

COUNTY BOARD AGENDA

County of Champaign, Urbana, Illinois

Thursday, February 18, 2010 – 7:00 p.m.

Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington Street, Urbana, Illinois

Page Number

I. Call To Order

II. Roll Call

III. Prayer & Pledge of Allegiance

IV. Read Notice of Meeting

V. Approval of Agenda/Addenda

VI. Date/Time of Next Regular Meetings

- A. Tuesday, March 2, 2010 @ 6:00 p.m. – Committee of the Whole
(Highway & Transportation; County Facilities; Environment & Land Use)
- B. Tuesday, March 9, 2010 @ 6:00 p.m. – Committee of the Whole
(Finance; Policy, Personnel, & Appointments; Justice & Social Services)
- C. Thursday, March 18, 2010 @ 7:00 p.m. – Regular County Board Meeting

VII. *Consent Agenda – Goldenrod Attachment

VIII. Public Participation

IX. Communications

X. Standing Committee Reports

Summary of Action Taken at February 4, 2010 Committee of the Whole Meeting: *1-3
(Highway & Transportation; County Facilities; Environment & Land Use)

A. Finance

- 1. Adoption of Resolution No. 7269 – Purchases Not Following Purchasing Policy *4-6
- 2. Adoption of Resolution No. 7270 – Payment of Claims Authorization *7
- 3. **Adoption of Resolution No. 7271 – Emergency Budget *8-9
Amendment #10-00030
Fund/Dept: 070 Nursing Home Construction Fund – 010 County Board
Increased Appropriations: \$43,000
Increased Revenue: \$0
Reason: To appropriate remaining cash in Nursing Home Construction Fund for arbitration expenses and/or transfer back to General Corporate Fund to cover arbitration expenses paid out of General Corporate Fund.

4. **Adoption of Resolution No. 7272 – Emergency Budget *10-36
Amendment #10-00033
Fund/Dept: 641 Access Initiative Grant – 053 Mental Health Board
Increased Appropriations: \$679,597
Increased Revenue: \$679,596
Reason: To create account for subcontract from the Illinois Department of Human Services (DHS) for management of federal Substance Abuse and Mental Health Services Administration (SAMHSA) Cooperative Agreement.
5. Adoption of Resolution No. 7273 Authorizing the County Board Chair to *37
Execute a Deed of Conveyance, Permanent Parcel No. 15-025-0104
6. Request to Waive the Hiring Freeze for the State’s Attorney Support *38-39
Enforcement Legal Secretary Position

B. Environment & Land Use

1. *Closed Session Pursuant to 5 ILCS 120/2(c)11 to Consider Litigation
Which is Probable or Imminent against Champaign County
2. Adoption of Ordinance No. 858 Amending Zoning Ordinance Establishing *40-81
a Rural Residential Overlay Zoning District in the AG-1 Agricultural
Zoning District, Zoning Case 520-AM-05

XI. Other Business

XII. New Business

XIII. Adjournment

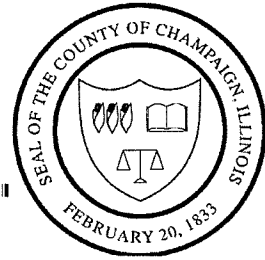
*Roll Call

**Roll call and 18 votes

***Roll call and 21 votes

****Roll call and 14 votes

Except as otherwise stated, approval requires the vote of a majority of those County Board members present.



COUNTY BOARD CONSENT AGENDA

County of Champaign, Urbana, Illinois

Thursday, February 18, 2010 - 7:00 p.m.

*Lyle Shields Meeting Room, Brookens Administrative Center
1776 East Washington Street, Urbana, Illinois*

Page Number

A. Highway & Transportation

1. Adoption of Resolution No. 7274 Approving Appropriation of Funds from the County Bridge Fund Pursuant to 605 ILCS 5/5-501 *82-83
Y15-16
2. Adoption of Resolution No. 7275 Appropriating \$450,000.00 from County Motor Fuel Tax Funds for the Replacement of Structure #010-0117 on County Highway 16 – Section #07-00944-00-BR *84-86
Y17-19

B. Environment & Land Use

1. Adoption of Resolution No. 7276 Approving Intergovernmental Agreement for Cost-Sharing Associated with the 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, & Village of Savoy *87
Add. Y1-6
2. Adoption of Resolution No. 7277 Approving Lease for 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, Village of Savoy, & The News-Gazette, Inc. *88
Add. Y7-14
3. Adoption of Resolution No. 7278 Approving Agreement Regarding Provision of Recycling and/or Refurbishing Services for the 2010 Countywide Residential Electronics Collection Events Between Champaign County, The News-Gazette, Inc., & Advanced Technology Recycling *89
Add. Y15-22

COMMITTEE OF THE WHOLE – HIGHWAY, FACILITIES, & ELUC
Summary of Action Taken at 2/4/2010 Meeting

AGENDA ITEM

ACTION TAKEN

1. **Call to Order** Meeting called to order at 6:03 p.m.
2. **Roll Call** 19 Board members were present at the meeting.
3. **Approval of County Board Resolution to Meet as Committee of the Whole** Approved.
4. **Approval of Minutes**
A. Committee of the Whole Minutes – January 5, 2010 Approved as presented.
5. **Approval of Agenda/Addendum** Agenda and addendum were approved.
6. **Public Participation** Leslie Cooperband, Stephen Grierson, Eric Thorsland, Robert Lakey, Laurel Prussing, Bill Cope, John Dimit, Bill Ziegler, Virginia Ziegler, Janet Scharlau, Harold Scharlau, Habeeb Habeeb & George Boyd spoke about the proposed Olympian Drive project. Herb Schildt spoke about the proposed Zoning Ordinance amendments.
7. **Communications** Weibel enumerated the Board members who notified him of their absence. Wysocki announced upcoming workshops for issues including wind farms and economic development.
8. **Highway & Transportation**
 - A. **Monthly Reports**
 1. County & Township Motor Fuel Tax Claims – January 2010 Received & placed on file.
 - B. **County Engineer**
 1. Bridge Petition – Compromise & Ogden Road Districts ****RECOMMEND TO THE COUNTY BOARD APPROVAL of the Bridge Petition – Compromise & Ogden Road Districts***
 2. Resolution Appropriating \$450,000.00 from County Motor Fuel Tax Funds for the Replacement of Structure #010-0117 on County Highway 16 – Section #07-00944-00-BR ****RECOMMEND TO THE COUNTY BOARD APPROVAL of Resolution Appropriating \$450,000.00 from County Motor Fuel Tax Funds for the Replacement of Structure #010-0117 on County Highway 16***
 3. Olympian Drive Informational Discussion Discussion was held.

| | |
|---|---|
| C. <u>Other Business</u> | None |
| D. <u>Chair's Report</u> | None |
| E. <u>Designation of Items to be Placed on County Board Consent Agenda</u> | Items 8B1&2 were designated for the consent agenda. |
| 9. <u>County Facilities</u> | |
| A. <u>Courthouse Exterior/Clock & Bell Tower Renovation Project</u> | |
| 1. Project Update | Received & placed on file. |
| B. <u>Facility Director/County Administrator</u> | |
| 1. FY2009 Year End Report | Received & placed on file. |
| 2. Physical Plant Monthly Reports | Received & placed on file. |
| C. <u>Other Business</u> | None |
| D. <u>Chair's Report</u> | None |
| E. <u>Designation of Items to be Placed on County Board Consent Agenda</u> | No items were designated for the consent agenda. |
| 10. <u>Environment & Land Use</u> | |
| A. <u>Request to Amend Champaign County Zoning Ordinance Zoning Case 658-AT-09: Petitioner: Champaign County Zoning Administrator</u> | Deferred. |
| B. <u>Update on Proposed Ameren 138kV Transmission Line from Bondville Substation to Southwest Campus Substation</u> | No action taken. |
| C. <u>Monthly Reports</u> | |
| 1. December 2009 | Received & placed on file. |
| 2. January 2010 | Received & placed on file. |
| D. <u>Other Business</u> | |
| 1. Request Approval of Intergovernmental Agreement to Share the Costs Associated with the 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, & Village of Savoy | <i>*RECOMMEND TO THE COUNTY BOARD APPROVAL of Intergovernmental Agreement to Share the Costs Associated with the 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, & Village of Savoy</i> |

**Denotes Consent Agenda Item.*

2. Request Approval of Lease for 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, Village of Savoy, & The News-Gazette, Inc.

****RECOMMEND TO THE COUNTY BOARD APPROVAL of Lease for 2010 Countywide Residential Electronics Collection Events Between Champaign County, City of Champaign, City of Urbana, Village of Savoy, & The News-Gazette, Inc.***

3. Request Approval of Agreement Regarding Provision of Recycling and/or Refurbishing Services for the 2010 Countywide Residential Electronics Collection Events Between Champaign County, The News-Gazette, Inc., & Advanced Technology Recycling

****RECOMMEND TO THE COUNTY BOARD APPROVAL of Agreement Regarding Provision of Recycling and/or Refurbishing Services for the 2010 Countywide Residential Electronics Collection Events Between Champaign County, The News-Gazette, Inc., & Advanced Technology Recycling***

E. Chair's Report

Wysocki reminded the Board that the LRMP public comment period closes on February 9th and comments can be submitted online.

F. Designation of Items to be Placed on County Board Consent Agenda

Items 10.D.1-3 were designated for the consent agenda.

11. Adjournment

Meeting adjourned at 8:42 p.m.

****Denotes Consent Agenda Item.***

RESOLUTION NO. 7269

PURCHASES NOT FOLLOWING PURCHASING POLICY

February, 2010

FY2010

WHEREAS, Purchases by Champaign County offices and departments sometimes occur that are not in compliance with the Champaign County Purchasing Policy; and

WHEREAS, The Champaign County Auditor must present those purchases to the Champaign County Board for approval of payment;

NOW, THEREFORE, BE IT RESOLVED By the Champaign County Board that the purchases not following purchasing policy as presented by the Champaign County Auditor on February 18, 2010 are hereby approved for payment.

PRESENTED, ADOPTED, APPROVED, AND RECORDED This 18th day of February, A.D. 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

FOR COUNTY BOARD APPROVAL

2/18/10

PURCHASES NOT FOLLOWING THE PURCHASING POLICY, AND EMERGENCY PURCHASES

| DEPARTMENT | APPROPRIATION # | VR#/PO# | VR/PO DATE | DESCRIPTION | VENDOR | AMOUNT |
|--|---|------------|------------|--------------------------------|---------------------------|---------------|
| CREDIT CARD BILL PAID WITHOUT RECEIPT | | | | | | |
| ** Coroner | 080-042-522.93 | VR#042-034 | 01/14/10 | Safety Vests 1/14 | Visa Cardmember Services | \$ 311.56 |
| FY09 EXPENDITURES PAID IN FY10 | | | | | | |
| ** Regional Planning | 075-733-various | VR#029-240 | 01/12/10 | Postage mach rental & maint. | Pitney Bowes | \$ 355.83 |
| ** Regional Planning | 075-var-533.70 | VR#029-247 | 01/12/10 | November meeting notices | News Gazette | \$ 67.25 |
| ** Regional Planning | 075-702-various | VR#029-258 | 01/13/10 | Weatherization job 11/14 | TCS Heating and Cooling | \$ 699.75 |
| ** Regional Planning | 075-696-533.07 | VR#029-323 | 01/19/10 | Jul-Sep HSTP admin assistance | IL Assn of Regional Counc | \$ 831.25 |
| ** Regional Planning | 075-701-various | VR#029-419 | 02/03/10 | Weatherization project 10/2 | Mobile Home Stuff Store | \$ 4,432.75 |
| ** RPC Loan Fund | 475-776-571.75 | VR#475-005 | 01/19/10 | Nov loan & investment interest | CCT-RPC Fund 075 | \$ 627.33 |
| ** RPC Loan Fund | 475-759-571.75 | VR#475-006 | 01/19/10 | Nov loan & investment interest | CCT-RPC Fund 075 | \$ 3,535.89 |
| ** Geog Inf Sys Joint Vent | 850-622-533.70 | VR#850-007 | 01/12/10 | November meeting notices | News Gazette | \$ 35.28 |
| ** Geog Inf Sys Joint Vent | 850-622-533.87 | VR#850-010 | 01/12/10 | November indirect | CCT-RPC Fund 075 | \$ 7,235.74 |
| ** County Highway | 083-060-533.32 | VR#083-128 | 02/03/10 | November water service | IL American Water | \$ 73.37 |
| ** County Bridge | 084-060-544.10 | VR#084-006 | 01/27/10 | Bridge final payment 9/19 | Newell Construction | \$ 11,498.96 |
| ** County Motor Fuel Tax | 085-060-533.48 | VR#085-008 | 01/06/10 | Pavement striping Aug'09 | Varsity Striping | \$ 14,515.00 |
| ** County Motor Fuel Tax | 085-060-533.04 | VR#085-009 | 01/22/10 | November engineering fees | Sodemann & Associates | \$ 91.93 |
| ** Public Properties | 080-071-533.31 | VR#071-106 | 01/15/10 | November electric service | Direct Energy | \$ 6,382.92 |
| ** Public Properties | 080-071-534.46 | VR#071-109 | 01/15/10 | Sanitary service Sep-Nov | UC Sanitary District | \$ 1,054.27 |
| ** Public Properties | 080-071-533.50 | VR#071-127 | 01/20/10 | November Gill bldg utilities | Bear Properties, LLC | \$ 86.62 |
| ** Public Properties | 080-071-533.43 | VR#071-130 | 01/20/10 | Crths repair supl May-Jun | Menards | \$ 38.95 |
| ** Public Properties | 080-071-533.31 | VR#071-156 | 01/26/10 | November electric service | Direct Energy | \$ 912.74 |
| ** Public Properties | 080-071-534.46 | VR#071-160 | 01/26/10 | Sanitary service November | UC Sanitary Service | \$ 534.11 |
| ** Administrative Services | 080-016-533.85 | VR#016-027 | 01/15/10 | Copier service 11/5 | Xerox Corporation | \$ 1,089.39 |
| ** General County | 080-075-533.03 | VR#075-004 | 12/28/09 | NH arbitration fee 10/31 | Johnson & Condon Atty | \$ 4,466.65 |
| ** General County | 080-075-533.07 | VR#075-009 | 01/28/10 | NH arbitration exp Jun-Aug | Alliance Environmental | \$ 1,767.00 |
| ** Self-Funded Insurance | Multiple | VR#119-014 | 01/11/10 | Work comp bill FY09 12/18 PR | CCT-Self-Funded Ins 476 | \$ 6,223.68 |
| ** Self-Funded Insurance | 476-118-533.03 | VR#118-018 | 02/04/10 | Attorney service Oct-Nov | Heyl, Royster, Voelker | \$ 2,349.83 |
| ** Self-Funded Insurance | 476-118-533.03 | VR#118-019 | 02/04/10 | Attorney service Oct-Nov | Heyl, Royster, Voelker | \$ 2,755.97 |
| ** Health Insurance | Various-513.06 | VR#620-029 | 02/03/10 | FY09 HRA reimbursements | CCT-Health Insur Fund | \$ 220.41 |
| ** Health-Hosp Ins Fund | 620-120-513.16 | VR#620-018 | 01/13/10 | Health Reimb acc PY09 | CCT-Flex Spend Account | \$ 131.79 |
| ** Nursing Home | Multiple bills dated July 8 through November 30, 2009 | | | | | \$ 247,708.33 |
| ** Nursing Home | 081-410-533.12 | VR#044-069 | 01/04/10 | Mileage 11/20 | CCT_ Petty Cash | \$ 15.40 |

FOR COUNTY BOARD APPROVAL

2/18/10

PURCHASES NOT FOLLOWING THE PURCHASING POLICY, AND EMERGENCY PURCHASES

| DEPARTMENT | APPROPRIATION # | VR#/PO# | VR/PO DATE | DESCRIPTION | VENDOR | AMOUNT |
|----------------------------|-----------------|------------|------------|-------------------------------|----------------------------|-------------|
| ** Nursing Home | 081-415-533.70 | VR#044-102 | 01/13/10 | November advertising | Commercial News | \$ 424.03 |
| ** Nursing Home | 081-415-533.93 | VR#044-112 | 01/13/10 | October-November dues | Kiwanis Club of CU | \$ 29.17 |
| ** Nursing Home | 081-415-534.46 | VR#044-164 | 01/15/10 | Sanitary service November | UC Sanitary District | \$ 489.63 |
| ** Nursing Home | 081-var-522.93 | VR#044-174 | 01/18/10 | NH supplies November | Direct Supply Equipment | \$ 3,645.81 |
| ** Nursing Home | 081-430-534.65 | VR#044-176 | 01/18/10 | Contract Nursing 11/13 | Excel Staffing | \$ 199.25 |
| ** Nursing Home | 081-425-522.22 | VR#044-179 | 01/18/10 | Maintenance supplies 11/16 | Lawson Products | \$ 141.91 |
| ** Nursing Home | 081-430-534.65 | VR#044-181 | 01/18/10 | Contract nursing 11/9 & 11/16 | Medical Staffing | \$ 5,595.88 |
| ** Coroner | 080-042-533.06 | VR#042-030 | 01/13/10 | Autopsy 9/4 | Scott Denton, MD | \$ 800.00 |
| ** Coroner | 080-042-533.06 | VR#042-039 | 02/03/10 | Autopsy 11/30 | Scott Denton, MD | \$ 800.00 |
| ** Mental Health | 090-053-533.51 | VR#053-049 | 01/15/10 | September unit rental | Absopure Water | \$ 6.50 |
| ** St Atty Support Enforce | 080-141-533.94 | VR#141-015 | 01/12/10 | Papers service fee 6/19 | Dane County Sheriff's Ofc | \$ 40.00 |
| ** Animal Control | 091-047-533.31 | VR#091-024 | 01/11/10 | November electric service | Direct Energy | \$ 107.69 |
| ** Head Start | 104-var-522.96 | VR#104-199 | 01/15/10 | School supplies 9/15 | Teaching Strategies | \$ 356.33 |
| ** Head Start | 104-836-534.43 | VR#104-201 | 01/15/10 | Therapy for Head Start Nov | Health Services Consultant | \$ 2,128.00 |
| ** Head Start | 104-836-533.32 | VR#104-227 | 01/15/10 | November water service | IL American water | \$ 159.44 |
| ** Head Start | 104-836-533.30 | VR#104-229 | 01/19/10 | November gas service | Ameren IP | \$ 117.00 |
| ** Head Start | 104-var-522.96 | VR#104-250 | 01/21/10 | School supplies 9/15 | Teaching Strategies | \$ 104.54 |
| ** Head Start | 104-var-533.70 | VR#104-263 | 01/27/10 | November advertising | DEX | \$ 41.50 |
| ** Head Start | 104-836-534.46 | VR#104-291 | 01/27/10 | Sanitary service November | UC Sanitary District | \$ 102.19 |
| ** Circuit Court | 080-031-533.03 | VR#031-049 | 01/14/10 | Attorney service May-Nov | Larry Silkwood | \$ 7,354.25 |
| ** Circuit Court | 080-031-533.03 | VR#031-050 | 01/14/10 | Attorney service Aug-Nov | James Dedman | \$ 750.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-054 | 01/14/10 | Attorney service Oct-Nov | James Dedman | \$ 525.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-060 | 01/21/10 | Attorney service November | Diana Lenik | \$ 25.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-061 | 01/21/10 | Attorney service November | James Kuehl | \$ 340.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-062 | 01/21/10 | Attorney service Sep-Nov | Fischer & Wozniak | \$ 690.00 |
| ** Circuit Court | 080-031-533.07 | VR#031-075 | 01/28/10 | Evaluation Tester 11/15 | Lawrence L Jeckel PC | \$ 560.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-077 | 01/28/10 | Attorney service Jun-Nov | Edwin Piraino | \$ 300.00 |
| ** Circuit Court | 080-031-533.03 | VR#031-084 | 02/04/10 | Attorney service Aug-Nov | James Dedman | \$ 550.00 |
| ** Probation Services | 618-052-533.07 | VR#618-033 | 01/28/10 | November GPS monitoring | CAM Systems | \$ 4,340.00 |
| ** Correctional Service | 080-140-522.93 | VR#140-042 | 01/26/10 | K-9 dog supplies 8/2 | Prairieland Feeds | \$ 28.47 |
| ** Correctional Service | 080-140-522.12 | VR#140-054 | 01/27/10 | Jul-Sep health services | Health Professionals | \$ 1,861.04 |

*****According to Illinois Attorney General and Champaign County State's Attorney,
the Purchasing Policy does not apply to the office of elected officials.*****

** Paid- For Information Only

RESOLUTION NO. 7270

PAYMENT OF CLAIMS AUTHORIZATION

February 2010

FY2010

WHEREAS, The County Auditor has examined the Expenditure Approval List of Claims against the County of Champaign totaling \$8,596,315.55 including warrants 430272 through 431444; and

WHEREAS, The claims included on the list were paid in accordance with Resolution No. 1743; and

WHEREAS, Claims against the Mental Health Fund do not require County Board approval and are presented for information only; and

WHEREAS, The County Auditor has recommended the payment of all claims on the Expenditure Approval List; and

WHEREAS, The County Board finds all claims on the Expenditure Approval List to be due and payable;

NOW, THEREFORE, BE IT RESOLVED by the Champaign County Board that payment of the claims totaling \$8,596,315.55 including warrants 430272 through 431444 is approved.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February A.D. 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 7271

EMERGENCY BUDGET AMENDMENT

February 2010

FY 2010

WHEREAS, an immediate emergency exists within the following fund; and

WHEREAS, the following amendment has not been approved by the Finance Committee, and the department has requested immediate action by the County Board;

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment within the FY2010 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the FY2010 budget.

Budget Amendment #10-00030

Fund 070 Nursing Home Construction Fund
Dept. 010 County Board

| <u>ACCOUNT DESCRIPTION</u> | <u>AMOUNT</u> |
|------------------------------|---------------|
| Increased Appropriations: | |
| 533.07 Professional Services | \$43,000 |
| Total | \$43,000 |
| Increased Revenue: | |
| None: from Fund Balance | \$0 |
| Total | \$0 |

REASON: To appropriate remaining cash in Nursing Home Construction Fund for arbitration expenses and/or transfer back to General Corporate Fund to cover arbitration expenses paid out of General Corporate Fund.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 18th day of February, A.D.

