registration of transfer, the County shall execute and the Authenticating Agent shall authenticate and deliver, in the name of the transferee, one or more new Series 2011 Bonds of the same aggregate principal amount and of the same maturity as the Series 2011 Bonds surrendered.

Series 2011 Bonds may be exchanged, at the option of the registered owner, for an equal aggregate principal amount of Series 2011 Bonds of any other authorized denominations upon surrender of those Series 2011 Bonds at the principal corporate trust office of the Bond Registrar

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together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney.

In all cases in which the privilege of exchanging or transferring Series 2011 Bonds is exercised, the County shall execute, the Authenticating Agent shall authenticate, and the Bond Registrar shall deliver, Series 2011 Bonds in accordance with the provisions of this Ordinance. All Series 2011 Bonds surrendered in any exchange or transfer shall be canceled immediately by the Bond Registrar. The County is authorized to prepare, and if the County does so, the Bond Registrar (or such other agent as the County Board may from time to time designate) shall maintain custody of, multiple blank Series 2011 Bonds executed on behalf of the County as provided in Section 7 for use in connection with the transfer and exchange of Series 2011 Bonds.

For every exchange or registration of transfer of Series 2011 Bonds, the County or the Certificate Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge, other than one imposed by the County, required to be paid with respect to that exchange or transfer, and payment of that charge by the person requesting exchange or registration of transfer shall be a condition precedent to that exchange or registration of transfer. No other charge may be made by the County or the Bond Registrar as a condition precedent to exchange or registration of transfer of any Series 2011 Bond.

The Bond Registrar shall not be required to exchange or register the transfer of any Series 2011 Bond during the period from the close of business on the 15th day preceding an interest payment date on the Series 2011 Bonds is scheduled to the opening of business on such interest payment date.

Book - Entry Only System for the Series 2011 Bonds.

General. The Series 2011 Bonds shall be initially issued in the form of a separate single fully registered Series 2011 Bond for each of the maturities. Upon initial issuance, the ownership of each such Series 2011 Bond shall be registered in the Bond Register in the name of Cede & Co., as nominee of The Depository Trust Corporation (“DTC”), and except as otherwise provided in this Section, all of the outstanding Series 2011 Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC.

Limitations on Obligations. With respect to Series 2011 Bonds registered in the Bond Register in the name of Cede & Co., as nominee of DTC, the County, the Paying Agent and the Bond Registrar shall have no responsibility or obligation to any participating member of DTC (“DTC Participant”) or to any person on behalf of whom such a DTC Participant holds an interest in the Series 2011 Bonds. Without limiting the immediately preceding sentence, the County, the Paying Agent and the Bond Registrar shall have no responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any DTC Participant with respect to any ownership interest in the Series 2011 Bonds, (ii) the delivery to any DTC Participant or any other person, other than a Series 2011 Bond holder, as shown in the Bond Register, of any notice with respect to the Series 2011 Bonds, including any notice of redemption, or (iii) the payment to any DTC Participant or any other person, other than a Series 2011 Bond holder, as shown in the Bond Register, of any amount with respect to principal of, premium, if any, or interest on the Series 2011 Bonds.

Persons Treated as Owners under Book-Entry Only System. Notwithstanding any other provision of this Ordinance to the contrary, the County, the Bond Registrar and each Paying Agent, if any, shall be entitled to treat and consider the person in whose name such Series 2011 Bond is registered in the Bond Register as the absolute owner of such Series 2011 Bond for the purpose of payment of principal, premium, if any, and interest on such Series 2011 Bond, for the purpose of giving

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notices of redemption and other matters with respect to such Series 2011 Bond, for the purpose of registering transfers with respect to such Series 2011 Bond, and for all other purposes whatsoever. The Bond Registrar and each Paying Agent, if any, shall pay all principal of, premium, if any, and interest on the Series 2011 Bonds only to or upon the order of the respective Series 2011 Bond holders, as shown in the Bond Register as provided in this Ordinance, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to satisfy and discharge the County's obligations fully with respect to payment of principal of, premium, if any, and interest on the Series 2011 Bonds to the extent of the sum or sums so paid. No person other than a Series 2011 Bond holder, as shown in the Bond Register, shall receive a Series 2011 Bond evidencing the obligation of the County to make payments of principal, premium, if any, and interest pursuant to this Ordinance.

Substitution of DTC Nominee. Upon delivery by DTC to the Certificate Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Ordinance, with respect to interest checks or drafts being mailed to the registered owner as of the close of business on the Record Date, the words "Cede & Co." in this Ordinance shall refer to such new nominee of DTC; and upon receipt of such a notice the Bond Registrar shall promptly deliver a copy of the same to each Paying Agent, if any.

Successor Securities Depository: Transfers Outside Book-Entry Only System. If the County or the Bond Registrar determines that DTC is incapable of discharging its responsibilities described in this Ordinance and in the Letter of Representations applicable to the Series 2011 Bonds (the "**Letter of Representations**") or that it is in the best interest of the beneficial owners of the Series 2011 Bonds that they be able to obtain certificated Series 2011 Bonds, the County or the Bond Registrar shall (i) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities Act of 1934, as amended, notify DTC and DTC Participants of the appointment of such successor securities depository and transfer one or more separate Series 2011 Bond certificates to such successor securities depository, or (ii) notify DTC and DTC Participants of the availability through DTC of Series 2011 Bond certificates and transfer one or more separate Series 2011 Bond certificates to DTC Participants having Series 2011 Bonds credited to their DTC accounts. In such event, the Series 2011 Bonds shall no longer be restricted to being registered in the Bond Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Series 2011 Bond holders transferring or exchanging Series 2011 Bonds shall designate, in accordance with the provisions of this Ordinance.

Payments and Notices to DTC Nominee. Notwithstanding any other provision of this Ordinance to the contrary, so long as any of the Series 2011 Bonds is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Series 2011 Bond and all notices with respect to such Series 2011 Bond shall be made and given, respectively, in the manner provided in the Letter of Representations. The Bond Registrar shall request in each notice sent to Cede & Co. pursuant to the terms of this Ordinance that Cede & Co. forward or cause to be forwarded such notice to the DTC Participants, but neither the Certificate Registrar nor the County shall be liable if the Certificate Registrar fails to make such request or if Cede & Co. fails to honor such request.

Letter of Representations. The Chairman or, in his or her absence, the County Clerk, the County Treasurer or the County Finance Director are each authorized to execute and deliver the Letter of Representations to DTC and the Paying Agent substantially in the form of DTC's standard form of "Letter of Representations for Book-Entry-Only Municipal Bonds."

Persons Treated as Owners of Series 2011 Bonds. The County, the Paying Agent and the Bond Registrar may treat the registered owner of any Series 2011 Bond as its absolute owner, whether

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or not that Series 2011 Bond is overdue, for the purpose of receiving payment of the principal of or interest on that Series 2011 Bond and for all other purposes, and neither the County, the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of the principal of and interest on each Series 2011 Bond shall be made only to its registered owner, and all such payments shall be valid and effective to satisfy the obligation of the County on that Series 2011 Bond to the extent of the amount paid.

Form of the Series 2011 Bonds. The Series 2011 Bonds shall be in substantially the form set forth in **Exhibit A** to this Ordinance, which Exhibit is incorporated by reference into this Section 13 and shall for all purposes be a part of this Ordinance.

Sale of Series 2011 Bonds; Term Sheet; Ratification of Certain Actions; Authentication and Delivery of Series 2011 Bonds.

The offer of the Purchaser to purchase the Series 2011 Bonds at the Purchase Price plus accrued interest, if any, from the date of the Series 2011 Bonds to the date of their delivery is accepted. The proper officers of the County are authorized to accept the bid submitted by the Purchaser and to execute and deliver the bid on behalf of the County.

The Term Sheet dated December 28, 2011 relating to the Series 2011 Bonds (the "Term Sheet"), is authorized and approved. The proper officer of the County is authorized to execute and deliver the Term Sheet on behalf of the County.

All actions of the County and its officers and employees relating to the offering, issuance and sale of the Series 2011 Bonds are ratified, confirmed and approved.

The Series 2011 Bonds shall be executed as provided in this Ordinance and shall be delivered to the Authenticating Agent. The Authenticating Agent is authorized and directed to authenticate the Series 2011 Bonds and deliver them to the Purchaser upon receipt by the County of the consideration specified in this Section 14.

Tax Levy. In order to provide for the collection of a direct annual tax (the "Pledged Taxes") to pay the interest on the Series 2011 Bonds as it falls due, and also to pay and discharge the principal of the Series 2011 Bonds at maturity, there be and there is hereby levied upon all the taxable property within the County a direct annual tax sufficient for that purpose in addition to all other taxes, including specifically in the following amounts for the following years:

Year of Levy	<u>A Tax to Produce the Sum of</u>
2011	\$1,003,338.33 for principal and interest up to and including December 15, 2012
2012	\$999,975. for principal and interest

Principal or interest on the Series 2011 Bonds falling due at any time when there are insufficient funds on hand to pay the same shall be paid promptly when due from the general funds of the County. Those general funds shall be reimbursed from the amounts derived from the Pledged Taxes when those amounts shall be on hand and not needed for paying other payments of interest and principal then coming due on the Series 2011 Bonds.

Series 2011 Bond Fund.

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There is created a special fund of the County, which fund shall be held separate and apart from all other funds and accounts of the County and shall be known as the “General Obligation Limited Tax Bonds, Series 2011 Debt Service Fund” (the “**Series 2011 Bond Fund**”). The Series 2011 Bond Fund shall be a trust fund established for the purpose of carrying out the covenants, terms and conditions imposed upon the County by this Ordinance.

The Pledged Taxes shall be immediately deposited as received to the credit of the Series 2011 Bond Fund. Such amounts, together with all interest and other investment earnings on those amounts, are appropriated and set aside for the purposes of paying the maturing principal of and interest on the Series 2011 Bonds when due. Investment earnings on moneys on deposit in the Series 2011 Bond Fund shall be retained in the Series 2011 Bond Fund and used to pay the maturing principal of and interest on the Series 2011 Bonds on the next interest payment date after their receipt.

