

AGENDA
MANAGEMENT SERVICES COMMITTEE
MONDAY, SEPTEMBER 26, 2011 – 8:30 A.M.
McHenry County Government Center – Administration Building
667 Ware Road – County Board Conference Room
Woodstock, IL 60098

- 1.0 Call to Order
- 2.0 Minute Approval
- 3.0 Public Comment
- 4.0 Presentation
 - 4.1 Statement of Economic Interest Addendum (Disclosure Ordinance)
- 5.0 New Business
 - 5.1 Resolution Setting the 2012 Meeting Dates for the McHenry County Board
 - 5.2 Proposed Countywide Vendor Fair
 - 5.3 2011 GIS Day
 - 5.4 Branch Courthouse - Discussion
- 6.0 Old Business
 - 6.1 Building Use Policy – Discussion
- 7.0 Reports to Committee, as applicable
 - 7.1 Administrator
 - 7.2 Council of Governments
- 8.0 Member's Comments
- 9.0 Executive Session (as necessary)
- 10.0 Adjournment

****iPad demonstration and training immediately following the meeting**

MANAGEMENT SERVICES COMMITTEE
McHenry County Government – Administration Building
667 Ware Road
Woodstock, IL 60098

MINUTES OF MONDAY, AUGUST 22, 2011

Chairman Schuster called the Management Services Committee meeting to order at 8:30 a.m. The following members were present: Chairman Ersel Schuster; Kathleen Bergan Schmidt; Anna May Miller and Paula Yensen. Barbara Wheeler arrived at 8:31 a.m. Donna Kurtz arrived at 8:38 a.m. Ms. Salgado was absent. Also in attendance: Peter Austin, County Administrator; Ralph Sarbaugh, Associate County Administrator – Finance; John Labaj, Deputy County Administrator; Cathy Link, Purchasing; Tom Sullivan and Paul Lerner, IT; Adam Lehmann, Assistant to the County Administrator; John Hadley, Facilities Management; Phyllis Walters, Deb Merrill and Nancy Walkington, Recorder of Deeds.

Ersel Schuster, Chairman	
Donna Kurtz	Anna May Miller
Sandra Salgado	Kathleen Bergan Schmidt
Barbara Wheeler	Paula Yensen

MINUTE APPROVAL

Committee members reviewed the Management Services Committee minutes of August 8, 2011. Ms. Miller made a motion, seconded by Ms. Yensen recommending approval of the minutes of August 8, 2011 as presented. The motion carried with all members present voting aye on a roll call vote.

PUBLIC COMMENT

None.

PRESENTATION

None

NEW BUSINESS

Interviews for Appointment to the McHenry County Public Building Commission: Steven Finzel 8:45a.m., Daniel A. Bell, 9:00a.m.: Chairman Schuster informed committee members that Mr. Bell has withdrawn his application for consideration of this appointment. The committee members will review the first Resolution to allow Mr. Finzel time to arrive for his interview.

Ms. Wheeler arrived at 8:31a.m.

Ms. Kurtz arrived at 8:37a.m.

NEW BUSINESS

Resolution Authorizing a Budget Line Item Transfer of \$16,000 in the Sheriff's Fiscal Year 2011 Budget for a Capital Expenditure: Ms. Miller made a motion, seconded by Ms. Schmidt recommending approval of the above Resolution as presented. Committee members were informed that the Sheriff's Department is requesting the installation of a turnstile at an employee entrance that is currently unmanned by security. This entrance as well as the turnstile would require a badge be swiped in order to enter the facility. Issues have come up where other employees are holding the door open for other employees to gain access to the facility. A turnstile will regulate entrance by those not authorized to do so. This entrance would require the use of an access card to gain entrance to the facility. A quote was provided to the Sheriff's Department for this type of system at a cost of \$16,000. This project will follow the bidding process. This was for information purposes only. Committee members voiced concern as the quote stated that by requiring an access card in order to exit the facility it does not meet current fire egress codes with the installation of a turnstile and there may be some life safety considerations as well. Committee members questioned if these issues should be addressed prior to moving forward with this resolution. Mr. Hadley stated that he is not aware of any violations at this time. He stated that Facilities Management will work with the Sheriff's Department on this issue. Committee members were informed that this resolution will allow the funds to be set aside for this project, but, they don't expect this to move forward that quickly. Committee members stated they would feel more comfortable if the questions regarding the life safety violations were answered prior to moving this Resolution forward for consideration by the Finance and Audit Committee and the County Board. Ms. Miller amended her motion, seconded by Ms. Schmidt to require the issues of potential violation be addressed prior to moving forward with the resolution along with an architectural review of the project. The motions carried with all members present voting aye on a roll call vote (Kurtz, Miller, Schmidt, Wheeler, Yensen, Schuster)

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Interviews for appointment to the McHenry County Public Building Commission: Committee members interviewed Mr. Steven Finzel for consideration of reappointment to the McHenry County Public Building Commission. After the interview, Ms. Miller made a motion, seconded by Ms. Yensen to recommend the reappointment of Mr. Steven Finzel to the McHenry County Public Building Commission for a five year term. The motion carried with all members present voting aye on a roll call vote (Kurtz, Miller, Schmidt, Wheeler, Yensen, Schuster)

Resolution Authorizing Workers' Compensation Claim Settlement No. 10-3210-16: Ms. Wheeler made a motion, seconded by Ms. Kurtz to recommend approval of the above Resolution as presented. This claim is for a Corrections Officer that was injured while holding one of the large doors open for another officer. It was suggested that since these doors continue to be an issue in the jail, procedures should be incorporated into existing policies to address the dangers of these heavy doors. Mr. Labaj informed committee members that the department does repetitive reviews of the safety measures in the facility and these issues are discussed during roll call. They continue to remind the officers to be cognizant of their surroundings at all times. Mr. Labaj stated that workers compensation claims are dramatically down from previous years. The department takes these claims serious and reviews their safety procedures on a continuous basis. The motion carried with all members present voting aye on a roll call vote (Kurtz, Miller, Schmidt, Wheeler, Yensen, Schuster)

