

FOREST PRESERVE COMMISSION MEETING MARCH 6, 2007

The proceedings of the Forest Preserve Commission of DuPage County at a Regular meeting held at the District Headquarters, 3 South 580 Naperville Road, Wheaton, Illinois, on Tuesday, March 6, 2007, at 9:00 A.M.

Meeting called to order with President Pierotti presiding.

On roll call, Members Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz were present. Member Formento was not present at the time of roll call.

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Bill Weidner, Director of the Office of Public Affairs, introduced Laura Barron from the Illinois Park and Recreation Association who presented Audra Mason-Bonnet, Public Affairs Specialist with the IPRA award for "Give Us Your Best Shot" program.

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President Pierotti attended the event for teachers at Mayslake. He congratulated the Staff for a fine program.

Dave Guritz, Director of the Office of Education, stated that this was the third year for the program. Over 103 teachers attended. The Mayslake meeting rooms were a huge success and he expects attendance to continue to increase.

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President Pierotti presented the FY2007/2008 Budget Guidelines.

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Commissioner Schultz moved, seconded by Commissioner Kotecki, that Resolution #07-063 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-063

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
FOR PROFESSIONAL LEGISLATIVE SERVICES BETWEEN THE  
FOREST PRESERVE DISTRICT OF DU PAGE COUNTY  
AND ILLINOIS GOVERNMENTAL CONSULTING GROUP, L.L.C.

WHEREAS, it is sometimes necessary for the District to propose legislation to the Illinois General Assembly on various matters affecting the District; and

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WHEREAS, it is also necessary for the District to be aware of and to monitor all introduced legislation that may impact, either favorably or unfavorably, the District so as to allow the District to take appropriate action to support or oppose the legislation; and

WHEREAS, the District's Board of Commissioners has determined that it is reasonable, necessary and desirable to engage the services of a Legislative Consultant to assist the District concerning legislation introduced in the Illinois General Assembly; and

WHEREAS, Illinois Governmental Consulting Group, L.L.C. has agreed to provide the legislative services hereinafter set forth, subject to the terms and conditions contained in the attached Contract.

NOW, THEREFORE, BE IT RESOLVED by Board of Commissioners of the Forest Preserve District of DuPage County as follows:

1. The recitals set forth above are incorporated herein and made a part hereof.
2. The President is hereby authorized and directed to sign on behalf of the District, and the Secretary is hereby authorized to attest thereto, the contract between the District and Illinois Governmental Consulting Group, L.L.C., entitled "Contract for Professional Legislative Services," which is attached hereto and made a part of this Resolution.
3. The President, Executive Director, Deputy Director of Administration, Director of the Office of Finance and Attorney for the District are hereby authorized to take such action as may be necessary to carry out the terms of said Contract.
4. The Secretary is hereby directed to transmit certified copies of this Resolution to the Executive Director, Deputy Director of Administration, Director of the Office of Finance, Attorney for the District and Illinois Governmental Consulting Group, L.L.C., 455 North Cityfront Plaza Drive, Suite 1500, Chicago, Illinois 60611.

PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that the Forest Preserve Commission minutes of January 16, 2007 and the Planning Session minutes of August 22, 2006 be approved and placed on file. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-064 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-064

PAYMENT OF GOODS & SERVICES FY07

WHEREAS, the members of the Forest Preserve Commission of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS are authorized to transact certain necessary business of the District; and

WHEREAS, the Forest Preserve District Commission has, in all respects, followed the rules regarding the payment of Goods & Services as heretofore set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS that Goods & Services FY07 for payment March 8, 2007 be approved per the attached; and

BE IT FURTHER RESOLVED that the Secretary of the Commission is hereby authorized and directed to transmit a certified copy of this Resolution to the Executive Director and Director of Finance of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS.

PASSED AND APPROVED by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-065 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-065

PAYMENT OF GOODS & SERVICES/UTILITIES FY07

WHEREAS, the members of the Forest Preserve Commission of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS are authorized to transact certain necessary business of the District; and

WHEREAS, the Forest Preserve District Commission has, in all respects, followed the rules regarding the payment of Goods & Services as heretofore set forth.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS that Goods & Services Utilities FY07 for payment March 8, 2007 be approved per the attached; and

BE IT FURTHER RESOLVED that the Secretary of the Commission is hereby authorized and directed to transmit a certified copy of this Resolution to the Executive Director and Director of Finance of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS.