Moneys on deposit in the Series 2011 Bond Fund may be invested from time to time pursuant to any authorization granted to counties by Illinois statute or court decision. Any such investments may be sold from time to time by the County as moneys are needed for the purposes for which the Series 2011 Bond Fund has been created. In addition, the County Treasurer shall sell such investments when necessary to remedy any deficiency in the Series 2011 Bond Fund.

Filing of Ordinance; Duties of County Clerk. A certified copy of the Ordinance shall be filed with the County Clerk prior to December 28, 2012. It shall be the duty of the County Clerk annually for each of the years 2011 and 2012, inclusive, to ascertain the rate necessary to produce the tax levied in this Ordinance and to extend that tax for collection over the tax books against all of the taxable property situated within the County, without limitation as to rate, in connection with other taxes levied in each of said years for general County purposes. Such taxes shall be computed, extended and collected in the same manner as is now or may subsequently be provided for the computation, extension and collection of taxes for general purposes of the County. The taxes levied and extended pursuant to this Ordinance shall be in addition to all other taxes levied by the County.

(Reserved)

Application of Series 2011 Bond Proceeds; Project Fund. The proceeds derived from the sale of the Series 2011 Bonds shall be applied as follows:

Accrued interest received upon the sale of the Series 2011 Bonds, if any, shall be deposited into the Series 2011 Bond Fund and used to pay the first interest coming due on the Series 2011 Bonds on June 15, 2012.

Proceeds of sale of the Series 2011 Bonds, in the amount necessary, may be applied directly to pay expenses of issuance of the Series 2011 Bonds at the time the Series 2011 Bonds are issued.

The remaining proceeds of sale of the Series 2011 Bonds shall be set aside in a separate fund which is created and designated as the “Series 2011 Bonds, Project Fund” (the “**Project Fund**”), which the County shall maintain as a separate and segregated account. Moneys in said fund shall be withdrawn from time to time as needed for the payment of costs of the Project and said moneys are appropriated for that purpose. Moneys on deposit in the Project Fund shall be disbursed by the County from time to time upon submission to the County Treasurer of a copy of an order signed by an officer of the County, stating specifically the purpose for which the order is issued and indicating that the payment for which the order is issued has been approved by the County.

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Within sixty (60) days after depletion of the Project Fund or payment of all costs of the Project, as herein referred to, the County Treasurer shall certify to the County Board the fact of such depletion or the County officer in responsible charge of the Project shall certify to the County Board the fact that the work has been completed according to approved plans and specifications, as applicable, and upon approval of such certification by the County Board, funds (if any) remaining in the Project Fund shall be credited by the County Treasurer to the Series 2011 Bond Fund, and the Project Fund shall be closed.

Funds on deposit in the Project Fund may be invested by the County Treasurer in the same manner as provided in Section 16(c) of this Ordinance for moneys in the Series 2011 Bond Fund. All investment earnings in the Project Fund shall be credited to the Project Fund.

All amounts received upon the sale of the Series 2011 Bonds, together with all interest and other investment earnings on those amounts, are appropriated and set aside for the purposes for which the Series 2011 Bonds are being issued as set forth in this Ordinance.

This Ordinance a Contract. Upon issuance of the Series 2011 Bonds, the provisions of this Ordinance shall constitute a contract between the County and the registered owners of the Series 2011 Bonds, and no changes, additions or alterations of any kind shall be made to this Ordinance, except as provided in this Ordinance.

Bond Registrar, Paying Agent and Authenticating Agent Covenants. If requested by the Bond Registrar, the Chairman and County Clerk are authorized to execute the Bond Registrar's standard form of agreement(s) between the County and the Bond Registrar with respect to the obligations and duties of the Bond Registrar, Paying Agent and Authenticating Agent under this Ordinance. Subject to modification by the express terms of any such agreement, such duties shall include the following:

- to act as Bond Registrar, Paying Agent, Authenticating Agent and/or Transfer Agent as provided in this Ordinance;
- to maintain a list of Series 2011 Bond holders as set forth in this Ordinance and to furnish such list to the County upon request, but otherwise to keep such list confidential to the extent permitted by law;
- to cancel and/or destroy Series 2011 Bonds which have been paid at maturity or upon earlier redemption or submitted for exchange or transfer;
- to furnish the County at least annually a certificate with respect to Series 2011 Bonds cancelled and/or destroyed; and
- to furnish the County at least annually an audit confirmation of Series 2011 Bonds paid, Series 2011 Bonds outstanding and payments made with respect to interest on the Series 2011 Bonds.

The County Clerk of the County is directed to file a certified copy of this Ordinance with the Bond Registrar.

The County covenants with respect to the Bond Registrar, and the Bond Registrar further covenants and agrees, as follows:

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The County shall at all times retain a Bond Registrar with respect to the Series 2011 Bonds; it will maintain at the designated office(s) of such Bond Registrar a place or places where Series 2011 Bonds may be presented for payment, registration, transfer or exchange; and it will require that the Bond Registrar properly maintain the Bond Register and perform the other duties and obligations imposed upon it by this Ordinance in a manner consistent with the standards, customs and practices of the municipal securities industry.

The Bond Registrar shall signify its acceptance of the duties and obligations imposed upon it by this Ordinance by executing the certificate of authentication on any Series 2011 Bond, and by such execution the Bond Registrar shall be deemed to have certified to the County that it has all requisite power to accept and has accepted such duties and obligations not only with respect to the Series 2011 Bonds so authenticated but with respect to all the Series 2011 Bonds. The Bond Registrar shall be the agent of the County and shall not be liable in connection with the performance of its duties except for its own negligence or willful wrongdoing. The Bond Registrar shall, however, be responsible for any representation in its certificate of authentication on Series 2011 Bonds.

The County may remove the Bond Registrar at any time. If at any time the Bond Registrar shall resign, shall be removed, shall become incapable of acting, or shall be adjudicated a bankrupt or insolvent, or if a receiver, liquidator, or conservator of the Bond Registrar or of its property shall be appointed, or if any public officer shall take charge or control of the Bond Registrar or of its property or affairs, the County covenants and agrees that it will promptly appoint a successor Bond Registrar. The County shall give notice by certified mail of any such appointment made by it to each registered owner of any Series 2011 Bond within twenty (20) days after such appointment. Any successor Bond Registrar appointed under the provisions of this Section shall be a bank, trust company, or national banking association maintaining its principal corporate trust office in Illinois, having trust powers and having capital and surplus and undivided profits in excess of \$25,000,000.

General Covenants. The County covenants with the holders of the Series 2011 Bonds from time to time outstanding that, so long as any Series 2011 Bonds remain outstanding:

it will punctually pay or cause to be paid from the Series 2011 Bond Fund the principal of, interest on and premium, if any, to become due in respect to the Series 2011 Bonds in strict conformity with the terms of the Series 2011 Bonds and this Ordinance, and it will faithfully observe and perform all of the conditions, covenants and requirements of the Series 2011 Bonds and this Ordinance;

it will pay and discharge, or cause to be paid and discharged, from the Series 2011 Bond Fund any and all lawful claims which, if unpaid, might become a lien or charge upon the Series 2011 Bond Fund, or upon any funds in the hands of the Paying Agent, or which might impair the security of the Series 2011 Bonds. This covenant does not require the County to make any such payment so long as the County in good faith shall contest the validity of said claims;

it will keep, or cause to be kept, proper books of record and accounts, separate from all other records and accounts of the County, in which complete and correct entries shall be made of all transactions relating to the Project and to the Series 2011

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Bond Fund, and such books of record and accounts shall be at all times during normal business hours subject to the inspection of the holders of not less than ten percent (10.0%) of the aggregate principal amount of the outstanding Series 2011 Bonds or their representatives duly authorized by them in writing;

it will preserve and protect the security of the Series 2011 Bonds and the rights of the registered owners of the Series 2011 Bonds, and will warrant and defend their rights against all claims and demands of all persons. From and after the sale and delivery of any of the Series 2011 Bonds by the County, the Series 2011 Bonds shall be incontestable by the County; and

it will adopt, make, execute and deliver any and all such further ordinances, resolutions, instruments and assurances as may be reasonably necessary or proper to carry out the intention of, or to facilitate the performance of, this Ordinance, and for the better assuring and confirming unto the registered owners of the Series 2011 Bonds of the rights and benefits provided in this Ordinance.

Aggregate Tax Levy Covenant. The County certifies and covenants that as of the date of this Ordinance, the aggregate tax levy for each levy year to pay debt service on “limited bonds” (as defined in Section 3 of the Debt Reform Act) of the County including the Series 2011 Bonds does not exceed the “debt service extension base,” as defined in Section 18-185 of the Property Tax Extension Limitation Law. The County further covenants that it will not issue limited bonds or other bonds the debt service on which would so reduce that amount available such that the aggregate tax levy extension for any levy year to pay debt service on limited bonds, including the Series 2011 Bonds, would exceed the debt service extension base.

Not Private Activity Bonds. None of the Series 2011 Bonds is a “private activity bond” as defined in Section 141(a) of the Code. In support of such conclusion, the County certifies, represents and covenants as follows:

None of the proceeds of the Series 2011 Bonds is to be used, directly or indirectly, in any trade or business carried on by any person other than a state or local governmental unit other than as a member of the general public. The foregoing representation and certification does not apply to “incidental uses” of the Project (within the meaning of that term as defined in *Treasury Regulations* Section 1.141-3(d)(5), that in the aggregate involve less than 2.5% of the Project and to which are allocated less than 2.5% of the proceeds of the Series 2011 Bonds.

The payment of more than five percent of the principal of or the interest on the Series 2011 Bonds, will not be, directly or indirectly (i) secured by any interest in (A) property used or to be used in any activity carried on by any person other than a state or local governmental unit or (B) payments in respect of such property or (ii) on a present value basis, derived from payments (whether or not by or to the County) in respect of property, or borrowed money, used or to be used in any activity carried on by any person other than a state or local government unit.

No direct or indirect payments are to be made on any Series 2011 Bond with respect to any private business use by any person other than a state or local governmental unit.

