

# **DUPAGE COUNTY BOARD OF HEALTH**

**March 12, 2009**

**Immediately Following the Committee of the Whole**

## **A G E N D A**

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AGENDA ITEM # 7a

(03/12/09)

**HUMAN RESOURCES TRANSACTIONS – BUSINESS OPERATIONS SERVICES**

All employees hired and changing status are filling vacant budgeted positions.

The Changes of Status have not caused any increase in the budget.

**M O T I O N**

The DuPage County Board of Health hereby approves the hiring, changes of status, and separations as listed, falling within the dates of 12/11/08 to 02/27/09.

(03/12/09)

NAME	TITLE	SALARY RANGE	CLASS	DATE
<b><u>The hiring of the following people:</u></b>				
Anna Lee	Physician (contractual)	85.00 hr.	---	01/29/09
Julie Behluli	Dietitian	20.31 hr. – 30.47 hr.	207	02/02/09
Elizabeth Trejo	Clinic Assistant	11.80 hr. – 17.70 hr.	108	02/02/09
Robert Post	Food Service Worker (on-call)	7.87 hr. – 11.81 hr.	105	02/05/09
Rebecca Evans	Client Benefits Specialist	13.69 hr. – 20.54 hr.	109	02/17/09
Annette Garcia	Case Manager Assistant	13.69 hr. – 20.54 hr.	109	02/17/09

**The changes of status of the following employees:**

Sarah Armbruster	From: Client Benefits Specialist	13.69 hr. – 20.54 hr.	109	01/26/09
	To: Customer Service Representative III	15.99 hr. – 23.99 hr.	110	01/26/09
Mary Hernandez	From: Client Benefits Specialist (on-call)	13.69 hr. – 20.54 hr.	109	01/26/09
	To: Client Benefits Specialist (full-time)	13.69 hr. – 20.54 hr.	109	01/26/09
Suzan Kowalczyk	From: Environmental Health Program Manager	30.19 hr. – 45.29 hr.	210	01/26/09
	To: Asst. Dir. Environmental Health Services	32.19 hr. – 48.28 hr.	315	01/26/09
Martha Aldaba Flores	From: Case Manager Assistant	13.69 hr. – 20.54 hr.	109	02/09/09
	To: Case Manager	15.99 hr. – 23.99 hr.	110	02/09/09
Sara Burton	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Sanitarian II	20.31 hr. – 30.47 hr.	207	02/09/09
Richard Daugherty	From: Environmental Health Program Manager	30.19 hr. – 45.29 hr.	210	02/09/09
	To: Sanitarian II	20.31 hr. – 30.47 hr.	207	02/09/09
Michael DeSmedt	From: Environmental Health Program Manager	30.19 hr. – 45.29 hr.	210	02/09/09
	To: Plan Review Supervisor	25.02 hr. – 37.53 hr.	313	02/09/09
Susan Duhig	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Environmental Health Supervisor	25.02 hr. – 37.53 hr.	313	02/09/09

Kevin Koppelman	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Sanitarian II	20.31 hr. – 30.47 hr.	207	02/09/09
Kathleen Landow	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Sanitarian II	20.31 hr. – 30.47 hr.	207	02/09/09
Harvey Mull	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Compliance Coordinator	23.13 hr. – 34.69 hr.	208	02/09/09
Terry Sperlik	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Environmental Health Supervisor	25.02 hr. – 37.53 hr.	313	02/09/09
Thomas Stolt	From: Senior Sanitarian	23.13 hr. – 34.69 hr.	208	02/09/09
	To: Environmental Health Supervisor	25.02 hr. – 37.53 hr.	313	02/09/09
Michele Manassah	From: Clinician/Consultant	19.04 hr. – 28.56 hr.	207	02/21/09
	To: Senior Clinician/Consultant	21.68 hr. – 32.52 hr.	208	02/21/09
Guadalupe Mendoza	From: Clinic Assistant	11.80 hr. – 17.70 hr.	108	02/23/09
	To: Customer Service Representative II	13.69 hr. – 20.54 hr.	109	02/23/09

