

AGENDA

PLANNING & DEVELOPMENT COMMITTEE

September 15, 2011 - 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

4.1 Subdivision Extension – The Preserve at Twin Creeks - Approval

5.0 Old Business

6.0 New Business

6.1 Appointment - Greenwood Drainage District Appointment – Keith Weingart

6.2 Recommendations for Consultants for the USEPA Brownfield's Grant – Approval

6.3 Resolution Approval to Enter Into contract with Mullins & Lonergan Associates for the Preparation of an Analysis of Impediments to Fair Housing Choice

6.4 CDBG Commission Membership

7.0 Reports to Committee, as applicable

7.1 Chicago Metropolitan Agency for Planning

7.2 Community Development Block Grant Commission

7.3 Historic Preservation Commission

7.4 Housing Commission

8.0 Miscellaneous

9.0 Executive Session

10.0 Adjournment

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: Planning & Development Committee

From: Darrell Moore, Acting Principal Planner

Date: September 8, 2011

Re: Subdivision Extension Request for the Preserve at Twin Creeks

Committee Action

Vote on whether to grant a one-year extension for The Preserve at Twin Creeks subdivision.

Background

The Preserve at Twin Creeks is currently at the Final Plat stage. On September 25, 2008, the Tentative Plat was approved by this committee giving the developer one year to submit an initial Final Plat to the Staff Plat Review Committee. The developer has subsequently requested and received a one-year extensions from this committee in 2009 and 2010.

