

FINANCE COMMITTEE

RESOLUTIONS



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

**RE: *DETERMINATION OF THE ESTIMATE OF THE
ANNUAL AGGREGATE LEVY***

WHEREAS, the County Executive of Will County has prepared and submitted to the Will County Board the 2010 Will County Budget, in accordance with 55 ILCS 5/2-5009, and

WHEREAS, the County Board is required to adopt an annual budget in accordance with 55 ILCS 5/6-1001, and

WHEREAS, it is necessary at this time in the budget process to determine an estimate of the Annual Aggregate Levy to be levied upon the real property in the County of Will, in accordance with 35 ILCS 200/18-60, and

WHEREAS, the amounts listed below are the amounts to be raised for each specified levy as indicated.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby determines the following is its estimate of the 2009 Annual Aggregate Levy, and that the final levy may not exceed the amounts listed below, unless the provisions of the Truth in Taxation Act are followed.

BE IT FURTHER RESOLVED, that the County of Will does hereby recommend the following estimates for adoption of its 2009 Levy:

<u>LEVY</u>	<u>AMOUNT</u>
Corporate/Health Benefits	\$ 60,814,566
IMRF	14,189,318
FICA	6,298,892
TB Sanitarium	605,232
Highways	7,442,107

<u>LEVY</u>	<u>AMOUNT</u>
County Bridge	44,832
Federal Aid Matching	44,832
Workmens' Compensation	4,707,357
Health Department	9,773,369
Tort Immunity	4,057,293
Juvenile Detention Facility	2,376,094
PBC Operation & Maintenance	<u>4,348,701</u>
Aggregate Levy for Truth in Taxation Purposes	\$ 114,702,593
PBC Bond & Interest	<u>---</u>
TOTAL LEVY – 2009	\$ 114,702,593

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



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

***AUTHORIZING COUNTY EXECUTIVE TO EXECUTE NECESSARY DOCUMENTS FOR
DELINQUENT TAX PROGRAM***

WHEREAS, the County of Will has undertaken a program to collect delinquent taxes and to perfect titles to real estate in cases where the taxes on the same have not been paid pursuant to 35 ILCS 200/21-90; and

WHEREAS, pursuant to this program the County of Will, as trustee for the taxing districts involved, has acquired an interest in the real estate in question; and

WHEREAS, it appears to the Will County Board that it would be to the best interest of the taxing districts of Will County to dispose of this interest in said property.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby authorizes the Will County Executive to execute a deed of conveyance of the County's interest or authorize the cancellation of the appropriate certificate of purchase, as the case may be, on the real estate in question for the sums shown on the attachment and to be disbursed as shown and according to law.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

09/14/2009

Will County Monthly Resolution List - September 2009

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RES#	Account	Type	Account Name	Total Collected	County Clerk	Auctioneer	Recorder/ Sec of State	Agent	Treasurer
09-09-001	05-03813	REC	JOYCE MORROW	4,283.00	57.00	0.00	34.75	1,205.99	2,928.68
09-09-002	0809002B	SAL	EDWARD R. NEMEC	640.75	40.00	6.00	34.75	350.00	210.00
09-09-003	0809019B	SAL	THOMAS M. RADDATZ	640.75	40.00	6.00	34.75	350.00	210.00
09-09-004	0809023B	SAL	ROBERT F. HNAT	741.75	40.00	7.00	34.75	350.00	310.00
09-09-005	0809024B	SAL	ROBERT F. HNAT	1,751.75	40.00	17.00	34.75	425.00	1,235.00
09-09-006	0809031B	SAL	GRANITE HALL INDUSTRIAL	640.75	40.00	6.00	34.75	350.00	210.00
09-09-007	0809034B	SAL	DANIEL B. LAGIGLIA	640.75	40.00	6.00	34.75	350.00	210.00
09-09-008	0809045B	SAL	JOHN A. METESH	640.75	40.00	6.00	34.75	350.00	210.00
09-09-009	0809047B	SAL	RIGOBERTO CARDENAS	2,155.75	40.00	21.00	34.75	525.00	1,535.00
09-09-010	0809048B	SAL	ROBERT J. GIBES	640.75	40.00	6.00	34.75	350.00	210.00
09-09-011	0809052B	SAL	BRIAN J. LAGIGLIA	640.75	40.00	6.00	34.75	350.00	210.00
09-09-012	0809071B	SAL	FRANK J. JENDRASZAK	640.75	40.00	6.00	34.75	350.00	210.00
09-09-013	0809087B	SAL	SHANNON C. KERR	792.25	40.00	7.50	34.75	350.00	360.00
09-09-014	0809126B	SAL	NORMA A BIBIAN	1,044.75	40.00	10.00	34.75	350.00	610.00
09-09-015	0809145B	SAL	VINCENT L. HERMAN	640.75	40.00	6.00	34.75	350.00	210.00
09-09-016	0809146B	SAL	VINCENT L. HERMAN	640.75	40.00	6.00	34.75	350.00	210.00
09-09-017	0809123B	SAL	VINCENT L. HERMAN	943.75	40.00	9.00	34.75	350.00	510.00
09-09-018	0809083B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
09-09-019	0809092B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
09-09-020	0809093B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
09-09-021	0809094B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
09-09-022	0809095B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
09-09-023	0809096B	SAL	VILLAGE OF CRETE	640.75	40.00	6.00	34.75	350.00	210.00
Totals				\$21,965.00	\$937.00	\$167.50	\$799.25	\$9,155.99	\$10,848.68

	Clerk Fees	\$937.00
	Recorder/Sec of State Fees	\$799.25
	Total to County	\$12,584.93

Committee Members

09/22/2009

Will County Monthly Resolution List - October 2009

Page 1 of 1

RES#	Account	Type	Account Name	Total Collected	County Clerk	Auctioneer	Recorder/ Sec of State	Agent	Treasurer
10-09-001	0809017B	SAL	JEFFREY A. THOMPSON	640.75	40.00	6.00	34.75	350.00	210.00
10-09-002	0809118B	SAL	JOHN B. TOPPS	640.75	40.00	6.00	34.75	350.00	210.00
10-09-003	0809055B	SAL	SCOTT A MURDOCH	943.75	40.00	9.00	34.75	350.00	510.00
Totals				\$2,225.25	\$120.00	\$21.00	\$104.25	\$1,050.00	\$930.00

		Clerk Fees	\$120.00
		Recorder/Sec of State Fees	\$104.25
		Total to County	\$1,154.25

Committee Members



Finance Committee
Resolution #09-303

RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

Re: Authorizing the County Executive to Negotiate and Execute an Agreement of Intent to Abate Property Taxes for RTC Industries, Inc.

WHEREAS, RTC Industries, Inc. is locating an assembly and distribution facility in Will County; and

WHEREAS, pursuant to 35 ILCS 200/18-165, Will County is authorized to abate any portion of its taxes on property that is commercial or industrial; and

WHEREAS, Will County has made a determination of the assessed value of its property in conformance with 35 ILCS 200/18-165; and

WHEREAS, this relocation would retain and/or create between 114 to 119 jobs with an average compensation per employee of \$26,000; and

WHEREAS, this type of job creation is needed in the Will County area; and

WHEREAS, it is in the best interest of the citizens of Will County that this expansion occur and the abatement of ad valorem property taxes be granted.

NOW, THEREFORE BE IT RESOLVED, by the Will County Board that if RTC Industries, Inc., undertakes and relocates a facility in Will County, the Will County Clerk is directed to abate 50% percent of Will County's ad valorem property taxes for a period of three (3) years subject to and in conformance with a contractual agreement in substantially the form attached hereto being entered into between Will County and RTC Industries, Inc.