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None of the proceeds of the Series 2011 Bonds is to be used, directly or indirectly, to make or finance loans to persons other than a state or local governmental unit.

Except for those portions of the Project that will be used exclusively by the County, all of the Project will be available for use by the general public. No user of the Project other than the County will use the Project on any basis other than the same basis as the general public and no person other than the County will be a user of the Project as a result of (i) ownership or (ii) actual or beneficial use pursuant to a lease or a management, service or incentive payment contract or output contract, or (iii) any other similar arrangement, whether written or oral, that confers special legal entitlements or special economic benefits. The County has not entered into and will not enter into any arrangement that (i) conveys to any person, other than a state or local governmental unit, special legal entitlements to any portion of the Project that is available for use by the general public or (ii) confers upon any person, other than a state or local governmental unit, special economic benefits from the use of any portion of the Project that is not available for use by the general public. The foregoing representation does not apply to either “incidental uses” of the Project described above or to short term contracts for services that will meet the “safe harbor” requirements of Section 1.141-3(b)(4) of the Federal Income Tax Regulations and Revenue Procedure 97-13.

General Arbitrage Covenants. The County represents and certifies as follows with respect to the Series 2011 Bonds:

The County has not been notified of any disqualification or proposed disqualification of it by the Commissioner of the Internal Revenue Service as a bond issuer which may certify bond issues under *Treasury Regulations* Section 1.103-13(a)(2)(ii)(1979).

Moneys on deposit in any fund or account in connection with the Series 2011 Bonds, whether or not such moneys were derived from the proceeds of the sale of the Series 2011 Bonds or from any other source, will not be used in a manner which will cause the Series 2011 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code and any lawful regulations promulgated under it, as the same presently exist or may from time to time be amended, supplemented or revised.

Proceeds of the Series 2011 Bonds will not be used, directly or indirectly, to reimburse the County for expenditures made prior to the date of issuance and delivery of the Series 2011 Bonds except architectural or engineering costs and other “preliminary expenditures” (as defined in the regulations promulgated under Section 150 of the Code) incurred prior to commencement of the Project financed by the Series 2011 Bonds or expenditures for which an intent to reimburse was properly declared under Treasury Regulations Section 1.150-2.

Bank Qualification..

The County hereby designates each Series 2011 Bond, which is not a private activity bond, as a “qualified tax-exempt obligation” under Section 265(b)(3) of the Code. The County reasonably anticipates to issue not more than \$10 million of tax exempt obligations (other than private activity bonds and including bond issued on behalf of the County) during the 2011 calendar year.

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Registered Form. The County recognizes that Section 149 of the Code requires the Series 2011 Bonds to be issued and to remain in fully registered form in order for the interest on them to be and remain exempt from federal income taxes. In this connection, the County agrees that it will not take any action to permit the Series 2011 Bonds to be issued in, or converted into, bearer or coupon form.

Additional Tax Covenants. The County covenants with the registered owners of the Series 2011 Bonds from time to time outstanding that it (i) will take all actions which are necessary to be taken (and avoid any actions which it is necessary to avoid being taken) so that interest on the Series 2011 Bonds will not be or become included in gross income for federal income tax purposes under existing law including, without limitation, the Code; (ii) will take all actions reasonably within its power to take which are necessary to be taken (and avoid taking any actions which are reasonably within its power to avoid taking and which it is necessary to avoid) so that interest on the Series 2011 Bonds will not be or become included in gross income for federal income tax purposes under the federal income tax laws as in effect from time to time; and (iii) will take no action in the investment of the proceeds of the Series 2011 Bonds, the Series 2011 Bond Fund, the Project Fund, or any other fund of the County which would result in making the interest on the Series 2011 Bonds subject to federal income taxes by causing the Series 2011 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code. In furtherance of these provisions, but without limiting their generality, the County agrees:

through its officers, to make such further specific covenants, certifications and representations as shall be truthful, and assurances as may be necessary or advisable;

to comply with all representations, covenants and assurances contained in certificates or agreements as may be prepared by bond counsel approving the Series 2011 Bonds;

to consult with such counsel and to comply with such advice as may be given;

to file in a timely manner such forms, statements and supporting documents as may be required; and

if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the County in such compliance.

Continuing Disclosure.

So long as any Series 2011 Bonds are outstanding, and to the extent required by law, the County will provide continuing disclosure of information concerning its financial condition to Bondholders, either directly or through a designated repository or by similar means.

The Chairman and the County Clerk are each authorized, empowered and directed to execute and deliver a Continuing Disclosure Undertaking (the “**Continuing Disclosure Undertaking**”) in substantially the same form as used in connection with prior County bond issues, or with such changes as the officer executing the Continuing Disclosure Undertaking on behalf of the County shall approve, his or her execution to constitute conclusive evidence of his or her approval of such changes.

When the Continuing Disclosure Undertaking is executed and delivered on behalf of the County, the Continuing Disclosure Undertaking will be binding on the County and the officers, employees and agents of the County. The officers, employees and agents of the County are

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authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Continuing Disclosure Undertaking as executed.

Notwithstanding any other provision of this Ordinance, the sole remedies for failure to comply with the Continuing Disclosure Undertaking shall be the ability of the beneficial owner of any Series 2011 Bond to seek mandamus or specific performance by court order to cause the County to comply with its obligations under the Continuing Disclosure Undertaking.

Opinion of Counsel Exception. The County reserves the right to use or invest proceeds of the Series 2011 Bonds or moneys on deposit in the funds and accounts created by this Ordinance in any manner, notwithstanding the covenants in this Ordinance, provided it shall first have received an opinion from an attorney or a firm of attorneys of nationally recognized standing as municipal bond counsel to the effect that use or investment of such moneys as contemplated is lawful and will not result in loss of tax-exempt status of interest on the Series 2011 Bonds to which such interest would otherwise be entitled.

Municipal Bond Insurance. If the payment of principal of and interest on the Series 2011 Bonds is insured pursuant to a municipal bond insurance policy (the “**Municipal Bond Insurance Policy**”) issued by a bond insurer (the “**Bond Insurer**”), and as long as such Municipal Bond Insurance Policy shall be in full force and effect, the County and the Bond Registrar shall comply with such usual and reasonable provisions regarding presentment and payment of the Series 2011 Bonds, subrogation of the rights of the Series 2011 Bond Holders to the Bond Insurer when holding Series 2011 Bonds, amendment of this Ordinance, or other terms, as approved by the County Board on advice of counsel, its approval to constitute full and complete acceptance by the County of such terms and provisions under authority of this section.

Additional Authority. The Chairman, the County Treasurer, the County Clerk, the County Finance Director and the other officers and employees of the County are authorized to execute and deliver on behalf of the County such other documents, agreements and certificates and to do such other things consistent with the terms of this Ordinance as such officers and employees shall deem necessary or appropriate in order to effectuate the intents and purposes of this Ordinance, including without limitation to make any representations and certifications they deem proper pertaining to (a) the Official Statement referred to in Section 14(b), and (b) the use of the proceeds of the Series 2011 Bonds and moneys in the Project Fund and the Series 2011 Bond Fund in order to establish that the Series 2011 Bonds shall not constitute “arbitrage bonds” within the meaning of Section 148 of the Code.

Conflicting Ordinances, Etc. All ordinances, resolutions and orders or parts of ordinances, resolutions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

Effective Date. This Ordinance shall be in full force and effect immediately upon its adoption. This Ordinance shall be published in pamphlet form as soon as possible after its adoption.

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EXHIBIT A

[Form of Series 2011 Bonds]

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation (“DTC”), to the County or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

UNITED STATES OF AMERICA

STATE OF ILLINOIS

THE COUNTY OF KANE

GENERAL OBLIGATION LIMITED TAX BOND,
SERIES 2011

BOND NO. R- _____ PRINCIPAL AMOUNT: \$ _____
DATE OF BOND: DECEMBER _____, 2011 INTEREST RATE: _____ %
CUSIP NUMBER: _____ DATE OF MATURITY: DECEMBER 15, 20__
REGISTERED OWNER: CEDE & CO.

The County of Kane, Illinois (the “**County**”), for value received, promises to pay to the Registered Owner specified above or that person’s registered assigns, upon presentation and surrender of this Bond at the principal corporate trust office of The Bank of New York Mellon Trust, Chicago, Illinois (the “**Paying Agent**”), the Principal Amount of this Bond specified above on the Date of Maturity specified above and to pay to the Registered Owner of this Bond interest on that sum at the Interest Rate per year specified above from the Date of Bond specified above to the date of payment of this Bond, payable semi-annually on June 15th and December 15th of each year, with the first interest payment date being June 15, 2012. Interest shall be computed on the basis of a 360-day year of twelve 30-day months. Interest on this Bond shall be payable on each interest payment date by check or draft of the Paying Agent mailed to the person in whose name this Bond is registered at the close of business on the 15th day preceding that interest payment date. The principal of and interest on this Bond are payable in lawful money of the United States of America. No interest shall accrue on this Bond after its Date of Maturity unless this Bond shall have been presented for payment at maturity and shall not then have been paid.

This Bond is one of an authorized issue of Bonds in the aggregate principal amount of \$1,960,000, the proceeds of which are to be used to undertake a project consisting of improvements to

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properties of the County, including in connection with those improvements, all mechanical, electrical and other facilities and services necessary, useful or advisable to the program of improvements, and incidental to those project costs, bond discount, if any, interest, bond reserve requirements, if any, legal and other financing and related administrative fees and costs, as described in the Ordinance of the County adopted on December 13, 2011 authorizing the issuance and sale of this Bond and the issue of Bonds of which it is a part (the “**Ordinance**”). This Bond was issued in accordance with the Illinois Constitution, the Local Government Debt Reform Act, the Illinois Counties Code, and pursuant to the Ordinance. This Bond and the issue of which it is a part (together, the “**Bonds**”) have been issued by the County upon full payment for them as provided in the Ordinance.

