

**PUBLIC HEALTH**

**& SAFETY**

**COMMITTEE**

**RESOLUTIONS**





ORDINANCE OF THE COUNTY BOARD  
WILL COUNTY ILLINOIS

RE: REGULATING THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS IN  
UNINCORPORATED WILL COUNTY

WHEREAS, an estimated 440,000 Americans die from smoking-related illnesses each year, and all of those deaths are directly attributed to the use of tobacco products; and

WHEREAS, the United States Environmental Protection Agency has determined that secondhand smoke is a class "A" carcinogen, proven to cause cancer in humans; and

WHEREAS, an estimated 35,000 heart disease deaths are caused by secondhand smoke annually, and 3,000 Americans die each year from lung cancer caused by secondhand smoke; and

WHEREAS, over 29% of Illinois High School aged youth smoke and only 23% of the adult population in Illinois smoke; and

WHEREAS, almost 90% of all smokers begin smoking at or before age 18; and

WHEREAS, 4,000 youth start smoking each day, and over 1 million youth start smoking each year, a third of whom will die of smoking related illness; and

WHEREAS, the acquiring and use of tobacco products by persons under the age of eighteen (18) is clearly detrimental to the public health of the residents of Will County, Illinois; and

WHEREAS, the County of Will, pursuant to 55 ILCS 5/5-1052, has the authority to "do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease"; and

WHEREAS, a public hearing was conducted on May 14, 2009 during the Public Health & Safety Committee Meeting and during the Public Health & Safety Report at the Will County Board Meeting on June 18, 2009 to solicit public concerns and comments.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Will County that the County Code of Ordinances, Title XI, is hereby amended to add a new Chapter 120 Tobacco Products (as attached hereto and made a part hereof).

BE IT FURTHER ORDAINED, that a copy of the foregoing be sent to the Auditor, Treasurer, Finance Department, State's Attorney's Office, Health Department, Sheriff's Office, County Board and Service List.

BE IT FURTHER ORDAINED, that the Preamble of this Ordinance is hereby adopted as if fully set forth herein. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 18<sup>th</sup> day of June, 2009.

VOTE: Yes: \_\_\_\_\_ No: \_\_\_\_\_ Pass: \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Nancy Schultz Voots  
Will County Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lawrence M. Walsh  
Will County Executive



Will County Code of Ordinances  
Title XI. Business Regulations  
Chapter 120. Sale of Tobacco Products

**§ 120.001**      **WORDS AND PHRASES DEFINED.**

As used in this Ordinance, the following underlined terms shall have the meaning ascribed to each such term as set forth below:

**LICENSEE.** The person or persons named in the retail tobacco product license and shall include all officers, partners, agents, or employees.

**PREMISES.** That area under the control of the licensee and used in the conducting of business for which the license to sell tobacco products is being issued. The areas include but not restricted to are: That area described in the application where tobacco products are sold, parking lots, beer gardens, and those areas internally connected thereto by a doorway which areas are integrally related to the operation of the licensed establishment.

**TOBACCO PRODUCTS.** Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

**VENDING MACHINE.** Any mechanical, electric or electronic, self-service device, which must be housed indoors and, which upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

**RETAIL SALE.** The sale for use or consumption and not for resale in any form.

**SALE or TO SELL.** Any transfer or exchange in any manner or by any means whatsoever for direct or indirect consideration, and including all sales made by any person, whether as principal, proprietor, agent, servant, or employee, and includes, but is not limited to, all of the following acts:

- (1) The selling of tobacco products.
- (2) The giving away of tobacco products.
- (3) The dispensing of tobacco products by a vending machine.

Nothing in this ordinance, however, shall prevent the possession and transportation of tobacco products by the possessor for the personal use of the possessor, his family and guests, so long as otherwise in compliance with Illinois law, as it is amended from time to time.

**§120.010.**      **LICENSE REQUIRED; REGULATIONS.**

(A) No person shall sell or permit the sale of any tobacco products in unincorporated Will County without first having obtained a license to sell tobacco products in each location, place, or premises wherein it is proposed by a prospective licensee to sell tobacco products.

(B) Where two or more locations, places, or premises are under the same roof, or are located at one street address, a separate license shall be obtained for each location, place, or premises, unless all rooms in which it is intended to sell tobacco products are directly connected or are adjacent to and accessible to each other without leaving the building. Each licensee shall define with certainty the room or rooms in which tobacco products are to be sold.

(C) No person licensed to sell tobacco products under any license issued by the Will County Executive shall be permitted to sell, give away, or otherwise dispose of tobacco products at any place other than the place specifically described in his license whether the place is in the same building or not.

**§120.011. APPLICATION FOR LICENSE.**

(A) Application for a retail tobacco product license shall be made to the Will County Executive in writing, under oath, signed by the applicant, if an individual, or by the duly authorized agent thereof if a legally constituted organization, and shall include the following information and statements:

(1) The name, age, date of birth, last three residence addresses, and Social Security number of the applicant. In the case of a partnership, the application must contain the names, ages, and last three residence addresses and Social Security number of each partner.