PASSED AND APPROVED by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-066 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-066

REVISIONS TO EXISTING PAYROLL RECORD

WHEREAS, the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY heretofore adopted a Position Classification and Pay Plan for all District employees; and

WHEREAS, the District's employment policies provide for merit and salary increases, subject to the applicable budget limitations; and

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WHEREAS, the Board of Commissioners has determined that it is reasonable, necessary and desirable to pay the merit and/or salary increases as provided for in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, that the position(s) as specified below be placed on the regular or temporary payroll at the salary, classification, and with the effective date as particularly set forth as follows:

LAND MANAGEMENT/GROUNDS MAINTENANCE

Effective January 31, 2007

FRANK OLESIAK, Grounds Maintenance Worker – Merit

Class Code #0611, Pay Band B3 at \$31,551.99/yr.

Pay Band B3 \$29,502 - \$41,711 - \$53,919 (75.64% of midpoint)

6 Month Merit (\$918.99 increase)

From: \$30,633.00/yr.

To: \$31,551.99/yr.

LAND MANAGEMENT/STRUCTURAL MAINTENANCE

Effective February 21, 2007

SHELIA ROTONDI, Part-time Staff Assistant

Class Code #1026, Pay Band B2 at \$13.52/hr.

Pay Band B2 \$11.36 - \$16.06 - \$20.76 (84.18% of midpoint)

1 Year Merit (\$409.66 increase)

From: \$13.13/hr.

To: \$13.52/hr.

BE IT FURTHER RESOLVED that the Secretary of the Commission is hereby authorized and directed to transmit a certified copy of this Resolution to the Executive Director; Director of the Office of Human Resources; Director of the Office of Finance and Attorney of the FOREST PRESERVE DISTRICT.

PASSED AND APPROVED by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-049 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-049

AUTHORIZING FY06/07 CONTRIBUTION  
TO THE CHICAGO WILDERNESS TRUST

WHEREAS, the Commission of the Forest Preserve District of DuPage County supports the contribution of the Chicago Wilderness for a variety of services; and

WHEREAS, the District is a member of the Chicago Wilderness coalition, an alliance of public and private organizations working together to protect, restore, study and manage the natural ecosystems of the Chicago region for the benefit of the public; and

WHEREAS, the District supports the Chicago Wilderness organization with in-kind contributions, such as storage and distribution of the Biodiversity Atlas and the Recovery Plan and through various staff persons participating in task force and committee work, all this effort benefiting the preservation and enhancement of the regional biodiversity; and

WHEREAS, we appreciate and want to participate and collaborate in the projects and initiatives of Chicago Wilderness, and we believe the Commission should contribute financially to the work of Chicago Wilderness.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Forest Preserve District of DuPage County as follows:

1. The recitals set forth above are incorporated herein and made a part hereof.
2. The Commission authorizes the contribution payable to the Chicago Wilderness Trust and the Treasurer is hereby directed to send a check in the amount of \$2,000.00 to Chicago Wilderness Trust, 8 South Michigan Avenue, Suite 900, Chicago, Illinois 60603.
3. The Secretary is hereby authorized and directed to transmit a certified copy of this Resolution to the Executive Director, Director of the Office of Finance and the Attorney for the District.

PASSED AND APPROVED by the President and the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that the appointment of Officer Michael Ryan to the Position of Blackwell Guard Resident be approved.

Commissioner Brown questioned if it was Blackwell or Waterfall Glen Preserve. Tom Wakolbinger, Director of the Office of Law Enforcement, replied that the motion on the agenda was incorrect and that it should be Waterfall Glen.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that the above motion be amended to read "Waterfall Glen" instead of "Blackwell." On voice vote, motion carried.

Commissioner Kotecki moved, seconded by Commissioner Schultz, that the appointment of Officer Michael Ryan to the Position of Waterfall Glen Guard Resident be approved. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-043 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-043

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR THE PURCHASE OF TWO (2) ENCLOSED CARGO TRAILERS BETWEEN THE FOREST PRESERVE DISTRICT OF DU PAGE COUNTY AND RONDO ENTERPRISES, INC.

This is a Resolution authorizing the execution of a contract between the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS, hereinafter called "District" and RONDO ENTERPRISES, INC. hereinafter called "Contractor."