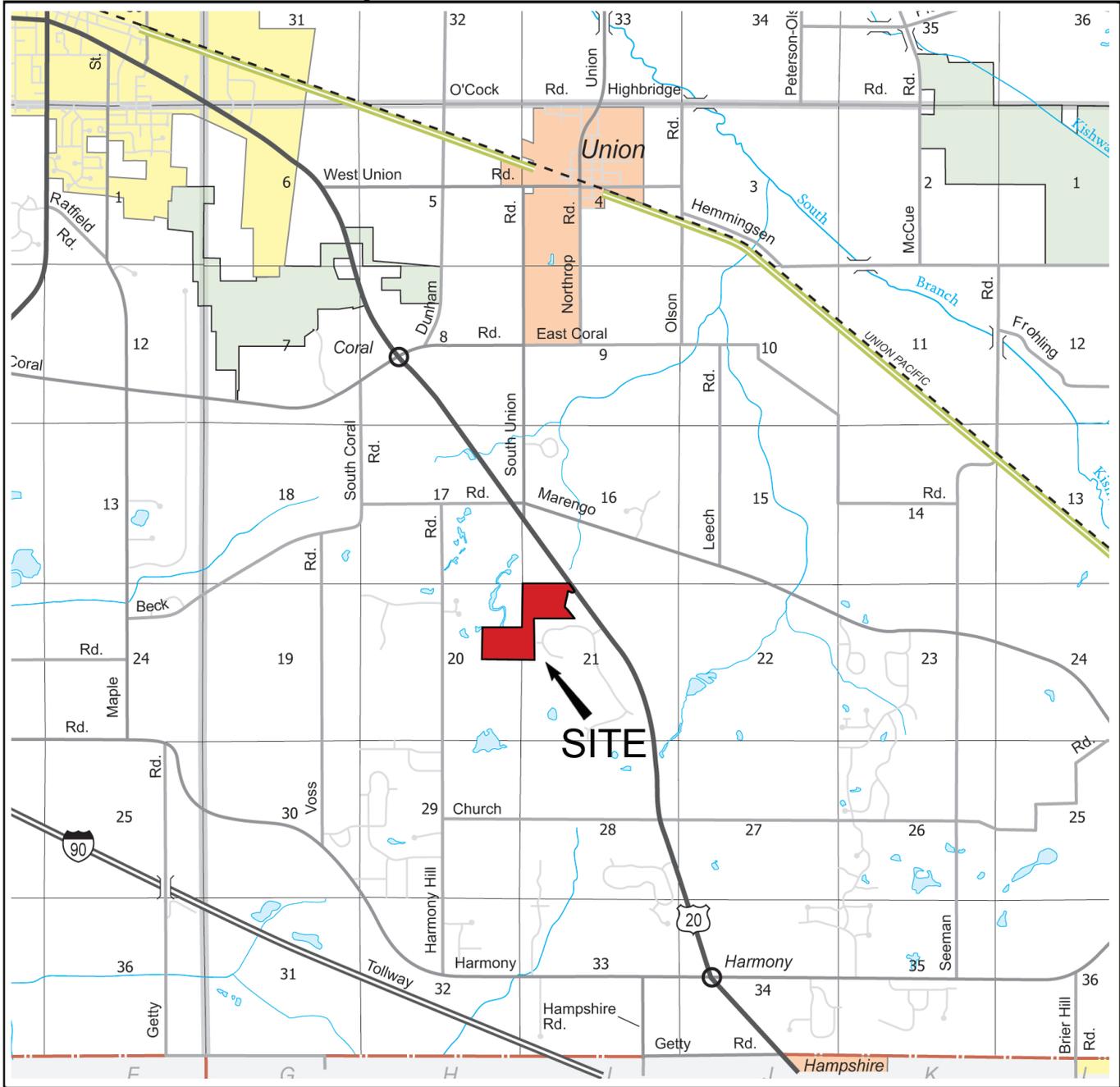
Discussion

Staff has received a letter (attached) from the developer of The Preserve at Twin Creeks requesting an extension. The letter explains that the extension is needed because of the "significant recession" and "lack of demand for housing." In accordance with the recently adopted policies on extensions, the developer has also provided letters from MCDOT, the Health Department, and the Chief Stormwater Engineer, none of which object to an extension at this time.

Attachments

- Extension request with letters of no-objection
- Location map

Proposed Subdivision Site



Location Map Scale - 1 In. = 1 Mile

SUBDIVISION: THE PRESERVE AT TWIN CREEKS

UNIT/PHASE: 1 TOWNSHIP: CORAL

SEC/S.: 20/21 TWP.: 43 N RNG.: 6 E

ACRES: 93.53 LOTS: 67 ZONING: E-1



McHENRY COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT

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

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Woodstock, Illinois 60098



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MEMORANDUM

REGARDING: The Preserve at Twin Creeks

FROM: Cory Horton, Chief Stormwater Engineer

TO: Darrell Moore, Acting Principal Planner

DATE: September 9, 2011

I am in receipt of a request from Meghan Michel of Condon Consulting Engineers on behalf of Christopher Zock of Twin Creek Estates, LLC regarding an extension of the Tentative Plat approval for the Preserve at Twin Creeks.

Subdivisions seeking an extension must include with its request written consent from the Chief Stormwater Engineer, among others. This memorandum notifies you that I have no objection to the requested extension.

cc. File

O:\STAFF PLAT REVIEW\Subdivisions\2008\Preserve at Twin Creeks, The (cd)\Engineers\memo-extension 090911.doc



McHenry County

Division of Transportation

Joseph R. Korpalski, Jr., P.E.
Director of Transportation/County Engineer

The Preserve at Twin Creeks
Route 20 in Coral Township

August 26, 2011

Darrell Moore
Acting Principal Planner
McHenry County Department of Planning and Development
2200 North Seminary Avenue
Woodstock, IL 60098

Dear Mr. Moore:

The McHenry County Division of Transportation (MCDOT) is in receipt of an e-mail request, dated August 26, 2011, from Meghan Michel of Condon Consulting Engineers requesting a "Letter of No Objection" from the MCDOT for The Preserve at Twin Creeks located in Coral Township for a Tentative Plat extension. Please be advised that this project does not front directly to any County Highway and as such the MCDOT has no permitting issues with this development.

