

**FOREST PRESERVE DISTRICT OF COOK COUNTY BOARD AGENDA
SEPTEMBER 2, 2010**

COMMUNICATIONS

ITEM #1

Transmitting for Receive and File, information regarding the District's Mighty Acorns and High School Programs.

As of September 1, 2010, 3900 students from 31 elementary schools and home school groups Grades 3-6 are participating in the District's Mighty Acorns Program throughout the County. The objective of the Mighty Acorns Program is a curriculum developed by Naturalists and Educators using reading, writing and math skills for environmental education projects.

The District's Volunteers In Preserves (VIP) program consists of 101 Cook County high schools and 42 organizations. A total of 4,560 high school students, totaling approximately 14,500 hours of service visit the preserves and are given a variety of volunteer opportunities. Attached is a list of schools participating in the District's Mighty Acorns and High School (VIP) Programs. Districtwide

ITEM #2

The Forest Preserve District was recently contacted by Flying Squid Productions LLC regarding the possibility of hosting the 1st Annual Chicagoland Hockey Extravaganza in the Busse Woods Forest Preserve. The event consists of thirty two amateur adult hockey teams, sixteen each from the Midwest and Nova Scotia, participating in a round robin "outdoor" hockey tournament. The tentative dates for the event are November 17 thru 22, 2010.

The District is presently evaluating the event to determine it's feasibility and overall benefit to the District and it's patrons. We will keep you informed as plans progress.

To be received and filed.
District 17

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ITEM #3

The Forest Preserve District is pleased to announce that “A River Thru History..The Des Plaines Valley Rendezvous” will be held on September 11th and 12th, 2010 at Columbia Woods Forest Preserve. The Voyager Landing and Opening Ceremony is scheduled for 1:00 p.m., on Saturday, September 11, 2010. The event is open to the public from 10:00 a.m. to 5:00 p.m. on Saturday and 10:00 a.m. to 4:00 p.m. on Sunday. This information to be Received and Filed.

PROPOSED BID SOLICITATION

ITEM #4

It is respectfully requested that authority be granted to the Purchasing Agent to advertise for bids for the following items:

- Two (2) 18 Yard Dump Body Garbage trucks

These vehicles will be used District wide for the Recycling Program. These vehicles were reviewed and approved for purchase by the District Vehicle Steering Committee on August 27, 2010.

ITEM #5

It is respectfully requested that authority be granted to the Purchasing Agent to advertise and solicit bids for automobile and truck body repair for District vehicles.

PROPOSED JOINT PURCHASING AGREEMENT

ITEM #6

Permission is requested to purchase (14) Fourteen 2011 Ford F-350 XL 4x4's from Currie Motors in a Joint Purchasing Agreement with the Suburban Purchasing Cooperative expiration date 1/21/2011. This equipment will be used District wide by the Maintenance and Resource Management Departments to replace older vehicles. The total value of the contract shall not exceed \$375,000.00.

These vehicles were reviewed and approved for purchase by the District Vehicle Steering Committee on August 27, 2010. Approval is recommended.

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ITEM #7

Permission is requested to purchase (1) 2011 Ford F-350 XL 4x4 Crew cab from Morrow Brother Ford, Inc. in a Joint Purchasing Agreement with the Illinois State Contract #4015998 expiration date 1/27/2011. This equipment will be used District wide by the Maintenance and Resource Management Departments as replacement vehicles. The total value of the contract shall not exceed \$30,000.00.

These vehicles were reviewed and approved for purchase by the District Vehicle Steering Committee on August 27, 2010. Approval is recommended.

ITEM #8

Permission is requested to purchase the following:

- (12) Twelve 2011 Chevrolet Impala's from Bill Jacobs Joliet LLC. in a Joint Purchasing Agreement with Illinois State Contract# 4014904 expiration date 12/31/2010.
- (2) Two 2011 F250 4x4 Pick Up trucks from Morrow Brothers Ford Inc. in a Joint Purchasing Agreement with Illinois State Contract# 4015998 expiration date 1/27/2011.

This equipment will be used District wide by the Police Department. The total value of the contract shall not exceed \$275,000.00.

These vehicles were reviewed and approved for purchase by the District Vehicle Steering Committee on August 27, 2010. Approval is recommended.

PURCHASE ORDER ADDENDUM

ITEM #9

Requesting authorization for the Purchasing Agent to increase by \$10,000.00, the following Purchase Orders:

P.O. #037555 with Alamo Industries State Contract #4016004. Lawn Mower Parts
Due to excessive rain the grass has grown rapidly beyond normal conditions.

P. O. #037516 with All Products, Inc., State Contract #4015449. Automotive Parts
Due to excessive wear on older District vehicles.

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PROPOSED RENEWAL AGREEMENT

ITEM #10

Permission is requested to renew the Cooperative Service Agreement (CSA) with the U.S. Department of Agriculture (USDA) in order to continue ongoing integrated wildlife damage activities using all approved methods outlined in the CSA. This District wide project will be conducted as part of a continuing ecosystem management program throughout 2011. The amount of funding for this project is \$385,000.00

Funding Source: Capital Improvement - Restoration Landscape Account

COMMUNICATIONS

ITEM #11

Submitting for approval, a 5-year management plan for the monitoring and maintenance of 162 acres known as the Bluff Springs Fen, and authority to implement this plan in cooperation with the Illinois Nature Preserve Commission, and to apply for permits for the construction of the storm sewer. Approval is recommended. District 15

ITEM #12

Commissioner Larry Suffredin transmitting the 2010 Picnic Permit Users Summary Report from the 13th District. To be Received and Filed.

ITEM #13

Submitting for approval, a retention resolution to be adopted by the Forest Preserve Board of Commissioners for the selection of URS Corporation for Phase II and Phase III Engineering Services for the Thorn Creek Bicycle Trail completion as designated by the Illinois Department of Transportation (IDOT). District 5 & 6

**FOREST PRESERVE DISTRICT OF COOK COUNTY BOARD AGENDA
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ITEM #13 (cont'd)

RESOLUTION (Retention)

Sponsors

THE HONORABLE TODD H. STROGER, PRESIDENT

AND

THE BOARD OF FOREST PRESERVE DISTRICT COMMISSIONERS:

WILLIAM BEAVERS, JERRY BUTLER, FORREST CLAYPOOL, EARLEAN COLLINS,
JOHN P. DALEY, BRIDGET GAINER, ELIZABETH ANN DOODY GORMAN,
GREGG GOSLIN, JOSEPH MARIO MORENO, JOAN P. MURPHY, ANTHONY J.
PERAICA, EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N. SILVESTRI,
DOBORAH SIMS, ROBERT STEELE, AND LARRY SUFFREDIN

Whereas, a Congestion Mitigation Air Quality (CMAQ) has been awarded to the Forest Preserve District of Cook County (the "District") by the Illinois Department of Transportation ("IDOT") to construct a 4.8 miles of the Thorn Creek Bicycle Trail; and

Whereas, the District's portion of the cost of Phase II Engineering of this project, being \$76,100, was approved as part of the 2009 Annual Appropriation Ordinances; and

Whereas, in order to meet deadlines of the CMAQ time line, it was advisable that a consulting engineering firm be employed to supervise the construction using federal funds; and

Whereas, the District has selected URS Corporation, of Chicago, Illinois to serve as consulting engineers;

Now, THEREFORE BE IT RESOLVED by this Board of Commissioners of the Forest Preserve District of Cook County, that URS Corporation, Chicago, Illinois be employed to perform professional services in connection with Phase II Engineering of this project, and that the President of such Board of Commissioners is hereby directed to execute on behalf of the District an agreement for consulting services ("Engineering Agreement") between the District and URS Corporation.