(2) If a corporate license is sought, the application must contain the name of the corporation, the date of incorporation, the articles of incorporation and the names, addresses, and Social Security numbers of all officers and directors. If a majority of the stock of the corporation is owned by one person, the name, address, and Social Security number of that majority stockholder shall be set forth in the application.

(3) In the case of an individual, the application must contain his place of birth, and if the applicant is a naturalized citizen, then the date and place of naturalization must be shown.

(4) The capital investment which the applicant intends to make in the business of selling tobacco products at retail upon receipt of a license.

(5) The location, address, and legal description of the premises to be licensed. If the premises are leased, the applicant shall attach a copy of the lease to the license application.

(6) A statement whether applicant has made any other application for a tobacco retail license and what disposition, if any, was made of the application and a statement that the applicant will not violate any of the laws of the state or the United States, and that the applicant will not violate any of the ordinances of the County.

(7) A statement whether or not applicant was ever convicted of a felony or misdemeanor, and if the applicant has a conviction, a statement of the nature of the crime, the date and place of conviction, and the sentence imposed.

(8) Each license holder must tender to the Will County Executive their driver license or state identification card to be copied and held on file with their license application along with their Social Security number.

**§120.012. INELIGIBLE APPLICANTS**

(A) No license shall be issued to:

(1) Persons under the age of eighteen (18) years.

~~(2) A person or partner who has not been a resident of the state for at least one (1) year and of the County for at least ninety (90) days prior to the time of making the application; or, if a corporation which does not employ a resident manager who has been a resident of the state for one (1) year and of the County for at least ninety (90) days. The manager must be present on the premises at least forty (40) hours per week.~~

(23) A person who is not of good character and reputation in the community in which he resides.

(34) A person who has been convicted of a felony under any federal or state law if the Will County Executive determines, after investigation, that the person has not been sufficiently rehabilitated to warrant the public trust.

(45) A person who has been convicted of the following offenses: keeping a place of prostitution, pimping, pandering, gambling, syndicated gambling, keeping a gambling place, or any other crime or misdemeanor opposed to decency and morality or the conspiracy, solicitation, or attempt to commit any of the aforementioned offenses.

(56) A person who has previously had a retail tobacco license revoked for cause, whether in the County or in any other jurisdiction.

(67) A person, who at the time of application for renewal of any license issued hereunder, would not be eligible for the license upon a first application.

(78) A partnership, unless all of the members of the partnership shall be qualified to obtain a license.

~~(9) A corporation, if any officer, manager, or director thereof or any stockholder or stockholders owning in the aggregate more than five (5%) percent of the stock of the corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.~~

~~(84) A corporation, unless it is incorporated in the state, or unless it is a foreign corporation which is qualified under the Illinois business Corporation Act to transact business in the state.~~

~~(94) A person whose business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required by the licensee.~~

~~(104) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period of which the license is to be issued.~~

~~(13) Any law enforcing public official, including the Will County Executive, or member of a County Board, and no such official shall be interested directly in the retail sale of tobacco products.~~

~~(112) A person who is not a beneficial owner of the business to be operated by the licensee.~~

(125) A person to whom a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, except when the stamp has been issued to a person who is licensed by the State of Illinois to operate a riverboat gambling operation or off-track betting parlor.

(136) A co-partnership to which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, or if any of the partners has been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period, except when the stamp has been issued to any partner of a co-partnership who is licensed by the State of Illinois to operate a riverboat gambling operation or off-track betting parlor.

(147) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty (20%) percent of the stock of the corporation has been issued a federal gaming device stamp or federal wagering stamp by the federal government for the current tax period, except when the stamp has been issued to a corporation or any officer, a manager, director or stockholder thereof who is licensed by the State of Illinois to operate a riverboat gambling operation.

(158) Any premises for which a federal gaming device stamp or a federal wagering stamp has been issued by the federal government for the current tax period, except a premise which is the location of a license issued by the State of Illinois to operate a riverboat gambling operation.

(B) Any false or untrue statements contained in the application for license or at license hearing or, any violations of the terms and conditions of the application, or of any of the statutes, ordinances, rules, and regulations hereof, shall be cause for revocation or suspension of the licensee by the Will County Executive.

(C) In the event that one of the restrictions becomes known or comes into effect after the issuance of the license, this will constitute grounds for suspension or revocation of the license after a properly convened hearing.

