



EXECUTIVE COMMITTEE AGENDA
Room 700, Law and Justice Center
October 8, 2002
4:30 p.m.

1. Call to Order
2. Chairman's Approval of Minutes – September 10, 2002 and September 17, 2002
3. Appearance by Members of the Public
4. Departmental Matters
5. Report of Standing Committees:
 - A. Executive Committee - Chairman Sweeney
 - 1) Items to be Presented for Committee Action:
 - a) REAPPOINTMENTS:

Hinthorn Cemetery District
Mr. Melvin L. Scarbeary
107 Babette Drive
Lexington, Illinois 61753
Reappointed for a Six Year Term
To Expire August 31, 2008

McLean County Extension Board
Ms. P.A. "Sue" Berglund
1019 E. Olive street
Bloomington, Illinois 61701
Reappointed for a One Year Term
To Expire on November 30, 2003

Mr. Bob Nuckolls
8 Scofield Court
Bloomington, Illinois 61704
Reappointed for a One Year Term
To Expire on November 30, 2003

Ms. Diane Bostic
907 Mitsubishi Motorway
Normal, Illinois 61761
Reappointed for a One Year Term
To Expire on November 30, 2003

Sangamon River Drainage District
Mr. Kent Morefield
10759 N. 3150 East Road
Arrowsmith, Illinois 61722
Reappointed for a Three Year Term
To Expire on the First Tuesday in September, 2005

b) APPOINTMENTS:

NONE

c) RESIGNATIONS

South Empire Drainage District
Mr. Wesley Rafferty
401 South Pearl
LeRoy, Illinois 61752
Current term expired on September 3, 2002.
Declined to be reappointed.

2) Items to be Presented for Committee Action:

- a) Request Approval of a Proposed Amendment to the County Gift Ban Ordinance - State's Attorney's Office 6-21
- b) Request Approval to Adopt and Publish An Internet Privacy Policy – Information Services Department 22-26

3) Items to be Presented to the Board:

- a) Monthly Status Report – Information Services 27
- b) General Report
- c) Other

- B. Land Use and Development Committee - Chairman Gordon
- 1) Items to be Presented for Committee Action:
 - a) Request Approval of a proposal to participate in a Resource and Development Area (RC & D) 28-30
 - 2) Items to be Presented to the Board:
 - a) Request by Valerie Seehafer to vacate utility easements on Lots 19 and 20 in the Sherwood Subdivision, File No. S-02-16
 - b) Request by Larry Bielfeldt and Randy Peifer to vacate utility easements on Lots 2, 3, 4, 11, 29, 33, 34, 35 & 36 in the Sherwood Subdivision, File No. S-02-17
 - c) General Report
 - d) Other
- C. Property Committee – Chairman Salch
- 1) Items to be Presented to the Board:
 - a) Request for Approval of Revised Tenant Lease Agreements for Fiscal Year 2003 – Facilities Management:
 - (1) United Way of McLean County
 - (2) Veterans Assistance Commission
 - (3) PATH Crisis Center
 - (4) Regional Office of Education
 - (5) GED Adult Education Literacy Program
 - (6) YWCA of McLean County
 - (7) Board of Election Commissioners – City of Bloomington
 - (8) Institute for Collaborative Solutions, Inc.
 - (9) Children’s Advocacy Center
 - b) Request Approval of Farnsworth Group Report on Design and Costs to Replace Exterior Envelope of 200 West Front Street Building – Facilities Management
 - c) General Report
 - d) Other
- D. Transportation Committee - Chairman Bass
- 1) Items to be Presented for Committee Action:
 - a) Request Approval of Illinois Department of Transportation G.I.S. Grant Application 31-36
 - b) Request Approval of an Ordinance Transferring Funds from the County

	Highway Fund 0120-0056-0801-0001 (Capital Improvements) to the County	
	Highway Fund 0120-0055-0056-0808-0001 (Land Purchase/Building Construction)	37-38
2)	<u>Items to be Presented to the Board:</u>	
	a) Request Approval of Chenoa Joint Culvert Bridge Petition	
	b) Request Approval of Bridge Petition for County Highway 36 in Downs	
	c) Request Approval of Resolution for Sale of Surplus Equipment	
	d) Request Approval of Letting Results from September 25, 2002 for Section 96-00042-07-BR	
	e) Report on Jurisdictional Transfer of County Highways to Municipalities	39-53
	f) General Report	
	g) Other	
E.	Finance Committee – Chairman Sorensen	
1)	<u>Items to be Presented for Committee Action:</u>	
	a) Request Approval to fill additional staff positions in the Adult Detention Center – Sheriff’s Department	54-55
	b) Request Approval of an Emergency Appropriation Ordinance Amending the Fiscal Year 2002 Combined Annual Appropriation and Budget Ordinance – State’s Attorney’s Office	56-58
	c) Request Approval to cease print publication of the County Board Proceedings Book and begin exclusive publication of the Proceedings Book on the County’s Website – County Clerk’s Office	59-60
2)	<u>Items to be Presented to the Board:</u>	
	a) Request for Approval of Risk Manager’s Recommendation of Bids for Public Officials Bonds – Election Year 2002 – Risk Management <i>(To be considered at Stand-up Meeting)</i>	
	b) Request Approval of new contract with TransWorld Systems, Inc. – State’s Attorney’s Office	

- c) General Report
- d) Other

F. Justice Committee – Chairman Sommer
*(The Justice Committee will meet on Monday, October 7, 2002
at 5:15 p.m.)*

- 1) Items to be Presented to the Board:
 - a) General Report
 - b) Other

G. Report of the County Administrator

- 1) Items to be Presented for Information:
 - a) General Report
 - b) Other

- 6. Other Business and Communications
- 7. Recommend Payment of Bills and Approval of Transfers, if any, to County Board
- 8. Adjournment

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CHARLES G. REYNARD


McLean County State's Attorney

Eric T. Ruud
Chief Assistant State's Attorney
Civil Division

Law and Justice Center, Room 701
104 West Front Street, P O Box 2400
Bloomington, Illinois 61701-2400
Telephone: (309) 888 - 5110
FAX number: (309) 888 - 5111
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MEMO

TO: John Zeunik
County Administrator

FROM: Eric T. Ruud 

RE: Amendment to the McLean County Gift Ban Ordinance

DATE: September 26, 2002

Enclosed is a proposed Amendment to the McLean County Gift Ban Ordinance. The State Gift Ban Act was recently amended by Public Act 92-853 and the County is now required to change its ordinance to conform with those amendments. The amendments attempt to clarify the meaning of the term "nominal value". Originally, receipt of items of nominal value such as a greeting card, baseball cap, or T-shirt were exempt from the gift ban. The new language provides that any item or items obtained from any one prohibited source during any calendar year having a cumulative total value of less than \$100 are exempt from the gift ban.

I have also enclosed a full copy of the McLean County Gift Ban Ordinance which contains the amendatory language on page 6. Please forward this information to the Executive Committee for its review and recommendation to the County Board.

Thank you for your kind assistance in this matter.

AMENDMENT TO THE McLEAN COUNTY GIFT BAN ORDINANCE

WHEREAS, the State Gift Ban Act, P.A. 90-737, which became effective on January 1, 1999, has been amended by P.A. 92-853, and

WHEREAS, the County Board enacted the McLean County Gift Ban Ordinance on June 15, 1999, and

WHEREAS, the Act requires all units of local government, including counties, to enact gift ban ordinances in accordance with its provisions, and

WHEREAS, the County Board finds it is necessary and in the public interest to adopt this Amendment, now therefore,

BE IT ORDAINED, by the County Board of McLean County, Illinois, now in regular session, that the following Amendment to the McLean County Gift Ban Ordinance be and hereby is adopted.

1. That the provisions of Section 5.32 (23) be stricken and replaced as follows:

Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00. An item of nominal value such as a greeting card, baseball cap, or T-shirt.

2. That this Amendment shall take effect and be in full force from and after its adoption as provided by law.

Adopted by the County Board of McLean County, Illinois this 15th day of October, 2002.

ATTEST:

APPROVED:

Peggy Ann Milton
Clerk of the County Board
Of McLean County, Illinois

Michael F. Sweeney
Chairman, McLean County Board

CHAPTER 5 - COUNTY BOARD

McLEAN COUNTY GIFT BAN ORDINANCE

WHEREAS, Public Act 90-737, the State Gift Ban Act, became effective on January 1, 1999, and

WHEREAS, Section 83 of that Act requires all units of local government, including counties, to prohibit the solicitation and acceptance of gifts and enforce those prohibitions in a manner substantially in accordance with the requirements of the Act within six (6) months after its effective date, and

WHEREAS, the County Board finds it is necessary and in the public interest to adopt this Ordinance, now therefore,

BE IT ORDAINED, by the County Board of McLean County, Illinois, now in regular session, that the following Ordinance be and hereby is adopted.

Section 5.30 DEFINITIONS. As used in this Ordinance:

Commission means an ethics commission created by the County Board of McLean County, Illinois.

Elected official means a person elected or appointed to an elective County Office, but does not include the Circuit Clerk or State's Attorney.

Employee means all full-time or part-time employees of elected and appointed officials of the County; elected and appointed officials of the County, whether salaried or non-salaried.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee.

Political Organization means a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for the function of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not

the individual or electors are selected, nominated, elected or appointed. The term includes an organization that makes expenditures relating to an office described in the preceding sentence which, if incurred by the individual, would be allowable as a federal income tax deduction for trade or business expenses.

Prohibited source means any person or entity who:

- (1) is seeking official action by the employee, by another employee directing the first employee, or by the County;
- (2) does business or seeks to do business with the employee, with another employee directing the first employee, or with the County;
- (3) conducts activities regulated by the employee, by another employee directing the first employee, or by the County.
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the employee; or
- (5) is subject to an ordinance or resolution of the County that regulates lobbying as authorized by the Lobbyist Registration Act.

Subsidiary body means any board, commission, or committee, created or authorized by statute or ordinance of the County.

Ultimate jurisdictional authority means the following:

- (1) for an employee who is not an elected official, the elected or appointed official or subsidiary body of the County with ultimate power to discipline the employee.
- (2) for an elected official, the County Board.

Section 5.31 GIFT BAN. Except as otherwise provided in this Ordinance, no employee shall solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, regulation or any ordinance or resolution. This ban applies to and includes spouses of and immediate family living with the employee. No prohibited source shall offer or make a gift that violates this Section.

Section 5.32 EXCEPTIONS. The restriction in Section 5.31 does not apply to the following:

- (1) Anything for which the employee pays the market value of anything not used and promptly disposed of as provided in Section 5.34.
- (2) A contribution, as defined in Article 9 of the Election Code, that is lawfully made under that Code or attendance at a fundraising event sponsored by a political organization.
- (3) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, half brother, or half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.
- (4) Anything provided by an individual on the basis of a personal friendship unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the employee shall consider the circumstances under which the gift was offered, such as:

- (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;
 - (ii) whether to the actual knowledge of the employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and
 - (iii) whether to the actual knowledge of the employee the individual who gave the gift also at the same time gave the same or similar gifts to other employees.
- (5) A commercially reasonable loan evidenced in writing with repayment due by a date certain made in the ordinary course of the lender's business.

- (6) A contribution or other payments to a legal defense fund established for the benefit of an employee that is otherwise lawfully made.
- (7) Intra-office and inter-office gifts. For the purpose of this Ordinance, "intra-office gifts" and "inter-office" gifts mean:
 - (i) any gift given to an employee from another employee;
 - (ii) any gift given to an employee from an elected official or employee of another unit of local government or school district; or
 - (iii) any gift given to an employee from a member, officer or employee subject to the State Gift Ban Act, as those terms are defined in that Act.
- (8) Food, refreshments, lodging, transportation, and other benefits:
 - (i) resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the employee as an employee) of the employee or the spouse of the employee, if the benefits have not been offered or enhanced because of the official position or employment of the employee and are customarily provided to others in similar circumstances;
 - (ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or
 - (iii) provided by a political organization in connection with a fundraising or campaign event sponsored by that organization.
- (9) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan.
- (10) Informational materials that are sent to the office of the employee in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
- (11) Awards or prizes that are given to competitors in contests or events open to the public, including random

drawings.

