

AGENDA

PLANNING & DEVELOPMENT COMMITTEE

October 20, 2011 at 8:30 a.m.

McHenry County Government Center
County Board Office - Administrative Building
667 Ware Road
Woodstock, Illinois 60098

- 1.0 Call to Order
 - Minute Approval
- 2.0 Public Comment
- 3.0 Presentations
- 4.0 Subdivisions
- 5.0 Old Business
 - 5.05 CDBG Commission Revised Bylaws (Draft)
- 6.0 New Business
 - 6.05 Requested Village of Trout Valley Intergovernmental Agreement for Building Permitting Services
 - 6.10 Proposed FY-2012 Fee Schedule
 - 6.15 Appointment – McHenry County Historic Preservation Commission – Lynn Gray
- 7.0 Reports to Committee, as applicable
 - 7.05 Chicago Metropolitan Agency for Planning – neighborhoods planning grant award
 - 7.10 Community Development Block Grant Commission
 - 7.15 Historic Preservation Commission – Victory Garden status report – Laurie Selpien
 - 7.20 Housing Commission
- 8.0 Miscellaneous
- 9.0 Executive Session
- 10.0 Adjournment

BYLAWS

McHENRY COUNTY

COMMUNITY DEVELOPMENT BLOCK GRANT COMMISSION

I. BACKGROUND

The Community Development Block Grant (CDBG) Program was established by the Federal Housing and Community Development Act of 1974 (Act). Administered nationally by the U.S. Department of Housing and Urban Development (HUD), the Act combined eight categorical programs into a single block grant program. Through this program, funds are available to assist McHenry County communities meet their greatest economic and community development needs, with an emphasis upon helping persons of low-to-moderate income.

In order to ensure that the program meets the intent of the Act, as amended and reauthorized by the National Affordable Housing Act of 1990, Congress has required that entitlement programs meet at least one of the following three national objectives:

1. Benefiting low and moderate income persons;
2. Aiding in the prevention or elimination of slums and blight; and
3. Meeting other community development needs that pose a serious and immediate threat to the health and welfare of the community.

Within the statutory requirements of the Act, McHenry County has the flexibility to design its own program objectives and procedures for program administration and to develop criteria for selection of grant recipients. The County's CDBG program is intended to supplement the efforts of localities in initiating and/or engaging in a community development process.

To complement these three federally-mandated national objectives, the County has established the following specific objectives for its Community Development Block Grant Program:

1. Improvement of public infrastructure and elimination of conditions which are detrimental to health, safety and public welfare;
2. Conservation of the County's housing stock in order to provide a decent home and a suitable living environment for persons of low and moderate income;
3. Strengthening of community economic development by creating jobs, stimulating private investment and expanding the tax base; and,
4. Support of the full range of public services required to make McHenry County a suitable living environment for its low and moderate income residents.

The McHenry County Community Development Block Grant Commission (Commission) has been established by the County Board to manage the County's CDBG/~~HOME~~ grant program. The Department of Planning and Development will provide staff support to the Commission.

It is intended that the Commission ~~will~~ establish policies and procedures for program management, review sub-grantee applications and recommend projects for grant funding to the County Board. The County Board ~~will~~ **shall be the responsible entity that** makes the final determination regarding the use **and allocation** of CDBG/~~HOME~~ grant funds. ~~The County Board,~~

~~through its Chairman, is delegating the responsibility for operating and maintaining this program in compliance with federal law and all related rules and regulation to the Commission.~~

II. PURPOSE

It shall be the purpose of the McHenry County Community Development Block Grant Commission to act as representative body of elected officials and citizens to ascertain facts, ~~prepare~~ **recommend** plans and programs, coordinate activities, set priorities for funding and undertake such other activities that may be necessary and appropriate to accomplish the purpose(s) of the Act, as approved by the McHenry County Board.

III. MEMBERSHIP

The Commission shall consist of ~~seventeen (17)~~ **a minimum of seven (7), maximum of nine (9) voting members.** ~~The Chairman of the County Board shall appoint six (6) County Board Members (one from each County Board District) and one (1) citizen who shall represent a human service agency within McHenry County.~~ **There shall be at minimum three (3) and at maximum, five (5) ex-officio members of the Commission; total Commission membership shall not exceed fourteen (14) members.**

It is a goal of the Commission to create a public-private partnership that represents a broad spectrum of stakeholders. Voting membership shall include:

- 1. One member of the McHenry County Board,**
- 2. Representation at large from among the following professions, associations or organizations: banking industry, McHenry County Association of Realtors, McHenry County Homebuilder Association, McHenry County Bar Association, carpenters, electricians, plumbers, building inspectors, architects, engineers**
- 3. Members of the general public,**

Membership shall include at minimum three (3) and at maximum five (5) ex-officio members consisting of:

- 1. A Township Supervisor,**
- 2. A Township Road Commissioner**
- 3. A representative from a municipality of McHenry County limited to a Mayor, Trustee, or Manager,**
- 4. A representative from the McHenry County Housing Authority,**
- 5. A representative from two (2) McHenry County service agencies.**

All members shall be residents of and/or, employed in McHenry County, and/or serve as an elected or appointed official serving McHenry County, and shall be actively engaged in business in, or concerned with the welfare of the people in McHenry County

~~The Chairman of the McHenry County Board shall also appoint six (6) citizen at large representatives, with one representative being appointed from each of the six County Board districts based upon their place of residence. Recommendations for appointment of the six~~

~~citizens at large shall be made by the Community Development Block Grant Commission based upon application and interviews.~~

~~The McHenry County Township Supervisor's Association shall appoint one (1) Township Supervisor.~~

~~The McHenry County Township Road Commissioner's Association shall appoint one (1) Township Road Commissioner.~~

~~The McHenry County Economic Development Corporation (EDC) Board of Directors shall appoint one (1) Board Member.~~

~~The McHenry County Housing Authority Board of Commissioners shall appoint one (1) Commissioner.~~

~~The Chairman of the Board shall serve as an ex-officio Member of the Commission and any of its Subcommittees.~~

- A. **APPOINTMENT:** Preliminary membership of the Commission shall be appointed by the Chairman of the County Board in consultation with the Planning and Development Committee subject to confirmation by resolution of the full County Board. Future membership of the Commission shall be determined by recommendation of the P&D Committee with approval by the County Board.
- B. **TERMS:** Each Commission Member shall be appointed for a two-year term. The initial term shall commence on October 19, 1995 and end on December 31, 1997. As of January 1, 1998 County Board Members, Township Supervisor, and Township Road Commissioner Members shall be appointed to a one-year term in order to achieve a staggering of terms. Municipal Representatives and Representative Citizens of McHenry County shall be appointed to a two-year term. As of January 1, 1999 County Board Members, Township Supervisor, and Township Road Commissioner Members shall be appointed to a two-year term.

The terms, reappointment, and removal of Commission members shall be as follows: Commissioners shall serve for terms of three (3) years, and may serve a maximum of three (3) terms, successive or otherwise. Terms are to be staggered with the goal of having the terms of no more than one-third of the membership expiring in any given year. Terms of the Commissioners may be adjusted at the time of preliminary appointment in order to achieve staggered termination dates.