**§120.013. LICENSE APPLICATION PROCESS; NOTICE; EXCEPTION.**

(A) Notice. Upon the filing of an application for a retail tobacco product license, the Will County Executive shall review the applicant's credentials and requirements to determine if the license shall be granted. The criteria for the license are the following:

- (1) The past performance of the applicant, or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and majority stockholder and manager, as a licensee;
- (2) The character and reputation of the applicant; or if a partnership, that of each of the partners; or if a corporation, that of the officers, directors, and a majority stockholder and manager, as a licensee;
- (3) The general design and layout of the proposed premises;
- (4) The compliance of the premises with all ordinances of the County and specifically health, building, zoning, property, maintenance, housing and fire safety ordinances;
- (5) Any monies owed to the County by the applicant which have remained unpaid for a period of more than forty-five (45) days, whether for bills, taxes, license or otherwise;
- (6) The zoning, general character of the surrounding neighborhood and the projected impact of the premises upon the surrounding neighborhood and the County as a whole. A recommendation may be solicited from the Will County Land Use Department at the Will County Executive's option.
- (7) The law enforcement problems, if any, which would be created by the opening of the premises. A recommendation may be solicited from the Will County Sheriff's Department at the Will County Executive's option.

**§120.014. PREREQUISITES FOR ISSUANCE**

(A) At the time set forth herein for the renewal of a retail tobacco products license, and in case of a successful new applicant, the current licensee or the applicant shall present the following to the Will County Executive:

(1) Payment to the Will County Executive by means of a certified or cashier's check of the license fee for the retail tobacco products license by the following payment schedule:

(a) The entire amount for the year at the time of approval for the license to be awarded; or

(b) The first half of the fee is to be paid on or before December 31 of the previous year for the renewal of the license for the following year. Then the second half of the fee is to be paid on or before July 1 of that year the license has been approved.

(c) If payment of the license fee is not received on any of the above dates which are required by this section, the licensee may be fined no less than \$100.00, have the license suspended or have the license revoked.

(B) To ensure employer responsibility and self-compliance all applicants will be required to attend a vendor education session as long as they are made available by the Will County Health Department. Store management responsible for new employee or staff training will be required to attend the session. Ongoing vendor education sessions will be available for new employees to attend. Health Department will provide retailers with a schedule of trainings.

(C) Each licensee shall secure and file with the Will County Executive, a certificate of approval showing compliance with all applicable rules or regulations of the Health Department of the County.

(D) If the applicant has fulfilled the requirements of divisions (A) and (B) above, within the prescribed time period; the Will County Executive may issue the license.

(E) If the requirements of division (A) and (B) are not fulfilled within the time periods set forth therein, the applicant shall reapply as set forth previously.

(F) At any time during the pendency of an application, the Will County Executive shall have the right to compel the applicant to submit to any examination and to produce any books and records which, in the judgment of the Will County executive, are material to the determination as to whether the applicant is qualified to receive a license under the provision of this chapter, or whether the premises sought to be licensed are suitable for such purpose. The Will County Executive shall also have the right to require the applicant to answer any charges made in any objection to the issuance of the license. The

failure of any applicant to appear at the time and place fixed by the Will County Executive for his examination or to produce books and records required, unless for good cause shown, shall be deemed to be an admission that the applicant is not qualified to receive a license.

**§120.015. LICENSE FEES; TERMS.**

- (A) The annual license fee for the license shall be ~~\$100.00.~~ **\$25.00.**
- (B) All licenses issued pursuant to this chapter shall be valid from the date of issuance, or in the case of renewals, from January 1 through the business night of December 31. A new or renewed license will be required in order for the licensed establishment to commence sales on January 1 of the new year.
- (C) No rebate of any fee shall be made to any licensee.
- (D) The retail tobacco product license shall be displayed prominently at the primary point of sale.
- (E) The retail tobacco product license is non-transferable, except a new license will be issued to a licensee who changes location, subject to applicable fees.

**§120.016 POWERS OF SHERIFF'S DEPUTIES; WILL COUNTY EXECUTIVE; IMMEDIATE REVOCATION.**

- (A) Enforcement Authority. All Sheriff's deputies shall have the power to enforce the provisions of this chapter, which shall include the authority to conduct annual compliance checks subject to staffing and budgetary constraints.
- (B) The Will County Executive may authorize any Sheriff deputy to enter any place used for the retail sale of tobacco products, during normal business hours, licensed or unlicensed hereunder, to determine whether any of the provision of this chapter have been violated, and at that time to examine the premise/facility.
- (C) The Will County Executive may receive complaints from any citizen within its jurisdiction that any of the provision of this chapter, or any Illinois law regarding the illegal sale of tobacco, have been or are being violated, and to act upon the complaints.
- (D) The Will County Executive shall have the right to examine or cause to be examined under oath, any applicant for a retail tobacco product license or for a renewal thereof, or any person legally responsible for any premises/facility upon whom notice of violation, revocation, or suspension has been served and to examine or cause to be examined, the books and records of any applicant, licensee, or person legally responsible for any premises/facility; to swear in witnesses, hear testimony, and take proof for his information in the performance of his duties, and for these purposes to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any information desired by the Will County Executive under this chapter, he may authorize his agent or agents to act on his behalf.
- (E) Closing Retail Tobacco Premises. The County Sheriff's deputies may immediately close a premise/facility for the unlicensed retail sale of tobacco products. The facility shall then be closed for the rest of the business day and be allowed to operate the following business day but may not engage in the retail sale of tobacco products unless properly licensed pursuant to this chapter.
- (F) If the Will County Executive has reason to believe that any premise/facility engaged or is engaging in the unlicensed retail sale of tobacco products he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the unlicensed premise to cease all retail sales of tobacco products for not more than seven (7) days, giving the premise/facility an opportunity to be heard during that period, except that if such premise/facility shall also be engaged in the conduct of another business or businesses on the licensed premise/facility such order shall not be applicable to such other business or businesses. Upon notice from the Will County Executive or the Will