2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

REQUEST FOR BUDGET AMENDMENT

BA NO. 10-00030

FUND 070 NURSING HOME CONSTR FUND DEPARTMENT 010 COUNTY BOARD

INCREASED APPROPRIATIONS:

| ACCT. NUMBER & TITLE | BEGINNING BUDGET AS OF 12/1 | CURRENT BUDGET | BUDGET IF REQUEST IS APPROVED | INCREASE (DECREASE) REQUESTED |
|--------------------------------------|-----------------------------|----------------|-------------------------------|-------------------------------|
| 070-010-533.07 PROFESSIONAL SERVICES | 0 | 0 | 43,000 | 43,000 |
| | | | | |
| | | | | |
| TOTALS | 0 | 0 | 43,000 | 43,000 |

INCREASED REVENUE BUDGET:

| ACCT. NUMBER & TITLE | BEGINNING BUDGET AS OF 12/1 | CURRENT BUDGET | BUDGET IF REQUEST IS APPROVED | INCREASE (DECREASE) REQUESTED |
|-------------------------|-----------------------------|----------------|-------------------------------|-------------------------------|
| None: from Fund Balance | | | | |
| | | | | |
| | | | | |
| TOTALS | 0 | 0 | 0 | 0 |

EXPLANATION: TO APPROPRIATE REMAINING CASH IN NURSING HOME CONSTRUCTION FUND FOR ARBITRATION EXPENSES AND/OR TRANSFER BACK TO GENERAL CORPORATE FUND TO COVER ARBITRATION EXPENSES PAID OUT OF GENERAL CORPORATE FUND.

| | | |
|--------------------------------|--|-------------------------------|
| DATE SUBMITTED: 1-28-10 | AUTHORIZED SIGNATURE <i>Debra L. Bury</i> | ** PLEASE SIGN IN BLUE INK ** |
|--------------------------------|--|-------------------------------|

APPROVED BY BUDGET & FINANCE COMMITTEE: _____ DATE: _____

| | | |
|--|--|--|
| | | |
| | | |
| | | |

RESOLUTION NO. 7272

EMERGENCY BUDGET AMENDMENT

February 2010

FY 2010

WHEREAS, an immediate emergency exists within the following fund; and

WHEREAS, the following amendment has not been approved by the Finance Committee, and the department has requested immediate action by the County Board;

NOW, THEREFORE, BE IT RESOLVED that the Champaign County Board approves the following amendment within the FY2010 budget; and

BE IT FURTHER RESOLVED that the County Auditor be authorized and is hereby requested to make the following amendment to the FY2010 budget.

Budget Amendment #10-00033

Fund 641 Access Initiative Grant
Dept. 053 Mental Health Board

| <u>ACCOUNT DESCRIPTION</u> | <u>AMOUNT</u> |
|--|-----------------|
| Increased Appropriations: | |
| 511.03 Regular Full-Time Employees | \$225,000 |
| 513.01 Social Security-Employer | \$17,719 |
| 513.02 IMRF-Employer Cost | \$20,034 |
| 513.04 Workers' Compensation Insurance | \$827 |
| 513.05 Unemployment Insurance | \$1,353 |
| 513.06 Employee Health/Life Insurance | \$10,824 |
| 522.01 Stationery and Printing | \$5,100 |
| 522.02 Office Supplies | \$2,400 |
| 522.06 Postage, UPS, Federal Express | \$650 |
| 522.44 Equipment Less Than \$1,000 | \$19,900 |
| 533.07 Professional Services | \$141,797 |
| 533.12 Job-Required Travel Expense | \$2,653 |
| 533.29 Computer Services | \$3,000 |
| 533.33 Telephone Service | \$18,000 |
| 533.50 Facility/Office Rentals | \$25,000 |
| 533.70 Legal Notices, Advertising | \$1,500 |
| 533.92 Contributions & Grants | \$115,481 |
| 533.95 Conferences and Training | \$29,036 |
| 544.33 Furnishings, Office Equipment | \$28,075 |
| 511.02 Appointed Official Salary | <u>\$11,248</u> |
| Total | \$679,597 |

Increased Revenue:

| | | |
|---|-------|------------------|
| 331.94 HHS-Mental Health Service for Children | | <u>\$679,596</u> |
| | Total | <u>\$679,596</u> |

REASON: To create account for subcontract from the Illinois Department of Human Services (DHS) for management of federal Substance Abuse and Mental Health Service Administration (SAMHSA) cooperative agreement.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February, A.D.

2010.

 C. Pius Weibel, Chair
 Champaign County Board

ATTEST: _____
 Mark Shelden, County Clerk
 and ex-officio Clerk of the
 Champaign County Board

REQUEST FOR BUDGET AMENDMENT

BA NO. 10-00033

FUND 641 ACCESS INITIATIVE GRANT DEPARTMENT 053 MENTAL HEALTH BOARD

INCREASED APPROPRIATIONS:

| ACCT. NUMBER & TITLE | BEGINNING BUDGET AS OF 12/1 | CURRENT BUDGET | BUDGET IF REQUEST IS APPROVED | INCREASE (DECREASE) REQUESTED |
|--|-----------------------------|----------------|-------------------------------|-------------------------------|
| 641-053-511.03 REG. FULL-TIME EMPLOYEES | 0 | 0 | 225,000 | 225,000 |
| 641-053-513.01 SOCIAL SECURITY-EMPLOYER | 0 | 0 | 17,719 | 17,719 |
| 641-053-513.02 IMRF - EMPLOYER COST | 0 | 0 | 20,034 | 20,034 |
| 641-053-513.04 WORKERS' COMPENSATION INS | 0 | 0 | 827 | 827 |
| TOTALS | 0 | 0 | 263,580 | 263,580 |

INCREASED REVENUE BUDGET:

| ACCT. NUMBER & TITLE | BEGINNING BUDGET AS OF 12/1 | CURRENT BUDGET | BUDGET IF REQUEST IS APPROVED | INCREASE (DECREASE) REQUESTED |
|--|-----------------------------|----------------|-------------------------------|-------------------------------|
| 641-053-331.94 HHS-MNT HTH SRV FOR CHLDN | 0 | 0 | 679,596 | 679,596 |
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| TOTALS | 0 | 0 | 679,596 | 679,596 |

EXPLANATION: TO CREATE ACCOUNT FOR SUBCONTRACT FROM THE ILLINOIS DEPT OF HUMAN SERVICES (DHS) FOR MANAGEMENT OF FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) COOPERATIVE AGREEMENT.

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| DATE SUBMITTED: <u>02-04-10</u> | AUTHORIZED SIGNATURE <u>Gary K. Crawford</u> | ** PLEASE SIGN IN BLUE INK ** |
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APPROVED BY BUDGET & FINANCE COMMITTEE: _____ DATE: _____

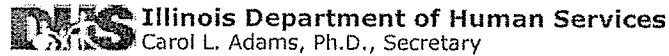
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INCREASED APPROPRIATIONS:

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|--|-----------------------------|----------------|-------------------------------|-------------------------------|
| 641-053-544.33 FURNISHINGS, OFFICE EQUIP | 0 | 0 | 28,075 | 28,075 |
| 641-053-511.02 APPOINTED OFFICIAL SALARY | 0 | 0 | 11,248 | 11,248 |
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| TOTALS | 0 | 0 | 39,323 | 39,323 |

INCREASED REVENUE BUDGET:

| ACCT. NUMBER & TITLE | BEGINNING BUDGET AS OF 12/1 | CURRENT BUDGET | BUDGET IF REQUEST IS APPROVED | INCREASE (DECREASE) REQUESTED |
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| TOTALS | 0 | 0 | 0 | 0 |



Mental Health CSA Attachment B

I. Introduction

II. Applicable Rules and Definitions

III. Programs and Services

IV. Provider Database and Deliverables

V. Payment

VI. Eligibility Criteria

VII. Reporting Requirements

VIII. Special Conditions

I. Introduction

This document serves as an attachment to the Illinois Department of Human Services (DHS) Community Services Agreement and sets forth supplemental contractual obligations between the Provider and the Department. The Attachment provides contractual requirements beyond those in the Agreement and is intended to clarify programmatic areas of the Department of Human Services Division of Mental Health (DHS/DMH) programs.

DHS/DMH is transitioning from a grant based funding to a fee-for-service based system. The performance of certain administrative functions, services, and processes related to this transition have been contracted for through an Administrative Services Organization (ASO). The name of the DHS/DMH ASO agent is The Illinois Mental Health Collaborative for Access and Choice (Collaborative).

II. Applicable Rules and Definitions

The Provider must comply with all applicable federal, state and local rules and statutes, including, but not limited to, the following:

A. Federal

1. Block Grants for Community Mental Health Services, Subp. I & III, Part B, Title XIX, PHS Act/45 CFR Part 96;
2. Medicaid (42 U.S.C.A. 1396 (1996));
3. 42 CFR 440 (Services: General Provision) and 456 (Utilization Control) (1996);
4. Health Insurance Portability and Accountability Act (HIPAA) as specified in 45 CFR, Section 160.310.

More information on Federal Rules and Codes may be obtained on the internet at the following address: <http://www.gpoaccess.gov/cfr/index.html>

B. State

1. Mental Health and Developmental Disabilities Code (405 ILCS 5);
2. Community Services Act (405 ILCS 30);
3. Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110);
4. 59 Ill. Admin. Code 50, Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agency;
5. 59 Ill. Admin. Code 51, Office of Inspector General Adults with Disabilities Project;
6. 59 Ill. Admin. Code 103, Grants;
7. 59 Ill. Admin. Code 115, Standards and Licensure Requirements for Community Integrated Living Arrangements;
8. 59 Ill. Admin Code 117, Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities;

9. 59 Ill. Admin. Code 125, Recipient Discharge/ Linkage/Aftercare;
10. 59 Ill. Admin. Code 131, Children's Mental Health Screening, Assessment and Supportive Services program;
11. 59 Ill. Admin. Code 132, Medicaid Community Mental Health Services Program;
12. 59 Ill. Admin. Code 135, Individual Care Grants for Mentally Ill Children;
13. 89 Ill. Admin. Code 140, Medical Payment;
14. 89 Ill. Admin. Code 140.642, Screening Assessment for Nursing Facility and Alternative Residential Settings and Services;
15. 89 Ill. Admin. Code 507, Audit Requirements of Illinois Department of Human Services;
16. 89 Ill. Admin. Code 509, Fiscal/Administrative Record keeping and Requirements;
17. 89 Ill. Admin. Code 511, Grants and Grant Funds Recovery;
18. Campus Security Enhancement Act of 2008 (110 ILCS 12/1)

More information on State Statutes and Rules may be obtained on the internet at the following address:

<http://www.ilga.gov> (For Statutes select "Illinois Compiled Statutes" for Rules select "Administrative Rules")

C. Manuals and Handbooks

The Provider shall comply with all applicable requirements for services and service reporting as specified in the following Department manuals and/or handbooks:

1. DHS/DMH Provider Manual: <http://www.dhs.state.il.us/page.aspx?item=33244>
2. DHS Mental Health CSA Program Manual: <http://www.dhs.state.il.us/page.aspx?item=41497>
3. DHS/DMH PAS/MH Manual:
<http://www.dhs.state.il.us/OneNetLibrary/27896/documents/Contracts/PAS%20MH%20Contractor's%20Procedure%20Manual.pdf>
4. Community Forensic Services Handbook:
[http://www.dhs.state.il.us/OneNetLibrary/27896/documents/Contracts/Forensic%20Training%20Manual%20%20\(UST\).pdf](http://www.dhs.state.il.us/OneNetLibrary/27896/documents/Contracts/Forensic%20Training%20Manual%20%20(UST).pdf)
5. Community Mental Health Service Definitions and Reimbursement Guide:
http://www.hfs.illinois.gov/assets/070107_cmph_guide.pdf
6. DHS/DMH Collaborative Provider Manual:
<http://www.illinoismentalhealthcollaborative.com/>
7. Handbook for Providers of Screening Assessment and Support Services, Chapter CMH-200 Policy and Procedures For Screening, Assessment and Support Services:
<http://www.hfs.illinois.gov/assets/0708sass.pdf>

[Top of Page](#)

B. Definitions for Terms Used in Attachment B

1. **Accepted Bill:** A bill a Provider submitted to the Department of Human Services or its agent, within twelve months from the date of service, that cleared all edits by the DHS or its agent and the Department of Healthcare and Family Services.
2. **Active Medicaid Individual:** An individual who has been determined by the Department to have an active status under Title XIX or Title XXI of the Social Security Act.
3. **Administrative Expense:** Administrative expense defined according to the instructions provided by the Department for the completion of the Consolidated Financial Report (CFR). This excludes any non-reimbursable expenses as defined in those instructions, but includes direct program administration costs plus management and general costs. Program administration costs are those expenses that are caused by activities not related to an

individual case, but related to administration of the overall program. Examples include, but are not limited to:

- a. Accrued salaries and wages earned by all administrative, managerial, office, and clerical employees;
 - b. Administrative staff payroll, taxes, fringe benefits, and Worker's Compensation Insurance;
 - c. Other employee benefits for administrative and management staff;
 - d. Administrative consultants;
 - e. Telecommunications costs not assigned to program activities;
 - f. The costs of administrative office supplies and expensed equipment; and
 - g. Management and general expenses that are not part of any one program, but are caused by services to all programs run by an agency.
4. **Advanced Payments:** Payments made to a Provider prior to the delivery of services. Accepted billings will be credited against these advanced payments per the procedures described in this contract. Payments not earned by billings for services are subject to recovery by the Department.
 5. **Allowable expense:** An expense by a provider associated with the provision of community mental health services as defined in 89 Ill. Admin. Code 509, Section 509.20a.
 6. **Attachment:** That part of the Community Service Agreement that contains the contract provisions specific to the Division of Mental Health. The DHS/DMH attachment is referred to as "Attachment B".
 7. **Bill:** A statement of charges for mental health services that conforms to the requirements for billing prescribed by a DHS/DMH agent for processing bills. A bill may apply to Medicaid or non-Medicaid services and to HFS eligible individuals, including Medicaid eligible, or to DHS/DMH eligible individuals.
 8. **Billable Service:** A service described in either the 59 Ill. Admin. Code 132 or the current Community Mental Health Service Definitions and Reimbursement Guide.
 9. **Capacity Grant:** Funding for certain mental health programs or portions thereof that are not reasonably reimbursed on a fee-for-service basis or otherwise sustained by consumer market demand. This funding is awarded as grants. The amounts of these grant awards are specified by program name on the accompanying FY 2010 Attachment Cover Sheet and are expected to be reconciled by expenses as outlined in 89 Ill. Admin. Code 511.
 10. **Community Support Team:** A service under the Mental Health Medicaid Rule, 59 Ill. Admin. Code 132, that requires a team of staff to coordinate and deliver the services to an individual.
 11. **Consumer:** An individual who has received a DHS/DMH mental health treatment service or has participated in a DHS/DMH program.
 12. **Coordination of Benefits:** A systematic process of determining all parties liable for payment for a service to an individual and the amount of each party's liability.
 13. **Department:** Reference to the Department of Human Services (DHS) or the Division of Mental Health (DHS/DMH) acting on behalf of the Department of Human Services or reference to any agent representing the Department or the Division in the execution of the terms of this contract.
 14. **Department Approved Rate:** The rate associated with each billable service as specified in the current Community Mental Health Service Definitions and Reimbursement Guide.
 15. **DHS/DMH:** Department of Human Services, Division of Mental Health.
 16. **DHS/DMH Eligible Individual:** An individual who meets the eligibility criteria for DHS/DMH, but who has not been determined to meet the eligibility requirement or be on active status for Programs administered by the Illinois Department of Healthcare and Family Services, including Title XIX or Title XXI, All Kids, and Veterans' Care. This includes

individuals who do not meet eligibility requirements under Title XIX or Title XXI, individuals who might meet those eligibility requirements but have not applied (or have not had their application approved), and individuals who may become active Medicaid individuals once they meet a Medicaid "spend-down" requirement.

17. **Evidence Based Practice:** The preferential use of mental and behavioral health interventions for which systematic empirical research has provided evidence of statistically significant effectiveness as treatment for specific problems.
18. **Fee-for-Service:** Funding mechanisms by which the payments are made on the basis of a rate, unit cost, or allowable cost incurred and are based on a statement or bill as required by the Department. Payments made as a fee-for-service are not subject to the Illinois Grant Funds Recovery Act (30 ILCS 705). Payment is made contingent on the Provider's delivery of services, as documented in an accepted bill.
19. **Grant:** A funding mechanism by which a program of services and activities receives all or part of the funding in advance of the actual delivery of services. This includes prorated prospective payments and payments made by the Department on an estimated basis or any other basis when the Department does not know the actual amount earned by the Provider. This does not include advance payments made under the authority of Section 9.05 of the State Finance Act (30 ILCS 105/9.05). All funds paid as a grant are subject to the Illinois Grant Funds Recovery Act (30 ILCS 705) and subject to reconciliation under 89 Ill. Adm. Code 511, section 511.10.
20. **Grant Activity Report:** The report submitted to the Department of a program of services and activities funded as a capacity grant program. This report must conform to the requirements specified by DHS/DMH. A grant activity report is not a bill.
21. **Household:** A household includes all persons who occupy a housing unit. A housing unit is a house, an apartment, a mobile home, a group of rooms, or a single room that is occupied (or if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live and eat separately from any other persons in the building and which have direct access from the outside of the building or through a common hall. The occupants may be a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements. (People not living in households are classified as living in group quarters.)
22. **Household Income:** The gross amount of income a household receives evidenced by pay stubs, tax returns or other documents submitted to the provider or reported to the provider by the consumer, their guardian or family member. Should a consumer be unwilling or unable to provide this information, the provider may estimate the amount on the basis of available information, then provider may estimate this amount on the basis of available information through documentation of an attestation, a sample of which is in the DMH Provider Manual.
23. **Housing Coordinator:** The Division of Mental Health Housing Coordinator - Coordinates all matters related to Permanent Supportive Housing (PSH) development, as well as, all matters that relate to housing options that DMH currently funds. Relates to all public entities local, state, and federal, as well as private to facilitate the expansion of permanent supportive housing on a statewide level. Coordinates any necessary activities and forums with any and all stakeholders to further the development of permanent supportive housing options in Illinois.
24. **Illinois Mental Health Collaborative for Access and Choice (Collaborative):** The DHS/DMH name for the functions, services, and processes performed by the DHS/DMH Administrative Service Organization.
25. **HFS Eligible Individual:** An individual who meets the eligibility requirement and is on active status for Programs administered by the Illinois Department of Healthcare and Family Services, including Title XIX or Title XXI, All Kids, and Veterans' Care.
26. **Medicaid Contract Amount:** The portion of the Provider's Total Billable Contract Amount the Department estimates the Provider will bill for Medicaid services provided to Medicaid recipients. The Department has calculated this amount based upon the Provider's past

billing history.

27. **Medicaid Service:** Any service defined under the Medicaid Community Mental Health Services Program in 59 Ill. Admin. Code 132.
28. **Mental Health Service Site:** A physical location, designated by an address and linked to a particular DMH-contracted Mental Health Provider, from which this provider delivers a DMH funded Mental Health Service and has **all** of the following characteristics:
 - Each service site may have only one address;
 - Each service site must have a unique address (no two sites may share the same address);
 - The site must be owned, leased, or otherwise controlled by a DMH funded Mental Health Provider;
 - The site must have staff employed by or under contract with the DMH funded Mental Health Provider;
 - A DMH funded Mental Health Provider may have multiple service sites.

Certified Mental Health Service Site - A Mental Health Service Site as defined above that has been certified as defined by 59 IL Adm. 132 ("Rule 132") as determined by the Department of Human Services (DHS) or the Department of Children and Family Services (DCFS) or their respective agents designated for this purpose. A Mental Health Service Site may be certified only if the DMH Mental Health Provider with which the site is associated is also certified. A DMH provider may provide both Medicaid and non-Medicaid services for which they are certified/approved at a certified site.
29. **Monthly FY10 Total Billable Contract Amount:** One-twelfth of the sum of a Provider's annual Medicaid contract amount and annual non-Medicaid contract amount for FY 2010.
30. **Non-Medicaid Contract Amount:** The portion of the Provider's Total Billable Contract Amount the Department estimates the Provider will bill for non-Medicaid services or for Medicaid services provided to non-Medicaid recipients.
31. **Non-Medicaid Service:** Any service defined in the Community Mental Health Service Definitions and Reimbursement Guide as Non-Medicaid (DHS only) service.
32. **Permanent Supportive Housing (PSH):** Integrated permanent housing (typically rental apartments or units with a self-contained bathroom and kitchenette) linked with flexible community-based mental health services that are available to the tenant/consumer as needed, but not mandated as a condition of occupancy. The PSH model is based on a philosophy that supports consumer choice and empowerment, rights and responsibilities of tenancy, and appropriate, flexible, accessible and available support services.
33. **Program:** A defined set of one or more mental health activities or services that are grouped to achieve objectives for a particular population or mental health system need. The distinction of a program is not in the individual activities or services, which are not exclusive and may be included in more than one program, but in the combination of the activities.
34. **Program Manual:** A resource manual that by reference is part of the Community Service Agreement. It contains further explanation of the DMH specific guidelines, requirements, and contract provisions in Attachment B when warranted.
35. **Provider:** A community-based agency or entity, including community hospitals, delivering direct mental health services to individuals through a Community Services Agreement with DHS/DMH.
36. **Provider Database:** A collection by DHS/DMH or its agent containing key pieces of information to describe aspects of the Provider's organization and its operations.
37. **Provider Manual:** A policy and procedure document produced by DHS/DMH and the Collaborative providing a source of readily available information regarding administration of Collaborative functions, services and process including consumer enrollment, service delivery requirements, service authorizations, monitoring, billing administration, forms and

other valuable information in executing the provider's business arrangement with DHS/DMH.

