1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Previous Month’s Minutes
5. Approval of Agenda
6. Correspondence and Communications – County Clerk
7. Special Recognition
8. Citizens to Be Heard
9. New Business
10. Old Business
   A. Letter to USEPA & Army Corps Related to the Proposed Definition of “Waters of the United States” under the Clean Water Act
11. Standing Committee Reports
   A. Planning, Building & Zoning
      1. Approve petition 14-23: Approval of an A-1 special use for a clean-up restoration services/business to be located at 3485 Route 126
   B. Administration/HR
      1. Approval of 2015 Property, Liability & Workers Compensation Program Option A Recommendation
   C. Economic Development
      1. Approval of a Resolution in Opposition to the Continuation of the State Income Tax Increase
   D. Finance Committee
      1. Approve claims in an amount not to exceed $621,222.00
   E. Judicial Legislative
   F. Animal Control
      1. Approve Permanent Meeting Time Change to 4:00pm of Wednesday after the second County Board meeting
      2. Authorize adoption promotion and donation allocation: Donor will provide Kendall County Animal Control donations in the amount of $50 per dog or cat adopted for a 30 day period. Authorization is to utilize $25 of each donation to reduce to the cost of each adoption and deposit $25 of each donation into the Animal Medical Care Fund. Staff may implement similar adoption promotions in accordance with donor instructions for allocations of donor funds
      3. Authorize Credit Card limit of $1,500 for Animal Control Director
      4. Approve of the Release of the Animal Control Executive Session Meeting minutes for April 17, 2013, March 20, 2014 and July 9, 2014
   G. Health & Environment
   H. Standing Committee Minutes Approval
12. Special Committee Reports
   A. Kencom Executive Board
   B. Housing Authority
   C. Per Diem Ad Hoc
13. Chairman’s Report

Appointments
Roger Bledsoe – Regional Planning Commission - Na Au Say Representative – expires January 2015
Announcements
14. Executive Session
15. Other Business
16. Citizens to be Heard
17. Questions from the Press
18. Adjournment
The Kendall County Board Meeting was held at the Kendall County Office Building, Room 209, in the City of Yorkville on Tuesday, September 2, 2014 at 6:00 p.m. The Clerk called the roll. Members present: Chairman John Shaw, Amy Cesich, Lynn Cullick, Elizabeth Flowers, Judy Gilmour, Scott Gryder, Dan Koukol, Matthew Prochaska, John Purcell and Jeff Wehrli.

The Clerk reported to the Chairman that a quorum was present to conduct business.

**THE MINUTES**

Member Koukol moved to approve the submitted minutes from the Adjourned County Board Meeting of 8/5/14. Member Gilmour seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

**THE AGENDA**

Member Prochaska moved to approve the agenda. Member Gryder seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. **Motion carried.**

**NEW BUSINESS**

Proclamation Northern Illinois Food Bank

Member Prochaska moved to approve the Proclamation recognizing that the County of Kendall joins the Northern Illinois Food Bank in proclaiming September 2014 as "Hunger Action Month", and September 4, 2014 as National "Go Orange Day" where local municipalities, businesses, and individuals are encouraged to wear orange to help raise awareness for hunger relief efforts. Member Gryder seconded the motion.

Donna Larkin Lake spoke on behalf of the Northern Illinois Food Bank. In Kendall County the Food Bank provides food to the Kendall County Food Pantry in Yorkville, Helmar in Newark and Harvest Baptist in Oswego. A recent hunger study indicates that the Northern Illinois Food Bank across the 13 county area is serving 71,000 people every week. Our hungry neighbors are at risk of skipping up to 70 million meals every year. The goal is to provide 75 million meals by 2020.

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. **Motion carried.**

**COUNTY OF KENDALL, ILLINOIS**

**PROCLAMATION IGAM 14 -35**

**Proclamation recognizing that the County of Kendall joins Northern Illinois Food Bank in proclaiming September 2014 as “Hunger Action Month”, and September 4, 2014 as National “Go Orange Day” where local municipalities, businesses, and individuals are encouraged to wear orange to help raise awareness for hunger relief efforts.**

Whereas, Northern Illinois Food Bank is a nonprofit organization that engages the community in commitment to feed our hungry neighbors; and

Whereas, Northern Illinois Food Bank has a mission to lead the northern Illinois community in solving hunger by providing nutritious meals to those in need through innovative programs and partnerships.

Whereas, Northern Illinois Food Bank provides meals to more than 71,000 different people each week throughout a 13 county network of food pantries, soup kitchens, shelters, and youth and senior feeding programs, including more than 7 in Kendall County, and

Whereas, the Northern Illinois Food Bank distributed 50 million meals to hungry neighbors – in FY 2014, including nearly 1.1 million meals to hungry neighbors in Kendall County; and
Whereas, September is “Hunger Action Month” where Northern Illinois Food Bank and more than 200 food banks across the country are hosting awareness campaigns and events to bring attention and take action for the cause of hunger; and

Whereas, September 4, 2014 is National “Go Orange Day” where local municipalities, businesses, and individuals are encouraged to wear orange to help raise awareness for hunger relief efforts.

Now, therefore, be it resolved that through the power vested in me as Chair of Kendall County, Illinois, let all who do, have and will reside in Kendall County, Illinois know that the County of Kendall joins Northern Illinois Food Bank in proclaiming September 2014 as “Hunger Action Month”.

In Witness Whereof, I have hereunto set my hand and the great seal of the County of Kendall this 2 day of September, 2014.

Attest:

John A. Shaw, County Board Chair          Debbie Gillette, County Clerk/Recorder

Revision to Liquor Ordinance

Member Purcell stated that the change is to address the concerns of some of the businesses in unincorporated Kendall County. The language in the revision is for A and B licenses to be able to sell until 2am on Friday, Saturday and certain holidays.

Member Purcell moved to approve the revisions to the Liquor Ordinance to reduce hours of prohibited sale for Class A and Class B licenses by allowing sales until 2AM the mornings of Saturday and Sunday and specific holidays of Memorial Day, Fourth of July, Labor Day, Thanksgiving, and New Year’s Day. Member Koukol seconded the motion.

Member Purcell moved to amend the revision to the Liquor Ordinance on page 13 to include the word “between” in the beginning of the clauses in Section 1A, Section 1B, and Section 2A-D. Member Prochaska seconded the motion. Motion withdrawn.

Member Purcell moved to amend the revision to the Liquor Ordinance on page 13 to substitute the word “between” for the word “during” in the last line in Section 1A, and Section 2. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the amended motion. All members present voting aye. Motion carried.

Chairman Shaw asked for a roll call vote on the original motion. All members present voting aye except Shaw. Motion carried 9-1.

A complete copy of Ordinance 14-24 is available in the Office of the County Clerk.

Authorize Application for two Pre-Trial Officers

Member Cullick informed the board that there could be some State funding available for two pre-trial officers. It would be to reimburse a large portion of their salary. The county would be authorizing for them to apply for the grant, if awarded the grant it would come back as a proposal to be discussed to decide if the county wants to follow through with the officers. They would be able to supervise about 75 people per person; there is a need for two because it is a 24 hour a day commitment. They would be doing some evaluation, GPS monitoring, curfew monitoring, drug and alcohol testing, and assessments to advise for setting of bail. The deadline is September 15. Further discussion will happen during the Finance meeting.

Member Purcell moved to authorize the application to the Administrative Office of the Illinois Courts for State Fiscal Year 2015 Salary Reimbursement Funds for two Pre-Trial Officers. Member Prochaska seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

OLD BUSINESS

Engagement letters with Wipfli CPAs

Member Cesich moved to authorize the engagement letters with Wipfli CPAs for external auditing services for Kendall County, Circuit Clerk and Kendall Area Transit. Member Gryder seconded the motion.

Members discussed the assistance that would be provided regarding the budgets.

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.
STANDING COMMITTEE REPORTS

Economic Development
Member Koukol reviewed the minutes in the packet from the August 22, 2014 meeting.

Finance

CLAIMS

Member Purcell moved to approve the claims submitted in the amount of $765,273.32. Member Flowers seconded the motion.

COMBINED CLAIMS: FCLT MGMT $27,965.63, B&Z $1,693.00, ED SRV REG $2,861.74, SHRFF $2,776.82, CRRCTNS $6,460.18, EMA $875.00, CRCT CT CLK $674.32, JURY COMM $282.76, CRCT CT JDG $3,276.38, CRNR $4,210.17, CMB CRT SRV $8,786.01, PUB DFNDR $1,930.50, ST ATTY $1,366.37, BRD OF RVW $135.22, SPRV OF ASSMNT $14,534.73, UNEMP CMP $11,434.21, EMPLY HLTH INS $363,733.43, OFF OF ADM SRV $478.08, CO HWY $137,634.88, HLTH & HMN SRV $79,856.71, FRST PRSRV $10,808.38, ANML CNTRL EXPNS $11.74, CO RCRD DOC STRG $171.90, HIDTA $4,535.30, CO CMSRY FND $13,803.40, CRT SEC FND $382.38, LAW LBRY $6,042.09, CRCT CT DOC STRG $2,493.70, CRT AUTOMA $10,000.00, CHILD SUP COL EXP $246.61, PRBTN SRV EXP FND $8,124.92, GIS $60.60, CO RSRV $55.94, VAC $11,231.85, FP BND PRCDS 2007 $1,109.59

Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

Member Purcell stated that all budget hearings have occurred and they are working towards a balanced budget.