1. Vacancies shall be filled if needed to maintain the minimum number of Commissioners required herein. Commissioners appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor in the office. If the remaining expired term is greater than eighteen months, then this shall be considered the newly appointed Commissioner's first term.
2. A Commissioner may be removed if he or she fails to attend Commission meetings on three (3) or more occasions in any twelve (12) consecutive calendar month period, or if he or she is found to undermine the purposes of the Commission via a majority vote of the total Commission and said termination is approved by the County Board.

C. COMPENSATION: No member of the Commission shall be entitled to receive any compensation for services rendered in such office. However, each officer shall be entitled to reimbursement for any expenses reasonably incurred in performing such services other than in connection with his attendance at meetings of the Commission or any committee.

C. VACANCIES: ~~When a position on the Commission becomes vacant, the vacancy shall be filled in a timely fashion in the same manner of appointment and by a person of the qualification as prescribed in Section III above.~~

D. ABSENCES: ~~A Commissioner may be removed if he or she fails to attend Commission meetings on three (3) or more occasions in any twelve (12) consecutive calendar month period, or if he or she is found to undermine the purposes of the Commission via a majority vote of the total Commission and approval of the Chairman of the County Board. The subsequent vacancy shall be filled in accordance with Section III Membership, Item B. vacancies as stated herein.~~

IV. OFFICERS

~~There shall be a Chairman, Vice-Chairman, and Secretary of the Commission. The Chairman shall be a County board Member and shall be designated as Chairman by the Chairman of the McHenry County Board at the time of appointment, The Vice-Chairman and the Secretary shall be elected by the Commission Members from among the Commission Membership.~~

A. DUTIES:

~~1. **CHAIRMAN:** Shall preside at all Commission meetings; appoint Subcommittees with the advice and consent of the Commission; sign all Resolution and document requiring to be executed on behalf of the Commission; and perform such other duties as prescribed by the Commission.~~

~~2. **VICE-CHAIRMAN:** Shall serve, perform all duties and exercise all powers of the Chairman in the absence of or given the inability of the Chairman to act. The Vice-Chairman shall assist the Chairman as requested.~~

~~3. **SECRETARY:** Shall provide notices for all regularly scheduled meetings of the Commission and its Subcommittees at least seven (7) days prior to any such meeting; provide an agenda and related documents for each such meeting at least seven (7) days in advance for general distribution; prepare minutes of all meetings of the Commission and its Subcommittees; and maintain all records of the Commission's operations. The County Board Office shall provide clerical support to the Commission and its Secretary.~~

B. TERMS: ~~Officers shall serve from the date of their appointment/election for a term of two (2) years.~~

C. SUCCESSION: ~~Officers may serve two year terms in succession.~~

A. OFFICERS: The Officers of the Commission shall be a Chairman, a Vice-Chairman, and other such officer positions as established by the Chairman of the Commission. Officers whose authority and duties are not outlined in these bylaws shall have authority at the

discretion of the Chairman.

- B. TERM AND APPOINTMENT:** The Chairman of the Commission shall be a member of the County Board appointed by the Chairman of the McHenry County Board and shall serve for a term of two (2) years from the date of their appointment. The appointed Chairman shall be subject to reappointment by the Chairman of the McHenry County Board for one additional term successive. Other officers of the Commission shall be elected by the members of the Commission and shall serve for a term of two (2) years with a maximum of two (2) terms successive or otherwise. Vacancies may be filled or new offices created and filled at any meeting of the Commission by a majority vote of the membership present. The Vice-Chairman shall be determined by a majority vote of the Commission.
- C. REMOVAL:** Any officer elected by the members of the Commission may be removed by a majority vote of the members of the Commission whenever in their judgment as prescribed in Section III.B.2 the best interests of the Commission would be served thereby, subject to approval from the Chairman of the McHenry County Board and the Chairman of the Block Grant Commission.
- D. CHAIRMAN:** The Chairman shall be in charge of the business and affairs of the Commission; he or she shall see that the resolutions and directives of the Commission are carried into effect except in those instances in which that responsibility is assigned to staff; and, in general, he or she shall discharge all duties incident to the office of Chairman and such other duties as may be prescribed by the Commission. The Chairman shall preside at all meetings of the Commission except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Commission or a different mode of executive is expressly prescribed by the Commission or these bylaws.
- E. VICE-CHAIRMAN:** The Vice-Chairman shall perform the functions of the Chairman when the Chairman is not present at regular or special meetings of the Commission and otherwise perform the functions of the Chairman when the Chairman is unavailable or incapable of performing those functions.

V. MEETINGS

All meetings of the Commission and its Subcommittees shall be open to the public and shall be conducted in accordance with the *Illinois Open Meetings Act* as may be amended from time to time. The Commission shall maintain its principal office in care of the McHenry County Department of Planning & Development, 2200 Seminary, Woodstock, Illinois 60098. Other offices within McHenry County may be designated from time to time by the Commission.

- ~~A. **ORGANIZATIONAL MEETING:** The first meeting of the Commission shall be an organizational meeting and shall be held within thirty (30) days of approval of these By-Laws by the County Board.~~
- ~~B. **REGULAR MEETINGS:** There shall be regularly scheduled meetings of the Commission. The Commission shall set the schedule of meetings. Said schedule shall take cognizance of the time required to meet the U.S. Department of Housing and Urban Development application requirements or the requirements of any agency of the State of Illinois.~~

~~C. **SPECIAL OR EMERGENCY MEETINGS:** The Chairman may call special or emergency meetings of the Commission on his/her own initiative or at the request of one-third of the Commission Members (6). Notice of special meetings shall be given at least two business days prior to such meetings to each Commission Member. Notice of emergency meetings shall be given with as much notice as possible to the Commission Members. The notice shall include the time, date and location of the special or emergency meeting. Business conducted at a special or emergency meeting shall be limited to those items specified in the agenda for said meeting(s).~~

~~E. **PLACE:** All meetings of the Commission shall be held in the McHenry County Government Center, unless otherwise designated by the Commission.~~

A. REGULAR MEETINGS: There shall be a minimum of three (3) regular meetings of the Commission per calendar year. Regular meetings will be set each year by an annual calendar schedule. The Chairman of the Commission will enforce the Commission calendar and comply with necessary provisions to properly notice members of the Commission and the general public in accordance with the *Illinois Open Meetings Act*.

B. SPECIAL MEETINGS: Special meetings of the Commission may be called by the Chairman or no less than one-third of the total members of the Commission, and subsequent notice is to be at minimum forty-eight (48) hours prior to the established meeting date for Commissioners and the general public. The location of the meeting is per the party of request and shall follow meeting guidelines as contained above.

C. NOTICE: Notice of all meetings of the Commission shall be given in accordance with the *Illinois Open Meetings Act* by written notice delivered personally or sent by mail, fax or email to each member at his or her address as shown by the records of the Commission and stated preferred method of contact. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail in a sealed envelope so addressed, with postage thereon prepaid. If sent by electronic copy, such notice shall be deemed to be delivered as of the date of the transmission.

