



1996 S. Kirk Rd Ste 320
Geneva, IL 60134

Forest Preserve, Finance and Administration Committee Meeting Minutes

Chairman Dale Berman, President Christopher Kious, Treasurer Bill Lenert,
Deborah Allan, Michelle Gumz, Leslie Juby, Jarett Sanchez, Vern Tepe, Rick Williams

Tuesday, June 27, 2023

2:00 PM

3rd Floor Board Room

I. Call to Order

The Forest Preserve District Finance and Administration Committee meeting was held Tuesday, June 27, 2023. Chair Berman called the meeting the order at 2:02 PM at the Administration Offices located at 1996 S. Kirk Road, Suite 320, Geneva, IL 60134.

PRESENT	Chairman Dale Berman President Chris Kious Commissioner Deborah Allan Commissioner Michelle Gumz Commissioner Leslie Juby Commissioner Bill Lenert Commissioner Jarett Sanchez (Remote) Commissioner Vern Tepe
ABSENT	Commissioner Rick Williams

Also Present: Commissioners: Bates, Kenyon, Roth, Strathmann; Exec. Dir. Haberthur, CFO Petschke & staff Carrano, Marrano; Dir. of NRM Chess; Chief of Planning & Land Mgmt. Rooks-Lopez & staff Tegge; Dir. of Ops. Pentecost; Comm. Affairs Dir. Metanchuk & staff Thiem; HR Dir. Clough; Chief of Police Burger; Exec. Assist. Figliozzi & staff Rafferty and Attorney Hodge.

II. Approval of Minutes of May 23, 2023

RESULT:	APPROVED BY ROLL CALL VOTE
MOVER:	Deborah Allan
SECONDER:	Bill Lenert
AYE:	Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSENT:	Rick Williams

III. Public Comment (Each Speaker is limited to three minutes)

None.

IV. Bids and Proposals

A. Resolution Approving a Bid for Muirhead Springs Forest Preserve Phase-2 Wetland & Stream Mitigation Construction

Chief of Planning and Land Mgmt. Rooks-Lopez provided a PowerPoint presentation of the Muirhead Springs wetland mitigation bank project. In early 2022, the District completed the initial regulatory establishment of our first wetland mitigation bank. The formal agreement between the District and the U.S. Army Corps of Engineers (ACOE) that established the “Muirhead Springs” wetland mitigation bank is known as a Mitigation Bank Instrument (MBI). Our MBI permits 182.91 (acres) of wetland mitigation credits and 6,041 (linear feet) of stream mitigation credits. Along with authorizing the final wetland specifications and mitigation credit sale criteria, the MBI also spells out the hydrologic and vegetative minimal wetland criteria and associated annual reporting requirements. The MBI further stipulates the amount and type of credits that can be sold and are tied to strict performance standards.

Prior to construction, the District has been permitted to sell 20% of the total amount of mitigation credits to fund initial construction. Additional credits will be authorized for sale once the site has successfully met the hydrology standard. The MBI’s construction commencement requirement stipulates that we must begin the project within the growing season following the sale of pre-construction mitigation credits. Because we began selling stream mitigation credits in August of 2021, we must begin construction of the stream mitigation phase of the project in the 2023 growing season.

The bids submitted for approval are the final bids for construction and management for all phases of the Muirhead Springs mitigation project. They include the contract for Muirhead Springs Forest Preserve Phase-2 wetland & stream mitigation construction with RES Environmental for \$2,361,794.09. They also include the contract for Muirhead Springs wetland mitigation bank planting and 5-year management with V3 Construction for a total of \$5,049,369.00 over the next five years. Lastly, a change order to the 5-year Muirhead Springs monitoring and reporting contract with Davey Resource Group to install additional monitoring wells in phase 1 and 2 as well as five years of monitoring for \$40,500.00 over 5 years. This change order will increase Davey Resource Group’s existing contract from \$111,560.00 to \$152,060.00.

Exec. Dir. Haberthur discussed the changes and waterfowl that have returned to land. A drone video was presented demonstrating the beginning of the project to current water status. Chief Rooks-Lopez noted that the area has been holding water during the drought over the month of June stating the results are more than ideal. CFO Petschke explained the cost expense that was estimated versus actuals. The actuals resulted in higher expenses; therefore, a fund transfer would be allocated from the General Fund to the Wetland Mitigation Fund to cover construction expenses.