Judicial Legislative
Member Cullick reviewed the minutes in the packet from the August 27, 2014 meeting.

Animal Control
Member Cesich reviewed the minutes in the packet from the August 20, 2014 meeting.

Health & Environment
Member Gilmour reviewed the minutes in the packet from the August 18, 2014 meeting.

STANDING COMMITTEE MINUTES APPROVAL

Member Flowers moved to approve all of the Standing Committee Minutes and Reports. Member Gilmour seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

SPECIAL COMMITTEE REPORTS

Kencom Executive Board
Member Gilmour stated the Executive Board’s met on August 28 and they received an update from the subcommittee for finalizing formal reviews and job descriptions for the Kencom Management positions. They approved appointments of Michael Kalina from Bristol-Kendall Fire as alternative rep to the Operations Board and Tom Meyers from Montgomery Fire as a member of the Finance Committee. There was action to maintain Margie Swanson as the Human Resource Attorney and Mack and Associates were approved as the auditors.

Housing Authority
Member Prochaska had nothing new to report. The next meeting is on September 26, 2014.

Per Diem Ad Hoc
Member Cesich would like to reconvene the Per Diem Committee for this month, for purposes of moving forward and getting an update from the State’s Attorney’s Office in regards to the per diem audit.
CHAIRMAN’S REPORT

Announcements

Lynn Cullick leaving the Finance Committee – Matt Prochaska replacement on the Finance Committee

QUESTIONS FROM THE PRESS

Jim Wyman from WSPY asked if other counties have Pre-Trail Officers.

EXECUTIVE SESSION

Member Prochaska made a motion to go into Executive Session for litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court. Member Gryder seconded the motion. Chairman Shaw asked for a roll call vote on the motion. All members present voting aye. Motion carried.

RECONVENE

Member Gryder moved to come back into the meeting. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

ADJOURNMENT

Member Prochaska moved to adjourn the County Board Meeting until the next scheduled meeting. Member Flowers seconded the motion. Chairman Shaw asked for a voice vote on the motion. All members present voting aye. Motion carried.

Approved and submitted this 4th day of September, 2014.

Respectfully submitted by,
Debbie Gillette
Kendall County Clerk
October 7, 2014

Donna Downing
Jurisdiction Team Leader, Wetlands
U.S. Environmental Protection Agency
Water Docket, Room 2822T
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Stacey Jensen
Division Regulatory Community of Practice
U.S. Army Corps of Engineers
441 G Street N.W.
Washington, DC 20314


Dear Ms. Downing and Ms. Jensen:

On behalf of the Kendall County Board and the citizens of Kendall County, Illinois, I respectfully submit comments to the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) proposed rule regarding Definition of Waters of the U.S. Under the Clean Water Act, Docket No. EPA-HQ-OW-2011-0880.

Kendall County, Illinois, located on the edge of the highly-urbanized Chicago metropolitan region, has a population of nearly 115,000 people and a land area of 320 square miles. Urban areas of the county occupy approximately 15 percent of the land area and the balance of the land is in agricultural production. Sales from agricultural products produced in Kendall County were more than $103 million dollars in 2012. Much of the agricultural land is drained by a combination of drainage tile and open ditches. The County maintains 125 centerline miles of highway, much of it in a rural cross-section having open ditches. Kendall County has a county-wide stormwater ordinance that manages both stormwater quantity and quality of runoff on a regional basis.

The proposed rule for the definition of “waters of the US” states that man-made conveyances, including ditches, are considered jurisdictional tributaries if they have a bed, bank and ordinary high water mark and flow directly or indirectly into a “water of the U.S.,” regardless of perennial, intermittent or ephemeral flow. The proposed rule excludes certain types of upland ditches with less than perennial flow or those ditches that do not contribute flow to a “water of the U.S.” Ditches in much of Illinois and Kendall County, specifically, are man-made channels with constructed beds and banks designed to convey concentrated runoff to stream channels, which are typically, waters of the US. The Ordinary High Water Mark (OHWM) is a concept created by regulatory definition to represent the most frequent high water level in a channel or other water body. In natural systems, the OHWM is an indicator that can be readily identified and is typically a stable feature making it useful for delineation. Because the flow in man-made channels is often highly irregular and changes with maintenance, the OHWM is not a reliable indicator.
Ditches are but one piece of drainage infrastructure originally used in for creating or improving agricultural production or access to areas of agricultural production. Most of this drainage infrastructure was installed in a period shortly after the Civil War and the beginning of the 20th Century. Often ditches are the initial surface outlet for the expansive subsurface drainage tile networks installed in the 1870s and 1880s that have allowed the fertile Midwestern soils to be the backbone of the world's food supply. American agriculture depends on tiles and drainage ditches to keep both uplands and lowlands drained.

Historically, County and Township road systems were drained using ditches and cross culverts that were outlet to the nearest stream. These roadway ditch systems and the agricultural drainage networks are inextricably connected and are the basis of the public drainage infrastructure in all rural areas of Kendall County and much of the rest of the State of Illinois. Illinois drainage law establishes the rights of land owners to “drain through the property of others” in order to maintain the man-made drainage networks that have become our public drainage infrastructure. Ditches traverse uplands as well as lowlands and often outlet to “waters of the US”. How can a county prove its ditches do not “contribute to flow” when the expressed purpose of the ditch is to convey concentrated flow to an outlet? How can exempt ditches be distinguished from the proposed jurisdictional ditches if they are near a “waters of the U.S.” or how non-perennial ditches will be regulated?

Kendall County has the following objections to and concerns with the proposed rule Definition of Waters of the U.S. Under the Clean Water Act, Docket No. EPA-HQ-OW-2011-0880.

1. We object to the increase in jurisdiction of waters of the US because of the poor definition of which ditches and what criteria will be used for the USEPA and USACE to take jurisdiction.
2. We object to the establishment of jurisdiction over man-made features created for the purpose of land drainage that comprise a significant and connective piece of the existing public drainage infrastructure in highly productive agricultural regions.
3. We object to the use of natural stream geomorphologic conditions, including bed and bank and the regulatory descriptor Ordinary High Water Mark, to establish federal jurisdiction of a man-made drainage feature.
4. We object to the attempt to establish jurisdiction of upland drains because they discharge to waters of the US.
5. We object to the potential for jurisdiction to be extended to ditches that are ephemeral or intermittent.
6. We object to the definition of waters of the US that does not specifically exclude stormwater management facilities and man-made conveyances created for the purpose of preventing, limiting or controlling flooding.
7. We are concerned that the already tedious, time consuming and expensive process of establishing jurisdiction will become less defined by the proposed rule and open Kendall County to potential litigation in order to maintain or improve the county highway system.
8. We are concerned that the number of county-owned and maintained ditches will fall under the jurisdiction of the Clean Water Act.

\textsuperscript{2} USDA Census of Agriculture, United States Department of Agriculture, 2012 Census Volume 1, Chapter 2: County Level Data
9. We are concerned that municipal separated storm sewer (MS4) infrastructure within our right-of-way may be subject to additional water quality standards (including total maximum daily loads) if our stormwater ditches are considered a “water of the U.S.” Not only would the discharge leaving the system be regulated, but all flows entering the system would be regulated as well. However, not of all of the flows entering stormwater ditches are under the control of the ditch owner. Unless municipal separated storm sewers are explicitly exempted from the requirements, MS4 operators, including Kendall County may be forced to regulate them. This could provide additional stormwater costs and reduce opportunities for cost effective regional stormwater management systems.

10. We are concerned with the considerable financial burden of the additional regulatory processes necessary to maintain the existing county-owned ditches and to improve the roadway system from a rural section with open ditches to a closed storm sewer system. Kendall County is on the urban-rural fringe and has experienced very rapid population growth over the last decade, which necessitates the widening of roadways in limited rights-of-way. Urban sections using curb and gutter with storm sewer is often the only financially feasible option for road widening.

The proposed rule creates additional federal oversight that has significant financial and regulatory impacts of man-made public drainage infrastructure. The proposed rule place an unnecessary burden on the local unit of government and the taxpayers who support that agency. We see no additional protection for natural streams and wetlands from the proposed rule.

We respectfully request that USEPA and the USACE remand the rule until our concerns are addressed and a revised rule is proposed that addresses the concerns of state and local governments, including Kendall County.

Thank you for the opportunity to provide comments on the proposed rule.

Respectfully submitted,

John Shaw
Chairman, Kendall County Board

cc: Kendall County Board
Bill Foster, Member of Congress, 11th District
Randy Hultgren, Member of Congress, 14th District

1 USDA Census of Agriculture, United States Department of Agriculture, 2012 Census Volume 1, Chapter 2: County Level Data
New “Waters of the United States” Definition Released

Counties are strongly encouraged to submit written comments on potential impacts of the proposed regulation to the Federal Register

On April 21, the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) jointly released a new proposed rule — Definition of Waters of the U.S. Under the Clean Water Act — that would amend the definition of “waters of the U.S.” and expand the range of waters that fall under federal jurisdiction. The proposed rule, published in the Federal Register, is open for public comment for 90 days, until July 21, 2014.

