



# BY-LAWS

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## *HOUSING AND COMMUNITY DEVELOPMENT COMMISSION OF LAKE COUNTY, ILLINOIS*

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### **ARTICLE I - BASIS, PURPOSE AND INTENT**

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#### **SECTION 1 - PURPOSE & INTENT**

Lake County and several of its included units of local government intend to cooperate in undertaking, or assist in undertaking, essential community development and housing assistance activities, including urban rehabilitation & renewal and publicly assisted housing.

These aforementioned governing bodies have investigated the United States Housing and Community Development Act of 1974 (P.L. 93-383, hereafter known as the "Act"), and find and declare that:

- Joint action by the County and its units of local government with robust public participation is the most effective way to accomplish the purpose of this Act.
- There is an urgent need in the incorporated and unincorporated portions of Lake County which requires aid in preventing or eliminating blight, and which will also require assistance in the provision of housing and housing opportunities for persons of low and moderate income, including the elderly and persons with disabilities, which can best be accomplished through joint action and with the aid of any County funds and federal grants available through the Act.
- Therefore, it is the purpose and intent of the Housing and Community Development Commission of Lake County, Illinois (hereafter known as the "Commission") to act as a representative body of elected officials and citizens in ascertaining facts, preparing plans and programs, coordinating activities, developing recommendations for funding, and undertaking such other activities as are necessary or appropriate to accomplish the purpose(s) of both the Act and any County programs. These plans and programs, as approved by the Commission, shall then be submitted to the Lake County Board for consideration and acceptance.

#### **SECTION 2 - RESPONSIBILITIES AND DUTIES**

The Commission shall have the following responsibilities:

1. Continuously plan and implement activities that further the purpose of the Commission.
2. Be educated, informed and active in trends and issues related to housing and community development. Empower Commissioners and other constituents to take action on such issues.
3. Actively compile and disseminate information on trends, issues and best practices impacting housing and community development. Develop policy recommendations on such matters.
4. Provide education, training and technical assistance to housing and community development organizations.

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5. Increase the visibility of the Commission, including its activities, Commissioners and staff. Develop working relationships within multiple levels of government throughout Lake County, including municipal, township, and special districts.
6. Foster relationships with housing and community development professionals, elected officials, and the general public to further housing and community development.
7. Provide input into county and regional planning efforts.
8. Provide funding recommendations for housing and community development projects.
9. Monitor and provide prudent oversight of housing and community development funds, including but not limited to the Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) and Emergency Solutions Grants (ESG) programs.
10. Be responsible for monitoring compliance with and adhering to state and federal regulations.
11. Fulfill any activities further assigned to the Commission.

**ARTICLE II - POWERS & AUTHORITY**

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The Commission shall have such powers as are set forth in a resolution of the Lake County Board. It shall act as an advisory board to the Lake County Board for housing and community development activities, and shall apprise the Board of its work on a regular basis. It also has the authority to:

1. Interpret the provision of these bylaws.
2. Approve amendments or changes to projects, plans or policies consistent with the Citizen Participation Plan.
3. After the County Board has approved funding for a particular project, the Commission has the authority to make decisions regarding the implementation and oversight of the project, including, but not limited to, changes to the scope of the project; addressing HUD conflicts of interest waivers; terminating the County's contract for the project pursuant to its terms, including for noncompliance; authorizing grant applications by the County which support Community Development projects; and authorizing all other actions in the implementation and oversight of the project other than those actions delegated to the County's Community Development team as provided in the project contract. The CDC shall not have the authority to authorize changes in the dollar amount funded for the project.
4. To perform the undertakings, duties and responsibilities of the Commission set forth in these bylaws, and those that are established by law or by the Lake County Board.

**ARTICLE III - MEMBERSHIP**

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**SECTION 1 - NUMBER**

The Commission shall consist of 17 members.

**SECTION 2 - APPOINTMENT & QUALIFICATIONS**

The County Board Chairman shall appoint five (5) County Board members to serve on the Commission. The Chairman of the County Board and the Chairman of the Lake County Health and Community Services Committee shall serve as ex-officio members of the Commission and of the Commission's Executive Committee. Ex-officio members shall have the right to vote only in the case of a tie or to constitute a quorum.

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The County Board Chairman shall also appoint five Mayors, Village Presidents, or Township Supervisors, each from a different County Board district.

In addition to the above appointed members, the County Board Chairman shall also appoint seven representative citizens of Lake County, persons who in the past have evidenced an interest and concern in the needs of Lake County and its people. Each citizen participant shall be a resident of a different County Board district. Additional consideration may be given to citizen participants who possess skills and experience in one or more of the following areas: homeless assistance, affordable housing, public infrastructure and public services.