BE IT FURTHER RESOLVED, that the Will County Board hereby authorizes the Will County Executive to negotiate and execute an Agreement of Intent to Abate Taxes with RTC Industries, Inc., in substantially the form attached hereto, subject to the review and approval of the Will County State's Attorney.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes: _____ No: _____ Pass: _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

AGREEMENT OF INTENT TO ABATE PROPERTY TAXES

WHEREAS, **RTC Industries, Inc.** is locating an assembly and distribution facility in Will County and has requested incentives from Will County in the form of real estate tax abatements, pursuant to the provisions of law, 35 ILCS 200/18-165 et seq., and

WHEREAS, the County of Will desires to grant certain incentives to **RTC Industries, Inc.** to locate within such boundaries, subject to certain conditions, restrictions and limitations, and

WHEREAS, **RTC Industries, Inc.** has consented to those specified conditions, restrictions and limitations, and

WHEREAS, Will County wishes to effectuate such agreements pursuant to the provisions of Illinois law.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties agree as follows:

1. **DEFINITIONS**

As used herein, unless the context indicates otherwise, or unless specifically defined otherwise, the following terms shall be accorded the following meanings:

1.01 **Abatement.**

The reduction of taxes levied against real estate, except that in no event shall the real estate taxes levied and extended on behalf of the County for the payment and discharge of principal and interest on the bonded indebtedness of the County is abated.

1.02 **Assessed Valuation.**

The value of the Subject Property as assessed by the Township Assessor and/or as revised by the Supervisor of Assessments and Board of Review.

1.03 **Assessment Complaint.**

A complaint filed by a taxpayer with the Will County Board of Review or the Property Tax Appeal Board of the State of Illinois that the real estate has been improperly assessed or is exempt.

1.04 **County Clerk.**

The Clerk of Will County, Illinois, charged with the responsibility of extending real estate taxes against taxable real property.

1.05 County Recorder.

The Recorder of Deeds of Will County, Illinois, charged with the statutory responsibility of recording deeds, mortgages, liens, and other instruments affecting title to real estate.

1.06 Equalized Assessed Valuation.

The equalized assessed valuation (EAV) is the assessed value of real property, equalized by the application of the multiplier established for Townships within the County as established by the Supervisor of Assessments pursuant to 35 ILCS 200/9-75 and 200/9-205 or by the application of the multiplier established for Will County by the Illinois Department of Revenue either as a whole or by Township, pursuant to 35 ILCS 200/17-5 et seq.

For purposes of this Agreement, the EAV of the Subject Property as recorded on the books of the County Clerk shall conclusively be deemed the EAV of the Subject Property, except as set forth in Section 6.13 hereof.

1.07 RTC.

RTC Industries, Inc.

1.08 Insolvency of RTC.

RTC's inability to meet its obligations as they become due, Honeywell adjudication as bankrupt, **RTC** general assignment for the benefit of creditors, **RTC** taking the benefit of any insolvency act, or the appointment of a permanent receiver or trustee in bankruptcy for **RTC** property.

1.09 Owner.

Dugan Realty, LLC, An Indiana Limited Liability Corporation, the owner of the Subject Property as of the date hereof.

1.10 Permanent Index Number.

The number or numbers assigned to the Subject Property by the Mapping and Platting Department of the County pursuant to the system for the listing of real estate for purposes of assessment and collection of taxes.

1.11 Residential Improvements.

Real estate improved with a house, an apartment building of not more than six living units, or residential condominium, a residential cooperative or a government-subsidized housing project, if required by statute to be assessed in the lowest assessment category.

- 1.12 Subject Property.
The real estate, and any subsequent improvements, consisting of the property more particularly described in Exhibit A.
- 1.13 Supervisor of Assessments.
The Supervisor of Assessments of Will County, Illinois, charged with the statutory responsibility of reviewing and revising assessments of real property within the County of Will.
- 1.14 Tax Rate Objections.
A taxpayer's challenge of the mill rate applied to the Subject Property.
- 1.15 Taxing Districts.
The following collective units of Illinois local government and school districts:
1. Forest Preserve District of Will County
 2. Will County Public Building Comm.
 3. DuPage Township Town Funds
 4. DuPage Township Road Funds
 5. School District 365-U
 6. Community College District 525
 7. Des Plaines Valley Public Library
 8. Village of Romeoville
 9. Village of Romeoville RD BR
 10. Village of Romeoville Fire
 11. County of Will
- 1.16 The County.
Will County, Illinois
- 1.17 Township Assessor.
The Assessor of the Township charged with the statutory responsibility of assessing real property within the Township.
2. Abatement of Taxes.
- 2.01 Subject to the terms of this Agreement, the County agrees to abate ad valorem real estate taxes extended or imposed against the Subject Property as follows:
- (a) Abatements shall begin in the tax levy year 2010, provided that the project is substantially completed; the Subject property is fully assessed as improved property by the Township Assessor as indicated by the records of the Township Assessor; and an

occupancy permit has been issued for the improved premises which are the subject of this Agreement and the Will County Executive's Office has been provided notice and a copy thereof. However, failure to provide notice shall not extend this Agreement beyond the maximum ten (10)-year period allowed by law.

- (b) The amount abated shall be fifty percent (50%) of real estate tax payable by Owner, based upon the Equalized Assessed Valuation of the Subject Property, except that in no event shall real estate taxes levied and extended on behalf of the County for the payment and discharge of principal and interest on the bonded indebtedness of the County be abated. As of the date hereof, the County has no bonded indebtedness, which is paid through the collection of real estate taxes.
- (c) Abatements shall be for a duration of three (3) consecutive tax levy years, commencing with the tax levy year to which the first abatement applies.
- (d) In no event shall taxes be abated on the Subject Property for improvements made to that property after commencement of the abatement period as defined in Paragraph 2.01 (a).

- 2.02 The County shall, within five (5) days following its adoption, serve upon **RTC Industries, Inc.** a copy of the abatement resolution indicating filing with the County Clerk.
- 2.03 This Agreement and abatement resolution shall be certified by the County Clerk of Will County and shall be forwarded to the Supervisor of Assessments, the County Clerk of Will County, and the County Treasurer. Each year during the abatement period, a copy of the County's annual certificate of levy shall likewise be distributed.
- 2.04 For the duration of this Agreement, Owner shall inform the Will County Executive of any and all changes in the Permanent Index Numbers identifying the Subject Property, within a reasonable time after Owner is advised by the County of such changed Permanent Index numbers. The County shall not be held responsible if Owner's failure to so notify the Will County Executive results in a defective abatement for the Subject Property caused by obsolete, incorrect or inaccurate Permanent Index Numbers; provided, however, and notwithstanding the provisions of Section 2.01(c) hereof, in the event Owner fails to so notify, this Agreement shall be tolled until such time as Owner provides the County with the current, correct and accurate Permanent Index Number or Numbers for the Subject Property, at which time the abatement as aforesaid shall continue until the total taxes abated by the

County equals the County's pro-rata share of the total amount statutorily allowed to be given to Owner by all Taxing Districts under the provisions of 35 ILCS 200/18-165 et seq. or the amount that would have been abated had the correct Permanent Index Number been provided, whichever is less. In no event shall the tolling period operate so as to extend this Agreement beyond the maximum ten (10)-year period allowed by law.

- 2.05 Owner shall provide the County with copies of each of its yearly real estate tax bills when rendered for the property for purposes of auditing compliance with this Agreement.

3. Prohibited Acts.

- 3.01 Failure of Owner to pay in full, or cause to be paid in full, all properly, legally and validly assessed and computed, real estate taxes which are extended and billed against the Subject Property. In the event Owner fails to pay in full such real estate taxes, Owner and **RTC Industries, Inc.** shall have the opportunity to cure such failure for a period of thirty (30) days after notice of the failure to Owner and **RTC Industries, Inc.**

- 3.02 It is understood and agreed by the parties hereto that for a period of time commencing on the date of the Agreement and concluding on December 31 of the year in which the last abatement provided for herein is realized, neither Owner nor **RTC Industries, Inc.** shall file Tax Rate Objections or otherwise challenge the rate of taxes levied by and extended by the County for the parcels subject to this Agreement.

The provision does not, by way of limitation, prevent Owner or **RTC Industries, Inc.** from challenging the validity of the assessment of the Subject Property by the Township Assessor, Supervisor of Assessments, or Board of Review at any time during the term of this Agreement. (See Section 6.13 Below).

4. Cancellation/Recapture of Abatements

- 4.01 The obligation of the County to abate taxes herein shall be terminated upon the occurrence of any of the following:
- (a) The insolvency of **RTC Industries, Inc.**, as defined in Section 1.12 of this Agreement, but only in the event the insolvency causes RTC to cease operations at the Subject Property;
 - (b) Except as provided in Section 6.14 hereof, the sale by **RTC Industries, Inc.** of the business it conducts at the Subject Property; or

- (c) The construction of Residential Improvements on the Subject Property, provided, however, that in the event said Residential Improvements are identified by separate Permanent Index Numbers, the cancellation of the abatement shall apply only to the abatement attributable to those Permanent Index Numbers so identified.
- (d) On the happening of any of the prohibited acts specified in Section 3 of this Agreement.