WHEREAS, the District desires to purchase two (2) enclosed cargo trailers; and

WHEREAS, the District obtained three formal purchase quotations for the purchase of these trailers; and

WHEREAS, Contractor has agreed to provide two (2) enclosed cargo trailers per the conditions, description and requirements in the quote obtained by the Contractor in accordance with the Specifications for Trailer requested by the District; and

WHEREAS, it is in the District's best interest to issue payment as promptly as possible upon written notification of delivery and acceptance of merchandise to ensure the best price; and

WHEREAS, it is in the District's best interest to sell or dispose of replaced equipment at its advantage.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, as follows:

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Section 1: The Board of Commissioners finds Contractor to have submitted the lowest responsible quotation.

Section 2: The President and Secretary of the Commission are hereby authorized and directed to execute a contract between the District and the Contractor entitled "Contract for the Purchase of Two (2) Enclosed Cargo Trailers," which is attached and made a part hereof.

Section 3: The President and Secretary of the Commission and the Fleet Services Manager are hereby authorized and directed to execute all other documents required or necessary to carry out the obligations of the District required by this agreement.

Section 4: The Treasurer of the District is hereby authorized to issue a check, draft or wire transfer in the amount of \$13,488.00 for payment to Contractor upon written notification by Fleet Services Manager of delivery and acceptance of the merchandise covered by this Resolution.

Section 5: The Fleet Services Manager is authorized to sell or dispose of the replaced equipment at the District's advantage.

Section 6: The Secretary of the Commission is hereby authorized and directed to transmit a copy of this Resolution to the Forest Preserve District of DuPage County's Executive Director; Director of the Office of Finance; Manager of Fleet Services and Attorney for the District, respectively.

PASSED AND APPROVED by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS on this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-050, Resolution to Consent to Conversion of Gas Recovery Services Inc. to An Illinois Limited Liability Company, be approved and adopted.

Dave Barritt, Chapman & Cutler, stated that this was done at the request of the operator lender for tax liabilities and will not change their ability to perform the contract.

Commissioner Brown questioned if the District was making money on gas at the plant. Attorney Barritt replied that recent laws have made an impact that create less revenue. The lobbyist is working on changing the law.

Commissioner Kotecki moved, seconded by Commissioner Schultz, that Resolution #07-050 be approved and adopted. On roll call, Commissioners Brown, Cantore, Kotecki, Murphy, Pierotti and Schultz voted "aye." Commissioner Formento was not present at the time of roll call. Motion carried.

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RESOLUTION

#07-050

RESOLUTION TO CONSENT TO CONVERSION OF GAS RECOVERY SERVICES INC. TO AN ILLINOIS LIMITED LIABILITY COMPANY

WHEREAS, as of April 1, 1993 the Forest Preserve District of DuPage County, Illinois (hereinafter the "District") entered into an Amended and Restated Agreement for Operation of Landfill and Construction of Recreational Facilities at the Mallard Lake Recreational Preserve as Revised which has been amended from time to time (hereinafter the "Revised Agreement") with E & E Hauling, Inc. ("E&E") and guaranteed by Browning Ferris Industries of Illinois Inc. ("BFI Illinois") and Browning Ferris Industries, Inc. ("BFI"); and

WHEREAS, BFI guaranteed performance of all of the representations, warranties, covenants, agreements and conditions made by the Company under the terms of the Revised Agreement and any amendments thereto; and

WHEREAS, as of February 7, 1995, the District entered into an Agreement for the Grant of Landfill Gas Rights and for the Generation of Electricity at the Mallard Lake Landfill with E&E and another BFI subsidiary, BFGSI, which has been amended from time to time and is hereinafter referred to as the "Gas Rights Agreement"; and

WHEREAS, E&E and BFI Illinois were subsequently merged into BFI Waste Systems of North America, Inc. ("BFI Waste") and BFI Waste acknowledges that, as a result of the merger, it became the successor in interest to E&E and BFI Illinois by operation of law, and BFI Waste therefore assumed and became bound by all of the Company's rights, interests, obligations, representations, warranties, covenants, agreements and conditions under the Revised Agreement and the Gas Agreement; and

WHEREAS, in July, 1999, Allied acquired BFI and, by virtue of Allied's acquisition of BFI, BFI Waste and BFGSI, became indirect wholly-owned subsidiaries of Allied; and

WHEREAS, Allied has entered into an agreement to sell the common stock of BFGSI and its subsidiary BFGSI of Illinois to Gas Recovery Services of Illinois, Inc., an Illinois corporation ("GRS") and, in June 2000, the District consented to that sale; and