- (12) Honorary degrees (and associated travel, food, refreshments, and entertainment provided in the presentation of degrees and awards).
- (13) Training (including food and refreshments furnished to all attendees as an integral part of the training) provided to an employee if the training is in the interest of the County.
- (14) Educational missions, including meetings with government officials either foreign or domestic, intended to educate public officials on matters of public policy, to which the employee may be invited to participate along with other federal, state, or local public officials and community leaders.
- (15) Bequests, inheritances, and other transfers at death.
- (16) Anything that is paid for by the federal government, the State, a unit of local government, or a school district, or secured by the government under a government contract.
- (17) A gift of personal hospitality of an individual other than a regulated lobbyist or agent of a foreign principal, including hospitality extended for a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or the individual's family or on property or facilities owned by that individual or the individual's family.
- (18) Free attendance at a widely attended event permitted under Section 5.33.
- (19) Opportunities and benefits that are:
 - (i) available to the public or to a class consisting of all employees whether or not restricted on the basis of geographic consideration;
 - (ii) offered to members of a group or class in which membership is unrelated to employment or official position;
 - (iii) offered to members of an organization such as an employee's association or credit union, in which membership is related to employment or official position and similar opportunities

are available to large segments of the public through organizations of similar size;

- (iv) offered to any group or class that is not defined in a manner that specifically discriminates among government employees on the basis of branch of government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;
 - (v) in the form of loans from banks and other financial institutions on terms generally available to the public; or
 - (vi) in the form of reduced membership or other fees for participation in organization activities offered to all government employees by professional organizations if the only restrictions on membership relate to professional qualifications.
- (20) A plaque, trophy, or other item that is substantially commemorative in nature and that is extended for presentation.
- (21) Golf or tennis; food or refreshments of nominal value and catered food or refreshments; meals or beverages consumed on the premises from which they were purchased.
- (22) Donations of products from an Illinois company that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any individual recipient.
- (23) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.00. An item of nominal value such as a greeting card, baseball cap, or T-shirt.

Section 5.33 ATTENDANCE AT EVENTS.

- (1) An employee may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if:
- (i) the employee participates in the event as a speaker or a panel participant, by presenting information related to government, or by

performing a ceremonial function appropriate to the employee's official position or employment; or

- (ii) attendance at the event is appropriate to the performance of civic affairs in Illinois or the official duties or representative function of the employee.
- (2) An employee who attends an event described in subsection (1) may accept a sponsor's unsolicited offer of free attendance at the event for an accompanying individual.
- (3) An employee, or the spouse or dependent of an employee, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event.
- (4) For purposes of this Section, the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees, except as authorized under subsection (21) of Section 5.32.

Section 5.34 DISPOSITION OF GIFTS. The recipient of a gift that is given in violation of this Ordinance may, at his or her discretion, return the item to the donor or give the item or an amount equal to its value to an appropriate charity.

Section 5.35 REIMBURSEMENT.

- (1) A reimbursement (including payment in kind) to an employee from a private source other than a regulated lobbyist or agent of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, fact finding trip, or similar event in connection with the duties of the employee as an employee shall be deemed to be a reimbursement to the County and not a gift prohibited by this Ordinance if the employee:
 - (i) discloses the expenses reimbursed or to be reimbursed and the authorization to the County Auditor within 30 days after the travel is

completed; and

- (ii) in the case of an employee under direct supervision of another employee, receives advance authorization from the supervising employee to accept reimbursement.
- (2) For purposes of subsection (1), events, the activities of which are substantially recreational in nature, shall not be considered to be in connection with the duties of an employee as an employee.
- (3) Each advance authorization to accept reimbursement shall be signed by the employee under whose direct supervision the employee works and shall include:
- (i) the name of the employee;
 - (ii) the name of the person who will make the reimbursement;
 - (iii) the time, place, and purpose of the travel; and
 - (iv) a determination that the travel is in connection with the duties of the employee as an employee and would not create the appearance that the employee is using public employment for private gain.
- (4) Each disclosure made under subsection (1) of expenses reimbursed or to be reimbursed shall be signed by the employee or, in the case of an employee under direct supervision of another employee, by the supervising employee and shall include:
- (i) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;
 - (ii) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;
 - (iii) a good faith estimate of total meal expenses reimbursed or to be reimbursed;
 - (iv) a good faith estimate of the total of other expenses reimbursed or to be reimbursed; and
 - (v) a determination that all those expenses are necessary transportation, lodging, and other related expenses.

Section 5.36 ETHICS OFFICER. The Chairman of the County Board shall be the Ethics Officer for the County. The Chairman of the County Board or his designee shall:

- (1) review statements of economic interests and disclosure forms of County employees before they are filed with the County Clerk; and
- (2) provide guidance to County employees in the interpretation and implementation of this Ordinance.

Section 5.37 COUNTY ETHICS COMMISSION.

- (1) A County Ethics Commission is hereby created consisting of five (5) members, all of whom shall be residents of the County. Each member shall be appointed by the Chairman of the County Board with the advice and consent of the County Board.
- (2) Appointed and elected officials who are non-salaried are not exempt from application of this Ordinance.
- (3) Commission members may be reimbursed for their reasonable expenses actually incurred in the performance of their duties.
- (4) In addition to complaints alleging violations of this Ordinance by County employees, the commission shall investigate complaints alleging violations of gift ban ordinances or resolutions enacted by other units of local government or school districts, but only if:
 - (i) the majority of the territory of such units of local government or school districts lies within McLean County; and
 - (ii) such units of local government or school districts have no ethics commission; and
 - (iii) State law requires the County Ethics Commission to investigate such complaints; or
 - (iv) the County, at its discretion, enters into an intergovernmental agreement with such units of local government or school districts to provide the services of its ethics commission.

Section 5.38 STAFF. The commission may, subject to the approval of the County Board, employ necessary staff persons and contract for services that cannot be satisfactorily performed by the staff.

Section 5.39 POWERS AND DUTIES. The commission shall have the following powers and duties:

- (1) To promulgate procedures and rules governing the performance of the duties and the exercise of its powers.
- (2) Upon receipt of a signed, notarized, written complaint, to investigate, conduct research, conduct closed hearings and deliberations, issue recommendations, and impose a fine.
- (3) To act only upon the receipt of a written complaint alleging a violation of this Ordinance and not upon its own prerogative.
- (4) To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated this Ordinance.
- (5) To subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Ordinance.
- (6) To request that the State's Attorney provide legal advice without charge to the commission.
- (7) To prepare and publish manuals and guides explaining the duties of individuals covered by this Ordinance.
- (8) To prepare public information materials to facilitate compliance, implementation, and enforcement of this Ordinance.
- (9) To submit to the McLean County Board an annual statistical report for each year consisting of
 - (i) the number of complaints filed,
 - (ii) the number of complaints deemed to sufficiently allege a violation of this Act,
 - (iii) the recommendation, fine, or decision issued for each complaint,
 - (iv) the number of complaints resolved, and
 - (v) the status of pending complaints.

Section 5.40 COMPLAINT PROCEDURE.

- (1) Complaints alleging the violation of this Ordinance shall be filed with the commission as follows:
 - (i) If the complaint alleges a violation by an employee of the county, the complaint shall be filed with the ethics commission of the county.
 - (ii) If the complaint alleges a violation by an elected official or employee of a unit of local government other than the county or of a school district, then the complaint shall be filed with the county ethics commission only if the unit of local government or school district has complied with the requirements of Section 5.37 (4) of this Ordinance. The complaint shall not be properly filed until submitted to the commission.
- (2) Within three (3) business days after the receipt of an ethics complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three (3) business days after the submittal to the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting on the sufficiency of the complaint and probable cause.
- (3) Upon at least 24 hours public notice of the session, the commission shall meet in a closed session to review the sufficiency of the complaint and, if the complaint is deemed to sufficiently allege a violation of this Ordinance, to determine if there is a probable cause, based on evidence presented by the complainant, to proceed. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause within seven (7) business days after receiving the complaint. If the complaint is deemed to sufficiently allege a violation of this Ordinance and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four (4) weeks after the complaint's receipt. If the complaint is deemed not to sufficiently allege a violation or if there is no determination of probable cause, then the

commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

- (4) On the scheduled date and upon at least 24 hours public notice of the meeting, the commission shall conduct a closed meeting on the complaint and allow both parties the opportunity to present testimony and evidence.
- (5) Within six (6) weeks after the complaint's receipt, the commission shall
 - (i) dismiss the complaint, or
 - (ii) issue a preliminary recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both. The particular findings in the instant case, the preliminary recommendation, and any fine shall be made public.
- (6) Within seven (7) business days after the issuance of the preliminary recommendation or imposition of a fine, or both, the respondent may file a written demand for a public hearing on the complaint. The filing of the demand shall stay the enforcement of the preliminary recommendation or fine. Within two (2) weeks after receiving the demand, the commission shall conduct a public hearing on the complaint after at least 24 hours public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within five (5) business days, the commission shall publicly issue a final recommendation to the alleged violator and to the violator's ultimate jurisdictional authority or impose a fine upon the violator, or both.
- (7) If a complaint is filed during the 60 days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection (5) within seven (7) days after the complaint is filed, and during the seven (7) days preceding that election, the commission shall render such decision before the date of that election, if possible.
- (8) A commission may levy a fine of up to \$5,000 against any person who knowingly files a frivolous complaint alleging a violation of this Ordinance.
- (9) A complaint alleging the violation of this Ordinance

must be filed within one year after the alleged violation.

Section 5.41 ENFORCEMENT.

- (1) A commission may recommend to a person's ultimate jurisdictional authority disciplinary action against the person it determines to be in violation of this Ordinance. The recommendation may prescribe the following courses of action:
 - (i) a reprimand.
 - (ii) to cease and desist the offensive action.
 - (iii) a return or refund of money or other items, or an amount of restitution for services, received in violation of this Ordinance.
 - (iv) dismissal, removal from office, or expulsion.
 - (v) a donation to a charity of an amount equal to the gift.
- (2) A commission may impose a fine of up to \$1,000 per violation to be deposited into the County's general fund or the general fund of the violating employee's unit of local government or school district, if applicable.
- (3) An employee's ultimate jurisdictional authority may take disciplinary action against the employee
 - (i) who violates this Ordinance,
 - (ii) who is the subject of a recommendation by an ethics commission, or
 - (iii) described by both items (i) and (ii).

The ultimate jurisdictional authority may take disciplinary action recommended by the commission, if any, or as it deems appropriate, to the extent it has lawful authority to take that action.

The ultimate jurisdictional authority shall make its action, or determination to take no action, available to the public.

- (4) If after a hearing the commission finds no violation of

this Ordinance, the commission shall dismiss the complaint.

Section 5.42 REVIEW. A commission's decision to dismiss a complaint or its recommendation is not a final administrative decision, but its imposition of a fine is a final administrative decision subject to judicial review under the Administrative Review Law of the Code of Civil Procedure.

Section 5.43 EXEMPTION. The proceedings conducted and documents generated under this Act are exempt from the provisions of the Open Meetings Act and the Freedom of Information Act.

Section 5.44 EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after its adoption as provided by law.

Adopted by the County Board of McLean County, Illinois this 15th day of June, 1999.

ATTEST:

APPROVED:

Peggy Ann Milton
Clerk of the County Board
of McLean County, Illinois
y:\giftban.ord

Gary C. Riss
Chairman, McLean County Board

**Request for Approval to
Adopt and Publish
An Internet Privacy Policy**

To the Honorable Members of the Executive Committee and the McLean County Board:

Information Services respectfully requests permission to adopt the attached Internet Privacy Policy on behalf of McLean County and to publish it on the McLean County Website.

The policy has been created after careful review of many other governmental agencies. The policy has been reviewed by Information Services, the Civil States Attorney and the County Administrator's office.

Publication of an Internet Privacy Policy is in accordance with best practices and serves as an informational vehicle concerning how information is gathered, collected and used from our website.

I'll be happy to answer any questions you may have.

Respectfully submitted,

Craig Nelson
Director, Information Services.

1.0 PREAMBLE

Pursuant to the fundamental philosophy of the American constitutional form of government, it is declared to be the public policy of the government of McLean County that all persons are entitled to full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees. The access to this information is *not* intended to be used to violate individual privacy, nor to further a commercial enterprise, nor to disrupt the duly-undertaken work of any public body independent of the fulfillment of any of rights of the people to access information. McLean County is committed to safeguarding the privacy of its citizens.

2.0 DEFINITIONS

Cookies – A cookie is a line of text with a server address and identification number which is stored on a computer. Cookies are by themselves not harmful and do not contain information other than that which an individual has voluntarily entered. They are not applications or virus spreaders. They may be used to track where the user goes on a website or to pass information from one page to the next so that the user does not have to enter redundant information every time a form is completed. If the user chooses to not allow cookies on their computer, there are some applications on the County website which may not function.

County - As used in this document, "County" shall refer to the employees and representatives of the government of McLean County, Illinois.

3.0 PRIVACY STATEMENT

Information collected and received through the County website may become public record and therefore subject to disclosure under the Illinois Freedom of Information Act. It is therefore the policy of McLean County that any personal information provided to the County, including, but not limited to, name, address, telephone number, drivers license number, Social Security Number and email address will be sold or rented to any entity or individual or disclosed to unauthorized entity or individual. The release of personal information by the departments and agencies under the control of the County Board shall be limited to authorized State of Illinois government agencies, to authorized County departments, to authorized department contractors or grantees, and as mandated by Illinois law or court order.