Now, THEREFORE BE IT RESOLVED by this Board of Commissioners of the Forest Preserve District of Cook County that the President of such Board of Commissioners is hereby directed to execute on behalf of the District the "Local Agency Agreement for Federal Participation" between the District and the Illinois Department of Transportation.

BE IT FURTHER RESOLVED that, as sufficient funds were approved in the District's 2007 Annual Appropriation Ordinance to pay the District's 20% share of the total project cost, such total cost of this project not to exceed \$380,500 and such 20% of the District's portion not to exceed \$76,100, including total fees to URS Corporation, pursuant to the Agreement, such funds remain available and are designated for such purpose.

BE IT FURTHER RESOLVED that copies of the Agreement when executed in its final form be submitted to the Illinois Department of Transportation for approval and final processing.

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ITEM #14

The District is aware of funding through the IDOT Illinois Transportation Enhancement Program that may be available for a project to extend the Forest Preserve District's Deer Grove Bicycle Trail.

The Forest Preserve District would partner with the Cook County Highway Department on this proposed project. The project would consist of constructing 0.37 miles of paved bicycle trail north to the intersection of Lake-Cook Road and Quentin Road and include modifications to the traffic signal at Lake Cook Road and Quentin Road. The estimated cost for the project is \$530,000. If the grant is approved, this project would be financed on a cost-share basis with the Cook County Highway Department providing all of the 20% required match for the project, with no cost to the District. Following the awarding of the grant, an Agreement to formalize the responsibilities of each party would be developed by the Forest Preserve District and the Cook County Highway Department.

It is requested that the District in cooperation with the Cook County Highway Department be authorized to pursue this grant for the project. In order to meet the application deadline of August 31, 2010, an application has been submitted by the Cook County Highway Department contingent on Board approval at this meeting. District 14

ITEM #15

The District is aware of funding through the IDOT Illinois Transportation Enhancement Program that may be available for a project to extend the Forest Preserve District's North Branch Bicycle Trail from the Chicago Botanic Garden to the Green Bay Trail.

The Forest Preserve District would partner with the Chicago Botanic Garden on this proposed project. The project would consist of constructing approximately 1 mile of paved bicycle trail along Lake-Cook Road. The District is responsible for 20% of the cost of the trail lying in the Turnbull Woods forest preserve, estimated to be \$100,000.

Funding for the District's portion of the project is proposed to be included in the 2011 budget. Should the project be awarded a grant, the Forest Preserve District and the Chicago Botanic Garden would develop an Agreement to formalize the responsibilities of each party.

It is requested that the District in cooperation with the Chicago Botanic Garden be authorized to pursue this grant for the project. In order to meet the application deadline of August 31, 2010, an application has been submitted by the Chicago Botanic Garden contingent on Board approval at this meeting.

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ITEM #16

The District is aware of funding through the IDOT Illinois Transportation Enhancement Program that may be available for a project to extend the Forest Preserve District's Poplar Creek Bicycle Trail.

The Forest Preserve District would partner with the Village of Hoffman Estates and the Hoffman Estates Park District on this proposed project. The project would consist of constructing 0.65 miles of paved bicycle trail from the existing trail at Route 59 and Shoe Factory Road to the Village's proposed project west of the CN railroad. The village of Hoffman Estates plans to connect the FPD trail west to the Fox River Trail and also north through the Sears complex. The District is responsible for 20% of the cost of the trail lying in the forest preserve, estimated to be \$50,000.

Funding for the District's portion of the project is proposed to be included in the 2011 budget. Should the project be awarded a grant, the Forest Preserve District, the Village of Hoffman Estates, and the Hoffman Estates Park District would develop an Agreement to formalize the responsibilities of each party.

It is requested that the District in cooperation with the Village of Hoffman Estates and the Hoffman Estates Park District be authorized to pursue this grant for the project. In order to meet the application deadline of August 31, 2010, an application has been submitted by the Village of Hoffman Estates contingent on Board approval at this meeting.

Approval is recommended. District 13

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ITEM #17

The District is aware of funding through the IDOT Illinois Transportation Enhancement Program that may be available for a project to extend the Forest Preserve District's Burnham Greenway Bicycle Trail from the Green Lake Family Aquatic Center to the Sand Ridge Nature Center.

The project would consist of constructing 1.3 miles of paved bicycle trail along 159th Street from Green Lake to Paxton Avenue then north to the Sand Ridge Nature Center. The estimated cost for the project is \$740,000. This project would be financed on a cost-share basis with the District responsible for 20% of the cost of the project, or \$148,000

Funding for the project is proposed to be included in the 2011 budget.

It is requested that the District be authorized to pursue this grant for the project. In order to meet the application deadline of August 31, 2010, an application has been submitted by the District contingent on Board approval at this meeting.

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ITEM #18

August 24, 2010

To the Honorable President
and Members of the Board of
Forest Preserve Commissioners

Ladies and Gentlemen:

Our office has received a request from Joel Nasby of Palos Heights representing a group interested in adding windsurfing and Stand-Up-Paddle Boarding to the list of approved recreational opportunities for Saganashkee Slough. Mr. Nasby would like to present their plans to the Board for consideration.

Please include Mr. Nasby's letter including his request on the Board Agenda for the Forest Preserve Meeting of September 2, 2010.

It is respectfully requested that his item be referred to the Recreation Committee.

Respectfully Submitted,

Elizabeth "Liz" Doody Gorman
County Commissioner – 17th District

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ITEM #18 (cont'd)

Elizabeth Ann Doody-Gorman, Palos Heights Commissioner
Board of Cook County Forest Preserve District Commissioners
118 N Clark St, Ste 567
Chicago, IL 60602

July 28, 2010

Dear Ms Doody-Gorman,

I would like the opportunity to speak to the Board of Commissioners regarding a recreational use suggestion for Saganashkee Slough Central, Forest Preserve District, Cook County, IL.

1. Who: Cook County residents would like to see windsurfing and Stand-Up-Paddle Boarding (SUP) added to the list of approved recreational opportunities for Saganashkee Slough. Currently the slough is open to non-motorized watercraft, rowboats and canoes.