4.02 In the event that any of the following events occur, abatements previously granted shall be repaid to the County to the extent the prohibited acts prevent the County from collecting unabated taxes:

- (a) Owner or **RTC Industries, Inc.** files tax rate objections or otherwise challenges the rate of taxes levied by and extended by the County during a period of time commencing on the date of this Agreement and concluding on December 31 of the year in which the last abatement provided for herein is realized;
- (b) Except as provided in Section 6.14 hereof, if there is an assignment of this Agreement and the Subject Property ceases to be operated as a new technology, manufacturing and distribution facility.

4.03 This Agreement and the obligations of the Will County Board hereunder shall terminate in the event that **RTC Industries, Inc.** does not open for business at the Subject Property within three (3) years of the date of this Agreement.

4.04 **RTC Industries, Inc.** agrees that the new assembly and distribution facility will continue to operate in Will County for a period of not less than twice the period of the abatement and to repay the abatement to the County if it fails to comply with this requirement.

5. Warranties and Representations

RTC Industries, Inc. represents and warrants to the County as follows:

- 5.01 That **RTC Industries, Inc.** will commence construction, or cause the commencement of construction, before the County shall have any further obligation to abate taxes as provided for herein.
- 5.02 That **RTC Industries, Inc.** certifies that the abatement of property taxes is an important ingredient in its decision to locate in Will County.

- 5.03 That the property tax abatement for the Subject Property is for the benefit of **RTC Industries, Inc.**
- 5.04 That **RTC Industries, Inc.** certifies that a minimum of 90 new jobs for Will County workforce will be located at the Subject Property by the end of 2010. Failure of this provision shall allow Will County to rescind the abatement agreement and/or reevaluate the eligibility provisions for the purpose of adjusting the amount of the abatement percentage and/or the length of time of the abatement.

Owner represents and warrants to the County that (a) it has provided the legal description of the Subject Property set forth in this Agreement and that said legal description is accurate and correct, and (b) the property tax abatement for the Subject Property is for the benefit of **RTC Industries, Inc.**

6. Miscellaneous

- 6.01 Failure of any party to this Agreement to insist upon the strict and prompt performance of the terms, covenants, agreements, and conditions herein contained, or any of them, upon any other party imposed, shall not constitute or be construed as a waiver or relinquishment of any party's right thereafter to enforce any such term, covenant, agreement or condition, but the same shall continue in full force and effect.
- 6.02 Wherever appropriate in this Agreement, the singular shall include the plural, and the plural shall include the singular. This Agreement shall be binding on the parties and their respective successors and assigns.
- 6.03 All section headings or other headings in this Agreement are for general aid of the reader and shall not limit the plain meaning or application of any of the provisions thereunder whether covered or relevant to such heading or not.
- 6.04 A copy of this Agreement and any amendment thereto, or a memorandum of this Agreement may be recorded by the County.
- 6.05 **RTC Industries, Inc.** hereby warrants that it is authorized to enter into this Agreement. The person executing this Agreement on behalf of Owner warrants that he has been lawfully authorized by the member of Owner to execute this Agreement on behalf of Owner. The Will County Executive and the County Clerk hereby warrant that they have been lawfully authorized by the Will County Board to execute this Agreement. **RTC Industries, Inc.**, Owner and the County shall, upon request, deliver to each other copies of all bylaws, resolutions, letters of direction, ordinances, or other documents required to legally evidence

the authority to so execute this Agreement on behalf of the respective entities.

- 6.06 This Agreement sets forth all the promises, inducements, agreements, conditions, and understandings between **RTC Industries, Inc.** and the County relative to the subject matter thereof, and there are no promises, agreements, conditions or understandings, either oral or written, express or implied, between them, other than as herein set forth. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless authorized in accordance with law and reduced to writing and signed by them.
- 6.07 This Agreement may be executed in two or more counterparts, each of which taken together, shall constitute one and the same instrument.
- 6.08 In the event of any default under or violation of this Agreement, the party not in default or violation shall serve written notice upon the party or parties in default or violation, which notice shall be in writing and shall specify the particular violation or default, and the defaulting party shall have the right to cure such default or violation within thirty (30) days after such notice is given. Either party may request a meeting with the others to discuss the default or violation, and such meeting shall be held within thirty (30) days after such notice is given, and the parties shall in good faith attempt to resolve the default in a reasonable fashion.
- 6.09 Any notice, payment, request, instruction, or other document to be delivered hereunder shall be deemed sufficiently given if in writing and delivered personally or mailed by certified mail, postage prepaid, if to the County to:

Will County Executive
302 North Chicago Street
Joliet, IL 60432
Phone (815) 740-4601
Fax (815) 740-4600

and if to Owner to:

Dugan Realty, LLC
An Indiana Limited Liability Corporation
6133 N River Road, Suite 200
Rosemont IL 60018
Attention: Susan Bergdoll, VP, Industrial Development and Leasing
Phone (847) 232-5420
Fax (847) 232-5690

and if to RTC to:

RTC Industries, Inc.
2800 Gold Road
Rolling Meadows, IL 60008
Attention: Larry O'Neill, Senior Vice President, Global Operations
Phone (847) 640-5172

It shall be the responsibility of each party hereto to notify the other parties, in writing, of a change in address and/or contact person.

- 6.10 In the event a court of competent jurisdiction shall determine that the County does not have the power to perform any provision set forth in this Agreement, such provision shall be deemed to be excised herefrom and the invalidity thereof shall not effect any of the other provisions contained herein, and such judgment or decree shall relieve the County only from performance under such invalid provision of this Agreement.
- 6.11 The recitals to this Agreement are hereby incorporated as a part of this Agreement and are hereby declared and found to be true and correct.
- 6.12 This Agreement shall be construed in accordance with and governed by the laws of the State of Illinois.
- 6.13 Owner and **RTC Industries, Inc.** shall have the right to file an assessment complaint or otherwise challenge the validity of the assessment of the Subject Property by the Township Assessor, Supervisor of Assessments, or Board of Review at any time during the term of this Agreement. In the event such a complaint is filed or other challenge mounted, Owner and **RTC Industries, Inc.** waive any objections to intervention by the County in any judicial or other proceeding at any time prior to or during such litigation/proceeding.
- 6.14 Neither **RTC Industries, Inc.** nor any subsequent owner of the business to be operated at the Subject Property initially by **RTC Industries, Inc.** shall assign this Agreement to any person or entity without the prior written consent of the County (which will not be unreasonably withheld) except for internal assignment among entities with common ownership or the sale or change in ownership of **RTC Industries, Inc.** or its parent corporation or the business conducted at the Subject Property, so long as the new owner continues to operate the Subject Property as an assembly and distribution facility. It is the obligation of **RTC Industries, Inc.** to notify the County about such internal assignments, sales or changes of ownership. No such assignment shall be effective, even if consented to by the County, unless and until the Assignee acknowledges in writing to the County

that the obligations of the County to Owner and **RTC Industries, Inc.** or any Assignee hereunder are contingent upon certain conditions, covenants and the performance of certain obligations as set forth in this Agreement on the part of **RTC Industries, Inc.** which such Assignee will assume. Upon such acknowledgment, **RTC Industries, Inc.** shall have no further liability under this Agreement.

- 6.15 **RTC Industries, Inc.** shall employ, directly or indirectly, at all times during construction covered by this Agreement, a minimum of seventy-five percent (75%) local (Will County) labor at the prevailing wage from Will County, Illinois, for construction, from the beginning to the completion of said construction covered by the abatement described herein.
- 6.16 All provisions of this Agreement shall be deemed severable, and if for any reason any portion of this Agreement is deemed invalid or unenforceable, or contrary to or in conflict with then applicable law, or materially incompatible with the procedures or requirements of any governmental agency (e.g., Will County Clerk's Office), then in any of such events, the invalid, unenforceable, conflicting or materially incompatible provision shall be severed and deleted from this Agreement, without affecting the validity or enforceability of other provisions hereof, except that if the tax abatements granted herein are severed from this Agreement, or otherwise not substantially realizable by **RTC Industries, Inc.** this Agreement shall thereupon terminate.
- 6.17 If any material provision of this Agreement is or becomes materially incompatible with the procedures or requirements of any governmental agency (e.g. Will County Clerk's Office), or is otherwise subject to severance, the parties shall diligently use their reasonable best efforts to negotiate an alternative method of achieving the same result, thereby to preserve the benefits and obligations hereof for all parties hereto.