The Bonds are limited bonds pursuant to Sections 3 and 15.01 of the Local Government Debt Reform Act (30 ILCS 350/3). Taxes have been levied in an amount sufficient to make prompt payment of both principal of and interest on the Bonds. The County has covenanted that as of the date of the Ordinance, the aggregate tax levy for such year to pay debt service on limited bonds will not exceed the amount authorized to be levied pursuant to the Property Tax Extension Limitation Law (35 ILCS 200/18-185 *et seq.* (the “**Act**”), said amount being referred to in Section 18-185 of the Act as “debt service extension base.” The County has covenanted that it has not issue limited bonds or other bonds the debt service on which would so reduce that amount available that the aggregate tax levy extension for any levy year to pay debt service on limited bonds, including the Bonds, would exceed the debt service extension base.

The issuance of the Bond does not cause the indebtedness of the County to exceed any limitation under the laws of the State of Illinois.

The Bonds are not subject to redemption prior to their maturity.

This Bond is negotiable, subject to the following provisions for registration and registration of transfer. The Bank of New York Mellon Trust, Chicago, Illinois maintains books for the registration and registration of transfer of Bonds at its principal office in Chicago, Illinois, as Bond Registrar and Authenticating Agent appointed in the Ordinance (the “**Bond Registrar**”). This Bond is registered on those books, and transfer of this Bond may be registered on those books only upon surrender of this Bond to the Bond Registrar by the registered owner or his or her attorney duly authorized in writing together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney. Upon surrender of this Bond for registration of transfer, a new Bond or Bonds in the same aggregate principal amount will be issued to the transferee as provided in the Ordinance.

The Bonds are issued in fully registered form in the denominations of \$100,000 and \$1,000 increments in excess of that sum. This Bond may be exchanged, at the option of the registered owner, for an equal aggregate principal amount of Bonds of any authorized denominations upon surrender of this Bond at the principal office of the Bond Registrar together with a written instrument of transfer satisfactory to the Bond Registrar duly executed by the registered owner or his or her duly authorized attorney.

For every exchange or registration of transfer of this Bond, the County or the Bond Registrar may make a charge sufficient to reimburse it for any tax, fee or other governmental charge, other than one imposed by the County, required to be paid with respect to that exchange or transfer, and payment of that charge by the person requesting exchange or registration of transfer shall be a condition precedent to that exchange or registration of transfer. No other charge may be made by the County or the Bond Registrar as a condition precedent to exchange or registration of transfer of this Bond.

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The Bond Registrar will not be required to exchange or register the transfer of this Bond during the period from the close of business on the 1st day of the month in which an interest payment date on the Bonds is scheduled to the opening of business on such interest payment date.

The County, the Paying Agent and the Bond Registrar may treat the registered owner of this Bond as its absolute owner, whether or not this Bond is overdue, for the purpose of receiving payment of the principal of or interest on this Bond and for all other purposes, and neither the County, the Bond Registrar nor the Paying Agent shall be affected by any notice to the contrary. Payment of the principal of and interest on this Bond shall be made only to its registered owner, and all such payments shall be valid and effective to satisfy the obligation of the County on this Bond to the extent of the amount paid.

All conditions which by law must have existed or must have been fulfilled in the issuance of this Bond existed and were fulfilled in compliance with law. The issuance of the Bonds by the County will not cause the County to exceed or violate any applicable limitation or condition respecting the issuance of Bonds imposed by the laws of Illinois or by any ordinance or resolution of the County. The Bonds are issued for purposes for which the County is authorized by law to issue its debt obligations.

This Bond shall not be valid for any purpose unless and until the certificate of authentication on this Bond shall have been duly executed by the Authenticating Agent.

IN WITNESS WHEREOF, The County of Kane, Illinois, by its County Board, has caused this Bond to be executed by the manual or facsimile signature of its Chairman of the County Board and the manual or facsimile signature of its County Clerk and has caused its corporate seal to be affixed to or impressed on this Bond (or a facsimile of its seal to be printed on this Bond), all as of the Date of Bond specified above.

THE COUNTY OF KANE, ILLINOIS

By: _____
Chairman of the County Board

[SEAL]
ATTEST:

County Clerk

[Form of Certificate of Authentication]

This Bond is one of the Bonds described in the Ordinance authorizing the issuance of \$1,960,000 General Obligation Limited Tax Bonds, Series 2011, of The County of Kane, Illinois.

_____,
as Authenticating Agent

By: _____
Authorized Officer

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[FORM OF ASSIGNMENT]

The following abbreviations, when used in the inscription on this Certificate, shall be construed as though they were written out in full according to applicable laws or regulations:

UNIF GIFT MIN ACT - _____ Custodian _____
(Cust) (Minor)
under Uniform Gifts to
Minors Act _____
(State)

TEN COM — as tenants in common
TEN ENT — as tenants by the entireties
JT TEN — as joint tenants with right
of survivorship and not as
tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name, Address and Tax Identification Number of Assignee)

the within Bond and does irrevocably constitute and appoint _____
attorney to transfer the said Bond on the books kept for registration thereof with full power of
substitution in the premises.

Dated: _____

Signature guaranteed: _____

NOTICE: The signature to this assignment must correspond with the name of the registered owner
as it appears upon the face of the within Certificate in every particular, without alteration
or enlargement or any change whatever.

NOTICE: The signature(s) should be guaranteed by an eligible guarantor institution (banks,
stockbrokers, savings and loan associations and credit unions with membership in
approved Signature Guarantee Medallion Program).

Discussion. Motion by Castro second by Smith to have the replacement ordinance adopted.
Motion passed unanimously by voice vote. Roll Call as follows: AYES: Allan, Auger, Castro,
Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis,
Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave,
Vazquez, Wojnicki **RESOLUTION #11-386-REPLACEMENT IS ADOPTED.**

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RESOLUTION #11-389

Motion by Van Cleave second by Vazquez that Resolution #11-389 be adopted.

ABATING THE TAX HERETOFORE LEVIED FOR THE YEAR 2011
TO PAY THE DEBT SERVICE ON \$7,670,000 GENERAL OBLIGATION ALTERNATE
BONDS
(RIVERBOAT REVENUE ALTERNATE REVENUE SOURCE), SERIES 2010
OF THE COUNTY OF KANE, ILLINOIS

WHEREAS, the County Board of the County of Kane, Illinois (the "County") by Ordinance No. 10-373 adopted on December 14, 2010 (the "Ordinance"), did provide for the issue of \$7,670,000 General Obligation Alternate Bonds (Riverboat Revenue Alternate Revenue Source), Series 2010 (the "Bonds") and the levy of a direct annual tax sufficient to pay the debt service on the Bonds; and

WHEREAS, the County Treasurer has determined that the Pledged Revenues (as defined in the Ordinance) for the calendar year 2011 provide an amount equal to the debt service on the 2010 Bonds up to and including December 15, 2012, pursuant to the Ordinance; and

WHEREAS, the County has sufficient Pledged Revenues on deposit in the Pledged Revenues Subaccount of the Principal and Interest Account established pursuant to the 2010 Ordinance for the purpose of paying debt service on the 2010 Bonds up to and including December 15, 2012; and

WHEREAS, it is necessary and in the best interests of the County that the taxes heretofore levied for the year 2011 to pay the debt service on the Bonds be abated.

NOW, THEREFORE, BE IT ORDAINED by the County Board of the County of Kane, Illinois, as follows:

Section 1. Abatement of Tax. The tax heretofore levied for the year 2011 in the Ordinance is hereby abated in its entirety.

Section 2. Filing of the Ordinance. Forthwith upon the adoption of this Ordinance, the County Clerk of the County shall file a certified copy hereof in his office and it shall be the duty of said County Clerk to abate said tax levied for the year 2011 in accordance with provisions hereof.

Section 3. Effective Date. This Ordinance shall be in full force and effect herewith upon its passage and approval, without publication or posting or any further act or requirement.

###

Discussion followed. ROLL CALL as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Smith, Taylor, Tredup, Van Cleave, Wojnicki NAYES: None Ayes: 26 Naves: 0 Abstain:0 **RESOLUTION #11-389 IS ADOPTED.**

###

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RESOLUTION #11-396

Motion by Lewis seconded by Davoust that Resolution #11-396 be adopted.

AMENDED AND RESTATED KANE COUNTY ETHICS ORDINANCE

WHEREAS, the Kane County Board has determined that it is in the best interests of the County of Kane ("Kane County") and its citizens to provide for an amended and restated ethics ordinance applicable to officers and employees of Kane County.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board as follows:

Section 1: Chapter 2 Administration, Article III Officers and Employees in General, Division 3 Ethics of the Kane County Code is repealed in its entirety. This repeal shall not extend to or affect any pending complaint, violation, or investigation existing as of the date of adoption of this amendatory Ordinance of 2011

Section 2: This Ordinance shall replace the current Division 3 Ethics of the Kane County Code and Ordinance No. 10-206 as follows:

DIVISION 3. ETHICS

Section 1: Definitions

For purposes of this division, the following terms shall be given these definitions:

Administrative Action: The execution or rejection of any rule, regulation, legislative rule, standard, fee, rate, contractual agreement, purchasing agreement or other delegated legislative or quasi-legislative action to be taken or withheld by any county officer, employee or appointee.

Appointee or Appointed Official: A person appointed to a position in or with the County of Kane or appointed by any of its elected officers, or a person appointed to a position with any authority, agency, board or commission with or without the consent of the Kane County Board regardless of whether the position is compensated.

Campaign For Elective Office: Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice presidential electors, but does not include activities: (1) relating to the support or opposition of any executive, legislative, or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

Candidate: A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code.

Collective Bargaining: Has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

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Compensation: Any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or herself or another.

Compensated Time: With respect to any officer, employee or appointee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this division, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when said officer, employee or appointee is on a leave of absence. With respect to officers, employees or appointees whose hours are not fixed, “compensated time” includes any period of time when the officer, employee or appointee is on the premises under the control of the employer and any other time when the officer, employee or appointee is executing his or her official duties, regardless of location.

Compensated Time Off: Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with Kane County or any of its elected officers.

Contribution: Has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

County: The County of Kane.

County-wide Elected Officials: The following officeholders in Kane County: Auditor, County Clerk, Circuit Clerk, Coroner, Sheriff, State’s Attorney, Recorder, and Treasurer.