The proposed rule uses U.S. Environmental Protection Agency’s (EPA) draft report on Connectivity of Stream and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence, which is currently undergoing review by EPA’s Science Advisory Board, as a scientific basis for the new definition. The report focuses on over 1,000 scientific reports that demonstrate the interconnectedness of tributaries, wetlands, and other waters to downstream waters and the impact these connections have on the biological, chemical and physical relationship to downstream waters.

Why “Waters of the U.S.” Regulation Matters to Counties

The proposed “waters of the U.S.” regulation from EPA and the Corps could have a significant impact on counties across the country, in the following ways:

- **Seeks to define waters under federal jurisdiction:** The proposed rule would modify existing regulations, which have been in place for over 25 years, regarding which waters fall under federal jurisdiction through the Clean Water Act (CWA). The proposed modification aims to clarify issues raised in recent Supreme Court decisions that have created uncertainty over the scope of CWA jurisdiction and focuses on the interconnectivity of waters when determining which waters fall under federal jurisdiction. Because the proposed rule could expand the scope of CWA jurisdiction, counties could feel a major impact as more waters become federally protected and subject to new rules or standards.

- **Potentially increases the number of county-owned ditches under federal jurisdiction:** The proposed rule would define some ditches as “waters of the U.S.” if they meet certain conditions. This means that more county-owned ditches would likely fall under federal oversight. In recent years, Section 404 permits have been required for ditch maintenance activities such as cleaning out vegetation and debris. Once a ditch is under federal jurisdiction, the Section 404 permit process can be extremely cumbersome, time-consuming and expensive, leaving counties vulnerable to citizen suits if the federal permit process is not streamlined.
• Applies to all Clean Water Act programs, not just Section 404 program: The proposed rule would apply not just to Section 404 permits, but also to other Clean Water Act programs. Among these programs—which would become subject to increasingly complex and costly federal regulatory requirements under the proposed rule—are the following:

• Section 402 National Pollution Discharge Elimination System (NPDES) program, which includes municipal separate storm sewer systems (MS4s) and pesticide applications permits (EPA Program)

• Section 303 Water Quality Standards (WQS) program, which is overseen by states and based on EPA’s “waters of the U.S.” designations

• Other programs including stormwater, green infrastructure, pesticide permits and total maximum daily load (TMDL) standards

**Background Information**

The Clean Water Act (CWA) was enacted in 1972 to restore and maintain the chemical, physical and biological integrity of our nation’s waters and is used to oversee federal water quality programs for areas that have a “water of the U.S.” The term navigable “waters of the U.S.” was derived from the Rivers and Harbors Act of 1899 to identify waters that were involved in interstate commerce and were designated as federally protected waters. Since then, a number of court cases have further defined navigable “waters of the U.S.” to include waters that are not traditionally navigable.

More recently, in 2001 and 2006, Supreme Court cases have raised questions about which waters fall under federal jurisdiction, creating uncertainty both within the regulating agencies and the regulated community over the definition of “waters of the U.S.” In 2001, in Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers (531 U.S. 159, 2001), the Corps had used the “Migratory Bird Rule”—wherever a migratory bird could land—to claim federal jurisdiction over an isolated wetland. The Court ruled that the Corps exceeded their authority and infringed on states’ water and land rights.

In 2006, in Rapanos v. United States, (547 U.S. 715, 2006), the Corps were challenged over their intent to regulate isolated wetlands under the CWA Section 404 permit program. In a 4-1-4 split decision, the Court ruled that the Corps exceeded their authority to regulate these isolated wetlands. The plurality opinion states that only waters with a relatively permanent flow should be federally regulated. The concurrent opinion stated that waters should be jurisdictional if the water has a “significant nexus” with a navigable water, either alone or with other similarly situated sites. Since neither opinion was a majority opinion, it is unclear which opinion should be used in the field to assert jurisdiction, leading to further confusion over what waters are federally regulated under CWA.

The newly proposed rule attempts to resolve this confusion by broadening the geographic scope of CWA jurisdiction. The proposal states that “waters of the U.S.” under federal jurisdiction include navigable waters, interstate waters, territorial waters, tributaries (ditches), wetlands, and “other waters.” It also redefines or includes new definitions for key terms—adjacency, riparian area, and flood plain—that could be used by EPA and the Corps to claim additional waters as jurisdictional.
States and local governments play an important role in CWA implementation. As the range of waters that are considered “waters of the U.S.” increase, states are required to expand their current water quality designations to protect those waters. This increases reporting and attainment standards at the state level. Counties, in the role of regulator, have their own watershed/stormwater management plans that would have to be modified based on the federal and state changes. Changes at the state level would impact comprehensive land use plans, floodplain regulations, building and/or special codes, watershed and stormwater plans.

Examples of Potential Impact on Counties

County-Owned Public Infrastructure Ditches

The proposed rule would broaden the number of county maintained ditches—roadside, flood channels and potentially others—that would require CWA Section 404 federal permits. Counties use public infrastructure ditches to funnel water away from low-lying roads, properties and businesses to prevent accidents and flooding incidences.

- The proposed rule states that man-made conveyances, including ditches, are considered jurisdictional tributaries if they have a bed, bank and ordinary high water mark (OHWM) and flow directly or indirectly into a “water of the U.S.,” regardless of perennial, intermittent or ephemeral flow.

- The proposed rule excludes certain types of upland ditches with less than perennial flow or those ditches that do not contribute flow to a “water of the U.S.” However, under the proposed rule, key terms like ‘uplands’ and ‘contribute flow’ are undefined. It is unclear how currently exempt ditches will be distinguished from jurisdictional ditches, especially if they are near a “water of the U.S."

Ultimately, a county is liable for maintaining the integrity of their ditches, even if federal permits are not approved by the federal agencies in a timely manner. For example, in 2002, in Arreola v Monterey (99 Cal. App. 4th 722), the Fourth District Court of Appeals held the County of Monterey (Calif.) liable for not maintaining a levee that failed due to overgrowth of vegetation, even though the County argued that the Corps permit process did not allow for timely approvals.

The National Association of Counties’ policy calls on the federal government to clarify that local streets, gutters, and human-made ditches are excluded from the definition of “waters of the U.S.”

Stormwater and Green Infrastructure

Since stormwater activities are not explicitly exempt under the proposed rule, concerns have been raised that Municipal Separate Storm Sewer System (MS4) ditches could now be classified as a “water of the U.S.” Some counties and cities own MS4 infrastructure including ditches, channels, pipes and gutters that flow into a “water of the U.S.” and are therefore regulated under the CWA Section 402 stormwater permit program.

This is a significant potential threat for counties that own MS4 infrastructure because they would be subject to additional water quality standards (including total maximum daily loads) if their stormwater ditches are considered a “water of the U.S.” Not only would the discharge leaving the system be regulated, but all flows entering the MS4 would be regulated as well. Even if the agencies do not initially plan to regulate an MS4 as a...
“water of the U.S.,” they may be forced to do so through CWA citizen suits, unless MS4s are explicitly exempted from the requirements.

In addition, green infrastructure is not explicitly exempt under the proposed rule. A number of local governments are using green infrastructure as a stormwater management tool to lessen flooding and protect water quality by using vegetation, soils and natural processes. The proposed rule could inadvertently impact a number of these county maintained sites by requiring Section 404 permits for non-MS4 and MS4 green infrastructure construction projects. Additionally, it is unclear under the proposed rule whether a Section 404 permit will be required for maintenance activities on green infrastructure areas once the area is established. In stakeholder meetings, EPA has suggested local governments need to include in their comments whether an exemption is needed, and if so, under what circumstances, along with the reasoning behind the request.

Potential Impact on Other CWA Programs

It is unclear how the proposed definitional changes may impact the pesticide general permit program, which is used to control weeds and vegetation around ditches, water transfer, reuse and reclamation efforts and drinking and other water delivery systems. According to a joint document released by EPA and the Corps, *Economic Analysis of Proposed Revised Definition of Waters of the United States* (March 2014), the agencies have performed cost-benefit analysis across CWA programs, but acknowledge that “readers should be cautious in examining these results in light of the many data and methodological limitations, as well as the inherent assumptions in each component of the analysis.”

Submitting Written Comments

NACo is in the process of preparing suggested draft comments for counties. In the short term, because of the complexity of the proposed rule and the unexplored impacts on CWA programs, counties should ask for an extension of the 90 day comment period to 180 days.