Resolution Authorizing Contracts with Diebold Services, Brickman Landscaping, Banc Source and Carmichael Construction, Inc. for the Waterproofing of the Treasurer's Office Building: Ms. Wheeler made a motion, seconded by Ms. Kurtz to recommend approval of the above resolution as presented. Mr. Chris Hanson an architect from Kluber and Associates joined committee members to provide the committee members with information and answer questions regarding the issues at the Treasurer's facility. Mr. Hadley stated that he has been working with the architect to address leakage issues at the facility. Twenty (20) RFP's were sent out for this work. This facility was purchased in 2009 to relocate the Treasurer's office. At the time of the initial inspection and purchase, an active leak was identified in the building foundation and the tube system had indications of previous leaks during heavy rainstorms. The foundation crack was repaired at that time. This area continues to leak and move along this wall. Facilities Management has been working with the architect to develop a waterproofing plan for both the top of the driveway and west foundation wall. Bids were solicited for the waterproofing. Three companies submitted proposals. Carmichael Construction was the lowest bidder for the waterproofing in the amount of \$93,800. Additional work is needed for removal and reinstallation of the three vacuum tube units and removal and reinstallation of the ATM. There will also be a need for re-landscaping the western edge of the building. The total expenditure is \$102,462 and is scheduled to begin on September 19, 2011 with completion scheduled before November 10th. Committee members requested that the bid sheets be provided to the committee members when reviewing a project for consideration. They stated they would like to know who submitted bids for any project. Mr. Hanson stated that this building was not built based on what the drawings show. He stated that the bid was based on what the costs could be. These costs are based on a worst case scenario. He stated that there are many unknowns at the facility. He is confident that after this work is completed it will address the leaking issue. He believes some of the drain tiles have collapsed or were never installed. Some of these tiles may work so they may find that some of this work will not be necessary. They will verify that the building is water tight. The contractor has agreed to include a 10 year warranty for this work. Carmichael Construction has been in business for over 100 years so they feel confident that the work will be done correctly to address this issue. Committee members questioned if it would have been less expensive to build a new building than having to address issues that have come forward from the purchase of this older facility. Committee members requested an analysis spread sheet to review the costs of the repairs along with the cost for the purchase versus what a new building would cost. They stated they will need this type of information when making decisions regarding a possible branch court in the southeast portion of the County. An analysis of the costs to build new versus the cost to retrofit a facility for our use is needed prior to any consideration for the next facility for the County. They questioned what these costs were for the new animal control facility as well. The motion carried with all members present voting aye on a roll call vote. (Kurtz, Miller, Schmidt, Wheeler, Yensen, Schuster)

Chairman Schuster informed committee members that they would move forward with the budget reviews. If time permits, they will review the proposed updates to the Building Use Ordinance.

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FY11-12 Budget Reviews (not in packet) Recorder: Ms. Walters and staff joined the committee members for presentation the budget for the Recorder's office. Ms. Walters stated what a difference 40 years makes. She stated when she was first elected to this position, she was only one of 2 woman elected as a Recorder of Deeds in the State. She stated for one appointed position, she was not allowed to sit at the same table as the men. Committee members were informed that this department is run from both the General Fund and has its own Automation Fund. This department has done a great job in automating their processes in the office. This has all been accomplished within their automation budget. The revenues for this department may change as they are still analyzing the revenues. This line may need to be lowered. This department also has a housing surcharge fee that sits within the general fund, though it is restricted for use by the Recorder. This fund previously paid for one position, though this position has been frozen. The funding remains in place to be used to hire additional personnel when the economy should pick up. The Recorder has maintained a balanced budget. She is requesting some salary reclassifications as a supplemental request. She has requested these for the past few years. She informed committee members that since she has not filled positions as they are vacated, it has resulted in the department having to increase the duties of the current employees. These employees now are not in the proper position for the duties being performed. Ms. Walters stated that she does not hire a new employee until one is needed though when the economy picks up she will be required to hire personnel in order to get them trained for the positions. She is also requesting permission to move one of her positions out of the general fund and into the automation fund. The automation fund will pay for this full position, including benefit costs. Mr. Sarbaugh reminded committee members that the departments do not lose these positions they are just frozen and is still an approved position. The departments are then required to come before the committee in order to add these positions back onto the active department roster. It will be important to increase staff when the duties start increasing. Ms. Walters informed committee members that she is hopeful to have the back file conversion project completed sometime in January. Most the documents being converted at this time are hand written documents from 1873, slowing this process down. This will be only one of a couple offices within the United States that will have their documents automated. Now documents can be reviewed in seconds. Administration will continue to review the department as they move through the year to see how the real estate market is in order to decide when additional personnel are needed and whether to continue to keep this funding in place. Mr. Sarbaugh stated that he appreciates the savings that this department has shown. It was noted that the County Board Members as well as the Public needs to be made aware of the savings that is occurring in the various departments within the County. Modernization of this department has made the office run more efficiently. Ms. Walters reminded committee members of the property fraud alert program. This program allows property owners to place an alert on their property. If a deed is filed on a property, the owner is notified of this lien. Ms. Walter also thanked Mr. Hadley for the great job he and his staff have done in completing requests of the department.