2. What is Windsurfing and SUP?

a) Windsurfing is a [surface water sport](#) that combines elements of [surfing](#) and [sailing](#). It consists of a windsurf board usually two to four meters long, powered by the effect of the wind on a sail. The rig is connected to the board by a free-rotating universal joint and comprises a mast, wishbone boom and sail. The sail size normally ranges from 4.0m² to 8.5m² depending on the conditions and the skill of the sailor. New equipment designs provide safe recreational opportunities. Since windsurfing is performed on top of the water, there is limited time actually in the water. When putting-in from shore, a windsurfer wades out to approximately knee deep water and then stands on the windsurfing board and either uphauls the sail or already has the sail upright, and then sails away from shore. The other time a windsurfer gets into the water, is if he or she falls off the rig when sailing, in which case the sailor climbs back onto the rig to continue sailing. You right a capsized windsurfing vessel just as you would a canoe, rowboat or small sailboat, except it is much simpler and safer as no water can enter the hull.

b) Stand-Up-Paddle Boarding or SUP is a surface water sport in which a Paddleboard is powered by a person standing and propelling themselves with a one-bladed paddle. A SUP is usually 10 feet to 12 feet in length and approximately 3 feet wide for standing stability. The popularity of this versatile new sport is growing as it also provides, from an exercise standpoint, a 'core' workout for the body as apposed to sitting like you would in a canoe or rowboat. A SUP is launched in calf to knee deep water as the operator steps aboard and paddles away. New SUP boards are wide and stable making it easy for participants to maintain balance and to keep from falling into the water. For those that do fall in, they simply climb back aboard and paddle away.

3. Where: Saganashkee Slough is the only body of water suitable for windsurfing in SW Cook County as it has a long open area from the West to East that has less wind blockage from shoreline trees.

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ITEM #18(cont'd)

Are other bodies of water open to windsurfing-why not go there? Wolf Lake which is located in Southeast Cook County, allows windsurfing, but is an hours drive from the Saganashkee Slough area. Residents living in Southwest Cook County would benefit greatly by accessing a closer body of water, versus driving all the way to Wolf Lake. SUPs could be considered on this slough as well as other bodies of water since wind is not necessary to power the paddleboard.

4. Safety considerations.

a) Underwater hazards: Richard Newheart of the Forest Preserve District mentioned under water stumps could be a hazard. After examining the proposed put-in area, only a few stumps exist immediately next to the shoreline, which I can mark and therefore be safely avoided. The water further away from shore is clear of underwater obstacles. The sloughs water quality appears to be on par with Wolf Lake, and since windsurfing and SUPing is performed on the top of the water, water quality is basically a non-issue.

b) Are Flotation devices required for windsurfing in other bodies of water? The windsurfing board is the personal flotation device, and will not sink compared to a canoe or rowboat. No windsurfing areas in the United States require windsurfers to wear an additional life vest since the windsurfing board is the personal flotation device and because a windsurfer with a life vest on has more difficulty coming up for air should the sail fall on top of the individual.

5. Wildlife disruption consideration. Could windsurfing potentially disrupt water fowl activity? Currently, windsurfing is allowed at Wolf Lake which, according to Michael Boos, a naturalist with Wolf Lake Initiative (www.wolflakeinitiative.org), stated: "Wolf Lake has the highest diversity of migratory water fowl in the area, yet windsurfing poses no problems to the wildlife here". Mr. Boos further stated that "We've never had a problem with windsurfers at Wolf Lake". SUPs would pose no more of a threat to wildlife than that of canoes or rowboats.

6. Actual number of days of use. Windsurfing is generally limited to days in which wind speeds reach 15mph or higher and predominantly occur in the Spring and Fall, during the windy seasons. Normally, waterfowl leave the water and seek cover when winds reach these levels. Recreational canoeist and row boaters generally do not enjoy being on the water when wind speeds reach these levels. During such windy conditions, windsurfers would in all probability, be the only interested parties utilizing the slough. SUPs would mainly be enjoyed in less windy conditions.

7. Parking and set up considerations. The northwest parking lot at Saganashkee Slough would be an ideal set-up and launch location for windsurfers and SUPs as it has a large level grassy area between the parking lot and the waters edge. There is sufficient shoreline to launch canoes, rowboats and windsurfing craft and SUPs from this area. This also could be an additional source of Revenue for Cook County Forest Preserve if a registration fee to use the area were involved.

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ITEM #18(cont'd)

I and several others would like the opportunity to voice this recreational use suggestion at the next Cook County Forrest Preserve District board meeting or at whatever venue you feel appropriate. Please contact me at either my email address or cell phone listed below as to what date and time this could be voiced.

Thank you for this consideration,

Joel Nasby, Cook County Resident
Palos Heights, IL 60463

A brief note on my background: An executive in pharmaceutical sales for the last ten years. Prior to this I served as an Instructor of Health Sciences and Physical Education at Metro State College of Denver, and as an Instructor, Dept of Physical Education, at the United States Military Academy, West Point, NY. I also served as a Commissioned Military Police Officer in the Army.

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ITEM # 19

RESOLUTION

Sponsored by

THE HONORABLE TODD H. STROGER, PRESIDENT, LARRY SUFFREDIN,
WILLIAM M. BEAVERS, JERRY BUTLER, FORREST CLAYPOOL, EARLEAN
COLLINS, JOHN P. DALEY, BRIDGET GAINER, ELIZABETH "LIZ" DOODY
GORMAN, GREGG GOSLIN, JOSEPH MARIO MORENO, JOAN P. MUPRHY,
ANTHONY J. PERAICA, EDWIN REYES, TIMOTHY O. SCHNEIDER, PETER N.
SILVESTRI, DEBORAH SIMS, AND ROBERT B. STEELE, FOREST PRESERVE
DISTRICT COMMISSIONERS

Proclaiming September 25, 2010 National Public Lands Day in Cook County

WHEREAS, the Forest Preserve District of Cook County has acquired and preserved over 67,000 acres of open land that is a valuable component of America's system of public lands that individually and collectively represent irreplaceable national resources; and

WHEREAS, public lands provide locally accessible natural and cultural resources for Environmental learning, wildlife appreciation and recreation; and

WHEREAS, public lands promote civic ideals that include shared stewardship and recognition of public ownership; and

WHEREAS, shared stewardship requires the goodwill, cooperation and active support of residents, local communities, local and state officials, business leaders, children and adults; and

WHEREAS, the Civilian Conservation Corps (1933-1944) gave our nation a magnificent legacy of stewardship of our treasured natural resources that is being passed to younger generations; and

WHEREAS, land conservation builds awareness among urban dwellers with concerns about planned development, shared land use, preservation of wild areas and natural habitats, and the benefits realized by diligent restoration and enhancement efforts; and

WHEREAS, an alliance between private citizens, land managers and community leaders improves the condition of publicly held lands for the greater enjoyment and enrichment of all Americans; and