County State's Attorney's Office, the Will County Executive will issue an ex parte order and shall schedule a hearing on the matter not later than five (5) working days from the date of the order, excluding holidays, Saturdays and Sundays.

(G) The Will County Executive may revoke or suspend any retail tobacco product license issued by him/her if he/she determines that the licensee has violated any of the provision of this Ordinance or any Illinois law regarding the illegal sale of tobacco. In lieu of suspension or revocation, the Will County Executive may instead levy a fine on the licensee for such violations

(H) The Will County Executive may levy a fine on the person legally responsible for a premise/facility if he/she determines that the person legally responsible for a premise/facility has violated any of the provisions of this Ordinance or any Illinois law regarding the illegal sale of tobacco.

(I) All fines imposed by the Will County Executive must be paid by cash, money order, or certified check made payable to the County Treasurer.

(J) All fines imposed by the Will County Executive must be paid within ten (10) days. Failure to pay such fine within the ten (10) day period will constitute a separate offense.

(K) All fines imposed by the Will County Executive may be paid to the Will County Executive on the day of the hearing. All fines imposed by the Will County Executive not paid on the day of hearing shall be paid to the Treasurer.

(L) Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this Ordinance by any officer, director, manager or other agent or employee of any premises/facility shall be deemed and held to be the act of the person legally responsible for said premises/facility; and such person legally responsible for said premise/facility shall be punishable in the same manner as if such act or omission had been done or omitted by the person legally responsible for said premise/facility personally.

**§120.017. FINES.**

(A) In lieu of suspension or revocation of a licensee, or in the case of a violation by an unlicensed premise/facility, the Will County Executive shall punish violations of this Ordinance by fines as follows:

- (1) \$250.00 for first violation within twelve (12) month period;
- (2) \$500.00 for second violation within twelve (12) month period;
- (3) \$1,000.00 for third violation within twelve (12) month period.

(B) Each day a violation continues shall constitute a separate violation.

**§120.018. INJUNCTIONS.**

(A) Injunctions. In addition to any sanction, the Will County Executive may institute, in circuit court, an action to enjoin violations of this Ordinance.

**§120.019 SEVERABILITY.**

(A) If any provision, clause or paragraph of this Ordinance shall be held invalid by a court of competent jurisdiction, such invalidity shall not affect the other provisions of this Ordinance.



Public Health & Safety Committee  
Ordinance #09-182

**ORDINANCE OF THE COUNTY BOARD  
WILL COUNTY, ILLINOIS**

**Amending Will County Code of Ordinances Chapter 93  
Pertaining to Nuisance Fires**

WHEREAS, the Will County Board finds it in the best interest of its citizens to amend Chapter 93 of the Code of Ordinances specifically pertaining to nuisance fires, and

WHEREAS, in order to provide for the health, safety and welfare of its residents, this ordinance is being updated and amended, and

WHEREAS, public hearings were conducted on February 11, 2009 and May 14, 2009 during the Public Health & Safety Committee Meetings and during the Public Health & Safety Report at the Will County Board Meeting on June 18, 2009 to solicit public concerns and comments, and

WHEREAS, the Public Health & Safety Committee recommends the attached changes be made to Chapter 93 of the Will County Code of Ordinances pertaining to nuisance fires and recommends approval by the full County Board.

NOW, THEREFORE, BE IT ORDAINED, that the Will County Board hereby amends Chapter 93 of the Will County Code of Ordinances pertaining to nuisance fires, as attached hereto, and that these amendments become effective immediately upon adoption by the Will County Board.

BE IT FURTHER ORDAINED, that the Preamble of this Ordinance is hereby adopted as if fully set herein. This Ordinance shall be in full force and effect upon its passage and approval as provided by law.

Adopted by the Will County Board this 18<sup>th</sup> day of June, 2009.

Vote: Yes \_\_\_ No \_\_\_ Pass \_\_\_\_\_ (SEAL)

\_\_\_\_\_  
Nancy Schultz Voots  
Will County Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lawrence M. Walsh  
Will County Executive



## NUISANCE FIRES

### §93.015 AUTHORITY

This subchapter is enacted pursuant to authority given by 55 ILCS 5/5-1052. (Res. \_\_\_\_\_ adopted \_\_\_\_\_).