Facilities Management: Mr. Hadley joined the committee for presentation of the budget for Facilities Management. The revenue in this department is received from the Energy Efficient Rebate Program. These funds are used for green projects in the county. There will some remaining funds for use in the FY12 budget. This department has maintained a balanced budget. The Energy Efficient block grant is shown so they can review the activity of this fund. A portion of Highway funds are used for upkeep of the Highway facility and grounds. They also have a Valley Hi fund to make sure they are covering the needs for the facility and grounds. Committee members were informed that when discussing these budgets with the department heads there is a "gray" area of where maintenance costs should come from while servicing equipment in a specific department. An example of this is the washing machines in the jail or at Valley Hi. Is the department responsible for the costs for these repairs or replacement or do these costs come from Facilities Management. To address this issue, Mr. Sarbaugh has built some extra funds into the Facilities Management budget to address these issues. Committee members stated there should be an area where capital expenditures are addressed, whether it is for a specific department or the whole county. If it is unique to the department then it should be in the departmental budget. If it is a unit that services the whole county then it should be in a separate capital budget for this expense. Budgets may be adjusted to address this policy change. Committee members were informed that Mr. Hadley has put through some supplemental requests. One of the requests is for a Project Safety Coordinator as he and his staff is being stretched because of the management of so many projects. He informed committee members that there are over 1,000 pieces of equipment currently being used by his department and they are addressing over 1,000 work orders every month. Committee members voiced concern about adding personnel during these hard economic times. Mr. Hadley responded that the County has added three new facilities that his staff has to take care of, all without the addition of staff and he questioned how they are to continue to manage this increased workload without the increase in personnel. Other committee members questioned this

thinking as they stated they continue to hear about how the constituent want less government, but, the government workers deserve increases like the rest of the community. It was stated that they are getting tired of hearing the argument that we have to cut back and do more with less. There comes a time when the County Board Members need to explain the issues behind these requests. This department has more buildings to maintain so costs will increase. Constituents continue to want services, though it takes people and increased budgets to address constituent requests. It was stated that they do not feel these requests are out of line. Mr. Hadley stated that if the non union employees receive a merit increase, one of his supplemental requests would go away. It was stated that the County has done an excellent job in its management with a very thin staff.

County Board: Committee members reviewed the budget for the County Board. They were reminded that the salaries for the County Board Members and Chairman were previously frozen for one year and then the raises revert back to being based on the CPI. Committee members stated they thought these raises were frozen, period. Mr. Sarbaugh stated he would review the resolution to verify this. Ms. Yensen stated that she tried to "donate" her raise back to the County and was informed by the State's Attorney's office that she was not allowed to do this. The County Clerk's salary was frozen for this one year as well. A new resolution will be brought forward next year to address possible raises for the newly elected board of FY2012. Mileage is also another point of discussion that will be needed when reviewing the County Board salaries. This department has maintained a balanced budget.

Ms. Miller left committee at 10:29 a.m.

County Administration: Mr. Sarbaugh informed committee members that they may need to include some additional costs into this budget at a later date. They have not brought forward any supplemental requests, but, may need to do so at a later date. There may also be a slight change for in revenues for this department as well. ADP, the vendor for the new timekeeping system, charges for any manual change in the timekeeping system. Each change results in a \$10 fee to the County. These costs are being charged back to the departments. The Administration Department is slowly addressing this issue and is charging the employees for these costs. Some of the costs include lost timecards. The cost for the timekeeping system may need to be increased as well because of "time stamping" requirements for the computers. Some of the employees start their jobs away from the County facility. They call into a special number to punch into the system. This requires a special license. We are unsure how many licenses will be required so there may be an extra cost for this expense. Committee members questioned if the County is able to expand its internship program at the County. It was noted that these interns have proved to be a great asset to the County in the past and could continue to be a great resource for the County. The Water Resource Department, Administration, Health Department, Planning and Development and Division of Transportation have used interns in the past, with great success. It was stated that the use of an intern is a great idea for both the County and the intern as it provides free labor for the County and makes the interns more competitive in the market place. It was suggested that an intern be hired to handle the OSHA reviews for the County, eliminating the need for this position. Committee members suggested this option with associated costs be reviewed for possible expansion of the program.

Risk Management: Committee members were informed that this budget is funded outside the general fund. This is a tax levy fund that is affected by the levy. Property levels have been held at the same level since 2009. The department has a Utilization of Fund Balance and they cross charge some of the special revenue funds for costs associated with the various department. The fund covers the cost of 5 of the States Attorneys, who do work strictly for the County. The biggest part of this budget is the contractual cost for 3rd party coverage. The county purchases 16 separate policies. There has been a small increase to this budget. This budget handles workers compensation costs, claims and settlements as well. Mr. Labaj stated that down the road this department will need additional personnel. The department has handled the duties of the department with only two persons over the past 10 years. This department's workload has increased with the growth of staff, buildings, higher claims and more risks. He stated that they need more staff that is dedicated to claims management and to help with OSHA compliance Countywide. Mr. Labaj's duties have increased and he is handling both the duties of the Deputy Administrator and the Risk Manager. Ms. Kurtz stated that the County Board Members need help in representing these requests to the community and why the county needs to add some positions. There needs to be increased communication with the constituents of the County.

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Ms. Schmidt made a motion, seconded by Ms. Yensen to recommend the budgets for the Recorder, Facilities Management, County Administration, County Board and Risk Management be forwarded through the budget process. The motion carried with all members present voting aye on a voice vote.

Mr. Sullivan informed the committee members that the IPAD's are in for the Pilot Program for this committee. He stated that they need to set this equipment up for use by the committee members. He questioned the best way to implement this program. It was suggested that the implementation be handled after the next committee meeting.

Review of Updates to the Building Use Ordinance: Mr. Labaj informed committee members that he is a member of the Countywide Safety Committee. This committee reviews policies and procedures of the county for any recommended changes. This policy has not been reviewed since 2000. He requested the committee members review the policy and send any questions to him regarding recommended changes. This policy has been reviewed by the Sheriff's Department and the State's Attorney's office. He stated that the County tries to limit the use of these buildings and they are generally reserved for general government use. The charge to use the facility is minimal and he questioned if the County should recoup its costs for any use of the facility. This will be on the next agenda for discussion.