Therefore, the MCDOT has no objection to any possible extension of this project by either the Planning and Development Department or the Planning and Development Committee. Route 20 is a State Highway, under the jurisdiction of the Illinois Department of Transportation, and the subdivision streets in that area are maintained by Coral Township Highway Department. As such it is recommended that each of those agencies be contacted, if not done so already, to determine if they have any issues with the requested extension.

As always we look forward to working with you on this and future projects. If you have any questions about any of the above comments please feel free to contact me at (815) 334-4972.

Very truly yours,

Ray Beets
Permit and Developer Projects Manager

c: Meghan Michel, P.E., Condon Consulting Engineers
Project File

McHENRY COUNTY DEPARTMENT OF HEALTH
McHENRY COUNTY GOVERNMENT CENTER
2200 N SEMINARY AVENUE – ROUTE 47 N.
WOODSTOCK IL 60098
TELEPHONE 815-334-4585
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Patrick J. McNulty
Public Health
Administrator

September 8, 2011

Darrell Moore
Acting Principal Planner
McHenry County Department of Planning and Development
2200 N Seminary Ave
Woodstock IL 60098

Re: The Preserve at Twin Creeks, Tentative Plat

Dear Mr. Moore,

The Department is in receipt of an August 26, 2011 draft correspondence from Condon Consulting and Engineering regarding request for written consent from the McHenry County Department of Health with regards to extension of the referenced subdivision.

The McHenry County Department of Health has no objection to an extension from the Planning and Development Committee to allow re-submittal of the Tentative Plat for the referenced subdivision.

Please note that comments from the August 13, 2008 Staff Plat Review Committee meeting have not yet been addressed for compliance with Article X of the McHenry County Public Health Ordinance. Re-submittal of the plat would require these comments to be addressed and must also include a soils map updated by the soil classifier to ensure that site conditions have not changed.

If you have any questions, please do not hesitate to contact me at (815) 334-4585.

Sincerely,
Regards,



Eric Marsh,
Sewage Program Coordinator

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

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MEMORANDUM

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

From: Darrell Moore, Acting Principal Planner

Date: September 6, 2011

Re: EPA Brownfield Assessment Grants

Board/Committee Action Requested

None at this time. Action memo to follow.

Background

This memo is to explain that Staff is conducting interviews with vendors regarding the USEPA Brownfield Assessment Grant program. The final interview is scheduled to take place on the afternoon of Friday, September 9th.

Staff will not have memo and resolution prepared on the matter until Monday, September 12th. At which time, Staff will distribute said items to the Committee by email so that it may be voted upon at your September 15th meeting.

RESOLUTION**APPROVAL TO ENTER INTO CONTRACT WITH MULLINS & LONERGAN ASSOCIATES FOR THE PREPARATION OF AN ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE**

WHEREAS, McHenry County, with a threshold population in excess of 200,000, is an "Urban Entitlement County" and therefore receives direct annual funding from the U.S. Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) Programs and other special grants from time to time; because the County receives said federal entitlement funds, HUD requires each entitlement jurisdiction (County of McHenry, Illinois) to be fully aware of the existence, nature, extent and causes of all fair housing matters and to conduct and administer in conformity with the Federal Fair Housing Act in order to affirmatively further fair housing choices; and

WHEREAS, there is a requirement by HUD that documented identification of these issues along with a plan to eradicate negative barriers, called an *Analysis of Impediments to Fair Housing Choice (AI)*, be executed in order to assess the status of fair housing in the entitlement jurisdiction specifically examining how state and local laws, private, public and non-profit sector regulations, administrative policies, procedures and practices impact the location, availability and accessibility of housing for a local jurisdiction and the protected classes including race, color, national origin, religion, sex, familial status or disability; and

WHEREAS, to maintain compliance with said HUD requirements, McHenry County is required to have a current (five years young) executed *Analysis of Impediments to Fair Housing Choice* that guides the entitlement jurisdiction through measurable goals and objectives; and