D. ORDER OF BUSINESS: The Commission shall generally observe the following order of business at all meetings of the Commission and its Subcommittees:

1. Call to Order
2. Roll Call of Members
3. Approval of Minutes
4. Public Participation
5. Old Business
6. New Business
7. Reports to the Commission
8. Members Comments, Miscellaneous Business and Announcements
9. Adjournment

~~VI. SUBCOMMITTEES~~ **AD-HOC COMMITTEES/TASK FORCE MEMBERSHIP**

~~The Chairman may appoint, with the consent of the Commission, Subcommittees deemed appropriate.~~

The Commission may create one or more ad-hoc committees or task forces and authorize it to accomplish a specific purpose. Each ad-hoc committee or task force shall act at the sole discretion of the Commission via instruction of the Chairman and shall report all actions and activities to the Commission. All ad-hoc committees and task forces shall be chaired by a member of the Commission, but non-commission members may serve on the body.

VII. QUORUM

~~A quorum shall consist of a majority of the Commission members (9). A quorum shall be required for the conduct of business by the Commission. A quorum of any Subcommittee subsequently appointed shall be a majority of members of the Subcommittee.~~

A majority of the total voting membership shall constitute a quorum at any meeting of the Commission. If a quorum is not present, the majority of the total members present shall adjourn the meeting to another date and time.

VIII. VOTING REQUIREMENTS

Each designated **voting** Commission Member is entitled to one (1) vote on all matters coming before the Commission and requiring a vote of the Commission. The vote must be cast by the Member, who must be in attendance at a duly appointed, legally called meeting of the Commission. No proxy votes or absentee voting shall be permitted.

The concurrence of a majority of the total ~~Commission Members (9)~~ **voting-member bloc** is necessary for the passage of any motion incurring a financial obligation or approving the allocation of grant funds to subrecipients. All other actions of the Commission shall require a majority of the Commission Members present (**voting or ex-officio**), provided there is a quorum present.

~~A vote on a motion to reconsideration may be made at any time prior to the adjournment of the meeting at which the original motion was voted upon. A motion for reconsideration must be made by a Commission Member who voted on the prevailing side of the original motion.~~

IX. RULES OF ORDER

The Chairman shall preside at all Commission meetings, shall preserve decorum and shall conduct said meetings in an orderly fashion. The Chairman may speak to points of order and shall decide all questions of procedure. The Chairman shall vote in case of a tie and may vote on any matter before the Commission. ~~Questions of procedure for meetings of the Commission not covered by these Bylaws, shall be governed by the latest edition of Roberts Rules of Order, Revised.~~ In case of any disturbance or disorderly conduct, the Chairman shall have the power to remove the cause of same or suspend the meetings.

The Commission shall follow Robert's Rules of Order in the conduct of each meeting and comply with the requirements of the *Illinois Open Meetings Act* (Stat. Ch. 102, Section 41) as amended.

X. DISQUALIFICATION/~~CONFLICT-OF-INTEREST PROVISIONS~~

~~No Commission Member who has an individual financial or other material interest in any matter coming before the Commission shall participate in the deliberations or the decisions in such matters. Furthermore, Members who recognize that they may have such an interest shall so state during the public deliberations of the Commission.~~

No Commission member who has a direct financial interest, or is an employee or representative in any capacity of an entity having interest in any matter coming before the Commission shall participate in the deliberations or the decision in such matters.

In order to serve on the CDBG Commission, voting-bloc Members agree to abide by the provisions of 24 CFR 92.356, 24 CFR 85.36 and 24 CFR Part 84.42 with respect to conflicts of interest, and covenants and certifies that he or she presently has no financial interest and shall not acquire any financial interest direct or indirect, or any such benefit, which would conflict in any manner or degree with the performance of services required per their term of office as a voting-bloc Member. In addition to not being allowed to have a financial interest as stated above, voting-bloc Members shall not be employed or retained by any subrecipient organization. These conflicts of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of a McHenry County subrecipient organization. Lastly, voting-bloc Members as outlined herein may not acquire a financial interest or any such benefit due to family or business ties to a member, an employee, agent, consultant, officer, or elected official or appointed official of the Participating Jurisdiction known as the County of McHenry, Illinois.

XI. RESCISSION

No action of the Commission shall be rescinded at any special meeting of the Commission unless there shall be present at such special meeting at least as many **voting-bloc** Members as were present at the meeting at which such action was originally approved.

XII. DURATION

~~The Commission shall continue to exist until all CDBG/HOME funds have been expended, returned to the funding agency, or otherwise accounted for the satisfaction of the funding agency.~~

XIII. AMENDMENT

~~These By-Laws may be amended by Resolution of the McHenry County board by simple majority of those voting at a regular or special meeting thereof.~~

These bylaws are subject to review and approval of the McHenry County Board. The power to amend or repeal these bylaws or adopt new bylaws may be exercised by no less than a majority of the current membership of the Commission or at the request and discretion of the McHenry County Board and final approval by and of a Resolution of the McHenry County Board by simple majority of those voting at a regular or special meeting thereof.

XIV. SEVERABILITY

If any provision of these By-Laws is found to be invalid for any reason, such invalidation shall not affect other provisions of the By-Laws which can be given effect without the invalid provisions, and to this end, to provisions of these By-Laws are to be severable.

XV. LEGAL COUNSEL

~~The Commission shall seek appropriate legal advice if, and/or when, it is needed, from the McHenry County State's Attorney.~~

The Commission shall seek appropriate legal advice if and/or when, it is needed from the McHenry County State's Attorney. Members of the Commission and subsequent staff and contracted parties shall be indemnified against expenses, judgments, fines and settlement amounts incurred with any action or suit whether civil, criminal, administrative, or investigative, for the reason that he or she is affiliated with the Commission and acted in a good faith manner in respect to the interests of the Commission and no reasonable cause is suspect to be unlawful or not in accordance with the Commission.

XVI. FISCAL/PROGRAM YEAR

~~The Commission shall operate on both a Program Year, as prescribed by the funding agency and shall also operate within the parameters of the County's Fiscal Year (December 1 through November 30).~~

The fiscal year of the Commission shall begin on December 1 in accordance with the County. All fiscal activities of the initial term of the Commission shall be retroactive to the stated date.

XVII. EFFECTIVE DATE

These Bylaws shall become effective upon approval of the County Board. Any amendment to these Bylaws shall take effect immediately upon approval by the County Board.

APPROVED: July 18, 1995 by Resolution No. R-9507-2250-170.

AS AMENDED: July 15, 1997 by Resolution No. R-9707-10-180.

AS AMENDED: May 18, 2010 by Resolution No. R-201005-10-122

**Department of Planning and Development
McHenry County Government Center - Administration Building**

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

TO: Tina Hill, Planning & Development Committee Chairman
Planning & Development Committee Members

FROM: Maryanne Wanaski
CD Administrator

DATE: September 29, 2011

RE: Recommendation of approval for the Adoption and Implementation of revised
McHenry County Community Development Block Grant Commission Bylaws

Board Action Required: Recommendation of approval of revised Community Development Block Grant (CDBG) Commission Bylaws to be forwarded to the McHenry County Board via ordinance.

