RESOLUTION

RESOLUTION ADOPTING BYLAWS FOR THE MCHENRY COUNTY COMMUNITY DEVELOPMENT AND HOUSING GRANT COMMISSION

WHEREAS, it is the desire of McHenry County to combine the functions of the McHenry County Community Development Block Grant Commission and the McHenry County Housing Commission into a McHenry County Community Development and Housing Grant Commission and

WHEREAS, it is necessary to dissolve the presently existing McHenry County Community Development Block Grant Commission and the McHenry County Housing Commission in order to create the McHenry County Community Development and Housing Grant Commission, and

WHEREAS, the newly created McHenry County Community Development and Housing Grant Commission will assume all of the separate duties of the Community Development Block Grant Commission and the Housing Commission and will establish a County entity to review and recommend development projects that fulfill the requisite National Objectives of the Department of Housing and Urban Development to the McHenry County Board for funding, and

WHEREAS, in order to be better able to perform its functions in an orderly manner, it is necessary to adopt bylaws for the McHenry County Community Development and Housing Grant Commission that will insure a fair and open process.

NOW, THEREFORE BE IT RESOLVED, by this County Board of McHenry County, Illinois that the McHenry County Community Development Block Grant Commission and the McHenry County Housing Commission are hereby dissolved and reformed as one combined commission entitled the McHenry County Community Development and Housing Grant Commission, and

BE IT FURTHER RESOLVED, that the County Board of McHenry County hereby authorizes the bylaws as attached for the McHenry County Community Development and Housing Grant Commission; and

BE IT FURTHER RESOLVED, that the County Clerk is hereby authorized to distribute a certified copy of this Resolution to the Director of the Planning and Development Department, the Administrator of the Community Development Division, and the County Administrator.

DATED at Woodstock, Illinois, this 3rd day of November, A.D., 2015.

Joseph Gottemoller, Chairman
McHenry County Board

ATTEST:

Mary E. McClellan, County Clerk

ATTACHMENTS:

- bylaw proposal 2nd edition (DOC)

BYLAWS McHENRY COUNTY COMMUNITY DEVELOPMENT and HOUSING GRANT COMMISSION

I. BACKGROUND

The Community Development Block Grant (CDBG) Program and the HOME Housing Investment Partnership Program were established by the U.S. Department of Housing and Urban Development (HUD). Through these programs, funds are available to assist McHenry County communities meet their economic, community development, and housing needs, with an emphasis upon helping persons of low-to-moderate income.

To complement these federally-mandated national objectives, the County has established the following specific objectives for its 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, affordable and fair housing 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 and Housing Grant Commission (Commission) has been established by the County Board to manage the County's CDBG and HOME grant programs. The Department of Planning and Development will provide staff support to the Commission.

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

II. PURPOSE

It shall be the purpose of the Commission to act as the representative body of elected officials and citizens to ascertain facts, recommend plans and programs, coordinate activities, set priorities for funding and undertake such other activities that may be necessary and appropriate to accomplish the purpose(s) of 42 U.S.C.A. sec. 5301 *et.seq* (West 2015) and 42 U.S.C.A. sec. 12741 *et seq* (West 2015) (hereinafter collectively referred to as "the Acts", as approved by the McHenry County Board. The Commission shall also provide policy review and direction regarding affordable and fair housing.

Attachment: bylaw proposal 2nd edition (4607 : Comm Development and Housing Grant Commission Bylaws)

III. MEMBERSHIP

It is the goal of the Commission to create a public-private partnership that represents a broad spectrum of stakeholders. Voting membership shall consist of a maximum of ten (10) members comprised of the following:

1. One member of the McHenry County Board;
2. One (1) or more at large delegate from each of the County Board districts based upon place of residence.

All members shall be residents or employed within McHenry County. Representation is encouraged from township supervisors, township road commissioners, municipalities, realty association, banking industry and/or construction trades. By agreeing to serve on the Commission every Member agrees to adhere to all of the requirements and restrictions contained within these by-laws.

A. **APPOINTMENT:** Membership of the Commission shall be appointed by the Chairman of the County Board in consultation with the Planning and Development Committee subject to the advice and confirmation by resolution of the full County Board. Future membership of the Commission shall be determined by recommendation of the P&D Committee with the advice and consent of the McHenry County Board.

   The initial membership of the Commission shall consist of those current members of the McHenry County Community Development Block Grant Commission and the McHenry County Housing Commission that desire to continue to serve on the new McHenry County Community Development and Housing Grant Commission.

B. **TERMS:** The terms, reappointment, and removal of Commission members shall be as follows:

   Commissioners shall be appointed to serve three (3) year terms, except that such initial appointment may be for a term of fewer than three (3) years to achieve the goal of having the terms of no more than one-third of the membership expire in any given year. Commissioners may be re-appointed to successive terms, which shall be for a term of three (3) years. All Commissioners may continue to serve until replaced after their term expires.

   1. Vacancies shall be filled as necessary to maintain the minimum number of Commissioners required herein. Commissioners appointed to fill a vacancy shall be appointed for the unexpired term of his or her predecessor in the office.

   2. A Commissioner may be removed if he or she fails to attend Commission meetings on three (3) or more occasions in any twelve (12) consecutive calendar month period upon the majority vote of the members of the Commission.