### §93.015 PURPOSE

The purpose of this subchapter is to define and abate public nuisances which are a detriment to the people of the county. The nuisance defined herein is detrimental to the public health, safety, and welfare. (Res. 85-179, adopted 12-19-85).

### §93.017 PERMIT REQUIRED.

Waste materials of any nature shall not be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit from the state or the state E.P.A. (Res. 85-179, adopted 12-19-85).

### §93.018 LOCATION OF FIRES.

Fires shall be located not less than 50 feet from any property line or any neighboring structure, with adequate provision made to prevent spreading of the fire. **Legitimate campfires shall be located not less than 50 feet from any neighboring structure.** or the fire shall be contained in an approved waste burner located not less than 15 feet from any structure.

**Burning in right-of-way is strictly prohibited.**

**Any fires contained in a "patio wood-burning unit," being a chimnea, patio warmer, or other portable wood burning device used for outdoor recreation and/or heating in which case the "patio wood burning unit" shall be at least 15 feet from any neighboring structure.** (Res. 85-17-, adopted 12-19-85, Res. 09-149 adopted 05-21-09.)

**Burning on an Ozone Action Day, as declared by the Illinois Environmental Protection Agency, is strictly prohibited.**

### §93.0185 RECREATION FIRES

Recreation fires, being fires used to entertain or cook, may burn sticks, limbs, logs, charcoal, cooking, or camping fuel only. Recreation fires may not exceed an area dimension of six feet by six feet. Recreation

**fires shall be located not less than 50 feet from any neighboring structure, with adequate provision made to prevent spreading of the fire. Garbage, trash, refuse, lumber, building materials, or tires shall not be burned in recreation fires.**

**§93.019 FIRES TO BE ATTENDED.**

All fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a hose connected to a water supply or other fire extinguishing equipment ready for use. This person shall be responsible for notifying the local fire department before starting the fire. (Res. 85-179, adopted 12-19-85).

**§93.020 EXCEPTIONS**

Section 93.017 does not apply to the burning of **dry grass, leaves, branches, or bushes** originating on owner's property. Section 93.017 also does not apply to controlled burns for agricultural purposes, habitat reclamation, firefighter training. (Res. \_\_\_\_\_ adopted \_\_\_\_\_)

**§93.21 NEIGHBORING STRUCTURE**

**Neighboring structure means any and all buildings, whether structured on a foundation or mobile, including but not limited to houses, garages, sheds, pole barns, and neighboring fences.**

**§93.022 ENFORCEMENT.**

The Sheriff's Office of the county and other applicable enforcement departments shall enforce this subchapter. (Res. \_\_\_\_\_ adopted \_\_\_\_\_)

**§93.999 PENALTIES.**

Any person found to be in violation of any part of this subchapter shall be fined \$50.00 for the first offense, \$150 for the second offense and \$500 for the third and subsequent offenses, plus court costs. (Res. \_\_\_\_\_ adopted \_\_\_\_\_).



**Public Health & Safety Committee  
Resolution #09-183**

**RESOLUTION OF THE COUNTY BOARD  
WILL COUNTY, ILLINOIS**

**AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE A  
DISASTER COMMUNITY SERVICES GRANT AGREEMENT  
WITH THE ILLINOIS DEPARTMENT OF HUMAN SERVICES**

WHEREAS, the County of Will experienced heavy rainfall and flooding in September, 2008 which resulted in a Presidential disaster declaration, and

WHEREAS, the disaster caused significant property damage and caused disruptions to the lives of many Will County citizens, and

WHEREAS, the Illinois Department of Human Services (IDHS) is administering the Disaster Social Services Block Grant Program, a program of the U.S. Department of Health and Human Services to help meet ongoing and unmet social service needs of disaster victims, and

WHEREAS, IDHS has allocated \$260,892.89 to Will County for use in applicable program areas either directly, or as may be delivered through eligible units of local government or non-profit agencies that serve Will County residents, and

WHEREAS, appropriate and eligible expenses may be reimbursed through this grant for such expenses that have been incurred since September 13, 2008 or that may continue to be incurred through September 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby authorizes the County Executive to execute the FY 2009 Disaster Community Services Grant Agreement with the Illinois Department of Human Services.

BE IT FURTHER RESOLVED, that the Will County Emergency Management Director is designated to administer the grant for the reimbursement of eligible expenses incurred by Will County offices and departments, local units of government, and non-profit agencies.

Adopted by the Will County Board this 18<sup>th</sup> day of June, 2009.