4.0 PERSONAL INFORMATION AND CHOICE

"Personal information" is information about an individual that is readily identifiable to that specific individual. Personal information includes personal identifiers such as an individual's name, address, phone number, drivers license number and Social Security number. A domain name or Internet Protocol address is *not* considered personal information. The County does not collect personal information about an individual unless that individual chooses to voluntarily participate in an activity that asks for information (e.g., sending an e-mail or participating in a survey). If an individual chooses not to participate in these activities, that choice will in no way affect that individual's ability to use any other feature of the McLean County websites. If personal information is requested on the website or volunteered by the user, State law and the federal Privacy Act of 1974 may protect it. However, this information is a public record once an individual has provided it, and may be subject to public inspection and copying if not protected by federal or state law.

5.0 POLICIES FOR INDIVIDUALS UNDER 13 YEARS OF AGE

The County is committed to complying fully with the Children's Online Privacy Protection Act. Accordingly, **any user under the age of 13 is not authorized to provide the County with personally identifying information**, and the County will not use any such information in the County's database or other data collection activities. The County appreciates cooperation with this federally mandated requirement. Users are cautioned that the collection of personal information volunteered by children on-line or by e-mail will be treated the same as information given by an adult and may be subject to public access.

6.0 WEB LOGS

The County analyzes website logs to continually improve the value of the materials available on the County's site. Website logs are not personally identifiable, and the County makes no attempt to link them with the individuals that browse the County website.

7.0 INFORMATION RETAINED AND HOW IT IS USED

If, during a visit to the McLean County website, an individual just browses or downloads information, the following information about that visit will be retained: 1. The Internet Protocol address (not the e-mail address). Unique IP addresses are counted to determine the number of visitors to each web page during specific time frames. Analysis of the number of visitors helps to determine how, where or if the page will be delivered in the future. 2. The type of web browser used (Internet Explorer, Netscape, etc.). Web pages do not always display the same on every type or version of web browser and thus must be coded for appropriate access.

8.0 CORRESPONDENCE

If during a visit to the McLean County websites an individual participates in a survey or send an e-mail, the following additional information will be collected: 1. E-mail correspondence: The e-mail address and contents of the e-mail. The County may use an e-mail to respond appropriately. This may be to address issues identified by a user, to further improve the County's website, or to forward the e-mail to another agency for appropriate action. 2. Surveys : Any information volunteered in response to a survey is used for the purpose designated. The information collected is not limited to text characters and may include audio, video, and graphic information formats that have been provided.

9.0 LINK DISCLAIMER

9.1 Linking to the County's Pages. An individual may link to any page on McLean County's website without permission. The County recommends that an individual confine these links to the home page or to the home pages of specific departments. Other pages may be removed or contain time-sensitive data that is no longer valid.

9.2 Disclaimer for External Links The McLean County website contains links to other related World Wide Web Internet sites and resources. The County is not responsible for the contents of any off-site pages referenced. The user specifically acknowledges that McLean County is not liable for the defamatory, offensive, or illegal conduct of other users, links, or third parties and that the risk of injury from the foregoing rests entirely with the user. Links from the County's web pages on the World Wide Web to other sites do not constitute an endorsement from the County. These links are provided as an information service only. It is the responsibility of the web surfer to evaluate the content and usefulness of information obtained from other sites. Since the County is not responsible for the availability of these outside resources or their contents, an individual should direct any concerns regarding any external link to its site administrator or webmaster.

9.3 Requesting a link. An individual may request a link be made to an organization or business on the County's main links page. Links are subject to review, and the County reserves the right to reject any link. Links likely to be granted access are those which provide useful information about McLean County, participate in the economic development of McLean County or provide material and/or educational services to McLean County.

9.4 Disclaimer of Endorsement

The County is a distributor of content sometimes supplied by third parties and users. Any opinions, advice, statements, services, offers, or other information or content expressed or made available by third parties, including information providers, users, or others, are those of the respective author(s) or distributor(s) and

do not necessarily state or reflect those of the County and shall not be used for advertising or product endorsement purposes. Reference herein to any specific commercial products, process, or service by trade name, trademark, manufacturer, or otherwise, does not constitute or imply its endorsement, recommendation, or favoring by the County.

10.0 LEGAL NOTICES

Access to the McLean County website is provided subject to the following terms and conditions. Please read these terms carefully as use of these sites constitutes acceptance of all of the following terms and conditions:

10.1 Disclaimer of Liability

Neither McLean County Government nor any of its Board members, officers, agents or employees shall be held liable for any improper or incorrect use of the information described and/or contained herein and assumes no responsibility for anyone's use of the information. In no event shall the County's website or its Board members, officers, agents or employees be liable for any direct, indirect, incidental, special, exemplary, or consequential damages (including, but not limited to, procurement or substitute goods or services; loss of use, data, or profits; or business interruption) however caused and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of the use of this system, even if advised of the possibility of such damage. This disclaimer of liability applies to any damages or injury, including but not limited to those caused by any failure of performance, error, omission, interruption, deletion, defect, delay in operation or transmission, computer virus, communication line failure, theft or destruction or unauthorized access to, alteration of, or use of record, whether for breach of contract, tortious behavior, negligence or under any other cause of action.

10.2 Disclaimer of Warranties and Accuracy of Data

Although the data found using the McLean County access systems have been produced and processed from sources believed to be reliable, no warranty, expressed or implied, is made regarding accuracy, adequacy, completeness, legality, reliability or usefulness of any information. This disclaimer applies to both isolated and aggregate uses of the information. The County provides this information on an "as is" basis. All warranties of any kind, express or implied, including but not limited to the implied warranties of merchantability, fitness for a particular purpose, freedom from contamination by computer viruses and non-infringement of proprietary rights are disclaimed. Changes may be periodically made to the information herein; these changes may or may not be incorporated in any new version of the publication. If an individual has obtained information from any of the County's web pages from a source other than the County pages, that individual should be aware that electronic data can be altered subsequent to original distribution. Data can also quickly become out of date. It is recommended that careful attention be paid to the contents of any data associated with a file, and that the originator of the data or information be contacted with any questions regarding appropriate use. If an individual finds any errors or omissions, the County encourages the reporting of them to webmaster@co.mclean.il.us via e-mail.

10.3 Disclaimer of Duty to Continue Provision of Data

Due to the dynamic nature of the Internet, resources that are free and publicly available one day may require a fee or restricted access the next, and the location of items may change as menus, home pages, and files are reorganized. The user expressly agrees that use of the County's website is at the user's sole risk. The County does not warrant that the service will be uninterrupted or error free. The documents and related graphics published on this server could contain technical inaccuracies or typographical errors. Changes are periodically added to the information herein. The County and/or its respective agencies and programs may make improvements and/or changes in the information and/or programs described herein at any time.

10.4 Security

The County, as developer and manager of this website, has taken several steps to safeguard the integrity of its communications and computing infrastructure, including but not limited to authentication, monitoring, auditing, and encryption. Security measures have been integrated into the design, implementation and day-to-day practices of the entire County operating environment as part of its continuing commitment to risk management.

This information should not be construed in any way as giving business, legal, or other advice, or warranting as fail proof, the security of information provided via County supported websites

10.5 Choice of Law

Construction of the disclaimers above and resolution of disputes thereof are governed by the laws of the State of Illinois and the policies of the McLean County Board. The laws of the State of Illinois, U.S.A., shall apply to all uses of this data and this system. By use of this system and any data contained therein, the user agrees that use shall conform to all applicable laws and regulations and user shall not violate the rights of any third parties.

Information Services Status Report October 8, 2002

To the Honorable Members of the McLean County Executive Committee and the McLean County Board:

Please find below a summary of Information Services activities since my last report in August of 2002.

General Administration:

Attended Illinois County Information Manager's Association Meeting
Reviewed FY 2003 budget requests with County Administrator's office.
Beginning dialog/contract on upload program for assessors to Supervisor of assessor's system.
Dialoging with Eureka for possible synergies.

Hardware/Network

Floors 3,4,5, 7 and Health Department converted to gigabit backbone.
Installed additional workstations for additional Recorder's assistance.
Working on dedicated line for County Clerk. Progress made, nearing completion.
Finishing up VINE programming.

Programming/Database/Web

Completed conversion of images for new Recorders system – up and running.
Added functionality (in testing) for Coroner's access to EJS.
Testing ADR for Circuit Clerk's office
Jury lookup now available on the Web. ~
Further web-enabled committee minutes and agendas.
Working on modified Pre Sentence report for Probation.
Working on electronic timesheet program.
Working on database queries for VINE system.

Respectfully submitted,
Craig Nelson
Director of McLean County Information Services

RESOLUTION

RESOURCE CONSERVATION AND DEVELOPMENT AREA

WHEREAS, there is a need to unite the many Federal, State and local organizations and associations to work together in solving social, economic and environmental issues; and

WHEREAS, there is a need to pool resources on a regional basis to gain professional support staff at an affordable price; and

WHEREAS, the Land Use and Development Committee had discussions at three different monthly meetings about participating in a Resource Conservation and Development Area in cooperation with the McLean County Soil and Water Conservation District and the USDA Natural Resources Conservation Service (NRCS); and

WHEREAS, the Land Use and Development Committee recommends that McLean County join with Dewitt, Piatt, Macon, Moultrie and Shelby Counties in forming a Resource Conservation and Development Area; now, therefore,

BE IT RESOLVED that McLean County join with Dewitt, Piatt, Macon, Moultrie and Shelby Counties in forming a Resource Conservation and Development Area as spearheaded by the McLean County Soil and Water Conservation District and the USDA Natural Resources Conservation Service and that the McLean County Board and McLean County Soil and Water Conservation District Board be designated to organize, sponsor, and coordinate this program.

Adopted by the County Board of McLean County, Illinois, this 15th day of October 2002.

ATTEST:

APPROVED:

Peggy Ann Milton, County Clerk
McLean County, Illinois

Michael F. Sweeney, Chairman
McLean County Board

History of RC&D

Established by the Food and Agricultural Act of 1962, the Resource Conservation and Development Program (RC&D) began in 1964. The program was reauthorized by the Food and Agricultural Act of 1981. The Act empowers the United States Department of Agriculture to provide technical and financial assistance to state and local units of government and nonprofit organizations in rural areas, which need help in conserving natural resources and solving local problems. The Natural Resources Conservation Service (NRCS) facilitates and administers the RC&D program on authority of Congress. The Resource Conservation and Development program is based on a number of concepts that make it a truly unique government program. These concepts include:

- The value of public/private partnerships in making the best use of limited resources
- The value of grassroots involvement in making decisions about local areas
- Bringing USDA agencies together to focus on the same problems and opportunities
- Leveraging limited federal dollars with private funds to accomplish goals
- Working toward the goal of community sustainability
- Achieving a balance between rural economic development and natural resource protection

What is RC&D?

RC&D programs help community leaders develop rural economies by improving and conserving local natural resources. A coordinator, working through the NRCS, assists each RC&D area council. The council identifies the areas' problems and then sets its own goals for finding and carrying out solutions to these problems. Nationwide, 368 RC&D areas have been authorized by the Secretary of Agriculture. The RC&D program is a unique blend of private enterprise and creative federalism. Program activities are initiated and directed at the local level by volunteers. It is a USDA interagency program that encourages the blending of natural resource use with local economic and social values. Its customers have a major voice in how the program activities are carried out in their respective communities. Economic and sociological rationales have been considered in selection of RC&D areas, and their continued funding and support.

How does RC&D help?

About 1,800 projects are undertaken nationally by RC&D councils each year. Current program objectives focus on:

- Improvement of quality of life achieved through natural resource conservation and community development to lead to sustainable communities
- Prudent use (development), management, and conservation of natural resources
- Social, economic, and environmental improvement
- Local leadership providing program decision making
- Strengthening local citizens' abilities to use available sources of assistance through USDA agency partnerships

Because councils are composed of local leaders who address local issues, they are able to make things happen in a quick and timely manner.

How does RC&D operate?

Each RC&D area, which usually consists of several counties, has a council composed of local citizens who serve on a voluntary basis. Council members commonly include elected officials, SWCD directors, county board members, local entrepreneurs, teachers, farmers, ranchers, and others who want to solve local problems. These individuals initiate and direct the process of planning RC&D projects, develop and implement area plans, and then act to maintain plans. Technical assistance may come from other USDA agencies, state or local governments, local conservation districts, or private industry. Financial assistance may come from loans, grants, cost-share agreements, or private donations, private foundations, and other state and federal agencies.

Program Successes:

During RC&D's 40-year span, RC&D councils have completed more than 31,000 projects. All involved land conservation, water management, community development, or environmental enhancement. Forestry, water quality and quantity, information and education, and recreation and tourism are other priorities of the RC&D program. National annual volunteer contributions in time, cash, materials, and grants are estimated at more than \$30 million or more than 78,000 days per year.

Did You Know? Info & Facts

Resource Conservation and Development Program

Did You Know?