38. **Purchase of Service:** See "Fee-for-Service"
39. **Reconciliation of Grant Payments:** The process by which DHS grant payments to Providers for the fiscal year are compared to the Provider's expenses for the year or the number or amount of services and activities delivered during the fiscal year. This process is described in 89 Ill. Admin. Code 511.
40. **Resident:** A individual with a home address in the State of Illinois, including individuals who are considered "homeless" but spending their nights in Illinois.
41. **SASS:** The Screening Assessment and Support Services program of intensive mental health services delivered by an agency to provide pre-admission, crisis stabilization, and follow-up services to children with mental illness or emotional disorder who are at risk for psychiatric hospitalization.
42. **Service:** Treatment events or products as contracted for through this agreement.
43. **Third Party Payments:** Payments from Medicare, other government entities, private insurance and other payers liable for payment for services for an individual (excluding payments from the individual or their family) for specific services for an identified individual. Not included are payments (such as grants) to the Provider that are not designated for services to a specific individual.
44. **Total Billable Contract Amount:** The sum of the Provider's Medicaid contract amount and the non-Medicaid contract amount payable within the contractual fiscal year obligations.
45. **Unearned Medicaid and non-Medicaid Contract Amount:** The difference between the Provider's total billable contract amount and the sum of the Provider's total accepted bills for services with dates of service within the current fiscal year.

III. Programs and Services

Through this agreement with the Provider and as reflected on the Provider's Contract Attachment Cover Sheet, the Department purchases one or more mental health programs or services, which are to be provided and then reported or billed to the Department under the following broad categories.

A. Services Purchased by Fee-for-Service

1. Medicaid Services

These services are defined in 59 Ill. Admin. Code 132. These services shall be delivered in compliance with the service's standards and requirements 59 Ill. Admin. Code 132 for all individuals receiving the services.

2. Non-Medicaid Service

These services are defined in the "Community Mental Health Service Definitions and Reimbursement Guide."

3. Pre-admission Screening and Resident Review for Persons with Mental Illness (PAS/MH; Cost Center 790)

These services will be provided by agencies designated by DHS/DMH Central Office as "PAS Agent". Pre-Admission Screening, Resident Review and Targeted Case Management will be provided to individuals who have been referred for long term care nursing home admission (PAS) or are residing in Nursing Facilities who require, by policy, additional screening, resident review, or Targeted Case Management. Services will be provided irrespective of payee status. The State of Illinois is required to purchase these activities under 89 Ill. Admin. Code, Chapter I, Part 140.642. Details concerning the services are presented in the DHS/DMH PAS/MH manual.

4. Individual Care Grant (ICG) Services

Highly specialized residential or intensive in-home rehabilitative and habilitative services for children and adolescents with serious mental illness. The residential services shall include, at a minimum, intensive individual, group, and family therapy within a twenty-four hour

treatment continuum. In addition, the intensive in-home services shall include, at a minimum, therapeutic stabilization, child support services, behavior management interventions, and case coordination services. Services details are available in 59 Ill. Admin Code 135. SASS-ICG providers are required to screen for Medicaid eligibility and initiate applications for Medicaid for all new ICG referrals.

5. Community Hospital Inpatient Psychiatric Services (CHIPS; Cost Center 550)

CHIPS consists of inpatient psychiatric treatment services contracted for by DHS/DMH to be provided through a community hospital.

B. Capacity Grant Programs

This contract may include grant funding for programs or portions thereof that involve some services and activities that have not been converted to a fee-for-service basis. DHS/DMH has calculated the amount and type of these services and activities and the associated funding, which is awarded as grants and is not expected to be reimbursed as fee-for-service.

The Provider's obligation in receiving these grant funds is to expend the funding for allowable expenses required to meet the program's objectives and to report to the Department on appropriate deliverables. As it meets the program objectives, a Provider may determine that some program activities supported by these grant funds are billable services. However, when a Provider bills for an activity under a capacity grant program, the Provider is not to report the activity or the expenses as part of the grant funded deliverable, as this would result in counting the activity more than once in meeting the Provider's obligation.

Because the Department must track capacity grant awards through its accounting system, the Provider's FY 2010 Attachment Cover Sheet may display portions of the total award for a program among several lines. In the reconciliation of allowable expenses the Department expects the provider to demonstrate allowable expenses for the total of these lines for each program, not portions of the award that may be associated with specific accounting service codes or Provider service sites.

The programs that comprise capacity grants vary among Providers, and not all Providers are currently funded for each of these programs.

The capacity grant services listed below must meet the following guidelines:

1. At least 80% of the grant award shall be applied to allowable expenses necessary to deliver services and related activities for consumers participating in this program.
2. The specific services, activities, staffing, subsidies and per diems of care to be supported by each capacity grant programs are to be reported to DHS/DMH as prescribed in the DHS/DMH Provider Manual.
3. Not more than 20% of the grant award for any service may be applied to administrative expenses.

These guidelines apply to the following services.

- a. Mental Health Juvenile Justice (Cost Center 121)
- b. Urban Systems of Care (Cost Center 140)
- c. Consumer Centered Recovery Support (Cost Center 213)
- d. Geropsychiatric Services (Cost Center 540)
- e. PATH Grant (Cost Center 575)
- f. Co-location Project (Cost Center 576)
- g. Crisis Services (Cost Center 580)

Additional capacity grant services and their associated requirements, in addition to the reporting requirements and 20% cap on administrative expenditures are:

1. SASS Flex (Cost Center 131)
 - a. At least 80% of the grant award shall be applied to allowable expenses necessary to deliver services and related activities for consumers participating in this program.

- b. Services purchased are to be reported as directed by the DHS/DMH Children & Adolescent Office
2. Psychiatric Leadership (Cost Center 350)
 - a. At least 80% of the grant award shall be applied to allowable expenses necessary to deliver services and related activities for consumers participating in this program. At least 80% of the grant award shall be applied to salaries and benefits or contractual costs for psychiatrists and support staff, such as nursing and clerical staff, involved in the delivery of psychiatric services, including supervision and other leadership functions.
 - b. Psychiatric services delivered under this program that are not billed as a DHS/DMH Medicaid or non-Medicaid service are to be submitted as a service report only to the Department or its agent.
3. Special Projects (Cost Center 510)
 - a. At least 80% of the grant award shall be applied to support staff time and other costs necessary to fulfill the scope of the project.
 - b. DHS/DMH will specify any additional reporting requirements.
4. Specialized Direct Clinical Services (Cost Center 515)
 - a. At least 80% of the grant award shall be applied to support staff time and other costs necessary to fulfill the scope of the project.
 - b. Instructions for reporting will be issued by DHS/DMH.
5. Client Transition Subsidies (Cost Center 572)
 - a. At least 80% of the grant award shall be applied to allowable expenses for temporary assistance to meet the living needs of specific individuals.
 - b. Services purchased are to be reported to the Department or its agent.
6. Adolescent Transition to Adult Services (Cost Center 573)
 - a. At least 80% of the grant award shall be applied to the costs for special alternative or adjunctive therapeutic services and activities not offered by the Provider that are purchased from other service Providers to meet the needs of specific individuals transitioning into adulthood.
 - b. Services purchased are to be reported as a service report only for specific individuals to the Department or its agent.
7. Psychiatric Medications (Cost Center 574)
 - a. At least 80% of the grant award shall be applied to allowable expenses related to the psychiatric medication needs of specific individuals.
 - b. Services purchased are to be reported as a service report only for specific individuals to Department or its agent.
8. Community Integrated Living Arrangement (CILA; Cost Center 620)
 - a. At least 80% of the grant award shall be applied to other allowable expenses related to activities and services necessary to maintain this residential program, such as staff, rent, mortgage payments, utilities, maintenance costs, food and supplies. If the CILA is a supervised residential program, the Provider may request that these expenses be combined with those of other supervised residential programs operated by the agency and funded by DHS/DMH.
 - b. Services provided under this program are to be reported as nights of care for specific consumers in a service report to the Department or its agent.
9. Supported Residential Services (Cost Center 820)
 - a. At least 80% of the grant award shall be applied to other allowable expenses related to activities and services necessary to maintain this residential program, such as staff, rent, mortgage payments, utilities, maintenance costs, food and supplies.

- b. Services provided under this program are to be reported as nights of care for specific consumers in a service report to the Department or its agent.
10. Supervised Residential (Cost Center 830)
- a. At least 80% of the grant award shall be applied to other allowable expenses related to activities and services necessary to maintain this residential program, such as staff, rent, mortgage payments, utilities, maintenance costs, food and supplies. The Provider may request that these expenses be combined with those in other supervised residential programs, included supervised residential CILA programs, operated by the agency and funded by DHS/DMH.
 - b. Services provided under this program are to be reported as nights of care for specific consumers in a service report to the Department or its agent.
11. Crisis Residential (Cost Center 860)
- a. At least 80% of the grant award shall be applied to other allowable expenses related to activities and services necessary to maintain this residential program, such as staff, rent, mortgage payments, utilities, maintenance costs, food and supplies.
 - b. Services provided under this program are to be reported as nights of care for specific consumers in a service report only through the Department or its agent.

Further descriptions are located in the DHS/DMH Collaborative provider manual.

C. DHS TANF Initiative

The Temporary Assistance for Needy Families (TANF) program provides temporary financial assistance for pregnant women and families with one or more dependent children. TANF provides financial assistance to help pay for food, shelter, utilities, and expenses other than medical expenses. Since the inception of this program in 1997, DHS has had agreements with various types of contractors who provide employment and training services to TANF customers in an effort to help them gain independence.

Pursuant to the Deficit Reduction Act, changes were made to federal TANF regulations that place greater restrictions on the types of activities that are countable and tighten record-keeping requirements. Failure to meet the new requirements would result in the potential loss of millions of dollars in federal funding. Consequently, DHS must increase the number of Work Experience and Community Service positions available for TANF customers. Accordingly, DHS has begun a new initiative to encourage additional providers to establish such positions.

Below is a description of this new initiative. Provider participation in this program is voluntary. If you choose to participate, DHS will provide you with a specific agreement detailing requirements of the program.

The Role of the Provider

The Provider will ensure it establishes work experience and/or community services positions for up to three individuals participating in the Temporary Assistance to Needy Families (TANF) employment and training program. These individuals are referred to herein as the "Participant" or "Participants".

The Participants will be referred to the Provider by the local Family Community Resource Center (FCRC) or by a TANF employment and training contractor. Participants will be assigned to either work experience or community service positions for no more than thirty hours per week.

The Provider will be required to provide daily supervision to the Participant(s) assigned, complete daily attendance records, provide comments on the Participant's progress, and transmit this information on a weekly basis to the person or entity that made the referral (i.e., the local office and/or Employment & Training contractor).

The attendance form must be signed by the Participant(s) and the site supervisor. The Provider's site supervisor must participate in monthly telephone conferences with the case manager assigned to the client/customer. These telephone conferences will be held at a time that is mutually agreeable to the site supervisor and the case manager.

For Community Service positions, the Provider must provide the following information: (1) a

description of the agency's mission, (2) how its services benefit the community, (3) the task(s) that will be performed by the Participant(s) at the agency, and (4) the job skills to be acquired by performing the task(s). It is preferred that all documents required are submitted to the agency prior to the client/customer being referred to the provider; however, such documents must be provided no later than (5) days after receiving the referral. Daily attendance of the client must be recorded and maintained.

Upon request, record of the attendance of each customer sent to the referring agency must be sent to the TANF caseworker.

For Work Experience, the Provider must identify the specific tasks/duties to which the Participant (s) will be assigned. It is preferred that all documents required are submitted to the agency prior to the client being referred to the provider; however, such documents must be provided no later than five days after receiving the referral. Daily attendance of the client must be recorded and maintained. Upon request, record of the attendance of each customer sent to the referring agency must be sent to the TANF caseworker.

Definitions of TANF Work and Training Activities

Work Experience - Provides a Participant with an opportunity to acquire the general skills, training, knowledge, and work habits necessary to obtain employment. The activity must be supervised daily by an employer, work site sponsor, or other responsible party. Participants may be placed in a supervised assignment with public, private or not-for-profit employers, organizations and governmental agencies. Pursuant to applicable law, the maximum number of hours each Participant may be assigned per week is thirty; the specific number of weekly hours a Participant may be assigned will be determined by DHS.

Community Service - A structured program in which Participants perform work for the direct benefit of the community under the auspices of a public or non-profit organization. Community service programs must be limited to projects that serve a useful community purpose in fields such as health, social services, environmental protection, education, urban and rural redevelopment, welfare, recreation, public facilities, public safety, and childcare. Community service programs are designed to improve the employability of Participants not otherwise able to obtain employment; Participants in such programs must be supervised daily on an ongoing basis. Pursuant to applicable law, the maximum number of hours each Participant may be assigned per week is thirty; the specific number of weekly hours a Participant may be assigned will be determined by DHS.

If you have any questions or require further information, please contact DHS' Division of Human Capital Development at (312) 793-0683 or (217) 785-3300.

[Top of Page](#)

IV. Provider Database and Deliverables

A. Provider Database

The Provider in consultation with the DHS/DMH Regional Office will cooperate in maintaining and updating the Provider Database. Data elements collected include but are not limited to the following:

1. General provider administrative identification information, such as addresses, telephone numbers and hours of operation.
2. Services and programs offered to individuals at each provider site:
3. Listing of other government and charitable organizations funding the Provider's mental health services listed in the Community Mental Health Services Definitions and Reimbursement Guide.
4. Listing of subcontracts that the Provider has entered into with private entities to deliver direct mental health services billable or reportable to DHS/DMH. These entities must be certified under Rule 132 to provide these services. Note: This requirement does not apply to subcontracted entities doing business as an individual or a sole proprietor.

B. Deliverables

1. Contract Deliverables for Medicaid and non-Medicaid Services

The Provider will submit bills to the Department on at least a monthly basis for billable services funded by the Provider's Medicaid and non-Medicaid contract amounts.

2. Pre-Admission Screening and Resident Review for Persons with Mental Illnesses (PAS/MH Cost Center 790) Deliverables

Providers designated to provide PAS/MH services are expected to complete pre-admission screening for any person with mental illnesses in the Provider's service area that is seeking admission to a nursing facility.

The Provider is also expected to be available to perform resident reviews for persons in their service area who are already residents of nursing facilities under certain circumstances. The deliverables for any funding for these activities are bills submitted to the Department for screenings and reviews that have been completed according to the Department's requirements.

3. Individual Care Grant (ICG) Deliverables

a. The deliverables for Providers that receive funding for individual care grants are bills submitted to the Department for services provided consistent with the Department's rules and regulations concerning this program. The Provider will submit bills to the Department on at least a monthly basis.

b. ICG Providers are required to screen for Medicaid eligibility and initiate applications for Medicaid eligibility for all new ICG referrals.

c. ICG Providers are required to submit quarterly progress reports to DHS/DMH or its agent.

d. ICG Providers are required to comply with 59 Ill Admin Code 132.

4. Community Hospital Inpatient Psychiatric Services (CHIPS: Cost Center 550)

The deliverables for Providers that receive funding for CHIPS are bills submitted to the Department for services provided consistent with the DHS/DMH Scope of Service for this program. The Provider will submit bills to the Department on at least a monthly basis.

5. Capacity Grant Contract Deliverables

The Provider will submit grant activity reports to the Department generally on at least a monthly basis in a manner prescribed by the Department for each of the programs funded as part of the Provider's capacity grant contract amount. The Department will specify for the Provider what the grant activity reporting requirements are for each program (service units provided to individuals, staff hours, events, dollars expended, etc.). The Provider is not required to make these reports until the Department has specified what the reporting requirements are for each Capacity Grant program.

The Department will review the Provider's grant activity reports during the fiscal year. If the Provider fails to submit these reports according to the Department's requirements, the Provider may not be in compliance with this contract, and the Department may require a plan of correction to ensure the timely submission of these reports; for serious and substantial non-compliance, the Department may reduce the Provider's contract amount in the current or succeeding fiscal year.

[Top of Page](#)

V. Payment

A. Payment for Fee-for-Service

1. Payment for Medicaid and non-Medicaid Services.

a. For billable services to be delivered, providers will receive Advanced Payments for the first six months of the Total Billable Contract Amount for FY 2010.

b. For all subsequent months, (January through June), Provider will be eligible for an adjusted pre-payment using the following criteria:

- i. Payments for the remainder of the year will be based on the year to date monthly average of Accepted Bills submitted for services delivered in FY10. Adjustments to the payment using this criteria will occur based on data available to the Department at the end of November and the end of February.
 - ii. The Department may establish service limits for the Medicaid and non-Medicaid services.
 - iii. The Department assumes no obligation to pay for non-Medicaid services in excess of the non-Medicaid portion of the FY10 Total Billable Contract Amount.
 2. Payment for Pre-Admission Screening and Resident Review for Individuals with Mental Illnesses (PAS/MH: Cost Center 790)

The Department shall make all payments for Pre-admission Screening for individuals with mental illnesses seeking admission to a nursing facility (PAS/MH) and for resident reviews of individuals in nursing facilities per policy as fee for service payments after delivery of the service and receipt by the DHS/DMH of a bill for those services. Details of these payments are available in the PAS/MH manual.
 3. Payment for Individual Care Grants (ICG)

The Provider will receive payment for services delivered under individual care grant on a fee for service basis.
 4. Payment for Community Hospital Inpatient Psychiatric Services (CHIPS: Cost Center 550)

The Provider will receive payment for services delivered under CHIPS on a fee for service basis.
- B. Payment for Capacity Grants

In general, the Department will make monthly payments to the Provider for capacity grants equal to one-twelfth of the annual total capacity grant amount.
- C. Payment for Special Projects

The Department may adopt a different payment schedule for special projects. The details of these special projects will be specified in an exhibit describing the scope of service for the special project or will be on file with the Department.
- D. Safety Net

If the existing levels of consumer access to community mental health services are adversely impacted by an adjusted reduction in the payment of the Provider's Monthly FY10 Total Billable Contract Amount, the Provider shall petition their Regional Office for "safety net" assistance to sustain consumer access levels. Conditions that may warrant the issuance of a "safety net" payment are identified in Section VII B) 1-4 and C) of this document. Providers should contact their Regional Office to discuss their specific situation.

Payments made under the "safety net" provision of this contract will not increase the total contract amount, inclusive of fee-for-service, capacity grant and special projects. In addition any payments made as a safety net are subject to the recovery provisions of this contract as outlined in Section V, E) of this document.
- E. Payment Recovery
 1. Fee-for-Service
 - a. Medicaid and non-Medicaid reconciliation and recovery will occur as follows::
 - i. The Department will determine the total amount of accepted bills for Medicaid and non-Medicaid billable services with dates of service during fiscal year 2010 that have been processed by the Departments of Human Services and Healthcare and Family Services or DHS/DMH's agent before the end of September 2010.
 - ii. This amount will be subtracted from the Provider's FY 2010 Medicaid and non-Medicaid payments for services delivered during FY 2010.
 - iii. If the results of this subtraction result in a positive remainder amount, this

remainder amount is subject to recovery.

- iv. Providers will be allowed twelve months from the date of service to submit a bill before the recovery process is initiated.
- v. The Department will offset future payments to a provider to recover funds paid under the FY10 Total Billable Contract Amount that were not earned through service delivery

- b. PAS/MH, ICG, and CHIPS services, will be reconciled by comparing billed services to actual services provided, with any positive difference subject to recovery.

2. Capacity Grants

Payment Reconciliation

All payments for funding in capacity grant contract amounts in this contract shall be reconciled by expenses as described in the Grants and Grant Funds Recovery Rule, 89 Ill. Adm. Code 511, section 511.10 a), subject to specific expenditure and other restrictions detailed in this contract. This reconciliation must be done by each individual program as specified on the cover sheet of the Provider's contract.

Service Reconciliation

Failure to demonstrate appropriate expenditures according to the conditions stated in "Section III. Programs and Services" for the full amount of each capacity grant program may result in grant fund recovery.

F. Coordination of Benefits

The Provider is responsible for determining whether the individual or family has private or public benefits that can pay for services. The Provider shall assist individuals and their families in applying for any benefits for which they may be eligible. This may include using a screening tool to evaluate the potential for any individual to become eligible for Medicaid or AllKids benefits. The Provider shall document in the individual's record the Provider's assessment for entitlement eligibility, their efforts to assist in the application process, and, if applicable, when an application for such benefits has been made to the Department of Human Services, the Department of Healthcare and Family Services, the Veteran's Administration, or the Social Security Administration.

When an individual is provided a billable service under this contract and the Provider determines that the individual has other resources for payment, the Provider is to follow these procedures for submitting a bill to the Department:

1. The Provider will determine if there are other liable third parties for payment, other than the individual or the individual's family, and will bill those third parties first
2. The Provide will bill DHS/DMH for the service at the DMH rate:
3. The Provider will report on the bill to DHS/DMH the amount of any third party payments received for the service or anticipated to be received (if the actual amount received differs, the Provider shall resubmit the bill with the correct amount actually received);
4. DHS/DMH will then price the bill and pay the lower of the following:
 - a. The Provider's usual and customary charge for the service minus the sum of all third party payments, or
 - b. The established DHS/DMH rate for the service minus the sum of all third party payments.

G. Other Payment Conditions

1. Informing consumers of DHS/DMH funded services

Under the Health Insurance Portability and Accountability Act (HIPAA) and the requirements in the DHS/DMH Provider Manual, the Provider shall inform all consumers receiving services funded by DHS/DMH that the name and demographics of the individual receiving the services and the services received are reported to DHS/DMH as the payer of the services and retained

in the DHS/DMH information database. This notification shall be entered in the individual's clinical record.

2. Special Projects

For special projects (program codes 510 and 515) the method of payment will be specified in an exhibit to this attachment that may include the scope of services, activities or deliverables for the project and budget detail.

3. Debt Service Deduction

- a. If the Provider is approved by the Department for a debt service deduction contract to participate in a pooled loan program or other loan program, the Provider hereby authorizes the Department to deduct the Provider's debt service payments from the Provider's award and forward payment directly to the trustee bank or other designated party. If so participating, the Provider agrees to execute a debt service deduction contract in the form provided by the Department.
- b. If the Provider desires to participate in such a deduction contract, the Provider shall provide ninety days written notice to the Department of its intention to enter into pooled loan financing, or any other financing transaction which would require the use of a debt service deduction mechanism by the Department. If the Provider fails to provide such notice, the Department shall not execute any debt service deduction contracts until the Department has had ninety days for project review. The Department has the right of approval of all financed projects where the debt service deduction will be performed by the Department.
- c. The Provider shall supply to the Department an estimated debt service deduction payment schedule thirty days before closing of the loan transaction.
- d. Additionally, Providers specifically acknowledge that if they enter into a debt service deduction contract to secure a loan based upon fee-for-service funding, such funding is based upon individuals receiving services, each authorized for service or placement by the Department, at rates set by the Department. Accordingly, if and when funding for a particular individual receiving services terminates, the Department does not guarantee replacement of equivalent funds. Therefore, any such debt service deduction contract will be honored only to the extent of currently supported fee-for-service funding at the time of any debt service deduction.