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ITEM # 19 (cont'd)

WHEREAS, National Public Lands Day, co-sponsored by the National Environmental Education & Training Foundation, the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the National Park Service, the Tennessee Valley Authority, U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, U.S. Fish & Wildlife Service and the USDA Forest Service, has become an annually anticipated event for local participation on publicly held lands; and

WHEREAS, the 2010 National Public Lands Day will include some 80,000 volunteers at more than 600 sites across the country and presently, there are over 20 work sites scheduled in Illinois including Deer Grove, Dropseed Prairie, Kickapoo Woods, Harms Flatwoods, Kloempken Prairie, McCormick Woods, Paw Paw Woods Nature Reserve, Poplar Creek/Shoe Factory Woods, Schiller Woods, Sundown Meadow, and Wolf Road Prairie Nature Preserve in Cook County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Forest Preserve District of Cook County proclaims September 25, 2010 National Public Lands Day in Cook County and encourages residents, staff and Commissioners to participate in National Public Lands Day by volunteering at one of the designated sites or registering your own work site; and

BE IT FURTHER RESOLVED, that the Forest Preserve District of Cook County will maintain a link on its website to www.publiclandsday.org, which provides information on National Public Lands Day and volunteer work sites; and

BE IT FURTHER RESOLVED, that this resolution be spread upon the official proceedings of this Honorable Body.

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ITEM #20

**THE HONORABLE TODD H. STROGER, PRESIDENT,
BOARD OF COMMISSIONERS OF THE FOREST PRESERVE DISTRICT OF
COOK COUNTY, ILLINOIS**

HONORING THE RETIREMENT OF MR. FRANK A. DAMATO

WHEREAS, Mr. Frank A. Damato has retired from his position as Coordinator of Community and Intergovernmental Affairs at the Forest Preserve District of Cook County after a career in public service that has spanned more than 49 years; and

WHEREAS, Mr. Damato began his tenure in government as a Deputy Inspector in the City of Chicago's Department of Weights and Measures on April 13, 1961; and

WHEREAS, Mr. Damato would serve in that capacity for 10 years and would later continue to excel in the department, rising through the ranks as a Consumer Services Officer and as the Chief Consumer Services Supervisor; and

WHEREAS, Mr. Damato's commitment and achievement was recognized in April of 1975, when he was named Deputy Commissioner of the department; and

WHEREAS, among Mr. Damato's notable accomplishments in his role was his involvement in the enactment of legislation to close stores guilty of short weight measures; and

WHEREAS, Mr. Damato would later be appointed to the position of Deputy Commissioner in the City of Chicago's Department of Consumer Services in 1980 and further appointed to First Deputy Commissioner in 1981; and

WHEREAS, in the Department of Consumer Services, Mr. Damato led teams of City and Federal Task Force Units in raids on taverns catering to street gangs and raids on medical clinics illegally dispensing drugs and operating in unsanitary conditions; and

WHEREAS, Mr. Damato successfully sought elected office in 1982, becoming Alderman of the City of Chicago's 37th Ward, and served as the Chairman of the city's Aviation Committee; and

WHEREAS, Mr. Damato would serve in that capacity until March 1986; and

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WHEREAS, later that year, Mr. Damato was elected to the Cook County Board of Commissioners; and

ITEM #20

WHEREAS, Mr. Damato served two terms as a Commissioner, chairing the Zoning Committee from 1990 until 1994; and

WHEREAS, in 1994, Mr. Damato joined the Forest Preserve District of Cook County as its Coordinator of Community and Intergovernmental Affairs; and

WHEREAS, Mr. Damato has been instrumental as a liaison between the District and state and local officials, community groups and individuals on matters related to Cook County's open space holdings; and

WHEREAS, Mr. Damato has served as the President's designee to the O'Hare Noise Compatibility Commission and Midway Compatibility Commission; and

WHEREAS, as part of the O'Hare Commission, Mr. Damato served as a representative of unincorporated Cook County, seeking to ensure that those areas received an adequate and appropriate share of sound insulation; and

WHEREAS, Mr. Damato also served as Chairman of the O'Hare Commission's Residential Sound Insulation Committee, where he sought to ensure that all homes impacted by the 2013 contour of the O'Hare Modernization Program were well insulated; and

WHEREAS, Mr. Damato was elected as a Trustee for the Cook County Forest Preserve Pension Board in September 2002, where he will continue to serve until December 2010;

NOW, THEREFORE BE IT RESOLVED THAT I, Todd H. Stroger, along with all the members of the Forest Preserve District of Cook County Board of Commissioners and on behalf of all citizens of Cook County, do hereby congratulate Frank A Damato on a lifetime of stellar public service and thank Mr. Damato for his myriad contributions to the Cook County family of citizens through nearly five decades.

BE IT FURTHER RESOLVED that a suitable copy of this resolution be tendered to Mr. Frank A. Damato in recognition of his career, contributions to the Forest Preserve District of Cook County and his passion for public service.

Approved and adopted September 2, 2010.

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ITEM #21

**RESOLUTION
Sponsored by**

THE HONORABLE TONY PERAICA, COMMISSIONER

**IN SUPPORT OF AN INTERGOVERNMENTAL AGREEMENT AND
TEMPORARY EASEMENT BETWEEN THE FOREST PRESERVE DISTRICT
OF COOK COUNTY AND THE STATE OF ILLINOIS DEPARTMENT OF
NATURAL RESOURCES**

WHEREAS, on May 18, 2010, the U.S. Army Corps of Engineers and Illinois Department of Natural Resources (NATURAL RESOURCES) signed a Project Participation Agreement for Phases 1 and 2 of the Des Plaines River Dam Project; and

WHEREAS, the Forest Preserve District of Cook County, Illinois (DISTRICT) owns a portion of the lands required for construction, operation and maintenance of the Des Plaines River Dam Project, thus requiring the formation of an intergovernmental agreement between the DISTRICT and NATURAL RESOURCES in order for the project to commence; and

WHEREAS, the DISTRICT and NATURAL RESOURCES are legal entities organized and existing under the laws of the State of Illinois having among their powers the authority to perform such undertakings under the "Intergovernmental Cooperation Act," 5 ILCS 220; and

WHEREAS, NATURAL RESOURCES and the DISTRICT have previously entered into intergovernmental agreements related to Armitage and Hofmann Dams wherein NATURAL RESOURCES constructed the dams and the DISTRICT promised to provide all required land rights to construct both dams and to operate and maintain Armitage Dam; and

WHEREAS, the U.S. Army Corps of Engineers; hereinafter referred to as the "CORPS"; has completed the report "Hofmann Dam Section 206 Ecosystem Restoration Detailed Project Report, Final/Approved, 22 December 2006" which recommends removal of Armitage and Fairbanks Dams, removal of 100 cubic yards of sediment upstream of Armitage Dam, partial removal of Hofmann Dam, removal of approximately 3,100 cubic yards of sediment upstream of Hofmann Dam, and improve drainage from areas of frequent inundation in the Swan Pond Park, and construction of these improvements would result in the removal of safety hazards plus the creation of ecological restoration improvements such as an increase in biodiversity and improvements to natural habitats; and the CORPS and NATURAL RESOURCES have determined that the construction of these improvements should be implemented in two Phases, with Phase 1 including