Department Head: Shall mean the director or executive director of a Kane County Department.

Economic Opportunity: Any purchase, sale, lease, contract, option or other transaction or arrangement involving property or services wherein an officer or employee may gain an economic benefit. The term shall not include gifts.

Employee: A person employed by the County of Kane, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer: The County of Kane or any of its Countywide Elected Officials.

Family Member and Immediate Family Member: Family member shall mean those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister. Immediate family member shall mean father, mother, son, daughter, brother, sister, and spouse.

Gift: Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

Honoraria: Payment of money to an officer, appointee, appointed official, or employee of Kane County or any of its elected officers for an appearance or speech, excluding any actual and necessary travel expenses incurred to the extent that those expenses are paid by any other person and does not

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include: (1) cash payments made on behalf of an officer to an organization described under Section 501(c)(3) of the Internal Revenue Code of 1986, (2) an agent's fee or commission, or (3) funds reported under the election code.

Leave Of Absence: Any period during which an employee is on an approved absence from work.

Lobbying: Promoting or opposing in any manner the passage of any legislative matter affecting the interests of any individual, association or corporation as distinct from those of the people.

Lobbyist: Any person who engages in lobbying.

Market Value: The price that a gift would bring for tangible or intangible assets of like type, quality and quantity in the local market at the time of acquisition.

Officer: A person who holds, by election or appointment, a position in Kane County government or a position appointed by the Kane County Board chair regardless of whether the officer is compensated for service in his or her official capacity.

Person or Entity: An individual, proprietorship, partnership, association, trust, estate, business trust, group or corporation, whether or not operated for profit, or a governmental agency, unit or subdivision.

Political Activity: Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: (1) relating to the support or opposition of any executive, legislative, or administrative action, (2) relating to collective bargaining, or (3) that are otherwise in furtherance of the person's official duties.

Political Organization: A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk under section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited Political Activity:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

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- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Prohibited Source: Any person or entity who:

- (1) Is seeking official action: (a) by an officer or (b) by an employee, or by the officer or another employee directing that employee;
- (2) Does business or seeks to do business: (a) with the officer or (b) with an employee, or with the officer or another employee directing that employee;
- (3) Conducts activities regulated: (a) by the officer or (b) by an employee, or by the officer or another employee directing that employee; or
- (4) Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.
- (6) Is an agent of, or an immediate family member who is living with a prohibited source.

Vendor: Any person, entity, corporation or association which has any contract or agreement with the County of Kane to provide for compensation, labor, materials, services or professional services.

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Section 2: Prohibited Political Activities

1. No officer, appointee, appointed official, or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer, appointee, appointed official, or employee shall intentionally use any property or resources of Kane County in connection with any prohibited political activity.
2. At no time shall any officer, appointee, appointed official, or employee intentionally require any other officer or employee to perform any prohibited political activity: (a) as part of that officer's or employee's duties, (b) as a condition of employment, or (c) during any compensated time off (such as holidays, vacation or personal time off).
3. No officer, appointee, appointed official, or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
4. Nothing in this section prohibits activities that are permissible for an officer, appointee, appointed official, or employee to engage in as part of his or her official duties or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this ordinance.
5. No person either: (a) in a position that is subject to recognized merit principles of public employment or (b) in a position, the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant in aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.
6. An employee or officer shall not be required to (a) purchase tickets, solicit orders to purchase tickets, sell, distribute or receive payment for political tickets for any political fundraiser or campaign fund for a specific candidate for political office or (b) financially contribute to any political organization, political party, political rally, political fundraiser, political meeting or political event.
7. An officer, appointee, appointed official, or employee or a candidate for an elected office may not promise anything of value related to County government, including but not limited to positions in County government, promotions, salary increases, other employment benefits, board or commission appointments, favorable treatment in any official or regulatory matter, the awarding of any public contract, or action or inaction on any legislative or regulatory matter, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.
8. Any employee, officer, appointee or appointed official, who is requested or directed by an officer, member, employee, or candidate for elected office to engage in activity prohibited by this section shall report such request or directive to the State's Attorney's Office.

Section 3: Gift Ban and Honoraria

1. Except as permitted by this ordinance, no officer, appointee, appointed official, or employee, and no spouse of or immediate family member living with any officer, appointee, appointed official or employee

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(collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any "prohibited source", as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

2. No officer, appointee, employee, or appointed official shall retain any honorarium other than as provided in sub-paragraph 18 of Section 3.1, if the honorarium is provided solely on the basis of his or her employment with Kane County. Any honorarium received in violation of this paragraph shall be surrendered to the County of Kane and deposited into the General Revenue Fund. County-wide elected officials and their employees are not subject to the provisions of this subsection (Subsection 2).

Section 3.1: Exceptions

Section 3 of this ordinance is not applicable to the following:

- (1) Opportunities, benefits, and services available on the same conditions as for the general public.
- (2) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any: (a) contribution that is lawfully made under the Election Code or (b) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancée.
- (7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as:
 - (a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

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(c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding Seventy Five Dollars (\$75.00) per person in value on a single calendar day; provided that the food or refreshments are:

(a) consumed on the premises from which they were purchased or prepared or

(b) catered, defined as food or refreshment that is purchased ready to consume which is delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(10) Intragovernmental and intergovernmental gifts. For the purpose of this section, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than One Hundred Dollars (\$100.00).

(13) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan.

(14) Information materials that are sent to the office of the employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(15) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(16) Training including food and refreshments furnished to all attendees as an integral part of training provided to an officer or employee if the training is in the interest of Kane County.

(17) Anything that is paid for by the federal government, the State of Illinois, a unit of local government, or a school district, or secured by the government under a government contract.

(18) A plaque, trophy, or other item substantially commemorative in nature and that is extended for presentation.

Each of the exceptions listed in this section is mutually exclusive and independent of every other.

Section 3.2: Disposition of Gifts

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An officer, appointee, appointed official, or employee or an immediate family member living with the officer or employee, does not violate the Gift Ban provisions of this ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

Section 4: Ethics Administration

1. This Ordinance shall be administered by the Kane County Department of Human Resources in conjunction with and the Ethics Advisor, as hereafter provided.
2. Any records, disclosure statements or other documents (collectively, "Records") filed or required to be filed pursuant to this Ordinance, shall be kept and maintained by the officer, employee, department or office specified in this Ordinance. Copies of all records shall be filed with the Department of Human Resources by the officer, employee, department or office responsible for the original documents.

Section 4.1: Ethics Advisor

1. The Chairman of the Kane County Board, with the advice and consent of the County Board, shall appoint an Ethics Advisor for a term of three (3) years. Applications for the Ethics Advisor appointment may be solicited by way of a request for qualifications. The Human Services Committee shall initially review all timely responses to the request for qualifications and shall forward all written responses of the applicants to the Chairman of the Kane County Board together with the committee's evaluation of each application. The Chairman of the Kane County Board may, in his/her sole discretion, interview potential candidates prior to recommending the appointment of a particular candidate to the full County Board. The Ethics Advisor may be compensated as an independent contractor, as determined by the County Board.
2. Minimum qualifications for the office of Ethics Advisor may include, but shall not be limited to, the following:
 - (a) Has not been convicted of any felony under the laws of the State of Illinois, another state or the United States; and
 - (b) Has a juris doctorate or master's degree in public administration; and
 - (c) Has five (5) or more years of cumulative service (i) with a federal, state or local law enforcement agency, with investigatory experience; (ii) as a federal, state, or local prosecutor or public defender; (iii) as a senior manager, executive, or official of a federal, state or local agency; (iv) as a state or federal judge; (v) as an elected officer of a unit of local government; (vi) as a law professor; (vii) as an ethics professor; (viii) as an attorney in private practice; (ix) as a member of the clergy; or (x) with a combination of any subsection listed in this subparagraph (c); and
 - (d) Has strong oral and written communication skills; and
 - (e) Has the ability to interpret, explain and apply laws and regulations; and
 - (f) Has a high level of integrity and ability to maintain confidentiality.

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3. The Ethics Advisor shall perform the following duties pursuant to this Ordinance:
 - (a) Provide guidance to the officers and employees of the County of Kane and its elected officers concerning the interpretation and compliance with the provisions of this ordinance.
 - (b) Prepare and conduct ethics training in conjunction with the State's Attorney's Office and request the assistance of the Kane County Human Resources Department to keep attendance records of all employees receiving ethics training.
 - (c) Prepare and disseminate, with the assistance of the Kane County Department of Human Resources, informational and training materials relating to this Ordinance.
 - (d) Receive all inquiries concerning this Ordinance not otherwise directed to the State's Attorney's Office.
 - (d) Report apparent violations of this ordinance to the State's Attorney's Office.
 - (e) Forward any written complaints directly to the State's Attorney's Office for resolution.
 - (f) Notify the elected official or department head or County Board of the ultimate disposition of any investigations undertaken by the State's Attorney's Office so that appropriate disciplinary action, if appropriate may be taken.
 - (g) Prepare written opinions on any interpretation of the Ordinance and records of any informal or unwritten opinions in order to maintain consistency of interpretation and promote compliance.
 - (h) Maintain records of all written or verbal guidance on interpretation and application of this Ordinance (redacted so as to preserve the privacy of the persons making the inquiry) and make such records available to officers, employees and the general public in order to maintain consistency of interpretation and promote compliance.
 - (i) Perform such other duties as may be assigned by the County Board.
4. The following activities are prohibited by the Ethics Advisor during his/her term of office:
 - (a) May not hold any other appointed public office, except for appointments on governmental advisory boards or study commissions.
 - (b) May not otherwise currently be employed by Kane County or any of its employing units, or by any of its elected or appointed officers.
5. The Kane County Board Chairman, with the concurrence of the Kane County Board, may remove the Ethics Advisor, with or without cause, by notice to the Ethics Advisor, by USPS certified mail, return receipt requested, and shall immediately notify the County Board of such action. The County Board may overrule the removal of the Ethics Advisor at its next regularly scheduled meeting by a majority vote of the members then holding office.