Background: The CDBG Commission was originally established by the County Board in 1995 to ensure that the County's program met the *Federal Housing and Community Development Act* of 1974. Through the County's program, funds have been made available from the U.S. Department of Housing and Urban Development to assist County communities' meet their infrastructure/service needs with an emphasis on helping persons earning low-to-moderate incomes.

Discussion: The CDBG Committee is currently comprised of seventeen (17) members including six (6) County Board Members, one (1) township supervisor, one (1) township road commissioner, municipal representatives, members representing service organizations and members selected from the general public. Through research by the County's Auditor and discussions with the State's Attorney's Office and CD staff it was suggested to the P&D Committee to revised the CDBG Commission's bylaws to eliminate as much as possible any actual or perceived conflicts of interest in order to more fully comply with HUD regulations and the County's adopted ethics policies and ordinance.

Per P&D Committee recommendations, the proposed revisions allow for a voting membership of seven (7), maximum of nine (9) members and three (3) to five (5) ex-officio members. Voting on any funding or financial obligation will come from just the voting bloc; however, all members may vote on any other Commission matter.

In addition to the elimination of conflicts, it is hoped that a smaller member based Commission and fewer meetings will help achieve a quorum more often than not.

Impact of Budget (Revenue, Expenses and Fringe Benefits): Approval of the revised bylaws and restructured Commission as a County entity will have no impact on County funds as the Commission will continue to be funded through Community Development Block Grant Administration funds in accordance with approved HUD activities.

Impact on Capital Expenditures: Approval to adopt revised CDBG Commission bylaws will not have an impact on capital expenses.

Impact on Physical Space: Approval to adopt revised CDBG Commission bylaws will not have an impact on physical space.

Impact on Other County Departments or Outside Agencies: Approval of the revised CDBG Commission bylaws will continue to impact the McHenry County Planning and Development Department through the Community Development Division, as the Department will continue to serve as the responsible entity for staffing of the Commission and necessary assistance through administration.

Conformity to Board Ordinances and Policies: The revised bylaws conform to all County ordinances and policies in relation to the rights to establish/re-establish such a Commission.

Attachments/Appendices: Revised CDBG Commission Bylaws

**INTERGOVERNMENTAL AGREEMENT FOR
BUILDING PERMIT REVIEW, INSPECTION AND OTHER RELATED
CONTRACT SERVICES
FOR THE VILLAGE OF TROUT VALLEY, ILLINOIS**

This agreement made and entered into this _____ day of _____, 2011 by and between the County of McHenry, a body politic and corporate hereinafter referred to as the “COUNTY”, and the Village Of Trout Valley, a municipal corporation within the boundaries of the County of McHenry, hereinafter referred to as the “VILLAGE.”

WHEREAS, both the COUNTY and the VILLAGE are governmental agencies of the State of Illinois vested with the responsibility and authority to enforce and uphold building, fire, and safety codes and other related services in their respective jurisdictions; and

WHEREAS, the VILLAGE has determined that there presently exists a need for the issuance of building permits, building plan review, inspection of building construction and issuance of certificates of occupancy and building code enforcement in the VILLAGE; and

WHEREAS, both the COUNTY and the VILLAGE are authorized by the terms and provisions of the Intergovernmental Cooperation Act, 5 ILCS 220/5, to enter into intergovernmental agreements, ventures and undertakings to perform jointly any governmental purpose or undertaking either of them could do singularly; and

WHEREAS, the VILLAGE has adopted by reference the COUNTY’S building codes; and

WHEREAS, the residential property in the VILLAGE is subject to deed restrictions, and these restrictions require prior approval of any construction by the Trout Valley Home Owners Association; and

WHEREAS, the VILLAGE is desirous of contracting with the COUNTY to review building plans, issue building permits, inspect building projects for compliance with the building code, and issue occupancy permits; and

WHEREAS, the COUNTY can provide said services.

NOW THEREFORE, in consideration of the foregoing and the covenants contained herein, the parties hereby agree and covenant as follows:

1. For all building construction projects within the VILLAGE, whether residential or non-residential, the COUNTY through its Department Of Planning and Development (the “DEPARTMENT”), will be responsible for processing all building permit applications, approval and issuance of permits, inspections of building projects, and issuance of occupancy permits or certificates of completion. The COUNTY shall not issue a building permit unless a certificate of approval has been issued by Trout Valley Homeowner’s Association.

2. Whenever the VILLAGE becomes aware of building construction or property development activities within the VILLAGE, the VILLAGE is responsible for notifying the property owner of the need to obtain a building and/or stormwater permit(s) from the DEPARTMENT.

3. The DEPARTMENT will notify the Village when it is unable to gain property owner compliance with the building codes. All Court enforcement proceedings shall be prosecuted by the VILLAGE.

4. The DEPARTMENT will provide to the VILLAGE, at no cost, phone consultations, email communications or meetings with VILLAGE officials at the County Administration Building to discuss plan review and inspection reports and areas of non-compliance with the building codes. The DEPARTMENT will attend meetings at the VILLAGE Hall and will attend court and/or administrative adjudication hearings at the following hourly rates:

- Plans Examiner: \$X /hour
- Building or Code Enforcement Inspector: \$X /hour
- Code Enforcement Official: \$X /hour.

Billing hours for attending meetings at the VILLAGE hall and court and/or administrative adjudication hearings will include travel time to and from the County Administration Building.

5. As long as the VILLAGE remains uncertified under the McHenry County Stormwater Management Ordinance, the DEPARTMENT will continue to issue stormwater management permits to property owners within the Village. The DEPARTMENT will coordinate stormwater review for building permits submitted to the DEPARTMENT, subject to the adopted fee schedule.

6. The fee schedule adopted by COUNTY with respect to building permits shall apply in this agreement and shall be incorporated herein as Exhibit A. Said fee schedule shall be updated from time to time as the County updates its fee schedule and shall be incorporated herein without further action by the VILLAGE Board.

7. The DEPARTMENT shall collect all permit fees as full as complete compensation for their issuance of building permits, plan reviews, inspections, and issuance of certificates of occupancy or certificates of completion.

8. The DEPARTMENT shall be entitled to hourly fees for attending meetings at the VILLAGE Hall and court and/or administrative adjudication hearings.

9. The DEPARTMENT shall process and review building permit applications and submittals and schedule inspections in the order they are received with the same priority granted to County permits.

10. The DEPARTMENT Director, and his designated staff shall be the primary contacts for receiving queries, complaints, and commendations of services performed under this Agreement.

11. The DEPARTMENT will provide updates to the VILLAGE, bimonthly, the status of all applications for building permits, building permits issued, and status of the of the building projects which are subject to this Agreement.