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Fairbanks and Armitage Dams, and Phase 2 including Hofmann Dam and Swan Pond Park, and for purposes of this agreement the Phase 1 improvements shall hereinafter be referred to as "PROJECT;" and

ITEM #21 (cont'd)

WHEREAS, NATURAL RESOURCES has approved participation in agreements with Federal Agencies in order to better effect cooperative undertakings in the conservation, preservation, distribution, and propagation of fish, mussels, frogs, turtles, game, wild animals, wild fowls, birds, trees, plants, and forests to the extent allowed by its statutory authority under the "Department of Natural Resources (Conservation) Law," 20 ILCS 805/805-125; and NATURAL RESOURCES and CORPS have entered into a Project Partnership Agreement for construction of the PROJECT; and

WHEREAS, the PPA defines the NATURAL RESOURCES responsibility to be the acquisition of all lands, easements, rights-of-way, relocations and disposal sites required for construction, operation, and maintenance of the PROJECT, hereinafter referred to as LERRD's, and a cash payment necessary to raise the "non-federal" cost to a minimum of 35% of the total PROJECT cost; and

WHEREAS, NATURAL RESOURCES and the DISTRICT wish to mutually cooperate to implement the PROJECT to the extent that NATURAL RESOURCES shall ensure the PROJECT construction is performed without costs to the DISTRICT and the DISTRICT shall provide LERRD's currently owned by DISTRICT without costs to NATURAL RESOURCES, and

WHEREAS, the residents of Cook County will benefit from the implementation of these projects as they will result in the creation of jobs, eliminate a proven public safety hazard, help restore the ecosystem of the Des Plaines River which has been degraded by the Fairbanks, Armitage and Hofmann Dams, as well as mitigating the effects of flooding on the residents in communities along the Des Plaines River.

NOW, THEREFORE, BE IT RESOLVED, that the President and Forest Preserve Board of Cook County, Illinois does hereby authorize the Forest Preserve District of Cook County, Illinois to enter into an intergovernmental agreement and temporary easement with the State of Illinois Department of Natural Resources to permit the U.S. Army Corps of Engineers to proceed with Phases 1 and 2 of the Des Plaines River Dam Project. The intergovernmental agreement is attached hereto.

BE IT FURTHER RESOLVED, that the President and Forest Preserve Board of Cook County, Illinois does hereby authorize the Forest Preserve District of Cook County, Illinois to enter into negotiations on an intergovernmental agreement and temporary easement with the State of Illinois Department of Natural Resources at a later date when funding is secured for the main project at Hoffmann Dam.

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ITEM #21 (cont'd)

**INTERGOVERNMENTAL AGREEMENT and TEMPORARY EASEMENT
between the
STATE OF ILLINOIS/ DEPARTMENT OF NATURAL RESOURCES
and the
FOREST PRESERVE DISTRICT OF COOK COUNTY
for the
PHASE 1 HOFMANN DAM SECTION 206 ECOSYSTEM RESTORATION
PROJECT**

This **AGREEMENT** is made between the Forest Preserve District of Cook County, hereinafter referred to as the “**DISTRICT**”, and the State of Illinois/Department of Natural Resources, hereinafter referred to as “**NATURAL RESOURCES**”,

Witnesseth:

WHEREAS, the **DISTRICT** and **NATURAL RESOURCES** are legal entities organized and existing under the laws of the State of Illinois having among their powers the authority to perform such undertakings as described herein under the “Intergovernmental Cooperation Act,” 5 ILCS 220; and

WHEREAS, **NATURAL RESOURCES** and the **DISTRICT** have previously entered into intergovernmental agreements related to Armitage and Hofmann Dams wherein **NATURAL RESOURCES** constructed the dams and the **DISTRICT** promised to provide all required land rights to construct both dams and to operate and maintain Armitage Dam; and

WHEREAS, the U.S. Army Corps of Engineers; hereinafter referred to as the “**CORPS**”; has completed the report “Hofmann Dam Section 206 Ecosystem Restoration Detailed Project Report, Final/Approved, 22 December 2006” which recommends removal of Armitage and Fairbanks Dams, removal of 100 cubic yards of sediment upstream of Armitage Dam, partial removal of Hofmann Dam, removal of approximately 3,100 cubic yards of sediment upstream of Hofmann Dam, and improve drainage from areas of frequent inundation in the Swan Pond Park, and construction of these improvements would result in the removal of safety hazards plus the creation of ecological restoration improvements such as an increase in biodiversity and improvements to natural habitats; and the **CORPS** and **NATURAL RESOURCES** have determined that the construction of these improvements should be implemented in two Phases, with Phase 1 including Fairbanks and Armitage Dams, with final Plans and Specifications held on file at the **DISTRICT** headquarters located at 536 North Harlem Avenue, River Forest, IL 60305 , and Phase 2 including Hofmann Dam and Swan Pond Park, and for purposes of this agreement the Phase 1 improvements shall hereinafter be referred to as “**PROJECT**”, and

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ITEM #21 (cont'd)

WHEREAS, NATURAL RESOURCES has posted the final plans and specifications for the PROJECT on an ftp site for viewing and downloading at the following address:

<ftp://163.191.72.109/Public/Outgoing/OWR-ArmitageandFairbanks/>

username dnr

password idnr

and,

WHEREAS, NATURAL RESOURCES has approved participation in agreements with Federal Agencies in order to better effect cooperative undertakings in the conservation, preservation, distribution, and propagation of fish, mussels, frogs, turtles, game, wild animals, wild fowls, birds, trees, plants, and forests to the extent allowed by its statutory authority under the "Department of Natural Resources (Conservation) Law," 20 ILCS 805/805-125; and NATURAL RESOURCES and CORPS have entered into a Project Partnership Agreement for construction of the PROJECT, hereinafter referred to as "**PPA**" and attached to this AGREEMENT as ATTACHMENT 1; and

WHEREAS, the **PPA** defines the NATURAL RESOURCES responsibility to be the acquisition of all lands, easements, rights-of-way, relocations and disposal sites required for construction, operation, and maintenance of the PROJECT, hereinafter referred to as LERRD's, and a cash payment necessary to raise the "non-federal" cost to a minimum of 35% of the total PROJECT cost; and

WHEREAS, NATURAL RESOURCES and the DISTRICT wish to mutually cooperate to implement the PROJECT to the extent that NATURAL RESOURCES shall ensure the PROJECT construction is performed without costs to the DISTRICT and the DISTRICT shall provide LERRD's currently owned by DISTRICT without costs to NATURAL RESOURCES, and

WHEREAS, the DISTRICT owns a portion of the lands required for construction, operation and maintenance of the PROJECT; and

WHEREAS, the Illinois General Assembly appropriated funds to NATURAL RESOURCES under Public Act 96-956, Article 109, Section 15 for the PROJECT; and

WHEREAS, NATURAL RESOURCES has determined that the execution of this AGREEMENT is not subject to the signature requirements of the "State Finance Act," 30ILCS 105/9.02.