4. Funding Reserves

The Department maintains the right to reserve funds in this contract based on budgetary considerations. Providers subject to reserves will be notified in writing of the amount and duration of the funding reserve.

5. Payments for Services to Individuals Not Eligible for Medicaid

For DHS/DMH eligible individuals who are not active recipients under either the Medicaid or AllKids programs, DHS/DMH will pay bills for services according to a payment table based on the individual's household income and household size. This payment table is available in the DHS/DMH Collaborative Provider Manual.

http://www.dhs.state.il.us/OneNetLibrary/27896/documents/By_Division/MentalHealth/CompGuide/FinancialEligibilityMay2007.pdf

6. Billing Requirements

Billings for the following services must meet the requirements under VI. below and require authorization by DHS/DMH or its agent:

- a. Assertive Community Treatment (ACT)
- b. Community Support Team (CST)
- c. Supervised Residential, including Community Integrated Living Arrangements (CILA)
- d. Crisis Residential

7. Change in Contract Amount

The Department may increase or decrease contract amounts during the year depending upon available funds and Provider accepted billings, grant activity reporting and contract compliance. However, total payments to the Provider for the services delivered during the fiscal year shall not exceed the total annual contract amount.

8. Full Year Service Delivery

The funds obligated under this total annual award are intended by the Department to support programs and services for individuals for the entire twelve-month period of the State fiscal year referenced herein. The Provider shall ensure that all programs and services funded by this award, are available for the entire twelve-month period of the fiscal year regardless of when full disbursement of the award occurs (unless prior written authorization is obtained from DHS/DMH). The Department reserves the right to stop all payments to Providers who cease providing programs and services during the contract year without the prior written approval of the Department.

9. Payment Adjustments

DHS/DMH is required to manage expenditures within the appropriation spending authority contained in the DHS/DMH annual budget. As such, in the absence of additional available funding and spending authority for DHS/DMH, providers submitting billings which vary significantly from their estimated contract amounts should expect to see adjustments in their contract and payments, during and in subsequent years.

[Top of Page](#)

VI. Eligibility Criteria

A. Criteria for Individuals

Medicaid, non-Medicaid and Capacity Grants

1. Individuals Eligible for Services

- a. Crisis, outreach/engagement, mental health assessment, and stakeholder education services may be provided to any individual in need.
- b. Services defined in Rule 132 (Medicaid services) are to be limited to the following persons:
 - i. Persons who are residents of Illinois, and
 - ii. Are persons with a diagnosis, including Axis V of the Diagnostic and Statistics Manual IV (DSM-IV), listed as eligible in the DHS/DMH Collaborative Provider Manual, and
 - iii. Persons who are HFS eligible individuals, including Medicaid eligible individuals, or
 - iv. Persons who are DHS/DMH eligible individuals and for whom the Provider has reported the individual's household income and household size as part of the individual's registration information.
- c. All other services, activities and subsidies, including those supported by capacity grants, are limited to:
 - i. Persons who are residents of Illinois, and
 - ii. Are persons with a diagnosis, including Axis V of the Diagnostic and Statistical Manual IV (DSM IV), listed as eligible in the DHS/DMH Collaborative Provider Manual.
 - iii. who are HFS or DHS/DMH eligible individuals for whom the Provider has reported the individual's household income and household size as part of the individual's registration information.

2. Target/Priority Populations

- a. The Provider shall prioritize the provision of services to individuals who are:
 - i. In the DHS/DMH Target/Priority population as described in the DHS/DMH

- Provider Manual;
- ii. Referrals to or from state hospitals and community hospital admissions funded by DHS/DMH;
 - iii. Referrals from Temporary Assistance to Needy Families (TANF) for mental health services;
 - iv. Referrals from the Office of the Inspector General's Adults with Disabilities Abuse Project;
 - v. Individuals remanded to the Department and adjudicated as either unfit to stand trial (UST) or not guilty by reason of insanity (NGRI) and for whom state hospital inpatient services are unnecessarily restrictive;
 - vi. Referrals from SASS Program services.
 - vii. Individuals under the age of 21 referred for mental health services under the Early and Periodic Screening, Diagnosis, and Treatment Program (EPSDT).
 - viii. Individuals who are transitioning from Long Term Care facilities.
- b. Should the Provider be unable to serve an individual in the above priority populations, the Providers shall refer the individual to another Provider and inform their DHS/DMH Region Office.
 - c. For all of the above populations, substance abuse as a co-occurring or secondary diagnosis is not a basis for exclusion from mental health services, but rather deserves special consideration in the delivery of services, including the integrated delivery of services when possible.
 - d. Consumers who meet the target/priority population criteria who are Limited English Proficient (LEP) will be offered services by bilingual staff or by interpreters
3. If, upon review by the Department or its agent, a billed service is found to have been provided to a person who did not meet the conditions specified in Section VI of this contract on the date of service, the Provider will receive an error code for the billed service and the billed service will not be accepted by the Department.

PAS/MH Services

PAS/MH services are to be provided only to those persons seeking admission to nursing facilities who are suspected to have mental illnesses or persons with mental illnesses residing in a nursing facility who have evidenced significant change in their clinical needs.

ICG Services

ICG services are to be provided only to those persons who have been screened and approved according to the conditions of 59 Ill. Admin Code 135.

B. Criteria for Providers

1. Accreditation

All Providers receiving \$20,000 or more annually in funding from the Division of Mental Health for mental health services will have these services accredited by one or more of the following national accreditation entities: The Council; CARF, The Rehabilitation Commission; Joint Commission on Accreditation of Healthcare Organizations; or Council on Accreditation of Services for Families and Children; or American Osteopathic Association (AOA) Healthcare Facilities Accreditation Program (HFAP) unless another written agreement is provided by the Bureau of Accreditation, Licensure and Certification. As evidence of the accreditation, Providers will submit to the DHS Bureau of Accreditation, Licensure and Certification a copy of their current accreditation certificate, accreditation report, and all correspondence about any and all corrective actions required to maintain accreditation status.

2. Medicaid Certification

Providers receiving funding under this contract must be certified as an Illinois Medicaid provider

3. Forensic Services

Providers delivering court-ordered forensic services must comply with 725 ILCS 725 5/104-16 and 730 ILCS 5/5-2-4 and the provisions of the DHS/DMH Community Forensic Handbook.

Providers must also participate in DHS/DMH forensic-specific training prior to offering forensic services as well as ongoing training offered by DHS/DMH.

[Top of Page](#)

VII. Reporting Requirements

Reporting requirements apply to Providers delivering any service funded in part or in whole by DHS/DMH.

- A. The Provider will comply with the Department's reporting criteria for any of the deliverables (i.e., Sections III and IV) associated with the funding in this contract.
- B. So that DHS/DMH can monitor significant changes in the service system, the Provider will notify in writing in advance and discuss with their DHS/DMH Region Staff the following:
 1. Plans and the rationale to close or reduce the capacity of a program or service funded by DHS/DMH at least thirty (30) days prior to the planned change;
 2. After August 1st and on a monthly basis thereafter, notice within ten (10) business days if the Provider's waiting lists for the services of crisis intervention, assessment, mental health case management, community support, or therapy/counseling exceed thirty (30) calendar days;
 3. After August 1st and on a monthly basis thereafter, notice within ten business days if the Provider's waiting lists for the service of medication monitoring exceed sixty (60) calendar days;
 4. The Provider's dis-enrollment from all services or the stopping of the provision of all services without the explicit request of the consumer, to one or more individuals who meet the DHS/DMH target/priority population definition and who have received services from the Provider within the previous thirty one (31) days;
 5. Plans to expand or relocate a program or service funded by DHS/DMH, including expansion to different geographical areas and/or service populations;
 6. The following communication from courts relative to persons adjudicated to receive forensic services: any Rule to Show Cause orders, Contempt orders or any notice of noncompliance with court orders.
- C. Upon request by DHS/DMH or its agent, the Provider will report the following:
 1. Readily available measures of the Provider's current fiscal condition, or notice that such information is not readily available to the Provider, including:
 - a. Number of days of the Provider's operation that can be supported by available liquid assets (cash on hand, with threshold of less than thirty (30) days as a key indicator);
 - b. Ratio of assets to current liabilities ("current ratio", with threshold of less than 1.0 as a key indicator).
- D. The provider agrees to comply with the Year End Financial Reporting Requirements as identified by the DHS Office of Contract Administration.

[Top of Page](#)

VIII. Special Conditions

A. Central Registry and Background Checks

1. Nurse Aid Registry

The Provider shall not employ an individual in any capacity until the Provider has inquired of the Department of Public Health as to information in the Nurse Aide Registry concerning the individual. For new applicants for employment, if the Registry has information substantiating a finding of abuse or neglect against the applicant, the Provider shall not

employ him or her in any capacity. For currently employed staff, if the Registry has information substantiating findings of abuse or neglect, the Department will expect the Provider to act in accordance with its personnel policies and procedures, and take steps to ensure the protection of individuals served by the Provider as deemed appropriate.

2. Health Care Worker Background Check Act.

The Provider certifies that it is in compliance with all requirements and regulations issued pursuant to the Health Care Worker Background Check Act (225 ILCS 46).

B. Reporting and Investigating Incidents and Allegations of Abuse and Neglect

1. Provider Requirements

- a. The Provider shall develop and implement a policy and procedure on Reporting Abuse and Neglect ensuring reporting incidents as required by Rule 50 including definitions of abuse and neglect, screening prohibition, time frames for reporting and preservation of evidence;
 - b. The Provider shall ensure that all OIG liaisons successfully complete the DHS/OIG Basic Investigative Skills training and then every two years thereafter;
 - c. The Provider shall ensure that the parent or guardian are notified regarding an individual's involvement when an allegation is under investigation by the Office of the Inspector General;
 - d. The Provider shall have a formalized ongoing systemic review process at least quarterly for evaluating all injuries, including those not definable as abuse and neglect, including and not limited to deaths, suicide attempts, and other adverse events within the agency. The review processes shall include, but are not limited to:
 - i. Examining the circumstances and data to determine how and why the injury or other adverse event occurred, including determining all related processes and systems;
 - ii. Identifying risk points and their potential contribution to the event, such as evaluating the appropriateness of the individual's treatment plan and level of supervision;
 - iii. Identifying, communicating, documenting, implementing, and evaluating improvements in processes, systems, or treatment to prevent future such injury or other adverse event, including specifying:
 - o The staff responsible for implementation;
 - o When the actions will be implemented; and
 - o How the effectiveness of the action will be evaluated.
2. It is the policy of the Division of Mental Health that all requirements pertaining to the reporting of licensed health care practitioners to the Illinois Department of Financial and Professional Regulation (IDFPR) and the National Practitioners Data Bank be followed. The Provider shall make such reports when and to the extent required by law.
 3. The Provider shall endeavor to reinforce the responsibility of health care practitioners to report appropriate matters to IDFPR by such actions, as it deems reasonably necessary, including posting notice that individual practitioners shall comply with applicable licensing and reporting requirements.

C. Representative Payee Support

For individuals receiving DMH services under this contract, the Provider shall, if clinically appropriate and as directed by a physician, serve as representative payee or arrange for representative payee for benefit payments under the Social Security Disability Insurance program and/or the Supplementary Security Income program.

For each individual receiving representative payee support, the Provider will ensure that the individual's treatment plan includes goals, objectives and rehabilitation interventions designed to build the skills needed for the individual to progress toward self-management of their own funds.

Where the Provider will function as the representative payee of record, the Provider may be compensated for administrative and clerical support activities related to the management of funds per the rules and procedures of the Representative Payee Program of the Social Security Administration. Information about the SSA Payee Program is available at: <http://www.ssa.gov/payee/>.

D. Monitoring

1. The Provider shall allow the Department or its agent access to its facilities, records and employees for the purposes of monitoring this Agreement. The Department or its agent will monitor compliance with the conditions specified herein. However, for conditions specifically covered by accreditation standards, the Provider's current accreditation status with full compliance on all relevant standards (as submitted per section VI. D. of this agreement) is accepted by the Division of Mental Health in lieu of administrative and program monitoring requirements (per 405 ILCS 30/3). (Licensure and certification reviews per rules 115 and 132 will continue to provide deemed status as currently included.)

The Provider shall notify their Regional Director if a specific monitoring activity is believed to be redundant with specific accreditation standards for which the Provider has been previously determined to be currently in full compliance. If satisfactory resolution of the issue is not achieved at the Regional level the issue should be advanced to the Director of DHS/DMH for resolution.

Monitoring will be conducted by Department staff and its agent or contractors within various offices of the Department, including but not limited to, the DHS/DMH; Accreditation, Licensure, and Certification; Contract Administration; and Inspector General.

Preliminary monitoring reports will be verbally provided to appropriate provider staff at the monitoring exit interview. Written reports and findings of provider monitoring and review activities will be provided to the Provider by the monitoring entity for review and corrective action if directed. The Collaborative will provide Provider training and technical assistance regarding provider monitoring, timetables, review tools and processes, and Corrective Action Plan(s) (CAP) documentation as necessary.

The Provider shall submit Corrective Actions Plan(s) to the Department as directed and shall comply with the approved CAP or a CAP imposed by the Department.

Monitoring may consist of, but is not limited to, the following review activities:

- a. Reviews of all required licenses and certifications;
 - b. Reviews of all Provider service and funding plans;
 - c. Reviews of direct service provision;
 - d. Reviews of substantiated cases of abuse and neglect;
 - e. On-site reviews of individual clinical records, personnel files, Provider and program policies and procedures, and financial records;
 - f. On-site observations and interviews of individuals receiving services, guardians, and Provider staff (including, but not limited to, program supervisory and direct care staff);
 - g. Reviews of electronic data submissions and verification of data submissions or data accepted in lieu of electronic submission;
 - h. Reviews of utilization patterns; and
 - i. Reviews of training records;
 - j. Key indicators of the fiscal viability of the Provider;
 - k. Measures of the degree of individual access to services, such as waiting lists.
2. Performance Measures: The indicators listed below represent information that is already

being collected on an ongoing basis and that DHS/DMH will use to monitor community provider performance in FY 2010. DHS/DMH is currently focused primarily on monitoring consumer access to services. (In future contract cycles, key indicators on which DHS/DMH will focus will include additional measures on the quality of services delivered and consumer related outcomes.) All indicators relate to services provided during FY 2010:

- a. Percentage of consumers receiving services who meet the criteria for the DMH Target/priority population;
- b. Percentage of consumers receiving services who meet the criteria for the DMH Eligible population;
- c. Percentage of consumers receiving services who are 200% or below of the Federal poverty level;
- d. Percentage of consumers receiving services who are eligible for Medicaid;
- e. Percentage of consumers receiving services who are eligible for DHS/DMH services;
- f. Percentage of consumers receiving services within 24 hours of discharge from a state-operated or CHIPS hospital;
- g. Percentage of Community Support (individual, group or team) services provided off-site (e.g. in the community with a standard: 60%);
- h. Percentage of Assertive Community Treatment services provided off-site (e.g. in the community with a standard: 75%);
- i. For Providers receiving a contract or whom are under another business agreement with DHS/DMH to provide evidence-based practices each evidence-based practice (EBP) the fidelity scale scores for the EBP(s) at 6 and 12 months;
- j. Percentage of the following fields containing complete data (e.g. responses other than unknown or deferred in the case of diagnosis):
 - i. Diagnosis
 - ii. History of Disability
 - iii. Level of Impairment
 - iv. GAF/CGAS
 - v. Income
 - vi. Number in household
 - vii. Residential arrangement
- k. Employment status
- l. Number of days from initiation of forensic services to either:
 - i. Adjudication of Fitness or
 - ii. Conditional Release.
- m. Percentage of LEP consumers receiving services compared to the percentage of LEP individuals living in the geographic service area.

E. Data and Data Security

The Provider shall adhere to DHS policies and procedures for submitting data to the Department and for maintaining data security for all data submitted to, or received from, the Department.

F. Individual and Family Input and Participation

The Provider shall have policies and practices which reflect formal mechanisms, which ensure the outreach toward, and participation of individuals, their families, and/or other interested parties in the planning, development, delivery, and evaluation of and satisfaction with clinical services.

Providers are expected to educate individuals receiving services toward participation in developing their plan for care, treatment and services including a crisis plan. The individual's participation in developing his or her plan for care, treatment, services, and crisis plan is

documented on the individual treatment plan as well as a separate note in the individual's clinical record. The note includes the Provider's process for involving individuals in their care, treatment, and service decisions. The process shall consider and respect the individual's views. All efforts to involve individuals in consumer-generated crisis planning are to be made and documented before employing a provider-generated crisis planning. Provider-generated crisis planning is to be replaced with consumer-generated crisis plan. A copy of the written treatment plan will be provided to the individual.

G. DHS/DMH Individual and Family Grievance Process

In addition to maintaining an internal process for receiving and responding to grievances from individuals, families or members of the community, to facilitate compliance with the DHS/DMH Grievance Process DHS/DMH Providers contracted to deliver community-based mental health services (i.e., excluding PAS/MH, ICG, CHIPS Providers) shall, upon an individual's enrollment in DHS/DMH grievance process, make available the Consumer and Family Handbook from the Collaborative and contact information upon enrollment in the DHS/DMH grievance process.

H. Requests for Information

The Provider shall respond to a request by the Department for general information (for example, a legislative inquiry) within ten (10) working days of the written request for information. For emergency forensic inquiries, the Provider shall respond within forty-eight (48) hours of receipt of the request.

I. Federal Mental Health Services Block Grant Funds

Federal Mental Health Services Block Grant funds (CFDA 93.958) allocated to a mental health grant provider shall not be used for the following:

1. To provide inpatient services;
2. To make cash payments to intended recipients of health services;
3. To purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility; or purchase major medical equipment;
4. To satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or
5. To improve financial assistance to any entity other than a public or nonprofit public entity.

J. Federal Housing Development

The Provider agrees to notify the the DMH Housing Coordinator thirty (30) days in advance of making any application to the federal Department of Housing and Urban Development (HUD) for HUD Section 811 or Continuum of Care programs for community-based Permanent Supportive Housing development funding for persons with mental illnesses.

The Provider further agrees not to include the Department as a funding source on any application without the express written consent of the DMH Housing Coordinator.

K. Consumer Enrollment Information

The Provider shall ensure that consumer enrollment data on file with the Department or its agent are complete and are updated to accurately reflect for each consumer receiving services their current status and condition, including information on diagnosis and functional capacity, whenever the consumer's treatment plan is updated as defined in Rule 132 or the Provider discontinues serving the consumer.

L. Continuity of Care

The Provider, if receiving funding for mental health services or programs, is required to sign a Continuity of Care Agreement with the DHS/DMH Region Office which services the Provider's catchment area. This is on behalf of the Department for State-funded inpatient services. On behalf of the Department of Healthcare and Family Services (DHFS) Providers will execute and provide to the Regional Director the Coordination of Care agreement for those community hospitals having inpatient psychiatric units (programs) within the Provider's catchment area.

M. Disaster Response

In the event of a State Declared disaster, agencies funded through this contract for capacity grant program crisis services (cost center 580) shall participate in training for, and response to, a DHS/DMH activated emergency response plan.

N. Evidence-based Practices

Providers receiving a contract or who are under another business agreement with DHS/DMH to provide evidence-based practices must demonstrate fidelity to evidence-based practice models.

O. Distribution of Materials to HFS or DHS/DMH Eligible Individuals

DHS/DMH or its agent may develop and produce electronic and paper products designed to inform individuals about services, benefits, rights or the service delivery system such as updated copies of the Consumer and Family Handbook, notices for consumer and/or family telecalls. Providers shall assist DHS/DMH or its agent with distributing these materials by placing or posting copies of written material produced and provided by DHS/DMH or its agent in waiting areas, and by notifying individuals of available electronic information by providing and posting the website address for the information starting at the time of registration/enrollment and continuing throughout the consumer's service contract.

P. Advisements

1. The Provider is reminded that they continue to be qualified for possible post-payment reviews by the Illinois Department of Healthcare and Family Services and the federal Department of Health and Human Services that utilizes extrapolation in determining disallowed billings for services. DHS/DMH reserves the right to implement a similar methodology for providers who continue to exceed an established threshold of unsubstantiated billings for two consecutive post-payment reviews.
2. DHS/DMH continues to require the use of national standardized assessment instruments as outlined in the Provider Manual.

Q. Functional Standardized Assessments of Consumers

1. For all consumers over the age of 18 receiving ACT, CST, PAS/MH and residential services, the Provider shall ensure the completion of the Level of Care Utilization System (LOCUS) scale within 30 days of the first date of service, followed by annual re-assessments with this scale (i.e. within every 365 days) following each of these assessments, and at treatment completion or termination. Explanations for failure to complete these scales are to be documented in the consumer's clinical record.
2. For all youth consumers ages 5 to 17, the Provider shall ensure the completion of the Ohio Scale (worker version) and the Columbia Impairment Scale (parent and youth version) within 30 days of the first date of service, followed by quarterly re-assessments with these scales (i.e. within every 92 days) following each of these assessments, and at treatment completion or termination. The Provider will ensure that these assessment results and other required information are entered into the web-based outcomes analysis system maintained by DHS/DMH. Explanations for failure to complete these scales are to be documented in the consumer's clinical record.

R. Consumer Access

In order to preserve consumer access to services Providers may not close or relocate service sites where DHS/DMH funded services are provided without obtaining approval from DHS/DMH.