**The separation of the following employees:**

Jason Dunn	Temporary Houseparent (on-call)	10.79 hr.	----	12/11/08
Supriya Jasuja	Physician (contractual)	87.57 hr.	----	02/02/09
Kenneth Gerdes	Temporary Houseparent (on-call)	10.79 hr.	----	02/05/09
Megan Lawson	Temporary Houseparent (on-call)	10.79 hr.	----	02/05/09
Valerie Lustig	Senior Clinician/Consultant	21.68 hr. – 32.52 hr.	208	02/09/09
Kristen Badsing	Mental Health Worker	15.95 hr. – 23.93 hr.	205	02/13/09
Philip Johnson	Pool Inspector	13.81 hr.	----	02/13/09
Carrie Schulte	Public Health Nurse	20.31 hr. – 30.47 hr.	207	02/23/09
Elizabeth Valdez	Case Manager	15.99 hr. – 23.99 hr.	110	02/27/09

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President, Board of Health

**March 12, 2009**  
Date

**AGENDA ITEM # 7 b**  
(03/12/09)

**FUND TRANSFERS – BUSINESS OPERATIONS SERVICES**

The Business Operations Services requests DuPage County Board of Health approval of the transfer of funds to the designated line items in the FY 2009 budget as set forth on the attached budget transfer form.

**MOTION**

The DuPage County Board of Health hereby approves the transfer of funds to the designated line items in the FY 2009 budget as set forth in the attached Schedule of Transfers.

**MARCH SCHEDULE OF TRANSFERS**  
**FISCAL YEAR 2009**

Service Unit	Reporting Unit	Line Item	Description	To: Debit	From: Credit
907	777.0025	3090	Care & Support Services		\$1,500.00
907	777.0025	2140	Technical Supplies	\$1,500.00	
The sum of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500)					

Transfer funds for technical supplies that will support activity therapy.

	003	1997	Grant Apps-Personnel		\$5,000.00
	003	5899	Revenue-Grant Applications		\$5,000.00
	003	1081	IMRF	\$5,000.00	
	003	5843	Miscellaneous Revenue	\$5,000.00	
The sum of TEN THOUSAND DOLLARS (\$10,000)					

Transfer funds for nine months of cell phone stipend.

901	104	3431	Wireless Communications		\$3,118.00
902	213	3431	Wireless Communications		\$344.00
902	220	3431	Wireless Communications		\$4,701.00
902	246	3431	Wireless Communications		\$101.00
902	252	3431	Wireless Communications		\$30.00
902	260	3431	Wireless Communications		\$226.00
903	322	3431	Wireless Communications		\$32.00
904	401	3431	Wireless Communications		\$248.00
904	403	3431	Wireless Communications		\$1,074.00
904	404	3431	Wireless Communications		\$6,332.00
907	790.0025	3431	Wireless Communications		\$225.00
901	104	1021	Telephone Stipend	\$2,700.00	
901	106	1021	Telephone Stipend	\$225.00	
901	125	1021	Telephone Stipend	\$225.00	
902	213	1021	Telephone Stipend	\$2,475.00	
902	220	1021	Telephone Stipend	\$225.00	
902	231	1021	Telephone Stipend	\$630.00	
902	239	1021	Telephone Stipend	\$45.00	
902	241	1021	Telephone Stipend	\$225.00	
902	246	1021	Telephone Stipend	\$102.00	
902	248	1021	Telephone Stipend	\$540.00	
902	252	1021	Telephone Stipend	\$585.00	
902	254	1021	Telephone Stipend	\$124.00	
902	260	1021	Telephone Stipend	\$90.00	
902	261	1021	Telephone Stipend	\$68.00	
902	263	1021	Telephone Stipend	\$68.00	
903	322	1021	Telephone Stipend	\$450.00	
903	324	1021	Telephone Stipend	\$225.00	
904	401	1021	Telephone Stipend	\$23.00	
904	403	1021	Telephone Stipend	\$1,074.00	
904	404	1021	Telephone Stipend	\$4,912.00	
904	405	1021	Telephone Stipend	\$102.00	
904	406	1021	Telephone Stipend	\$113.00	
904	408	1021	Telephone Stipend	\$720.00	

904	410	1021	Telephone Stipend	\$473.00
904	413	1021	Telephone Stipend	\$12.00
The sum of SIXTEEN THOUSAND FOUR HUNDRED THIRTY ONE DOLLARS (\$16,431)				

Transfer funds for nine months of cell phone stipend.