DISCUSSION: *Commissioner Lenert reiterated the cash flow concerns, noting ultimately, there would be sufficient funds to cover costs. He indicated that with all the expenditures, the net gain would estimate at \$15M and the District would have great return in investment and the environment. Commissioner Lenert asked what kind of improvement would be realized in the General Fund from the Early Retirement Incentive (ERI) savings. CFO Petschke responded that 4.5 new employees without any additional expense to the payroll. President Kious noted that this cost more than expected for construction, however the bids are fixed prices. Commissioner Tepe asked why the actual cost of construction was significantly higher than the estimated the cost. Exec. Dir. Haberthur noted that a number of factors were in play, unfortunately, values that were estimated for construction from the consultants were dated from 2020, and the original contractors did not bid on the project, causing a number of reasons for the significant increase. Commissioner Bates asked about the hydrology standards. Exec. Dir. Haberthur responded that*

the area has been holding significant water even in the height of the drought, which meets the criteria.

Commissioner Lenert requested a motion to move forward resolutions A-C together. Gumz second the motion.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Executive Committee
MOVER: Bill Lenert
SECONDER: Michelle Gumz
AYE: Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSENT: Rick Williams

B. Resolution Approving a Bid for Muirhead Springs Wetland Mitigation Bank Planting and 5-Year Management

Chief of Planning & Land Mgmt. Rooks-Lopez presented the resolution for planting and 5-year management.

DISCUSSION: None.

C. Resolution Approving a Change Order to the 5-year Muirhead Springs Monitoring and Reporting Contract

Chief of Planning & Land Mgmt. Rooks-Lopez presented the resolution for monitoring and reporting.

DISCUSSION: None.

V. New or Unfinished Business

A. An Ordinance Amending Ordinance No. FP-O-23-05-0591, Entitled “Ordinance for the Annual Budget Appropriation Fiscal Year 2023-2024”

CFO Petschke explained the budget amendment in relation the previous presentation for the Wetland Mitigation Bank Project. The District recently approved an Ordinance authorizing the Annual Budget Appropriation for the fiscal year 2023-2024 on May 9, 2023. Since that time, the District received two bids that will be presented for final Board approval at the Full Commission meeting on July 11, 2023, that were in excess of the budget authorized in fiscal year 2023-2024. These bids were for construction and the planting and 5-year monitoring of the Muirhead Springs Wetland Mitigation Bank.

An amendment of the Annual Budget Appropriation Ordinance is necessary because the bids awaiting Board approval are greater than the budget currently authorized for fiscal year 2023-2024. In order to comply with state statute and Governmental Audit Standards Board (GASB) standards, it is necessary to amend the budget for the Wetland Mitigation Fund. It is also necessary to approve a transfer from the General Fund, to ensure monies are available for the additional expenses needed for projects in the Wetland Mitigation Fund in fiscal year 2023-2024.

Finance staff worked with the District’s corporate counsel and the District’s audit firm, to review the Amendment to the Annual Budget Appropriation Ordinance for Fiscal Year 2023-2024. The amendment as presented will ensure compliance with state statute, compliance with GASB standards and compliance with the District’s Fund Balance policy. It will also allow the District to remain eligible for the Government Finance Officers Association’s Certificate of Achievement for Excellence in Financial Reporting. The amendment to the Annual Budget Appropriation Ordinance will authorize a transfer of funds from the General Fund to the Wetland Mitigation Fund for \$1,600,000.00. An increase to the budget in the Mitigation Bank Fund from \$4,027,213.00 to \$6,638,712.80. (An increase of \$2,611,499.80).

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Executive Committee
MOVER: Michelle Gumz
SECONDER: Bill Lenert
AYE: Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSENT: Rick Williams

B. Ordinance Approving Amendments to the General Use Ordinance Chapters 2-6; Destruction or Misuse of Property and Structures; Regulation of Sports and Games; Regulation of Motorized Vehicles, Traffic and Parking; Regulation of Personal Conduct and Behavior; Enforcement

Chief of Police and Dir. of Public Safety Burger presented the amendments to the General Use Regulation Ordinance. In the continuing effort by the Public Safety Department to provide a safe and peaceful experience for visitors to the Districts preserves, certain quality of life issues, ordinance enforcement, and fine collection process' were addressed. Our current Use Ordinance states that the District has the full fine authority for any violation of the Ordinance from a \$75 minimum to a \$500 maximum, and that those amounts may be amended from time to time.

As such, the District is seeking to increase the following violation fines from \$75 to: Illegal Dumping, \$250; Off-Roaded, \$250; Handicapped / Disabled Parking, \$350; and Disorderly Conduct, \$500.