12. The VILLAGE agrees to defend itself in any actions or disputes brought against the VILLAGE arising out of, relating to, in connection with, or as the result of this Agreement or any services provided hereunder and to defend and to indemnify and hold the COUNTY and DEPARTMENT harmless and free from liability of any kind resulting from the acts or conduct of the VILLAGE and its employees, agents, or representatives arising out of, relating to, in connection with, or as a result of this Agreement or any services provided hereunder, except and to the extent the action or dispute arises out of or is caused solely by the gross negligence of the COUNTY DEPARTMENT or any of the COUNTY of DEPARTMENT employees, agents, or representatives, this exception shall not apply where the COUNTY or DEPARTMENT employees, agents or representatives relied upon information from or documents received by the VILLAGE. Notwithstanding any of these other provisions the COUNTY and DEPARTMENT will have no liability when the application or information submitted for review is erroneous, false or misleading and such is relied upon in conducting the services under this Agreement.

13. This Agreement may be terminated by either party upon ninety (90) days written notice to all parties.

14. This Agreement may be extended for such period of time as shall be agreed upon by the parties in writing at least thirty (30) days prior to the expiration of the term of this Agreement or any extended term hereunder. In the absence of a written extension to or termination of this Agreement as contemplated above, the DEPARTMENT may, at its option, continue to provide services defined herein, and such services and the acceptance thereof by the VILLAGE, shall constitute an effective extension of this Agreement and its provisions until such time as either party terminates this Agreement as provided in Paragraph 13 above or the parties enter into a written extension as provided for in this paragraph.

15. This Agreement shall be in full force and effect from _____, 2011, through _____, 2012 inclusive.

16. The foregoing constitutes the entire Agreement between the parties, and no verbal statement shall supersede any of its provisions. This Agreement may be amended by mutual agreement, signed and executed with the same formality with which this instrument was executed.

17. This agreement may be executed in multiple identical counterparts, and all of said counterparts shall, individually and taken together, constitute one and the same Agreement.

IN WITNESS WHEREOF, the County of McHenry, by a Resolution duly adopted by the County Board of McHenry County, causes this Agreement to be signed by its Chairman and attested to by its Clerk and the VILLAGE, by order of its Board has caused these presence to be executed by the President of the VILLAGE Board and attested to by its Clerk all on the day and year hereinafter written.

Dated this _____ day of _____, A.D. 2011.

COUNTY OF MCHENRY:

By: _____
Kenneth Koehler, Chairman
COUNTY Board

Attest: _____
Katherine Schultz
County Clerk

Dated this _____ day of _____, A.D. 2011.

VILLAGE
By: _____
Robert Baker, Mayor
VILLAGE

Attest: _____
Tonia Gonzales
VILLAGE Clerk

**Department of Planning and Development
McHenry County Government Center - Administration Building**

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

MEMORANDUM

To: Tina Hill, Chairman
and Members of the Planning and Development Committee

From: Dennis A. Sandquist, Director of Planning and Development

Date: October 13, 2011

Re: Resolution Authorizing Entering into an intergovernmental agreement to provide building permit review and inspection services for the Village of Trout Valley

Action Requested:

Review the attached proposed resolution and direct staff to proceed with requesting the States Attorney's Office to review it prior to resubmitting it to the Committee for County Board for approval.

Background:

The Village of Trout Valley is requesting that the County provide the Village with building permit review and inspection services. Village Attorney James Kelly has prepared a draft resolution and will attend the P&D Committee to further discuss the request. I am requesting the Committee's conceptual endorsement of the concept, prior to submitting the draft resolution to the State's Attorney Office (SAO) for review. Following the SAO review, the resolution will be returned to Committee for a recommendation to the County Board.

Discussion:

As outlined in the draft resolution, municipalities and counties are authorized to enter into intergovernmental agreements for the provision of services. The Village of Trout Valley is requesting that the County Department of Planning and Development process building permit applications, conduct plans reviews and inspections, and issue occupancy permits or certificates of completion for construction projects within the Village. The Village will be responsible for notifying property owners of the need to obtain a building permit from the County.

As the agreement is currently drafted, the Department will notify the Village when it is unable to gain property owner compliance with the building codes. All enforcement proceedings shall be prosecuted by the Village. County staff will attend meetings at the

Village Hall and court or administrative adjudication hearings for an hourly fee. However, it is the Village's preference that the Department also assume responsibility for building code enforcement including pursuing violations through the legal process. Mr. Kelly would like to address the Committee regarding this possibility in particular.

Because the Village is not certified under the Stormwater Management Ordinance, the Department already issues Stormwater Management Permits to property owners within the Village. The Department will maintain the responsibility to issue stormwater permits and will coordinate stormwater review for building permits submitted to the Department as long as the Village remains uncertified.

According to Mr. Kelly, Trout Valley is fully built out. They issue between 3 and 6 building permits per year. The type of work performed ranges from construction of retaining walls to significant residential remodeling projects.

Impact on Human Resources:

Permit reviews and inspections will be conducted by existing Planning, Inspections, and Enforcement (PIE) Division Staff. The PIE Division has existing capacity to perform the permit processing, plans review, and inspection services for the estimated volume of permits. The agreement will need to be re-reviewed if County or Village permit volumes increase.

Because the Village is not certified under the Stormwater Management Ordinance, the agreement will not have any impact on the Stormwater Division. The Stormwater Division is already responsible for reviewing and permitting projects within the Village.

Impact on Budget:

This request will not create any additional County expenditure. It will generate a small amount of additional revenue in the form of permit fees.

Impact on Capital Expenditures:

The request will not require any additional capital expenditures.

Impact on Physical Space:

The request will not have any impact on physical space requirements.

Impact on Other County Departments or Outside Agencies:

The request will not impact other County Departments. It will have a positive impact for the Village of Trout Valley.

Conformity to Board Ordinances and Policies:

The request conforms to all County policies and ordinances.

PROPOSED 2012 SCHEDULE OF FEES

BUILDING PERMIT FEES	2010	2010	2012	2012
	MIN. COST	COST PER SQ. FT.	MIN. COST	COST PER SQ. FT.
A. <u>Residential Construction, Single Family</u>				
1. New Construction		\$0.32		\$0.32
2. Additions/Alterations/Remodeling	\$74		\$75 (1%)	
3. Accessory buildings, deck, etc.	\$74		\$75 (1%)	
B. <u>Commercial, Industrial, Storage, Business</u>				
1. New Construction		\$0.34		\$0.38
2. Additions/Alterations/Remodeling	\$74		\$75 (1%)	
3. Accessory buildings, deck, etc.	\$74		\$75 (1%)	
C. <u>Non-commercial, Utility or Storage</u>				
1. New Construction		\$0.32		\$0.32
2. Additions/Alterations	\$74		\$75 (1%)	
D. <u>Electrical Work</u>	\$74	\$0.21	\$75 (1%)	\$0.21
E. <u>HVAC</u>	\$74	\$0.21	\$75 (1%)	\$0.21
F. <u>Plumbing</u> (includes 1st fixture)				
1. Each Additional Fixture (with waterline connection)	\$74	\$0.21	\$75 (1%)	\$0.21
	\$2.40		\$2.50 (3%)	
G. <u>Siding</u>	\$74		\$75 (1%)	
H. <u>Fences</u>				
1. Privacy-More than 50% obscured (all materials)	\$74		\$75 (1%)	
2. See-through - NO PERMIT REQUIRED	N/C	N/C	N/C	N/C
I. <u>Signs & Structures</u>				
1. Base Fee	\$74	\$74	\$75 (1%)	
2. Plus Area of Sign		\$0.72		\$0.72
J. <u>Pools, Hot Tubs and Spas</u>				
1. Pools	\$148		\$150	
2. Hot Tub and Spas	\$148		\$75	
K. <u>Foundations, Seawalls & Retaining Walls(4' or >)</u>				
1. Moving, Raising, Shoring, Under-pinning	\$148		\$150	
L. <u>Wrecking</u>				
1. Accessory Structures	\$74		\$50	
2. Dwellings or other Occupied Structures	\$74		\$100	
3. Commercial	\$74		\$200	
M. <u>Telecommunication Tower</u>				
1. New Tower		K+ D + sq. footage x B1	\$800	
2. Co-Locate to Existing Tower		D + sq. footage x B1	\$400	
N. <u>Agricultural Exempt Structures</u>				
1.Requires Initial Stormwater Application Fee			\$75	
O. <u>Administrative Variance</u>				
1. Plus cost of certified mailings	\$100		\$100	