[Top of Page](#)

RESOLUTION NO. 7273

RESOLUTION AUTHORIZING THE COUNTY BOARD CHAIR TO EXECUTE A DEED OF CONVEYANCE, PERMANENT PARCEL NUMBER 15-025-0104

WHEREAS, The County of Champaign has undertaken a program to collect delinquent taxes and to perfect titles to real property in cases in which taxes on such real property have not been paid, pursuant to the authority of 35 ILCS 200/21-90; and

WHEREAS, Pursuant to this program, the County of Champaign has obtained an interest in the following described mobile home:

Candlewood Estates VIN: 3U3812891AB 1996; 01160
Permanent Parcel Number: 15-025-0104
As described in certificate(s): 95 sold on October 27, 2006
Commonly known as: 104 Carroll

and it appears to the Finance Committee that it would be to the best interest of the County to dispose of its interest in said property, by reconveyance, to the owner of a former interest in said property; and

WHEREAS, American Homes/Kim, has paid \$1,432.72 for the full amount of taxes involved and a request for reconveyance has been presented to the Finance Committee, at the same time it has been determined that the County shall receive \$795.10 as a return for its Certificate(s) of Purchase. The County Clerk shall receive \$45.00 for cancellation of Certificate(s) and to reimburse the Revolving Account the charges advanced from this account, and the Recorder of Deeds shall receive \$0.00 for recording. The remainder is the amount due the agent under his services. The total paid by Purchaser is \$1,432.72.

NOW, THEREFORE, BE IT RESOLVED By the County Board of Champaign County, Illinois, that the County Board Chair be authorized to execute a deed of conveyance of the County's interest or authorize the cancellation of the appropriate Certificate(s) of Purchase, as the case may be, on the above described mobile home for the sum of \$795.10 to be paid to the Treasurer of Champaign County Illinois, to be disbursed according to law. This resolution to be effective for sixty (60) days from this date and any transaction between the above parties not occurring within this period shall be null and void.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February, 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the County Board

Julia R. Rietz
State's Attorney



Courthouse
101 East Main Street
P. O. Box 785
Urbana, Illinois 61801
Phone (217) 384-3733
Fax (217) 384-3816
email: statesatty@co.champaign.il.us

**Office of
State's Attorney
Champaign County, Illinois**

February 1, 2010

Brendan McGinty
Chairperson
Finance Committee
County Board Office
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Re: Filling Legal Secretary position
State's Attorney Support Enforcement budget

Dear Chairperson:

We are requesting authorization from the Finance committee to fill a Legal Secretary position in the State's Attorney's Child Support Enforcement Division. On January 28, 2010, the current secretary in this position notified my staff that she is retiring effective Friday, February 12, 2010. This position is a bargaining unit position.

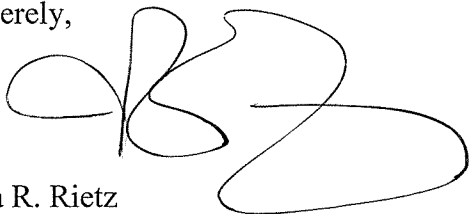
It is vital that this position be filled as soon as possible. As you know, the Support Enforcement Division, through our contract with the Illinois Department of Health and Family Services, is responsible for collecting child support payments for indigent custodial parents. It is a high volume department, and each staff member is responsible for ensuring that the cases are processed in a timely fashion as required by our contract. Due to state budget constraints, we have had to make some cuts in this division. We must have this position filled as soon as possible in order to meet operational needs and contractual requirements.

Although the Support Enforcement division of the State's Attorney's office is designated as a General Corporate Fund department, the program itself is funded through a contract with the Illinois Department of Health and Family Services. Salaries, benefits and fringes are covered by that contract. Accordingly, Champaign County will not achieve any savings by waiting three months to fill the position as any savings would be returned to the state pursuant to our contract.

February 1, 2010
Page Two

We respectfully request that this committee approve our request to fill this Legal Secretary position immediately in light of our operational needs and in light of the fact that funding for this position does not affect the General Corporate fund.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a large, stylized 'R' and a large, stylized 'Z'.

Julia R. Rietz
State's Attorney

ORDINANCE NO. 858
ORDINANCE AMENDING ZONING ORDINANCE
ESTABLISHING A RURAL RESIDENTIAL OVERLAY ZONING DISTRICT
IN THE AG-1 AGRICULTURE ZONING DISTRICT

520-AM-05

WHEREAS, the Champaign County Zoning Board of Appeals held a public hearing, made a formal recommendation for approval, and forwarded to this Board Zoning Case Number 520-AM-05;

WHEREAS, the Champaign County Board believes it is for the best interests of the County and for the public good and welfare to amend the Champaign County Zoning Ordinance in a manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED, by the Champaign County Board, Champaign County, Illinois, as follows:

1. That Resolution No. 971, *The Zoning Ordinance of the County of Champaign, Illinois*, be amended by establishing a Rural Residential Overlay Zoning District permitting no more than 3 building lots in addition to any building lots otherwise authorized by right in the AG-1 Agriculture Zoning District on the following described real estate:

TRACT 1:

A tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois described as follows with bearings on Illinois State Plane Coordinate System, East Zone, NAD 83:

Commencing at an iron pin at the Northeast corner of said East Half of the Northeast Quarter, proceed North 89° 57' 46" West along the North line of said East Half of the Northeast Quarter, 820.70 feet to the True Point of Beginning; thence continue North 89° 57' 46" West on said North line, 222.00 feet to the Northeast corner of a tract of land described in a warranty deed recorded as Document 95R22175 in the Champaign County Recorder's Office; thence South 00° 01' 21" West along the East line of said tract described in a warranty deed, 420.00 feet to the Southeast corner of said tract described in a warranty deed; thence North 89° 57' 46" West along the South line of said tract described in a warranty deed, 288.00 feet to the West line of said East Half of the Northeast Quarter; thence South 00° 01' 21" West along said West line, 246.00 feet; thence South 89° 57' 46" East, 510.00 feet; thence North 00° 01' 21" East, 666.00 feet to the True Point of Beginning, encompassing 5.021 acres, more or less.

TRACT 2:

A tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois described as follows with bearings on Illinois State Plane Coordinate System, East Zone, NAD 83:

Commencing at an iron pin at the Northeast corner of said East Half of the Northeast Quarter, proceed South 00° 03' 22" East along the East line of said East Half of the Northeast Quarter, 1425.00 feet to the True Point of Beginning; thence continue South 00° 03' 22" East on said East line, 108.00 feet; thence South 89° 56' 38" West, 602.00 feet; thence North 00° 03' 22" West, 202.00 feet; thence North 89° 56' 38" East, 371.00 feet to the True Point of Beginning, encompassing 1.991 acres, more or less.

TRACT 3:

A tract of land being part of the East Half of the Northeast Quarter of Section 29, Township 21 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois described as follows with bearings on Illinois State Plane Coordinate System, East Zone, NAD 83:

Commencing at an iron pin at the Northeast corner of said East Half of the Northeast Quarter, proceed South 00° 03' 22" East along the East line of said East Half of the Northeast Quarter, 1533.00 feet to the True Point of Beginning; thence continue South 00° 03' 22" East on said East line, 366.00 feet to a point being 61.00 feet North of the Northeast corner of a tract of land described in a warranty deed recorded as Document 2003R47122 in the Champaign County Recorder's Office; thence South 89° 56' 38" West, along a line being parallel with the North line of said tract described in a warranty deed, 602.00 feet; thence North 00° 03' 22" West, 366.00 feet; thence North 89° 56' 38" East, 602.00 feet to the True Point of Beginning, encompassing 5.058 acres, more or less.

2. That the reclassification of the above described real estate be subject to the following special conditions:
 - A. Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.
 - B. Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements

shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.

- C. Prospective lot purchasers shall be made aware of the Zoning Ordinance requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.
- D. Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.
- E. Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.
- F. Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
- G. All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
- H. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
- I. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.

- J. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520AM-05.
- 3. That the boundary lines of the Zoning Map be changed and that a symbolic indication of the existence of conditions be placed on the map in accordance with the provisions hereof

PRESENTED, PASSED, APPROVED, AND RECORDED this 18th day of February, A.D. 2010.

SIGNED:

ATTEST:

C. Pius Weibel, Chair
Champaign County Board

Mark Shelden, County Clerk &
ex officio Clerk of the County Board

Champaign
County
Department of



Brookens
Administrative Center
1776 E. Washington Street
Urbana, Illinois 61802

To: **Environment and Land Use Committee**
From: **John Hall, Zoning Administrator**
JR Knight, Associate Planner

Date: **October 8, 2009**

RE: **Zoning Case 520-AM-05**

Zoning Case 520-AM-05

Request **Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.**

(217) 384-3708 Petitioners **Gene Bateman**

STATUS

This case was remanded back to the Zoning Board of Appeals (ZBA) by ELUC on February 9, 2009. See Item 9.G. on page 5 of the Summary of Evidence for background of the case.

The ZBA voted to "RECOMMEND APPROVAL with Special Conditions of Approval" of this proposed Rural Residential Overlay (RRO) rezoning at their October 1, 2009 meeting. Relevant maps have been excerpted from the Documents of Record and are attached. The Summary of Evidence is attached and includes relevant testimony from the public hearing. The ZBA is required to make two specific findings for RRO determinations and those findings are reproduced below in this memorandum and also appear in the Finding of Fact.

The proposed RRO is in Newcomb Township, which has a plan commission. No comments were received from the township during the public hearing and no comments or protest are anticipated at this time.

SPECIAL CONDITIONS OF APPROVAL

The following special conditions were approved by the ZBA in their recommendation of the case:

1. **Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.**
2. **Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.**
3. **Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.**

4. Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.
5. Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.
6. Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
7. All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
8. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
9. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
10. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

REQUIRED FINDINGS

With respect to map amendments requesting creation of a Rural Residential Overlay (RRO) Zoning District, Section 5.4.3 of the Zoning Ordinance requires the ZBA to make two specific findings before forwarding a recommendation to the County Board. The required findings are stated as follows in the Ordinance:

1. That the proposed use is or is not suitable for the development of the specified maximum number of residences; and

2. That the proposed residential development will or will not be compatible with surrounding agriculture.

The Land Use Regulatory Policies that were adopted on November 21, 2001 establish requirements for RROs proposed on "best prime farmland" that the land be "well suited" and that the land be used in the "most efficient way". The proposed RRO is not on best prime farmland so the higher requirements do not apply. The required findings on page 19 of the attached Final Determination have been reproduced below with references to the relevant items in the Summary of Evidence.

Required Finding 1. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. The proposed site **IS SUITED** for the development of 3 residences because:
 - A. The site meets the Pipeline Impact Radius Ordinance to mitigate man-made hazards and safety concerns (item 17*); and
 - B. much better than typical and nearly ideal conditions for the other consideration of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is ideal (items 11*, 12*, 13*, 19*, 16*, 14*); and
 - C. The property is 5.3 miles from the Cornbelt Fire Protection District (item 15*); and
 - D. with the proposed condition the property will meet the Cornbelt Fire Protection District's standards for access and turn-around (item 24.D*);and despite:
 - E. The fact that there are high pressure gas pipelines in the vicinity (item 17*); and
 - F. the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities and land surrounding the lots is actively in production (item 18*);
 - G. emergency service vehicle access is limited by flooding.

* refers to items in the Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

Required Finding 2. Regarding Whether the Site is Suitable for the Development of the Specified Maximum Number of Residences:

1. Development of the proposed site under the proposed Rural Residential Overlay development **WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. **surface drainage that is much better than typical (item 12*); and**
 - B. **the condition to provide an easement for the drainage district tile (item 24. B. (1));**
 - C. **the adequacy of the roads that is nearly ideal Champaign County conditions (item 11*); and**
 - D. **traffic generated by the proposed RRO District that will be only 200% more than without the RRO (item 23.A.*);**
 - E. **the condition to require centralized driveways and grouped mailboxes as to not impede agricultural traffic (item 24.C.(1)*).**

and despite:

- F. **presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units (item 23.B.(3)); and**
- G. **the presence of a drainage district tile near the proposed RRO district (item 12.B.); and**
- H. **the proposed RRO will have an impact on farm compatibility.**

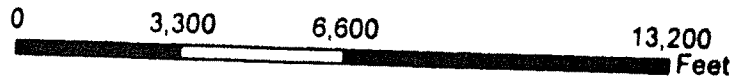
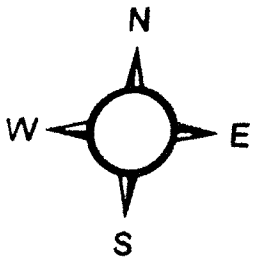
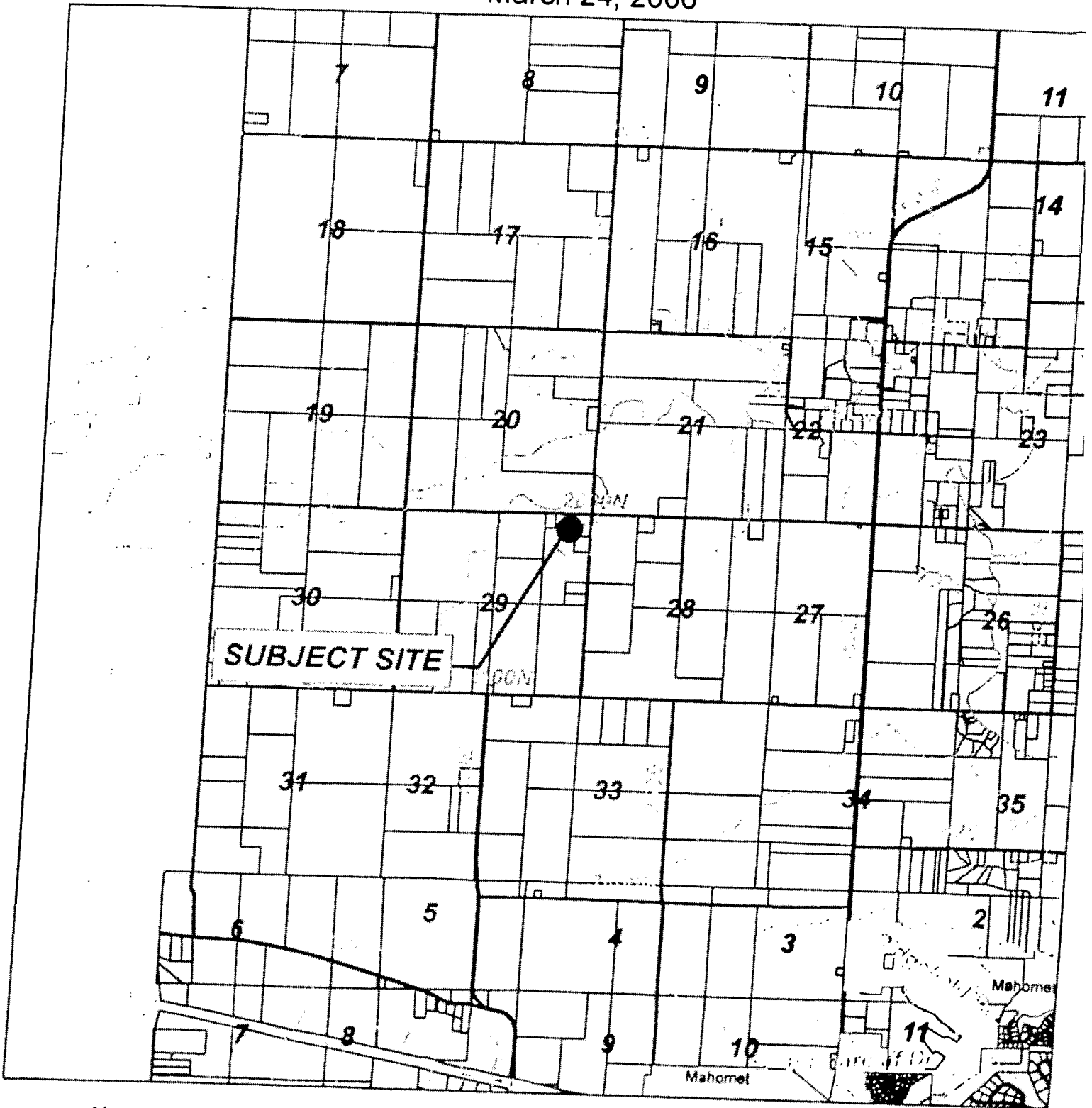
* refers to items in the Summary of Evidence

NOTE: This is not the actual finding. See the As-Approved Finding of Fact.

ATTACHMENTS (excerpted from Documents of Record)

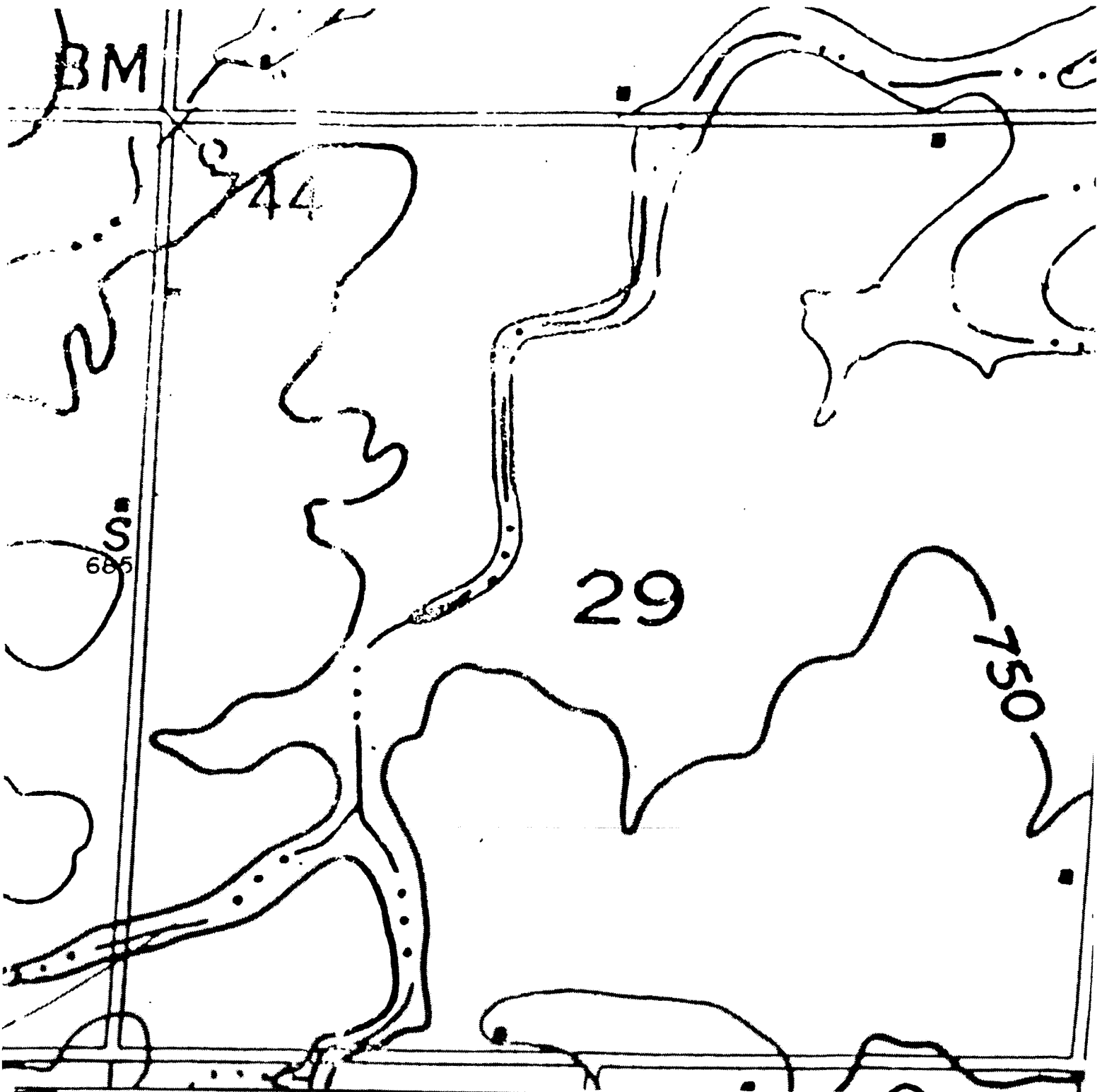
- A Zoning Case Maps (Location, Land Use, Zoning)
- B Bateman Proposed Tracts, received on September 18, 2009
- C Summary of Evidence, Finding of Fact, and Final Determination of the Champaign County Zoning Board of Appeals as approved on October 1, 2009

Attachment A Location Map
Case 520-AM-05
March 24, 2006



**Champaign County
Planning and Zoning Department
1776 E. Washington Street
Urbana, IL 61802
217-384-3708**

Attachment A Zoning Map
 Case520-AM-05
 March 24, 2006

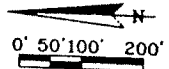


| | | | | |
|---------------------|-----------------------------------|--------------------------------|---------------------------------|----------------------------|
| AG-1 Agriculture | R-1 Single Family Residence | R-4 Multiple Family Res. | B-2 Neighborhood Business | B-5 Central Business |
| AG-2 Agriculture | R-2 Single Family Residence | R-5 Mob Par | B-3 Highway Business | I-1 Light Industry |
| CR | R-3 | B-1 | B-4 | I-2 |