Vote: Yes \_\_\_ No \_\_\_ Pass \_\_\_ (SEAL)

\_\_\_\_\_  
Nancy Schultz Voots  
Will County Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Lawrence M. Walsh  
Will County Executive





**ILLINOIS DEPARTMENT OF HUMAN SERVICES  
 ILLINOIS DISASTER SERVICES PROGRAM (IDAP)  
 IDAP PLAN SUMMARY SHEET**

*All items must be completed.*

1. Grantee Name:	WILL COUNTY
2. Address:	302 N CHICAGO ST-JOLIET, IL 60432
3. Remittance Address	302 N CHICAGO ST - JOLIET, IL 60432
4. IDAP County Contact and Title:	HAROLD R. DAMRON, EMA DIRECTOR
Telephone:	815-740-8351
Email Address:	hdamron@willcountyillinois.com
5. IDAP Program Contact Person and Title:	HAROLD R. DAMRON, EMA DIRECTOR
Telephone:	815-740-8351
Email Address:	ema@willcountyillinois.com
6. Fiscal Contact Person and Title:	BRENDA LUTZ, ASSISTANT DIRECTOR- <del>PREPAREDNESS</del>
Telephone:	815-740-8353
Email Address:	blutz@willcountyillinois.com
7. Fax Number:	815-723-8895
8. F.E.I.N. Number:	36-6006672
9. Identify the Disaster Area: <input type="checkbox"/> Area 1 <input type="checkbox"/> Area 2 <input type="checkbox"/> Area 3	Will County - September 13 - October 5, 2008
10. Identify the number of individuals provided services with the requested funding. (unduplicated count):	Adults Children* *Children under the age of 18

### **NEEDS STATEMENT**

Will County, comprised of its many cities, villages and townships was impacted to one degree or another during the disastrous flooding that occurred during the period of September 12, 2008 through October 5, 2008. Assistance was sought to help our residents and businesses owners through governmental agencies and the numerous social service organizations, including our faith-based community to assist in the response, short-term and long-term recovery effort.

### **DESCRIPTION OF SERVICE ACTIVITIES**

Funds made available through the Illinois Disaster Services Program will be used to:

- Conduct meetings with our social service organizations, faith-based communities and local governments to determine all short-term and long-term efforts provided in recovery assistance to our residents, businesses and displaced workers for the flooding disaster.
- Audit paid claims and reimburse the social service organizations, faith-based communities and local government in accordance to grant guidance.
- Review long-term recovery efforts of our social service organizations, faith-based communities and local government to ensure the needs are being met of our residents, businesses and displaced workers impacted by the flooding disaster in accordance with the grant guidance.
- Encourage our social service organizations, faith-based communities and local governments for continued outreach to those impacted by the flooding disaster to ensure that all unmet needs are being considered and/or assisted with the scope of the grant guidance.
- Provide additional cost reimbursement to government and social service organizations as provided for in the grant guidance.

### **SERVICE DELIVERY**

Upon determining the expenses by eligible social service organizations, faith-based communities and local governments, community partnership agreements will be entered into.

### **REPORTING AND TRACKING**

The County will track revenues and expenses and dispense funds to vendors or agencies after approval by the review committee. All applicants will submit a Certification Agreement to the County to be on file which will serve as an assurance that the applicants have not received funds from other Federal, State or Local sources.

**ILLINOIS DEPARTMENT OF HUMAN SERVICES  
 ILLINOIS DISASTER SERVICES PROGRAM (IDAP)  
 IDAP PLAN SUMMARY SHEET INSTRUCTIONS**

1. Grantee Name:	Indicate the address where the Grantee's administrative offices are located.
2. Address:	Enter the Grantee's address.
3. Remittance Address	Indicate the address of the location where the Grantee has agreed that payments from IDHS must be mailed.
4. IDAP Grantee Administrative Contact and Title:	Provide information specific for the individual whom the Grantee designates as the Administrative contact.
Telephone:	
Email Address:	
5. IDAP Program Contact Person and Title:	Provide information specific to the individual whom the Grantee designates as the IDAP Program Contact.
Telephone:	
Email Address:	
6. Fiscal Contact Person and Title:	Provide information specific for the individual whom the agency designates as the Fiscal Contact. This person must be familiar with the agency's fiscal policies and expenditures allocated to the IDAP program.
Telephone:	
Email Address (Required):	
7. Fax Number:	List the Grantee's fax number. If separate fax numbers are designated for fiscal and program contacts, please identify each number
8. F.E.I.N. Number:	List the Federal Taxpayer Identification Number for the Grantee.
9. Identify the Disaster Area: <input type="checkbox"/> Area 1 <input type="checkbox"/> Area 2 <input type="checkbox"/> Area 3	Check the Disaster Area served by the Grantee. Provide a description of the geographic area served, e.g., neighborhoods, cities, town.
10. Identify the number of individuals provided services with the requested funding. (unduplicated count):	Adults Children* *Children under the age of 18

**ILLINOIS DEPARTMENT OF HUMAN SERVICES  
ILLINOIS DISASTER SERVICES PROGRAM (IDAP) PLAN OUTLINE**

The Illinois Disaster Assistance Program includes three presidential disaster declarations for Illinois counties as the result of severe storms and flooding (qualifying event). Illinois has been awarded supplemental funds to provide services to individuals and families affected by floods and natural disasters in affected counties.