907	710.0020	3431	Wireless Communications	\$544.00
907	710.0035	3431	Wireless Communications	\$492.00
907	727	3431	Wireless Communications	\$964.00
907	737	3431	Wireless Communications	\$469.00
907	740.0015	3431	Wireless Communications	\$605.00
907	740.0035	3431	Wireless Communications	\$433.00
907	740.0060	3431	Wireless Communications	\$164.00
907	745.0015	3431	Wireless Communications	\$363.00
907	745.0060	3431	Wireless Communications	\$181.00
907	748	3431	Wireless Communications	\$290.00
907	750	3431	Wireless Communications	\$1,482.00
907	756	3431	Wireless Communications	\$779.00
907	765	3431	Wireless Communications	\$227.00
907	770	3431	Wireless Communications	\$1,522.00
907	776	3431	Wireless Communications	\$2,367.00
907	777.0020	3431	Wireless Communications	\$1,519.00
907	777.0025	3431	Wireless Communications	\$152.00
907	777.0060	3431	Wireless Communications	\$3,756.00
907	790.0020	3431	Wireless Communications	\$44.00
907	790.0025	3431	Wireless Communications	\$301.00
907	791	3431	Wireless Communications	\$1,384.00
907	792	3431	Wireless Communications	\$57.00
907	795	3431	Wireless Communications	\$990.00
907	797	3431	Wireless Communications	\$57.00
907	701	1021	Telephone Stipend	\$225.00
907	710.0015	1021	Telephone Stipend	\$57.00
907	710.0020	1021	Telephone Stipend	\$113.00
907	710.0025	1021	Telephone Stipend	\$57.00
907	710.0035	1021	Telephone Stipend	\$180.00
907	710.0060	1021	Telephone Stipend	\$57.00
907	727	1021	Telephone Stipend	\$698.00
907	736	1021	Telephone Stipend	\$57.00
907	737	1021	Telephone Stipend	\$237.00
907	740.0015	1021	Telephone Stipend	\$651.00
907	740.0035	1021	Telephone Stipend	\$945.00
907	740.0060	1021	Telephone Stipend	\$242.00
907	745.0015	1021	Telephone Stipend	\$428.00
907	745.0060	1021	Telephone Stipend	\$124.00
907	748	1021	Telephone Stipend	\$12.00
907	750	1021	Telephone Stipend	\$405.00
907	752	1021	Telephone Stipend	\$529.00
907	756	1021	Telephone Stipend	\$462.00
907	764	1021	Telephone Stipend	\$34.00
907	765	1021	Telephone Stipend	\$299.00
907	767	1021	Telephone Stipend	\$183.00
907	770	1021	Telephone Stipend	\$158.00

907	776	1021	Telephone Stipend	\$2,037.00
907	777.0001	1021	Telephone Stipend	\$225.00
907	777.0020	1021	Telephone Stipend	\$1,238.00
907	777.0025	1021	Telephone Stipend	\$2,138.00
907	777.0060	1021	Telephone Stipend	\$1,530.00
907	780	1021	Telephone Stipend	\$414.00
907	781	1021	Telephone Stipend	\$36.00
907	785	1021	Telephone Stipend	\$23.00
907	790.0015	1021	Telephone Stipend	\$574.00
907	790.0020	1021	Telephone Stipend	\$57.00
907	790.0025	1021	Telephone Stipend	\$225.00
907	790.0030	1021	Telephone Stipend	\$563.00
907	790.0035	1021	Telephone Stipend	\$394.00
907	790.0060	1021	Telephone Stipend	\$1,047.00
907	791	1021	Telephone Stipend	\$1,384.00
907	792	1021	Telephone Stipend	\$57.00
907	795	1021	Telephone Stipend	\$990.00
907	797	1021	Telephone Stipend	\$57.00

The sum of NINETEEN THOUSAND ONE HUNDRED FORTY TWO DOLLARS (\$19,142)

Transfer funds for nine months of cell phone stipend.

(3/12/2009)

**REVISION TO PERSONNEL POLICIES**

It is the practice of the Board of Health to approve and adopt Personnel Policies that provide employees with an accurate employment and benefits resource.