[SIGNATURE PAGE FOLLOWS]

COUNTY OF WILL

(RTC)
RTC INDUSTRIES, INC.

Lawrence M. Walsh
Will County Executive

BY: _____
Its: _____

ATTEST:

ATTEST:

Nancy Schultz Voots
Will County Clerk

Its: _____

DATED: _____, 2009

DATED: _____, 2009

(Owner)

Dugan Realty, LLC

By:

By: _____
Susan Bergdoll, Vice
President, Industrial
Development and Leasing

DATED: _____, 2009

EXHIBIT A



Finance Committee
Resolution #09-304

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

**RE: *PAYMENT OF FUNDS TO UNIVERSITY OF ILLINOIS
COOPERATIVE EXTENSION SERVICE***

WHEREAS, the University of Illinois Cooperative Extension Service provides educational services and programs to Will County residents, and

WHEREAS, these educational services and programs are available Countywide in the subject areas of agriculture, community resource development, 4-H/Youth, Home Economics and Horticulture, and

WHEREAS, funds in the amount of \$25,000.00 have been appropriated in the 2009 County Board Budget to support this organization, and

WHEREAS, in light of the shortfall of anticipated revenues and the state of the economy, the Finance Committee has recommended this be the last contribution to the University of Illinois Cooperative Extension Service with no appropriations being set aside in the 2010, 2011 or 2012 Budgets.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby authorizes the payment of \$25,000.00 to the University of Illinois Cooperative Extension Service from the 2009 County Board Budget.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Approved this _____ day of _____, 2009.

Nancy Schultz Voots
Will County Clerk

Lawrence M. Walsh
Will County Executive



**Finance Committee
Resolution #09-305**

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

INCREASING APPROPRIATIONS IN THE TORT IMMUNITY FUND (204)

WHEREAS, a lack of appropriations exist in the Tort Immunity Fund (204) to make necessary obligatory payments, and

WHEREAS, the Will County Executive's Office has recommended an increase of appropriations in the Tort Immunity Fund (204) in the amount of \$500,000.00 as follows:

Revenue

From:	204-10100	Cash	\$500,000.00
-------	-----------	------	--------------

Expenses

To:	204-41-235-3795	General Liability	\$500,000.00
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BE IT FURTHER RESOLVED, that the Will County Auditor and the Will County Treasurer are hereby directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes ___ No ___ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



LAWRENCE M. WALSH
WILL COUNTY EXECUTIVE

WILL COUNTY OFFICE BUILDING • 302 N. CHICAGO STREET • JOLIET, ILLINOIS 60432

Phone (815) 774-7480
Fax: (815) 740-4600

October 7, 2009

Mr. Duffy Blackburn
Will County Auditor

Dear Mr. Blackburn:

The Tort Immunity Fund (204) is experiencing a shortfall of available budget appropriation to meet current and upcoming payments. However, there is sufficient cash.

Would you please make an emergency appropriation increase in line 204-41-235-3795 General Liabilities Deductible in the amount of \$500,000. This matter was discussed at the Finance Committee Meeting on 10/6/09 and advanced for approval at the October 15th County Board Meeting. We need to make to make this emergency appropriation immediately to expedite the payment of bills.

By copy of this letter, we are requesting the County Board, at its October 15th meeting, confirm this increased appropriation.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence M. Walsh".

Lawrence M. Walsh
Will County Executive

CC: James Moustis, County Board Chairman,
Edward D. Kusta Jr., Finance Committee Chairman
Melissa Johannsen, County Board Administrator



Finance Committee
Resolution #09-306

RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

**INCREASING APPROPRIATIONS IN
THE WORKERS' COMPENSATION FUND (205)**

WHEREAS, a lack of appropriations exist in the Workers' Compensation Fund (205) to make necessary obligatory payments, and

WHEREAS, the Will County Executive's Office has recommended an increase of appropriations in the Workers' Compensation Fund (205) in the amount of \$750,000.00 as follows:

Revenue

From: 205-10100 Cash \$750,000.00

Expenses

To: 205-41-231-1573 Claims \$750,000.00

BE IT FURTHER RESOLVED, that the Will County Auditor and the Will County Treasurer are hereby directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes ___ No ___ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



LAWRENCE M. WALSH
WILL COUNTY EXECUTIVE

WILL COUNTY OFFICE BUILDING • 302 N. CHICAGO STREET • JOLIET, ILLINOIS 60432

Phone (815) 774-7480
Fax: (815) 740-4600

October 7, 2009

Mr. Duffy Blackburn
Will County Auditor

Dear Mr. Blackburn:

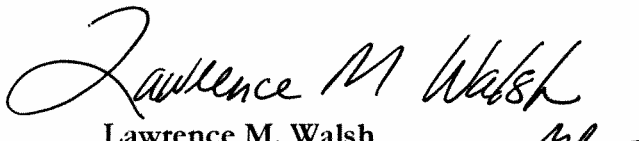
The Workmen's Compensation Fund (205) is experiencing a shortfall of available budget appropriation to meet current and upcoming payments. However, there is sufficient cash.

Would you please make an emergency appropriation increase in line 205-41-230-1573 Workmen's Compensation Claims Current Year in the amount of \$750,000. This matter was discussed at the Finance Committee Meeting on 10/6/09 and advanced for approval at the October 15th County Board Meeting. We need to make to make this emergency appropriation immediately to expedite the payment of bills.

By copy of this letter, we are requesting the County Board, at its October 15th meeting, confirm this increased appropriation.

Thank you.

Sincerely,


Lawrence M. Walsh
Will County Executive

CC: James Moustis, County Board Chairman,
Edward D. Kusta Jr., Finance Committee Chairman
Melissa Johannsen, County Board Administrator



Finance Committee
Resolution #09-307

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

TRANSFERRING APPROPRIATIONS WITHIN THE COUNTY CLERK'S BUDGET

WHEREAS, the County Clerk has requested a transfer of appropriations within her budget,
and

WHEREAS, the Finance Committee has recommended approval of this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget, by transferring the following:

<i>From</i>	<i>Amount</i>	<i>To</i>	<i>Amount</i>
101-45-411-3720	\$25,420.00	101-45-411-4600	\$25,420.00

FURTHER BE IT RESOLVED, that the Will County Auditor is directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive

Melissa Johannsen

From: Robin Tyda
Sent: Monday, September 21, 2009 12:08 PM
To: Melissa Johannsen; Beth McReynolds; Karen Wozniak
Cc: Nancy Voots; Judy Wiedmeyer
Subject: Executive Meeting on Oct. 1st

Good Morning Ladies,

Can you please place Nancy on the agenda for the Executive Meeting on Oct. 1st @ 9:30 a.m.? She would like to transfer \$25,420.00 from codes 411-3720 to 411-4600. Please let me know if you have any questions regarding this matter.

Thanks for your help,

Robin
Robin Tyda, Executive Secretary
Will County Clerk's Office
302 N. Chicago Street
Joliet, IL 60432
Phone: 815/740-4616
Fax: 815/740-4699
E-Mail: rtyda@willcountyillinois.com



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

TRANSFERRING APPROPRIATIONS WITHIN SUNNY HILL TB CLINIC BUDGET

WHEREAS, Sunny Hill TB Clinic's Administrator has requested an internal transfer of funds to cover an upgrade to the voicemail system in the amount of \$1,045.81, and

WHEREAS, both the Public Health and Safety and Finance Committees concur with this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget by transferring appropriations within Sunny Hill TB Clinic's Budget in the amount of \$1,045.81, to fund an upgrade to the voicemail system as follows:

From	Into
206-41-240-3820 Contingency	206-41-240-4600 Comp Hardware/Software

BE IT FURTHER RESOLVED, that the Will County Auditor and Treasurer are directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



SUNNY HILL TUBERCULOSIS CLINIC

503 ELLA AVENUE

JOLIET, ILLINOIS 60433

Phone: (815) 740-4420

Fax: (815) 740-4424

Pamela A. Boucher, RN, MSN
Administrator

Gary M. Trager, M.D., F.A.C.P.
Medical Director

August 12, 2009

To: Jim Moustis
Chairman
Will County Board

From: Pamela A. Boucher RN, MSN
Administrator
Sunny Hill TB Clinic

RE: Budget Transfer

A budget transfer is recommended for payment of the upgrading of the voicemail system. Please place on the appropriate committee agendas for approval.