To achieve equitable geographic representation of the entire County on the Commission, membership on the Commission shall be limited to no more than three residents per municipality or unincorporated area of any one township.

#### **SECTION 3 - TERM**

Each County Board Member shall be appointed for a two-year term. Each Citizen Member and each Mayor/Village President/Township Supervisor Member shall be appointed for a four-year term. Citizen and Mayor/Village President/Township Supervisor Members shall be appointed to staggered terms. Members shall continue to serve after the end of their term until the County Board has appointed a successor.

#### **SECTION 4 - VACANCY**

When a position becomes vacant by reasons of completion of term of office, the expiration of the term of appointment to this Commission, resignation or death, or any other reason, the vacancy shall be filled at the time in the same manner of appointment as was first designated for the remainder of the unexpired term and by a person of the same qualifications as specified in MEMBERSHIP.

#### **SECTION 5 - MEMBER'S ABSENCE**

Henceforth, whenever a member of the Commission fails to attend three regular meetings during the course of a twelve month period without notification previously given to the Chairman or staff of the Commission, or fails to attend five regular meetings during the course of a twelve-month period, irrespective of notification to the Chairman or staff of the Commission, it shall be the mandatory duty of the Chairman to submit to the Chairman of the County Board a written memorandum of the attendance record of such member and his/her membership shall be deemed terminated. The Chairman of the Lake County Board shall then appoint, subject to the approval of the Board, a new member to fill out the unexpired term.

#### **SECTION 6 - ELECTRONIC ATTENDANCE**

Commission members may attend public meetings of the HCDC by electronic means (such as by telephone, video or internet connection such as Skype) if the member is prevented from physically attending because of (a) personal illness or disability, (b) employment purpose or the business of the County Board, or (c) a family or other emergency. A quorum must be physically present in order for a member to participate electronically. A member attending electronically shall be considered electronically present at the meeting and entitled to vote on any matter before the public body, as if the member were physically present at the meeting. Accordingly, the name of any member attending

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electronically shall be called during any vote taken, and his or her vote counted and recorded by the Recording Secretary and placed in the minutes for the corresponding meeting.

The member shall notify the Community Development office in writing or via email of his/her request to attend electronically no less than 24 hours in advance of the meeting (unless advance notice is impractical). Staff will notify the chairman of the public body and after establishing that a quorum is physically present at the meeting through roll call, the Chairman (or presiding officer) shall announce that a member requested to participate in the meeting electronically. The member will be authorized to attend electronically unless the public body determines by motion that the notice does not comply with the requirements outlined herein, including the basis or timeliness of the request. If no such motion is adopted, and if the necessary electronic communications with the member have been established the presiding officer shall declare the requesting member present.

## ARTICLE IV - COMMITTEES

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The Chairman of the Commission may establish with consent of the members of the Commission any number of Standing or Special Committees as appropriate.

### SECTION 1 - EXECUTIVE COMMITTEE

The Executive Committee shall consist of six members selected by the full Commission, with two members coming from each of the three groups of Commission members: 1) County Board members; 2) Mayors, Village Presidents, Township Supervisors; and 3) citizen representatives. The six members shall include the Chairman and Vice –Chairman of the Commission.

The selection of Executive Committee members shall occur at the same meeting as the meeting at which election of Commission officers occurs. A Chairman and Vice-Chairman of the Executive Committee shall be elected by members of that committee at the first meeting of the committee after its appointment.

The Executive Committee shall only meet as necessary to perform the following duties:

- Hear and render judgment on formal appeals (as outlined in the Citizen Participation Plan) of any decisions made by the staff or Commission in regard to its programs or policies. The decision of the Executive Committee shall be final.
- Assign Commissioners to an Advisory and Recommendation Committee.
- Assist in the development of plans for informational and/or educational presentations to the full Commission.

### SECTION 2 - ADVISORY AND RECOMMENDATION COMMITTEES

There shall be ~~four~~three (43) standing Advisory and Recommendation Committees (ARC), each with the same responsibilities. The standing committees shall be: ~~1) Public Infrastructure ARC; 2) Affordable Housing ARC; 3) Public Services ARC; and 4) Homeless Assistance Behavioral Health ARC.~~ ~~The Chairman of the Commission shall determine what ARC shall review applications for funds based on the scope of the committee and the type of application. Applications that do not clearly fit within the scope~~

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~~of a standing ARC may be reviewed by a special ARC created by the Chairman with membership determined by the Executive Committee.~~

~~The Public Infrastructure ARC, Affordable Housing ARC, Public Services ARC, and Homeless Assistance ARC shall each have four members. The Behavioral Health ARC shall have six members.~~

The Executive Committee shall appoint each Commissioner to one ARC for a term of two years, ~~to be appointed at the same meeting as the election of Executive Committee Officers.~~ Commissioners may be reappointed to an ARC with no term limit, subject to reassignment in the sole discretion of the Executive Committee. The Chairman will not serve on an Advisory and Recommendation Committee.