From time to time, it is necessary for the Human Resources staff to review such policies to ensure that they are current with State and Federal laws, as well as the mission, philosophy and practices of the Health Department.

Effective January 16, 2009, the Department of Labor has issued revisions to the Family Medical Leave Act of 1993. Consequently, the following updates to Personnel Policy, 4.10, Family Leave are being recommended in order to comply with the updated regulations.

**MOTION**

The DuPage County Board of Health hereby approves the adoption of the Personnel Policy revisions as recommended.

(03/05/2009)

**PURCHASING**

C-CHS-02-07-096 – Third year bid award renewal to Stanbio Laboratory for costs associated with in-house diagnostic testing supplies in accordance with Article 4, Part A, Section 4-103 of the DuPage County Health Department Procurement Policy. The Procurement Approval Checklist is included. Funds have been budgeted for these supplies and staff recommends approval of the expenditure not to exceed \$30,000. There is no cost increase from last year.

S-BOS-02-10-094.a – Second year bid award renewal to Classic Landscape for costs associated with lawn care and snow plowing for department properties in accordance with Article 4, Part A, Section 4-103 of the DuPage County Health Department Procurement Policy. The Procurement Approval Checklist is included. Funds have been budgeted for these services and staff recommends approval of the expenditure in an amount not to exceed \$140,000. This dollar amount represents an increase of 2.5% for lawn care and 11.5% in snow plowing. The majority of the increase on the snow plowing end is due to salt pricing.

**MOTION**

The DuPage County Board of Health hereby approves the Purchasing Agenda

Items # 9 (2) A and B as presented.



**PROCUREMENT APPROVAL CHECKLIST**

**DOCUMENT** C CHS  
0207096

This form must accompany all Purchase Requests in excess of \$15,000 and all Professional Service Contracts.

<b>REQUISITION #/</b>		<b>CONTRACT TERM</b>	03/06/09 – 03/06/10
<b>DATE SUBMITTED</b>	02/03/2009	<b>REQUESTING DEPT.</b>	Community Health Services
<b>VENDOR</b>	Stanbio	<b>DEPT. CONTACT</b>	Mary Kirk
<b>PHONE #</b>	800-531-5535	<b>PHONE #</b>	7975
<b>DESCRIPTION OF PROCUREMENT / SCOPE OF WORK</b>	Third year renewal of bid award for the purchase of In House Diagnostic supplies in an amount not to exceed \$30,000. There is no cost increase from last year.		
<b>REASON FOR PROCUREMENT</b>	Health Department WIC program requires supplies used for hemoglobin testing. Annual purchases exceed \$15,000 so must be supported by competitive bid. Original bid performed in Jan 2007. This is the third year renewal of the bid, Stanbio continues to hold pricing from original bid award.		
<b>BACKGROUND (HISTORY)</b>	Stanbio has provided the supplies needed for hemoglobin testing for several years. Supplies required to support required testing has increased over the past few years. Stanbio has been a valuable and reliable supplier for many years.		

**SOURCE OF FUNDING:**

- THIS PROCUREMENT WAS SPECIFICALLY BUDGETED FOR (BUDGET CODE)** 215-2150
- BUDGET TRANSFER** \_\_\_\_\_
- FUNDS FOR THIS PROCUREMENT HAVE BEEN IDENTIFIED IN BUDGET** \_\_\_\_\_

**DECISION MEMO NOT REQUIRED:**

- THREE WRITTEN QUOTES (ATTACH COMPETITIVE PRICE EVALUATION)**
- LOWEST RESPONSIVE, RESPONSIBLE BIDDER PER BID #** C CHS 02 07 096
- PER JOINT PURCHASING** \_\_\_\_\_
- SOLE SOURCE (ATTACH SOLE SOURCE JUSTIFICATION FORM) - EXEMPT FROM BIDDING PER DuPage COUNTY HEALTH DEPARTMENT PURCHASING POLICY, ARTICLE 4-105**
- REQUEST FOR PROPOSAL (RFP) INSTEAD OF BID. MOST QUALIFIED OFFEROR PER PROPOSAL #** \_\_\_\_\_