In 1962, Secretary of Agriculture Orville Freeman initiated the Resource Conservation and Development Program as an experiment in local leadership for rural America. The results have been the formation of one of the greatest success stories in government!

The RC&D program is designed to foster local decision-making in addressing natural resource and rural economic development problems. RC&D project areas are approved by the Secretary of Agriculture through a competitive process. There are 368 authorized RC&D areas within the U.S. Each RC&D area is governed by a Board of Directors called the "Council." RC&D Councils are composed of representatives of local Soil and Water Conservation Districts and County Governments, and other local community leaders.

The USDA Resource Conservation and Development Program is administered by the Natural Resources Conservation Service. The principle means of support provided by USDA is in the staffing of a Project Coordinator and Program Assistant. The primary role of the staff is to support and help implement the Council's Annual Plan of Work.

The RC&D Councils support local networking, coalition-building, partnership-building, and political networking.

RC&D Councils are organized as 501(c)(3) nonprofit corporations and serve as a vital focus point for many

local, state and federal programs. Major services provided to project sponsors include project development, group facilitation, alternative funding strategies, grant writing, and grant management support.

Currently, there are eight authorized RC&D Councils in Illinois and one RC&D Council seeking federal approval and authorization. All Illinois RC&D Council's have carefully developed a broad network of partners. Each belongs to the Illinois Association of RC&D's, the North Central Association of RC&D's, and the National Association of RC&D's. These larger organizations serve to support state networks of councils, share ideas and information, and guide individual and statewide projects towards success.

RC&D Councils have evolved through their network of volunteers and become a key organization in addressing natural resource and rural economic development issues. Planning strategies which involve local people who bring together groups, government agencies, and others have been instrumental in improving local economies, developing and protecting natural resources, and solving social needs. The RC&D Program is the only federally funded volunteer program that is governed at the local (grass roots) level.

Clearly, the RC&D Councils have earned the title of "Chamber of Commerce for Rural America."

Want more information? Interested in Getting More Involved?

For more information on accomplishments, projects, or volunteer opportunities, contact your local RC&D office or Illinois NRCS State Conservationist, Bill Gradle, at 217/353.6600 or visit the USDA-NRCS Illinois website at www.il.nrcs.usda.gov

4-C



HIGHWAY DEPARTMENT
John E. Mitchell County Engineer
(309) 663-9445 FAX (309) 662-8038
102 S. Towanda-Barnes Rd. Bloomington, Illinois 61704

MEMORANDUM

TO: McLean County Transportation Committee
FROM: John E Mitchell, McLean County Engineer
DATE: September 24, 2002
RE: IDOT Geographical Information System Grant

I recently received the attached IDOT Geographical Information System Grant information. The timing of this grant is very important to McLean County. At the last McLean County Regional Planning Commission G.I.S. Committee meeting it became very evident that McLean County is in need of a technical expert who can use the data that will be available within several months from the G.I.S. cadastral project. There is a multitude of applications that need to be developed in various county departments. First on the list is to replace Sidwell with a county based mapping system. The information needed for this mapping is generated within the county and can be supplied to county departments as well as the public in an improved time frame in house.

As a cadastral information layer is available, data can be added to the layer that will provide various special district, taxing, school boundaries, voting precincts and other information that could be used by most county departments and the public. Transportation planning will be enhanced by accident data analysis, traffic flow and traffic forecasts and GASB-34 report requirements.

Once the grant funding has expired, the continued funding for this project could come from the Sidwell fund that would no longer be needed and from assessing various county departments as they utilize the system.

I respectfully request your approval of the grant application and authorization for the Chairman of the Board and myself to sign the necessary paperwork.



HIGHWAY DEPARTMENT
John E. Mitchell County Engineer
(309) 663-9445 FAX (309) 662-8038
102 S. Towanda-Barnes Rd. Bloomington, Illinois 61704

September 23, 2002

Mr. Randy Blankenhorn
Section Chief of Transit and Metropolitan Planning
2300 S Dirksen Parkway, Room 307
Springfield, IL 62764

Dear Mr. Blankenhorn,

McLean County is hereby applying to the Illinois Department of Transportation for a Geographical Information System Grant per your letter of September 4, 2002.

McLean County along with Bloomington, Normal and the McLean County Regional Planning Commission has been working to set up a G.I.S. program for not only Bloomington/Normal urban area, but McLean County as well. We have been progressing well through the Regional Planning Commission in that we just completed the ortho photography for the entire county. In the next several months a contractor will complete the digital conversion of the cadastral layer. The problem is that the county does not have the technical expertise or personnel to use the new cadastral layer nor to develop any applications for the G.I.S. system. If we were to receive this grant, we feel that we will be able to provide several of the eligible activities as follows:

1. Under G.I.S. Planning, we will be able to further our system design and provide prioritization of custom applications throughout the county.
2. Under System Development Implementation, we will be able to provide software and hardware for G.I.S. use and provide training for county personnel.
3. Under Data Development, we will be able to further our database design.
4. Under G.I.S. Custom Applications, we will be able to provide application development and implementation for use by the various county departments and for use by the public. Transportation planning will be enhanced by an accident layer that will provide data and maps of accident locations that can be used to determine safety project and routine project planning. The GASB-34 infrastructure requirement will be made more available and better reported. Current traffic flows and projected traffic flows will be determined to plan future projects. Other transportation Planning tools will be developed and utilized.

McLean County is hereby applying for \$100,000.00 of the IDOT Geographic Information System funding. The budget for this project is attached. As McLean County Regional Planning Commission is providing the data needed for the cadastral layer, it is imperative that McLean County now be able to use the data and provide information needed by the county departments and residents of McLean County, and to allow for better transportation planning.

Sincerely,

John E Mitchell
McLean County Engineer

JEM/kj

Attachment

**McLean County
Geographical Information System Funding
Grant Application Budget**

Personnel

1. G.I.S. Specialist	\$ 43,000
2. Support Person for Specialist	\$ 22,000
3. Fringe Benefits	<u>\$ 15,000</u>
Subtotal Personnel	\$ 80,000

Training

1. Training	\$ 15,000
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Hardware & Software

1. Hardware & Software	<u>\$ 40,000</u>
Total Project	\$135,000

Funding Sources For IDOT-Geographical Information System

1. IDOT G.I.S. Grant	\$100,000
2. McLean County	<u>\$ 35,000</u>
Total Project	\$135,000



Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

September 4, 2002

MEMORANDUM TO COUNTY HIGHWAY ENGINEERS

Subject: Geographic Information System Funding

The Illinois Department of Transportation has established a new program to assist counties in the planning, development and application of Geographic Information Systems (GIS) technologies. These funds are designed to allow counties to develop new GIS systems, upgrade existing systems or develop new applications. They are not intended to provide assistance for maintaining existing systems.

Attached is a menu of eligible activities. Should you wish to fund items not included on this list, the Department will review those requests on a case by case basis. We will be allocating up to \$100,000 in federal planning funds for each county. This program will require a 20% local match. Due to the large number of potential requests for funding, it is anticipated that this program will be spread out over a few years based on applications and the availability of funds. All requests for funding must include components that will assist in transportation planning and decision-making activities.

To apply for funds, please submit a short scope of work along with a budget and schedule to:

Randy Blankenhorn
Illinois Department of Transportation
Room 307
2300 South Dirksen Parkway
Springfield, IL 62764
(217)785-2994.

RECEIVED

SEP 09 2002

MCLEAN CO. HIGHWAY DEPT.

A handwritten signature in cursive script that reads "Michael A. Williamsen".

Michael A. Williamsen, Chief
Urban Program Planning

cc: Randy Blankenhorn

Attachment

Eligible Activities

GIS Planning

- Feasibility
- Organizational Planning
- System Design
- Custom Application Prioritization

System Development and Implementation

- Software/Hardware Procurement
- Software/Hardware Installation
- Training

Data Development

- Digitizing Services
- Legacy Data Conversion
- CAD to GIS Conversion
- Field Data Collection
- Database Design
- Purchase of Data Sets

GIS Custom Applications

- Cost/Benefit Analysis
- Application Development
- Application Implementation

**AN ORDINANCE TRANSFERRING FUNDS FROM THE COUNTY HIGHWAY FUND
0120-0055-0056-0801-0001 (CAPITAL IMPROVEMENTS) TO THE COUNTY
HIGHWAY FUND 0120-0055-0056-0808-0001 (LAND PURCHASE / BLDG. CONST)**

WHEREAS, the County Board of McLean County heretofore appropriated monies for the purpose set forth in the County Highway Fund 0120-0055-0056-0801-0001, Capital Improvement and in the County Highway Fund 0120-0055-006-0808-0001, Land Purchase / Building Construction in the Fiscal Year 2002 Adopted Budget; and

WHEREAS, it is necessary to provide sufficient monies to meet the necessary expenses for the purchase of property; and

WHEREAS, there are now sufficient monies available in the County Highway Fund 0120-0055-0056-0801-0001 that may be drawn upon to meet this projected shortfall; and

WHEREAS, it is desirable to transfer to said County Highway Fund 0120-0055-0056-0808-0001 from County Highway Fund 0120-0055-0056-0801-0001; and

WHEREAS, the County Administrator has recommended the need for transferring \$102,000.00 from the County Highway Fund 0120-0055-0056-0801-0001 to County Highway Fund 0120-0055-0056-0808-0001; and

WHEREAS, the Finance Committee concurs with the County Administrator's recommendation and so recommends this ordinance to the McLean County Board; now

BE IT ORDAINED by the McLean County Board in regular session that the sum of up to \$102,000.00 be and the same is hereby ordered transferred from the County Highway Fund 0120 as follows:

FROM:	County Highway Fund 0120-0055-0056-0801-0001	<u>\$102,000.00</u>
TO:	County Highway Fund 0120-0055-0056-0808-0001	<u>\$102,000.00</u>

BE IT FURTHER ORDAINED that the Treasurer of McLean County be and is hereby directed to make such transfers accordingly.

BE IT FURTHER ORDAINED that the County Clerk transmit certified copies of this ordinance to the County Administrator, County Auditor, County Engineer of Highways and the County Treasurer.

Adopted by the County Board of McLean County, Illinois this 15th day of October, 2002.

ATTEST:

APPROVED:

Peggy Ann Milton, Clerk of the
County Board of McLean County,
Illinois

Michael F. Sweeney, Chairman of the
County Board of McLean County

APPROPRIATION TRANSFER REQUEST FORM

FUND: 120 DEPARTMENT: Highway DATE: 10/1/2002

PROGRAM NO.	LINE-ITEM NO.	DESCRIPTION	AMOUNT	PROGRAM NO.	LINE-ITEM NO.	DESCRIPTION	AMOUNT
01155	0120-0055-0056-0801-0001	Capital Improvement	\$ 102,000.00	0055	0120-0055-0056-0	Purchase of Land	\$ 102,000.00
38							

Reason for the overdraw and resulting need to transfer funds: (Identify overdraw / transfer explanation by numbering to correspond with transfer listed above)

Purchase of property on Route 9 East for stockpile site to be used for Lexington-LeRoy Road and Arrowsmith Road. Possible future site of McLean County Highway Department.

4-F



4-H

HIGHWAY DEPARTMENT
John E. Mitchell County Engineer
(309) 663-9445 FAX (309) 662-8038
102 S. Towanda-Barnes Rd. Bloomington, Illinois 61704

MEMORANDUM

TO: Mr. Duffy Bass, Chairman and Members of the Transportation Committee
FROM: John E Mitchell, County Engineer
RE: Jurisdictional Transfer of County Highways to Municipalities, more specifically,
parts of Towanda-Barnes Road
DATE: September 26, 2002

I have been asked to report on the possibility of the City of Bloomington taking over part or parts of Towanda-Barnes Road.

This action would be called a jurisdictional transfer. Jurisdictional transfers happen automatically when a municipality annexes up to a township road. That is not the case when a municipality annexes up to or across a county highway.

For a county to transfer jurisdiction of all or part of a county highway to a municipality, three things must happen as follows:

1. The county must willingly agree to the transfer and pass a resolution and agreement. (Illinois Statutes 605 ILCS 5/4-409 and 605 ILCS 5/5-105)
2. The city must be willing to accept the transfer and pass an ordinance and agreement. (Illinois Statutes 605 ILCS 5/2-104, 605 ILCS 5/7-101 and 65 ILCS 5/11-91.2)
3. The Illinois Department of Transportation must approve the transfer. (Illinois Statutes 605 ILCS 5/4-409 and 605 ILCS 5/5-105). I have enclosed copies of the above statutes and IDOT "Jurisdictional Transfer Guidelines" of April 1993.

Item number 1 would be acted on at the direction of the McLean County Board.

In addressing item number 2, I have called the Director of Engineering and Water for the City of Bloomington, Mr. George Drye. I asked Mr. Drye what would be the City's reaction to a request to transfer part or parts of Towanda-Barnes Road to the city. Mr. Drye responded that he would not recommend to the City Council accepting a jurisdictional transfer of part of Towanda-Barnes Road until most of the road was annexed into the city. The annexation would happen when adjacent land on one side of the road was annexed. He would not be in favor of accepting pieces here and there as individual annexations occurred. He reminded me that this decision would be up to the City Council.