WHEREAS, GRS has requested that the District consent to a Plan and Agreement of Merger of Gas Recovery Services of Illinois, Inc. and GRSOI, LLC, an Illinois limited liability company, hereafter referred to as the "Conversion" (a true and correct copy of which is attached hereto as Exhibit 1), whereby GRS is to be merged into GRSOI, LLC; and

WHEREAS, BFI and BFI Waste have executed an Addendum to Consent to Conversion (attached hereto as Exhibit 2) in which they have consented to the Plan of Merger and have confirmed in writing that their liability as guarantor of the Revised Agreement and the Gas Rights Agreement shall not be affected, altered or diminished as a result of the Conversion; and

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WHEREAS, GRS has conditioned its request for Conversion on its agreement that the Conversion shall affect only the legal form of GRS to an Illinois limited liability company and has no financial or operational impact; and

WHEREAS, GRS has requested that the District execute a Consent to the Conversion in the form attached hereto as Exhibit 3 (the "Consent").

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of DuPage County as follows:

1. The preambles set forth above are incorporated herein and made a part hereof.
2. The President is hereby authorized and directed to sign on behalf of the District, and the Secretary is hereby authorized to attest thereto, the Consent substantially in the form attached hereto and made a part hereof as Exhibit 3.
3. The President, Executive Director, Deputy Director of Natural Resources, Attorney for the District and David S. Barritt are hereby authorized to take such action as may be necessary to carry out the terms of said Consent.
4. The Secretary is hereby directed to transmit certified copies of this Resolution to the Executive Director; Deputy Director of Natural Resources; Attorney for the District and David S. Barritt.

PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 6th day of March, 2007.

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Commissioner Schultz moved, seconded by Commissioner Cantore, that Resolution #07-027, A Resolution Authorizing the Execution of a Contract for the Lease and Installation of Six IVACS Computer Systems Between the Forest Preserve District and Closed Circuit Innovations, Inc., be approved and adopted.

John Walton, Manager of Fleet Services, stated that there recently was an accident involving the police squad car computers. New computers were found at a police show. These computers are designed to stay in place if the air bag deploys. The company has better services and repair properties.

Commissioner Cantore questioned if this company was the only one doing this. Mr. Walton replied that they use standard industry components but put them together differently.

Commissioner Cantore asked since this was a ten year contract, what if a person can't be found to do any repairs. Mr. Walton replied that they could fix them in house.

Commissioner Cantore questioned the two stage cost. Mr. Walton responded that the first stage will consist of six vehicles. The second stage will be to install them in new vehicles as they are purchased by the District.

Commissioner Cantore asked what the computers are used for. Tom Wakolbinger, Director of the Office of Law Enforcement, replied that officers can research criminal history, converse with each other, complete reports and access pictures.

Commissioner Formento questioned how many squad cars the District had. Mr. Walton replied 22. The cost per car will be approximately 1/6 of the total.

Commissioner Formento asked what the life of a computer was. Mr. Walton replied ten years, which is the life of a squad car.

Commissioner Schultz moved, seconded by Commissioner Cantore, that Resolution #07-027 be approved and adopted. On roll call, Commissioners Brown, Cantore, Formento, Kotecki, Murphy, Pierotti and Schultz voted "aye." Motion carried.

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RESOLUTION

#07-027

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT  
FOR THE LEASE AND INSTALLATION OF SIX (6) IVACS COMPUTER SYSTEMS  
BETWEEN THE FOREST PRESERVE DISTRICT  
AND CLOSED CIRCUIT INNOVATIONS, INC.

This is a Resolution authorizing the execution of a contract between the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS, hereinafter called "District" and CLOSED CIRCUIT INNOVATIONS, INC. hereinafter called "Contractor."

WHEREAS, the District desires to lease and install six (6) Integrated Video and Computer Systems (IVACS) within six (6) police squad cars; and

WHEREAS, it has been determined that Contractor is the sole source provider for the lease of this type of equipment; and

WHEREAS, Contractor will install the equipment and provide local service, twenty-four hours a day, seven days a week; and

WHEREAS, Contractor has agreed to provide the lease and installation of IVACS within six (6) police squad cars per the conditions, description and requirements described in the Closed Circuit Innovations lease agreement, which is attached hereto and made a part hereof; and

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WHEREAS, it is in the District's best interest to lease this equipment and issue the first payment of \$4,900.00 per unit which includes installation and lease for the 1st through 48th months, then issue monthly payments of \$95 per unit per month for the 49th through 120th month. Total payment for all six (6) IVACS for 120 months shall be \$70,440.00.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, as follows:

Section 1: The recitals set forth above are incorporated herein and made a part hereof.