NORTH
 Champaign County
 Department of
 Planning & Development

90'x90'
PEOPLES
ENERGY
EASEMENT

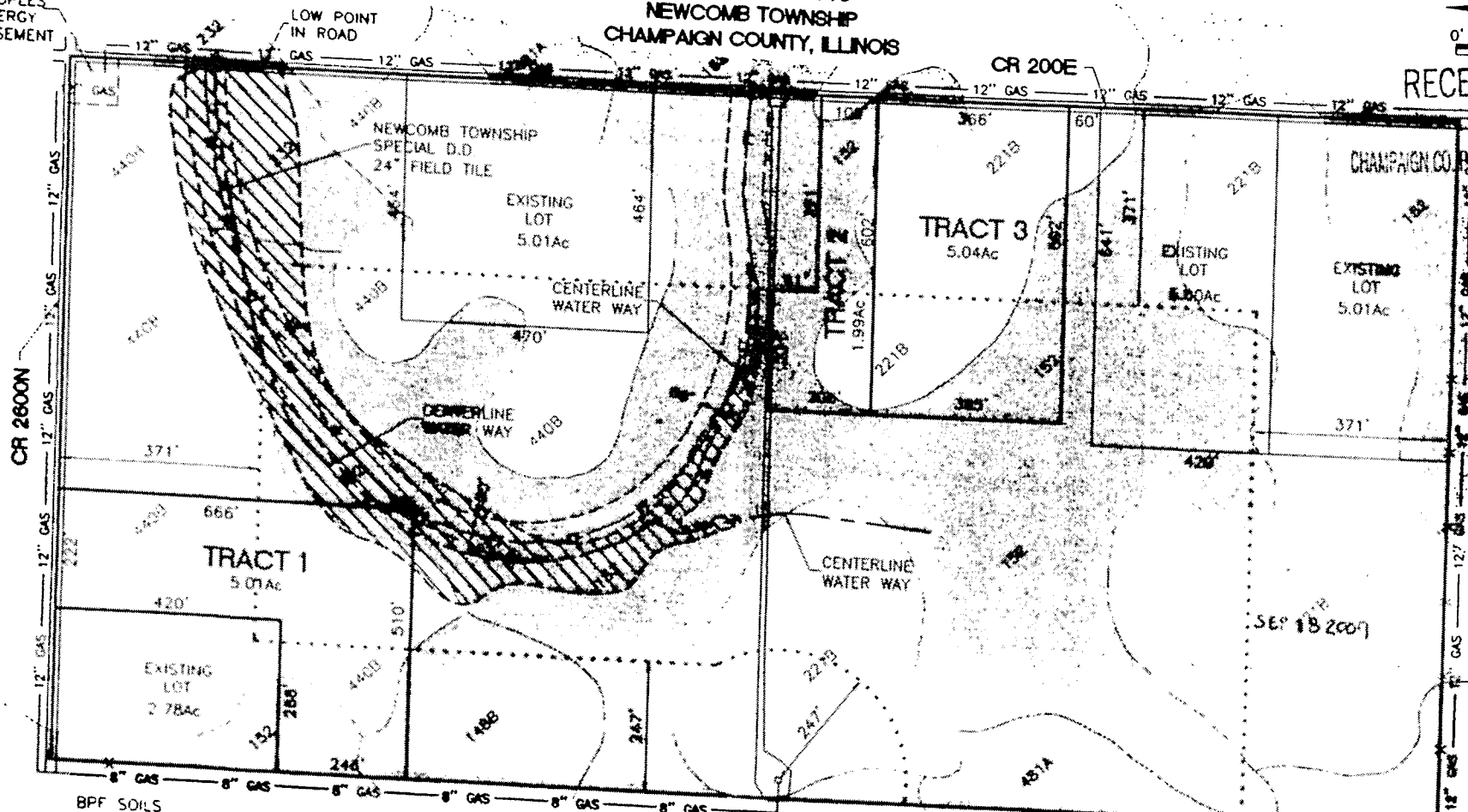
BATEMAN
PROPOSED TRACTS
NEWCOMB TOWNSHIP
CHAMPAIGN COUNTY, ILLINOIS



RECEIVED

2009

CHAMPAIGN COUNTY Z DEPARTMENT



BPF SOILS

NON-BPF SOILS

HIGH WATER BACKUP
(SAME ELEV AS LOW
POINT IN ROAD)

POTENTIAL IMPACT ZONE
SETBACK LINE

| TRACT | ACRES | BPF SOIL | | NON-BPF SOIL | | LE | BUILDABLE AREA |
|---------|---------|--------------|---------|--------------|-------------|---------|----------------|
| | | SOIL TYPE | ACRES | PERCENT | SOIL TYPE | | |
| TRACT 1 | 5.01Ac. | 152 DRUMMER | 0.76Ac. | -15.1% | 440B JASPER | 3.98Ac. | -79.7% |
| TRACT 2 | 1.99Ac. | 148B PROCTOR | 0.26Ac. | -5.2% | | | |
| TRACT 3 | 5.04Ac. | 152 DRUMMER | 1.54Ac. | -30.6% | 221B PARR | 3.50Ac. | -69.4% |

E 1/2-NE1/4-SEC 29-T21N-R7E-3rd PM
CHAMPAIGN COUNTY, ILLINOIS 09/16/09

- Revised: 07/07/09
- Revised: 05/29/09
- Revised: 12/18/06
- Revised: 12/14/06
- Revised: 12/13/06
- Revised: 11/8/06
- Revised: 10/12/06
- Revised: 10/11/06
- Revised: 07/13/06

Job # 05114

Drawn By: BDB/CAM Date: 03/27/06



201 West Springfield, Suite 300,
Champaign, Illinois 61824-0140
Phone No 217-352-6976

AS APPROVED

520-AM-05

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***RECOMMEND APPROVAL WITH CONDITIONS***

Date: October 1, 2009

Petitioner: Gene Bateman

Request: Amend the Zoning Map to allow for the development of 3 single family residential lots in the AG-1 Agriculture Zoning District by adding the Rural Residential Overlay (RRO) Zoning District.

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Gene Bateman, owns the subject property.
2. The subject property is approximately 12.04 acres of an existing 62.20 acre parcel in the East Half of the Northeast Quarter of Section 29 of Newcomb Township that is commonly known as the farm field that borders the south side of CR2600N and the west side of CR200N.
3. Regarding any relevant municipal or township jurisdiction:
 - A. The subject property is not located within the one-and-one-half-mile extraterritorial jurisdiction of a municipality with zoning. Municipalities have protest rights on map amendments and they are notified of all such cases.
 - B. The subject property is located in Newcomb Township, which has a planning commission. Townships with planning commissions have protest rights on map amendments and are notified of all such cases. No comments have been received from Newcomb Township at this time.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner wrote the following: **“Applying for RRO.”**
5. Land use and zoning on the subject property and in the immediate vicinity are as follows:

AS APPROVED

- A. The subject property is zoned AG-1 Agriculture and is currently in use as farmland.
- B. Land on the south and west of the subject property is zoned AG-1 Agriculture and is currently in use as farmland.
- C. Land on the north and east of the subject property is zoned AG-1 Agriculture is in use as farmland, but also contains residential uses.

GENERALLY REGARDING THE REQUIREMENTS FOR ESTABLISHING AN RRO DISTRICT

- 6. Generally regarding relevant requirements from the *Zoning Ordinance* for establishing an RRO District:
 - A. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is in addition to the pre-existing (underlying) rural zoning. An RRO is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.
 - B. Paragraph 5.4.3.C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to make two specific findings for RRO approval which are the following:
 - (1) That the proposed site is or is not suitable for the development of the specified maximum number of residences; and
 - (2) That the proposed residential development will or will not be compatible with surrounding agriculture.
 - C. Paragraph 5.4.3 C.1 of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:
 - (1) Adequacy and safety of roads providing access to the site;
 - (2) Effects on drainage both upstream and downstream;
 - (3) The suitability of the site for onsite wastewater systems;
 - (4) The availability of water supply to the site;
 - (5) The availability of emergency services to the site;
 - (6) The flood hazard status of the site;
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat;
 - (8) The presence of nearby natural or man-made hazards;
 - (9) Effects on nearby farmland and farm operations;
 - (10) Effects of nearby farm operations on the proposed residential development;

- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated;
- (12) The Land Evaluation and Site Assessment (LESA) score of the subject site;

GENERALLY REGARDING CHAMPAIGN COUNTY LAND USE POLICIES

7. The Land Use Goals and Policies were adopted on November 29, 1977, and were the only guidance for County Map Amendments until the Land Use Regulatory Policies-Rural Districts (LURP) were adopted on November 20, 2001, as part of the Rural Districts Phase of the Comprehensive Zoning Review (CZR). The LURP's were amended September 22, 2005, but the amendment contradicts the current Zoning Ordinance and cannot be used in concert with the current Zoning Ordinance. The LURP's adopted on November 20, 2001, remain the relevant LURP's for discretionary approvals (such as map amendments) under the current Zoning Ordinance. Land Use Regulatory Policy 0.1.1 gives the Land Use Regulatory Policies dominance over the earlier Land Use Goals and Policies. LURP's that are relevant to any proposed RRO District are the following:
 - A. Land Use Regulatory Policy 1.1 provides that commercial agriculture is the highest and best use of land in the areas of Champaign County that are by virtue of topography, soil and drainage, suited to its pursuit. Other land uses can be accommodated in those areas provided that:
 - (1) The conversion of prime farmland is minimized;
 - (2) The disturbance of natural areas is minimized;
 - (3) The sites are suitable for the proposed use;
 - (4) Infrastructure and public services are adequate for the proposed use;
 - (5) The potential for conflicts with agriculture is minimized.
 - B. Land Use Regulatory Policy 1.2 states that on the best prime farmland, development will be permitted only if the land is well suited to it, and the land is used in the most efficient way consistent with other County policies.
 - C. Land Use Regulatory Policy 1.3.3 provides that development beyond the basic development right will be permitted if the use, design, site and location are consistent with County policy regarding:
 - (1) The efficient use of prime farmland;
 - (2) Minimizing the disturbance of natural areas;
 - (3) Suitability of the site for the proposed use;
 - (4) Adequacy of infrastructure and public services for the proposed use; and
 - (5) Minimizing conflict with agriculture.

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- D. Land Use Regulatory Policy 1.4.2 states that non-agricultural land uses will not be permitted if they would interfere with farm operations or would damage or negatively affect the operation of agricultural drainage systems, rural roads or other agriculture related infrastructure.
- E. Land Use Regulatory Policy 1.5.3 states that development will not be permitted if existing infrastructure, together with proposed improvements, is inadequate to support the proposed development effectively and safely without undue public expense.
- F. Land Use Regulatory Policy 1.5.4 states that development will not be permitted if the available public services are inadequate to support the proposed development effectively and safely without undue public expense.

GENERALLY REGARDING THE MAXIMUM ALTERNATIVE DEVELOPMENT WITHOUT AN RRO

- 8. Regarding the maximum number of new zoning lots that could be created out of the subject property without the authorization for the RRO Zoning District:
 - A. As amended on February 19, 2004, by Ordinance No. 710 (Case 431-AT-03 Part A), the *Zoning Ordinance* requires establishment of an RRO District for subdivisions with more than three lots (whether at one time or in separate divisions) less than 35 acres in area each (from a property larger than 50 acres) and/or subdivisions with new streets in the AG-1, AG-2, and CR districts (the rural districts) except that parcels between 25 and 50 acres may be divided into four parcels.
 - B. The subject property was a 77.22 acre parcel on January 1, 1998, and since that time there have been three five-acre lots created. The 2.8 acre parcel in the northwest corner also existed as a separate parcel on January 1, 1998. The current 62.2 acre parcel could be divided into a 35 acre tract lot and a 27.2 acre remainder lot without having to obtain approval of the Rural Residential Overlay District as amended in Case 431-AT-03, Part A.

GENERALLY REGARDING THE PROPOSED RRO DISTRICT

- 9. In general, the Schematic Plan has been revised throughout the public hearing and indicates the following:
 - A. Regarding drainage concerns relevant to the total property:
 - (1) The property is not within a FEMA regulated 100-year flood zone.
 - (2) The site drains primarily to the northeast into an existing farmed waterway. The Bateman Proposed Tracts received September 18, 2009, indicates the centerline of the waterway and indicates the high water backup elevation if the culvert near CR2600N would become blocked.
 - B. The Proposed Bateman Tracts received on October 12, 2005, are proposed to include five lots that occupy 23 acres of the 62.20 acre subject property. Lots 1, 2, 3 and 5 are proposed to be five acre lots and Lot 4 was proposed to be a three acre lot. Lot 4 was revised to be a 1.58 acre lot on the Revised Proposed Bateman Tracts received March 29, 2006.

- C. The Revised Proposed Bateman Tracts received July 13, 2006, has the following changes:
- (1) A 90" x 90" easement for Peoples Energy is indicated at the intersection of CR2600N and CR200E.
 - (2) The centerline of the 24 inch diameter Newcomb Special Drainage District drainage tile is indicated. A 75 feet wide easement is indicated centered on the tile.
 - (3) Shared driveway entrances are indicated for Tracts 1 and 2 and for Tracts 4 and 5.
- D. The Revised Proposed Bateman Tracts received October 12, 2006, has the following changes:
- (1) An 80 feet wide easement for the Newcomb Special Drainage District tile.
 - (2) Revised lots.
- E. The Revised Proposed Bateman Tracts received December 14, 2006, and as amended at the public hearing on December 14, 2006, has the following changes:
- (1) The number of lots was reduced to two.
 - (2) All proposed lots are flag lots with access strips that are 680 feet long for Tract 2 and 340 feet long for Tract 1.
- F. The Bateman Proposed Tracts received, on September 18, 2009, indicated the following:
- (1) There are three Tracts. Tracts 1 & 3 are approximately five acres in area, and Tract 2 is approximately two acres in area.
 - (2) Tract 2 is technically a flag lot with an access strip 109 feet wide and 371 feet long.
 - (3) All three Tracts have at least an acre of buildable area outside the Pipeline Impact Radius (PIR) of the People's Gas natural gas pipelines located on the perimeter of the subject property.
- G. Regarding the history of Case 520-AM-05:
- (1) The petitioner submitted the application for rezoning to the RRO District on October 12, 2005.
 - (2) The public hearing was opened on March 30, 2006.
 - (3) On October 12, 2006, the ZBA voted to Recommend Denial to ELUC and the full County Board.
 - (4) On November 13, 2006, ELUC voted to remand Case 520-AM-05 so the petitioner could revise their site plan to deal with the ZBA's concerns.
 - (5) On December 14, 2006, the ZBA voted to Recommend Approval of the revised RRO to ELUC and the full County Board.

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- (6) Case 520-AM-05 was tabled at ELUC in January and February of 2007. On March 12, 2007, ELUC voted to defer Case 520-AM-05 until the *Zoning Ordinance* was amended to include specific requirements for development near pipelines.
 - (7) The *Zoning Ordinance* was amended on November 20, 2008, by Ordinance No. 841 (Case 583-AT-07), which added requirements for development near pipelines.
 - (8) On February 9, 2009, ELUC voted to remand Case 520-AM-05 to the ZBA so the petitioner could revise his plan to better fit the new requirements regarding separations from natural gas pipelines.
 - (9) The petitioner's representative submitted the current plan on September 18, 2009.
- H. The lots in the requested RRO District meet or exceed all of the minimum lot standards of the Zoning Ordinance.

GENERALLY REGARDING THE SOILS ON THE PROPERTY

10. A Natural Resource Report was prepared for the petitioner in 2003 and was based on the entire 77 acre tract. Staff re-examined the proposed 5 lot RRO and the results can be summarized as follows:
 - A. Regarding the types of soils on the total property, their relative extent, and the relative values:
 - (1) About 51% of the total 77 acre property consists of soils that are considered by Champaign County to be Best Prime Farmland and consists of Drummer silty clay loam, 0 to 2% slopes (map unit 152A); Ashkum silty clay loam (232A); Raub silt loam, 0 to 3% slopes (481A); and Clare silt loam, 1% to 5% slopes (663B; formerly 148B Proctor silt loam, 1% to 5% slopes).
 - (2) About 49% of the of the total 77 acre property consists of soils that are not considered Best Prime Farmland by Champaign County and consists of Wyanet silt loam, 2% to 5% slopes (622B; formerly 221B Parr silt loam, 2% to 5%); and Penfield Loam, 1% to 5% slopes (687B; formerly 440B Jasper loam, 1% to 5% slopes).
 - B. The original 77 acre property is Best Prime Farmland under the Champaign County Land Use Regulatory Policies, as follows:
 - (1) Best Prime Farmland is identified by the Champaign County Land Use Regulatory Policies – Rural Districts as amended on November 20, 2001, as any tract on which the soil has an average Land Evaluation Factor of 85 or greater using relative values and procedures specified in the Champaign County, Illinois Land Evaluation and Site Assessment System.
 - (2) The Land Evaluation Worksheet in the Natural Resource Report indicates the overall Land Evaluation factor for the soils on the subject property is 88. When encountering situations such as this, staff generally evaluates each site on an individual basis.

- C. Regarding the types of soils on the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, making up the 12.04 acres, their relative extent, and relative values:
- (1) The proposed RRO lots have been located such that Best Prime Farmland soils make up only about 32% of the proposed lot area and Drummer silty clay loam makes up only about 30% of the proposed lot area.
 - (2) An evaluation of the soils for the entire proposed RRO yields an average Land Evaluation score of 84.4 which rounds to 84 and thus the proposed RRO is not Best Prime Farmland on average.
 - (3) An evaluation of the soils for the specific lots proposed in this RRO as indicated on the revised Proposed Bateman Tracts received October 12, 2006, indicates the following:
 - (a) Tracts 1 and 3 are not Best Prime Farmland on average; and
 - (b) Tract 2 appears to be Best Prime Farmland on average. However, also note that it is less than two acres in area which is less than the maximum lot area for best prime farmland lots in an RRO.
- D. Site specific concerns stated in the Natural Resource Action Report are as follows:
- (1) The subject property has 6 soils types that have moderate to severe limitations for the development in their natural unimproved state. The possible limitations include severe ponding and wetness that will adversely affect septic fields on the site. However, the three lots in the Bateman Proposed Tracts received on September 18, 2009, all have adequate area of soils with high septic suitability to allow for placement of septic leach fields.
 - (2) The subject area will be subject to erosion both during and after construction. Any areas left for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.
 - (3) The proposed design that uses 5 to 5.5 acre tracts is not an efficient use of prime farmland. A lot size of 1 acre would be more efficient use of the land.
 - (4) Drainage ways noted on the Surface Water Flow Map needs to be maintained. A significant volume of water flows through the property in drainage ways that should be guarded with permanent easements.

GENERALLY REGARDING THE ADEQUACY AND SAFETY OF ROADS

11. Regarding the adequacy and safety of roads providing access to the proposed RRO District:
- A. The Institute of Transportation Engineers publishes guidelines for estimating of trip generation from various types of land uses in the reference handbook Trip Generation. Various statistical averages are reported for single family detached housing in Trip Generation and the average weekday traffic generation rate per dwelling unit is 9.55 average vehicle trip ends per dwelling

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unit. Trip Generation does not report any trip generation results for rural residential development.

- B. The staff report *Locational Considerations for Rural Residential Development in Champaign County, Illinois* that led to the development of the RRO Amendment, incorporated an assumed rate of 10 average daily vehicle trip (ADT) per dwelling unit for rural residences. The assumption that each proposed dwelling is the source of 10 ADT is a standard assumption in the analysis of any proposed RRO.
- C. Based on the standard assumption that each proposed dwelling is the source of 10 ADT, the 3 proposed single-family residence in the Bateman Proposed Tracts received on September 18, 2009, are estimated to account for an increase of approximately 30 ADT in total but it is unclear if all the traffic flow will be in the same direction or if the traffic will be split between the east and the west and north and south.
- D. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):
 - (1) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - (2) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
 - (3) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
 - (4) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- E. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* general design guidelines also recommends that local roads with an ADT of 400 vehicle trips or less have a minimum shoulder width of two feet. The roads in question both meet this minimum standard.
- F. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). An IDOT map of AADT data for 2006 in the vicinity of the subject property is included as an attachment to the Preliminary Memorandum and indicates the following:
 - (1) There is no AADT data reported for CR 2600 N between the subject property and the intersection of CR200E. The closest ADT in the vicinity of the subject property is approximately 1 mile south on CR2500N and has an ADT of 150.

- (2) The pavement width of the both roadways, CR200E and CR 2600N adjacent to the subject property is approximately 18' wide. These roadways are contained within a minimum ROW width of 40 feet in the vicinity of the subject parcel and are constructed of oil and chip pavement.
- G. The relevant geometric standards for visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. Concerns are principally related to the minimum stopping sight distance. Design speed determines what the recommended distance is. In regards to the proposed RRO, staff utilized the typical design speed of 55 mph for these two rural roadways and there appears to be no concerns related to stopping sight distance. The appropriate stopping site distance at 55 mph is 400 feet.
- H. The intersection of CR200E and CR2600E has no stop signs like most rural intersections and so there are visibility concerns for traffic approaching the intersection. Evidence relevant to traffic visibility concerns is as follows:
- (1) The relevant geometric standards for traffic visibility are found in the *Manual of Administrative Policies of the Bureau of Local Roads and Streets* prepared by the Bureau of Local Roads and Streets of the Illinois Department of Transportation. The "minimum stopping sight distance" is determined by design speed and varies as follows:
- A design speed of 30 miles per hour requires a minimum distance of 200 feet.
 - A design speed of 40 miles per hour requires a minimum distance of 275 feet.
 - A design speed of 50 miles per hour requires a minimum distance of 400 feet.
 - A design speed of 60 miles per hour requires a minimum distance of 525 feet.
 - A design speed of 70 miles per hour requires a minimum distance of 625 feet.
- (2) The Champaign County Zoning Ordinance prohibits construction and establishes vegetation maintenance requirements in corner visibility triangles that are 50 feet back from the right of way lines at all street intersections. For Township roads with 60 feet wide rights of ways this provides a guaranteed stopping sight distance of only about 80 feet which is inadequate for speeds as low as 30 miles per hour.
- (3) The speed limit on unmarked rural roads is 55 miles per hour which requires a corner visibility triangle of about 462 feet.
- I. Testimony at the April 13, 2006, public hearing regarding traffic can be summarized as follows:
- (1) Doug Turner who resides at 248CR2500N, Mahomet testified that he was concerned with the condition of CR200E and about three years ago CR200E was a gravel road that maybe two or three people drove on per week but now there are about 60 or 70 cars that travel CR200E per day. He said that CR200E has been oiled but it is falling apart and

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there is a 20 feet wide area that is impassable when a flood even occurs and he does not believe that CR200E has the ability to handle anymore traffic in its current condition.

- (2) Chris Doenitz who resides at 125 CR2300N, Mahomet testified that he travels CR200E with farm equipment and currently he has to dodge mailbox after mailbox and the more houses that are built the worse it will become. He said that CR200E is an inadequate road for large farm equipment and traffic and the continued creation of five acre lots along the roads creates havoc for the new landowners and farmers. He said that if the RRO is approved they should be required to install their own infrastructure.
- J. A special condition is proposed to require the driveways on Tracts 2 and 3 to be co-located at the common lot line between the two tracts.
- K. Overall, the subject property and proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the adequacy and safety of roads providing access because the three proposed residences will only add about a 20% increase in traffic and the Average Annual Daily Traffic will still be less than the maximum recommended.