Written comments to EPA and Corps are due no later than July 21, 2014. *If you submit comments, please share a copy with NACo’s Julie Ufner at jufner@naco.org or 202.942.4269.*

Submit your comments, identified by *Docket ID No. EPA–HQ–OW–2011–0880* by one of the following methods:

- Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments
- E-mail: ow-docket@epa.gov. Include EPA–HQ–OW–2011–0880 in the subject line of the message

For further information, contact: Julie Ufner at 202.942.4269 or jufner@naco.org
**Definition of “Waters of the United States” Under the Clean Water Act**

**Summary of Draft Regulation As Proposed by EPA and Corps**

(Working draft subject to change, updated April 23)

<table>
<thead>
<tr>
<th>Key Terms</th>
<th>Current EPA/Corps Regulations</th>
<th>Proposed Regulatory Language</th>
<th>Analysis of Potential County Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Waters of the U.S.&quot;¹ Definition</td>
<td>40 CFR 230.3(s) The term “Waters of the United States” means: (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, all waters which are subject to the ebb and flow of the tide; (2) All interstate waters², including interstate “wetlands”;</td>
<td>Define “Waters of the United States” for all sections (including sections 301, 311, 401, 402, 404) of the CWA to mean: (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (2) All interstate waters, including interstate wetlands;</td>
<td>No change from current rules</td>
</tr>
</tbody>
</table>

¹ There is only one Clean Water Act definition of “waters of the U.S.” This definition is used for all CWA programs (including sections 301, 311, 401, 402, and 404)

² All interstate waters are “waters of the U.S.”, even if they are non-navigable (under the current “waters of the U.S.” definition)
Definition of “Waters of the United States” Under the Clean Water Act
Summary of Draft Regulation As Proposed by EPA and Corps
(Working draft subject to change, updated April 23)

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</tr>
</thead>
<tbody>
<tr>
<td>“Waters of the U.S.” Definition (continued)</td>
<td>(3) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:</td>
<td>(7) And on a case-specific basis, other waters, including wetlands, provided that those waters alone, or in combination with other similarly situated waters, including wetlands, located in the same region, have a significant nexus to a traditional navigable water, interstate water or the territorial sea.</td>
<td>Under the proposed rule, “other waters” would not automatically be considered jurisdictional, instead, they would be assessed on a case-by-case basis, either alone or with other waters in the region to assess the biological, physical, chemical impacts to the closest jurisdictional waters. Under the proposed rule, “other waters,” such as isolated wetlands, must meet the significant nexus test to be considered jurisdictional. This is a major change over current practice.</td>
</tr>
<tr>
<td></td>
<td>(i) Which are or could be used by interstate or foreign travelers for recreation or other purposes;</td>
<td>(i) through (iii) eliminated</td>
<td>The agencies consider (i) through (iii) duplicative language</td>
</tr>
<tr>
<td></td>
<td>(ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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The term wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typical of wet soil conditions. The term generally includes swamps, marshes, bogs and other similar areas.
**Definition of “Waters of the United States” Under the Clean Water Act**

**Summary of Draft Regulation As Proposed by EPA and Corps**

*(Working draft subject to change, updated April 23)*

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<td>(iii) Which are used or could be used for industrial purposes by industries in interstate commerce;</td>
<td>(4) All impoundments of a traditional navigable water, interstate water, the territorial seas or a tributary;</td>
<td>No change from current rules — County owned dams and reservoirs are under federal jurisdiction</td>
<td></td>
</tr>
<tr>
<td>(4) All impoundments of waters otherwise defined as waters of the U.S. under this definition;</td>
<td>(5) All tributaries of a traditional navigable water, interstate water, the territorial seas or impoundment;</td>
<td>Proposed rule more broadly defines the definition of tributary to include manmade and natural ditches</td>
<td></td>
</tr>
<tr>
<td>(5) Tributaries of waters identified in paragraphs (a) through (d) of this definition;</td>
<td></td>
<td>Proposed rule would potentially increase the number of county-owned ditches under federal jurisdiction</td>
<td></td>
</tr>
<tr>
<td>(6) The territorial seas; and</td>
<td>(3) The territorial seas;</td>
<td>No change from current rules</td>
<td></td>
</tr>
</tbody>
</table>

**Waters of the U.S. Definition (continued)**

No change from current rules.

Territorial seas are defined as “the belt of the seas measured from the line of the ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and
**Definition of “Waters of the United States” Under the Clean Water Act**  
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<td><strong>“Waters of the U.S.” Definition (continued)</strong></td>
<td>(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.</td>
<td>(6) All waters, including wetlands, adjacent to a traditional navigable water, interstate water, the territorial seas, impoundment or tributary;</td>
<td><em>extending seaward a distance of three miles</em></td>
</tr>
<tr>
<td></td>
<td>(8): Waters of the United States do not include prior converted cropland or waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA (other than cooling points as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the U.S.</td>
<td>Waters excluded from the definition of “waters of the U.S.” include:</td>
<td><em>Proposed rule would broaden what types of waters next to a “waters of the U.S.” are considered jurisdictional</em></td>
</tr>
<tr>
<td></td>
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<td></td>
<td><em>Under the proposed regulation, wetlands, lakes, ponds, etc. that are adjacent to “waters of the U.S.” would be jurisdictional if they can meet the significant nexus test — meaning the adjacent waters must show a significant connect to a “water of the U.S.”</em></td>
</tr>
<tr>
<td></td>
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<td></td>
<td><em>The proposed rule change would be relevant for non-jurisdictional county-owned ditches near a “water of the U.S.” that have a significant connection (hydrologic water connection is not necessary) to a “water of the U.S.”</em></td>
</tr>
<tr>
<td></td>
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<td></td>
<td><em>The proposed rule excludes certain types of waters from being classified as a “water of the U.S.”</em></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><em>The proposed rule codifies 1986 and 1988 guidance preamble language — meaning the proposed rule makes official a number of exemptions that have been in place since the 1980’s</em></td>
</tr>
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Definition of “Waters of the United States” Under the Clean Water Act

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<tr>
<td>“Waters of the U.S.” Definition (continued)</td>
<td></td>
<td>• Waste treatment systems, including treatment points or lagoons, designed to meet CWA requirements</td>
<td>Over the years, some exemptions, such as for waste treatment systems, have been challenged in the courts. The exemptions may be interpreted very narrowly.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Prior converted cropland</td>
<td>Under the proposed rule, only those waste treatment systems, designed to meet CWA requirements, would be exempt. For waste treatment systems that were built to address non-CWA compliance issues, it is uncertain whether the system would also be exempt.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Ditches that are excavated wholly in uplands, drain only in uplands, and have less than perennial flow</td>
<td>The proposed rule exempts a certain type of uplands ditch – there is little consensus on how this language would (or would not) impact roadside ditches. EPA and Corps need to answer whether ditches will be considered in parts or in whole.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Ditches that do not contribute to flow, either directly or indirectly to a “water of the U.S.”</td>
<td>Under the new rule, other ditches, not strictly in uplands, would be regulated or potentially those ditches adjacent to a “water of the U.S.”</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>The proposed rule would exempt ditches that show they do not contribute to the flow of a “water of the U.S.”</td>
</tr>
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<td><strong>“Waters of the U.S.” Definition (continued)</strong></td>
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</table>

Additionally, the following features are exempted (from the “waters of the U.S.” definition):

1. Would exclude artificial areas that revert to uplands if application of irrigation water ceases;
2. Artificial lakes and ponds used solely for stock watering, irrigation, settling basins, rice growing;
3. Artificial reflecting pools or swimming pools created by excavating and/or diking in dry land;
4. Small ornamental waters created by excavating and/or diking dry land for primarily aesthetic reasons;
5. Water-filled depressions created incidental to construction activity;
6. Groundwater, including groundwater drained through subsurface drainage systems; and
7. Gullies and rills and non-wetland swales.  

4 While non-jurisdictional geographic features such as non-wetland swales, ephemeral upland ditches may not be jurisdictional under the CWA section 404 permit program, the “point source” water discharges from these features may be regulated through other CWA programs, such as section 402.

Question: Are there county maintained ditches that do not contribute to flow of a “water of the U.S.”?

However, ditches can be a point source and regulated under the CWA Section 402 permit program.

Under the proposed rule, ditches that do contribute to the flow of a “water of the U.S.” regardless of perennial, intermittent or ephemeral flows, would be jurisdictional.
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<td><strong>“Waters of the U.S.”</strong></td>
<td></td>
<td><strong>Under the proposed rule, stormwater and green infrastructure are not explicitly exempt. Clarification is needed to ensure this type of infrastructure is not classified as a “water of the U.S.” through regional staff determinations or CWA citizen lawsuits.</strong></td>
</tr>
<tr>
<td><strong>Definition (continued)</strong></td>
<td></td>
<td><strong>If more waters are designated “waters of the U.S.,” those waters would then have to meet water quality standards (WQS), which are set by the state based on federally designated “waters of the U.S.” State standards for these waters must include a highest beneficial use based on scientific analysis—fishable, swimmable, water supply—these standards are often challenged in the courts. Under CWA statute, states must treat all “waters of the U.S.” equally, regardless of size or flow, when determining WQS.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>In parts of California, stormwater channels are considered “waters of the U.S.” However, the designation is not currently enforced.</strong></td>
</tr>
</tbody>
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## Definition of “Waters of the United States” Under the Clean Water Act

**Summary of Draft Regulation As Proposed by EPA and Corps**

(Working draft subject to change, updated April 23)