WHEREAS, the Housing Commission procured proposals and and after review and discussion voted to recommend to the County Board the firm of Mullins and Lonergan Associates of Pittsburg, PA to prepare the AI for a fixed price of thirty-nine thousand nine hundred forty nine and 00/100 (\$39,949.00) to be expended from HOME administration grant funds.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that the Community Development Division is hereby directed to prepare and have the County Board Chairman execute a contract between the County of McHenry, Illinois and Mullins and Lonergan Associates of Pittsburg, PA to prepare an Analysis of Impediments to Fair Housing Choice for the fixed price of thirty-nine thousand nine hundred forty nine and 00/100 (\$39,949.00) to be expended from HOME administration grant funds; and

BE IT FURTHER RESOLVED, that this County Board of McHenry County, Illinois hereby approves and authorizes the Community Development Division staff to submit amended Action Plans as determined applicable to the U.S. Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the County Administrator, the County Treasurer, the County Auditor, the Associate County Administrator-Finance and the Planning and Development Director.

DATED at Woodstock, Illinois, this 20th day of September, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ
McHenry County Clerk

2011-2012 Analysis of Impediments

PRELIMINARY REVIEW CHECKLIST

Date Received: August 17, 2011

Time Received: 11:26AM

Applicant Entity: Mullin & Lonergan Associates, Pittsburgh, PA

Case Number: AI-06

Proposal Minimum Qualifications:

Minimum 5 years consulting in Fair Housing

Evidence: est. 1965, FH-over 40AI's, completion of 52 ConPlans since 2005, housing plans and studies

Completion of 2 AI's within last 5 years

Evidence: 2 samples from 2011

County government work (priority, not required)

Evidence: Will County, IL, Atlantic County, NJ, several PA counties

Post-Westchester experience (priority, not required)

Evidence: AI's completed, provided outline of direct effects of case/considerations on AI and Consolidated planning in relation to case, references subsequent relevant State of Texas case using West. ruling as premise and other FH cases

Required Documentation:

Cover Letter

Certifications

Background Information

Three references

Resumes

Proposal Fee:

Base Prices-all travel, production, purchase of data, research and analysis	\$39,949.00
Extra #1	\$
Extra #2	\$
Extra #3	\$
Other	
OTHer	
Other	
Total	\$39,949.00

Timeline and hours:

October 1 through March 31, 2012

300 total hours

Required Services: Evidence summarized below

AI according to required planning sources:

-Indicates understanding of compliance with required HUD AI planning guidelines, also includes Federal Fair Housing Act

AI-Assessment of demographic patterns:

- population , households, income, emphasis on protected classes-patterns and trends-data at municipal and census tract level
- map demographic and housing trends-area of concentration of minorities/low income persons/areas of opportunity
- analysis of employment data/employment centers relative to concentrations of protected classes and assisted housing

Assessment of Regulations:

- will review FH complaints as per HUD and IHRC
- evaluate MCHA voucher program (Section 8)
- evaluation of Home Mortgage Disclosure Act data
- evaluation of local County policies including application processes, FH efforts, procedures with sub-recipients
- evaluation of local County zoning, County zoning and regulation, building codes (state and local)
- evaluation of representative sampling of municipal zoning/regulatory requirements, building codes
- evaluation of HUD documents-ConPlan, CAPER, Action Plans
- evaluation of subrecipient tenant selection plans and policies
- evaluation of FH complaint procedures

Assessment of affordable and accessible housing-purchase/rental:

- evaluate local stock for condition, accessibility, vacancy, prices and rents
- evaluate/compare affordability in respect to major minority groups-geographic distribution
- evaluate patterns of housing segregation using dissimilarity index

Assessment of population for growth and forecast:

- will purchase Nielsen data for 2011-2016 forecast and evaluate as per AI requirements with data acquired

Institutional practices:

- consultations of related stakeholders
- review of real estate practices, training, recognition of FH regs and violations
- evaluate sales prices, participation of groups in MLS system
- review of local advertising