GENERALLY REGARDING DRAINAGE

12. Regarding the effects of the proposed RRO lots in the Bateman Proposed Tracts received on September 18, 2009, on drainage both upstream and downstream:
 - A. The Engineers statement of general drainage conditions received for this three lot RRO dated October 4, 2005, as well as the revised site plan indicates the following:
 - (1) There is approximately ten (10) foot of topographic fall on the subject property from the southern property line to the intersection of CR 2600 N and CR 200E. There are drainage ways that bisect the northern portion of the property that feed into branches of the tributary of the Sangamon River. There is an approximate 1.5% slope on average for the subject property. The topographic contours do not indicate any areas of significant storm water ponding on the subject property. The Champaign County Zoning Ordinance does not contain minimum acceptable ground slope but 1% is normally considered a minimum desirable ground slope for residential development.
 - (2) Most of the subject property drains directly to a tributary of the Sangamon River.
 - (3) None of the property is located below the Base Flood Elevation (100-year flood).
 - (4) Storm water detention is not required due to the low percent of impervious area for the proposed RRO.
 - (5) Based on records in the Department of Planning and Zoning, Newcomb Special Drainage District has a 20 inch to 24 inch drainage tile that is located generally in the northeast corner of the subject property. The applicants engineer has provided the centerline of this

tile and indicated the High Water Back-up area on the Bateman Proposed Tracts received on September 18, 2009.

B. Testimony at the April 13, 2006, public hearing regarding drainage can be summarized as follows:

- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) He was representing the Newcomb Special Drainage District and the three Commissioners of the District are very concerned about the proposal.
 - (b) There is a 24 inch diameter district tile that runs through the proposed RRO and the drainage district is concerned about their ability to access the tile with the houses that are proposed to be constructed. He said that the District is concerned that the new owners will not be aware that the tile exists and the tile will be damaged during construction.
 - (c) The 24 inch tile is the only tile on the property that is a drainage district tile but there are 10 inch to 15 inch private tiles that branch off on the subject property.
 - (d) The drainage district tile is approximately 90 years old and at some point it will need to be replaced. At a minimum he estimates that the drainage district will require a 75 feet wide easement for maintenance of the tile.
 - (e) He said that the bridge to the south has adequate capacity but the bridge to the north is very old and is inadequate for a three inch rain. He said that he has lived in this neighborhood for 50 years and he has seen water backed up on this farm numerous times.

C. Testimony at the July 13, 2006, public hearing regarding drainage can be summarized as follows:

- (1) Doug Turner who resides at 248CR2500N, Mahomet testified generally as follows:
 - (a) The Newcomb Special Drainage District Commissioners would like an 80 feet wide easement for the drainage district tile and they do not want any permanent structures or trees in the easement nor should there be any hook-ups to the tile without the prior written approval by the drainage district.
 - (b) The Newcomb Special Drainage District Commissioners would like the Batemans to grass the entire waterway on their property.

D. Based on the available information the subject property and lots in the Bateman Proposed Tracts received on September 18, 2009, are comparable to "much better than typical" conditions for Champaign County in terms of common conditions for the drainage effects on properties located both upstream and downstream because of the following:

- (1) None of the subject property is located in the Special Flood Hazard Area.
- (2) Approximately 68% of the three proposed RRO lots is soil that is not considered a "wet soil".

- (3) The subject property has good surface drainage with adequate drainage outlets and does not drain over adjacent land.

GENERALLY REGARDING SUITABILITY OF THE SITE FOR ONSITE WASTEWATER SYSTEMS

13. Regarding the suitability of the site for onsite wastewater systems:
 - A. No actual soil investigations or soil percolation test results have been submitted and none are required as a submittal for an RRO rezoning. As a practical matter the proposed buildable areas of the subject property are along the eastern and northern edges of the site. Proposed Tract 2, in the Bateman Proposed Tracts received on September 18, 2009, contains mostly Drummer soil, but also contains at least a half-acre of Parr soil, which has a High rating for septic suitability.
 - B. The pamphlet *Soil Potential Ratings for Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet contains worksheets for 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). The worksheets for the soils on the buildable area of the lots in the Bateman Proposed Tracts received on September 18, 2009, are an attachment to the Preliminary Memorandum and can be summarized as follows:
 - (1) Jasper loam, (soil unit 440B), with 1% to 5% slopes has a very high suitability for septic tank leach fields with a soil potential index of 79. This soil is found to be the majority of soil present on Tract 1 and is characterized as a moderate rated soil due to the slow percolation rate. Jasper loam makes up 79% of the soil on Tract 1.
 - (2) Parr silt loam, 2% to 5% slopes (map unit 221B), has a High suitability for septic tank leach fields with a soil potential index of 95. There are no required corrective measures necessary with this soil. There are only four soils in Champaign County with a higher rating and 55 soils that have lower ratings. Parr silt loam comprises 25 and 69 percent of Tracts 2 and 3 respectively.
 - (3) Drummer silty clay loam, (soil unit #152) has a low suitability for septic tank leach fields with a soil potential index of only 53. Several corrective measures are required. There are only 19 soils with a lower suitability than Drummer and 40 soils with a higher suitability. Drummer soil is found on all three tracts and comprises 75% of Tract 2 (the highest), 30% of Tract 3, and 15% of Tract 1 (the lowest).
 - C. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the suitability of the soils on the subject property for septic systems are comparable to the "much better than typical" conditions for Champaign County in terms of common conditions for the septic suitability of soils for the proposed RRO District because about 70% of the subject property consists of soils with a very high suitability for septic tank leach fields.

GENERALLY REGARDING THE AVAILABILITY OF GROUNDWATER AT THE SITE

14. Regarding the availability of water supply to the site:

- A. The Staff report *Locational Considerations and Issues for Rural Residential Development in Champaign County, Illinois* included a map generally indicating the composite thickness of water bearing sand deposits in Champaign County. The map was an adaptation of a figure prepared by the Illinois State Geological Survey for the Landfill Site Identification Study for Champaign County. A copy of the map from the Staff report is included as an attachment to the Preliminary Memorandum and indicates that the subject property is not within the area of limited groundwater availability.
- B. Based on the available information, which is not plan dependent, groundwater availability of the subject property for the proposed RRO District is comparable to the “Ideal or nearly Ideal” conditions for Champaign County in terms of common conditions for groundwater availability and the impact on neighboring wells because of the following:
 - (1) The subject property is not in the area with limited groundwater availability; and
 - (2) There is reasonable confidence of water availability; and
 - (3) There is no reason to suspect an impact on neighboring wells.

GENERALLY REGARDING THE AVAILABILITY OF EMERGENCY SERVICES TO THE SITE

- 15. Regarding the availability of emergency services to the site:
 - A. The subject property is located approximately 5.3 road miles from the Cornbelt Fire Protection District station in Mahomet. The Fire District chief has been notified of this request.
 - B. The nearest ambulance service is in Champaign.
 - C. Based on the available information, which is not plan dependent, the emergency services conditions on the subject property are comparable to the “more or less typical” conditions for Champaign County because the proposed RRO District is between 5 and 6 road miles from the Cornbelt Fire Protection District station in Mahomet.

GENERALLY REGARDING FLOOD HAZARD AND OTHER NATURAL OR MANMADE HAZARDS

- 16. Regarding the flood hazard status of the site, pursuant to Federal Emergency Management Agency Panel Number 170894- 0150B, the entire subject property is not located within the mapped Special Flood Hazard Area.
- 17. Regarding the presence of nearby natural or man-made hazards;
 - A. Regarding the presence of underground high pressure natural gas pipelines:
 - (1) When the proposed RRO was originally proposed in 2005, there were no *Zoning Ordinance* requirements regarding gas pipelines. During the course of the public hearing the pipelines around the subject property became an issue and the Zoning Board originally voted to recommend denial of the RRO. Eventually, Case 583-AT-07 was proposed, and this case was tabled until after the *Zoning Ordinance was amended*.

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- (2) As amended on November 20, 2008, by Ordinance No. 841 (Case 583-AT-07), the *Zoning Ordinance* requires lots created in an RRO district to have buildable area outside of the Pipeline Impact Radius (PIR) of a natural gas pipeline. It also prohibits any construction inside the PIR except for driveways.
 - (3) The lots in the Bateman Proposed Tracts received on September 18, 2009, are all partially located in the PIR of People's Gas pipelines that are part of the Manlove Storage Field facility, and all three Tracts appear to have adequate building area outside of the PIR of the relevant pipelines.
- B. In a letter dated July 12, 2006, and in testimony at the July 13, 2006, meeting Thomas L. Purrachio, Gas Storage Manager for The Peoples Gas Light and Coke Company testified as follows:
- (1) Peoples' Gas facilities in the vicinity of the subject property as follows:
 - (a) A gas injection well is located on a small separate tract of land on the west side of the subject property and is served by a 12 inch diameter high pressure natural gas pipeline that extends to the north and has an associated 12 inch diameter alcohol pipeline.
 - (b) Three pipelines are adjacent to the south lot line of the subject property and also across the street from the subject property on the north and east sides and consist of a 12 inch diameter high pressure natural gas line and a 12 inch diameter alcohol line and a water line.
 - (c) There is a separate small tract of land at the northeast corner of the property where the three pipelines that are across the street from the subject property on the east side cross to the north side.
 - (d) People's Gas also has easements over the subject property that give People's the right to lay any additional lines they find "necessary or desirable" and when they install these new lines their overall easement expands by an appropriate dimension described in the easement document. They are limited, however, to place their lines within 50 feet of a section line, a quarter section line, a highway right-of-way line, or an established fence line.
 - (e) The gas pipelines are nominal 12 inch diameter with a maximum operating pressure of 2,000 pounds per square inch (PSI) and are located approximately three to five feet below grade. Similar pipelines service the adjacent gas injection wells. This results in a potential impact radius of 393 feet which is much greater than the potential impact radius for gas lines at 30 or 40 or 60 or 150 PSI that might be in normal subdivisions.

- (2) Peoples Gas requests the following:
 - (a) A perimeter non-buildable easement area should be established on Tract 3 with a total easement width of 90 feet.
 - (b) The conceptual, preliminary, and final plats of subdivision should show the pipeline easement areas consistent with the 1965 easement document and any zoning approval should delineate maximum permissible building areas and expressly prohibit any construction of principal or accessory buildings anywhere outside the maximum permissible building areas. The majority of pipeline incidents nationwide are the result of third-party damage and the likelihood of third-party damage naturally increases with population density.
 - (c) Peoples Gas has not asked the Board to prohibit building within the red zone on the map of Manlove Storage Area and Bateman Property Development that is attached to the letter dated July 12, 2006, but the red zone is indicated to educate the Board and the public about requirements of the pipeline safety code.
 - (d) Peoples Gas has an outstanding safety record and endeavors to meet or exceed all pipeline safety regulations but the 393 feet of potential impact radius is a fair approximation of the pipeline and well rupture that occurred in 1998. In that event the wind was blowing from the southwest to the northeast and the farm ground was scorched for quite a distance to the northeast and one should not expect a pipeline rupture to go straight up, depending upon the weather.
 - (e) The pipeline in the ground at the subject property already meets the more stringent requirement of a Class 2 area and Peoples Gas would not have to replace the existing pipelines if the subdivision were built as proposed.
 - (f) Although not a safety issue, on occasion maintenance activities require venting of gas at any time of day or night without notice to adjacent property owners that might result in noise for a few hours.
- C. Testimony at the April 13, 2006, public hearing regarding the presence of high pressure gas pipelines can be summarized as follows:
 - (1) Doug Turner who resides at 248CR2500N, Mahomet testified that his most vital concern about the proposed RRO is the adjacency to the Peoples Gas line. Peoples Gas safety record is excellent but several years ago one of their lines ruptured and if the Board could have seen the fire that was created and the hole that was left the Board would understand his concern. He said that the fire was so hot that it melted the oil road and when the fire was put out a semi-tractor and trailer would have fit in the hole.
- D. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the proposed RRO District is comparable to "much worse than typical" conditions in terms of common

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conditions for flood hazard and other natural or man-made hazards for rural residential development in Champaign County because of the following:

- (1) None of the subject property is within the Special Flood Hazard Area.
- (2) None of the roads that are required to access the subject property by emergency services are located within the 100 year floodplain.
- (3) The proposed RRO lots are located in the Manlove Gas Storage Field and the parent tract has high pressure natural gas pipelines on three sides. All three of the proposed RRO lots are located partially within the PIR, and without some separation from the PIR the proposed lots should not be considered "typical" for location near man-made hazards.
- (4) However, all three lots do include at least an acre of buildable area outside the PIR as required by the Zoning Ordinance and are conforming in that regard.

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF NEARBY FARM OPERATIONS ON THE DEVELOPMENT

18. Regarding the likely effects of nearby farm operations on the proposed development:
 - A. Modern agricultural operations are generally incompatible with rural residential development because of the following:
 - (1) Row crop production produces noise, dust and odors that homeowners sometimes find objectionable. Farm operations may begin early and continue until well after dark exacerbating the impact of noise related to field work.
 - (2) Livestock management facilities produce odors that homeowners sometimes find objectionable.
 - B. Row crop production agriculture occupies most of the land area within the vicinity of the subject property.
 - C. A diagram of livestock management facilities within one mile of the proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting. The diagram indicates the following:
 - (1) There are apparently four active livestock management facilities within a one mile radius of the subject property and one inactive facility that are located as follows:
 - (a) An apparently inactive livestock management facility is located about ½ mile northeast of the subject property and is indicated as facility A on the staff diagram.
 - (b) A livestock management facility with apparently less than 50 cows is located immediately north of the subject property. This facility is indicated as B on the staff diagram.

A letter received on December 12, 2006, from Bob Bidner, 148 CR2600N, Mahomet, who lives on this property states that he no longer raises hogs at this address and the petitioner has his blessing if he wants to build more houses on the subject property.

- (c) A livestock management facility is located south of and adjacent to the subject property. Doug Turner testified at the April 13, 2006, public hearing that he is the landowner to the south of the subject property there is always in excess of 50 cows at this property. Mr. Turner also testified that his sons own property east of the proposed RRO and their properties also have in excess of 50 cows and the cows travel to the fence line when the farmland is in pasture.
- D. Overall, the effects of nearby farm operations on the subject property are comparable to “much worse than typical conditions” for Champaign County because the lots in the Bateman Proposed Tracts received on September 18, 2009, are bordered on one side by livestock management facilities.

GENERALLY REGARDING THE (LESA) SCORE

- 19. Regarding the LESA (Land Evaluation and Site Assessment) score of the proposed RRO District:
 - A. The Champaign County, Illinois Land Evaluation and Site Assessment (LESA) System is a method of evaluating the viability of farmland for agricultural uses. The LESA system results in a score consisting of a Land Evaluation portion and a Site Assessment portion. The score indicates the degree of protection for agricultural uses on that particular site and the degrees of protection are as follows:
 - (1) An overall score of 220 to 300 indicates a very high rating for protection of agriculture.
 - (2) An overall score of 200 to 219 indicates a high rating for protection of agriculture.
 - (3) An overall score of 180 to 199 indicates a moderate rating for protection of agriculture.
 - (4) An overall score of 179 or lower indicates a low rating for protection of agriculture.
 - B. The LESA worksheets for the subject property are an attachment to the Preliminary Memorandum. The component and total scores are as follows:
 - (1) The Land Evaluation component rating for the proposed RRO District is 84.
 - (2) The Site Assessment component rating for the proposed RRO District is 136 to 142.
 - (3) The total LESA score is 220 to 226 and is a “high” rating for protection.
 - (4) For comparison purposes, development on prime farmland soils located at or near a municipal boundary within an area with urban services should typically score between 154 and 182.

- C. Based on the lots in the Bateman Proposed Tracts received on September 18, 2009, the LESA score for the subject property compares to common conditions in Champaign County as follows:
- (1) The Land Evaluation score of 84 is comparable to “ideal or nearly ideal” conditions for Champaign County.
 - (2) The Site Assessment score of 136 to 142 is comparable to “much better than typical” conditions for Champaign County.
 - (3) The total LESA score of 220 to 226 is comparable to “much better than typical” conditions for Champaign County.

GENERALLY REGARDING THE EFFICIENT USE OF BEST PRIME FARMLAND

20. The soils on the original 77 acres are considered best prime farmland but the proposed RRO averages to be less than Best Prime Farmland overall.

GENERALLY REGARDING THE EFFECTS ON WETLANDS, ARCHAEOLOGICAL SITES, AND NATURAL AREAS

21. Regarding the effects on wetlands, endangered species, natural areas, and archaeological sites:
- A. A copy of the Agency Action Report from the Endangered Species Program of the Illinois Department of Natural Resources was received on October 2, 2005, and included as an attachment to the Preliminary Memorandum. The subject property does not contain any significant wild life habitat. The subject property is not near any historic site. Nor are there any endangered species at the site or in the vicinity that could be adversely impacted. Therefore, the Department of Natural Resources terminated the consultation on October 20, 2005.
 - B. The subject property is not in an area of high probability for archaeological resources. The Illinois State Historic Preservation Agency may need to be contacted regarding this project. Although there are no known significant resources within this project area.
 - C. Based on the available information, which is not plan dependent, the proposed RRO District is comparable to “much better than typical” conditions in terms of common conditions for wetlands, endangered species, natural areas, and archaeological sites.

GENERALLY REGARDING OVERALL SUITABILITY OF THE SITE FOR RURAL RESIDENTIAL DEVELOPMENT

22. Compared to common conditions found at rural sites in Champaign County, the lots in the Bateman Proposed Tracts received on September 18, 2009, are similar to the following:
- A. “Ideal or Nearly Ideal” conditions for the following factors:
 - (1) adequacy of roads.
 - (2) availability of water.
 - B. “Much Better than Typical” conditions for the following factors:
 - (1) Effects on drainage.

- (2) Septic suitability;
 - (3) LESA score,
 - (4) Flood Hazard Status,
 - (5) Environmental concerns
- C. "More or Less Typical" conditions for the following four factors:
- (1) Emergency Services;
- D. "Much Worse than Typical" conditions for the following factor:
- (1) Natural or man-made hazards;
 - (2) Effects on farms

GENERALLY REGARDING COMPATIBILITY WITH SURROUNDING AGRICULTURE AND THE EFFECTS OF THE DEVELOPMENT ON NEARBY FARM OPERATIONS

23. Regarding the likely effects of the proposed development on nearby farm operations:
- A. The adjacent land use on two sides of the subject property is agriculture and the property is surrounded by agriculture. Direct interactions between the lots in the Bateman Proposed Tracts received on September 18, 2009, and nearby farmland are likely to include the following:
- (1) The added traffic from the proposed development will increase the conflicts with movement of farm vehicles. See the concerns related to adequacy and safety of roads.

The three single-family dwellings that will result from the proposed RRO will generate 200% more traffic than the non-RRO alternative development of only one home.
 - (2) Trespassing onto adjacent fields may be more likely resulting in damage to crops or to the land itself. The three single-family dwellings that will result from the proposed RRO may generate 200% more trespass than the non-RRO alternative development of only one home.
 - (3) Litter may blow into the adjacent crops making agricultural operations more difficult. The three single-family dwellings that will result from the proposed RRO may generate 200% more litter than the non-RRO alternative development of only one homes.
 - (4) It is unlikely that drainage from the proposed development would significantly affect any adjacent farm operation.
 - (5) If trees are planted close to the perimeter of the property, they can be expected to interfere with some farming operations (such as harvesting) and may contribute to blockage of underground tiles (if any exist). Perimeter fencing, if installed, could also interfere with farming operations. It is unlikely that either trees or fencing on the

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proposed development would add any effects to adjacent farmland as compared to the non-RRO development.

- B. The indirect effects are not as evident as the direct effects.
- (1) A potential primary indirect effect of non-farm development on adjacent farmers (as identified in *Locational Considerations and Issues for Rural Subdivisions in Champaign County*) is that potential nuisance complaints from non-farm neighbors about farming activities can create a hostile environment for farmers particularly for livestock management operations.
 - (2) Champaign County has passed a right to farm resolution that addresses public nuisance complaints against farm activities. The resolution exempts agricultural operations from the Public Nuisance Ordinance (except for junk equipment) but does not prevent private law suits from being filed.
 - (3) The State of Illinois Livestock Management Facilities Act (510ILCS 77) governs where larger livestock facilities (those with more than 50 animal units, which is equivalent to 125 hogs) can be located in relation to non-farm residences and public assembly uses (churches, for example). The separation distances between larger livestock facilities and non-farm residences is based on the number of animal units occupying the livestock facility, and the number of non-farm residences in the vicinity. The smallest setback distance is for livestock management facilities of between 50 and 1,000 animal units and is $\frac{1}{4}$ mile from any non-farm residence and two miles from any populated area. Regarding livestock facilities within the vicinity of the subject property:
 - (a) A diagram of livestock management facilities within one mile of proposed RRO was prepared by staff and handed out at the April 13, 2006, meeting and testimony regarding livestock management facilities was given at the April 13, 2006 meeting. Active livestock management facilities border the subject property on the north, east, and south sides and each existing facility is already within one-quarter mile of an existing non-farm residence. None of the existing facilities are currently located within one-half mile of a populated area (10 or more non-farm residences).
 - (b) The livestock management facilities on the east and south sides already have more than 50 cows each. With the proposed RRO each of these facilities could expand up to 1,000 cows with no new requirement under the Illinois Livestock Management Facilities Act. (c) It is not clear how large the livestock management facility on the north is in terms of livestock units but it appears to be less than 50. Facilities with fewer than 50 livestock units are exempt from the requirements of the Illinois Livestock Management Facilities Act. The proposed RRO would not create a populated area within one-half mile of the facility and expansion beyond 50 animal units would not be limited by the proposed RRO such that the fixed capital cost of the new components constructed within a 2 year period could not exceed 50% of the fixed capital cost of a comparable entirely

new facility. However, it appears, at this time, that the livestock facility north of the subject property is no longer in use.

GENERALLY REGARDING SPECIAL CONDITIONS OF APPROVAL

24. Regarding possible special conditions of approval:
- A. Regarding the presence of the Manlove Gas Storage Facility on the subject property and the related high pressure gas pipelines on the property and related gas injection wells on adjacent property:
- (1) Prospective lot purchasers should be aware that the property is part of the Manlove Gas Storage Facility and the following condition will provide that notice:

Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.

The above stated condition is necessary to ensure the following:

All prospective lot purchasers have as full knowledge as possible of the Manlove Gas Storage Facility prior to purchase of a lot.