Section 4.2: State's Attorney

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To the extent that the following activities outlined in Section 4.2 and Section 4.5 of this ordinance are funded by the County Board, the State's Attorney's Office is authorized to perform those activities:

1. At the discretion of the State's Attorney, all complaints of alleged violations of this Ordinance may be investigated by the Kane County State's Attorney's Office. At his or her discretion, the State's Attorney shall prosecute any alleged violations of the Ordinance. To the extent that the position of compliance officer is funded by the County Board, the State's Attorney shall act as the compliance officer or may appoint a designee to act as the compliance officer.

2. As Compliance Officer, the State's Attorney's Office shall perform the following duties with regard to this ordinance:

(a) Receive all complaints concerning this Ordinance.

(b) Conduct investigations concerning alleged violations of this Ordinance.

(c) File a legal complaint in the Circuit Court of the Sixteenth Judicial Circuit alleging a violation of this Ordinance as warranted by the facts or exercise such discretion to resolve complaints without resorting to the filing of a legal complaint. Except as otherwise provided in this ordinance, all legal complaints filed in Circuit Court by the State's Attorney's Office shall be prosecuted as quasi-criminal ordinance violations. Except as otherwise provided by law, the standard of proof for establishing a violation shall be proof by a preponderance of the evidence.

(d) The State's Attorney's Office shall perform such other duties as may be delegated by the County Board when deemed appropriate by the State's Attorney's Office in the exercise of professional judgment.

Section 4.3: Inquiries

All inquiries concerning interpretation of this Ordinance shall be in writing and submitted to the Ethics Advisor and all responses shall be in writing. The Ethics Advisor may issue informal oral opinions and guidance provided that a record of the inquiry and the response is kept and maintained as provided in Section 4.1 hereof.

Section 4.4: Complaints of Wrongdoing

1. Complaints concerning violations of this Ordinance shall be signed, notarized, and submitted in writing to the Kane County State's Attorney. Complaints shall describe in detail the act or acts complained of and provide a list of witnesses to the act or acts. The Complaint shall contain the home address and personal telephone number of the individual submitting an allegation.

2. The Complaint must be filed within sixty (60) days following knowledge of the alleged violation, but in no event, more than one (1) year after the actions giving rise to the alleged violation.

3. The State's Attorney's Office shall endeavor to keep the identity of an individual (the "complainant") submitting a Complaint confidential unless:

(a) Public legal proceedings have been initiated regarding the Complaint, or

(b) The complainant consents to disclosure, or

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- (c) The interests of fairness or due process require disclosure, or
- (d) Disclosure is otherwise required by law or court order.

Section 4.5: Investigations

1. Upon receipt of a written Complaint, the State's Attorney's Office shall conduct a preliminary investigation concerning the Complaint, and within sixty (60) days after the Complaint was filed, unless good cause exists to extend the time period, shall determine whether sufficient evidence exists to support the allegation.
2. The State's Attorney's Office shall have the discretion to determine the appropriate means of investigation as permitted by law and to receive and investigate alleged violations of this Ordinance as follows:
 - (a) Request information relating to an investigation from any person when deemed necessary to conduct an investigation.
3. An investigation may not be initiated more than one (1) year after the most recent act of alleged violation or a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred.
4. Upon investigation by the State's Attorney's Office that there is reason to believe that a violation of this Ordinance has occurred, the State's Attorney's Office shall:
 - (a) Notify the person who violated this Ordinance and demand corrective action,
 - (b) The State's Attorney shall at his or her discretion, prosecute the violation in accordance with this Ordinance and the laws of the State of Illinois.
5. Upon investigation by the State's Attorney's Office that there is not sufficient evidence to believe that a violation of this Ordinance has occurred, the State's Attorney's Office shall close the investigation. At the request of the subject of the investigation, the State's Attorney's Office shall provide a written statement to the subject of the investigation of the decision to close the investigation. Closure by the State's Attorney's Office does not bar the State's Attorney's Office from resuming the investigation if circumstances warrant.
6. The State's Attorney's Office shall notify the Ethics Advisor about the ultimate disposition of the investigation:
 - (a) If a Complaint has been filed with the Sixteenth Judicial Circuit,
 - (b) No action to prosecute was taken,
 - (c) The respondent was counseled, or
 - (d) Other action was taken.

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7. It is the obligation of all officers and employees to cooperate with the State's Attorney's Office during the investigation. Failure or refusal to cooperate may constitute grounds for discipline or discharge of an employee. However, an employee or officer who is the subject of the investigation will not be penalized for asserting his or her constitutional right to remain silent. Any party may represent himself or herself or be represented by legal counsel of his or her own choice and own expense, unless otherwise required by applicable law or ordinance.

Section 4.6: Reports

At least twice per fiscal year, the Ethics Advisor with the assistance of the Kane County Department of Human Resources and the State's Attorney's Office shall compile and deliver to the Chairman of the County Board and to the Kane County Human Services Committee a report consisting of:

1. The number of inquiries received concerning interpretation of this Ordinance and the State ethics laws.
2. The number of filed complaints for investigation.
3. The number of Complaints deemed to sufficiently allege a violation of this Ordinance.
4. The number of Complaints found not to be supported by substantial evidence.
5. The number of Complaints filed in Circuit Court.
6. The number of Complaints settled prior to Court ruling.
7. The disposition of each Complaint.
8. The status of pending Complaints.
9. The number of officers and employees receiving ethics training.

Section 4.7: Penalties

(a) A person who intentionally violates any provision of Section 2 of this Ordinance may be fined in an amount not to exceed \$5,000.

(b) A person who intentionally violates any provision of Section 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement may be fined in an amount not to exceed \$2,500.

(d) Any employee who intentionally violates any provision of this Ordinance other than Section 2 or Section 3 shall be subject to a fine of up to five hundred dollars (\$500.00).

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an

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officer or employee who intentionally violates any provision of this Ordinance may be subject to discipline or discharge.

Section 5: Employee Cooperation

1. Each employee, appointee, appointed official, and officer, except those suspected of violating this ordinance, shall be obligated to cooperate during the course of an investigation and to comply with requests for information from the State's Attorney's Office. Failure or refusal to comply with said requests for information shall constitute a violation of this division and may be considered grounds for discipline or discharge. County-wide Elected Officials and their employees are not subject to the provisions of this subsection (Subsection 2).

Section 6: Collective Bargaining Agreements

Any recommendation for discipline of an employee pursuant to this division is subject to the provisions of any collective bargaining agreement that may apply to the employee.

Section 7: County-wide Elected Officials

County-wide Elected Officials are encouraged to, within six months of their election, adopt or maintain an ethics policy that is at least as restrictive as that set forth in Sections 2 and 3 of this Ordinance. Neither the State's Attorney, and his or her staff, nor the Circuit Clerk, and his or her staff, are subject to the provisions of this Ordinance.

Section 8: Training

Officers, appointees, appointed officials and their employees must complete, within six (6) months after adoption of this Ordinance and at least annually thereafter, an ethics training program conducted by the Kane County Department of Human Resources, the Ethics Advisor, and, as appropriate, the State's Attorney's Office. A new employee must complete his/her initial ethics training during orientation within the first month of employment. Officers shall attend a training program within six (6) months of being elected or appointed (or as soon thereafter as an ethics training program is offered) and at least annually thereafter. The Department of Human Resources shall maintain records evidencing each employee's and officer's attendance at such training programs. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 8).

Section 9: Whistleblower Protection

1. An officer, appointee, appointed official, employee or agency shall not take any retaliatory action against an employee or independent contractor because the employee or independent contractor does any one of the following:

- a. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, county agency, or other county employee that the County employee or independent contractor reasonably believes is in violation of a law, rule, or regulation.
- b. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, County agency, or other County employee.

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- c. Assists or participates in a proceeding to enforce the provisions of this Ordinance.
2. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of a County employee or independent contractor under any other federal, state or county law, rule or regulation or under any collective bargaining agreement or employment contract.
3. All offices, agencies and departments shall conspicuously display notices of employee protection under this section.
4. An employee or independent contractor who reports a violation or concern in good faith on behalf of another employee shall not be subjected to retaliation, harassment, abuse, threats, and discrimination or any adverse employment consequences as a result of coming forward.
5. This Section shall not apply to a complainant or employee or independent contractor acting on behalf of a complainant who knowingly makes a false report.

Section 10: Contractor Disclosure

1. Prior to award, every contractor or vendor who is seeking or who has obtained contracts or change orders to contracts or two (2) or more individual contracts with the County of Kane which total an amount greater than Fifteen Thousand Dollars (\$15,000), during any 12 month period, shall disclose to the Kane County Purchasing Department, in writing, all cumulative campaign contributions of \$300 or more made within the previous twelve (12) months of awarding of the most recent of such contracts made by that contractor, or vendor to any current officer or countywide elected officer whose office the contract to be awarded will benefit. Disclosure shall be updated annually during the term of a multi-year contract and prior to any change order or renewal requiring Kane County Board level approval. For purposes of this disclosure requirement, "contractor or vendor" shall include owners, officers, managers, insurance brokers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors corporations, partnerships, associations, business trusts, estates, trustees, and/or beneficiaries under the control of the contracting person, and political action committees to which the contracting person has made contributions.
2. All contractors and vendors who have obtained or are seeking contracts with the County of Kane in an amount greater than Fifteen Thousand Dollars (\$15,000), during any 12 month period, _ must disclose the following information which shall be certified and attached to the application or document. Penalties for knowingly violating disclosure requirements may result in immediate cancellation of the contract, and possible disbarment from future County contracts:
 - (a) Name, address and percentage of ownership interest of each individual or entity having a legal or a beneficial interest of more than five percent (5%) in the applicant. Any entity required by law to file a statement providing substantially the information required by this paragraph with any other government agency may file a duplicate of such statement;
 - (b) Names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with Kane County employees or officials in relation to the contract or bid. This information disclosure must be updated when any changes to the information occurs.
 - (c) Whenever any interest required to be disclosed in paragraph (a) above is held by an agent or agents, or a nominee or nominees, the principals for whom such agents or

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nominees hold such interest shall also be disclosed. The application of a spouse or any other party, if constructively controlled by another person, or legal entity as set forth above, shall state the name and address and percentage of beneficial interest of such person or entity possessing such constructive control and the relationship under which such control is being or may be exercised. Whenever a stock or beneficial interest is held by a corporation or other legal entity, such shareholder or beneficiary shall also make disclosure as required by paragraph (a) above.