Concerns have been voiced regarding the temperature within some of the government facilities. The employees are either too hot or too cold, depending on the time of year. Mr. Hadley works with the departments to address these issues. Each issue is reviewed on a case by case basis and the temperatures will not be changed based on one complaint. This facility previously had issues with failing valves, but this has been addressed. Mr. Hadley is passionate on this issue and continues to review ideas for temperature control.

REPORTS TO THE COMMITTEE

Administrator's Report: Mr. Austin reported that he has a meeting scheduled with Mr. McNulty regarding the work plan for the Health Department. They are having a meeting with the Board of Health regarding the finances, personnel management and ordinance enforcement.

The County Board will continue with its current strategic plan for one year in order to get us through to the new board. There will be a meeting tomorrow on how to wrap up the current plan.

The Valley Hi Operating Board is scheduled to meet on Wednesday. This evening they are holding interviews for a new Medical Director.

An update is expected from the State's Attorney's office and the County Clerk on the codification project. This is largely a County Clerk function and is scheduled to be completed by the end of the year.

An RFP is scheduled to be sent out tomorrow for the Webstreaming project. They will allow 30 days for responses. The County will then have 120 days to decide what they want to do after reviewing these responses. Committee members questioned if they ever found out the viewership of those communities that have this type of equipment. The numbers ranged from 20 to the 1,000's. They then questioned if they could differentiate between those watching the program live versus going back and reviewing the meeting at a later date. The real cost effective part of this program will be for Agenda Management.

Council of Governments: The Legislative Breakfast is scheduled for Wednesday the 24th in McHenry. Mr. Austin stated that he attended McCog's Legislative meeting and they have requested their members to start thinking about issues they would like to see on next year's legislative program. They suggested a good look at stormwater legislation. They agreed that in order to be effective, they need to work together as a group.

It was stated at the Planning and Development meeting that they need to review the rules surrounding the appointed positions to a board or commission. It was stated that the County Board is not being provided updates from the individuals being appointed to these boards. Some of the information is being received after the fact. It was stated that the liaisons need to be more proactive in information being provided and they need to take into consideration whether the information being considered is part of County Policy.

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They stated that they need to create a policy on the requirements for the appointees. They stated that they should have more input from the appointees, especially those serving Metra, RTA and PACE. It was stated that these groups come before the County Board for presentation of their annual budgets. Committee members noted that the individual currently representing the County at CMAP is not a County Board Member. They stated that they feel this appointee should be a County Board Member.

EXECUTIVE SESSION

None

MEMBER'S COMMENTS

None

ADJOURNMENT:

The meeting adjourned at 11:20 a.m. on a motion by Ms. Yensen, seconded by Ms. Kurtz with all members present voting aye.

RECOMMENDED FOR COMMITTEE/BOARD ACTION

Recommend reappointment of Steven L. Finzel to the Public Building Commission
Resolution Authorizing a Budget Line Item Transfer of \$16,000 n the Sheriff's Fiscal Year 2011 Budget for a Capital Expenditure
Resolution Authorizing Workers' Compensation Claim Settlement No. 10-3210-16
Resolution Authorizing Contracts with Diebold Services, Brickman Landscaping, Banc Source and Carmichael Construction, Inc. for the Waterproofing of the Treasurer's Office Building

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RESOLUTION**SETTING THE 2012 MEETING DATES FOR THE MCHENRY COUNTY BOARD**

WHEREAS, the McHenry County Board requests that the dates for holding the regular meetings of the County Board be set for 2012.

NOW, THEREFORE BE IT RESOLVED, that the McHenry County Board of McHenry County, Illinois does hereby set the regular session meeting dates of the McHenry County Board to be held in the County Board Room of the McHenry County Government Center – Administration Building, 667 Ware Road, Woodstock Illinois for the year 2012 as follows:

Tuesday, January 03, 2012	9:00 a.m.
Tuesday, January 17, 2012	7:00 p.m.
Tuesday, February 07, 2012	9:00 a.m.
Tuesday, February 21, 2012	7:00 p.m.
Tuesday, March 06, 2012	9:00 a.m.
Thursday, March 22, 2012	7:00 p.m.
Tuesday, April 03, 2012	9:00 a.m.
Tuesday, April 17, 2012	7:00 p.m.
Tuesday, May 01, 2012	9:00 a.m.
Tuesday, May 15, 2012	7:00 p.m.
Tuesday, June 05, 2012	9:00 a.m.
Tuesday, June 19, 2012	7:00 p.m.
Tuesday, July 03, 2012	9:00 a.m.
Tuesday, July 17, 2012	7:00 p.m.
Tuesday, August 07, 2012	9:00 a.m.
Tuesday, August 21, 2012	7:00 p.m.
Tuesday, September 04, 2012	9:00 a.m.
Tuesday, September 18, 2012	7:00 p.m.
Tuesday, October 02, 2012	9:00 a.m.
Tuesday, October 16, 2012	7:00 p.m.
Thursday, November 08, 2012	9:00 a.m.
Tuesday, November 20, 2012	7:00 p.m.
Monday, December 03, 2012	9:00 a.m. (Organizational Meeting)
Tuesday, December 18, 2012	7:00 p.m.

BE IT FURTHERED RESOLVED, that these meeting dates shall be distributed in accordance with the Illinois Meetings Act and to all departments of McHenry County government.

DATED at Woodstock, Illinois, this 4th day of October, A.D., 2011.

KENNETH D. KOEHLER, Chairman
McHenry County Board

ATTEST:

KATHERINE C. SCHULTZ, County Clerk

BUILDING USE ORDINANCE

WHEREAS, it is felt that the use of the buildings and grounds under the charge and control of the County of McHenry is most appropriately governed by unified rules and regulations; and

WHEREAS, it is the recommendation of your Management Services and Finance Committees that such rules and regulations should be embodied in an Ordinance; and

WHEREAS, the McHenry County Board did on August 15, 2000 approve a Building Use Ordinance; and

WHEREAS, it has become needed to amend the Ordinance to reflect changes in facilities and conditions governing the use of buildings and grounds under the charge and control of the County of McHenry.