NOW THEREFORE, for and in consideration of the benefits to be derived from the completion of the PROJECT, the sufficiency of which is hereby acknowledged, it is agreed between the parties hereto as follows:

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ITEM #21 (cont'd)

PART A. SPECIAL CONDITIONS

1. The recitals set forth are incorporated by reference and made a part hereof, the same constituting the factual basis for this transaction.

2. NATURAL RESOURCES will have no funding obligation toward the DISTRICT under this AGREEMENT. All NATURAL RESOURCES funding obligations toward the PROJECT are included in the PPA between the CORPS and NATURAL RESOURCES.

3. DISTRICT's obligations under this AGREEMENT are limited to provision of right of access to DISTRICT properties as specified herein.

4. All provisions of this AGREEMENT will be binding upon the successors and assigns of the principal parties hereto.

5. This AGREEMENT may only be modified, assigned, supplemented, amended or extended by mutual agreement, in writing, by the parties hereto.

6. Attached hereto, marked "ATTACHMENT 2", consisting of eight pages and made part hereof by reference, is a listing of certifications, which must be completed by DISTRICT.

PART B. DISTRICT

1. The DISTRICT hereby grants a temporary easement and right-of-way in, on, over and across and PROJECT property rights, held in the name of the DISTRICT, as shown on Attachment 3, for a period not to exceed three (3) years, beginning with date possession of the land is granted to NATURAL RESOURCES, its representatives, agents, contractors, and designees as a work area, including the right to move, store and remove equipment and supplies and erect and remove temporary structures on the land and to perform any other work necessary and incident to the construction of Phase I Hofmann Dam Section 206 Ecosystem Restoration Project, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions, and any other vegetation, structures, or obstacles within the limits of the right-of-way as shown on Attachment 3; reserving, however, to the landowners, their heirs and assigns, all such rights and privileges as may be used without interfering with or abridging the rights and easement hereby acquired; subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines.

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ITEM #21 (cont'd)

2. The DISTRICT shall allow NATURAL RESOURCES or its representatives, agents, contractors, and designees, to perform remedial work as required to properly restore the PROJECT area during the first three years, after which the DISTRICT shall assume all responsibilities for maintenance of their properties.

3. The DISTRICT will maintain for a minimum of three years after completion of the PROJECT, adequate books, records, and other supporting documents to verify the amounts, recipients, and uses of all disbursements of funds paid in conjunction with this AGREEMENT in accordance with the PPA. Not later than 60 days after the effective date of this AGREEMENT, NATURAL RESOURCES and the DISTRICT shall develop procedures for keeping books, records, documents, and other evidence pertaining to costs and expenses incurred pursuant to this AGREEMENT.

4. DISTRICT will hold and save the NATURAL RESOURCES and any of its representatives, agents, contractors, and designees harmless against loss, damage, cause of action, fine or judgment including all costs connected therewith, such as attorney and witness fees, filing fees any other expenses incident thereto, that may be incurred by reason of personal injury, death, property damage, flood damage and any and all other claims or suits of whatsoever nature that might arise or result from or as a consequence of the PROJECT. DISTRICT will not be responsible to hold the NATURAL RESOURCES and, its representatives, agents, contractors, and designees harmless against any loss, damages, cost or expenses arising out of negligent acts or omissions by the NATURAL RESOURCES or, its representatives, agents, contractors, and designees

PART C. DEPARTMENT OF NATURAL RESOURCES

1. In accordance with the PPA, NATURAL RESOURCES will review and make recommendations regarding the planning and engineering of the PROJECT to assure acceptable project design. NATURAL RESOURCES will also make recommendations regarding the final design plans, specifications, contract documents and property rights prior to the advertising for bids. Further, NATURAL RESOURCES will review all bids received and make recommendations regarding the acceptance of a bid or the rejection thereof, approve all change orders to the contract, and will make random inspections during the construction of the PROJECT. NATURAL RESOURCES will not recommend that the CORPS proceed until the DISTRICT is given the opportunity to provide NATURAL RESOURCES with written recommendations on PROJECT activities as described in this paragraph.

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ITEM #21 (cont'd)

2. NATURAL RESOURCES shall determine whether to initiate construction of the PROJECT, or, if already in construction, whether to continue with work on the PROJECT, suspend future performance under this Agreement, or terminate this Agreement for the convenience of NATURAL RESOURCES, in any case where hazardous substances regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675), hereinafter "CERCLA", are found to exist in, on, or under any lands, easements, or rights-of-way that NATURAL RESOURCES determines to be required for the construction, operation, and maintenance of the PROJECT. Should NATURAL RESOURCES determine to initiate or continue with construction after considering any liability that may arise under CERCLA, the NATURAL RESOURCES shall be responsible, for the costs of clean-up and response, to include the costs of any studies and investigations necessary to determine an appropriate response to the contamination.

3. The PROJECT is contingent upon and subject to the appropriation, re-appropriation, and availability of state and federal funds. NATURAL RESOURCES will have no obligation to implement or complete the PROJECT without the necessary appropriation, re-appropriation, and availability of state and federal funds. NATURAL RESOURCES, at its sole option, may terminate or suspend this AGREEMENT, in whole or in part, without penalty or obligation, if (1) the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay for the PROJECT, or if the funds needed are insufficient for any reason, (2) the Governor decreases NATURAL RESOURCES funding for the PROJECT by reserving some or all of NATURAL RESOURCES appropriation(s) pursuant to the power delegated to the Governor by the Illinois General Assembly; or (3) NATURAL RESOURCES determines, in its sole discretion or as directed by the Office of the Governor, that a reduction is necessary or advisable based upon actual or projected budgetary considerations. VILLAGE will be notified in writing of the failure of appropriation or of a reduction or decrease.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year written, and represent that the signatories below are duly authorized to execute this AGREEMENT for the HOFMANN DAM SECTION 206 ECOSYSTEM RESTORATION PROJECT on behalf of their respective bodies, and that the effective date of this AGREEMENT is the date approved and executed by the Director of NATURAL RESOURCES.

Attachment of State documents relating to this IGA

Click on link below:

[http://www.fpdcc.com/downloads/Hoffman Dam document full.pdf](http://www.fpdcc.com/downloads/Hoffman_Dam_document_full.pdf)

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PROPOSED ORDINANCE

ITEM #22

Commissioner Edwin Reyes, Commissioner Joseph Mario Moreno, and Commissioner Gregg Goslin, transmitting an ordinance amending Title 5 Public Utilities, Chapter 2 Franchises, of the Code of the Forest Preserve District of Cook County. To be referred to the Finance Committee.

