

**RESOLUTION
R2007-12**

Whereas, the Illinois State Statutes provide at, 10 ILCS 5/25-11, that the County Board must officially declare that an office is vacant prior to that office being filled, and

Whereas, the Board Chairman has received the resignation of Jeff Whelan, Democratic board member from District 9, and

Whereas, notice has been provided to the applicable political parties that the vacancy would be declared on February 21, 2007, and

Whereas, the County Board Chairman has accepted said resignation with regret.

NOW, THEREFORE, BE IT RESOLVED that the DeKalb County board does officially declare the office formerly occupied by Jeff Whelan of District 9 to be vacant.

PASSED THIS 21ST DAY OF FEBRUARY 2007, AT SYCAMORE, ILLINOIS.

ATTEST:

SIGNED:

Sharon Holmes
County Clerk

Ruth Anne Tobias
County Board Chairman

RESOLUTION

R2007-13

Indemnification of Officers, Employees and Certain Appointees

WHEREAS, the County of DeKalb is a political subdivision of the State of Illinois, and

WHEREAS, the Local Governmental and Governmental Employees Tort Immunity Act authorizes the County of DeKalb to elect to indemnify its officers, employees and certain appointees if it finds indemnification appropriate in a particular case, and

WHEREAS, the County of DeKalb finds it appropriate to indemnify, defend and hold harmless its officers, employees and certain appointees in any action seeking damages under certain conditions described herein, and

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and members of the County Board of DeKalb, Illinois as follows:

SECTION 1: To the fullest extent permitted by the Constitution of the State of Illinois of 1970 and applicable law, all County Officers and their employees, including the following:

County Board Chairman
County Board Members
DeKalb County Circuit Court Judges
County Clerk & Recorder
DeKalb County Hearing Officer
Circuit Clerk
Information Management Office Director
State's Attorney
County Treasurer and Collector
ESDA Director
Deputy County Administrator
Director of Public Health
Public Defender
County Coroner
Regional Superintendent of Schools, and
Members of the Regional Board of School Trustees
County Sheriff
County Supervisor of Assessments
County Planning Director
Forest Preserve Superintendent
Community Services Director
County Administrator
County Facilities Manager
County Home Administrator
County Home Manager
DeKalb County Engineer
Mental Health Administrator,
Veteran's Assistance Commission, and

Certain County Appointees who Serve as Members of the:

Community Mental Health Board
DeKalb County Board of Health

DeKalb County Board of Review
DeKalb County Farmland Assessment Review Committee
Community Services Advisory Board
DeKalb County Jury Commission
DeKalb County Building Board of Appeals
DeKalb County Public Building Commission
Sheriff's Merit Commission
Sheriff's Auxiliary
Sheriff's Radio Watchers
ESDA Weather-Spotters
DeKalb County Soil & Water Conservation District
DeKalb County Emergency Telephone System Board
DeKalb County Nursing Home Foundation Board
DeKalb County Rehab & Nursing Center Operating Board
DeKalb County Members of the River Valley Workforce Investment Board
DeKalb County Regional Planning Commission
DeKalb County Supportive Living Facility - Non For Profit, Directors

shall be indemnified, defended and held harmless by the County from and against all liabilities, expenses or investigation, judgments and amounts paid in settlement which may be imposed upon or reasonably incurred or paid by such officer, employee or appointee in connection with or resulting from any claim made against him or her, or any action, suit, proceeding or investigation in which he or she may be involved by reason of his or her being or having been such officer, employee or appointee of the County, whether or not he or she continues to be such officer, employee or appointee at or after the time of such claim, action, suit, proceeding or investigation; provided however, that the foregoing indemnity shall not extend to any of the following:

- A. Any liability or cost with respect to any matter as to which such officer, employee or appointee is finally adjudged to be guilty of bad faith, or actual malice, or willful and wanton misconduct in the performance of his or her duties as such officer, employee or appointee.
- B. Any payment, expense or cost arising out of a settlement of any claim, action, suit or proceeding, unless: 1.) Such settlement has been approved by the court having jurisdiction over such claim, action, suit or proceeding, with express knowledge of the existence of the indemnification provided hereby; or 2.) Such settlement has been made with the approval of the State's Attorney, a Special Assistant State's Attorney, or Special State's Attorney, to the effect that there is no reasonable ground for any finding of bad faith, or of actual malice, or willful and wanton misconduct on the part of such officer, employee or appointee and that the anticipated cost of such settlement will not substantially exceed the estimated cost and expense of defending such claim, action, suit or proceeding to a final conclusion.
- C. Any liability of judgment payable to the County itself.
- D. The cost of legal representation, except as provided by: the State's Attorney; a Special Assistant State's Attorney, duly appointed by the State's Attorney; or a Special State's Attorney, appointed by a court having jurisdiction over such claim, action, suit or proceeding.
- E. Any liability or costs incurred as a result of the County Officer's, County Employee's or Appointees failure to provide timely notice of such claims, action, suit or proceeding.

- F. Any liability of costs incurred as a result of the County Officer's, County Employee's or County Appointee's failure to reasonably cooperate in the defense of such claim, action, suit or proceeding.

The foregoing rights of indemnification shall be in addition to any other rights to which such officer, employee, or appointee may otherwise be entitled as a matter of law. ¹

SECTION 2: This Resolution shall be in effect from and after its passage and approval.

PASSED AT SYCAMORE, ILLINOIS, THIS 21ST DAY OF FEBRUARY 2007, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

h:res/R2007-13 Amendment to the Indemnification Policy Feb 2007 for Supportive Living Facility.doc

¹745 ILCS 10/1-101 et seq.

**RESOLUTION
R2007-14**

WHEREAS, bids have been invited for improvements on various roads in DeKalb County, and
WHEREAS, Macklin, Inc. or Rochelle, Illinois has submitted the low bids meeting specifications,
NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that it does approve the awards as set forth herein below:

MACKLIN, INC:

- (a) in the amount of forty nine thousand three hundred thirty-five dollars and zero cents (\$49,335.00) for 6,500 tons of aggregate surface course spread on road on Twombly Road in Malta Road District, Section 07-08000-00-GM; and
- (b) in the amount of thirteen thousand three hundred sixty-five dollars and zero cents (\$13,365.00) for 1,500 tons of aggregate surface course spread on road on Shabbona Grove Road in Shabbona Road District, Section 07-14000-00-GM.

PASSED AT SYCAMORE, ILLINOIS THIS 21st DAY OF FEBRUARY, 2007 A.D.

Chairperson, DeKalb County Board

ATTEST:

County Clerk

JANUARY 30, 2007 BID LETTING INFORMATION	
Malta Road Distrist 6500 Ton Aggregate	
Vendor	Bid Submitted
Engineer's Estimate	\$ 52,000.00
Macklin, Inc	\$ 49,335.00
Charles Lee	\$ 53,950.00
Elmer Larson	\$ 64,220.00
Shabbona Road District 1500 Ton Aggregate	
Vendor	Bid Submitted
Engineer's Estimate	\$ 12,000.00
Macklin, Inc	\$ 13,365.00
Elmer Larson	\$ 17,355.00

R2007-15

**RESOLUTION REQUESTING CONSENT OF THE DEPARTMENT OF
TRANSPORTATION TO THE REAPPOINTMENT OF THE INCUMBENT AS
COUNTY ENGINEER**

WHEREAS, on June 23, 2007, a vacancy will exist in the office of County Engineer of DeKalb County, said vacancy being caused by the expiration of the six-year term of office; and

WHEREAS, in accordance with Section 5-201 of the Illinois Highway Code, the County Board must request the consent of the Department of Transportation before the reappointment of the present incumbent can be made:

THEREFORE, BE IT RESOLVED, that the County Board of DeKalb County do and does request the consent of the Department of Transportation, of the State of Illinois, to the reappointment of William G. Lorence, P.E. as County Engineer; and

BE IT FURTHER RESOLVED, that the clerk is hereby directed to transmit two (2) certified copies of this resolution to the Department of Transportation, through its regional engineer's office at Ottawa, Illinois.

PASSED AT SYCAMORE, ILLINOIS THIS 21ST DAY OF FEBRUARY, 2007 A.D.