I recommend the transfer be made from:

Contingency –	206-41-240-3820	\$1,045.81
Into:		
Computer Hardware/Software –	206-41-240-4600	\$1,045.81

CC: John Cicero
Kristin Shields



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

**TRANSFERRING APPROPRIATIONS WITHIN
SUNNY HILL NURSING HOME BUDGET**

WHEREAS, Sunny Hill's Administrator has requested an internal transfer of funds to cover an emergency purchase of a replacement oven in the amount of \$5,800.96, and

WHEREAS, both the Public Health and Safety and Finance Committees concur with this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget by transferring appropriations within Sunny Hill's Budget in the amount of \$5,800.96, to fund an emergency purchase of a replacement oven as follows:

From	Into
101-41-278-2420 Uniforms	101-41-278-4300 Machinery & Equip

BE IT FURTHER RESOLVED, that the Will County Auditor and Treasurer are directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



Sunny Hill Nursing Home of Will County

"The Leader in Resident Centered Care and Active Living"

*421 Doris Avenue * Joliet, Illinois * 60433*

*Telephone (815) 727-8710 * FAX (815) 727-8637*

www.willcountyillinois.com

August 12, 2009

Will County Board
Mr. James Moustis, Chairman

Dear Mr. Moustis:

This letter is to request that Sunny Hill be placed on the Finance Committee agenda to request a transfer of funds between codes.

We are requesting a transfer of \$5,800.96 from code 101-41278-2420 in the FY09 budget to code 101-41278-4300 in the FY09 budget. These funds are needed to pay for an emergency purchase of a replacement oven. Three quotes were obtained and the oven purchased was the lowest quote.

Thank you.

Sincerely,

Karen Isberg Sorbero
Administrator
Sunny Hill Skilled Rehab Center



Finance Committee
Resolution #09-310

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

TRANSFERRING APPROPRIATIONS WITHIN ICT BUDGET

WHEREAS, the ICT Director has requested a transfer of appropriations within his budget,
and

WHEREAS, the Finance Committee has recommended approval of this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget, by transferring the following:

<i>From</i>	<i>Amount</i>	<i>To</i>	<i>Amount</i>
101-41-150-3530	\$9,800.00	101-41-150-4600	\$9,800.00
101-41-150-3771	\$13,600.00	101-41-150-4600	\$13,600.00

FURTHER BE IT RESOLVED, that the Will County Auditor is directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive




COUNTY OF WILL
INFORMATION COMMUNICATION AND TECHNOLOGY DEPARTMENT
WILL COUNTY OFFICE BUILDING • 302 N. CHICAGO STREET • JOLIET, ILLINOIS 60432

Michael J. Shay
Director

815/740-8361
Fax 815/740-4706

Memorandum

To: James Moustis, Chairman, Will County Board
From: Mike Shay, Director, ICT Department 
Date: 8/18/2009
CC: Paul Rafac, Finance Director, Finance Department
Re: Transfer of Funds within ICT Budget

I request two transfers of funds within the ICT Budget.

- 1) **Main Router** – The main router for the County network goes entirely out of support in November of this year. An extension of maintenance is not being offered on this piece of equipment, therefore it must be replaced at a cost of \$9,800.00.

I request that \$9,800.00 be transferred from 101-41-150-3530 to 101-41-150-4600 to cover the cost of this purchase.

- 2) **Sunny Hill Nursing Home Voicemail System** – The County Health Department is upgrading their voicemail system. The ICT Department is responsible for the Sunny Hill Nursing Home portion of that cost.

I request that \$13,600.00 be transferred from 101-41-150-3771 to 101-41-150-4600 to cover the cost of this upgrade.



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

TRANSFERRING FUNDS WITHIN 9-1-1 BUDGET

WHEREAS, a request for internal transfer of funds has been received from the Chief Administrator of 9-1-1, and

WHEREAS, the Finance Committee concurs with this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget by transferring funds in the total amount of \$658,901.42 as follows:

<u>FROM:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>	<u>INTO:</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
284-40-103-4100	Bldgs. & Structures	\$599,000.00	284-40-103-	1010 Payroll	\$ 85,000.00
				1020 Salary PT	\$ 3,600.00
				2101 Educ Materials	\$ 6,400.00
				2140 Comp Supplies	\$ 5,000.00
				3753 Meals/Lodge	\$ 5,000.00
				3771 Telephone	\$130,000.00
				3840 Surcharge Grants	\$364,000.00
284-40-103-4600	Comp Hard/Soft	\$ 59,901.42	284-40-103-	2140 Comp Supp	\$ 59,901.42

BE IT FURTHER RESOLVED, that the Will County Auditor and the Will County Treasurer are directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



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

Increasing Appropriations in Sheriff's Budget

WHEREAS, the Sheriff is in receipt of Article 36 Vehicle Seizure Funds, and has requested an increase in appropriations in the amount of \$4,000.00, and

WHEREAS, based on presentations made, the Finance Committees concurs with this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget by increasing appropriations in the amount of \$4,000.00 as follows:

Revenue

From:	101-00-000-39996	Anticipated New Revenues	\$4,000.00
To:	101-00-000-34228	Article 36 Veh Seizures	\$4,000.00

Expenses

From:	101-40-100-6999	Anticipated New Expenses	\$4,000.00
To:	101-50-600-6023	Article 36 Veh Seizures	\$4,000.00

BE IT FURTHER RESOLVED, that the Will County Auditor is hereby directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



PAUL J. KAUPAS
WILL COUNTY SHERIFF

Will County Courthouse
14 W. Jefferson Street
Joliet, Illinois 60432

Telephone: 815/727-8895
Fax: 815/727-8565
Website: www.willcosheriff.org

September 21, 2009

Chairman James Moustis
Will County Board
302 N. Chicago Street
Joliet, IL 60432

Dear Chairman Moustis,

The Sheriff's Office requests to be placed on the appropriate committee agenda to request an increase in expense appropriations in Sheriff's Corporate Budget.

To Code:

101-50-600-6023 Article 36 Seizure and Forfeiture of Vehicles \$4,000.00

The available revenue in code 101-00-000-34228 is: \$7,476.00

Please see attached support paperwork.

If you have any questions, please feel free to contact me.

A handwritten signature in black ink, appearing to read "Nathaniel C. Romeo".

Nathaniel C. Romeo
Deputy Chief
Will County Sheriff's Office

Cc Sheriff Paul Kaupas
Undersheriff Martin Nowak
Commander Raymond Horwath
Paul Rafac/County Finance Director
Duffy Blackburn/County Auditor
file

Illinois Compiled Statutes
Criminal Offenses
Criminal Code of 1961
720 ILCS 5/

[HOME] [CHAPTERS] [PUBLIC ACTS] [SEARCH] [BOTTOM]

(720 ILCS 5/)

ARTICLE 36. SEIZURE AND FORFEITURE
OF VESSELS, VEHICLES AND AIRCRAFT

(720 ILCS 5/36-1)

Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used with the knowledge and consent of the owner in the commission of, or in the attempt to commit as defined in Section 8-4 of this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of Section 12-4 of this Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use Tax Act if the vessel, vehicle or aircraft contains more than 10 cartons of such cigarettes; (d) Section 44 of the Environmental Protection Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the offenses described in the following provisions of the Illinois Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D); or (g) an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code; may be seized and delivered forthwith to the sheriff of the county of seizure.