**AN ORDINANCE REVISING PORTIONS OF TITLE 5 (PUBLIC UTILITIES) OF
THE CODE OF THE FOREST PRESERVE DISTRICT OF COOK COUNTY**

WHEREAS, the Cook County Forest Preserve District Act (70 ILCS 810/001) empowers the Forest Preserve District of Cook County (the “District”) to grant licenses, easements, and rights-of-way for the construction, operation, and maintenance upon, under, or across any property of such district of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to such terms and conditions as may be determined by such district; and

WHEREAS, Title 5, Chapter 2 of the Code of the Forest Preserve District of Cook County stipulates and lays out the terms and conditions for issuance of said licenses to various utilities; and

WHEREAS, the District charges less in fees for the license and use of property than other neighboring Forest Preserve Districts and charges no application fees for license renewals; and

WHEREAS, fee increases will provide additional funds for District land acquisition efforts, administration costs and provide an additional revenue source for funding District youth education programs; and

WHEREAS, these funds for education will help support youth education programs including, but not limited to the Mighty Acorn Program, the High School Volunteer Program, and the newly created Urban Forester Program; and

WHEREAS, these fee increases should help deter unsolicited requests for the use of District land that are inconsistent with the Mission of the District except in those cases where no feasible alternative exists.

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NOW, THEREFORE, BE IT ORDAINED, by the Forest Preserve District of Cook County Board of Commissioners that Title 5 Public Utilities, Chapter 2 Franchises, of the Code of the Forest Preserve District of Cook County hereby is amended as follows:

5-2 FRANCHISES

ARTICLE A. UTILITY COMPANIES AND OTHER "FOR PROFIT" ENTITIES

5-2A-1: NEW LICENSES: Upon receipt of a properly completed license application and a non-refundable ~~five hundred dollars (\$500.00)~~ one thousand dollar (\$1,000.00) application fee the Forest Preserve District of Cook County (FPD) will review the application and attached plans to determine the feasibility of granting the requested license to the applicant. Applications will be reviewed based on, among other things, the potential damage construction or operation of the proposed facilities could have on FPD property, location of the proposed facilities, type of facilities proposed, and number of trees to be impacted. Based on this review the FPD may reject the request outright or may request revisions to the proposed plans that would make the proposal acceptable to the FPD. Under no circumstances will licenses be issued for areas that are dedicated Illinois Nature Preserves, high quality natural areas identified by the FPD and shown on the FPD's GIS system as "license exclusion zones", or areas covered by conservation easements.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-2: ACCEPTABLE APPLICATION AND PLANS: If the submitted (or revised) application and plans are found to be acceptable by the FPD staff, the FPD will draw-up a license that, if approved by the Board of Forest Preserve District Commissioners, would grant the licensee authority to locate, operate, and maintain the facilities for which the application and plans were submitted. Said license will include, among other things, the term for which the license will be issued, the fee that the FPD will charge for issuance of the license, any moneys that will be paid for tree mitigation associated with the license, and any charges for "out of pocket" expenses incurred by the FPD to determine whether the license is acceptable. Said license will be forwarded to the applicant for their review and approval before being submitted to the Board of Forest Preserve District Commissioners (Board) for final approval. If the applicant decides to withdraw its application after review of the proposed license or if the Board does not approve the proposed license, the "out of pocket" expenses will still be due and the FPD will bill the applicant for said expenses. If said fees are unpaid, the FPD will accept no further license applications from that applicant. Said applicant can regain its application privileges by paying one hundred (100) percent of the fees owed along with a penalty fee of fifty (50) percent of the original amount owed. If the license is approved by the Board then all fees will be paid to the FPD at or before the time the finalized license is delivered to the Licensee.

(Ord. No. 05-O-12-07-03, 7-11-06)

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5-2A-3: TERM OF LICENSE: All licenses issued to entities that fall into this category will be issued for a ten-year term. Said term will commence when said license is executed by the President of the Board of Forest Preserve District Commissioners.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-4: LICENSE FEE: The fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five percent (5%) of the cost per acre for the current year. Additionally, a Youth Education Program Fee of five percent (5%) of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and youth education program fee figures can be found in Appendix A at the end of this Article. All fees due will be paid as a lump-sum up-front one-time payment.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-5: TREE MITIGATION: All plans submitted will include a listing of all trees over four (4) inches in diameter breast height (DBH) that will be removed from FPD property as a result of construction of the proposed facilities. This list will include the DBH, common name, and species name for each tree to be removed. Plans will also indicate the location of the trees to be removed, identity of each individual tree and indicate that it is to be removed by showing an "X" through the tree symbol on the plans. The FPD will use this information to determine the tree mitigation fee using the FPD's tree mitigation plan as adopted by the Board of Forest Preserve District Commissioners on March 21, 2007.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-6: RENEWAL OF EXISTING LICENSES: Any license previously issued by the FPD that expires while this Article is in force will be renewed at a rate fifty (50) percent lower than that specified for issuance of a new license. The minimum renewal license fee will be five percent (5%) of the cost per acre for the current year. Additionally, a Youth Education Program Fee of five percent (5%) of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and youth education program fee figures can be found in Appendix A at the end of this Article. The Licensee must ~~contact the FPD~~ submit a non-refundable license renewal application fee of five hundred dollars (\$500.00) to the FPD six months prior to the expiration date of said license ~~and express to confirm~~ its interest in continued operation and maintenance of the facilities for which the license was originally issued. ~~If no prior notice is received~~ the applicable license renewal application fee and prior notice of the

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Licensee's intent to renew is not received by the FPD at least six months prior to the expiration of the existing license, the FPD will mail the Licensee a "Removal Notice" at their last known address notifying the licensee to remove their facilities from FPD property. If the Licensee wishes to renew a license for which it has already received a "Removal Notice" the FPD will allow the renewal but the fee for the renewal will be based on the formula used to determine the fee for issuance of a new license. All fees due for license renewals will be paid as a lump-sum upfront one-time payment.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-7: EXPIRATION OF THIS ARTICLE: This Article will expire on December 31, 2014. Any license previously issued by the FPD that expires after the expiration of this Article and before a replacement Article has been adopted shall be automatically renewed for one (1) period(s) until a replacement Article is adopted. The fee for any extended year period shall be calculated as established in paragraph 5-2A-4 using a cost per acre of two thousand dollars (\$2,000.00) higher than the previous year.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-8: FAILURE TO PAY FEES. Any failure to pay fees within the specified time period shall result in a penalty of one (1) percent per month plus interest at a rate of ten (10) percent compounded.
(Ord. No. 05-O-12-07-03, 7-11-06)

5-2A-9: YOUTH EDUCATION PROGRAM FEE: A Youth Education Program Fee of five percent (5%) of the cost per acre shall be assessed for all new and renewal licenses issued. The fee will help support youth education programs including, but not limited to the Mighty Acorns, High School and Ranger Programs. These funds will go directly to the Youth Education Program budget line item and will be in addition to the program's regular funding. Cost per acre and youth education program fee figures can be found in Appendix A at the end of this Article.