Section 2: The Board of Commissioners finds Contractor to be the sole source provider.

Section 3: The President and Secretary of the Commission are hereby authorized and directed to execute a contract for a lease between the District and the Contractor entitled "Contract to Lease Six (6) IVACS Mobile Computer Units," which is attached and made a part hereof.

Section 4: The President and Secretary of the Commission and the Fleet Services Manager are hereby authorized and directed to execute all other documents required or necessary to carry out the obligations of the District required by this agreement.

Section 5: The Fleet Services Manager is hereby authorized to expend \$29,400.00 for the initial lease and after 48 months an additional \$570.00 per month for month 49 through month 120.

Section 6: The President, Executive Director, Director of the Office of Finance, Treasurer and Attorney for the District are hereby authorized and directed to take all action as may be necessary to carry out the District's obligations under the contract, including but not limited to the payment of \$29,400.00 to start the lease program and the timely payment of monthly payments for the 49th through 120th months of the agreement.

Section 7: The Secretary of the Commission is hereby authorized and directed to transmit a copy of this Resolution to the Forest Preserve District of DuPage County's Executive Director, Director of the Office of Finance, Manager of Fleet Services, Attorney for the District and Contractor respectively.

PASSED AND APPROVED by the President and Board of Commissioners of the FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS on this 6th day of March, 2007.

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Commissioner Formento moved, seconded by Commissioner Schultz, that Resolution #07-069, A Resolution Authorizing the Execution of the First Amendment to the Contract Between the Forest Preserve District of DuPage County and Wight and Company, be approved and adopted.

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Commissioner Kotecki asked what the total cost of the revised plan would be. Andrea Hoyt, Director of the Office of Planning, replied \$1.7 million.

Commissioner Kotecki stated that it started at \$775,000 and wondered why there was such an increase. Ms. Hoyt responded that after doing a study, the District decided to fix other problems at Danada at the same time. The District received a \$400,000 grant from OSLAD.

Commissioner Formento stated that this was half the cost of the maintenance of the garden project.

Ms. Hoyt said that a 14 acre site will be enhanced around the new building. The \$1.7 million budgeted is using \$773,000 from the bond issue, \$400,000 from the OSLAD grant, \$296,000 allocated from the budget with \$150,000 being spent on sidewalks and \$15,000 being spent on stairs.

Commissioner Kotecki remarked that he did not remember any buildings in the plan. Ms. Hoyt responded that the area west of the Danada addition that is used for weddings and picture taking will include a planned gazebo or pergola.

Commissioner Kotecki expressed concern about the maintenance. Ms. Hoyt replied that the concept of the garden has not changed. The structures were included in the presentation in order to secure the grant.

Commissioner Schultz said that most maintenance could be done by volunteers if constructed correctly.

Commissioner Formento thought that the original plan was only for \$775,000. Bob Vick, Deputy Director of Natural Resources, responded that the original plan did not include the gardens.

Commissioner Kotecki remarked that it originally started as a statue garden, then a plant garden and now an update to the Danada House.

Executive Director Manning suggested that the Commission pass the contract and bring back the plan for further review.

Commissioner Formento moved, seconded by Commissioner Schultz, that Resolution #07-069 be approved and adopted. On roll call, Commissioners Brown, Cantore, Formento, Murphy, Pierotti and Schultz voted "aye." Commissioner Kotecki voted "nay." Motion carried.