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| Tributaries are considered a “waters of the U.S.” under existing regulation. Agencies have stated they generally would not assert jurisdiction over ditches (including roadside ditches) excavated wholly in and draining only in uplands and do not carry a relatively permanent flow of water. | Tributaries include, natural and manmade waters, including wetlands, rivers, streams, lakes, ponds, impoundments, canals and ditches if they:  
  - Have a bed, bank, and ordinary high water mark (OHWM)  
  - Contribute to flow, either directly or indirectly, to a “water of the U.S.” | Proposed rule includes for the first time a regulatory definition of a tributary, which specifically defines ditches as jurisdictional tributaries unless exempted.  
  The proposed rule states that manmade and natural ditches are considered jurisdiction if they have a bed, bank and evidence of, and contribute to, flow, directly or indirectly, to a “water of the U.S.”  
  Proposed rule would potentially increase the number of county-owned ditches under federal jurisdiction.  
  All manmade and natural ditches that meet the definition of a tributary would be considered a “water of the U.S.” regardless of perennial, intermittent or ephemeral flow.  
  Under the proposed rule, ditches are “exempt” if they are strictly uplands ditches with a less than a relatively permanent flow. There is uncertainty. |

| Ditches (aka “Tributaries”) | Would excludes ditches that are excavated wholly in uplands, drain only in uplands, and have less than perennial flow.  
  Bed, bank and OHWM are features generally associated with flow. OHWM usually defines the lateral limits of the ditch by showing evidence of flow. The bed is the part of the ditch, below the OHWM, and the banks may be above the OHWM  
  The flow in the tributary may be ephemeral, intermittent or perennial, and the tributary must drain, or be a part of a network of tributaries that drain, into a “water of the U.S.”  
  Perennial flow means that water is present in a tributary year round when rainfall is normal or above normal. | |

---

3 The term “tributary” is not defined under current regulations.  
6 Bed, bank and OHWM are features generally associated with flow. OHWM usually defines the lateral limits of the ditch by showing evidence of flow. The bed is the part of the ditch, below the OHWM, and the banks may be above the OHWM.  
7 The flow in the tributary may be ephemeral, intermittent or perennial, and the tributary must drain, or be a part of a network of tributaries that drain, into a “water of the U.S.”  
8 Perennial flow means that water is present in a tributary year round when rainfall is normal or above normal.
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<td><strong>Ditches</strong> (aka “Tributaries”) (continued)</td>
<td>Would exclude ditches that do not contribute flow, either directly or through another water, to a traditional navigable water, Interstate water, the territorial seas or an impoundment of a jurisdictional water.</td>
<td>Jurisdictional ditches include, but are not limited to, natural streams that have been altered (i.e. channelized, straightened, relocated); ditches that have been excavated in “waters of the U.S.” including jurisdictional wetlands; ditches that have perennial flow; and ditches that connect two or more “waters of the U.S.”</td>
<td>Whether this designation would protect all roadside ditches in uplands since many ditches run through both uplands and wetlands through the length of the ditch.</td>
</tr>
<tr>
<td></td>
<td>Jurisdictional ditches include, but are not limited to, natural streams that have been altered (i.e. channelized, straightened, relocated); ditches that have been excavated in “waters of the U.S.” including jurisdictional wetlands; ditches that have perennial flow; and ditches that connect two or more “waters of the U.S.”</td>
<td>Tributaries that have been channelized in concrete or otherwise human altered, may also be jurisdictional if they meet the definitional conditions.</td>
<td>Under the proposed rule, ditches that do not contribute to flow of a “waters of the U.S.” would be exempt. Since the majority of public infrastructure ditches are ultimately connected to a “water of the U.S.” it is uncertain how this would be documented.</td>
</tr>
<tr>
<td></td>
<td>All tributaries in a watershed will be considered in combination to assess whether they have a significant nexus to a “water of the U.S.”</td>
<td></td>
<td>EPA officials indicate the intent of the rule to regulate ditches that remain “wet” most of the year and have a mostly permanent flow—pooled or standing water is not jurisdictional.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Question: if all perennial, intermittent and ephemeral ditches are jurisdictional, how can they be differentiated from exempt ditches?</td>
<td></td>
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<td>Ditches (aka “Tributaries”) (continued)</td>
<td></td>
<td>A water, that is considered a jurisdictional tributary, does not lose its status if there are manmade breaks—bridges, culverts, pipes, or dams—or natural breaks—wetlands, debris piles, boulder fields, streams underground—as long as there is a bed, bank, and OHWM identified upstream of the break. This is relevant for arid and semi-arid areas where banks of the tributary may disappear at times.</td>
<td>The proposed rule notes that manmade and natural breaks in ditches—pipes, bridges, culverts, wetlands, streams underground, dams, etc.—are not jurisdictional. However, the ditch considered a “water of the U.S.” above the break is also a jurisdictional water after the break. The term uplands is not defined under the current or the proposed regulation. Question: how can the term uplands be defined to lessen impact on county operations? The proposed rule states that tributary connection may be traced by using direct observation or U.S. Geological Survey maps, aerial photography or other reliable remote sensing information, and other appropriated information in order to claim federal jurisdiction over the ditch. Question: how can the agencies delineate how seasonal ditches will be regulated under the proposal?</td>
</tr>
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### Definition of “Waters of the United States” Under the Clean Water Act

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<td>All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that would impact interstate or foreign commerce</td>
<td>“Other waters” are jurisdictional if, “either alone or in combination with similarly situated “other waters” in the region,” they have a “significant nexus” to a traditional navigable water, interstate water, or the territorial seas.”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>“Other Waters”</td>
<td>“Other waters” would be evaluated either individually, or as a group of waters, where they are determined to be similarly situated in the region. Waters would be considered “similarly situated” when they perform similar functions and are located sufficiently close together or when they are sufficiently close to a jurisdictional water.</td>
<td>Under the proposed rule, “other waters” are not automatically considered jurisdictional, instead, they must be assessed on a case-by-case basis, either alone or with other waters in the region to assess the biological, physical, chemical impacts to the closest jurisdictional waters.</td>
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</tr>
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*Question:* In the proposed rule, how can agencies clearly distinguish between landscape features that are not waters or wetlands and those that are jurisdictional?

*Question:* The agencies request, in the proposed rule, comments on alternative methods to determine “other waters.” For example, should determinations be made on ecological or hydrologic landscape regions? If so, why and how? How would the various definitions impact counties?

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9 "In the region," means the watershed that drains to the nearest traditional navigable water, interstate water, or the territorial seas through a single point of entry.
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<td>“Adjacent Waters”</td>
<td>Under existing regulation for “adjacent wetlands,” only wetlands adjacent to a “water of the U.S.” are considered jurisdictional</td>
<td>Adjacent waters are defined as wetlands, ponds, lakes and similar water bodies that provide similar functions which have a significant nexus to “waters of the U.S.”</td>
<td>The proposed rule replaces the term “adjacent wetlands” with “adjacent waters” — this definition would include adjacent wetlands and ponds.</td>
</tr>
<tr>
<td></td>
<td>Adjacent means bordering, ordering, contiguous or neighboring</td>
<td>Waters, including wetlands, separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, etc. are “adjacent waters” are jurisdictional</td>
<td>Under the proposed rule, adjacent waters to a “water of the U.S.” are those waters (and tributaries) that are highly dependent on each other, which must be shown through the significant nexus test.</td>
</tr>
<tr>
<td>“Significant Nexus”</td>
<td>n/a</td>
<td>The term “significant nexus” means that a water, including wetlands, either alone or in combination with other similarly situated waters in the region (i.e. the watershed that drains to the nearest “water of the U.S.”) and significant affect the chemical, physical or biological integrity of the water to which they drain. For an effect to be significant, it must be more than speculative or insubstantial. Other waters, including wetlands, are similarly situated when they perform similar functions and are located sufficiently close together or sufficiently close to a “water of the U.S.” so they can be evaluated as a single landscape unit regarding their chemical, physical, or biological impact on a “water of the U.S.”</td>
<td>Newly defined term — The proposed rule definition is based on Supreme Court Justice Kennedy’s “similarly situated waters” test. A significant nexus test can be based on a specific water or on a combination of nearby waters. The proposed rule states waters would be considered jurisdictional, the waters either alone or in conjunction, with another water must perform similar functions such as sediment trapping, storing and cleansing of water, movement of organisms, or hydrologic connections.</td>
</tr>
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12 Note: The term “single landscape unit is not defined in the proposed regulation.
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<td>“Riparian Area”</td>
<td>n/a</td>
<td>The term riparian area means an area bordering a water where the surface or subsurface hydrology directly influence the ecological processes and plant and animal community structure in that area.</td>
<td>Newly defined term</td>
</tr>
</tbody>
</table>

Riparian areas are transition areas between aquatic and terrestrial ecosystems that influence the exchange of energy and materials between those ecosystems.11

No uplands located in “riparian areas” can ever be “waters of the United States.”

Under the proposed rule, a riparian area would not be jurisdiction in itself, however, it could be used as a mechanism to claim federal jurisdiction.

Under the proposed rule, there is no limiting scope to the size of a riparian area or a definition of the types of animal, plant and aquatic life that may trigger this definition.

The proposed rule states that no uplands in a riparian area can ever be “waters of the U.S.”