(d) A statement under oath that the applicant has withheld no disclosures as to economic interests in the undertaking nor reserved any information, data or plan as to the intended use or purpose for which it seeks with the Kane County Board or other Kane County agency action.

3. All disclosures and information shall be current as of the date upon which the application is presented and shall be maintained current until such time as Kane County shall take action on the application. Furthermore, this information shall be maintained in a database by the Purchasing Department, and made available for public viewing unless exempted by the Freedom of Information Act.

4. Notwithstanding any of the above provisions, the Kane County Purchasing Department with respect to contracts awarded may require any such additional information from any applicant which is reasonably intended to achieve full disclosure relevant to the application for action by the Kane County Board or any other County agency.

5. Any failure to comply with the provisions of this section shall render any ordinance, ordinance amendment, County Board approval or other County action in behalf of the applicant failing to comply voidable at the option of the County Board.

6. The Purchasing Department is authorized to prepare forms to effectuate the purpose of this section and shall insure that all disclosure requirements of this Ordinance are set out in any notice to bidders in a request for qualification or proposal.

7. This section (Section 10) does not apply to contracts to which County-wide Elected Officials are parties.

Section 11: Officer Disclosure

All officers shall disclose to the Kane County Clerk, their financial interests and holdings in any business seeking a relationship with Kane County where the officer has an ownership interest of seven and one-half percent (7-1/2%) or greater. These disclosures shall be in compliance with the Public Officer Prohibited Activities Act, 50 ILCS 105/.01 et seq. and shall include (1) publicly disclosing the nature and extent of interest prior to or during deliberations concerning the proposed award of the contract and (2) withdrawing from discussion and not voting on the award of the contract. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 11).

Section 12: Conflict of Interest

1. An officer, appointee, or appointed official or any of his or her employees while representing Kane County or employed by Kane County shall disclose to the Kane County Board any act that he or she knows is in conflict with the performance of his or her official duties. No officer, appointee, or appointed

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official nor any of his or her employees while representing Kane County or employed by Kane County shall engage in any act that he or she knows is in conflict with the performance of his or her official duties. A conflict of interest exists whenever an officer, appointee, or appointed official, or his or her employees knowingly:

(a) Receives or has any financial interests in any purchase, sale or lease to or by Kane County or any of its elected officers where that purchase, sale or lease was obtained with prior knowledge that Kane County or any of its elected officers intended to take such action.

(b) Represents, or whose firm represents, any person who would receive direct financial benefit as a result of the official action under consideration.

(c) Receives or accepts a gift, compensation, or travel that was given for the purpose of obtaining special consideration or to influence actions of Kane County or any of its elected officers if he or she knows, or where a reasonable and prudent person should know, that the purpose was to obtain special consideration or to influence the actions of Kane County or any of its elected officers (e) Violates any provision of the Public Officer Prohibited Activities Act (50 ILCS 105/0.1, et seq.)

2. The officer who has a conflict of interest as defined by this ordinance must abstain from discussion and shall not vote on any contract with the person or business involved in the conflict.

3. Any employee who becomes aware that he or she has a conflict of interest that arises in the course of his or her official duties shall notify, in writing, the Department of Human Resources of such conflict. The disposition of the potential conflict shall be stated in writing and maintained by the Department of Human Resources. An officer of the County of Kane shall not participate in deliberations when he or she has a conflict of interest as defined under this ordinance and must not participate in the decision making in any manner.

4. On and after the effective date of this Ordinance, persons and their immediate family members are ineligible to serve on a board, commission, authority, or task force authorized or created by the Kane County Board (i) if that person is entitled to receive more than seven and one-half percent (7-1/2%) of the total distributable income under a contract with the County of Kane other than an employment contract or (ii) that person together with an immediate family member is entitled to receive more than fifteen percent (15%) in the aggregate of the total distributable income under a contract with Kane County other than an employment contract; except this provision does not apply to any of the following:

(a) A person and his or her family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and

(b) A person and his or her family member living with that person, who is serving on a Kane County advisory body that makes non-binding recommendations to an agency of Kane County but does not make binding recommendations or determinations or take any other substantive action.

5. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 12).

Section 13: Future and Former Employment

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1. No officer shall be eligible for employment with the County of Kane within one (1) year of such officer's resignation or termination of an elected term (whichever shall first occur). The Kane County Board by a two-thirds (2/3) vote of all of the members then holding office may waive the prohibition in this paragraph. County-wide Elected Officials and their employees are not subject to the provisions of this subsection (Subsection 1).

2. Any vendor who employs or retains as a consultant, lobbyist, attorney or other independent contractor a former officer of the County of Kane within one (1) year of such officer's resignation or termination of an elected term (whichever shall first occur) shall disclose to the Kane County Purchasing Department, in accordance with but in addition to the requirements of Section 10 of this Ordinance, the name, title, and job description or the nature of the contracted services of the former officer and shall disclose the amount of compensation paid or to be paid to such officer for such employment or services. Penalties for knowingly violating disclosure requirements may result in immediate cancellation of the contract, and possible disbarment from future County contracts.

Section 14: Use of Proprietary or Confidential Information.

No officer, appointee, appointed official, employee, nor the Ethics Advisor may intentionally use for his or her personal benefit or for the benefit of his or her family members any information acquired in the course of his or her official duties, which is not available as a matter of public knowledge or public record, or which is exempt from disclosure under the Freedom of Information Act or this Ordinance. Violations of this section shall constitute grounds for disciplinary action consistent with the enforcement provisions of this ordinance. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 14).

Section 15: Freedom of Information and Open Meetings Act.

1. Documents generated by the Ethics Advisor under this ordinance are exempt to the extent allowed by law from the provisions of the Freedom of Information Act.

2. Meetings held by the Ethics Advisor under this ordinance are exempt to the extent allowed by law from disclosure pursuant to the provisions of the Open Meetings Act.

Section 16: Lobbying.

1. No officer or employee may engage in lobbying as that term is defined if he/she accepts compensation specifically attributable to such lobbying except as authorized by law.

2. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 16).

Section 17: Disclosure

Officers and those persons appointed to a board, commission, authority, or task force authorized or created by the County of Kane, must file with the Kane County Clerk a disclosure of all contracts the person or his or her spouse or immediate family members living with the person have with Kane County and all contracts between the County of Kane and any entity in which the person or his or her spouse or immediate family members living with the person have a majority financial interest. Rules for the implementation and administration of this section must be adopted by the Kane County Board within 90 days of the effective date of this ordinance. Disclosures filed under this section are public records.

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County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 17).

Section 18: Prohibition on Serving on Boards and Commissions

No officer shall be appointed to serve on a board or commission which is a compensated position for which appointment is made by the Kane County Board Chairman without the advice and consent of the Kane County Board unless otherwise authorized by State law.

Section 19: Employment of Family Members

1. This section shall not apply to any family members employed by the County of Kane on the date of passage of this Ordinance.
2. No officer, appointee, or appointed official may approve, recommend or otherwise take action with regard to the appointment, reappointment, hiring, promotion, salary or supervision of a family member.
3. Officers appointee, appointed officials and their employees shall disclose to the Director of Human Resources the existence of any relationship to a family member who is an officer, appointee, or appointed official or employee of the County of Kane at the time of election or employment or that develops at any time during the course of their term of office or employment.
4. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 19).

Section 20: Representation of Third Parties

1. No Officer appointee, appointed official, or his or her employee who is a licensed attorney, may represent or act on behalf of any person or entity in a formal or informal proceeding, application or transaction before any Kane County office or agency in any manner which would violate the Illinois Rules of Professional Conduct established by the Illinois Supreme Court. This section (Section 20) does not apply to County-wide Elected Officials or their employees.

Section 21: Dual Pension.

Within not more than three (3) months after taking office and annually, but not later than May 1 of each succeeding year, any officer appointee, appointed official, or his or her employee subject to this Ordinance shall disclose on a form provided by the Department of Human Resources the identity of any unit of state or local government from which he or she has any pension or retirement package which is currently received or vested. To the extent not prohibited by other law or regulation, such disclosure shall include the nature of the pension benefit as well as any other benefits received including but not limited to health care. County-wide Elected Officials and their employees are not subject to the provisions of this section (Section 21).

Section 22: Severability and Declaration of Unconstitutionality

The sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, invalid

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or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

Section 23: Code of Conduct and Ethical Principles for Officers

1. No officer may accept any economic opportunity, under circumstances where he knows or should know that there is a substantial possibility that the opportunity is being afforded him with intent to influence his conduct in the performance of his/her official duties.
2. No officer may charge to or accept from a person known to have an interest in the County a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is substantially in excess of that which the officer would charge in the ordinary course of business.
3. No officer in order to further his/her own economic interests, or those of any other person, may disclose or use confidential information acquired in the course of his/her official duties.
4. No officer may accept a representation case where there is substantial reason for him/her to believe that it is being offered with intent to obtain improper influence over a Kane County agency.
5. No officer may use or attempt to use improper means to influence a Kane County agency in any representation case in which the officer or any person with whom he/she maintains a close economic association is participating.
6. No officer may engage in other conduct which is unbecoming to an officer or which constitutes a breach of public trust.
7. Where feasible, and taking into account the fact that officers may serve part-time, officers should avoid accepting or retaining an economic opportunity which presents a substantial threat to his/her independence of judgment.
8. When an officer must take official action on a matter as to which he/she has a conflict situation created by a personal, family, or client interest, he/she should consider the possibility of eliminating the interest creating the conflict situation. If that is not feasible, he/she should consider the possibility of abstaining from such official action. In making his/her decision as to abstention, the following factors should be considered:
 - (a) Whether a substantial threat to his/her independence of judgment has been created by the conflict situation
 - (b) The effect of his/her participation on public confidence in the integrity of the County.
 - (c) Whether his/her participation is likely to have any significant effect on the disposition of the matter.
 - (d) The need for his/her particular contribution, such as special knowledge of the subject matter, to the effective functioning of his/her office or the County.