Eligibility for funding includes two primary criteria: 1) is there a need that is related to a disaster that occurred during the allowable time period and; 2) is the identified need from an area included in one of the federally declared major disaster counties.

Areas eligible for supplemental funds and eligible time period follow:

**January 7 - March 14, 2008**

Iroquois and Livingston Counties

**June 1 - July 22, 2008**

Adams, Calhoun, Clark, Coles, Crawford, Cumberland, Douglas, Edgar, Hancock, Henderson, Jasper, Jersey, Lake, Lawrence, Mercer, Rock Island, Whiteside and Winnebago counties

**September 13 - October 5, 2008**

Cook, DeKalb, DuPage, Grundy, Kane, LaSalle, Peoria, Will, Woodford counties

The IDAP Plan is considered to be part of the contract between the Grantee and the Illinois Department of Human Services.

Each county will develop an individualized service plan designed to meet identified needs. The Plan should be developed in such a way as to: identify activities that occurred during the eligible time period for which reimbursement is being requested (i.e., reimbursement); ongoing activities that are related to an eligible time period and funding is being requested; or a combination of past and ongoing activities related to an eligible time period for which funding is being requested.

The Grantee will develop the plan, in collaboration with the local emergency management director, and seek input from key stakeholders such as, local officials, and community-based organizations, e.g., Volunteers Active In Disasters (VAID). The Department encourages written linkage or collaboration agreements. An example of a Community Partnership Agreement is included in Attachment B.

The plan should address the following areas:

**A. NEEDS STATEMENT**

1. Describe the target population(s) served during the eligible time period or that will be served by the IDAP project funding, relating to age, ethnicity, standard of living, and family composition.
2. Describe the needs or problems that were addressed during the eligible time period or that will be addressed by the IDAP project funding.

**B. DESCRIPTION OF SERVICE ACTIVITIES**

1. Provide a description of disaster related social service activities. Identify activities by, a) activities that occurred during the eligible time period and, b) activities that are ongoing but related to the disaster.
2. Identify the number of adults and children who received or will receive disaster related social services. Identify the number of adults and children by, a) the number of adults and children who received services during the eligible time period, and b) the number of adults and children who will receive ongoing services.

**C. SERVICE DELIVERY**

1. Identify who provided or who will provide the disaster related social services by a) agencies/organizations who provided services during the eligible time period and b) agencies/organizations that are providing ongoing activities that originated from the original disaster period.
2. Describe the process for determining eligibility for the IDAP funded project. Include all eligibility criteria used by the Grantee, in collaboration with the local emergency management director.
3. Describe the process for how the Grantee will inform the community of the availability of IDAP funding.
4. Fully describe any service activities that will be or have been subcontracted. The subcontractor must agree to comply with all provisions of the IDHS Community Services Agreement between the Grantee and IDHS. The subcontract should be developed in a way that includes all of the requirements in the IDHS Community Services Agreement.

**D. REPORTING AND TRACKING**

1. Provide a detailed explanation of how the Grantee will document, track and report the funded activities to the Department. Describe how the county will ensure that services and expenditures have not been reimbursed by another federal or state source.
2. Describe how the Grantee will ensure that services and expenditures have not been reimbursed and reported to another federal or state source, e.g., does the applicant's request for services declare they have not been assisted for the same services by another funder?

**E. ATTACHMENTS - Attach copies of the following:**

- Program Budget and Narrative
- List of subcontracts and copy of subcontracts
- Copy of written linkage or collaboration agreements

**ILLINOIS DISASTER ASSISTANCE PROGRAM BUDGET**

Funding is based on a state fiscal year, July 1 – June 30. The IDAP Community Services Agreement with the Department will be a multi-year contract that runs through September 30, 2010. The budget may be a multi-year budget that may include any expenditure incurred from the incident period as well as costs that run through September 30, 2010. Budgets may be amended through written amendments, in a format identified by the Department.

Budgets should be developed in a way to identify incurred cost, recurrent cost and/or a combination of incurred and recurrent cost. IDHS defines incurred cost as cost that was incurred during the disaster period. IDHS defines recurrent cost as cost that is ongoing and directly related to the disaster period. The budget should be developed in a way to separate administrative costs from direct costs. Administrative cost may not exceed 20% of the budget.

**BUDGET NARRATIVE**

Each line item must have a narrative explanation or justification stating the method used in determining the amount allocated to each line item, why and how funds are to be utilized. Include your basis for determining administrative/indirect and direct program services. For assistance in determining administrative/indirect versus direct cost components, please consult either OMB Circular A-21 Cost Principles for Educational Institutions, OMB Circular A-87 "Cost Principles for State, Local and Indian Tribal Governments" or OMB Circular A-122 "Cost Principles for Non-Profit Organizations." OMB Circular Website: <http://www.whitehouse.gov/OMB/circulars/index.html>

A Category of Allowable Expenditures, Attachment A, is included for reference.

Suggested IDAP Budget Format.