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11 Note: Under the new term “riparian area,” terms used in the definition – area, ecological processes, plant and animal community structure, exchange of energy and materials are not defined.
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<td>Flood Plain</td>
<td>n/a</td>
<td>Flood plain, under this definition, means an area bordering inland or coastal waters that was formed by sediment preposition from such water under present climatic conditions and is inundated during periods of moderate to high water flows</td>
<td>Absolutely no uplands located in riparian areas and flood plains can ever be “waters of the U.S.”</td>
</tr>
<tr>
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<td></td>
<td>Determination of jurisdiction using the terms “riparian area,” “flood plain,” and “hydrologic connection” will be based on best profession judgment and experience applied to the definitions proposed in this rule</td>
<td>The proposed rule states waters near to a “water of the U.S.” could be jurisdiction without a significant nexus if they are in a flood plain or riparian area</td>
</tr>
</tbody>
</table>

The proposed rule uses the term “flood plain” to identify waters and wetlands that would be near (adjacent) to a “waters of the U.S.” in order to establish federal jurisdiction.

The proposed rule definition relies heavily on “moderate to high water flows” rather than the Federal Emergency Management Agency’s (FEMA) flood plain definitional terms such as 100 year or 500 year floodplains.

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<td>“Neighboring”</td>
<td>n/a</td>
<td>Neighboring is defined as:</td>
<td>Under the proposed rule, neighboring is defined for the first time</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Including waters located within the riparian area or floodplain of a “water of the U.S.” or waters with a confined surface or shallow subsurface hydrological connection to a jurisdictional water;</td>
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<tr>
<td></td>
<td></td>
<td>• Water must be geographically proximate to the adjacent water;</td>
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<tr>
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<td></td>
<td>• Waters outside the floodplain or riparian zone are jurisdictional if they are reasonably proximate</td>
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12 While shallow subsurface flows are not considered a “water of the U.S.” under the proposal, they may provide the connection establishing jurisdiction.
ORDINANCE NUMBER 2014 - ______

GRANTING A SPECIAL USE FOR
3485 ROUTE 126
FOR A CLEAN-UP RESTORATION SERVICE/ BUSINESS

WHEREAS, DTG Investments LLC, has filed a petition for a Special Use within the A-I Agricultural Zoning District for a 5.93 acre property located on the north side of Route 126, 0.45 miles west of Schlapp Road, commonly known as 3485 Route 126 (PIN#06-09-400-005), in NaAuSay Township, and;

WHEREAS, said petition is to allow the operation of a clean-up restoration service/business; and

WHEREAS, petition #14-22 was approved on September 16, 2014 as Ordinance 2014-27 as the text amendment to allow such a use as a special use in the A-I Agricultural district; and

WHEREAS, said property is currently zoned A-I Agricultural with an existing Special Use for the operation of a landscape business; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2007-10 on March 20, 2007; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST ¼ OF THE SOUTHEAST ¼ OF SECTION 9 AND PART OF THE WEST ¼ OF THE NORTHEAST ¼ OF SECTION 16 ALL IN TOWNSHIP 36N, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE CENTERLINE OF ILLINOIS ROUTE NO. 126 DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST ¼ OF SECTION 9; THENCE NORTH 01 DEGREES, 36 MINUTES, 40 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHEAST ¼, 260 FEET; THENCE NORTH 88 DEGREES, 44 MINUTES, 53 SECONDS EAST, 335 FEET; THENCE SOUTH 01 DEGREES, 39 MINUTES, 11 SECONDS EAST, 677.39 FEET TO THE CENTERLINE OF SAID ROAD; THENCE SOUTH 80 DEGREES, 28 MINUTES, 31 SECONDS, WEST ALONG SAID CENTERLINE, 338.17 FEET TO THE WEST LINE OF SAID NORTHEAST ¼; THENCE NORTH 01 DEGREES, 40 MINUTES, 39 SECONDS WEST ALONG SAID WEST LINE, 466.05 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF NAAUSAY, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.08.1 of the Zoning Ordinance, and recommendation for approval by the Special Use Hearing Officer on September 3, 2014 & on September 29, 2014; and

WHEREAS, the findings of fact were approved as follows (on both dates):

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The property was previously used for a landscaping business and this new use will be less noticeable as everything takes place inside the buildings including storage of the vehicles.
That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The site will not be modified in any way and is surrounded by farmland and a special use for ag implement sales next door to the east.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Nothing is being modified on this site and access already exists.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. Assuming the text amendment passes to allow this type of use in the A-1 district it will conform to all applicable regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The special use is consistent with the LRMP.

WHEREAS, the Kendall County Board has considered the findings and recommendation of the Hearing Officer and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

WHEREAS, this special use shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns as to the same special use conducted on the property; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning permit to operate a clean-up restoration service/business in accordance to the submitted Site Plan included as “Exhibit A” attached hereto and incorporated herein subject to the following conditions:

1. Must meet all the conditions of the text amendment:
   a. If zoned A-1 Agricultural the facility shall have direct access to a road designated as a major collector (or higher) on the County Land Resource Management Plan.
   b. All commercial vehicles are to be stored inside an accessory structure when not in use unless outdoor storage is screened from adjacent and surrounding properties and screening and storage is shown on the approving site plan.
   c. All operations are to take place inside an enclosed structure.
   d. A waste management plan must be submitted and an exhibit to the approving ordinance. (Exhibit B)
   e. A material management plan must be submitted including where items will be stored on site including but not limited to chemicals and belongings. (Exhibit C)
   f. No materials that are brought in can be burned on this site.
   g. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance (Sign Regulations).
   h. Shall satisfy all requirements of the Kendall County Health Department and Building Department prior to the issuance of occupancy permits.
2. No outdoor storage except employee’s cars.
3. No activity including parking or storage is permitted in the floodplain.
4. If any future expansion is proposed a major amendment to the special use will need to be filed.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 7th day of October, 2014.

Attest:

Debbie Gillette
Kendall County Clerk

John Shaw
Kendall County Board Chairman
CALL TO ORDER
The meeting was called to order by Chair Judy Gilmour at 9:00 a.m.

ROLL CALL
Committee Members Present: Dan Koukol - here, Judy Gilmour - here, John Purcell – aye, Elizabeth Flowers - present, Lynn Cullick (arrived at 9:06 a.m.)

Other County Board Members Present: Matthew Prochaska, John Shaw (arrived at 10:45 a.m.)

Others present: Glenn Campos, Todd Greer, Jim Pajauskas, Rich Ryan, Jeff Wilkins

APPROVAL OF MINUTES: Member Koukol made a motion to approve the September 4, 2014 meeting minutes, second by Member Flowers. With all in agreement, the motion passed.

MONTHLY REPORTS

CBIZ UPDATE

- **2015 Health Benefit Plan recommendation** – Jim Pajauskas reviewed the benefit recommendations with the committee. Mr. Pajauskas reported a slight reduction in the Lincoln Life Insurance premium, and said that CBIZ also conducted life insurance comparisons with MetLife and Hartford. Mr. Pajauskas will research voluntary life insurance quotes from Lincoln and compare with the other programs the county is offering through IMRF and report at the next meeting.

- **Self-insured Insurance Program from UCCI Review** – Mr. Pajauskas reviewed the self-insured (self-funded) options with the committee. Mr. Pajauskas will obtain additional information and report at the next Admin/HR committee meeting.

- **Employee funded vision plan recommendation** – Mr. Pajauskas reviewed the VSP and EyeMed plans with the committee. Discussion will continue in November.

WINE SERGI UPDATE

- **2015 Property, Liability, & Workers Compensation Program recommendation** – Rich Ryan reviewed the coverage, limits and current deductible or self-insured retention options with the committee. Member Purcell made a motion to forward Option A to the County Board for approval, second by Member Cullick. With all in agreement, the motion carried.

COUNTY ADMINISTRATOR – Jeff Wilkins reviewed the monthly reports with the committee.
DEPARTMENT HEADS AND ELECTED OFFICIALS - None

OLD BUSINESS

- Authorize Wellness Initiative Program – Glen Campos provided an overview of the proposed plan. Chair Gilmour asked the committee to review the additional documentation and discuss further at the November 4, 2014 meeting. Chair Gilmour asked Glen Campos to send all documentation to Leslie Johnson for review prior to the November committee meeting.

- Employee Picnic Review – The committee reviewed the recap of this year’s event and the suggested additions for next year’s employee picnic.

- Review Wellness Screening Results – Glen Campos reviewed the wellness screening results with the committee.

- NACO Prescription Drug Discount Card Program – This information was provided for the committee to review. The County is contracted with NACO through 2016.

NEW BUSINESS

- Discussion on possibly having two meetings per month to address the various issues. The committee will hold a second meeting to be held later in October, date TBA.

ACTION ITEMS FOR COUNTY BOARD

- Approval of 2015 Property, Liability & Workers Compensation Program Option A Recommendation

EXECUTIVE SESSION – None needed

PUBLIC COMMENT – None

ADJOURNMENT – Member Flowers moved to adjourn the meeting at 11:17 a.m., Member Cullick seconded the motion. The motion was unanimously approved by a voice vote.

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary
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<th>Coverage, Limits and Current Deductible or Self-Insured Retention</th>
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<th>12-1-2014 / 2015 Same Deductibles and Self-Insured Retentions as expiring</th>
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Call to Order
The Economic Development Committee met at 8:30 a.m. and was called to order by Dan Koukol, Chairman of the Kendall County Economic Development Committee.