Action Plan for Identified Impediments:

- complete analysis, provide recommendations in FHAP document-goals and strategic actions within County capacity, will note impediments beyond County capacity separate, provide recommendations for including AFFH policies into HOME, CDBG programming

Additional Comments:

- Completed AI's in IL-Will County, Oak Park, Joliet-(Joliet in court with HUD, assisting to bring into compliance)
- Conducts FH compliance trainings
- Experience with HUD Consolidated Planning Process
- 7 member team
- Clear outline of consultant versus County responsibilities-County duties administrative in nature (coordination)
- Interim reports presented-draft version, final version
- Identified master list of stakeholders including local elected and appointed officials/committees, funding recipients, FH-related entities, advocacy, low-mod service groups, tenant groups planners, realtors, appraisers, landlords, property management entities, transit agencies, immigrant entities-interviews, questionnaires, focus group meetings
- Evaluate composition of appointed boards and commissions
- Evaluation of previous AI and measures taken-CAPER data included

Department of Planning and Development
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To: Tina Hill, Chairman, and members of the Planning and Development Committee
Scott Breeden, Chairman, and members of the Finance and Audit Committee

From: Maryanne Wanaski
Community Development Division

Date: September 8, 2011

Re: Resolution Entering into a Contract Agreement with Mullins & Longeran to
Prepare an *Analysis of Impediments to Fair Housing Choice*

Action Required:

Recommendation to the McHenry County Board approving the attached Resolution entering into a contractual agreement with Mullins & Longeran for the preparation of an Analysis of Impediments to Fair Housing Choice for McHenry County, Illinois.

Background:

The County last conducted an Analysis of Impediment study in 1997 based on 1990 data. At the present time and with such antiquated information, the County is at risk of being subjected to legal ramifications from the federal government as many of our neighboring entitlement counties and jurisdictions have been. The current 1997 Analysis is not in compliance with federal mandates under the *Federal Fair Housing Act*.

Discussion:

The Housing Commission posted a RFP to which six firms responded. Of the six, the Housing Commission voted to recommend to the County a Pittsburg, PA firm, Mullins & Lonergan Associates (MLA) to prepare the *Analysis of Impediments to Fair Housing Choice* because of their previous work with municipal and county governments across the country including three local entities with approved AI from Region V. Most importantly, the Commission felt that MLA has a clear understanding of compliance issues with required HUD AI planning guidelines including the *Federal Fair Housing Act*.

The MLA proposal includes the following:

- Assessment of demographic patterns,
- Assessment of regulations countywide,
- Assessment of affordable and accessible housing purchases and rentals,

- Assessment of population for growth and forecast,
- Institutional practices, and
- Action plan for identified impediments.

In addition to the evaluations noted above Mullins & Lonergan also conduct Fair Housing trainings and have a vast and diverse background with HUD's consolidated planning process. Their proposal clearly outlined the County's and the consultant's responsibilities as well as a timeline wherein interim reports will be produced.

A staff report submitted to the Housing Commission is attached.

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

From: Maryanne Wanaski
Community Development Division

Date: September 8, 2011

Re: Community Development Block Grant (CDBG) Commission Structure

Action Required:

Recommendation to the McHenry County Board identifying a revised structure of the CDBG Commission based on discussion of the Committee, and direction to staff to prepare proposed bylaw amendments for formal approval accordingly.

Background:

At past CDBG and County Board meetings, concerns have been raised from members of the Commission, grant funding recipients, and other County Board members in relation to the current structure of the CDBG Commission as pertaining to conflict of interest. Additionally, the County Auditor and State's Attorney, and County HUD representative have also expressed concern related to the structure and approval process for federal grant programs as it currently stands with the CDBG Commission. The need to address the current structure of the Commission has been discussed during the "Reports to Committee" agenda portion of Planning and Development Committee meetings as of May 19, 2011, and as such, the Chairwomen of the CDBG Commission and Planning and Development Committee have requested staff to bring forth a proposal and outline of the current conflict of interest issue at this time.