**BASIS OF DECISION MEMO (ATTACH DECISION MEMO):**

- UNABLE TO OBTAIN THREE QUOTES** \_\_\_\_\_
- PROFESSIONAL SERVICES PER 50 ILCS 510 (ARCHITECTS, ENGINEERS & LAND SURVEYORS)** \_\_\_\_\_
- OTHER PROFESSIONAL SERVICES** \_\_\_\_\_
- EMERGENCY PROCUREMENT AUTHORIZED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**REVIEWED AND APPROVED BY:**

Mary Kirk 02/20/09  
**PREPARED BY: DATE**

/s/ Karen Ayala 03/02/09

**SERVICE UNIT DIRECTOR DATE**

/s/ Pat Flaherty 03/03/09

**BUYER DATE**

**PROCUREMENT MANAGER DATE**

/s/ Dan Harris 03/03/09

/s/ Maureen McHugh 03/03/09

**DIRECTOR OF BUSINESS OPERATIONS DATE**  
 (DECISION MEMOS OVER \$15,000 ONLY)

**EXECUTIVE DIRECTOR DATE**  
 (DECISION MEMOS OVER \$15,000 ONLY)



# PROCUREMENT APPROVAL CHECKLIST

S-BOS-  
**DOCUMENT** 02-10-  
# 004

This form must accompany all Purchase Requests in excess of \$15,000.

<b>REQUISITION #/</b>		<b>CONTRACT TERM</b>	2009 Lawn Care/2009-2010 Snow Plow
<b>DATE SUBMITTED</b>	2/25/2009	<b>REQUESTING DEPT.</b>	Business Operations
<b>VENDOR</b>	Classic Landscape	<b>DEPT. CONTACT</b>	Greg Bucheit
<b>PHONE #</b>		<b>PHONE #</b>	7677
<b>DESCRIPTION OF PROCUREMENT / SCOPE OF WORK</b>	Provide lawn care services at 21 properties and provide snow plow and salting services at 18 properties in an amount not to exceed \$140,000.00. This dollar amount represents and increase of 2.5% for lawn care and 11.5% in snow plowing. The majority of the increase on the snow plowing end is due to salt pricing.		
<b>REASON FOR PROCUREMENT</b>	Routine lawn care needed to insure up-keep of facilities. Snow plow and salting needed for routine winter maintenance.		
<b>BACKGROUND (HISTORY)</b>	Health Department maintains several properties. These properties include office sites and residential sites. Routine lawn care and snow plow/salting services are required to maintain these properties.		

**SOURCE OF FUNDING:**

**THIS PROCUREMENT WAS SPECIFICALLY BUDGETED FOR (BUDGET CODE)** 105-3608

**BUDGET TRANSFER (DATE)** \_\_\_\_\_

**FUNDS FOR THIS PROCUREMENT HAVE BEEN IDENTIFIED IN BUDGET** \_\_\_\_\_

**DECISION MEMO NOT REQUIRED:**

**THREE WRITTEN QUOTES (ATTACH COMPETITIVE PRICE EVALUATION**

**LOWEST RESPONSIVE, RESPONSIBLE BIDDER PER BID #** \_\_\_\_\_ **(ATTACH BID RECAP SHEET)**

**PER JOINT PURCHASING** \_\_\_\_\_

**SOLE SOURCE (ATTACH SOLE SOURCE JUSTIFICATION FORM) - EXEMPT FROM BIDDING PER DuPage COUNTY HEALTH DEPARTMENT PURCHASING POLICY, ARTICLE 4-105**

**BASIS OF DECISION MEMO (ATTACH DECISION MEMO):**

**EXPLANATION OF REQUEST FOR PROPOSAL (RFP) INSTEAD OF BID. MOST QUALIFIED OFFEROR PER PROPOSAL #** \_\_\_\_\_ **(ATTACH EVALUATION SUMMARY)**

**PROFESSIONAL SERVICES PER 50 ILCS 510 (ARCHITECTS, ENGINEERS & LAND SURVEYORS)**

**OTHER PROFESSIONAL SERVICES**

**EMERGENCY PROCUREMENT AUTHORIZED BY:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**REVIEWED AND APPROVED BY:**

Greg Bucheit 02/27/09  
**PREPARED BY: DATE**

/s/ Dan Harris 03/03/09

**SERVICE UNIT DIRECTOR DATE**

/s/ Pat Flaherty 03/03/09

**BUYER DATE**

/s/ Dan Harris 03/03/09

**PROCUREMENT MANAGER DATE**

/s/ Maureen McHugh 03/03/09

**DIRECTOR OF BUSINESS OPERATIONS DATE**  
(DECISION MEMOS OVER \$15,000 ONLY)

**EXECUTIVE DIRECTOR DATE**  
(DECISION MEMOS OVER \$15,000 ONLY)

(03/12/09)