Within 15 days after such delivery the sheriff shall give notice of seizure to each person according to the following method: Upon each such person whose right, title or interest is of record in the office of the Secretary of State, the Secretary of Transportation, the Administrator of the Federal Aviation Agency, or any other Department of this State, or any other state of the United States if such vessel, vehicle or aircraft is required to be so registered, as the case may be, by mailing a copy of the notice by certified mail to the address as given upon the records of the Secretary of State, the Department of Aeronautics, Department of Public Works and Buildings or any other Department of this State or the United States if such vessel, vehicle or aircraft is required to be so registered. Within that 15 day period the sheriff shall also notify the State's Attorney of the county of seizure about the seizure.

In addition, any mobile or portable equipment used in the commission of an act which is in violation of Section 7g of the Metropolitan Water Reclamation District Act shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vessels, vehicles and aircraft, and any such equipment shall be deemed a vessel, vehicle or aircraft for purposes of this Article.

When a person discharges a firearm at another individual from a vehicle with the knowledge and consent of the owner of the vehicle and with the intent to cause death or great bodily harm to that individual and as a result causes death or great bodily harm to that individual, the vehicle shall be subject to seizure and forfeiture under the same procedures provided in this Article for the seizure and forfeiture of vehicles used in violations of clauses (a), (b), (c), or (d) of this Section.

If the spouse of the owner of a vehicle seized for an offense described in subsection (g) of Section 6-303 of the Illinois Vehicle Code, a violation of subdivision (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501 of the Illinois Vehicle Code, or Section 9-3 of this Code makes a showing that the seized vehicle is the only source of transportation and it is determined that the financial hardship to the family as a result of the seizure outweighs the benefit to the State from the seizure, the vehicle may be forfeited to the spouse or family member and the title to the vehicle shall be transferred to the spouse or family member who is properly licensed and who requires the use of the vehicle for employment or family transportation purposes. A written declaration of forfeiture of a vehicle under this Section shall be sufficient cause for the title to be transferred to the spouse or family member. The provisions of this paragraph shall apply only to one forfeiture per vehicle. If the vehicle is the subject of a subsequent forfeiture proceeding by virtue of a subsequent conviction of either spouse or the family member, the spouse or family member to whom the vehicle was forfeited under the first forfeiture proceeding may not utilize the provisions of this paragraph in another forfeiture proceeding. If the owner of the vehicle seized owns more than one vehicle, the procedure set out in this paragraph may be used for only one vehicle.

Property declared contraband under Section 40 of the Illinois Streetgang Terrorism Omnibus Prevention Act may be seized and forfeited under this Article.

(Source: P.A. 91-876, eff. 1-1-01; 92-57, eff. 1-1-02; 92-688, eff. 7-16-02.)

(720 ILCS 5/36-1a)

Sec. 36-1a. Rights of lienholders and secured parties.

The State's Attorney shall promptly release a vessel, vehicle or aircraft seized under the provisions of this Article to any lienholder or secured party whose right, title or interest is of record as described in Section 36-1 if such lienholder or secured party shows to the State's Attorney that his lien or secured interest is bona fide and was created without actual knowledge that such vessel, vehicle or aircraft was used or to be used in the commission of the offense charged.

(Source: Laws 1965, p. 2868.)

(720 ILCS 5/36-2)

Sec. 36-2. Action for forfeiture. (a) The State's Attorney in the county in which such seizure occurs if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner of the vessel, vehicle or aircraft or any person whose right, title or interest is of record as described in Section 36-1, to violate the law, or finds the existence of such mitigating circumstances as to justify remission of the forfeiture, may cause the sheriff to remit the same upon such terms and conditions as the State's Attorney deems reasonable and just. The State's Attorney shall exercise his discretion under the foregoing provision of this Section 36-2(a) promptly after notice is given in accordance with Section 36-1. If the State's Attorney does not cause the forfeiture to be remitted he shall forthwith bring an action for forfeiture in the Circuit Court within whose jurisdiction the seizure and confiscation has taken place. The State's Attorney shall give notice of the forfeiture proceeding by mailing a copy of the Complaint in the forfeiture proceeding to the persons, and upon the manner, set forth in Section 36-1. The owner of the seized vessel, vehicle or aircraft or any person whose right, title, or interest is of record as described in Section 36-1, may within 20 days after the mailing of such notice file a verified answer to the Complaint and may appear at the hearing on the action for forfeiture. The State shall show at such hearing by a preponderance of the evidence, that such vessel, vehicle or aircraft was used in the commission of an offense described in Section 36-1. The owner of such vessel, vehicle or aircraft or any person whose right, title, or interest is of record as described in Section 36-1, may show by a preponderance of the evidence that he did not know, and did not have reason to know, that the vessel, vehicle or aircraft was to be used in the commission of such an offense or that any of the exceptions set forth in Section 36-3 are applicable. Unless the State shall make such showing, the Court shall order such vessel, vehicle or aircraft released to the owner. Where the State has made such showing, the Court may order the vessel, vehicle or aircraft destroyed; may order it delivered to any local, municipal or county law enforcement agency, or the Department of State Police or the Department of Revenue of the State of Illinois; or may order it sold at public auction.

(b) A copy of the order shall be filed with the sheriff of the county in which the seizure occurs and with each Federal or State office or agency with which such vessel, vehicle or aircraft is required to be registered. Such order, when filed, constitutes authority for the issuance of clear title to such vehicle, aircraft, or boat to the department or agency to whom it is delivered or any purchaser thereof. The sheriff shall comply promptly with instructions to remit received from the State's Attorney or Attorney General in accordance with Sections 36-2(a) or 36-3.

(c) The proceeds of any sale at public auction pursuant to Section 36-2 of this Act, after payment of all liens and deduction of the reasonable charges and expenses incurred by the sheriff in storing and selling such vehicle, shall be paid into the general fund of the county of seizure.

(Source: P.A. 84-25.)

(720 ILCS 5/36-3)

Sec. 36-3. Exceptions to forfeiture.

(a) No vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier may be forfeited under the provisions of Section 36-2 unless it appears that (1) in the case of a railway car or engine, the owner, or (2) in the case of any other such vessel, vehicle or aircraft, the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto.

(b) No vessel, vehicle, or aircraft shall be forfeited under the provisions of Section 36-2 by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any state.
(Source: Laws 1965, p. 2868.)

(720 ILCS 5/36-4)

Sec. 36-4. Remission by Attorney General.

Whenever any owner of, or other person interested in, a vessel, vehicle, or aircraft seized under the provisions of this Act files with the Attorney General before the sale or destruction of such vessel, vehicle, or aircraft, a petition for the remission of such forfeiture the Attorney General if he finds that such forfeiture was incurred without willful negligence or without any intention on the part of the owner or any person whose right, title or interest is of record as described in Section 36-1, to violate the law, or finds the existence of such mitigating circumstances as to justify the remission of forfeiture, may cause the same to be remitted upon such terms and conditions as he deems reasonable and just, or order discontinuance of any forfeiture proceeding relating thereto.
(Source: Laws 1965, p. 2868.)



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

Increasing Appropriations in Sheriff's Weight Scale Budget

WHEREAS, the Sheriff has requested an increase in appropriations in the amount of \$12,780.00 in his Weight Scale Budget, and

WHEREAS, based on presentations made, the Finance Committees concurs with this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003,Transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote....By a like vote the board may make appropriations in excess of those authorized by the budget in order to meet an immediate emergency.

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget by increasing appropriations in the amount of \$12,780.00 as follows:

Revenue

From: 251-10100 Cash \$12,780.00

Expenses

To: 251-50-635-2540 Machinery & Equip \$12,780.00

BE IT FURTHER RESOLVED, that the Will County Auditor is hereby directed to make the necessary line item and fund adjustments, in accordance with the above-referenced statutory authority.

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

Adopted by the Will County Board this 15th day of October, 2009.

Vote: Yes _____ No _____ Pass _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this _____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



PAUL J. KAUPAS
WILL COUNTY SHERIFF

Will County Courthouse
14 W. Jefferson Street
Joliet, Illinois 60432

Telephone: 815/727-8895
Fax: 815/727-8565
Website: www.willcosheriff.org

September 8, 2009

Chairman James Moustis
Will County Board
302 N. Chicago Street
Joliet, IL 60432

Dear Chairman Moustis,

The Sheriff's Office requests to be placed on the appropriate committee agenda to request an increase in expense appropriations in Sheriff's Weight Scale.

To Code:

251-50-635-2540 Machinery & Equip Small Value \$12,780.00

This purchase is for four new, portable weight scales for the Sheriff's Traffic Section, and the funding is from 251-10100.