NOW, THEREFORE BE IT ORDAINED, that the following rules and regulations shall apply to all buildings and grounds under the charge and control of the County of McHenry. This Ordinance shall govern the use of any public meeting areas of buildings and grounds owned, leased, or otherwise occupied exclusively or managed by the County of McHenry by groups wishing to use such facilities or land for its own purposes. Public meeting areas are these areas accessible without having to enter office or work space.

To wit:

SECTION I. Title: This Ordinance shall be known as the McHenry County Building Use Ordinance.

SECTION II. Authority: This Ordinance is adopted pursuant to 55 ILCS 5/5-1005 and 55 ILCS 5/5-1015.

SECTION III. Accessibility: All County controlled property ~~that is~~ shall be open to the public for the transaction of business during normal business hours (8:00 a.m. until 4:30 p.m.). Access within departments shall be at the discretion of the relevant department head/elected official. Use of County controlled property after hours shall be governed by Section XI below.

SECTION IV. Prohibitions: It shall be unlawful to:

- A. Dispose of rubbish on County controlled property in unauthorized containers.
- B. Willfully destroy or damage County controlled property.
- C. Remove County property from the premises.
- D. Create a hazard of any kind on County controlled property.
- E. Throw articles of any kind from or at a County controlled building.
- F. Climb on any part of a County controlled building. **However, from time to time, public safety training may be conducted by the McHenry County Sheriff's Department from a County controlled building. If such training includes a non-County organization, a formal agreement with that agency shall be executed.**
- G. Loiter, initiate disorderly conduct, or initiate any conduct which creates a nuisance; reasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots; impedes or disrupts the performance of the official duties of County employees; or which prevents the general public from conducting business in a timely manner.

H. Enter upon County-controlled property, or while on the property, be under the influence of, use or be in possession of any narcotic drug, hallucinogen, marijuana, barbiturate or amphetamine. This prohibition shall not apply in cases where the drug or substance is prescribed for a patient by a licensed physician.

I. Enter upon County controlled property, or while on the property be under the influence of alcoholic beverages. The use of alcoholic beverages on County controlled property is strictly prohibited. This prohibition shall not apply in instances where alcohol is allowed to be used by patients under the care of the County. **There shall be no alcoholic beverages served upon, consumed upon, or brought onto County property. Smoking is prohibited in all County buildings at all times in conformance with the Smoke Free Illinois Act [Public Act 95-0017] effective January 1, 2008 and the McHenry County Smoking Policy.**

J. Erect a tent, monument, structure, portable toilet, platform, or sign on the grounds of County controlled property.

K. Camp on the grounds of County controlled property.

L. Carry into a County controlled building sticks, poles, or any device used for hoisting signs or placards overhead or for any other purpose.

SECTION V. Solicitation, Vending, and Debt Collection: The solicitation of alms, commercial solicitation, and unauthorized commercial vending, the unauthorized distribution or display of commercial advertising and the collection of private debts on County controlled property is prohibited. This prohibition shall not apply to:

A. Local drives for funds for welfare, health or other purposes as authorized by the County **Administrator** in accordance with Section XI of this Ordinance;

B. Advertisements and concessions authorized by the County, and concessions or personal notices posted by employees on authorized bulletin boards;

C. Solicitation of labor organizations membership or dues as authorized by the County under the Illinois Public Labor Relations Act (5 ILCS 315/1 et.seq.);

D. Solicitation of funds by non-profit charitable, fraternal, religious, veterans and political groups in accordance with Section XI of this Ordinance. Public areas of County controlled property may be used for activities permitted in accordance with Section XI.

The posting or affixing of materials, such as posters, pamphlets, handbills or flyers, on bulletin boards or elsewhere in County controlled property is prohibited, except as authorized in this Section or when such displays are constructed as part of authorized County activities. Distribution of materials, such as pamphlets, handbills or flyers is prohibited, except in the public areas of the property as defined in Appendix 1 (attached hereto and made part of this Ordinance), and unless conducted as part of authorized County activities. Any person or organization proposing to distribute materials in a public area under this Section shall first obtain a permit from the County Administrator's Office pursuant to Section XI and shall conduct distribution in accordance with the provisions set forth therein. Failure to comply with those provisions is a violation of this Ordinance.

Photographs may be taken in space occupied by a County agency only with the consent of the relevant department head/elected official. Except where a court order or local rule prohibits it, photographs for news purposes may be taken in entrances, lobbies, foyers, corridors or auditoriums when used for public meetings. Subject to the

foregoing prohibitions, photographs for advertising and commercial purposes may be taken only with written permission of the relevant department head/elected official.

SECTION VI. Animals: All animals, except for support dogs for the physically impaired and animals that are part of official County business (including animals participating in Court appearances), shall not be allowed in or on County controlled property.

SECTION VII. Vehicular and Pedestrian Traffic: Drivers of all vehicles entering upon County controlled property shall drive in a careful and safe manner at all times and shall comply with all signals and directions of authorized individuals and all posted traffic signs. The blocking of entrances, driveways, walks, loading platforms or fire hydrants on County controlled property is prohibited.

SECTION VIII. Parking: Parking is provided for the convenience of the public and for County employees to attend their work. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owners' risk and expense. This paragraph may be supplemented from time-to-time by the issuance and posting of specific traffic directives and when so issued and posted, such directives shall have the same force and effect as if made a part hereof. Proof that a motor vehicle was parked in violation of these regulations or directives may be taken as prima facie evidence that the registered owner was responsible for the violation.

SECTION IX. Weapons and Explosives: No person shall carry or possess firearms, other dangerous/deadly weapons, explosives, or materials intended to be

used to fabricate an explosive, or incendiary device while in or on County controlled property (whether carried openly or concealed) except for official purposes.

Weapons, reproductions of weapons, and any item capable of being conceived as weapons (except those carried by a law enforcement official on duty) are forbidden from being brought onto County property.