**ILLINOIS DEPARTMENT OF PUBLIC HEALTH GRANT – BREAST AND CERVICAL CANCER PROGRAM**

Community Health Services wishes to accept an increase of \$55,000 from the Illinois Department of Public Health for the Breast and Cervical Cancer Program. The increase is for the same period as the underlying grant: July 1, 2008 through June 30, 2009. This is an 8% increase and brings to total grant to \$721,180. The grant was included in the FY 2009 Budget at \$666,180.

**MOTION**

The DuPage County Board of Health hereby approves the acceptance of the grant increase from the Illinois Department of Public Health for the Breast and Cervical Cancer Program as presented.

(03/12/09)

**ILLINOIS PUBLIC HEALTH ASSOCIATION HIV/AIDS PREVENTION GRANT –  
EMERGENCY AND DISEASE CONTROL SERVICES**

Emergency and Disease Control Services, AIDS Program, wishes to accept a grant from the Illinois Public Health Association in the amount of \$132,500 for the HIV/AIDS Prevention Program. The grant period is January 1, 2009 through December 31, 2009. This is a decrease of \$7,500 or 5% from last year's funding. The grant was included at \$140,000 in the FY 2009 Budget.

**MOTION**

The DuPage County Board of Health hereby approves the acceptance of the grant from the Illinois Public Health Association for HIV/AIDS Prevention as presented.

(03/12/09)

**ILLINOIS DEPARTMENT OF PUBLIC HEALTH WEST NILE VIRUS  
PROTECTION GRANT – ENVIRONMENTAL HEALTH SERVICES**

Environmental Health Services wishes to accept a grant from the Illinois Department of Public Health for \$245,511.33 for West Nile Virus protection. The grant period is from April 1, 2009 through March 31, 2010. This is an increase of \$15,832.33 or 7% over the prior year's funding. The grant was included at \$229,679.00 in FY 2010 Budget.

**MOTION**

The DuPage County Board of Health hereby approves the acceptance of this grant from the Illinois Department of Public Health for West Nile Protection as presented.

(03/12/09)

**LILLY USA LLC – MENTAL HEALTH SERVICES**

Mental Health Services wishes to accept a grant from Lilly USA, LLC to defer some of the costs associated with a June 4, 2009 training the Mental Health staff is preparing. The grant is for \$5,000.00 and is restricted to use for this training, Innovative Approaches to Mental Health Courts.

The purpose of the grant is to subsidize part of the costs associated with this event on June 4, 2009. This is new funding and was not included in the FY 2009 Budget.

**MOTION**

The DuPage County Board of Health hereby approves the acceptance of the grant from Lilly USA, LLC as presented.

**NEW DUPAGE COUNTY ORDINANCE -0000-09**

Because this new County ordinance places restrictions on water well construction, Board of Health approval is necessary before being received by the County Board. This is a new ordinance prohibiting the use of groundwater as a potable water supply by the installation or use of potable water supply wells at the Nike Sports Complex, Naperville, Illinois. This ordinance does not amend or change anything in the Health Department's Article 18-401.8 of the Private Water Supply Ordinance.

O R D I N A N C E

\_\_-0000-09

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD AT NIKE SPORTS COMPLEX, NAPERVILLE, ILLINOIS

WHEREAS, the Naperville Park District owns certain properties known as the Nike Sports Complex located at 288 West Diehl Road and 1560 and 1598 Mill Street, Naperville, Illinois legally described on Exhibit A and depicted on Exhibit B attached hereto and made part hereof; and

WHEREAS, the Naperville Park District plans to redevelop the Nike Sports Complex for the purpose of constructing new recreational facilities; and

WHEREAS, the Nike Sports Complex is located in part within the corporate limits of the City of Naperville (Exhibits A and B, Parcels 1-4) and in part within unincorporated DuPage County (Exhibit A and B, Parcel 5); and