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(e) He/she need not abstain if he/she decides to participate in a manner contrary to the economic interest which creates the conflict situation.

(f) If he/she does abstain, he/she should disclose that fact to his/her respective agency or body.

9. When, despite the existence of a conflict situation, an officer chooses to take official action on a matter, he/she should serve the public interest and not the interest of any person.

10. An officer participating in a representation case shall disclose, wherever feasible, their participation in a representation case.

11. Employees or officers shall not intentionally disclose any information discussed during executive session of the County Board or any of its Committees.

12. This section is intended only as a guide for officer conduct and not as rules meant to be enforced by disciplinary action.

###

Lewis thanked the State's Attorney's Office and Human Services committee for this ordinance. Discussion regarded if this ordinance should go back to committee? Lewis said that having an ethics ordinance does not ensure ethical behavior. Lewis said that the county board does not establish ethics ordinance for elected officials; internal controls are for elected officials.

Motion by Mitchell to TABLE and send this back to committee for a proactive not a reactive ethics ordinance. Chairman McConnaughay asked Mitchell if his motion was to TABLE the ordinance and send it back to committee. Mitchell responded yes with the provision that the committee come back with a proactive ethics ordinance and not a reactive one. Chairman McConnaughay called the question. Hoscheit said that if that provision is part of the motion the committee cannot mandate who to prosecute. The State's Attorney's Office has by an internal control statute the authority on what cases to prosecute and the Board cannot say what they can do. Hoscheit said to put in an ordinance that we are mandating what the State's Attorney Office to do something is getting back to the unenforceability. Assistant State's Attorney Joe Cullen said that it can be sent back to committee with no instructions of what the committee can do. Mitchell amended his motion to TABLE the ordinance and send it back to the Human Services committee for further review, seconded by Kunkel. Chairman McConnaughay called for a voice vote. The vote was not unanimous. Roll Call as follows: AYES: Allan, Auger, Castro, Frasz, Kunkel, Lindgren, Mitchell, Molina, Silva, Smith, Taylor, Tredup, Wojnicki NAYES: Collins, Davoust, Donahue, Ford, Haley, Hoscheit, Hurlbut, Kenyon, Lewis, Mihalec, Reyna, Van Cleave, Vazquez ABSTAIN: None AYES: 13 NAYES: 13 Chairman McConnaughay voted in the affirmative to send it back to committee.

RESOLUTION #11-396 IS SENT BACK TO HUMAN SERVICES COMMITTEE.

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RESOLUTION #11-399

**AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR JUVENILE
DETENTION BEDS WITH DUPAGE COUNTY**

WHEREAS, the Constitution of the State of Illinois of 1970, Article VII, Section 10, provides that units of local government may contract or otherwise associate among themselves to obtain or share services and to exercise, combine or transfer any power of function in any manner not prohibited by law or by ordinance and may use their credit, revenues and other resources to pay costs related to intergovernmental activities; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et. seq, provides that any county and participate in an intergovernmental agreement under this act notwithstanding the absence of specific authority under the State law to perform the service involved provided that the unit of local government contracting with the county has authority to perform this service; and

WHEREAS, DuPage County desires to enter into an intergovernmental agreement with Kane County wherein Kane County will guarantee housing for twenty four (24) DuPage County juvenile inmates at its Juvenile Justice Center with a per diem charge of \$110.00 (One Hundred Ten Dollars); and

WHEREAS, the intergovernmental agreement with DuPage County is for a four year period **terminating** four years after the acceptance by all parties hereto. The agreement may be amended with the written consent of all parties and provided a need continues to exist, may be renewed thirty (30) days prior to the expiration date for a period not to exceed one (1) year for each renewal.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to enter into an agreement with the County of DuPage, (a copy of which shall be filed with the Kane County Clerk) for Juvenile Detention Services.

###

Discussion regarding reviewing contracts before approving them. Kunkel said she had asked Doug Naughton of the Kane County Court Services who provided this contract for her. Van Cleave said that any contract is available to Board members for review. The Chairman apologized for not making available this contract to each board member and if the Board wants to receive each contract with the county board agenda the Board would have to take action to do it. Discussion continued. Donahue called the question, Van Cleave seconded. No objections. ROLL CALL as follows: AYES: Auger, Collins, Davoust, Donahue, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Lewis, Lindgren, Mihalec, Mitchell, Molina, Silva, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki NAYES: Allan, Castro, Ford, Kunkel, Reyna, ABSTAIN: None AYES: 21 NAYES: 5 ABSTAIN: 0 **RESOLUTION #11-399 IS ADOPTED.**

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RESOLUTION #11-404

APPROVING AGREEMENTS FOR ILLINOIS DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY (DCEO) GRANT PROGRAM

WHEREAS, the Illinois Department of Commerce and Economic Opportunity, (hereinafter "DCEO") has Build Illinois Bond Funds available through a grant program for the purpose of assisting in the funding of certain eligible capital construction projects within the State of Illinois; and,

WHEREAS, the County of Kane applied to DCEO for a grant (i) in the amount of \$1,000,000.00 for roadway, sanitary, sewer, storm sewer and water main improvements and (ii) in the amount of \$100,000.00 for storm water improvements and flood control, and (iii) in the amount of \$250,000.00 for construction of a railroad crossing and/or safety and noise mitigation; and,

WHEREAS, in order to receive a grant the County of Kane must submit a grant agreement (a copy of which is on file in the office of the Kane County Clerk) to DCEO, which agreement must be executed by the County Board Chairman of Kane County.

NOW THEREFORE BE IT RESOLVED by the Kane County Board that the Chairman thereof is hereby authorized to execute any grant agreements with the DCEO for the purposes of obtaining Build Illinois Bond Funds for the projects as aforesaid.

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Drew Frasz stated that Resolution #11-404 deals with DECO grants that the IL State Department of Commerce and Economic Development issue. There are three line items on here the last being for \$250,000.00. I know I have talked with many of you about a project that I have going in my district for railroad crossing noise mitigation. I just wanted to bring the whole Board up to speed on this. The residents of Mill Creek are by far the number one call "I" get in my district on an issue; is the railroad horn noise on the Union Pacific West Line which has increased tremendously since the construction of Mill Creek. I have requested these funds and "we" have received them and the residence of Mill Creek have waited patiently for about two years for this funding and "I" look forward to working with the Transportation Committee and KDOT staff on moving this project forward.

Chairman McConnaughay asked if anybody else had questions and asked Clerk to call the Roll. ROLL CALL as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki NAYES: None
ABSAIN: None AYES: 26 NAYES: 0 ABSTAIN: 0 **RESOLUTION #11-404 IS ADOPTED.**

APPOINTMENT

KANE COUNTY BOARD APPOINTMENTS December 13, 2011

Mill Creek Water Reclamation District

COUNTY BOARD MINUTES – December 13, 2011

Richard L. Williams

(term expires 12/13/14)

EXECUTIVE SESSION

Motion by Van Cleave; second by Auger, that the Board enters Executive Session for the purpose of discussing pending litigation. ROLL CALL as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna, Silva, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki NAYES: None ABSTAIN: None AYES: 26 NAYES: 0 ABSTAIN: 0 Chairman McConnaughay closed the meeting to the public at 11:27 a.m. The Board resumed regular session at 11:43 a.m.

RESOLUTION #11-416

Motion by Ford second by Frasz that Resolution #11-416 be adopted.

SETTLEMENT OF CLAIMS (ND IL No. 11 CV 0038)

WHEREAS, there is currently pending in the Federal District Court, Northern District of Illinois the following matter: Nichols, et al v. Widlarz, et al., No. 11 CV 0038; and

WHEREAS, it is in the best interests of the parties to settle ND IL No. 11 CV 0038 and other known and unknown claims pertaining to Plaintiffs and to avoid the costs associated with protracted litigation.

NOW, THEREFORE, BE IT RESOLVED, by the Kane County Board, that it hereby approves settlement of the above-referenced matter, ND IL No. 11 CV 0038, in the amount of Seventy Five Thousand Dollars (\$75,000.00), inclusive of attorneys' fees and costs, to be paid as per the settlement agreement agreed upon by the parties and approved in form by the Kane County State's Attorney's Office, in exchange for a full release of known and unknown claims, which are existing as of the date of the execution of the settlement documents, and which may be asserted by Mr. or Mrs. Nichols against the County of Kane and the County's elected officials, including the Kane County Sheriff, and their respective employees, representatives and agents;

BE IT FURTHER RESOLVED by the Kane County Board that the Chairman of the Kane County Board is hereby authorized and delegated the authority to sign any and all settlement documents in the above-referenced matter consistent with the terms described herein.

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Roll Call as follows: AYES: Allan, Auger, Castro, Collins, Davoust, Donahue, Ford, Frasz, Haley, Hoscheit, Hurlbut, Kenyon, Kunkel, Lewis, Lindgren, Mihalec, Mitchell, Molina, Reyna,

COUNTY BOARD MINUTES – December 13, 2011

Silva, Taylor, Tredup, Van Cleave, Vazquez, Wojnicki NAYES: None ABSTAIN: None AYES:
26 NAYES: 0 ABSTAIN: 0 **RESOLUTION #11-416 IS ADOPTED.**

SPEAKER (Non-Agenda)

Alex Scott of Huntley IL stated that T. R. Smith is his representative to the County Board. Mr. Scott said he pays more in taxes than his friend in McHenry County. He said that he has been told to go out and see taxing bodies to reduce his assessment. He would like to see the Board put some pressure on the Kane County Supervisor of Assessment to have them equal the taxes in McHenry County.

ADJOURNMENT

There being no further business, motion recognized but non-stated; second recognized but non-stated, that the meeting stand adjourned until the next regularly scheduled meeting on January 10, 2012. Motion carried unanimously by voice vote. Chairman McConnaughay adjourned the meeting at 11:47 a.m.