SECTION X. Demonstrations: The holding or conducting of any demonstration, public meeting, gathering, or parade on or in a County controlled building or their grounds is prohibited, unless a permit for such activity has been issued by the County. No such request shall take precedence over a County government activity which has been previously scheduled and approved by the County Administrator's Office. Any group seeking a permit hereunder, that will have 25 or more participants, shall have one marshal per every 25 participants. In such instances, the County Administrator's Office shall consult and coordinate with the Sheriff and other law enforcement agencies as may be needed and shall issue a permit to an applicant unless that intended activity will:

- A. Unreasonably interfere with the movement of vehicular traffic in the parking lots of the County controlled facility, or persons within the buildings or on the grounds;
- B. Occur in any area that will create or cause a health and/or safety hazard and that will impede the conduct of public business;
- C. Endanger the health and safety of the permit applicants; or the public; or
- D. Conflict in date, time, and place with a previously scheduled activity of another applicant or a County government agency.

No person or group of persons shall use any electronic loudspeaker, bullhorn, or any other sound amplifying device during a demonstration, public gathering, or parade, unless prior authorization by the County Administrator's Office is obtained pursuant to Section XI of this Ordinance.

SECTION XI. Public Use: Certain areas of County controlled buildings and grounds may be occasionally made available for cultural, educational, civic, and other public activities, including solicitation of funds as outlined in Section V of this Ordinance. The purpose of this Section is to outline procedures to be followed in permitting such occasional use.

A. Terms used in this Section shall have those definitions cited in Appendix 1.

B. Permits. Any person or organization desiring to use a public area of a County controlled building or its grounds shall first obtain a permit from the County Administrator's Office. To obtain this permit, a copy, sample, or description of any material or item proposed for distribution, sale or display shall be submitted along with an application setting forth the following:

1. The full name, mailing address, and telephone number of the applicant;
2. The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the proposed activity;
3. The full name, mailing address, and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed activity;

4. A description of the proposed activity;
5. The proposed dates and hours during which the activity is to be conducted;
6. The approximate number of persons to be engaged in this activity; and
7. Any group using any County building or grounds pursuant to this ordinance shall be required to execute a release of liability for negligence for any damages to County property during the time of use. Moreover, any such group using County property shall be required to execute an agreement to indemnify and hold harmless the County for any liability to third parties for injuries caused by the group, or any persons or group invited to attend the meeting or session on County property. The group shall be liable to the County for any and all damages to County property or injuries to County employees, officers, agents or employees, or by any person attending or seeking to attend the group's meeting, whether or not such damage is the result of negligence, intention acts, or accident. Moreover, as part of any application for use, any such user whose use for a particular function will involve thirty (30) or more persons must provide ~~The indemnification of the County relative to the applicant's activities under the permit. When appropriate, the application shall be accompanied~~ by a certificate of insurance evidencing the following minimum insurance coverage: (i) \$100,000 damage and property; and (ii) \$500,000 general public liability. In addition, McHenry County shall be

named as an additional insured on the policy as their interest may appear.

See Appendix 2 for a sample application and permit forms. Appendix 2 is attached hereto and made part of this Ordinance.

If the applicant claims to represent an organization, a letter or other documentation is required showing that the applicant has authority to represent that organization.

Any person or organization desiring to use a public area of a County controlled building or grounds for the soliciting of funds not prohibited by Section V. of this Ordinance shall, in addition to the requirements cited above, submit a statement signed by the applicant that:

1. The applicant represents, and will be soliciting funds, for a non-profit charitable, fraternal, religious, veterans, or political group.
2. The applicant's organization has received an official Internal Revenue Service (IRS) ruling or letter of determination stating that the organization (or its parent organization) qualifies for tax-exempt status under 26 U.S.C. (c) (3); (c) (4); or (c) (5); or
3. Applicant's organization has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. (c) (3); (c) (4); or (c) (5), and that the IRS has not yet issued a final administrative ruling or determination of this status.

Failure to submit the information required by this Section, including proof of tax exempt status, shall result in denial of a permit. However, the applicant will have the

opportunity to appeal the denial of a permit application in accordance with Section XI D of this Ordinance.

Applications shall be filed during regular working hours in the County Administrator's Office or such other place as he or she may designate. Applications may be submitted by mail or in person.

A single permit shall be issued within 10 (ten) working days following receipt of the completed application by the County Administrator's Office. Such a permit is deemed a privilege, and not a property right of the applicant.

C. Each permit shall authorize the permittee to conduct the activity for the period of time requested; provided that a permit shall not be issued for a period of time in excess of 30 calendar days, unless specifically approved by the Management Services Committee. After the expiration of the permit, a new permit may be issued to the former permit holder upon submission of a new application. In such a case, applicants may be permitted to incorporate by reference any required information or documentation filed with a previous application.

If permits are requested for the same public area for the same time period, the County Administrator's Office will issue permits on a first-come-first-serve basis.

It is the sole prerogative of the County to assign rooms based on anticipated group size, the nature of the event, and anticipated space needs for official purposes.

If possible, notification of cancellation should be made to the County at least 24 hours in advance of the proposed activities.

Due to the limitations on facilities and staff, the room configurations shall be approved by the County Administrator's Office, in consultation with the applicant. No

alterations in room configurations can be made without 24 hours advance notice and then only when the change requested is capable of being accomplished by the ~~Building Operations Department~~. **Facilities Management**.

The user shall be responsible for returning the furniture and fixtures in the meeting room to its original configuration and condition at the conclusion of the meeting or other use. No nails, pins, or tape may be used on the walls or woodwork of any County building.

Permits will be granted only if the date is available. All premises shall be returned to the condition in which they were found.