BUILDING PERMIT FEES	2010	2010	2012	2012
	<u>MIN. COST</u>	<u>COST PER SQ. FT.</u>	<u>MIN. COST</u>	<u>COST PER SQ. FT.</u>
P. <u>Buildability Letters</u> Cost for other than property owner	\$75		\$75	
Q. <u>Over-the-Counter Permits or Additional Permit (to complete bath/deck for CO)</u>				
1. Minimum Permit Fee	\$74		\$50 (-32%)	
2. Plus Cost for each inspection			\$20	
R. <u>Install New Roof</u>				
1. Less than 50% roof replacement (rafters/trusses)		\$0.32	\$75	
2. Greater than 50% roof replacement (rafters/trusses)		\$0.32	\$150	
S. <u>Re-Inspection or Extra Inspections Needed</u>				
1. First Request	N/C		N/C	
2. All Additional Required or Requested, Each	\$74		\$75 (1%)	
T. <u>Minimum Permit Fee</u>	\$74		\$75 (1%)	
U. <u>Temporary Use Permit (Per application/permit)</u>				
1. Submitted Prior to 30 Days	\$100		\$100	
2. Renewal Fee			\$50	
V. <u>Postage</u>	\$5		\$5	
W. <u>Extention of a Permit</u> A fee of 50% of the original permit fee shall be paid for a 1 year extension, under certain circumstances, to extend a permit suspended as defined by the Building Codes.				
X. <u>Penalty</u> A penalty of 100% of the permit fee shall be added to the cost of a permit if construction is started before permit is issued. This fee is waived if the construction was started prior to the purchase of the property.				
Y. <u>Reinstatement of Permit</u> A reinstatement fee of 10% of the original permit fee or \$75, which ever is greater, will be charged on any request for reinstatement when no inspections have been made within six (6) months prior to the request for an extension.				
Z. <u>Permit Refund</u> If no work has started, a written request for a refund may be made for all permit fees excluding Stormwater and Plan Review Fees (if conducted).				
AA. <u>Permit Freeze</u> This would involve placing a permit on hold under certain circumstances for a period not to exceed 1 year for \$10 per month and a reactivation fee of \$150, payable when construction is reinitiated				

2010
MIN. COST

2012
MIN. COST

MOTEL INSPECTION/LICENSING FEES

A. Annual Licensing Fee
\$25 plus \$3.00 per unit Not to exceed \$200

B. Annual Inspection Fee * \$148 \$150 (1%)

*This fee includes the annual inspection and one follow-up inspection to determine compliance with applicable codes and ordinances of McHenry County.

C. Additional Inspections
Each \$74 \$75 (1%)

ZONING FEES (All Fees shown in red below incorporate a 3% increase plus a \$20 Zoning Sign Fee and will also undergo a Stormwater Review charge not included)

Note: Petitioners are responsible for associated processing costs including, but not limited to, court reporter fees, certified mailings, legal publication and possible continuation fees, per the McHenry County Zoning Ordinance

<u>A. Amendments & Conditional Uses</u>	<u>2010</u>	<u>2012</u>
<u>ACREAGE</u>	<u>FEE</u>	<u>FEE</u>
For the first 5 acres	\$1,238 Flat fee	\$1,295 (3% +\$20)
For over 5 acres up to and including 25 acres	\$1,297 plus \$122 per acre over 5 acres	\$1,356 + \$126 (3% +\$20)
For over 25 acres up to and including 50 acres	\$3,909 plus \$76 per acre over 25 acres	\$4,046 + \$78 (3% +\$20)
For over 50 acres up to and including 100 acres	\$6,059 plus \$59 per acre over 50 acres	\$6,261 + \$61 (3% +\$20)
For over 100 acres up to and including 500 acres	\$9,374 plus \$50 per acre over 100 acres	\$9,675 + \$ 52 (3% +\$20)
For over 500 acres	\$29,874 plus \$21 per acre over 500 acres	\$30,790 + \$22 (3% +\$20)

NOTE: Any fraction of an acre will be considered a full acre.

B. Amendments of Applications
Amendments to applications requiring additional review and subsequent recommendation by the Zoning Board of Appeals will follow the adopted fee schedule for Amendments and Conditional Use Permits.

C. Variations and Appeals for Zoning
Flat fee per hearing \$550 \$587 (3% +\$20)

D. Variations and Appeals for Signs
Flat fee per hearing \$250 \$278 (3% +\$20)

E. Township Hearings
All provisions for and costs associated with requests for hearings to be held in the Township affected shall be borne by the applicant named in the petition in addition to all filing fee requirements.

F. Penalty Fees
A % of the Petition fee shall be added to the cost of a Petition if construction or business has started before Petition is granted/ approval by the McHenry County Board. 25% 50%