Roll Call
Committee Members Present: Dan Koukol, Judy Gilmour, Lynn Cullick, Amy Cesich, and Matt Prochaska
Committee Members Absent: None
Other Board Members Present: County Board Chairman John Shaw
Staff Present: Jeff Wilkins, County Administrator; and John Sterrett, Economic Development Coordinator
Others Present: Rich Healy, Executive Director Plano EDC

Approval of Agenda
Member Cullick made a motion, seconded by Member Prochaska, to approve the September 26, 2014 agenda. With a voice vote of all ayes the motion carried.

Approval of Minutes
Member Prochaska made a motion, seconded by Member Cullick, to approve the August 22, 2014 meeting minutes. With a voice vote of all ayes the motion carried.

New Business
Revolving Fund Financial Assistance Marketing
Mr. Wilkins discussed potentially partnering with Waubonsee Community College's Workforce Development to use the County's RLF for businesses who use WCC's Workforce Development to have their employees trained. Businesses interested in utilizing Waubonsee's workforce training previously had access to ETIP grant monies, or Employer Training Investment Program, to finance 50% of a workforce program. ETIP monies have since been reduced for Community Colleges and as such businesses are required to pay the full cost of any workforce training without ETIP financing. With the County's RLF, the County could loan 50% of the cost of the training to the business with the business covering the other 50%. Staff is working on determining the proper rate and terms for loans such as this and will continue to work with Waubonsee to develop this partnership. The Committee was interested in pursuing this initiative.

Recommend Approval of a Resolution in Opposition to the Continuation of the State Income Tax Increase
Member Prochaska gave the committee background on the state income tax increase from 2011 and reviewed existing pending legislation that would make the state income tax increase permanent. Member Prochaska read the resolution to oppose the continuation of the state income tax increase. The Committee reviewed potential impacts if the state income tax increase is continued.

Member Prochaska made a motion, seconded by Member Koukol, to recommend approval of a resolution in opposition to the continuation of the state income tax increase. With a voice vote of all ayes, the motion carried. The topic will be discussed at the October 7th County Board meeting.

Old Business
Growing Our Regional Economy Update
Mr. Sterrett informed the Committee that the launch of the Metro Chicago Exports program will take place on Monday, September 29th. The program will help assist small to midsize business have access to exporting.

Kendall County Economic Development Committee
August 22, 2014
Mr. Sterrett updated the Committee on the status of the existing loans through the County’s Revolving Fund Financial Assistance Program. All existing loans have paid for the month.

**Other Business**

Rich Healy, Executive Director of the Plano EDC was present to explain current projects taking place in Plano. There may be an interest in utilizing the County’s RLF for certain projects. Mr. Healy explained that Plano will be participating in the ICSC in Chicago in October.

Board Chairman John Shaw commented on a recent meeting with state officials on various road projects.

**Chairman’s Report** – Member Koukol gave an update to the Ridge Road project.

**Public Comment** – None

**Adjournment**

With no further business to discuss, Member Cullick moved to adjourn. The motion was seconded by Member Prochaska. There being no objection, the Economic Development Committee, at 9:27 a.m., adjourned.

Respectfully Submitted,

*John H. Sterrett,*

Recording Secretary
COUNTY OF KENDALL
RESOLUTION 2014-_______

RESOLUTION IN OPPOSITION TO THE CONTINUATION OF
THE STATE INCOME TAX INCREASE

WHEREAS, in January of 2011, the State of Illinois passed a personal income tax increase from 3% to 5% (a 66% increase) and a corporate income tax increase from 4.8% to 7%; and

WHEREAS, revenue projections would put increasing total state revenue at $7 billion per year projecting total revenue at $25 billion at the end of this past fiscal year (July 1, 2014); and

WHEREAS, Kendall County’s median household income is $83,835, according to the U.S. Census Bureau, and the tax increase cost the average Kendall County household $1,676.70 per year or $5,030.10 since the inception of the income tax increase; and

WHEREAS, written into the tax increase bill was a sunset on January 1, 2015; and

WHEREAS, it is the opinion of the Kendall County Board that the legislative intent of this tax increase was to be temporary to deal with the financial crisis of 2008; and

WHEREAS, since the tax increase, Illinois has lagged behind the nation’s recovery from economic recession. Illinois’ current unemployment rate is at 6.8% and an underemployment rate of 14.8%, while the national average is at 6.1% and 12.9% respectively.

NOW, THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF KENDALL COUNTY, AS FOLLOWS:

1) It is the opinion of the Kendall County Board that the tax increase has hindered the economic recovery of Illinois and Kendall County; and

2) It is the opinion of the Kendall County Board that state legislators should adhere with the original intention of allowing the 2011 tax increase to expire in order to bring Illinois on track with the rest of the nation through economic recovery; and

3) The County Board directs the Office of Administrative Services to submit this resolution to the State Senators representing Kendall County, Senator Jim Oberweis, Senator Linda Holmes, Senator Jennifer Bertino-Tarrant, and Senator Sue Rezin, and the State Representatives of Kendall County, Representative John Anthony, Representative Kay Hatcher, Representative Tom Cross, and Representative Stephanie Kifowit, and the Speaker of the Illinois House, the Illinois House Republican Leader, the Illinois Senate President, the Illinois Senate Republican Leader, and the Governor of the State of Illinois.

Approved and adopted by the County Board of Kendall County, Illinois, this 7th day of October, 2014.

John A. Shaw, Chairman
Kendall County Board

ATTEST:
Debbie Gillette, County Clerk
Call to Order
The Budget and Finance Committee was called to order by Chair John Purcell at 4:00p.m.

Committee Members Present: John Purcell, Amy Cesich, Judy Gilmour (departed at 5:00pm), Matt Prochaska, and Elizabeth Flowers (arrived at 4:40pm)

Committee Members Absent: None

Other Board Members Present: Chairman John A. Shaw

Others Present: Latreese Caldwell, Jill Ferko, Julie Hanna, Bob Jones, Chief Deputy Scott Koster, RaeAnn Van Gundy, John Sterrett, and Jeff Wilkins

Claims Review and Approval
The Committee reviewed the County claims report. A motion was made by Member Prochaska to forward the claims in an amount not to exceed $621,222.00 second to the motion by Member Gilmour. With all in agreement, the motion carried.

Department Head and Elected Official Comments

Jill Ferko, Treasurer/Collector – Ms. Ferko commented on the amended budget process and was seeking direction from the Committee on performing the amended budget. The Committee did not provide direction to proceed with the amended budget.

Chief Deputy Scott Koster, Sheriff’s Office – Chief Deputy Koster commented on the construction projects near Ridge Road and Route 126 and some barricades being moved at the construction sites. The Sheriff’s Office has been assisting the Highway Department with preventing barricades from being moved.

RaeAnn Van Gundy, Health Department – No report

Executive Session – Member Prochaska made a motion to enter into Executive Session for the purpose of discussion of minutes of meetings lawfully closed under the Illinois Open Meetings Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 of the Act. The motion was seconded by Member Gilmour. Mr. Purcell called the roll. Member Cesich-Yes; Member Gilmour-Yes; Member Prochaska- Yes, Member Purcell-Yes. With a roll call vote of 4-0, the motion carried.

The Budget & Finance Committee entered into executive session at 4:20pm.

The Budget & Finance Committee came out of executive session at 4:26pm.
Items of Business

- FY15 Budget – Latreese Caldwell reviewed the original requests and deficit, and the changes the committee has made thus far. The Committee discussed some of the expected revenue from different sources. Discussion on proposed cuts to be made to budgets to get closer to a balanced budget.

Old Business - None

Items for Committee of the Whole - None

Action Items for County Board

- Approval of claims in an amount not to exceed $621,222.00

Public Comment – None

Questions from the Media – None

Adjournment – Member Cesich made a motion to adjourn the Budget and Finance Committee meeting, second by Member Flowers. With a voice vote of 2-1, the meeting adjourned at 5:27 p.m.

Respectfully submitted,

John H. Sterrett
Recording Secretary
Call to Order
The Budget and Finance Committee was called to order by Chair John Purcell at 4:00 p.m.

Committee Members Present: John Purcell - here, Amy Cesich - here, Judy Gilmour - here, Matt Prochaska - here, and Elizabeth Flowers - present

Committee Members Absent: None

Other Board Members Present: County Board Chair John A. Shaw

Others Present: Latreese Caldwell, Bob Jones, Jeff Wilkins

Department Head and Elected Official Comments

Items of Business

- FY15 Budget – Latreese Caldwell reviewed the updated fund balance accounts for each office/department, reviewed the original requests and deficit, and the changes the committee has made thus far. The Committee discussed some of the expected revenue from different sources. Discussion on proposed cuts to be made to budgets.

Old Business - None

Items for Committee of the Whole - None

Action Items for County Board - None

Public Comment - None

Questions from the Media - None

Executive Session - None Needed

Adjournment – Member Cesich made a motion to adjourn the Budget and Finance Committee meeting, second by Member Flowers. With all in agreement, the meeting adjourned at 5:37 p.m.

Respectfully submitted,

Valarie A. McClain
Administrative Assistant/Recording Secretary
MEETING MINUTES

Call to Order – The meeting was called to order by Chair Amy Cesich at 4:00 p.m.

Committee Members Present: Elizabeth Flowers - present, Amy Cesich - present, Lynn Cullick (4:10 p.m.), Matthew Prochaska – here. There was a quorum present to conduct committee business.