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RESOLUTION

#07-069

A RESOLUTION AUTHORIZING THE EXECUTION OF  
THE FIRST AMENDMENT TO THE CONTRACT BETWEEN  
THE FOREST PRESERVE DISTRICT OF DU PAGE COUNTY  
AND WIGHT AND COMPANY—CONTRACT NO. 05-278

WHEREAS, on November 15, 2005, the District and Wight & Company entered into a Contract (No. 05-278) (hereinafter the “2005 Contract”) for professional architectural services associated with the design and construction of the Danada Visitor Garden; and

WHEREAS, after entering into the 2005 Contract, the District determined to revise the conceptual master plan for the Danada Visitor Garden; and

WHEREAS, because of the change in the conceptual master plan, it is necessary to revise the Scope of Services provided for in the 2005 Contract as described in Task 1 and Task 2 of the 2005 Contract; and

WHEREAS, as a result of the change in the Scope of Services, the District and Wight & Company find that it is necessary to amend the 2005 Contract by modifying the services to be performed under Task 1 and Task 2; and

WHEREAS, the Board of Commissioners finds that it is reasonable, necessary and desirable to enter into the First Amendment attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Forest Preserve District of DuPage County as follows:

1. The preambles set forth above are incorporated herein and made a part hereof.
2. The President is hereby authorized and directed to sign on behalf of the District, and the Secretary is hereby authorized to attest thereto, the First Amendment between the District and Wight & Company entitled “First Amendment to the Contract Between the Forest Preserve District of DuPage County and Wight & Company - Contract No. 05-278,” a copy of which is attached hereto and made a part hereof.
3. The President, Executive Director, Director of the Office of Finance, Director of the Office of Planning and Attorney for the District are hereby authorized to take such action as may be necessary to carry out the terms of said First Amendment.
4. The Secretary is hereby directed to transmit certified copies of this Resolution to the Executive Director, Director of the Office of Finance, Director of the Office of Planning and Attorney for the District. The Secretary is further directed to attach a certified copy of this Resolution to Resolution No. 05-278.

PASSED AND APPROVED by the President and Board of Commissioners of the Forest Preserve District of DuPage County this 6th day of March, 2007.

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Commissioner Kotecki moved, seconded by Commissioner Murphy, that pursuant to Sections 2(c)(5), 2(c)(11) and 2(c)(21) of the Open Meetings Act, the Commission go into Closed Session for the purpose of discussing the purchase of real property for the use of the District including for the purpose of discussing whether a particular parcel should be acquired, to discuss probable or imminent litigation and for the review of Closed Session minutes. On roll call, Commissioners Brown, Cantore, Formento, Kotecki, Murphy, Pierotti and Schultz voted "aye." Motion carried.

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Meeting reconvened. Commissioner Formento moved, seconded by Commissioner Schultz, that Ordinance #07-052 be approved and adopted. On roll call, Commissioners Brown, Cantore, Formento, Kotecki, Murphy, Pierotti and Schultz voted "aye." Motion carried.

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ORDINANCE

#07-052

AN ORDINANCE AUTHORIZING THE NEGOTIATION FOR  
THE ACQUISITION OF CERTAIN PROPERTY COMMONLY KNOWN AS  
"WEST BRANCH ADDITION/KLEIN ROAD WEST/FEN" PARCEL  
FOR FOREST PRESERVE DISTRICT PURPOSES  
BY THE FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS

WHEREAS, the Statutes of the State of Illinois to such matters pertaining provide that forest preserve districts shall have the power to acquire lands in fee simple within such districts containing one or more natural forests or parts thereof, or lands connecting such forests or parts thereof, or land capable of being forested, or capable of being restored to a natural condition, for the purpose of protecting and preserving the flora and fauna and scenic beauties within such district, and to restore, restock, protect and preserve the natural forests and such lands together with their flora and fauna, as nearly as may be, in their natural state and conditions, for the purpose of the education, pleasure and recreation of the public; or for the consolidation of such preserves into unit areas of size and form convenient and desirable for public use and economical maintenance and improvement; or for connecting any such preserves with forested ways or links when in the judgment of the Board of Commissioners the public access, use and enjoyment of such preserves will be served thereby; or may acquire lands in fee simple along or enclosing water courses, drainage ways, lakes, ponds, planned impoundments or elsewhere which, in the judgment of the Board of Commissioners, are required to store flood waters, or control other drainage and water conditions and necessary for the preservation of ground water and forested

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areas acquired or to be acquired as preserves; or may acquire in fee simple unforested land adjacent to forest areas but incidental to the use and protection thereof; and

WHEREAS, on the 16th day of January, 2007, Ordinance No. 07-018 was adopted by the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, and pursuant to said Ordinance the Forest Preserve District of DuPage County, Illinois issued General Obligation Bonds, Series 2007, for the proposed acquisition of various parcels of real estate in DuPage County, Illinois, and for additional purposes set forth in said Ordinance and as provided for under the Statutes of the State of Illinois; and