G. Retraction of Conditional Use
Equal to cost of new Conditional Use \$600

STORMWATER FEES

	<u>2010 FEES</u>	<u>2012 FEES (% increase)</u>
A. <u>Initial Application Fee</u>	\$65	\$65
B. <u>Minor Development</u>		
1. w/o floodplain	\$160	\$165 (3%)
2. w/floodplain	\$235	\$240 (2%)
C. <u>Intermediate Development</u>		
1. w/o Detention	\$750	\$770 (3%)
2. w/o Detention in Floodplain	\$1,125	\$1,150 (2%)
3. w/ Detention	\$1,250	\$1,300 (4%)
4. w/ Detention in Floodplain	\$1,875	\$1,930 (3%)
D. <u>Major Development</u>		
1. w/o Detention	\$1,000	\$1,100 (10%)
2. w/o Detention in Floodplain	\$1,500	\$1,650 (10%)
3. w/ Detention	\$1250 (1st 5 acres plus \$30 per added acre)	\$1,375 (1st 5 acres plus \$33 per added acre) (10%)
4. w/Detention in Floodplain	50% established fee above	\$2,060 (1st 5 acres plus \$50 per added acre) (10%)
E. <u>Public Road Development</u>		
1. In-kind replacement		\$300 (100%)
2. w/o Detention		\$700 (100%)
3. w/o Detention in Floodplain		\$2,000 (100%)
4. w/ Detention in Floodplain		\$3,000 (100%)
F. <u>Letter of Understanding</u>		50% of standard fees (B-E, H,J)
G. <u>Countywide Permits</u>	\$65 plus applicable inspection fee(s)	\$105
H. <u>Base Flood Elevation Determination</u>	50% of established fee of D3 above	
1. Flood of Record Determinations		\$200
2. Tributary <20 acres		\$700
3. Tributary <100 acres		\$2,000
4. Tributary <640 acres		\$3,000
5. Tributary >640 acres		\$4,000
I. <u>Sediment and Erosion Control</u>		
1. Development w/ Hydrological Disturbance < 1 acre	\$105 Insp. Fee	\$105 Insp. Fee
2. Development w/ Hydrological Disturbance > 1 acre	Fee chrgd. by McH CO. Soil & Water Conserv. District	Fee chrgd. by McH CO. Soil & Water Conserv. District
J. <u>Wetlands</u>		
1. Category I Wetland	\$525	\$525
2. Category II Wetland	\$1,575	\$1,575
3. Category III Wetland	\$2,500	\$2,500
4. Category IV Wetland (Development < 1 acre)	\$875	\$875
5. Category IV Wetland (Development ≥ 1 acre)	\$1,725	\$1,725
6. Wetland Mitigation Review	\$525	\$525
7. Wetland hydrology review (per wetland)		\$50 (100%)

K.	<u>Additional Fees</u>		
	1. Permit modification (After original permit issued)	25% of Initial Fee	25% of Fee
	2. Permit Not Required Determination Letter	\$65	\$65
	3. Floodplain and Wetland Maps	\$3 per copy	\$3 per copy
	4. Variations (minor development classification)	\$2,100	\$500 (-76%)
	5. Variations (all other development classifications)	\$2,100	\$2,100
	6. Appeals	\$315	\$315
	7. Additional Inspections	\$105	\$105
	8. LOMA Community Acknowledgement Form Review	\$65	\$65
	9. Expedited Permit Review (in addition to all stormwater fees)		
	Applicant pays for actual time and materials at current County consultant rate		
	10. A fee of 25% of the original permit fee shall be paid for a 6 month extension, under certain circumstances		

L. After-The-Fact-Permit Fee
 An additional fee equal to 50% of the permit fee is required if construction is started before the permit is issued.
 (increased from 25%-50%)

M. Re-Submittal Fee
 The second re-submittal that fails to address previous comments will be charged a \$75 fee prior to subsequent reviews.
 (does not apply to covenants and maintenance plans)

Subdivision Fees

- A. Review Fee
 - 1. First through third lot \$705
 - 2. Each additional lot \$206
- B. Fee Payment Schedule
 - 1. One third the total fee due at approval of the sketch plan by the Staff Plat Committee
 - 2. One third the total fee due at approval of the tentative plat by the Staff Plat Committee
 - 3. One third the total fee due at approval of the Final Plat by the Staff Plat Committee
- C. Extention fee \$500

Fee Waivers

- 1. Permit fees are waived for County General Fund Agencies.
- 2. No stormwater fees are charged for fences
- 3. All additional fees for After-The-Fact Permits/Petitions shall be waived if the violation was caused by a previous property owner
- 4. All other fee waivers must be approved by the County Board.

Publications and Maps

Zoning Ordinance	\$20
2010 Land Use Plan & Map	\$6
Subdivision Ordinance	\$20
Stormwater Management Ordinance	\$10
Stormwater Management Technical Reference Manual	\$75
Sign Ordinance	\$5
Historic Preservation Ordinance	\$5
Floodplain And Wetland Maps	\$3
30x36 Color County Base Map	\$7
18x24 Color County Base Map	\$3
36x48 Color Zoning Reference Map	\$10

Copies

Black & White

36x48	\$8
24x36	\$4
18x24	\$3
11x17	\$1
8.5x14	\$0.50
8.5x11	\$0.25

Color

11x17	\$4
8.5x14	\$3
8.5x11	\$2.50

Postage - Large Format

Mailing Tube (3x42) 1-4 Maps	\$8
Mailing Tube (3x42) 5-8 Maps	\$9
Mailing Tube (3x42) 9-12 Maps	\$10
Small Envelope (10x13) 1-2 Maps	\$5
Large Envelope (14x18) 1-6 Maps	\$7
Permit Mailing Fee	\$5

*Note: Items in Green represent a new item or a decrease in existing fees

*Note: Items in Red represent an increase in existing fees

Department of Planning and Development
McHenry County Government Center - Administration Building

2200 North Seminary Avenue
Woodstock, Illinois 60098



815 334-4560 Fax 815 337-3720
www.co.mchenry.il.us

To: Tina Hill, Chair
Planning and Development Committee

From: Dennis Sandquist, Director
Department of Planning and Development

Date: October 12, 2011

Re: 2012 Fee Schedule

Board/Committee Action Requested: Approval of the 2012 Fee Schedule for the McHenry County Department of Planning and Development.

Background: In the 2010, the Department conducted a review of the costs of providing permitting, zoning, and subdivision services and the fees charged for those services. The primary philosophy behind the review was that individuals obtaining those services should cover the bulk of the costs of providing such services. It was determined at the time that the building division was covering most of the costs associate with providing its permitting services, but that the Stormwater and Planning divisions were only covering approximately 40% of their costs*.

As a result of the study, the County Board authorized an increase in fees, mostly for the Stormwater and Planning services that ranged from 5% for small and minor projects, to 25% for large and major projects. These increases were intended as an incremental step towards having applicants cover the costs of those services.

The County Board also authorized, for the first time, penalty fees for both Stormwater and Zoning projects. The Stormwater and Zoning penalty fees are intended to encourage property owners to obtain permits and zoning approvals before starting their development activity or land use. Initially, the County Board authorized a 25% penalty fee for Stormwater and Zoning projects, with the stated goal of increasing the fee in subsequent years to eventually match the Building Permit penalty fee, which is 100% of the cost of the permit.

Discussion: As part of our long-term objective to bring bridge the gap between revenue and expenditures, the Department is recommending modest increases in the majority of our fees with new fees and more substantial fee increases in select areas where fees are

* This analysis did not include consideration of the department's indirect expenses associated with administering and managing the building, stormwater, zoning, and subdivision review processes. Nor did it consider County indirect costs, such as health insurance and retirement benefits. If these costs are considered, all fees are insufficient to cover expenses.

non-existent or far short of covering costs. The Department is also recommending several fee decreases. The decreased fees are proposed for permits where it appears that the current fees are excessive relative to the amount of review and inspection time required by the permit. The attached fee schedule outlines changes, with new or increased fees indicated in red and decreased fees indicated in green. The most significant proposed fee changes are discussed below.

The Department recommends increasing the penalty fee for after the fact Stormwater Permits and Zoning Petitions from 25% to 50%. The penalty fee is designed to encourage property owners to seek permits prior to commencing work on a project. The penalty fee will continue to be waived for projects initiated or completed by a previous property owner.

A second significant proposed change is to eliminate the waiver of fees for government agencies, with the exception of County General Fund departments. The Department has waived building, zoning, and stormwater fees for all government agencies. In FY2010 and FY2011, the Department has waived over \$98,000 in building and stormwater fees, as indicated in the following table.