Chairperson, DeKalb County Board

State of Illinois)
) SS
County of DeKalb)

I, Sharon L. Holmes, County Clerk in and for said County, the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of a resolution adopted by the DeKalb County Board at its regular meeting held at Sycamore, Illinois on February 21, 2007.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the County at my office in Sycamore, Illinois in said County this 21st day of February, A.D. 2007.

DeKalb County Clerk

RESOLUTION

WHEREAS, DeKalb County Government did enter into a lease agreement with the DeKalb County Public Building Commission which covers the cost of repayment (principal, interest, and administrative expenses) of the December 1, 1997 \$11,800,000 Health Facility Bond Issue, and

WHEREAS, it was anticipated that these bonds would be retired mainly by revenues generated by the operation of the DeKalb County Rehab and Nursing Center and, to a lesser degree, a property tax levy by the County with a subsequent rental payment to the Public Building Commission, and

WHEREAS, it is mandated that in the event that non-property tax revenues are not sufficient to retire the debt, property taxes would be used to pay same, and

WHEREAS, the DeKalb County Clerk has been directed to automatically levy a property tax in each of the Tax Years 1997 through 2015 to fund this debt retirement, and

WHEREAS, DeKalb County Government may abate this property tax levy each year if sufficient monies are available in designated funds prior to the time the County Clerk extends taxes for the ensuing year, and

WHEREAS, the Finance Committee of the County Board has determined that as of December 1, 2006 the County Treasurer does have on deposit sufficient monies to make the required lease rental payments which come due from November 1, 2007 through October 31, 2008, inclusive, and

WHEREAS, the County Board does desire to abate a portion of the property tax levy for the 2006 Tax Year that would be required to be levied for the Nursing Home's share of the lease payment for the twelve month period ending October 31, 2008;

NOW, THEREFORE, BE IT RESOLVED, by the DeKalb County Board that a portion of the \$976,518 property tax levy for the 2006 Tax Year, which was levied for the lease agreement for the retirement of the debt on the 1997 Health Facility Bond Issue, is hereby abated in the amount of \$551,518, and that a certified copy of this resolution should be filed with the DeKalb County Clerk within fifteen days.

PASSED AT SYCAMORE, ILLINOIS, THIS 21ST DAY OF FEBRUARY, 2007, A.D.

ATTEST:

Chairman, DeKalb County Board

County Clerk

RESOLUTION
R2007-17

Whereas, the DeKalb County Board has determined that it is in the best interests of the citizens of DeKalb County to stimulate commercial and industrial development within the county, and

Whereas, on September 17, 2003 the DeKalb County Board did consider and act favorably upon Resolution R2003-52 providing for county participation in tax abatements for industrial projects within the City of DeKalb, and

Whereas, Resolution R2003-52 provides for decreasing term tax abatements of 90% in the first full tax year, 80% in the second full tax year, 70% in the third full tax year, 60% in the fourth full tax year and 50% in the fifth full tax year. The firms receiving such incentives are responsible for 100% of the property taxes beginning in the sixth full tax year and all subsequent years, and

Whereas, the adopted county policy calls for the projects to be recommended to the County Board by the Board Chairman based on the appropriateness of the project and the level of participation by other public bodies within the City of DeKalb, and

Whereas, the County Board Chairman has been notified by the City of DeKalb that the 3M corporation is considering construction of a 410,000 square foot industrial facility within Park 88 in the City of DeKalb. This facility would employ 175 persons. The incentive program outlined above has been approved by all of the City of DeKalb taxing bodies and has been recommended to the County Board by the Chairman subject to the cancellation and repayment provisions of 35 ILCS 200/18-183.

NOW, THEREFORE BE IT RESOLVED that the DeKalb County Board does concur in the recommendation of the Chairman and does hereby approve the property tax abatement incentives as outlined above for the 3M project within Park 88 in the City of DeKalb. BE IT FURTHER RESOLVED that the County Board does direct a copy of this resolution to be furnished to the City of DeKalb and to the DeKalb County Tax Extension Clerk.

PASSED THIS 21ST DAY OF FEBRUARY 2007 AT SYCAMORE, ILLINOIS

ATTEST:

SIGNED:

Sharon B. Holmes
County Clerk

Ruth Anne Tobias
County Board Chairman