WHEREAS, the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, deem it advisable and in the public interest and welfare to acquire title to more real estate within said district for one or more of the above purposes; and

WHEREAS, the said President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois find that the real estate described in the attached Exhibit A and depicted in the attached Exhibit B should be acquired for the purposes as hereinabove set forth; and

WHEREAS, in accordance with the property ownership disclosure requirement imposed on units of local government as set forth in 50 ILCS 105/3.1, the Forest Preserve District of DuPage County, has obtained a tract search identifying the record titleholder of the real estate described in the attached Exhibit A and depicted in the attached Exhibit B, to be: St. Andrews Golf and Country Club, Inc., a copy of said tract search being attached hereto and incorporated herein as Exhibit C; and

WHEREAS, the Forest Preserve District of DuPage County, Illinois has encountered numerous occasions where an individual property owner, whose land has been targeted for acquisition by the Forest Preserve District, is desirous of keeping a portion of the targeted property or in the alternative expresses an interest in conveying a conservation easement rather than fee simple title; and

WHEREAS, the Forest Preserve District of DuPage County, Illinois is desirous of giving its staff and attorneys the flexibility to fully explore such lesser acquisitions subject to the later approval by the President and Board of Commissioners; and

WHEREAS, the Forest Preserve District of DuPage County, Illinois has determined a valuation for said fee simple parcel which it believes to represent a fair amount to be offered to the owners of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, as follows:

1. That the recitals set forth above are hereby adopted and incorporated into this Ordinance.

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2. That it is necessary and desirable that the real estate described in Exhibit A and depicted in Exhibit B attached hereto, be acquired in fee simple by the said Forest Preserve District for one or more of the purposes set forth.

3. That the Executive Director, his staff and the Forest Preserve District attorneys be, and hereby are, authorized to negotiate for the acquisition of the property in fee simple described in Exhibit A and depicted in Exhibit B based on the engineering and appraisal information obtained on the subject real estate, and in accordance with the directives received from the Board of Commissioners of the Forest Preserve District of DuPage County and the long-standing policies and procedures established and utilized by the Forest Preserve District of DuPage County.

4. That the Executive Director, his staff and the Forest Preserve District attorneys be, and are hereby authorized, to respond to each individual property owner who expresses a desire to convey less than fee simple, either by less than the entire parcel of real estate or by conservation easement, by fully receiving the property owners proposal and submitting a report to the Forest Preserve District Board of Commissioners evaluating the extent to which said lesser acquisition compromises the need and desire for the fee simple acquisition, and the cost of effectiveness of said compromise. No fee simple acquisition shall be reduced or altered without approval by the Forest Preserve District Board of Commissioners.

5. That the Secretary of the Commission be and hereby is authorized and directed to transmit a copy of this Ordinance to the Treasurer, Executive Director, Director of the Office of Finance, Director of the Office of Land Preservation, DuPage County Development Department, Zoning Division, Deputy Director of the Office of Natural Resources, Attorney for the Forest Preserve District of DuPage County and Day & Robert, P.C., 300 East 5th Avenue, Suite 365, Naperville, Illinois 60563, respectively. Additionally, the Secretary of the Commission may provide certified copies of said Ordinance upon proper request from the general public.

PASSED AND APPROVED by the President and the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, this 6th day of March, 2007.

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Commissioner Formento moved, seconded by Commissioner Schultz, that Ordinance #07-054, An Ordinance Authorizing Negotiation for the Acquisition of Certain Property Commonly Known as "Blackwell Inholding" Parcel for Forest Preserve District Purposes by the Forest Preserve District of DuPage County, Illinois, be approved and adopted.

Commissioner Kotecki stated that he opposed purchasing the Inholding parcel since it includes a house.

Commissioner Formento moved, seconded by Commissioner Schultz, that Ordinance #07-054 be approved and adopted. On roll call, Commissioners Brown, Formento, Murphy, Pierotti and Schultz voted "aye." Commissioners Cantore and Kotecki voted "nay." Motion carried.