In addition to certain fine increases, the District would be seeking to amend the Fines and Penalties ordinance to include a failure to pay collection process by entering into agreements with the State of Illinois Comptrollers Local Debt Recovery Program (LDRP), and Municipal Collections of America, Inc. The updates to the ordinance is as follows:

Use Ordinance Chapter 2 – Protection of Property, Structures, and Natural Resources, Section 1 – Destruction or Misuse of Property and Structures

Use Ordinance Chapter 3 – Regulation of Sports and Games, Section 3 – Engine Powered Models, Toys, and Drones

Use Ordinance Chapter 4 – Regulation of Motorized Vehicles, Traffic and Parking - Section 4(b) and Section 6(d)

Use Ordinance Chapter 5 – Regulation of Personal Conduct and Behavior, Section 12 – Disorderly Conduct

Use Ordinance Chapter 6 – Enforcement, Section 3 – Fines and Penalties

DISCUSSION: *Commissioner Juby noted an inconsistency with areas stating “President and its designee”. Exec. Dir. Haberthur responded that the document would be updated to reflect the statement throughout.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Executive Committee
MOVER: Leslie Juby
SECONDER: Deborah Allan
AYE: Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSENT: Rick Williams

C. Resolution Approving an Agreement with the Illinois Comptrollers Local Debt Recovery Program (LDRP) and the Municipal Collections Service Agreement (MCOA)

Chief of Police and Dir. of Public Safety Burger presented the agreements with the Illinois Comptrollers LDRP and the Municipal Collections Service Agreement. Currently, the District has limited recourse when offenders choose not to pay their ordinance violations. Staff is recommending a procedure that will increase our total revenue collected from ordinance violations. Along with a modest increase in revenue, increasing our collections percentage will ensure our ordinance violation citations and Public Safety officers are taken seriously, and decrease repeat offenders within the preserves. Staff recommends an amendment to the Fines and Penalties General Use Ordinance, to include a failure to pay collection process by entering into agreements with the State of Illinois Comptrollers Local Debt Recovery Program (LDRP), and Municipal Collections of America, Inc. Additionally, the introduction of a collection service and electronic payment system (E-Pay) is a step forward and another avenue for compliance, which will also aid in collecting fines and penalties.

***DISCUSSION:** Commissioner Lenert asked what the percentage of collection was currently. Chief of Police Burger responded that compliance is low, an estimated 60%. Commissioner Juby requested the resolutions be moved separately as she would need to abstain in relation to the State's Treasurer's office.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Executive Committee
MOVER: Michelle Gumz
SECONDER: Bill Lenert
AYE: Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSENT: Rick Williams

D. Resolution Approving the District to Utilize the Illinois State's Treasurer's Office Electronic Payments Services Program (E-Pay)

In addition to certain fine increases, the District would be seeking to amend the Fines and Penalties General Use Ordinance to include an electronic payment program. The addition of electronic payments (E-Pay) is a step forward in an attempt to gain a higher percentage of revenue and compliance in collecting fines and penalties.

E-Pay (electronic payments) is a service provided by the State's Treasurer's Office, which will be of no cost to the District for transaction processing fees. E-Pay will provide the District with a free credit card machine. E-Pay will also build and maintain their link on our website at no cost to the District. E-Pay will charge a credit card service fee to the user of 2.3% or \$1.00 minimum, whichever is greater. The District will receive the full amount of our transactions on the E-Pay site. The agreement will include a \$4.99 monthly cost to the District for PCI compliance. There will also be a fee to the District for any chargebacks if any occur. If the chargeback were for a chip reader transaction the fee is \$5.00 per transaction, all other transactions through the website or manually swiped at the District would be subject to \$15 per chargeback.

***DISCUSSION:** None.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Executive Committee
MOVER: Michelle Gumz
SECONDER: Bill Lenert
AYE: Deborah Allan, Dale Berman, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe
ABSTAIN: Leslie Juby

ABSENT: Rick Williams

VI. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation and Personnel

None.

VII. Communications

Community Affairs Dir. Metanchuk reported on the increase of social media followers, noting summer intern Sam Thiem and new staff member Lauren Swanson have made a tremendous impact in the increase of popularity on the website and various social media platforms.

VIII. Chairman's Comments

None.

IX. Adjournment

The meeting adjourned at 2:52 PM.

RESULT: APPROVED BY VOICE VOTE

MOVER: Bill Lenert

SECONDER: Vern Tepe

AYE: Deborah Allan, Dale Berman, Leslie Juby, Bill Lenert, Michelle Gumz, Jarett Sanchez and Vern Tepe

ABSENT: Rick Williams

Dale Berman, Chairman
Forest Preserve District Finance and Administration Committee
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi
Recording Secretary