Discussion:

The current Commission structure allows for members of entities that receive CDBG funding to either be directly appointed to the Commission (i.e. McHenry County Housing Authority; representative of a human service agency) or via the general public appointments. The current Commission reflects cases whereby the general public appointments are executive directors and/or board members or employees of organizations receiving funding. The practice of the Commission has been to follow a process of declaration of conflict of interest, and recusal during line item voting. The concern stems from the possibility that members are still participating in discussion in

conjunction with voting that directly impacts funding for the agency that is personally represented or that may be in competition. An additional practice used in resolving conflict of interest resolutions is through a HUD waiver process that is not currently in existence in the County.

After consultation with the State's Attorney, the Division recommends employing a structure similar to that of the Housing Commission that is comprised of a voting bloc and ex-officio bloc of membership, as outlined below:

Housing Commission Membership consists of the following:

The Commission shall consist of at minimum seven (7) and at maximum thirteen (13) voting members consisting of:

- a. One member of the McHenry County Board,
- b. A representative from the Township Supervisors,
- c. A representative from a municipality of McHenry County limited to a Mayor, Trustee, or Manager,
- d. Representation at large from among the following associations or organizations: banking industry, McHenry County Association of Realtors, McHenry County Council of Government, McHenry County Homebuilder Association, McHenry County Bar Association, McHenry County Economic Development Corporation, McHenry County Mental Health Board, educational school districts, Senior Service Commission
- e. One member of the Continuum of Care,
- f. Members of the general public,
- g. Tenants of affordable housing and users of housing services, and

The Commission shall consist of at minimum three (3) and at maximum six (6) ex-officio members consisting of:

- a. Representation at large from among the following associations or organizations: McHenry County Housing Authority, local community housing development organizations (CHDO) and local housing related nonprofit entities,
 - b. Members of the general public.
 - c. One member of the McHenry County Board
-

Proposed restructuring of the CDBG Membership:

The CDBG Commission shall consist of at minimum seven (7) and at maximum thirteen (13) voting members consisting of:

- a. One member of the McHenry County Board,
- b. 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,
- c. Members of the general public.

The CDBG Commission shall consist of at minimum three (3) and at maximum six (6) non-voting ex-officio members consisting of:

- a. A representative from the Township Supervisors,
- b. A representative from the Township Road Commissioners
- c. A representative from a municipality of McHenry County limited to a Mayor, Trustee or Manager
- d. A representative from the McHenry County Housing Authority Board of Commissioners
- e. Two representatives from McHenry County service agencies.

The proposed membership reflects diverse criteria of backgrounds that nets a membership base consistent with the nature of the CDBG grant reflective of the scope of grant allocations, and critical evaluation involved for projects related to construction and infrastructure. Additionally, the Committee may wish to consider revising the requirements for Commission meetings to reflect more closely the work of the Commission that is geared towards allocation recommendations and the development of the HUD required plans. The proposed revision would be to engage the Commission a minimum four (4) time a year for funding and Action Plan decisions. During the ConPlan year, Commission membership may be asked to meet more often.

A copy of a memorandum from the State's Attorney and the current CDBG bylaws outlining the existing structure is attached.

Attachments:

1. Memorandum dated August 30, 2011-SAO
2. Current CDBG Commission bylaws

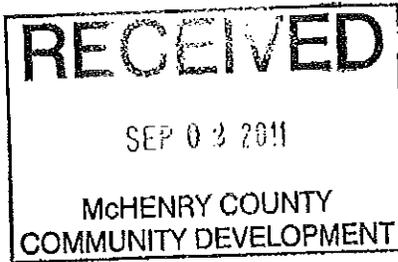
COPY

OFFICE OF THE STATE'S ATTORNEY
McHenry County



LOUIS A. BRANIGAN
STATE ATTORNEY

MEMORANDUM



TO: Maryanne Wanaski, CD Administrator
Planning & Development

CC: Sarah Ciampi, CD Coordinator
Planning & Development

Donna Kelly, Chief of the Civil Division
State's Attorney's Office

FROM: Jamie M. Rein, Assistant State's Attorney *JMR*

DATE: August 30, 2011

RE: Conflict of Interest Issues on the CDBG Commission

As you are aware, over the last few months our office, in conjunction with you and a representative from HUD, have been working on conflict issues related to the Community Development Block Grant Commission (CDBG) in light of the research that was brought to our attention by the County Auditor, Pam Palmer.