In addressing item number 3, I contacted IDOT Engineer of the Bureau of Local Roads and Streets, Mr. Darrell McMurray. He referred me to the Engineer in charge of jurisdictional transfers, Ms. Leigh Ann Lareau. She is reviewing to see what IDOT's position would be, as taking a stretch of road out of a county highway loses the continuity that is part of the requirements of a county highway. She did say IDOT would not approve multiple transfers as each annexation occurred.

Years back, when we first started trying to find funding to improve Towanda-Barnes Road, I remember a discussion with the Transportation Committee. At that time, the thought was if we wanted to keep Towanda-Barnes as a viable facility moving traffic as best as possible, then the county should keep the jurisdiction of Towanda-Barnes.

Should we proceed with this jurisdictional transfer, once started, will we desire to do the same with Ireland Grove Road, Six Points, Oakland Ave and Bloomington Heights Road, all in the City of Bloomington? Perhaps these are more suited to jurisdictional transfers. Then, Old Route 150, partially with the City of Bloomington, but mostly with the Town of Normal and Pipe Line Road, also with the Town of Normal, would be candidates. Besides the roads that are heavily impacted in the Bloomington/Normal area, do we want to continue that thought into the rest of the county, in which, almost all towns and villages have county highways going through them? Most of the smaller villages and towns, I'm sure, would struggle to afford the maintenance of these highways.

In summary, yes the county can start the process of jurisdictional transfer of Towanda-Barnes Road, but the city must be willing to accept it and IDOT must approve it. I would recommend that we not proceed with the jurisdictional transfer of Towanda-Barnes Road at this time. Maybe five to ten years in the future, after the city has annexed most of Towanda-Barnes Road and traffic continuity is better assured, the idea may come up again.

DIVISION 4. CONSTRUCTION AND MAINTENANCE

5/4-401. Widths of State highways.

§4-401. All State highways shall be constructed of sufficient widths to meet the requirements of the reasonably expected traffic thereon. The widths of travel ways shall be not less than 18 feet. (Source: Laws 1959, p. 196.)

5/4-402. Construction performed on State highway route in municipality.

§4-402. When any State highway route through a municipality has been designated, the Department shall supervise any construction performed on such streets by the municipality with funds received from the State. Such construction shall be either with or without continuous grade separation and of such type and width as is required, in the judgment of the Department, to care for traffic and parking needs. (Source: Laws 1959, p. 196.)

5/4-403. Construction of belt-line routes.

§4-403. Whenever local traffic conditions within any municipality through which or to the corporate limits of which any State highway is located, in the discretion of the Department, are such as to interfere with or impede through or State traffic, the Department is authorized and directed to locate and construct a durable hard-surfaced highway in the nature of a belt-line to connect State highway routes entering such municipality, so as to avoid congested traffic districts in the municipality. Such belt-line routes may be wholly without the corporate limits of the municipality or partly within and partly without such limits.

The type of construction and width of such belt-line routes shall be sufficient to care for present or reasonably expected future needs of through or State traffic.

Such belt-line routes shall be a part of the State highway system. (Source: Laws 1959, p. 196.)

5/4-404. Width and type of extension; construction in excess of need as determined by Department.

§4-404. By agreement between the Department and the proper authority of any municipality, park district or other municipal corporation, the construction of any street upon which a State highway route is located may be of greater width or different type than that determined upon by the Department. In such cases the excess cost of such construction shall be paid by the municipal corporation. (Source: Laws 1959, p. 196.)

5/4-405. Maintenance of State highways; edge lines.

§4-405. The Department shall maintain all highways in the State highway system either with its own forces or pursuant to an agreement or contract entered into pursuant to this Code.

In the course of its other maintenance work, the Department shall paint and maintain a line not less than 2 1/2 inches in width on the edges of uncurbed roadways of all State highways having an Illinois or U.S. route traffic marking and which carry an average daily traffic of more than 1,000 vehicles. The Department may paint and maintain such lines on such other State highways as it deems desirable. (Source: P.A. 78-283.)

5/4-406. Maintenance contracts with municipalities and counties.

§4-406. The Department is authorized to enter into contracts with any municipal corporation, terminable in the discretion of the Department, for the municipal corporation to maintain any State highway, or any part thereof, located within such municipal corporation, such maintenance to be under the supervision of the Department and at the expense of the State.

The Department is authorized to enter into similar contracts with any county for the county to maintain any State highway, or any part thereof, which was originally constructed by the county, such maintenance to be under the supervision of the Department and at the expense of the State. (Source: Laws 1959, p. 196.)

5/4-406.1. Surrender of jurisdiction.

§4-406.1. The Department may surrender jurisdiction over the right-of-way and improvements of all or part of a State highway, street or road to a municipality by agreement as provided in Section 11-91.2-1 of the Illinois Municipal Code [65 ILCS 5/11-91.2-1], as now or hereafter amended. (Source: P.A. 85-1421.)

5/4-407. Temporary closure; detours.

§4-407. The Department may temporarily close to traffic any portion of a State highway for the purpose of constructing, repairing or making improvements thereon. When a portion of a State highway with a route marking is so closed, the Department shall arrange with local authorities or otherwise to maintain efficient detours around the portion of the State highway which is closed. Such detour shall be plainly and conspicuously marked with signs by which traffic may be guided around that part of the highway so closed. (Source: P.A. 84-873.)

5/4-408. Temporary closure; detours; permit issued to local government agency; liability.

§4-408. The Department may, upon application by the proper authorities of any local governmental agency, issue a permit to such agency to temporarily close to traffic any portion of a State highway for any public purpose or for any temporary needs of such agency. Such permit shall be issued only upon the explicit agreement of the local governmental agency to assume all liabilities and pay all claims for any damages which shall be occasioned by such closing and such agreement shall be made a part of every such permit. When a State highway is closed by a local governmental agency under the terms of a permit, the agency shall maintain efficient detours satisfactory to the Department around the portion of the closed highway. Such detour shall be plainly and conspicuously marked with signs by which traffic may be guided around that part of the State highway so closed. (Source: Laws 1959, p. 196.)

5/4-409. Contracts between highway authorities.

§4-409. The Department may enter into a written contract with any other highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof. The Department may also, upon application of any highway authority, authorize the highway authority to enter into a written contract with any other highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof. (Source: P.A. 79-417.)

5/4-410. Demonstration project.

§4-410. Demonstration project. The Department shall implement a demonstration project, under which 20 of the contracts arising out of the Department's 5-year project program for fiscal years 2000 through 2004 shall have a performance-based warranty of at least 5 years, and 10 of those contracts shall be designed for a 30-year life cycle. (Added by P.A. 91-37, §38, eff. 7/1/99.)

DIVISION 5. PROPERTY ACQUISITION AND DISPOSAL

5/4-501. Acquisition of land for highway construction; remnants.

§4-501. The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights, or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such

Illinois Roads and Bridges

605 ILCS 5/5-101.11

therein" [30 ILCS 305/0.01 et seq.], approved May 26, 1970, as amended.
(Source: P.A. 85-293.)

5/5-102. Description of county highways; additions and deletions.

§5-102. Upon the effective date of this Code the highways comprising the county highway system in each county are those highways that, on such date, are defined as county highways by Section 2-102 and 2-204 of this Code.

Additions to and deletions from the county highway system may be made in the manner prescribed in this Code. Highways added to the county highway system shall be as nearly as possible highways connecting the principal municipalities and trading points in each county with each other, and also with the principal municipalities and trading points in other counties.
(Source: Laws 1959, p. 196.)

5/5-103. Map of county highway system.

§5-103. Immediately after the effective date of this Code, the Department shall indicate the highways in each county highway system under the provisions of this Code on such effective date by marking them upon a map which shows the public roads and section lines in the county and shall file such map with the county clerk. The county clerk shall enter the map among his official records, and no changes in the county highway routes indicated thereon shall be made except when a change has been made in the county highway system in accordance with the provisions of Section 5-105 of this Code or when a county highway or part of it is vacated or relocated in accordance with Sections 5-109 or 5-110 of this Code.
(Source: Laws 1967, p. 3388.)

5/5-104. Total mileage.

§5-104. Except as otherwise provided in this Code, no mileage shall be added to a county highway system after the effective date of this Code, if such addition causes the total mileage of highways in the county highway system of the county to exceed 35% of the total rural public highway mileage in a county having less than 500,000 inhabitants or 75% of the total rural public highway mileage in a county having 500,000 inhabitants or more. When 80% of the maximum permissible county highway system mileage in a county is of proper width and alignment and has been satisfactorily improved with oiled earth, gravel, macadam, portland cement concrete, bituminous concrete or brick on a portland cement concrete base, or other hard-surfaced type of pavement, patented or otherwise, (including surface or subsurface drainage, grading, bridges and culverts thereon having adequate design and roadway width and satisfactory horizontal and vertical alignment and capable of sustaining highway traffic with safety), as determined by the Department, such county may, in the manner provided by Section 5-105, add to its existing highways in the county highway system, additional highway mileage to the extent of 10% of the permissible highway mileage of county highways in the county.

The total rural public highway mileage in a county shall be determined and published by the Department.
In determining the maximum permissible county highway system mileage of any county under this Section the mileage of county highways within the corporate limits of a municipality shall not be considered.
(Source: P.A. 85-784, 85-832, 85-854.)

5/5-105. Temporary closings; changes in county highway system; additions and deletions.

§5-105. Temporary closings of county highways, or changes in highways making up a part of the county highway system, including additions to and deletions from such system, may be made by resolution of the county board, subject to the approval of the Department. Highways permanently removed from the county highway system which do not become part of the State highway system shall become part of the township and district road system if in a rural area, or the municipal street system if in a municipality. Such permanent changes shall be indicated on the map provided for by Section 5-103 of this

Code or a corrected map may be substituted therefor. The provisions of this Section do not apply to the vacation or relocation of a county highway or part of it pursuant to Sections 5-107, 5-109 or 5-110 of this Code. However, a change occasioned by the vacation or relocation of a county highway or part of it pursuant to Sections 5-107, 5-109 or 5-110 of this Code shall be indicated on the map provided for by Section 5-103 in the same manner as changes made under this Section.
(Source: Laws 1967, p. 3388.)

5/5-106. Municipal extension of county highway.

§5-106. The county board may, by resolution approved by the Department, designate a route on existing streets in a municipality as a municipal extension of a county highway or may designate a route for a municipal extension of a county highway on a new location in a municipality. Such designation shall be made so as to form a continuous route for a county highway through the municipality or so as to end a route for a county highway at a point within the municipality, as the case may be, as will best serve traffic needs.

Routes designated as municipal extensions of a county highway as provided in this Section shall not, by virtue of such designation, become a part of the county highway system. However, for the purposes of preparing plans and specifications, acquisition of right-of-way, the performance of all things necessary to the commencement of a construction or improvement project on a part or all of such a route by the county and the use of county highway or motor fuel tax funds therefor, such route shall be treated and considered as though it were then a part of the county highway system.

Upon the commencement by the county of a construction or improvement project on a part or all of a route so designated as such a municipal extension, the part so to be constructed or improved shall thereupon become a part of the county highway system.
(Source: Laws 1959, p. 196.)

5/5-107. Relocations of county highways.

§5-107. Relocations of county highways may be made during the improvement thereof according to plans approved by the county board and the Department. Upon completion of the relocated highway and its opening to public travel, the new location shall become the location of the county highway and the original location shall be considered abandoned as a county highway. Pending the completion and opening of the relocation, the county board shall have full authority over the existing county highway and shall also have power to lay out the relocation, acquire rights-of-way, by condemnation or otherwise, and take whatever action is necessary to effect the laying out, improving, and opening of the county highway upon the relocation.
(Source: Laws 1959, p. 196.)

5/5-108. Numbering of county highways.

§5-108. The Department shall assign a number to each county highway in each county and all county highways shall always be designated by a number. The Department may from time to time renumber such county highways.
(Source: Laws 1959, p. 196.)

5/5-109. Vacation of county highway.

§5-109. When the county board determines that the public and economic interest is served by vacating a county highway or part of it, it may vacate that highway or part of it by resolution adopted by the favorable vote of $\frac{2}{3}$ of the members of the county board, subject to the approval of the Department. The vote of each member shall be entered on the records of the county board. Prior to acting on such vacation resolution, the county board shall give at least 10 days' notice of the time and place of the county board meeting at which said resolution is to be considered, by publication in at least one newspaper published in the township or road district, or in the absence of such published newspaper, in at least one newspaper of general circulation in the township or road district, or in the absence of such generally circulated newspaper at the time prescribed for notice, by posting notices in 5 of the most public places in the township or road district in the vicinity of the road to be vacated.