ARTICLE B. MUNICIPALITIES AND OTHER GOVERNMENTAL AGENCIES

5-2B-1: New Licenses: Upon receipt of a properly completed license application and a non-refundable five hundred dollar (\$500.00) application fee the Forest Preserve District of Cook County (FPD) will review the application and attached plans to determine the feasibility of granting the requested license to the applicant. Applications will be reviewed based on, among other things, the potential damage construction or operation of the proposed facilities could have on FPD property, location of the proposed facilities, type of facilities proposed, and number of trees to be impacted. Based on this review the FPD may reject the request outright or may request revisions to the proposed plans that would make the proposal more acceptable to the FPD. Under no circumstances will licenses be issued for areas that are dedicated Illinois Nature Preserves, high quality natural areas identified by the FPD and shown on the FPD's GIS system as "license exclusion zones", or areas covered by conservation easements.
(Ord. No. 05-O-12-07-03, 7-11-06)

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5-2B-2: ACCEPTABLE APPLICATION AND PLANS: If the submitted (or revised) application and plans are found to be acceptable by the FPD staff the FPD will draw-up a license that, when approved by the Board of Forest Preserve District Commissioners, would grant the licensee authority to locate, operate, and maintain the facilities for which the application and plans were submitted. Said license will include, among other things, the term for which the license will be issued, the fee that the FPD will charge for issuance of the license, any moneys that will be paid for tree mitigation associated with the license, and any charges for "out of pocket" expenses incurred by the FPD to determine whether the license is acceptable. Said license will be forwarded to the applicant for their review and approval before being submitted to the Board of Forest Preserve District Commissioners (Board) for final approval. If the applicant decides to withdraw its application after review of the proposed license or if the Board does not approve the proposed license the "out of pocket" expenses will still be due and the FPD will bill the applicant for said expenses. If said fees are unpaid, the FPD will accept no further license applications from that applicant. Said applicant can regain its application privileges by paying one hundred (100) percent of the fees owed along with a penalty fee of fifty (50) percent of the original amount owed. If the license is approved by the Board then all fees will be paid to the FPD at the time the finalized license is delivered to the Licensee.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2B-3: TERM OF LICENSE: All licenses issued to entities that fall into this category will be issued for a continuous term. Said term will commence when said license is executed by the President of the Board of Forest Preserve District Commissioners and would continue as long as the licensee complies with the terms and conditions set forth in the license.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2B-4: LICENSE FEE: The fee for licenses issued under this Article will be determined by multiplying the acres used by the cost per acre. Acres used will be calculated by multiplying the linear footage shown on the license application (or revised application) by the width required for future maintenance of the facilities. The minimum width will be fifteen (15) feet for all licenses regardless of the facilities installed or location of said facilities. Requests for widths above fifteen (15) feet must include an explanation justifying the need for additional width. The minimum license fee will be five percent (5%) of the cost per acre for the current year. Additionally, a Youth Education Program Fee of five percent (5%) of the cost per acre shall be assessed against all licenses issued. Cost per acre, minimum license fee and youth education program fee figures can be found in Appendix A at the end of this Chapter. All fees due will be paid as a lump-sum up-front one-time payment. (Ord. No. 05-O-12-07-03, 7-11-06)

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5-2B-5: TREE MITIGATION: All plans submitted will include a listing of all trees over four (4) inches in diameter breast height (DBH) that will be removed from FPD property as a result of construction of the proposed facilities. This list will include the DBH, common name, and species name for each tree to be removed. Plans will also indicate the location of the trees to be removed, identity of each individual tree and indicate that it is to be removed by showing an "X" through the tree symbol on the plans. The FPD will use this information to determine the tree mitigation fee using the FPD's tree mitigation plan as adopted by the Board of Forest Preserve District Commissioners on March 21, 2007.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2B-6: EXPIRATION OF THIS ARTICLE: This Article will expire on December 31, 2014. Any license previously issued by the FPD that expires after the expiration of this Article and before a replacement Article has been adopted shall be automatically renewed for one (1) period(s) until a replacement Article is adopted. The fee for any extended year period shall be calculated as established in paragraph 5-2A-4 using a cost per acre of two thousand dollars (\$2,000.00) higher than the previous year.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2B-7: FAILURE TO PAY FEES. Any failure to pay fees within the specified time period shall result in a penalty of one (1) percent per month plus interest at a rate of ten (10) percent compounded.

(Ord. No. 05-O-12-07-03, 7-11-06)

5-2B-8: YOUTH EDUCATION PROGRAM FEE: A Youth Education Program Fee of five percent (5%) of the cost per acre shall be assessed for all new and renewal licenses issued. The fee will help support youth education programs including, but not limited to the Mighty Acorns, High School and Ranger Programs. These funds will go directly to the Youth Education Program budget line item and will be in addition to the program's regular funding. Cost per acre and youth education program fee figures can be found in Appendix A at the end of this Article.

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APPENDIX A. COST PER ACRE, MINIMUM LICENSE FEE AND YOUTH EDUCATION PROGRAM FEE BY YEAR. TABLE INSET:

Year	Cost per Acre	<u>Minimum License Fee (New and Renewal)</u>	<u>Youth Education Program Fee</u>
2005	\$50,000.00	<u>\$2,500.00</u>	<u>\$2,500.00</u>
2006	\$52,000.00	<u>\$2,600.00</u>	<u>\$2,600.00</u>
2007	\$54,000.00	<u>\$2,700.00</u>	<u>\$2,700.00</u>
2008	\$56,000.00	<u>\$2,800.00</u>	<u>\$2,800.00</u>
2009	\$58,000.00	<u>\$2,900.00</u>	<u>\$2,900.00</u>
2010	\$60,000.00	<u>\$3,000.00</u>	<u>\$3,000.00</u>
2011	\$62,000.00	<u>\$3,100.00</u>	<u>\$3,100.00</u>
2012	\$64,000.00	<u>\$3,200.00</u>	<u>\$3,200.00</u>
2013	\$66,000.00	<u>\$3,300.00</u>	<u>\$3,300.00</u>
2014	\$68,000.00	<u>\$3,400.00</u>	<u>\$3,400.00</u>

(Ord. No. 05-O-12-07-03, 7-11-06)

Effective date: This amended ordinance shall be in effect immediately upon adoption.

COMMITTEE REPORTS

ITEM #23

ENVIRONMENTAL CONTROL COMMITTEE.....SEPTEMBER 1, 2010

ITEM #24

FINANCE COMMITTEE.....SEPTEMBER 2, 2010

ADJOURNMENT

THE NEXT REGULARLY SCHEDULED MEETING IS SET FOR OCTOBER 6, 2010