While it has been the practice of board members to pull the CDBG allocations off the consent agenda, so that Members with conflicts can recuse themselves from discussions and voting, and publically declare their conflicts of interest during CDBG meetings or at County Board meetings, it has been recommended by HUD, and it is our recommendation, to remove any conflict to the greatest degree possible. Representatives from HUD have been monitoring our programs as recently as July 2011, and have not notified the County that we are in violation of any conflicts of interest provision. However, through my discussions with you and Sarah, I am concerned that there are still potential conflicts of

interest that exist or may arise in the future. Based on the information provided to me, it appears as though if a situation should arise, there would be a need to have a waiver from HUD regarding the conflict. To address issues of potential conflicts of interest without obtaining waivers from HUD, in my opinion, it would be best if the CDBG Commission be restructured.

It is my understanding that at this time the Commission members' current terms have expired. It is also my understanding that you have recently been in discussions with CDBG County Board members, as well as the Planning and Development Committee, regarding the restructuring of the Commission in order to alleviate the conflict situations that arise or may arise in the future. In order to eliminate the need to obtain future waivers from HUD, please note that the regulation regarding conflicts defines persons who are covered under the conflicts of interest statutes as follows: any employee, agent, consultant, officer or elected official, or appointed official of the recipient or of any decimated public agencies, or of sub-recipients that are receiving funds from HUD who exercise, or have exercised, any functions or responsibilities with respect to the CDBG activities or who are in a position to participate in the decision making process or gain inside information with regard to such activities, or have any sort of financial interests whatsoever. A person falling into this category would require a waiver to be obtained from HUD in order for its agency to receive any allocation of CDBG funds. If the CDBG Commission would remain as is, or how it has been operating, in my opinion, there would be cause to then obtain waivers from HUD in the future. It is my understanding that this is also the opinion of the HUD representative.

In my discussions with you, it seems that there are alternative ways to structure the Commission in such a way that the service agencies are not making decisions that appear to be a conflict to one another, and to alleviate some of the general conflicts of interest that have been raised by some of the members already. Forming a Commission that consists of engineers, builders, or general people

interested in public service agencies that may not actually have a relationship with the agency would prevent a conflict with the provisions of HUD. This does not mean that the service agencies would be unable to have a role in the Commission, but eliminating any potential or perceived conflict, this making the County compliant, is key. Because service agency representatives provide valued knowledge, perhaps having the agencies serve in an ex-officio capacity could be considered. Our office would be willing to assist in restructuring or answering any questions related to those members if this Commission is restructured.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

JMR/ma

All information contained in this memorandum is a confidential communication between an attorney and his client. This information is protected by attorney-client privilege and cannot to be released to any third party without the specific written consent of the intended recipient of this memorandum.

BY-LAWS

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 programs. 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 make the final determination regarding the use 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 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) 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.

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. **TERM:** 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.
- B. **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.

- C. **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.

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.

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

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

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.

VIII. VOTING REQUIREMENTS

Each 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) is necessary for the passage of any motion incurring a financial obligation or approving the allocation of grant funds to sub-grantees. All other actions of the Commission shall require a majority of the Commission Members present, 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 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 By-Laws, 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.

X. DISQUALIFICATION

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.

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 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.

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.

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).

XVII. EFFECTIVE DATE

These By-Laws shall become effective upon approval of the County Board. Any amendment to these By-Laws 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

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