Time Period Covered: Begin Date – End Date

**ADMINISTRATIVE COSTS MAY NOT EXCEED 20%**

Items	(A) Admin.	(B) Direct	(C) Total
<b>GRANTEE BUDGET</b>			
<b>A. Personal Services:</b>			
1. Salaries	\$10,000.	\$12,000	\$22,000.
2. Payroll Taxes	\$	\$	
3. Fringe Benefits	\$ 2,500.	\$ 3,000.	\$ 5,500.
4. Contractual	\$ 6,200.	\$10,000.	\$16,200.
<b>B. Consumables:</b>			
1. Supplies	\$ 1,000.	\$ 3,000.	\$ 4,000.
<b>C. Occupancy: (Attach Narrative)</b>			
1. Rent	\$	\$10,000.	\$10,000.
2. Utilities	\$	\$ 3,000.	\$ 3,000.
3. Building Maintenance	\$	\$ 1,000.	\$ 1,000.
4. Telephone	\$	\$ 1,000.	\$ 1,000.
<b>D. Miscellaneous:(Attach Narrative)</b>			
1. Staff Travel	\$ 500.	\$ 1,000.	\$ 1,500.
2. Equipment Maintenance	\$	\$	
3. Depreciation	\$	\$	
4. Conferences, Meetings	\$	\$	
5. Liability/Other Insurance	\$	\$	
<b>E. Individual Assistance</b>			
1. Home Repairs		\$90,000.	\$90,000.
2. Transportation			
3. Household Items		\$90,000.	\$90,000.
4. Other (List)			
Unforseen Items		\$16,692.89	\$16,692.89
<b>E. Subcontracts (List by Name &amp; Amt)</b>	\$	\$	
<b>TOTAL</b>	<b>\$ 20,200.</b>	<b>\$ 240,692.89</b>	<b>\$260,892.89</b>

Administrative Cost Percentage

To calculate the administrative cost percentage, divide the total administrative costs, Column A, by the total program services costs, Column B:

$$\frac{\text{Grand Total of Column A}}{\text{Grand Total of Column B}} \times 100 = \text{ \_\_\_\_\_\_ } \% \text{ No more than 20\%.}$$

**Illinois Disaster Services Program Budget- Grantee Salary Detail  
 Continued**

<b>Break Out of Grantee Salary Positions</b>	<b>Admin.</b>	<b>Direct</b>	<b>Total</b>
TO BE DETERMINE AND			\$
AN ITEMIZED CATEGORY			\$
LIST WILL BE PROVIDED	\$10,000.	\$12,000.	\$ 22,000.
			\$
			\$
			\$
			\$
			\$
			\$
			\$
			\$
			\$
			\$
<b>TOTAL SALARIES</b>	\$10,000.	\$12,000.	\$ 22,000.

**The TOTAL figures must match those reported on line A, Personal Services: Salaries on previous page. Do not include payroll taxes, fringe benefits, or contractual.**

**Return the completed Plan to:**

Illinois Department of Human Services  
 Division of Human Capital Development  
 Attn: Marva Arnold  
 Harris Building, 2<sup>nd</sup> Floor  
 100 S. Grand Ave., East  
 Springfield, Illinois 62762

**The Completed Plan must be returned by May 7, 2009**

Technical Assistance/Questions - IDHS Contact:

Steve Totten, Bureau of Title XX Social Services  
 Telephone: (217) 782-0693  
 Email: [Steve.Totten@illinois.gov](mailto:Steve.Totten@illinois.gov)  
 Fax: (217) 782-0216

Attachment B – Example of Partnership Agreement Language

COMMUNITY PARTNERSHIP AGREEMENT

Interagency cooperation is recognized as a valuable tool for the planning, integration and provision of human services to citizens served by (Grantee Name)\_\_\_\_\_

It is agreed that the undersigned Community Partners will work together in assuring the accessibility and availability of services to individuals who were affected by severe storms and flooding that occurred between January 7 and October 5, 2008 in three separate federal declared disaster area by:

- Sharing and publishing information about available services;
- Coordinating the planning and implementation of programs to most effectively provide a wide range of service;
- Assisting in providing necessary client information with the use of appropriate release of information forms to protect client confidentiality;
- Making appropriate referrals.

This Community Partnership Agreement is not a legal, binding or financial contract and is prepared solely to address the needs of the citizens it is designed to serve.

This Community Partnership Agreement shall remain in effect until September 30, 2010 unless cancelled by thirty (30) days written notice by either party to the Agreement.

The undersigned Community Partners certify that they have read and understand the terms of this Community Partnership Agreement and that each of the undersigned is authorized to sign on behalf of their respective agencies.

\_\_\_\_\_  
(County Name)

\_\_\_\_\_  
Authorizing Signature and Title

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

\_\_\_\_\_  
(Partnership Agency Name)

\_\_\_\_\_  
(Authorizing Signature (Provider)

\_\_\_\_\_  
(Date)