Please see attached support for paperwork.

If you have any questions, please feel free to contact me.

Nathaniel C. Romeo
Deputy Chief
Will County Sheriff's Office

Cc Sheriff Paul Kaupas
Undersheriff Martin Nowak
Commander Raymond Horwath
Paul Rafac/County Finance Director
Duffy Blackburn/County Auditor
file



1640 W. Pershing Road
Chicago, IL 60609
773-847-5445 F 773-847-8046

August 27, 2009

Sgt. Mike Giels
Will County Sheriff's Department
2402 E. Laraway Rd
Joliet, IL 60433
815-405-2164

Equipment

Intercomp Model LP600-50 22,000 X 50lb Wheel Load Scales \$3,195.00 EA x 4 = 12,780.00

Complete with Charging Cable 12 Volt

State Certification

Certify and place in service each weigh pad purchased \$186.00 EA
Units must be driven to Springfield for certification

Freight

Estimated freight via UPS Ground \$100.00 for 4 Units

100

12,880.00

Delivery

Three weeks from receipt of order. This is dependant upon the state's certification laboratory schedule.

Warranty

Two years parts and labor

Total for 2 units: \$6390.00

Total for 4 units: \$12,780.00

Option

4 Scale Interconnect Cable \$170.00

Thank you for our consideration and please contact me with any questions.

Sincerely,

John Cheney

WILL COUNTY, ILLINOIS - *LIVR*
 9/04/09
 Asset Account
 251-10100
 Cash

General Ledger Inquiry
 Account Status : : : : : ACTIVE
 Budgeted Account/Org. Level: NO
 Fiscal Start Month/Year End: 12 2009

GL1500S3

Ending Balances	Current Periods	Current Balance
2008: 80147.91	Dec : 3369.66	155735.30
2007: 43892.52	Jan : 27670.75-	
2006: 33192.40	Feb : 12426.28-	
2005: 77908.89	Mar : 7594.34	
2004: 59829.18	Apr : 37298.64	
	May : 4904.47	
	June: 25300.33	
	July: 38218.68	
	Aug : 3441.61	
	Sept: 4443.31-	
	Oct : .00	
	Nov : .00	
	Total	75587.39

F3=Exit F8=Detail F11=Transactions F12=Cancel F22=More Functions



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

**Authorizing the County Executive to Create Fund 287 for the
Homeless Prevention and Rapid Re-housing Program Grant
from the U.S. Department of Housing and Urban Development**

WHEREAS, the U.S. Department of Housing and Urban Development has recently executed a signed Grant Agreement with Will County to obligate/expend funds within the next thirty-six (36) months under the Homeless Prevention and Rapid Re-housing Program Grant (HPRP) to Will County in the amount of \$602,271; and

WHEREAS, the Will County Board now authorizes the creation of Special Revenue Fund 287 for the Homeless Prevention and Rapid Re-housing Program Grant funds; and

WHEREAS, the HPRP Program Fund 287 will be utilized for all HPRP related revenue/expenditure activities moving forward.

NOW THEREFORE, BE IT RESOLVED BY THE WILL COUNTY BOARD THAT:

SECTION 1: The Will County Executive be authorized to create Special Revenue Fund 287 to record all revenues and expenditures associated with the Homeless Prevention and Rapid Re-housing Program under the Community Development Division of Land Use.

Fund 287 Homeless Prevention and Rapid Re-housing Program

Expenses:

287-41-267-3150	Subgrant Awards	\$100,000.00
287-41-267-3740	Educational Training	\$1,000.00
287-41-267-3752	Mileage/Transportation	\$2,000.00
287-41-267-3753	Meals/Lodging	\$2,000.00

Revenues:

287-00-000-33204	HPRP Grant	\$105,000.00
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SECTION 3: This Resolution and every provision thereof shall be separable and the invalidity of any portion shall not affect the validity of the remainder.

SECTION 4: All Resolutions or parts thereof, in conflict herewith, are hereby repealed.

SECTION 5: This Resolution shall take effect following its passage, approval, adoption, recording, inspection and publication, as may be required by law.

Adopted by the Will County Board this 15th day of October, 2009.

VOTE: Yes _____ No: _____ Pass: _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this ____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

**Authorizing the County Executive to Create Fund 288 for
The Energy Efficiency and Conservation Block Grant
From the U.S. Department of Energy**

WHEREAS, the U.S. Department of Energy has recently executed a signed Grant Agreement with Will County to obligate/expend funds within the next thirty-six (36) months under the Energy Efficiency and Conservation Block Grant (EECBG) to Will County in the amount of \$3,000,000; and

WHEREAS, the Will County Board now authorizes the creation of Special Revenue Fund 288 for the Energy Efficiency and Conservation Block Grant funds; and

WHEREAS, the EECBG Program Fund 288 will be utilized for all EECBG related revenue/expenditure activities moving forward.

NOW THEREFORE, BE IT RESOLVED BY THE WILL COUNTY BOARD THAT:

SECTION 1: The Will County Executive be authorized to create Special Revenue Fund 288 to record all revenues and expenditures associated with the Energy Efficiency and Conservation Block Grant Program under the Community Development Division of Land Use.

Fund 288 Energy Efficiency and Conservation Block Grant

Expenses:

288-41-268-3150	Subgrant Awards	\$250,000.00
288-41-268-3740	Educational Training	\$2,000.00
288-41-268-3752	Mileage/Transportation	\$5,000.00
288-41-268-3753	Meals/Lodging	\$5,000.00

Revenues:

288-00-000-33203	EECBG Grant	\$262,000.00
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SECTION 2: This Resolution and every provision thereof shall be separable and the invalidity of any portion shall not affect the validity of the remainder.

SECTION 3: All Resolutions or parts thereof, in conflict herewith, are hereby repealed.

SECTION 4: This Resolution shall take effect following its passage, approval, adoption, recording, inspection and publication, as may be required by law.

Adopted by the Will County Board this 15th day of October, 2009.

VOTE: Yes _____ No: _____ Pass: _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this ____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



RESOLUTION OF THE COUNTY BOARD
WILL COUNTY, ILLINOIS

Increasing Appropriations in Fund 298

WHEREAS, the Lead Hazard Reduction Demonstration Grant Program (LEAD) is administered by the Community Development Division of the Will County Land Use Department; and

WHEREAS, the U.S. Department of HUD has executed a signed Grant Agreement with Will County to obligate/expend funds over a three year period beginning on October 1, 2007 and ending on September 30, 2010 under the Lead Hazard Reduction Demonstration Grant Program (LEAD) to Will County in the amount of \$1,500,000; and

WHEREAS, the Community Development Division of the Will County Land Use Department requests that said funds be transferred within Fund 298 to pay for LEAD program related expenditures as stated herein; and

WHEREAS, the LEAD Program Fund 298 will be utilized for all LEAD related revenue/expenditure activities moving forward.

NOW THEREFORE, BE IT RESOLVED BY THE WILL COUNTY BOARD THAT:

SECTION 1: The Will County Board authorizes increased funding within Fund 298 of up to \$150,000 in actual LEAD costs to be paid from the following Fund 298 Accounts for Fiscal Year 2009:

Fund 298 Lead Hazard Reduction Demonstration Grant

Expenses:

298-41-277-3150	Subgrant Awards	\$150,000.00
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Revenues:

298-00-000-33201	Lead Grant	\$150,000.00
298-00-000-39996	Anticipated New Revenues	(\$150,000.00)

SECTION 2: This Resolution and every provision thereof shall be separable and the invalidity of any portion shall not affect the validity of the remainder.

SECTION 3: All Resolutions or parts thereof, in conflict herewith, are hereby repealed.

SECTION 4: This Resolution shall take effect following its passage, approval, adoption, recording, inspection and publication, as may be required by law.

Adopted by the Will County Board this 15th day of October, 2009.

VOTE: Yes _____ No: _____ Pass: _____ (SEAL)

Nancy Schultz Voots
Will County Clerk

Approved this ____ day of _____, 2009.