Committee Members Absent: John Purcell

Others present: Anna Friedman, Dr. Gary Schlapp, John A. Shaw and Jeff Wilkins

Approval of Agenda – Motion made by Member Flowers to approve the agenda, second by Member Prochaska. With all in agreement, the motion carried.

Review of Census Log – Anna Friedman presented the Census Log to the Committee as follows:

DOGS
Total Number of Adoption Dogs at Shelter: 14 (2 leave for rescue on 9/18)
Total Number of Unavailable Dogs: 10 (1 leaving for rescue on 9/18)

AUGUST 2014
Intakes 29
Adoptions 4
Reclaimed 13
Transferred to Rescue 4
Euthanized 4

SEPTEMBER 2014
Intakes to date 11
Adoptions to date 3
Reclaimed to date 6
Transferred to Rescue 1
Euthanized 0
CATS
Total Number of Adoption Cats at Shelter: 22 (including 8 kittens, 1 adult cat leaving for rescue on 9/19)
Total Number of Unavailable Dogs: 4 (1 is a kitten, 1 adult cat leaving for rescue 9/19)

AUGUST 2014
Intakes 12
Adopted 4
Reclaims 2
Transferred to Rescue 0
Euthanized 1

SEPTEMBER 2014
Intakes to date 3
Adoptions to date 0
Reclaimed to date 1
Euthanized 1
Transferred to Rescue 2

Review of Bite/Euthanasia Report – Ms. Friedman reviewed the report with the committee and said there were a total of 21 bites, with 17 canine bites and 4 cat bites in August.

There were 2 dogs euthanized due to medical issues, and 3 canines euthanized for behavior issues in August.

Operations Report – Ms. Friedman said there were 105 visitors in August. Ms. Friedman reported they have increased new media resources, and had two dogs accepted for rescue as a result of this new outreach.

Upcoming Events
September 23 Volunteer Orientation
September 28 Open House at Canine Physical Rehab
October 5 Country Comfort multi-organization event
October 12 Pictures in the Park
October 21 Volunteer Orientation

Accounting Report – Jeff Wilkins reviewed the financial report with the committee. Mr. Wilkins reported an increase in revenues, and stated that things are going well overall.

Old Business - None
New Business

- **Approve Permanent Meeting Time Change** – Member Cullick made a motion to forward to the Board the approval of the permanent meeting time change to 4:00p.m. on the Wednesday following the second County Board meeting, second by Member Prochaska. **With all in agreement, the motion carried.**

- **Adoption Promotion and Donation Allocation Recommendation** – A donor has offered Kendall County Animal Control donations in the amount of $50 per dog or cat adopted, up to $1000, for a 30 day period. The recommendation is to utilize $25 of each donation to reduce the cost of each adoption and deposit $25 of each donation into the Animal Medical Care Fund. Staff may implement similar adoption promotions in accordance with donor instructions for allocation of donor funds. Chair Cesich made a motion to forward to the Board for approval the Adoption Promotion and Donation Allocation Recommendation, second by Member Cullick. **With all in agreement, the motion carried.**

- **Adoption Fees Recommendation** – Ms. Friedman reviewed the current adoption fees, the proposed increased fees, the number of tests performed, the various types of tests performed and those statistics. Ms. Friedman will gather additional information and present at the October meeting.

- **Adoption Fees Allocation to Animal Control Fund and Medical Care Fund Recommendation** – Mr. Wilkins asked the committee if they wanted any portion of the fees to go into the Medical Care Fund, or for all fees to remain in the Animal Control Fund. Discussion will continue at the October meeting.

- **Authorize Credit Card Limit of $1,500 for Animal Control Director** – Jeff Wilkins explained the request and asked the committee to approve a credit card with a limit of $1500 for the Animal Control Director. Member Cesich made a motion to forward to the Board the authorization of a credit card with a limit of $1,500 for Animal Control Director Anna Friedman, second by Member Flowers. **With all in agreement, the motion carried.**

**Executive Session** – Member Cullick made a motion to enter Executive Session for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body AND for the discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06, second by Member Flowers. **With all in agreement, the committee entered Executive Session at 5:00p.m.**

Review of Executive Session minutes. The committee released the meeting minutes for April 17, 2013, March 20, 2014 and July 9, 2014. The meeting minutes for May 19, 2010 and July 29, 2011 were retained by the committee.

Member Prochaska made a motion to return to open session, second by Member Flowers. **With all in attendance voting aye, the committee returned to Open Session at 5:20p.m.**
Action Items for the County Board

- Approval of Permanent Meeting Time Change to 4:00 p.m. each Wednesday after the 2nd County Board meeting

- Approval of Adoption Promotion and Donation Allocation Recommendation

- Authorize a Credit Card with limit of $1,500 for new Animal Control Director Anna Friedman

- Approval of the Release of the Animal Control Executive Session Meeting minutes for April 17, 2013, March 20, 2014 and July 9, 2014

Public Comment – None

Adjournment – Member Prochaska made a motion to adjourn the meeting, Member Cullick seconded the motion. "With all in agreement, the meeting was adjourned at 5:23 p.m."

The next meeting is scheduled on October 15, 2014 at 4:00 p.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary
CALL TO ORDER
The meeting was called to order by Chair Judy Gilmour at 9:00 a.m.

ROLL CALL
Committee Members Present: Dan Koukol - present, Matthew Prochaska – here, Lynn Cullick – here, Judy Gilmour - here

Committee Members Absent: John Purcell

Others Present: Megan Andrews, KC Soil & Water, Jason Andrade, Mental Health Program Director, Kendall County Health Department, Dr. Amaal Tokars, Executive Director, Kendall County Health Department, and Angela Zubko, Planning, Building and Zoning

APPROVAL OF MEETING MINUTES – Member Koukol made a motion to approve the August 18, 2014 meeting minutes, second by Member Cullick. With all in agreement, the motion carried.

STATUS REPORTS

☐ Health Department – Jason Andrade briefed the committee on “Reality Illinois” an anti-tobacco campaign program beginning this evening that educates youth on the health effects of tobacco use and second hand smoke exposure, and how tobacco companies target teens through deceptive advertising practices.

The three main goals are to:

- Change the Youths Attitudes toward tobacco usage
- Directly influence tobacco control policy
- Reduce Tobacco Use Among Teens in Illinois

Mr. Andrade said they are collaborating with the TRY (Teens Reaching Youth) group from Yorkville High School. Some of the goals is to work toward smoke-free parks and places in Yorkville, by helping the youth to learn and develop
skills to assess and mobilize their community support for their policy initiative, advocate for their policy initiative through local government officials, learn how to utilize media to advance their initiative, learn how to provide education exposing tobacco industries tactics, and also how they mobilize their peers in opposition to pro-tobacco influences.

Mr. Andrade provided the programs 4-D Framework to equip these young people to:
- Define the issue for their policy
- How to Determine Decision Makers in their Community
- Discovering Data
- Deliver their Message

- Farmland Protection – Member Koukol the committee has not met.

- Soil & Water – Megan Andrews reviewed handouts that she compiled on the drainage districts in Kendall County, and provided an overview on the definition of a drainage district, drainage history, district facts, roles the districts play, and benefits of good drainage. Ms. Andrews provided additional information from the Illinois Association of Drainage Districts on landowners’ rights and state resources available.

Ms. Andrews reported there are two Public Hearings scheduled, one on Tuesday, September 23, 2014 at 6:30 p.m. at the Historic Courthouse in Yorkville to address the Rob Roy 2 and Raymond Drainage Districts. The second Public Hearing is scheduled for Tuesday, September 25, 2014 in Oswego Village Hall Board Room at 6:30 p.m. for the Morgan Creek Drainage District.

Ms. Andrews reported upcoming events include the tree sale pick-up this Friday and the fish sale in October.

Ms. Andrews said that the Plano School District is visiting the Friestad Dairy Farm on Route 52 on Wednesday, September 17, 2014. This is an exciting opportunity to expose the grade school children to a dairy farm.

Ms. Andrews updated the committee on the various educational projects that are occurring in the classrooms this fall including “Flat Aggie”. This project involves a classroom making a paper doll named “Flat Aggie” that is sent to a local farmer in Kendall County. The farmer will take pictures with “Flat Aggie” and send them and a letter back to the student classroom.

- Solid Waste Plan Committee – Ms. Gilmour reported that Aaron Rybski provided an overview of the plan to the Committee of the Whole on September 11, 2014. Dr. Tokars said that a draft copy of the plan will be posted on the Health
Department website until the final vote by the County Board in November. The plan will be presented to the Board of Health on Tuesday, September 16, 2014.

☑ Water Related Groups – Angela Zubko said that the Northwest Water Planning Alliance met last Thursday. County Board members will begin receiving NWPA newsletters shortly.

☑ Other Reports - none

OLD BUSINESS – None

NEW BUSINESS – None

PUBLIC COMMENT – None

ACTION ITEMS – None

EXECUTIVE SESSION – None Needed

ADJOURNMENT - Member Prochaska made a motion to adjourn the meeting, Member Cullick seconded the motion. With all in agreement, the meeting was adjourned at 9:33 a.m.

Respectfully Submitted,

Valarie McClain
Administrative Assistant/Recording Secretary