WHEREAS, as a result of historical uses of property in proximity to the Nike Sports Complex, there exists groundwater contamination within the definition of 415 ILCS 5/3.170 of the Illinois Environmental Protection Act, on the property; and

WHEREAS, in order to utilize Nike Park for its planned recreational purposes, the Naperville Park District is seeking issuance of a "No Further Remediation" Letter ("NFR Letter") from the Illinois Environmental Protection Agency ("IEPA") pursuant to the IEPA's Site Remediation Program as set forth in a letter from the Naperville Park District dated December 15, 2008 which is attached hereto and made part hereof as Exhibit C; and

WHEREAS, in order to obtain an NFR Letter for the Nike Sports Complex, the IEPA has advised the Naperville Park District that it will be necessary for the City of Naperville and DuPage County to each pass an ordinance as provided for in Title 35, Part 742.1015 of the Illinois Administrative Code, commonly referred to as an "institutional control," prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville

described on Exhibit A (Parcels 1-4) and the unincorporated limits of the County of DuPage as described on Exhibit A (Parcel 5); and

WHEREAS, the City of Naperville has adopted its own ordinance prohibiting the use, or attempt to use as a potable water supply, groundwater from within that portion of the corporate limits of the City of Naperville described on Exhibit A (Parcels 1-4); and

WHEREAS, the County of DuPage also desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of the Nike Sports Complex; and

WHEREAS, a summary of historic investigations and the Site Remediation Program activities to date relative to the Nike Sports Complex, was submitted with the letter from the Naperville Park District referenced herein, which summary is attached hereto as Exhibit D; and

WHEREAS, in order to protect the public's health, safety and welfare, the use of wells or other methods for drawing groundwater as a potable water supply should be strictly prohibited at the Nike Sports Complex site; and

WHEREAS, the public water supply at the Nike Sports Complex is currently provided from Lake Michigan through the DuPage County Water Commission either by the City of Naperville or DuPage County and, thus, groundwater is not, and will not be, used as a potable water supply for that facility; and

WHEREAS, the DuPage County Health Department Board has considered the foregoing and recommends that the County Board adopt the following Ordinance.

NOW, THEREFORE BE IT ORDAINED by the DuPage County Board that the following is hereby enacted as an Ordinance of the County of DuPage, and that this Ordinance shall be in full force and effect upon its passage and approval.

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of Groundwater as a Potable Water Supply Prohibited. The use or attempt to use as a potable water supply groundwater from within that portion of the

Nike Sports Complex located within the corporate limits of the County of DuPage as described on Exhibit A (Parcel 5), by the installation or drilling of wells, or by any other method, is hereby prohibited. This prohibition includes the County of DuPage.

SECTION 3: Definitions. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns. "Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Penalty. Any person violating the provisions of this Ordinance shall be subject to a fine of up to five hundred dollars (\$500) for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 5: Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

SECTION 6: Severability. If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

SECTION 7: Recording. This Ordinance, along with the Exhibits attached hereto, and an instrument from the Illinois Environmental Protection Agency memorializing the Agency's determination of "No Further Remediation" as to the Nike Sports Complex as described herein, shall be recorded with the Office of the DuPage County Recorder by the Naperville Park District within forty-five (45) days of receipt of a determination of "No Further Remediation" by the Illinois Environmental Protection Agency and a copy of such recorded document shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department.

SECTION 8: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval.

BE IT FURTHER ORDAINED that the County Clerk is hereby directed to transmit certified copies of this resolution to Naperville Park District, 320 W. Jackson Ave., Naperville, IL 60540-5275, Nancy Rich, KATTEN, MUCHIN, ROSENMAN LLP, 525 West Monroe Street, Chicago, IL 60661-3693, City of Naperville, Legal Department, 400 S. Eagle Drive, Naperville, IL 60540, Anthony Hayman, State's Attorney's Office; County Health Department, Environmental Health Division; and two (2) copies to the DuPage County Department of Economic Development and Planning, Environmental Section.

Enacted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009 at Wheaton, Illinois.

BY: \_\_\_\_\_  
ROBERT J. SCHILLERSTROM,  
CHAIRMAN, DUPAGE COUNTY  
BOARD

ATTEST BY: \_\_\_\_\_  
GARY A. KING  
COUNTY CLERK