C. **COMPENSATION:** No member of the Commission shall be entitled to receive any compensation for serving on the Commission.

IV. OFFICERS

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

B. TERM AND APPOINTMENT: The Chairman of the Commission shall be appointed by the Chairman of the McHenry County Board with the advice and consent of the County Board and shall be a sitting McHenry County Board member. The Chairman of the Commission shall serve for a three year term and may continue to serve until replaced after their term expires. Other officers of the Commission shall be elected by the members of the Commission. Vacancies may be filled or new offices created and filled at any meeting of the Commission by a majority vote of the membership present. The Vice-Chairman shall be determined by a majority vote of the Commission. The Vice-Chairman of the Commission shall serve for a three year term and may continue to serve until replaced after their term expires.

C. REMOVAL: Any officer of the Commission, with the exception of the Commission Chairman, elected by the members of the Commission may be removed from the office by a majority vote of the members of the Commission.

D. CHAIRMAN: The Chairman shall be in charge of the business and affairs of the Commission; he or she shall see that the resolutions and directives of the Commission are carried into effect except in those instances in which that responsibility is assigned to staff; and, in general, he or she shall discharge all duties incident to the office of Chairman and such other duties as may be prescribed by the Commission. The Chairman shall preside at all meetings of the Commission except in those instances in which the authority to execute is expressly delegated to another officer or agent of the Commission or a different mode of executive is expressly prescribed by the Commission or these bylaws.

E. VICE-CHAIRMAN: The Vice-Chairman shall perform the functions of the Chairman when the Chairman is unavailable or incapable of performing those functions.

V. MEETINGS

All meetings of the Commission and its Subcommittees shall be open to the public and shall be conducted in accordance with the *Illinois Open Meetings Act,* 5ILCWS 120/1 *et seq* (West 2015), as may be amended from time to time. The Commission shall maintain its principal office in the McHenry County Department of Planning & Development, 2200 Seminary Avenue, Woodstock, Illinois 60098.

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

B. SPECIAL MEETINGS: Special meetings of the Commission may be called, pursuant to the *Illinois Open Meetings Act* as amended, by the Chairman or no less than one-third of the total members of the Commission.

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C. **NOTICE:** Notice of all meetings of the Commission shall be given in accordance with the *Illinois Open Meetings Act.*

VI. AD-HOC COMMITTEES/TASK FORCE MEMBERSHIP

The Commission may create one or more ad-hoc committees or task forces and authorize it to accomplish a specific purpose. Each ad-hoc committee or task force shall act at the sole discretion of the Commission via instruction of the Chairman and shall report all actions and activities to the Commission.

VII. QUORUM

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

VIII. VOTING REQUIREMENTS

Each designated 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. No proxy votes or absentee voting shall be permitted.

The concurrence of a majority of all Members present is necessary for the passage of any motion on an item of business appearing before the Commission. Should a motion result in a tie vote the vote of the Commission Chairman shall be used to resolve the tie.

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. The Commission shall follow Robert's Rules of Order in the conduct of each meeting and comply with the requirements of the *Illinois Open Meetings Act* as amended.

X. DISQUALIFICATION/CONFLICT-OF-INTEREST PROVISIONS

In order to serve on the Commission, voting Members agree to abide by the provisions of 24 CFR 92.356, 24 CFR 85.36 and 24 CFR 84.42 with respect to conflicts of interest. No Commission member who has a direct financial interest, or is an employee or representative in any capacity of an entity having an interest in any matter coming before the Commission shall participate in the deliberation or the decision in such matters. In the event a member believes that he or she has a conflict of interest on any matter before the Commission, prior to any discussion of the issue, the

Commissioner shall indicate to the Commission that a conflict exists and inform the Commission that he or she will be abstaining from any discussion and vote on the matter. However, a member may be allowed to answer questions or present factual information if requested by the Chairman of the Commission.

In addition to not being allowed to have a financial interest as stated above, Members shall not be employed or retained by any subrecipient organization. These conflicts of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of a McHenry County subrecipient organization. Lastly, Members as outlined herein may not acquire a financial interest or any such benefit due to family or business ties to a member, an employee, agent, consultant, officer, or elected official or appointed official of the Participating Jurisdiction known as the County of McHenry, Illinois.

All members shall also abide by the McHenry County Ethics Ordinance at all times.

XI. RESCISSION

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

XII. AMENDMENT

These bylaws are subject to review and approval of the McHenry County Board. The Commission may recommend revisions to the by-laws to the McHenry County Planning and Development Committee of the McHenry County Board for consideration by the County Board using the Commission's normal requirements for meetings, quorums, and voting requirements.

XIII. 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.

XIV. LEGAL COUNSEL

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

XV. EFFECTIVE DATE

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

APPROVED:

Attachment: bylaw proposal 2nd edition (4607 : Community Development and Housing Grant Commission Bylaws)

STATE OF ILLINOIS)
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COUNTY OF MCHENRY)

I, Mary E. McClellan, County Clerk within and for said County and State aforesaid, do hereby certify the attached to be a true and complete copy of Resolution R-201511-10-359 Adopting Bylaws for the McHenry County Community Development and Housing Grant Commission

WHEREOF I have hereunto subscribed my hand and affixed the official seal of said County, at my office in Woodstock, Illinois this 3 day of November, 2015.

Mary E McClellan

McHenry County Clerk