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ORDINANCE

#07-054

AN ORDINANCE AUTHORIZING NEGOTIATION FOR  
THE ACQUISITION OF CERTAIN PROPERTY COMMONLY KNOWN AS  
"BLACKWELL INHOLDING" PARCEL  
FOR FOREST PRESERVE DISTRICT PURPOSES  
BY THE FOREST PRESERVE DISTRICT OF DU PAGE COUNTY, ILLINOIS

WHEREAS, the statutes of the State of Illinois to such matters pertaining provide that forest preserve districts shall have the power to acquire lands in fee simple within such districts containing one or more natural forests or parts thereof, or lands connecting such forests or parts thereof, or land capable of being forested, or capable of being restored to a natural condition, for the purpose of protecting and preserving the flora and fauna and scenic beauties within such district, and to restore, restock, protect and preserve the natural forests and such lands together with their flora and fauna, as nearly as may be, in their natural state and conditions, for the purpose of the education, pleasure and recreation of the public; or for the consolidation of such preserves into unit areas of size and form convenient and desirable for public use and economical maintenance and improvement; or for connecting any such preserves with forested ways or links when in the judgment of the Board of Commissioners the public access, use and enjoyment of such preserves will be served thereby; or may acquire lands in fee simple along or enclosing water courses, drainage ways, lakes, ponds, planned impoundments or elsewhere which, in the judgment of the Board of Commissioners, are required to store flood waters, or control other drainage and water conditions and necessary for the preservation of ground water and forested areas acquired or to be acquired as preserves; or may acquire in fee simple unforested land adjacent to forest areas but incidental to the use and protection thereof; and

WHEREAS, on the 16th day of January, 2007, Ordinance No. 07-018 was adopted by the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois and, pursuant to said Ordinance, the Forest Preserve District of DuPage County, Illinois issued General Obligation Bonds, Series 2007, for the proposed acquisition of various parcels of real estate in DuPage County, Illinois and for additional purposes set forth in said Ordinance and as provided for under the statutes of the State of Illinois; and

WHEREAS, the President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois deem it advisable and in the public interest and welfare to acquire title to more real estate within said district for one or more of the above purposes; and

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WHEREAS, the said President and Board of Commissioners of the Forest Preserve District of DuPage County, Illinois find that the real estate described in the attached Exhibit A and depicted in the attached Exhibit B should be acquired for the purposes as hereinabove set forth; and

WHEREAS, in accordance with the property ownership disclosure requirement imposed on units of local government as set forth in 50 ILCS 105/3.1, the Forest Preserve District of DuPage County has obtained a tract search identifying the record title holder of the real estate described in the attached Exhibit A and depicted in the attached Exhibit B to be: James and Brenda Kosinski, a copy of said tract search being attached hereto and incorporated herein as Exhibit C; and

WHEREAS, the Forest Preserve District of DuPage County, Illinois has determined a valuation for said fee simple parcel which it believes to represent a fair amount to be offered to the owners of said property.

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois, as follows:

1. That the recitals set forth above are hereby adopted and incorporated into this Ordinance as if once again fully set forth.
2. That it is necessary and desirable that the real estate described in Exhibit A and depicted in Exhibit B attached hereto be acquired in fee simple by the said Forest Preserve District for one or more of the purposes set forth.
3. That the Executive Director, his staff and the Forest Preserve District attorneys be, and are hereby authorized to negotiate for the acquisition of the property in fee simple described in Exhibit A and depicted in Exhibit B based on the engineering and appraisal information obtained on the subject real estate and in accordance with the directives received from the Board of Commissioners of the Forest Preserve District of DuPage County and the long-standing policies and procedures established and utilized by the Forest Preserve District of DuPage County.
4. That the Secretary of the Commission be, and hereby is, authorized and directed to transmit a copy of this Ordinance to the Treasurer, Executive Director, Director of the Office of Finance, Director of the Office of Land Preservation, DuPage County Development Department, Zoning Division, Deputy Director of the Office of Natural Resources, Attorney for the Forest Preserve District of DuPage County and Schirott & Luetkehans, P.C., 105 East Irving Park Road, Itasca, Illinois 60143, respectively. Additionally, the Secretary of the Commission may provide certified copies of said Ordinance upon proper request from the general public.

PASSED AND APPROVED by the President and the Board of Commissioners of the Forest Preserve District of DuPage County, Illinois this 6th day of March, 2007.

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Under other business, Commissioner Cantore asked about moving ahead with the archery range plans. Executive Director Manning replied that plans have been made and a presentation will be given soon.

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Commissioner Schultz moved, seconded by Commissioner Kotecki, that the meeting of the Forest Preserve Commission of DuPage County be adjourned. On voice vote, motion carried.

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Secretary