Lawrence M. Walsh
Will County Executive



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

*RE: APPROPRIATING FUNDS FROM THE AMERICAN WATER ENVIRONMENTAL GRANT PROGRAM INTO
THE STORMWATER MANAGEMENT PLANNING COMMITTEE BUDGET
FOR THE FIDDYMENT CREEK MAINTENANCE PROJECT*

WHEREAS, the Will County Stormwater Management Planning Committee is in receipt of a one-time \$3,000 grant from the American Water Utility Company as part of the Fiddymment Creek Maintenance Project, and

WHEREAS, the Will County Stormwater Management Planning Committee Director has requested that these funds be appropriated into the Stormwater Management Budget, as indicated below, and

WHEREAS, the Finance Committee has recommended approval of this request, and

WHEREAS, pursuant to 55 ILCS 5/6-1003, "transfers from one appropriation of any one fund to another of the same fund, not affecting the total amount appropriated, may be made at any meeting of the board by a two-thirds vote".

NOW, THEREFORE, BE IT RESOLVED, that the Will County Board hereby amends its 2009 Budget as follows:

<u>Revenue:</u>		
101-00-000-39501	Misc. County Corporate Account for Land Use Dept.	\$3,000.00
<u>Expenses:</u>		
101-41-169-3080	Engineering Services	<u>\$3,000.00</u>
	TOTAL	\$3,000.00

BE IT FURTHER RESOLVED, that the Will County Auditor and Will County Treasurer are directed to make the necessary line item and fund adjustments.

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

Adopted by the Will County Board this 15th day of October, 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
Stormwater Management
Planning Committee**

Memo

To: Ed Kusta, Jr., Finance Committee Chairman
From: Derek O'Sullivan, Assistant Director, Will County Stormwater Management Planning Committee
Cc: Curt Paddock, Land Use Department Director
Howard Hamilton, Director, Will County Stormwater Management Planning Committee
Rose Simpson, Administrative Operations Manager, Land Use Department
Date: 10/6/2009
Re: Fiddymment Creek Maintenance Project

This memo is being written to request a supplemental appropriations increase for Department #101-41-169 under the following expense account code and amount:

Revenue:

165-9501	Misc. County Corporate Account for Land Use Dept.	\$3,000.00
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Expenses:

101-41-169-	3080	Engineering Services	<u>\$3,000.00</u>
	Total		\$3,000.00

The Will County Stormwater Management Planning Committee (WCSMPC) received a \$3,000 grant from American Water. American Water is a private utility company that has an Environmental Grant Program focused on watershed and water source protection. The County has received the check from American Water and has deposited it into account #165-9501. These dollars from American Water will help facilitate the project.



815/774-3321

**WILL
COUNTY
LAND USE
DEPARTMENT**
Joliet, Illinois 60432

No. 151735

58 E. Clinton St.
Suite 500

Date: September 10, 2009

Received of
American Water
P.O. BOX 5600
Cherry Hill,, NJ 08034

Tender: Check #53069978 \$ 3000.00

Description:

Storm Water/Fiddymet Creek Proj.
Fiddymet Creek Maint. Project / Storm Water Committe

MISCELLANEOUS-COUNTY CORPORATE 3000.00

Created by: Donna Maslan
Printed by: Donna Maslan

3000.00

Building Permit No. -

Fiddymment Creek Maintenance Project

Issue or Need the Project Will Address:

Fiddymment Creek is a small creek with a sub-watershed area of roughly 5 square miles. This sub-watershed is part of the DesPlaines River Watershed. The full reach of the creek extends from the DesPlaines River east to Cedar Road. The creek traverses both agricultural areas as well as urbanized areas with a wastewater treatment plant along the creek. Furthermore, there are many homes adjacent to the creek.

The main problem identified with the creek is debris. As with all creeks, the natural process of decaying vegetation, overgrowth, and fallen trees causes the creek to lose capacity for stormwater. Fallen trees especially cause problems. These trees begin to act as dams as other debris catches onto the trees and cannot pass downstream. Unfortunately, manmade debris also is introduced into the waterway. An included picture shows an abandoned car. Hopefully this is the only car, but it is understood that surrounding land uses cause some of the debris to enter the creek. All of this in turn causes the creek to slow and eventually artificially raise the water surface elevation. Although these areas are within the floodplain, any attempt to lessen the chances of adjacent homes, roadways, or the wastewater treatment plant from flooding is desirable.

Debris removal and streambank stabilization through native vegetation establishment are the primary activities involved in the Fiddymment Creek watershed. Labor crews will be used on these activities.

It is estimated that roughly 3,000 to 5,000 people would be directly affected by this improvement.

Project Objectives:

The main objective of this project is to remove the debris and to protect and enhance streambanks along the creek. In addition, the road crossings over the creek will be looked at to see if debris and sediment are obstructing the flow through the drainage structures. It is anticipated that the creek and associated bank can be preserved and enhanced without major re-grading or creek relocation. The goal is to begin at Route 171 and work upstream to Farrell Road. If the project funding and cost permit, the work will proceed upstream.

The project has specific goals of reducing flooding and out of channel flows, limiting future debris jams by improving tree health and removing dead woody vegetation, and protecting stream banks and reducing erosion by increasing native herbaceous vegetation coverage.

The Fiddymment Creek Maintenance Project will include debris removal and native vegetation establishment along the streambanks. Labor crews will remove exotic non-native invasive species including buckthorn and honey suckle and seed the ground with native species to provide better erosion control and help to maintain the integrity of the stream banks and floodplain. Remaining trees will be pruned/thinned to enhance their survival potential, reducing the number of fallen branches and trees that create the jams.

There are specific areas of immediate need along the Fiddymment Creek, which have been identified. The work on these projects could potentially begin as soon as funding is available. While these projects are being completed, further inspection would be conducted, and additional projects would be selected along the Creek. The timetable for work to begin on subsequent projects would depend on the availability of funding.

Community Involvement:

The nature of the work in the Fiddymment Creek watershed, especially the debris clearing, will allow for potential partnerships between Will County, state and local Municipalities, townships, park districts, forest preserves, and volunteer groups.

Currently, the Will County Stormwater Management Planning Committee is organizing a partnership effort for this project. At the time of this grant application, the City of Lockport, Lockport Township Highway Department, Lockport Township Park District, The Forest Preserve District of Will County, and Will County are involved. It is anticipated that the Illinois Department of Transportation and Homer Township will also join the group.

The City of Lockport, Lockport Township Highway Department, Lockport Township Park District, and The Forest Preserve District of Will County all have property adjacent to the creek. The project would have each entity conduct debris removal activities on and near their property. The stream will most likely be divided up in sections with each entity being responsible for the section assigned. The IDOT (if they join) will be asked to look at their drainage structures under Rte 171, which is the furthest downstream portion of the project.

All entities will assign staff members to do debris removal and will use their own equipment as they see fit to conduct the work. At this time there will be no cash dollars contributed from the entities, rather it will fall under the "in-kind" contributions classification.

Finally, if the project permits we will attempt to engage local residential property owners to help with the clean-up efforts of the creek.

Project Evaluation Measures:

The local residents impacted by the project provide the true measure of a project's success or failure. The County will monitor the watershed, providing questionnaires to residents before and after the project to determine the success of the stream maintenance project. Additionally, the native vegetation will be monitored to make sure that it is established on the stream banks and within the floodplain in which it was planted.

A summary of the resident's responses and vegetation monitoring will be reported to the grantee to allow an evaluation of the success of the program.

Sustainability:

There are benefits to a stream maintenance program that are realized throughout the watershed. These include:

- Reduced flooding
- Improved water quality
- Improved wildlife habitat
- Improved fish habitat
- Creation of recreational area

These are all long-term benefits that will be realized well beyond the time of the grant and can impact not only those residents along the Fiddyment Creek, but throughout the watershed and surrounding areas. Improved water quality in this watershed has a benefit to the DesPlaines River watershed, downstream of Fiddyment Creek.

These maintenance programs don't require a great deal of design nor do they require an army of trained professionals to carry out. This allows for a continuation of the program well beyond the limits of the grant. Volunteer groups from schools, churches, social clubs, and others may be used along with a minimal amount of public assistance to continue the stream maintenance program throughout the Fiddyment Creek watershed.

Additional projects identified along Fiddyment Creek will provide benefits to different residents, state and local agencies, townships, and park districts. Funding and volunteer possibilities will be realized as these additional projects are identified throughout the watershed, offering long-term funding possibilities for the future sustainability of this program.