Agency	Building Permit Fees	Stormwater Fees
County General Fund Depts.	\$16,271	\$4,170
MCDOT	\$222	\$13,875
MCCD	\$6,707	\$20,140
Other (townships, schools)	\$16,804	\$20,800

We have not had any local governments file zoning petitions in the last two years.

Based on previous discussions with the Committee, I have notified MCDOT, MCCD, and a representative of the Township Highway Commissioners of the pending discussion.

While I have not researched the topic, I am aware that several McHenry County agencies charge permit fees for other governmental entities; several McHenry County communities charge permit fees for other governmental entities; and several Illinois counties charge permit fees for other governmental entities.

Implementing this change requires the addition of several new fee categories to the fee schedule because we have never established a stormwater permit fee for public road projects (which are a specific development category within the Stormwater Management Ordinance) or projects permitted under the letters of understanding with the MCCD.

Another significant change to the fee schedule is intended to assist property owners who cannot complete their projects due to these difficult economic times. We propose that the County adopt a fee to allow property owners to freeze their permits for a specified period of time. This option would allow those experiencing financial difficulty during the construction process to request that their permit be suspended if certain criteria are met. Property owners would then pay a fee when they resume work. (Currently they must apply for a new permit.) If the fee is approved, staff will develop the specific criterion for this fee and prepare an amendment to the building code for the Committee to send to the County Board for approval.

We are also proposing a Stormwater Permit Expediting Fee. This fee is intended to address the staffing limitations of our Stormwater Division which can result in applicants waiting weeks for permit submittals and resubmittals to be reviewed. In several recent cases, applicants have specifically asked if they could pay extra to have their permit reviewed sooner. This proposed fee would provide such a mechanism. The applicant would pay the time and materials for the County's contracted stormwater consultant to review their permit. (The current contracted rate is \$101/hour.) This review would be scheduled at a time that the consultant would not otherwise be reviewing County permit applications in order to ensure that expediting one permit does not inadvertently delay other permit reviews.

Also in the area of Stormwater, we are proposing a new fee for extending Stormwater Permits. Under the Stormwater Ordinance, Stormwater Permits are valid for two years with extensions of 6-months. By comparison, Building Permits are valid for two years with allowance for one one-year extension. The fee for the Building Permit extension is 50% of the original permit fee. To bring Stormwater fees in line with Building fees, we propose offering 6-month extensions for 25% of the original permit fee.

A final significant change to the fee schedule is a proposed new subdivision extension review fee. Consistent with the direction from Committee, all subdivision extension requests are reviewed by MCDOT, Environmental Health, the Stormwater Division, Planning Division, and Code Enforcement Officer to ensure consistency with current regulations. The proposed \$500 extension fee would be shared with the reviewing agencies the same as the current subdivision review fees.

Impact on Human Resources: There will be no impact on Human Resources as a result of the approval of this ordinance.

Impact on Budget: Approval of the fee schedule will have a positive impact for the Department's revenues and budget. The revised fee schedule will allow the County to recover more of the costs of providing permitting and zoning approvals from the property owners and agencies obtaining those services.

Impact on Capital Expenditures: There are no capital expenditures requested.

Impact on Other County Departments or Outside Agencies: Approval of this fee schedule will impact other government agencies seeking permits from the County as it is proposed to eliminate the fee waiver for government agencies.

Conformity to Board Ordinances and Policies: Proposed action is in conformity to approved ordinances and policies.

Attachment: Proposed Ordinance and Fee Schedule

ORDINANCE
McHenry County Building, Zoning, Stormwater, Subdivision,
and Motel License Fee Schedule

WHEREAS, the County of McHenry is authorized to promulgate rules and regulations to govern building construction, safety, zoning matters, stormwater issues, subdivision of land, and the licensing of lodging of transients; and

WHEREAS, the County of McHenry has promulgated rules and regulations to govern these matters, said rules and regulations known as the McHenry County Building, Zoning, Stormwater, Subdivision, and Motel Licensing Ordinances; and

WHEREAS, the County Board of McHenry County is authorized to manage county funds and county business pursuant to 55ILCS 5/5 - 1005; and

WHEREAS, the rules and regulations to govern building construction, safety, zoning, stormwater, subdivision, and motel licenses require that the McHenry County Department of Planning and Development accept applications, issue permits and conduct inspections, reviews, and hearings; and

WHEREAS, the fees charged to cover the cost of accepting applications, issuing permits and conducting inspections, reviews, and hearings pursuant to said Ordinances should be current.

NOW, THEREFORE BE IT ORDAINED, that the County Board of McHenry County amends the Fee Schedule to cover costs of providing Building Permits, Inspections, Zoning Petitions, Stormwater Permits, Subdivision Reviews, Motel Licenses and to cover costs of providing code books, ordinances, maps, and other documents to the public, to be effective January 1, 2012; and

BE IT FURTHER ORDAINED, that the current Schedule of Fees for Building Permits, Zoning Petitions, Stormwater Permits, Subdivision Reviews, and Motel Licenses previously adopted is repealed as of January 1, 2012; and

BE IT FURTHER ORDAINED, that said Schedule of Fees be attached to and made a part of the McHenry County Building, Zoning, Stormwater, Subdivision and Motel License Ordinances immediately upon adoption hereof; and

BE IT FURTHER ORDAINED, that Subdivision Review fees collected under this Ordinance shall be distributed to County Departments as follows:

Department of Health	30%
Division of Transportation	20%
Planning and Development	50%; and

BE IT FURTHER ORDAINED that the County Clerk is hereby authorized to distribute a certified copy of this Ordinance to the Director of the Department of Planning and Development, the Finance Manager and the County Administrator.

DATED at Woodstock, Illinois, this ____ day of November, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

**Department of Planning and Development
McHenry County Government Center - Administration Building**

2200 North Seminary Avenue
Woodstock, Illinois 60098



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M E M O R A N D U M

DATE: October 7th, 2011
TO: Tina Hill, Chairman, and Planning and Development Committee Members
FROM: Sean Foley, Staff Liaison
McHenry County Historic Preservation Commission
RE: Appointment of Lynn Gray to the Historic Preservation Commission

Gail (Drabant) Brown resigned her Commissionership on the Historic Preservation Commission, effective the 6th of July, 2011. Her unexpired term continues to the 30th of November, 2013.

Lynn M. Gray was one of three candidates considered by the Historic Preservation Commission to fill Ms. Brown's unexpired term. The Commission interviewed her at its regular meeting on the 3rd of August, 2011.

The Commission voted unanimously (5-0) to recommend that Ms. Gray fill the unexpired term of Ms. Brown at their regular meeting on the 5th October, 2011. The McHenry County Historic Preservation Commission is forwarding the following appointment request to the Planning and Development Committee for your consideration:

Lynn M. Gray Historic Preservation Commission 11-01-2011 through 11-30-2013

A copy of her application and résumé will be distributed to all County Board members.

If you have any questions regarding the Commission's request, please do not hesitate to contact the staff liaison above.