- (2) Prospective lot purchasers should be made aware of the existing easements for Peoples Gas Light and Coke Company. Such notice would generally be given in a Plat of Subdivision but because the proposed lots are larger than five acres and because there are no new streets, a Plat of Subdivision cannot be required. The following condition will provide notice of the easements:

Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.

The above condition is necessary to ensure the following:

All prospective lot purchasers and lot owners have as full knowledge as possible of these easements before and after purchase.

- (3) The following condition requires prospective lot purchasers to be aware of the *Zoning Ordinance* prohibitions on construction in the Pipeline Impact Radius.

AS APPROVED

Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.

The above condition is necessary to ensure the following:

All prospective lot purchasers and lot owners have as full knowledge as possible of the restrictions placed on the lots due to their proximity to high pressure gas pipelines.

B. Regarding compliance with the Champaign County Stormwater Management Policy:

- (1) Paragraph 7.2 B. of the Champaign County Stormwater Management Policy requires that if no easement exists for existing agricultural drainage tile an easement shall be granted for access and maintenance. There is no easement for the underground agricultural drainage tile in the swale and the following condition would document this requirement:

Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.

The above condition is necessary to ensure the following:

The existing agricultural drainage system can be easily maintained in the future; and is not harmed by the proposed Rural Residential Overlay Zoning District; and that said District complies with the requirements of the Champaign County Stormwater Management Policy.

- (3) Even if the petitioner replaces the tile in the swale there may be other tile that must be replaced by lot owners if disturbed during construction and the following condition will provide notice of that requirement:

Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.

The above condition is necessary to ensure the following:

The existing agricultural drainage system is not harmed by the proposed Rural Residential Overlay Zoning District and that said District complies

with the requirements of the Champaign County Stormwater Management Policy.

- C. The following special conditions will minimize the encroachment of driveways and mailboxes in the proposed RRO District into the right of way:
- (1) The following condition deals with the location of driveways and mailboxes on Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009:

Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.

The above condition is necessary to ensure the following:

Driveway entrances and mail boxes do not unnecessarily impede agricultural traffic.

- (2) The following condition requires driveway entrances on all lots to conform to the requirements of the Cornbelt Fire Protection District:

All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.

The above condition is necessary to ensure the following:

Emergency services vehicles have adequate access to all properties.

- D. The following special conditions will ensure that the homes built outside of the Pipeline Impact Radius of the high pressure gas pipelines are accessible by emergency vehicles:

- (1) **All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

All homes are accessible by emergency vehicles.

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- (2) **Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.**

The above condition is necessary to ensure the following:

All homes are accessible by emergency vehicles.

- E. Tracts 1 and 3 of the Bateman Proposed Tracts received on September 18, 2009, are larger than five acres and there are no new streets proposed, and Tract 2 can be created with a survey. Therefore, the proposed RRO District will not require a Plat of Subdivision and a Plat of Subdivision cannot be made a requirement. A Plat of Subdivision is where one would normally expect to find out about easements on a property and any special no-build limitations that were part of the plat approval. The following condition makes up for this lack of a plat and will serve to provide notice to prospective lot purchasers of all of the special conditions of approval:

Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

The above condition is necessary to ensure the following:

Prospective lot purchasers are aware of all of the conditions relevant to approval of the Rural Residential Overlay District on the subject property.

DOCUMENTS OF RECORD

1. Petition received October 12, 2005, with attachments
2. Preliminary Memorandum dated March 24, 2006, with attachments:
 - A Zoning Case Maps (Location, Land Use, Zoning)
 - B List of Petitioner Submittals
 - C Proposed Bateman Tracts received October 12, 2005
 - C1. HDC Drainage Statement, dated October 4, 2005
 - D. Newcomb Township Special Drainage District Map
 - E Champaign County Land Use Regulatory Policies
 - F Map of Areas of Limited Groundwater Availability
 - G Natural Resource Report received November 1, 2005
 - H Copy of Agency Action Report received October 12, 2005
 - I Illinois Department of Transportation Map of Street Names
 - J Illinois Department of Transportation Map of Annual Average Daily Traffic (AADT)
 - K Excerpted worksheets from Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois
 - L Land Evaluation and Site Assessment (LESA) System Worksheet for Subject Property
 - M Table of Common Conditions Influencing the Suitability Of Locations For Rural Residential Development In Champaign County
 - N Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - O Summary of Site Comparison for Factors Relevant To Development Suitability
 - P Summary of Comparison for Factors Relevant To Compatibility with Agriculture
 - Q DRAFT Summary of Evidence (included separately)
3. Supplemental Memorandum dated March 30, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received March 29, 2006
 - B Staff photos of subject property
 - C Right of way grant
 - D Revised Draft Summary of Evidence
4. Revised Land Evaluation Worksheets from the Champaign County Soil and Water Conservation District (one worksheet per proposed tract; handout at the April 13, 2006, meeting)
5. Livestock Management Facilities Within One Mile Of Proposed RRO with map (staff handout at the April 13, 2006, meeting)
6. Illinois Livestock Management Facilities Act. General Requirements Related to Size of Facility (staff handout at the April 13, 2006, meeting)
7. Supplemental Memorandum dated July 7, 2006, with attachments:
 - A Approved minutes from the April 13, 2006, ZBA meeting
 - B Minutes for the March 30, 2006, ZBA meeting (included separately)

8. Letter dated July 12, 2006, from Thomas L. Puracchio, Gas Storage Manager for the People's Gas Light and Coke Company, with attachments
 - A Easement document for subject property
 - B Plan drawing showing existing pipeline locations on the subject property
9. Revised Proposed Bateman Tracts received July 13, 2006
10. Supplemental Memorandum dated August 25, 2006
11. Supplemental Memorandum dated October 5, 2006, with attachments:
 - A Minutes for the July 13, 2006 meeting (included separately)
 - B Revised Proposed Bateman Tracts received July 13, 2006
 - C Revised Site Comparison for Factors Relevant To Development Suitability
 - D Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - E Revised Draft Summary of Evidence
12. Supplemental Memorandum dated October 12, 2006, with attachments:
 - A pp. 628 & 629 from Architectural Graphic Standards, Robert T. Packard, AIA, ed.; John Wiley & Sons, Seventh Edition, 1981.
 - B Excerpt of Peoples Gas map of Manlove Gas Storage Field & Bateman Property Development received July 13, 2006 (included separately)
 - C Revised Proposed Bateman Tracts received October 12, 2006 (included separately)
 - D Revised Proposed Bateman Tracts received October 12, 2006 (with indication of Potential Impact Radius) (included separately)
 - E Revised Site Comparison for Factors Relevant To Development Suitability
 - F Revised Summary of Site Comparison for Factors Relevant To Development Suitability
 - G Excerpts from Title 49 of the Code of Federal Regulations
13. Supplemental Memorandum dated December 8, 2006
14. Supplemental Memorandum dated December 14, 2006, with attachments:
 - A Revised Proposed Bateman Tracts received December 14, 2006
 - B Letter from Bob Bidner received December 12, 2006
 - C ANNOTATED APPROVED Summary of Evidence dated October 12, 2006
15. Revised site plan received December 14, 2006, as revised at the public hearing
16. Bateman Proposed Tracts received on September 18, 2009
17. Supplemental Memorandum for Case 520-AM-05, dated September 25, 2009, with attachments:
 - A Case Maps for Case 520-AM-05 (Location, Land Use, Zoning)
 - B Bateman Proposed Tracts received on September 18, 2009
 - C Section 22 Natural Resources Report
 - D IDOT ADT Highway Map with 2006 data
 - E Champaign County Land Use Regulatory Policies

- F Ordinance No. 841 (Zoning Case 583-AT-07)
 - G Table of Common Conditions Influencing the Suitability of Locations for Rural Residential Development in Champaign County
 - H Comparing the Proposed Site Conditions to Common Champaign County Conditions
 - I Summary of Site Comparison for Factors Relevant To Development Suitability
 - J Summary of Comparison for Factors Relevant To Compatibility with Agriculture
18. Supplemental Memorandum for Case 520-AM-05, dated October 1, 2009, with attachments:
- A Table of Livestock Management Facilities Within One Mile of Proposed RRO
 - B Map of Livestock Management Facilities Within One Mile of Proposed RRO
 - C Table Summarizing Requirements of Illinois Livestock Management Facilities Act (510 ILCS 77/et seq.)
 - D Finding of Fact excerpted from Annotated Approved on Remand Summary of Evidence for Case 520-AM-05, dated December 14, 2006.

FINDING OF FACT

From the Documents of Record and the testimony and exhibits received at the public hearing conducted on **March 30, 2006, April 13, 2006, July 13, 2006, August 31, 2006, October 12, 2006, December 14, 2006, and October 1, 2009**, the Zoning Board of Appeals of Champaign County finds that:

1. The Proposed Site **SUBJECT TO CONDITIONS, IS SUITABLE** overall for the development of **THREE** residences because:
 - A. the site meets the Pipeline Impact Radius Ordinance to mitigate manmade hazards and safety concerns; and
 - B. much better than typical and nearly ideal conditions for the other consideration of adequacy of roads; effects on drainage; septic suitability; LESA score; and flood hazard status, and the availability of water is ideal; and
 - C. the property is 5.3 miles from the Cornbelt Fire Protection District; and
 - D. with the proposed condition the property will meet the Cornbelt Fire Protection District's standards for access and turn-around.

and despite:

- E. the fact that there are high pressure gas pipelines in the vicinity; and
 - F. the site has much worse than typical Champaign County conditions because it is bordered on one side by livestock management facilities and land surrounding the lots is actively in production.
2. Development of the Proposed Site under the proposed Rural Residential Overlay development **SUBJECT TO CONDITIONS, WILL BE COMPATIBLE** with surrounding agriculture because:
 - A. surface drainage that is much better than typical; and
 - B. the condition to provide an easement for the drainage district tile;
 - C. the adequacy of the roads that is nearly ideal Champaign County conditions; and
 - D. traffic generated by the proposed RRO District that will be only 200% more than without the RRO
 - E. the condition to require centralized driveways and grouped mailboxes as to not impede agricultural traffic

and despite:

- F. presence of adjacent livestock management facilities on one side and four other livestock management facilities within a one-mile radius of the property for a total of three active facilities that are by law allowed to expand up to 1,000 animal units; and**
- G. the presence of a drainage district tile near the proposed RRO district**
- H. the proposed RRO will have an impact on farm compatibility.**

FINAL DETERMINATION:

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Map Amendment requested in Case 520-AM-05 should **BE ENACTED** by the County Board **SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:**

1. Prospective lot purchasers shall be made aware of the presence of the Manlove Gas Storage Facility on the property and the presence of related high pressure gas pipelines on the property and the related gas injection wells on adjacent property.
2. Prospective lot purchasers shall be made aware of the presence of easements for Peoples Gas Light and Coke Company as originally granted on November 30, 1965, and recorded at pages 71 and 72 in Book 809 of the Office of the Champaign County Recorder of Deeds; and all said easements shall be specifically mentioned in any deed for any lot in the Rural Residential Overlay District in Zoning Case 520-AM-05; and all said easements shall be indicated on any Plat of Survey that is prepared for any lot in said Rural Residential Overlay District.
3. Prospective lot purchasers shall be made aware of the *Zoning Ordinance* requirements that prohibit any construction in the Pipeline Impact Radius (except for driveways) and the resulting amount of buildable area available on each lot.
4. Prior to offering any lots for sale the petitioner shall dedicate a tile access and maintenance easement for the tile in the swale with an easement of width of 80 feet centered on the centerline of the swale and no construction nor earthwork shall occur within the tile easement and no woody vegetation shall be allowed to grow nor shall any connection be made to the drainage district tile without prior written approval of the Newcomb Special Drainage District.
5. Any underground drainage tile that must be relocated to accommodate any construction in the proposed Rural Residential Overlay Zoning District shall be replaced and relocated in conformance with the Champaign County Stormwater Management Policy.
6. Tracts 2 and 3 of the Bateman Proposed Tracts received on September 18, 2009, shall have centralized driveways and shall also have grouped mail boxes located as far off the roadway as permitted by the United States Postal Service and evidence of the mail box installation and location shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.
7. All driveway entrances shall be 30 feet wide with a radius as approved by both the Newcomb Township Highway Commissioner and the Cornbelt Fire Protection District and evidence of both approvals shall be submitted to the Zoning Administrator prior to the issuance of any Zoning Compliance Certificate.

8. All homes shall be served by driveways that have a paved surface consisting of at least six inches of rock that is at least 20 feet wide and a corner radius approved by the Cornbelt FPD and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
9. Each driveway shall be provided with a means of turnaround of adequate dimension to accommodate fire protection and emergency service vehicles that at a minimum shall consist of a hammerhead (or three-point) turnaround with a paved surface consisting of at least six inches of rock that is at least 20 feet wide with a minimum backup length of 40 feet and the Zoning Administrator shall verify the pavement prior to the issuance of any Zoning Compliance Certificate.
10. Prior to advertising any lots for sale the petitioner shall file a Miscellaneous Document with the Champaign County Recorder of Deeds stating that the Rural Residential Overlay Zoning District was authorized on the subject property subject to specific conditions and said Document shall contain all of the conditions of approval for Case 520-AM-05.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Doug Bluhm, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

RESOLUTION NO. 7274


PETITION REQUESTING AND RESOLUTION APPROVING
APPROPRIATION OF FUNDS FROM THE COUNTY BRIDGE FUND
PURSUANT TO 605 ILCS 5/5-501

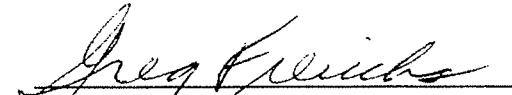
PETITION

Petitioners, Marvin Johnson and Greg Frerichs, hereby request an appropriation of funds from the Champaign County Bridge Fund pursuant to 605 ILCS 5/5-501. In support of this petition, Petitioners state the following:

1. Petitioners are the duly elected Highway Commissioners for the Compromise and Ogden Road Districts, Champaign County, Illinois; and
2. There is a culvert located on the Township line between Sections 36 and 6, which is in poor condition and is inadequate to serve the needs of the traveling public; and
3. To ensure the adequacy of said structure for the traveling public, it is necessary that said structure be replaced; and
4. The cost of replacement the aforesaid structure is estimated to be \$12,000.00 which will be more than .02% of the value of all the taxable property in the Compromise and Ogden Road Districts, as equalized or assessed by the Department of Revenue; and
5. The tax rates for road purposes in the Compromise and Ogden Road Districts were in each year for the last two (2) years not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code (605 ILCS 5/6-501); and
6. The Compromise and Ogden Road Districts are prepared to pay one-half of the cost of the replacement of said structure.

Respectfully submitted,


Commissioner of Highways of
Compromise Road District,
Champaign County, Illinois


Commissioner of Highways of
Ogden Road District,
Champaign County, Illinois

RESOLUTION

WHEREAS, the County Board finds that based on the representations in the foregoing Petition, it required pursuant to 605 ILCS 5/5-501 to provide the requested aid.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Champaign County as follows:

1. The County Board hereby appropriates from the County Bridge Fund a sufficient sum to meet one-half the cost of replacement the aforesaid structure.
2. The County Board hereby directs the County Engineer to cause plans and specifications to be prepared for said improvement.
3. The County Board hereby orders that said improvement be made under the general supervision of the County Engineer, either by the letting of a contract or by the County Highway Department doing the work.
4. The County Board hereby directs the County Engineer to certify to the County Board when the work has been satisfactorily completed to meet his or her approval. Such certificate shall include an itemized account of the cost of all items of work incurred in the completion of said improvement, and shall show the division of cost between the County and the Compromise and Ogden Road Districts.
5. The County Board further directs the County Engineer to file said certificate with the clerks of the Compromise and Ogden Road Districts.
6. This Resolution shall become effective upon its adoption.

PRESENTED, ADOPTED, APPROVED and RECORDED this 18th day of February, 2010.

C. Pius Weibel, Chair
County Board
Champaign County, Illinois

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 7275

RESOLUTION APPROPRIATING \$450,000.00 FROM
COUNTY MOTOR FUEL TAX FUNDS
FOR REPLACEMENT OF STRUCTURE #010-0117
ON COUNTY HIGHWAY #16
SECTION #07-00944-00-BR

WHEREAS, Structure #010-0117 on County Highway 16 (St. Mary's Road) located between Sections 21 and 28 in Crittenden Township is in poor condition, which is endangering the safety of the traveling public; and

WHEREAS, To insure the safety of the traveling public, it is necessary that said bridge be replaced; and

WHEREAS, The cost of replacement of the aforesaid bridge, which shall include construction and design engineering, is estimated to be \$1,611,000.00; and

WHEREAS, Champaign County will be receiving assistance through the Illinois Major Bridge Program in an amount not to exceed \$1,161,000; and

WHEREAS, The Highway and Transportation Committee recommends that said replacement be made; and

WHEREAS, The County Board of Champaign County concurs in the action recommended by the Committee;

NOW, THEREFORE, BE IT RESOLVED, That there is hereby appropriated the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) from County Motor Fuel Tax Funds to match the Illinois Major Bridge Program funds for this replacement; and

BE IT FURTHER RESOLVED, That the County Clerk is hereby directed to transmit three (3) certified copies of this resolution to Mr. Joseph E. Crowe, District Engineer, Illinois Department of Transportation, Paris, Illinois.

PRESENTED, ADOPTED, APPROVED AND RECORDED This 18th
day of February A.D., 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk and
ex-Officio Clerk of the County Board

Prepared by: Jeff Blue
County Engineer

I, Mark Shelden, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the County Board of Champaign County, at its County Board meeting held at Urbana, Illinois on February 18, 2010.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said county at my office in Urbana in said County, this _____ day of _____ A.D. 2010.

(SEAL)

County Clerk

APPROVED

Date

Department of Transportation

District Engineer

RESOLUTION NO. 7276

RESOLUTION APPROVING INTERGOVERNMENTAL AGREEMENT FOR COST-SHARING ASSOCIATED WITH THE 2010 COUNTYWIDE RESIDENTIAL ELECTRONICS COLLECTION EVENTS BETWEEN THE COUNTY OF CHAMPAIGN, THE CITY OF CHAMPAIGN, THE CITY OF URBANA, AND THE VILLAGE OF SAVOY

WHEREAS, Section 10 of Article VII of the Illinois Constitution of 1970, and 5 ILCS 220/1, *et seq.* enables units of local government to enter into agreements among themselves and provide authority for intergovernmental cooperation; and

WHEREAS, The County of Champaign, City of Champaign, the City of Urbana, and the Village of Savoy find it to be most cost effective to mutually combine efforts and to share in the costs associated with the four planned Countywide Residential Electronics Collection Events to be held in calendar year 2010; and

WHEREAS, An intergovernmental agreement has been prepared documenting the costs and responsibilities of each of the parties and will become effective as of the date the last party signs the agreement;

THEREFORE BE IT RESOLVED That the Champaign County Board approves the Intergovernmental Agreement for Cost-Sharing between the County of Champaign, The City of Champaign, the City of Urbana, and the Village of Savoy.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February, A.D. 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 7277

RESOLUTION APPROVING THE LEASE AGREEMENT FOR 2010 COUNTYWIDE RESIDENTIAL ELECTRONICS COLLECTION EVENTS BETWEEN THE COUNTY OF CHAMPAIGN, THE CITY OF CHAMPAIGN, THE CITY OF URBANA, THE VILLAGE OF SAVOY, AND THE NEWS-GAZETTE, INC.

WHEREAS, The County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy desire to lease the premises owned by The News-Gazette, Inc. commonly known as 3202 Apollo Drive, Champaign Illinois 61822 for the staging of the 2010 Countywide Residential Electronics Collection Events and for the temporary storage of electronics materials accumulated during the events; and

WHEREAS, The four 2010 Countywide Residential Electronics Collection Events are scheduled to occur on February 27, 2010 (with an alternate snow/ice date of March 6, 2010); May 8, 2010; August 7, 2010 and November 6, 2010; and

WHEREAS, The News-Gazette, Inc. will be paid the sum of \$1,500.00 per event for the use of the premises commonly known as The News Gazette Distribution Center, 3202 Apollo Drive, Champaign Illinois 61822;

WHEREAS, A lease agreement has been prepared documenting the responsibilities of the parties and will become effective as of the date the last party signs the agreement;

THEREFORE BE IT RESOLVED That the Champaign County Board approves the Lease Agreement for the 2010 Countywide Residential Electronics Collection Events between the County of Champaign, the City of Champaign, the City of Urbana, the Village of Savoy, and The News-Gazette, Inc.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February, A.D. 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Shelden, County Clerk
and ex-officio Clerk of the
Champaign County Board

RESOLUTION NO. 7278

RESOLUTION APPROVING AGREEMENT REGARDING PROVISION OF RECYCLING AND/OR REFURBISHING SERVICES FOR THE 2010 COUNTYWIDE RESIDENTIAL ELECTRONICS COLLECTION EVENTS BETWEEN THE COUNTY OF CHAMPAIGN, THE NEWS-GAZETTE, AND ADVANCED TECHNOLOGY RECYCLING

WHEREAS, The County of Champaign is serving as Coordinator of planning for the 2010 Countywide Residential Electronics Collection Events; and

WHEREAS, The News-Gazette, Inc. will be leasing space located at The News Gazette Distribution Center, 3202 Apollo Drive, Champaign, Illinois to the County of Champaign, the City of Champaign, the City of Urbana, and the Village of Savoy or the staging of the 2010 Countywide Residential Electronics Collection Events and for the temporary storage of electronics materials accumulated during the events; and

WHEREAS, An agreement has been prepared between the County of Champaign, The News-Gazette, Inc., and Advanced Technology Recycling for the provision of recycling and/or refurbishing services for the 2010 Countywide Residential Electronics Collection Events documenting the responsibilities of each of the parties and will become effective as of the date the last party signs the agreement;

THEREFORE BE IT RESOLVED That the Champaign County Board approves the Agreement Regarding the Provision of Recycling and/or Refurbishing Services for the 2010 Countywide Residential Electronics Collection Events between the County of Champaign, The News-Gazette, Inc., and Advanced Technology Recycling.

PRESENTED, ADOPTED, APPROVED, AND RECORDED this 18th day of February, A.D. 2010.

C. Pius Weibel, Chair
Champaign County Board

ATTEST: _____
Mark Sheldon, County Clerk
and ex-officio Clerk of the
Champaign County Board