Illinois Roads and Bridges

605 ILCS 5/2-101

1917, and under the provisions of "An Act in relation to the construction by the State of Illinois, of durable hard surfaced roads upon public highways of the State along designated routes, and the provision of means for the payment of the cost thereof by an issue of bonds of the State of Illinois" [repealed], approved June 29, 1923;

(b) Highways constructed by the State as federal aid interstate highways or federal aid primary highways under the provisions of "An Act in relation to the construction and maintenance of Federal-aid roads under and in accordance with an Act of Congress entitled, 'An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes', approved July 11, 1916, and known as the Federal Aid Road Act, as heretofore or hereafter amended by Congress and all Acts supplemental thereto" [repealed], approved June 27, 1917, as amended.

(c) Highways constructed as federal aid secondary highways under the provisions of Section 11a of "An Act in relation to State highways" [repealed], approved June 24, 1921, as amended, and for which maintenance responsibility has not been delegated to a county pursuant to an agreement between the Department and a county under the provisions of that Act.

(d) Highways constructed as State aid roads under the provisions of "An Act to revise the law in relation to roads and bridges" [repealed], approved June 27, 1913, as amended, and accepted by the Department for maintenance under the provisions of Section 32 of that Act;

(e) Highways constructed under the provisions of Section 9 of the "Motor Fuel Tax Law" [repealed], approved March 25, 1929, as amended, which the Department was directed to maintain by such Section 9;

(f) Highways constructed by the Department under the provisions of authority granted by any Act of the General Assembly prior to the effective date of this Code;

(g) Highways on which construction is completed after the effective date of this Code and which under the provisions of this Code become a part of the State highway system;

(h) Highways added to the State Highway system under the provisions of this Code.
(Source: Laws 1967, p. 3065.)

5/2-102. Description of county highway system.

§2-102. The county highway system includes the following highways:

(a) Highways which were State aid roads under the provisions of "An Act to revise the law in relation to roads and bridges" [repealed], approved June 27, 1913, as amended, immediately prior to the effective date of this Code together with municipal extensions thereof constructed prior to such effective date and for which the county was responsible for maintenance, in whole or in part, under the provisions of Section 32 of that Act, Section 12 of "An Act in relation to State highways" [repealed], approved June 24, 1921, as amended, or Section 9 of the "Motor Fuel Tax Law" [repealed], approved March 25, 1929, as amended.

(b) Highways selected and improved as federal aid secondary highways under the provisions of Section 11a of "An Act in relation to State highways" [repealed], approved June 24, 1921, as amended, which a county has agreed to maintain pursuant to an agreement between the Department and a county under the provisions of that Act.

(c) Highways on which construction is completed after the effective date of this Code and which under the provisions of this Code become a part of the county highway system.

(d) Highways added to the county highway system under the provisions of this Code.

(e) Any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] and connecting school grounds with any highway described in the preceding paragraphs of this Section.
(Source: P.A. 76-1500.)

5/2-103. Description of township and district road system.

§2-103. The township and district road system includes all rural roads to which this Code applies under Section 1-103 and which are not a part of the State highway system, county highway system or municipal street system, and includes any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] which connects school grounds with such a rural road. The township and district road system also includes such nondedicated subdivision roads as have been maintained or improved, under Section 6-701.8, with motor fuel tax funds allocated for use in road districts.
(Source: P.A. 78-1252; 78-1274.)

5/2-104. Description of municipal street system.

§2-104. The municipal street system of the several municipalities includes existing streets and streets hereafter established in municipalities which are not a part of the State highway system or county highway system, together with roads outside their corporate limits over which they have jurisdiction pursuant to this Code or any other statute, and includes any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] which connects school grounds with such a street or road.
(Source: P.A. 76-1500.)

DIVISION 2. DEFINITIONS

5/2-201. Definition of terms.

§2-201. The terms used in this Code shall, for the purposes of this Code have the meanings ascribed to them in this Division of this Article, except when the context otherwise requires.
(Source: Laws 1959, p. 196.)

5/2-202. "Highway" defined.

§2-202. Highway - Any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law. The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street".
(Source: Laws 1959, p. 196.)

5/2-203. "State highway" defined.

§2-203. State highway - Any highway that is part of the State highway system described in Section 2-101.
(Source: Laws 1959, p. 196.)

5/2-204. "County highway" defined.

§2-204. County highway - Any highway that is part of the county highway system described in Section 2-102.
(Source: Laws 1959, p. 196.)

5/2-205. "Township road" defined.

§2-205. Township road - Any highway that is part of the township and district road system described in Section 2-103 and which, under the provisions of this Code, is under the immediate jurisdiction of a road district comprised of a single township in a county having township organization.
(Source: Laws 1959, p. 196.)

5/2-206. "District road" defined.

§2-206. District road - Any highway that is part of the township and district road system described in Section 2-103 and which, under the provisions of this Code, is under the immediate jurisdiction of a

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The county superintendent of highways, in cooperation with the respective highway commissioners, shall prepare, or cause to be prepared maps showing the bridges selected and shall prepare or cause to be prepared the necessary plans, specifications and estimates of cost of such construction, all of which shall be submitted to the Department for approval. The type of construction selected shall be adequate for present or reasonably anticipated traffic needs as determined by the county superintendent of highways and the respective highway commissioners and approved by the Department. (Source: P.A. 79-1491.)

5/6-903. Payment of indebtedness.

§6-903. With the approval of the Department, a road district may use funds allocated under Section 6-901 for the payment of any indebtedness incurred after the effective date of this amendatory Act of 1976, in the construction of any bridge selected under Section 6-902 as a bridge to be constructed under Section 6-902 and the payment of engineering costs incurred in connection therewith; but if the road district desires to use such allocated funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction was to be paid for directly with funds under Section 6-902. (Source: P.A. 79-1491.)

5/6-904. County to comply with expenditure guidelines of Department of Transportation.

§6-904. The Department of Transportation shall notify the county superintendent of highways of each county of the apportionment and allotment under Section 6-901 for the purposes stated in Sections 6-901, 6-902 and 6-903, as soon as possible after the allotment is made. Any payment made pursuant to such apportionment may be utilized by the county in accordance with the needs of the county in a manner satisfactory to the Department. However, if any county, after having been given reasonable notice by the Department, fails to expend such funds in a manner satisfactory to the Department, no further payment of such funds shall be made to such county for bridge construction purposes until it corrects its unsatisfactory use of such funds. (Source: P.A. 79-1491.)

5/6-905. Share of local funds to obtain grant.

§6-905. The amount of grant for an approved road district project shall require at least \$1 of local funds committed to the project for each \$4 that may be allocated under Section 6-901. (Source: P.A. 81-1509.)

5/6-906. Payment to county treasurer.

§6-906. So much of the amount apportioned to a county under Section 6-901 that is obligated under Sections 6-902 through 6-904 and for which local funds have been committed under Section 6-905, within two years from the date the apportionment is made, shall, upon certification by the Department, be paid to the county treasurer, who shall apply those funds to the payment of such obligations. Any funds allocated to a county under Section 6-901 that are not obligated within 24 months under Sections 6-902 through 6-904 shall revert to the Road Fund. (Source: P.A. 84-1308.)

ARTICLE 7. MUNICIPAL ADMINISTRATION OF STREETS

Division 1 General Powers

Section 5/7-101. Streets and alleys; laying out; extensions.

Division 2 Use of Motor Fuel Tax Funds

5/7-202. Use by municipalities, generally. 5/7-202.1. State or federal highways.

- 5/7-202.1a. County highways and extensions. 5/7-202.1b. Federal aid primary or federal aid urban streets within municipality. 5/7-202.1c. Non-arterial residential streets. 5/7-202.2. Municipal streets and alleys. 5/7-202.3. Extensions of municipal streets outside corporate limits. 5/7-202.4. Extensions of municipal streets within park district. 5/7-202.5. Traffic control and school crossing signals. 5/7-202.6. Street lighting systems. 5/7-202.7. Storm sewers. 5/7-202.8. Pedestrian subways or over head crossings. 5/7-202.10. Payment of municipality's share of federal aid transportation project. 5/7-202.11. Investigations to determine the need for work. 5/7-202.12. Engineering costs. 5/7-202.13. Municipal indebtedness. 5/7-202.14. Local mass transit districts. 5/7-202.15. Sidewalks or other pedestrian paths. 5/7-202.16. Studies for construction of toll bridges. 5/7-202.17. Acquisition of property for off street parking. 5/7-202.18. Principal and interest on bonds. 5/7-202.19. Operation and maintenance of motor vehicle safety inspection lanes. 5/7-202.20. Bicycle routes and bicycle parking facilities. 5/7-202.21. Grade separations and approaches. 5/7-202.21a. Nondedicated subdivision roads. 5/7-202.22. Increase in allocation. 5/7-203. Ordinances specifying purposes of motor fuel tax funds; department approval for specifications and work; bidding and letting of contracts; inspection of work by Department. 5/7-203.1. Municipal motor fuel tax highway program; department approval; assessment. 5/7-203.2. Agreement with Department on work financed with State funds. 5/7-204. Expenditure of funds to comply with Department guidelines.

Division 3 Planning and Programming

5/7-301. Long-range highway transportation plan.

DIVISION 1. GENERAL POWERS

5/7-101. Streets and alleys; laying out; extensions.

§7-101. Streets and alleys, including bridges and other structures, which are or will become part of the municipal street system may be laid out, established, constructed, reconstructed, altered, widened, relocated, improved, maintained, repaired and vacated by the respective municipalities in the manner provided in the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.], as heretofore or hereafter amended; provided that the Department and counties may locate and extend State and county highways into or through a municipality in the manner provided in this Code. In addition to the powers granted to municipalities by the Illinois Municipal Code, municipalities have powers granted and duties imposed by this Code. (Source: Laws 1961, p. 1415.)

DIVISION 2. USE OF MOTOR FUEL TAX FUNDS

5/7-202. Use by municipalities, generally.

§7-202. Motor fuel tax funds allotted to the several municipalities shall be used for one or more of the purposes stated in Sections 7-202.1 through 7-202.22. (Source: P.A. 85-1010.)

5/7-202.1. State or federal highways.

§7-202.1. The construction and maintenance of State highways in the municipality, or the maintenance of federal secondary highways. (Source: Laws 1959, p. 196.)

5/7-202.1a. County highways and extensions.

§7-202.1a. The construction and maintenance of county highways and county highway extensions in the municipality. (Source: Laws 1965, p. 427.)

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Illinois Roads and Bridges

65 ILCS 5/11-85-2

duty of the execution of contracts, for and in behalf of the respective bodies, and all bonds for the performance of a contract shall be made payable to those corporate bodies jointly.

All consents, agreements, and approvals provided for in this Division 85 shall be by writing and when hereby required to be made or given by a municipality, shall be made or given by a resolution of the corporate authorities of the municipality. (Source: Laws 1961, p. 576.)

5/11-85-3. Municipality may levy special assessment or tax; prior work no defense.

§11-85-3. If a municipality desires to pay its proportion of the cost of such an improvement by a special assessment or a special tax upon the property within the municipality benefited by the improvement, either before or after the letting of the contract as provided by Section 11-85-2, it may pass an ordinance providing for the improvement and that the cost thereof shall be paid by a special tax or a special assessment, to be levied upon the municipality and upon the property within the municipality specially benefited by the improvement. The proceedings thereafter for the levy of that special assessment or special tax, and the collection thereof, shall conform to the provisions of Article 9, in so far as the provisions of Article 9 are applicable. It shall be no defense in any proceedings to levy a special assessment or a special tax hereunder that the special assessment or special tax is levied for work previously performed. (Source: Laws 1961, p. 576.)

5/11-85-4. Jurisdiction over improvement.

§11-85-4. A municipality participating in the construction of an improvement specified in this Division 85 has jurisdiction over the part thereof lying within the corporate limits of the municipality. The participating township has jurisdiction over that part of the improvement lying outside the municipality and within the township. The municipality and the township may repair, maintain, or reconstruct the portions of the improvement within their respective jurisdictions in the manner provided by law in cases of similar improvements lying wholly within their respective jurisdictions. But nothing contained in this section affects any power otherwise given by law to either the municipality or the township to expend money in the repair, maintenance, or reconstruction of the entire improvement or any part thereof.

Although parts of the improvements are under separate jurisdictions, the municipality and the township interested may enter into contracts with each other providing for the repair, maintenance, and upkeep, including lighting, of the improvement, apportioning the cost thereof and providing the method of that repair, maintenance, and upkeep, as may be agreed upon between them.

A township may surrender its jurisdiction over such an improvement to the municipality jointly interested, by agreement made between the corporate authorities of both the municipality and the township. The municipality thus assuming that jurisdiction thereafter shall be chargeable with the repair, maintenance, and upkeep of the part of the improvement so turned over, and may exercise its police powers thereover in like manner as if the improvement lay entirely within the municipality. (Source: Laws 1961, p. 576.)