The County Administrator's Office shall initiate action to disapprove any application or to cancel an issued permit for use of a public area if the proposed use:

1. Is a commercial activity as defined in Appendix 1 of this Ordinance;
 2. Obstructs the free ingress and egress of the users of a public area;
 3. Damages the public building or any property within the public building;
 4. Disrupts the official business of the agency or agencies occupying the public buildings;
 5. Interferes with a tenant's quiet enjoyment of their leasehold;
 6. Interferes with a previously approved use of the public area by members of the public;
 7. Is obscene within the meaning of obscenity in 720 ILCS 5/11-20.
 8. Pertains to any judicial proceeding then pending in the public building and this use is intended to influence or impede the judicial proceeding;
- or

9. Is being conducted with a permit issued in response to an intentionally false or incomplete application.

Upon initiating action to disapprove an application or to cancel an issued permit for any of the above reasons, the County Administrator's Office shall:

1. Promptly notify the applicant or permittee (in writing) of the intent to disapprove or cancel and the reasons for this action; and
2. Inform the applicant of his or her right to appeal the pending disapproval or cancellation to the Management Services Committee under Sub-Section D of Section XI of this Ordinance.

D. Within seven (7) working days of notification of the initial decision to disapprove any application, or deny a fee request waiver, or cancel an issued permit under this Section, the applicant or permittee may appeal to the Management Services Committee by notifying the Committee, in writing, that he or she desires to appeal.

Although a formal hearing or presentation is not required, the applicant or permittee and the County Administrator shall have the opportunity to orally state the reasons that the application or cancellation should or should not be approved. Written materials and documents may also be submitted. The Management Services Committee shall affirm or reverse the County Administrator's determination based on this information. The Management Services Committee shall affirm or reverse the Administrator's determination within ten (10) working days of the date on which the Management Services Committee received the applicant or permittee's notification of his or her desire to appeal. If the Management Services Committee does not rule within this period, the application will be considered to be approved or the permit validly

issued. Upon reaching a decision on an appeal taken under this Section, the Management Services Committee shall promptly notify the applicant or permittee and the County Administrator of the decision and the reasons therefore. The decision of the Management Services Committee shall be final and shall represent the last step of administrative remedy available pursuant to this Ordinance.

E. Nothing in this Section shall prevent the County Administrator's Office from:

1. Reserving the use of public areas of the public buildings for official County business;
2. Setting aside certain days or time for maintenance, construction, or repair; or
3. Preempting an approved use of a public area for official County business.

F. Public areas made available may be used during or after the regular working hours of County agencies, provided this after hour use will not interfere with the conduct of County business. When public areas are used by permittees after normal working hours, all adjacent areas not approved for after hours usage shall be locked, identified by signs, or physically barricaded, as appropriate, to restrict the participants' movements to only that space or area(s) approved for usage. Appropriate notification of arrangements shall be made with building security in this regard. Under no circumstance will an afterhours meeting or event extend past 10:00 p.m. **Security is required at all after-hours events in buildings that have security on duty during business hours. Arrange Security through the Sheriff's Office for the Government and Risk Management for the Administration Building.**

G. The space to be provided under this Section is subject to a fee of \$50.00 for a period of four hours or less. A fee of \$100 will be charged for facility use greater than four hours but less than eight hours. The County Administrator may waive the fee if circumstances indicate doing so. If a request for a waiver of the fee is denied, the applicant has the opportunity to appeal said denial in accordance with Section XI D of this Ordinance.

H. There shall be no alteration to public areas used under this Ordinance. The permittee must make adequate provisions for the:

1. Protection of the safety to users of the public area; and
2. Prevention of damage to the public building and County-owned equipment.

I. County-owned equipment, including overhead projectors, VCR's, televisions, film projectors, and screens are not available for use.

J. The permittee shall not:

1. Misrepresent his or her identity;
2. Distribute any item for which the prior approval from the County Administrator's Office has not been obtained;
3. Leave leaflets or other material unattended at any place on County-controlled property;
4. Conduct any activities in a misleading or fraudulent manner;
5. Discriminate on the basis of race, creed, color, sex, handicap, age, or national origin, in conducting the permitted activities.

K. Initial clean-up from the permitted activity shall be the responsibility of the applicant. The ~~Building Operations~~ **Facilities Management** Manager shall report related damage to the County Administrator immediately. The permittee shall be liable for all costs to repair damage caused by the permitted activity, including loss of County equipment.

SECTION XII. Posting of Notices and Information: Only the following types of notices or information items may be posted on bulletin boards in non-public areas of a County-controlled building:

- A. Official business notices of the County;
- B. Request for funds for welfare, health, and other purposes, approved by the County of McHenry or by the head of the occupant agency;
- C. Personal notices of agency employees, such as the sale of an employee's property or requests for carpool participation; and
- D. Labor organization notices.

SECTION XIII. County Non-affiliation: The County reserves the right to advise the public through signs or announcements of the presence of any permittees in a building or on the grounds of County-controlled buildings and of their non-affiliation with the County of McHenry.

SECTION XIV. Emergencies: In case of any emergency, all persons within or upon a County-controlled building or its grounds shall comply with an evacuation procedures or oral instructions from security personnel **at facilities that have security personnel on duty**. ~~To report an emergency, contact the Security Office at extension 5061.~~ **Call 911 for all emergencies when no security personnel are on duty. When**

security is on duty and 911 needs to be called promptly, notify security personnel so that quick access to the building can be obtained for responding emergency agency.

SECTION XV. Enforcement: This Ordinance shall be enforced within all County-controlled facilities by the McHenry County Sheriff.

SECTION XVI. Penalties: Whoever shall be found guilty of violating any provision of this Ordinance while on any property under the control of the County of McHenry is subject to a fine of not less than \$50.00, nor more than \$500.00. Nothing in this Ordinance shall be construed to abrogate any other County laws or regulations or any State and local laws or regulations applicable to any area in which the relevant property is situated.

SECTION XVII. Building Commission: When necessary or appropriate, the County Administrator shall seek the advice and consent of the McHenry County Public Building Commission with respect to this Ordinance.