DIVISION 91. VACATING OF STREETS AND ALLEYS (Complete Division)

5/11-91-1. Municipality may vacate street, etc.; notice and hearing; damages.

§11-91-1. Whenever the corporate authorities of any municipality, whether incorporated by special act or under any general law, determine that the public interest will be subserved by vacating any street or alley, or part thereof, within their jurisdiction in any unincorporated area, they may vacate that street or alley, or part thereof, by an ordinance. But this ordinance shall be passed by the affirmative vote of at least three-fourths of the aldermen, trustees or commissioners

then holding office. This vote shall be taken by ayes and noes and entered on the records of the corporate authorities.

No ordinance shall be passed vacating any street or alley under a municipality's jurisdiction and within an unincorporated area without notice thereof and a hearing thereon. At least 15 days prior to such a hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation within the unincorporated area which the street or alley proposed for vacation serves. At the hearing all interested persons shall be heard concerning the proposal for vacation.

The ordinance may provide that it shall not become effective until the owners of all property or the owner or owners of a particular parcel or parcels of property abutting upon the street or alley, or part thereof so vacated, shall pay compensation in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to them by reason of that vacation, and if there are any public service facilities in such street or alley, or part thereof, the ordinance may also reserve to the municipality or to the public utility, as the case may be, owning such facilities, such property, rights of way and easements as, in the judgment of the corporate authorities, are necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof. If the ordinance provides that only the owner or owners of one particular parcel of abutting property shall make payment, then the owner or owners of the particular parcel shall acquire title to the entire vacated street or alley, or the part thereof vacated.

The determination of the corporate authorities that the nature and extent of the public use or public interest to be subserved in such a warrant the vacation of any street or alley, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street or alley, or part thereof, constitutes a public use or public interest authorizing the vacation.

When property is damaged by the vacation or closing of any street or alley, the damage shall be ascertained and paid as provided by law. (Source: P.A. 90-179, eff. 7/23/97.)

5/11-91-2. Title upon vacation.

§11-91-2. Except in cases where the deed, or other instrument, dedicating a street or alley, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, whenever any street or alley, or any part thereof, is vacated under or by virtue of any ordinance of any municipality, the title to the land included within the street or alley, or part thereof, so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the street or alley has been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the street or alley had been acquired by the owners as a part of the land abutting on the street or alley. (Source: Laws 1961, p. 576.)

DIVISION 91.1. PERSONS DISPLACED BY FEDERAL AID SYSTEM OF STREETS AND HIGHWAYS (Complete Division)

5/11-91.1-1. Moving expenses for displaced person; limitation.

§11-91.1-1. The municipality is authorized to pay, as part of the cost of construction of any project on the federal aid system of streets and highways, to a person displaced by said highway project the actual reasonable expenses in moving said person, his family, his business, or his farm operation, including the moving of personal property. The allowable expenses for transportation shall not exceed the cost of moving 50 miles from the point from which such person, family, business or farm is being displaced.

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7-31-00

Jurisdictional Transfer Guidelines

For Highway and Street Systems

April 1993

RECEIVED

JUL 14 2000

McLEAN CO. HIGHWAY DEPT.



Illinois Department of Transportation
Division of Highways
Bureau of Local Roads and Streets

	Page
SECTION 1 INTRODUCTION	
A. What Is Jurisdiction	1
B. What Jurisdiction Is Not	1
C. Why Is Jurisdiction Important	2
D. Why Does A Jurisdictional Transfer Occur	2
E. Who Must Approve A Transfer Of Jurisdiction	2
F. Where Is Jurisdictional Transfer Data Kept	2
G. Who is IDOT's Clearinghouse for Highway Jurisdictional Matters	2
H. Use Of The Guidelines	2
SECTION 2 DETERMINING THE JURISDICTION OF HIGHWAYS AND STREETS	
A. Creation & Background	3
B. Pertinent Statutes	3-4
C. Agreements	4
D. Other Documents	4
SECTION 3 ILLINOIS COMPILED STATUTES (ILCS)	
A. Definitions	5
B. Statutes Affecting Jurisdictional Transfers	5-6
SECTION 4 JURISDICTIONAL TRANSFER DOCUMENTATION REQUIREMENTS	
A. Basic Information	7-8
B. Additional Comments	8
SECTION 5 FORMAT	
A. Forms	9
B. Addendums	9
C. Copies	10
D. Preparing Agreements (For Departmental Purposes)	10
SECTION 6 EFFECTIVE DATE OF JURISDICTIONAL TRANSFER	
A. State-Local Agency Agreement	11-13
B. Local-Local Agency Agreement	13
SECTION 7 PROCESSING PROCEDURES	
A. Flow Chart	14
B. Notification Of Jurisdictional Transfer Date	15

SECTION 1 - INTRODUCTION

Most of the highways that will be used in the foreseeable future are in existence today. Many of these highways were created over a hundred years ago its wagon trails that followed the natural contours of the land or were constructed with the highway bond issues of 1917 and 1923. In 1959 the Illinois General Assembly revised and codified laws relating to public highways and established the present integrated system of highways which include:

<u>System</u>	<u>Highway Authority</u>
State Highway System	Department of Transportation
County Highway System	County Board
Township and District Road System	Highway Commissioner*
Municipal Street System	Corporate Authorities of Municipality

The placement of a highway into one of the systems under a particular highway authority places the highway under the jurisdiction of that highway authority.

A. What Jurisdiction Is

Jurisdiction can be defined as the authority and obligation to administer, control, construct, maintain and operate a highway subject to the provisions of the "Illinois Highway Code".

B. What Jurisdiction Is Not

When an agency has the jurisdiction of a street or highway, it has various obligations that include reconstruction, signing, maintenance, etc. All of these obligations remain with the agency until the jurisdiction is transferred to another entity. Transfer of the maintenance or any other portion of the jurisdiction is not allowed. For example, a county can enter into an agreement to have another agency perform the maintenance on a section of highway; however, this does not relieve the county from the ultimate obligation of ensuring that the maintenance is performed. The reason being that the county has merely entered into an agreement for the performance of services and not an agreement for the transfer of jurisdiction. In other words, a maintenance agreement does not transfer jurisdiction.

It should also be noted that transfer of jurisdiction in itself does not involve transfer of ownership of the land. A separate process involving title work must be performed.

*The highway authority for a county unit road district is the County Board for discretionary functions and the County Engineers/Superintendent of Highways for ministerial functions.

C. Why Is Jurisdiction Important

Frequently interagency disputes arise concerning which highway authority has the jurisdictional responsibility for a particular section of highway. This can be an important issue in at least two respects: Routine maintenance of a highway (debris removal, snow removal, pothole patching, signing, ditch cleaning, vegetation control, etc.) is an expensive operation. If you include substantial structure repairs or replacement, the cost can consume the major portion of an agency's budget. (2) An agency having jurisdiction may be subject to tort liability and is likely to find itself a defendant in highway defect cases. While this was not so much of a problem prior to the 1960's, it has become a serious problem as a result of the parallel increase in the size and number of tort awards and by the elimination of government immunity for local governments. Therefore, the clear establishment of jurisdictional records allows the highway authority to know where responsibility lies.

D. Why Does A Jurisdictional Transfer Occur

A jurisdictional transfer will occur because it is either mandatory or agreed to as prescribed by the Illinois Compiled Statutes (ILCS). A municipality annexing territory is mandated to assume jurisdiction of a Township/District Road highway within the annexed territory. Agreed to jurisdictional transfers occur because of the logical need to transfer authority to another highway system. Relocating an existing State highway may result in decreased traffic occurring on the old State highway. Thus, the old State highway may be better served under the jurisdiction of a County, Municipality or Township/District Road System.

E. Who Must Approve A Transfer Of Jurisdiction

Jurisdictional transfers mandated by the Illinois Compiled Statutes do not involve approval, but the Statutes do require cooperation among the agencies involved. Transfers agreed to as prescribed by the Illinois Compiled Statutes shall be approved by the Illinois Department of Transportation (IDOT).

F. Where Is Jurisdictional Transfer Data Kept

The Central Bureau of Local Roads and Streets is responsible for maintaining records of all jurisdictional transfers.

G. Who is IDOT's Clearinghouse for Highway Jurisdictional Matters

The Highway Systems Manager of the Bureau of Local Roads and Streets serves as the Clearinghouse for all jurisdictional matters. In this capacity, the manager maintains documentation of all highway jurisdictional matters and reviews all documents requiring department approval or clarification.

H. Use Of The Guidelines

The following sections should provide assistance in formulating, analyzing and resolving jurisdictional/maintenance disputes. The importance of evaluating each situation in light of its own peculiarities cannot be overemphasized. Use of this manual should be as a general guide.

SECTION 2 - DETERMINING THE JURISDICTION OF HIGHWAYS AND STREETS

Each highway has its own, often unique, history that determines which highway authority has jurisdiction over it. In most instances, the jurisdiction of a highway can be determined by examining maps that are on file in the county clerk's office and/or the Central Bureau of Local Roads and Streets. These maps are considered official documents for determining jurisdiction. But, like all records that are kept, they are subject to human error. The Department has encountered situations that revealed mapping errors, transfers that did not get recorded, and other circumstances associated with the recording of jurisdictional transfers. When errors are suspected or when disagreement arises between agencies, it is necessary to research all sources of documentation throughout the entire history of a specific location. These problems usually become more manifest with older highways. To examine the complete history of a particular highway, it is necessary to make a thorough examination of the following areas: a) creation & background, b) pertinent statutes, c) agreements, and d) other documents.

A. Creation & Background

The term "creation" is not a reference to the construction or physical creation of a highway, it is instead a reference to the legal establishment of the highway. Highways can be created in three basic ways: by statute, by dedication, or by prescription.

1. By Statutes - The Illinois statutes established the authority to create the various highway systems and provided the financial capability to fund their construction and/or purchase the needed right-of-way.
2. By Dedication - This occurs when land is dedicated for public use as a highway and there has been acceptance of the usage by the land owner.
3. By Prescription - This is the acquirement of a highway right-of-way through its continued use as a public road for fifteen years.

Most highways remain in the same highway system for which they were originally established or created. When it can be shown which highway authority had jurisdiction of a highway, when it was created or established, it is initially presumed that the jurisdiction still rests with that highway authority. However, it is still necessary to research for any later changes in status.

B. Pertinent Statutes

It is difficult to include all statutes that establish, transfer, or otherwise impact the jurisdiction of highways in these guidelines. However, Section 3 of these guidelines does include specific references to articles in the Illinois Highway Code (Chapter 605/old 121) and the Illinois Municipal Code (Chapter 65/old 24) that directly affect jurisdictional transfers.

Although these references are probably the most important, in many instances it is necessary to examine statutes that have only an indirect bearing on jurisdictional responsibilities. It is also necessary to review statutes that were in existence when a highway was created or transferred to another system.

Although Federal statutes do not directly determine which public agency is responsible for a particular highway, they do have a substantial impact on systems that include Federal-aid highways. The use of Federal funds requires a written commitment concerning the future maintenance of the improvement. When this fact and other Federal Statutory and regulatory provisions are coupled with the broad State statutory language, it is clear that Federal laws do have significant impact on many aspects involved in determining the jurisdiction of a highway.

C. Agreements

Regardless of which agency created a highway or in which system a highway may be included, it is possible that an interagency agreement may have changed the previous or original jurisdiction. These agreements are normally authorized by some statutory provision.

The most comprehensive statute utilized for an agreement is Section 5/4-409 of the Illinois Highway Code, which provides:

"The Department may enter into a written contract with any highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof. The Department may also, upon application of any highway authority, authorize the highway authority to enter into a written contract with any other highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof."

Before any transfers are started, previous agreements, ordinances, and resolutions should be reviewed to verify the existing jurisdiction.

D. Other Documents

Just as a court may, in the absence of clear documentation as to responsibility, examine the past treatment of a highway by an agency, it is sometimes necessary for the Department, in disputed situations, to examine similar aspects. In addition to examining maintenance activities and maintenance agreements, it is often appropriate to determine which agency, if any, has granted permission (permits) for doing work on the highway, such as driveway connections, utility placements, etc.

The Department does maintain records of field maintenance work performed, which is available through each district office. These records may prove valuable in structuring the Department's position in a particular case. Local agency records should also be reviewed for documents pertaining to jurisdictional transfers.

SECTION 3 - ILLINOIS COMPILED STATUTES (ILCS)

A. Definitions

In accordance with Illinois statutes, there are four highway systems, which are:

- Chap. 605 (Old 121) Act 5. Article 2, Division 1. Systems of Highways
Sec.
5/2-101. State highway system.
5/2-102. County highway system.
5/2-103. Township and district road system.
5/2-104. Municipal street system.

In addition to defining the highway systems, the Illinois Compiled Statutes also include the following list of definitions that should be reviewed prior to making a jurisdictional transfer document:

Chap. 605 (Old 121) Act 5. Article 2, Division 2. Definitions

Sec.		Sec.	
5/2-201.	Terms defined.	5/2-211.	Department.
5/2-202.	Highway.	5/2-212.	Freeway.
5/2-203.	State highway.	5/2-213.	Highway authority.
5/2-204.	County highway.	5/2-214.	Maintain-Maintenance
5/2-205.	Township road.	5/2-215.	Municipality.
5/2-206.	District road.	5/2-216.	Person.
5/2-207.	Street.	5/2-217.	Right-of-way
5/2-208.	Federal-aid highway.	5/2-218.	Rural highway or
5/2-209.	Federal-aid Road act.		rural road.
5/2-210.	Construct-Construction.	5/2-219.	State funds.

B. Statutes Affecting Jurisdictional Transfers

When the Department approves a jurisdictional transfer it must consider the needs of each highway authority and stay within the intent of the Illinois Statutes. This involves researching statutes that are areas of concern for the agencies involved. The chart on page 6 lists Illinois Statutes that affect jurisdictional transfers. The chart was prepared for quick reference and should not be used as the sole source when reviewing a specific jurisdictional transfer.

ILLINOIS STATUTES THAT
AFFECT
JURISDICTIONAL TRANSFERS

		DEPT. APPROVAL REQ.	Areas of Concern			
			STATE	COUNTY	RD. DIST	MUNICIPALITY
Illinois Highway Code (Chapter 605/old 121)						
Sec.	Description					
5/1-102	Legislative Intent	X	X	X	X	X
5/2-101	State Highway System	X	X	X	X	X
5/2-102	County Highway System		X			
5/2-103	Township and District Road System			X		
5/2-104	Municipal Street System				X	
5/3-104	FAS Hwys. - Designation - Inclusion in Systems					X
5/3-104.1	Federal-aid Urban System of Streets and Highways		X	X	X	
5/3-104.2	Public Roads Not on Federal-aid System		X	X		X
5/3-104.3	Great River Road - National Scenic and Recreational Hwy.		X	X	X	
5/3-108	Federal Hwys. as Part of Illinois Highway Systems		X	X	X	
5/4-201.5	State Highways to Parks, etc.		X	X		X
5/4-203	Taking over Highways by State		X			
5/4-204	Description of State Hwys. Taken Over - Filing		X	X	X	X
5/4-205	State Hwy. Extension Thru Municipalities		X			
5/4-206	Relocation of Extensions Thru Municipalities		X			X
5/4-214	Recording Highway Plats		X			X
5/4-409	Department Contract with Highway Authorities		X	X	X	X
5/5-102	County Highway System - Additions - Deletions		X	X	X	X
5/5-103	Map Entry on Official Records - Changes			X		
5/5-104	Total Mileage - County Highway System	X		X		
5/5-105	Changes in County Highway System	X		X		
5/5-106	County Highway Extensions in Municipalities	X		X		
5/5-107	Relocation of County Highways	X		X		X
5/5-109	Vacation of County Highways - Procedure	X		X		
5/5-110	Recording of Vacated County Highways	X		X		
5/6-104	Organization of Territories within Municipalities			X		
5/6-201.3	Hwy- Commissioner's Function to Include Pub. Hwy. in System				X	X
5/6-201.4	Dist. Clerk's Function to Record Rds. used as Pub. Hwy.				X	
5/6-301	Width of Township and District Roads				X	
5/6-303	Petition - Hwys. under Dept. Jurisdiction - Procedure				X	
5/6-305	Hearing on Petition - Notice - Decision	X			X	
5/6-325	Dedicated Public Roads - When Incl. in System	X			X	
5/6-327	Roads for Public and Private Use				X	
5/6-328	Recording of Road Plats				X	
5/6-329	Vacated Township or District Roads - Recording				X	
5/7-101	Streets and Alleys - Laying Out, etc. - Extensions				X	
5/7-202.3	Ext. of Municipal Streets Outside Corp. Limits					X
5/9-101	Cooperative Agreement Among Governmental Agencies					X
5/9-127	Title to Vacated Highways	X	X	X	X	X
		X	X	X	X	X
Municipal Code (Chapter 65/old 24)						
Sec.	Description					
5/1-2-1	Ordinances and Rules to Execute Power					X
5/7-1-1	Annexation - Contiguous Township and District Roads				X	X
5/11-80-1	Laws Governing Municipal Streets				X	X
5/11-85-4	Jurisdiction over Joint Municipal-Township Improvement				X	X
5/11-91-1	Vacation of Municipal Streets				X	X



McLEAN COUNTY SHERIFF'S DEPARTMENT
DAVID OWENS, SHERIFF
"Peace Through Integrity"
Administration Office
(309) 888-5034
104 W. Front Law & Justice Center Room 105
P.O. Box 2400 Bloomington, Illinois 61702-2400

Detective Commander (309) 888-5051
Patrol Commander (309) 888-5166
Patrol Duty Sergeant (309) 888-5019
Jail Division (309) 888-5065
Process Division (309) 888-5040
Records Division (309) 888-5055
Domestic Crimes Division (309) 888-5860
FAX (309) 888-5072

September 26, 2002

TO: Mr. Matt Sorensen, Chairman
FROM: Sheriff David Owens
SUBJ: OCTOBER 1st, 2002 FINANCE COMMITTEE

Dear Mr. Sorensen:

I would respectfully request that the following item be placed on the October 1st Finance Committee Agenda:

Action

- 1) **Request to hire new Correctional Officers:** Attached, please find a letter explaining the need for additional Correctional Officers in the McLean County Detention Center.

If you have any questions prior to the meeting, please feel free to give me a call.

Sincerely,

David Owens
Sheriff

DO:jc



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Domestic Crimes Division (309) 888-5860
FAX (309) 888-5072

September 26, 2002

TO: Mr. Matt Sorensen, Chairman
Finance Committee
FROM: Sheriff David Owens
SUBJ: MCDF STAFFING

Dear Mr. Sorensen:

I would like to give you an update on the status of personnel in the Detention Center. As of today's date, we have two new Correctional Officers in PTI. We have one officer on FMLA leave through the entire month of October and one officer who is resigning to start work at BPD on October 7th. We have two empty Correctional Officer slots, however, due to budget cuts, we will not fill them both at this time. We are currently interviewing candidates to fill one position.

This will mean that we are unable to staff (6) Correctional Officer slots on the October schedule. There are two empty slots on 7-3. There is one empty slot on 3-11. There will be three empty slots on the 11-7 for October. The same situation will be present in November and into December, due to new officers that are or will be in training, so we will not be able to fill mandatory posts for minimum staffing requirements.

The 7-3 shift Control Operator will be unable to work 10/2-10/4 due to medical tests. On 10/14, he will have heart surgery and will be unable to work for 8 weeks.

As it stands now, for October, there will be 35 slots filled by overtime. This does not take into consideration the call in for sick time or other absences that may occur, which will increase that number. Officers are also unable to attend training due to the need to meet minimum staffing on each of the shifts. Again, I would like to stress the critical need to hire additional Correctional Officers in the McLean County Jail.

David Owens
Sheriff

**An EMERGENCY APPROPRIATION Ordinance
Amending the McLean County Fiscal Year 2002
Combined Annual Appropriation and Budget Ordinance
General Fund 0001, State's Attorney's Office 0020**

WHEREAS, the McLean County Board, on November 20, 2001, adopted the Combined Annual Appropriation and Budget Ordinance, which sets forth the revenues and expenditures deemed necessary to meet and defray all legal liabilities and expenditures to be incurred by and against the County of McLean for the 2002 Fiscal Year beginning January 1, 2002 and ending December 31, 2002; and,

WHEREAS, the Combined Annual Appropriation and Budget Ordinance includes the operating budget for all departments and agencies within the General Fund 0001; and,

WHEREAS, reductions in revenue received from the State of Illinois for photo processing sales tax, personal property replacement tax, and salary reimbursement for probation officers combined with losses in local sales tax revenue as a result of property annexations by the City of Bloomington have caused Fiscal Year 2002 General Fund revenues to decline by \$686,350.00; and,

WHEREAS, it is necessary and prudent to set forth specific recommendations for the Fiscal Year 2002 General Fund Appropriation and Budget Ordinance to reflect these circumstances; and,

WHEREAS, the Finance Committee, on Tuesday, October 1, 2002, and the Executive Committee, on Tuesday, October 8, 2002, recommended approval of an Emergency Appropriation Ordinance to reflect these circumstances; now, therefore,

BE IT ORDAINED by the McLean County Board as follows:

1. That the County Auditor is directed to reduce and otherwise amend the appropriated budget of the General Fund 0001 department as follows:

State's Attorney's Office – 0020

<u>PROG</u>	<u>ACCOUNT</u>	<u>DESCRIPTION</u>	<u>ADOPTED</u>	<u>REDUCE</u>	<u>AMENDED</u>
0020	0706-0001	Contract Services	\$13,200.00	\$4,600.00	\$6,600.00

2. That the County Clerk shall provide a certified copy of this ordinance to the County Administrator, County Auditor, County Treasurer, and the departments and agencies herein affected.

(2)

ADOPTED by the County Board of McLean County this 15th day of October, 2002.

ATTEST:

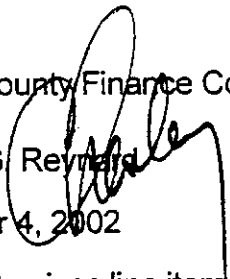
APPROVED:

Peggy Ann Milton, Clerk of the County Board,
McLean County, Illinois

Michael F. Sweeney, Chairman
McLean County Board

**McLean County
State's Attorney's Office
104 W. Front St., Room 605
Bloomington, IL 61701
Telephone: 309 – 888 – 5400
FAX: 309 – 888 – 5429**

Memo

To: McLean County Finance Committee
From: Charles G. Reynolds 
Date: September 4, 2002
Re: Contract Services line item, 0001-0020-0020-0706-0001

Please consider the following proposal in reference to the County's contract with Transworld Systems, Inc. (TSI):

The balance in this line item for FY02 is \$11,200. The requested amount for FY03 is \$13,200. I propose that we purchase a sufficient number of accounts to cover the balance of 2002 and the entirety of 2003. Our current rate of usage is 150 accounts per month. Our current contract should cover us through October 2002. A new contract, as proposed above, would cover the purchase of 2,100 accounts. At the rate of \$8.75 per account, this totals \$18,375.

I propose that we spend \$6,600 from the FY02 balance and keep our requested FY03 budget intact to cover the balance of \$11,775 and also provide for a cushion in the event of an increase in account usage. This scenario will enable our department to return \$4,600 to the FY02 General Fund account.

Thank you for your consideration.



**PEGGY ANN MILTON
COUNTY CLERK**

(309) 888-5190


Fax (309) 888-5932

Tax Extension (309) 888-5187

Voter's Registration (309) 888-5186

104 W. Front Room 704 Bloomington, IL 61701

E-mail: peggyann@mclean.gov Website: www.mclean.gov

DATE: September 20, 2002
TO: Honorable Members of the Finance Committee
FROM: Peggy Ann Milton 
RE: County Board Proceedings, etc.

During the September 3, 2002 Finance Committee meeting, we recommended the possibility of placing our County Board Proceedings on our Website (www.mclean.gov/countyclerk) instead of presenting them in printed form in an effort to reduce expenditures from the County's General Fund. We spent \$4,253.17 in 2001 to print these booklets and through August of 2002, we have spent \$2,452.81.

Due to the cooperation of Information Services, we have August Proceedings available on our website. It is my understanding Information Services will soon be doing a demo for County Board Members. We also provided the printed booklets to give all Board Members an opportunity to determine if viewing the website is a viable means of obtaining the proceedings. Please add this recommendation to the County Board agenda.

For your information, since the last Finance Committee meeting, as well as placing the Proceedings on the website, we have made other attempts to cut expenditures. Some examples are:

- During our Deputy Registrar training, we will be handing out a one-page summary of the duties instead of the multi-page booklet traditionally used. For the complete booklet, we direct the new Deputy Registrars to our website where they may review and print the information at their leisure. This will help to reduce expenditure for copies.
- Whenever possible we have been obtaining e-mail addresses to reduce the cost of the many mass mailings each year; i.e. election judge training which will save in postage and long distance telephone calls.

- We are actively pursuing lowering the costs associated with running an election and other areas in our office. This month, we changed suppliers for our voter registration forms and are saving \$0.13 per form, which for the 5,000 we just ordered, saved us \$650.00 in our election supply expenses.
- Because of the cooperation of the Chamber of Commerce, we are no longer purchasing manila envelopes for our marriage applicants' paperwork. We put necessary Clerk documents in the Chamber packets. This will cut costs in office supplies.
- We are working on using an overhead projector to update the press about our election results instead of the printed reports we historically give them. This will save our copy costs.

We will continue to be mindful of potential ways to reduce the budget.

cc: John Zeunik
Craig Nelson