SECTION XVIII. Non-discrimination: There shall be no discrimination by segregation or otherwise against any person or persons because of race, creed, sex, color, handicap, age, or national origin in furnishing or by refusing to furnish to such person or persons the use of any facility of a public nature, including all services, privileges, accommodations and activities provided thereby on property controlled by the County.

SECTION XIX. Interpretations: The County Administrator, in consultation and collaboration with the Management Services Committee, shall be responsible for interpretation of this Ordinance.

SECTION XX. Supersede: This Ordinance shall supersede all Resolutions and Ordinances dealing with the use of County facilities previously approved by this County Board.

DATED at Woodstock, Illinois on ~~this fifteenth day of August, A.D. 2000.~~

2011.

~~MICHAEL W. TYON,~~
KENNETH D. KOEHLER
Chariman, McHenry County Board

ATTEST:

KATHERINE SCHULTZ
County Clerk

APPENDIX 1

Definitions

A. "Public building" shall mean any building and its grounds, or part thereof, under the charge and control of the McHenry County Board.

B. "Public area" shall mean any area of a public building or its grounds ordinarily open to members of the public, such as lobbies, courtyards, auditoriums, meetings rooms, and any other area not specifically leased by any lessee of the public building, and excluding office corridors, restroom facilities, elevators, stairways and parking areas for purposes of authorized distribution of literature or solicitation of funds since such activity in those places would substantially interfere with prompt and efficient County operations and pedestrian traffic, and would pose dangers to public safety.

C. "Applicant" shall mean any person or organization who applies for a permit to use a public area within a public building or on its grounds.

D. "Permittee" shall mean any person or organization that has been granted a permit to use a public area within a public building or on its grounds.

E. "Cultural activities" shall mean those activities pertaining to acquaintance with and taste in fine arts, humanities, and broad aspects of science as distinguished from vocational and technical skills.

F. "Educational activities" shall mean those activities pertaining to the action or process of providing or receiving academic, vocational or other instruction related to the improvement of human skills and knowledge.

G. "Civic activities" shall mean those activities pertaining to rights and duties of citizens and involving the general public, their activities, needs and understanding in relation to the local government and its citizenry.

H. "Commercial activities" shall mean activities undertaken for the primary purpose of obtaining a profit for the benefit of an individual or organization organized for profit, as opposed to activities whose purpose is the expression of ideas or advocacy of causes, whether of a religious, artistic, political, charitable, educational, or cultural nature, where the commercial aspects involved are incidental to the purpose of the activity.

APPENDIX 2



**Permit Application
Public Building Use**

INSTRUCTIONS

1. Complete application in its entirety. Please include all applicable attachments. Please type or print.
2. Submit to the County Administrator, **667 Ware Rd, Woodstock, IL. 60098, mailing address** 2200 N. Seminary Ave., ~~Room B120~~, Woodstock, IL 60098.
3. Permit will be issued to the applicant within ten (10) business days of receipt of this application.
4. In submitting a permit application, the applicant acknowledges that he/she understands, and is subject to, the McHenry County Building Use Ordinance.

I. APPLICANT INFORMATION

ORGANIZATION REPRESENTED
(If Applicable)

Full Name: _____

Street Address: _____

City/State/Zip: _____

Telephone Number: _____

II. DESCRIPTION OF PROPOSED USE

Proposed Use: _____

Proposed Date (s): _____

Proposed Hours: _____

(NO MEETING BEYOND 10:00 P.M.)

Proposed Location (s): _____

Estimated Number of Persons Attending: _____

Name and Address of Responsible On-Site Attendant (s): _____

- III. Applicant assures that applicant organization is tax exempt or has applied to the IRS for a determination of tax-exempt status under 26 U.S.C. 501 (c) (3), (c) (4), or (c) 5, and the IRS has not yet issued a final administrative ruling or determination of this status.
- IV. Applicant assures that individuals engaged in the authorized solicitation of funds shall visibly wear identification at all times while on County controlled property containing the individuals name, address, telephone number, and name of applicant organization.
- V. The applicant shall indemnify, hold harmless and defend the County of McHenry, its officers and employees against any and all liability, loss, costs, damages, expenses, claim or actions, including attorney's fees which the County of McHenry, its officers or employees may hereafter sustain, incur or be required to pay, resulting from the negligent, willful or wanton acts or omissions of the organization, its employees and agents, without limitation, arising out of or resulting from the use of the County of McHenry's facilities.
- VI. If the applicant (or the applicant organization) is insured, a certificate of insurance detailing the type and amount of coverage (per occurrence and in aggregate) shall be submitted to the County Administrator's Office at least ten (10) business days prior to the intended use date. Insurance will not be considered grounds for denial of a permit

Signature of Applicant _____

PERMIT NO:

PERMIT FOR PUBLIC BUILDING USE

This permit, as evidenced below by the signature of the County Administrator or designee, is issued in accordance with the McHenry County Building Use Ordinance and is based upon the proper application and assurances of the person named above.

Approved by: _____

Title: _____

Date: _____

cc: Permit File
~~Court Security~~ **Government Center or Risk Management**
~~Building Operations Manager~~ **Facilities Management**



TO: Management Services Committee

FROM: John W. Labaj, Deputy County Administrator

DATE: August 12, 2011

RE: Building Use Ordinance

In August of 2000, the McHenry County Board passed a Building Use Ordinance to regulate the use of buildings and grounds under the charge and control of the County. As part of its periodic review of County policies and procedures, Risk Management has reviewed this Ordinance and found the need to update the document due to changes in conditions over the years.

Additionally, the Sheriff's Department and State's Attorney has reviewed the existing Ordinance and have also recommended a number of changes. Recommended Ordinance modifications are highlighted in the attached document.

We are requesting that Management Services review the recommended Ordinance modifications for future action by the McHenry County Board. I am available to address any questions you may have regarding this matter.