Advisory and Recommendation Committees shall perform the following duties:

- ~~• Be informed of issues and financing mechanisms unique to the specific ARC. (e.g. public infrastructure, affordable housing, public services and homeless assistance).~~
- ~~• Actively compile and disseminate information on trends, issues and best practices relating to the work of the specific ARC.~~
- ~~• Participate in the planning and review process for activities unique to the specific ARC.~~
- Review applications or requests for funding.
- Make recommendations of projects to be funded to the ~~Executive Committee~~ full Commission.
- Provide feedback to Community Development staff on scoring and ranking decisions in order for appropriate technical assistance to be provided to applicants.

## ARTICLE V - MEETINGS

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### SECTION 1 - GENERAL

Meetings shall be scheduled by the Chairman on such dates as are necessary to fulfill the duties of the Commission.

A minimum of 10 days notice of meetings and public hearings must be given.

Meetings will be held in Waukegan and Libertyville in Lake County facilities. No more than half of meetings will be scheduled in Libertyville. This schedule may be varied for good reason, including holding meetings at other locations, as determined by the Chairman.

### SECTION 2 - REQUIRED MEETINGS

A minimum of four meetings of the Commission shall be convened each program year.

### SECTION 3 - OPEN MEETINGS

All Commission meetings shall be open to the public and, if appropriate, advertised as public hearings. It shall be the policy of the Commission to encourage interest in its affairs and promote attendance at its meetings among all local officials, the press and the public. All meetings of the Commission and any Committees thereof shall be subject to the provisions of the Illinois Open Meetings Act.

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**SECTION 4 - PUBLIC HEARINGS**

Public Hearings, called for specific purposes and/or formally soliciting comments from the general public, will be identified as such by the Commission following an established process for conducting Public Hearings, which shall be outlined in the Lake County Citizen Participation Plan.

**ARTICLE VI - OFFICERS**

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**SECTION 1 - SELECTION**

A Chairman and Vice-Chairman shall be elected by the full Commission to serve as officers of the Commission for a term of two years. This election shall take place at the June Commission meeting following the regular appointment of County Board members to the Commission. In the event that the election does not take place in June due to extenuating circumstances, the election shall be held at the next available opportunity.

The Commission may elect such other officers as it may deem necessary, and specify their duties.

**SECTION 2 - DUTIES**

**A CHAIRMAN**

The Chairman shall preside at meetings, and shall conduct them according to Roberts Rules of Order. The Chairman shall appoint special committees, and perform such other duties as are normally associated with the position of Chairman. The Chairman will not serve on an Advisory and Recommendation Committee.

**B VICE-CHAIRMAN**

The Vice-Chairman shall perform all duties of the Chairman in the event of absence or disability, and shall assist the Chairman as requested.

**ARTICLE VII - RIGHT TO ADDRESS COMMISSION**

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In accordance with its Citizen Participation Plan, the Commission shall allow and encourage public comments at its regular meetings and Public Hearings.

**SECTION 1 - COMMISSIONER COMMENT**

Any Commissioner shall have the right to address the Commission at any regular Commission meeting on any matter relating to CDC business for a maximum of five (5) minutes, unless a time extension is granted by the Chair of the Commission. The Commissioner has the option of presenting the subject matter either by having the item placed on the agenda (in advance) or from the floor.

**SECTION 2 - ELECTED/APPOINTED OFFICIALS & STAFF COMMENT**

County appointed officials, elected officials or staff may address the Commission upon the request of any Commissioner and/or by recognition of the Chair of the Commission.

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#### **SECTION 3 - PUBLIC COMMENT**

The Chair of the Commission, with assistance from the Secretary of the Commission, shall: manage the public comment section of the agenda and review speaker requests; call upon speakers at the appropriate time; and enforce the rules governing public comment.

Any individual or any spokesperson for a group shall be permitted time to address the Commission on matters before them at any given meeting. Such matters are those that appear on the agenda of a regularly scheduled meeting.

Public comment shall be limited to three (3) minutes per individual, or spokesperson, and may be made at the time the item is on the floor for consideration or at the discretion of the Chair. For items not on the agenda, recognition of individuals shall be made by the Chair at the designated time per the agenda. The Chair may impose a reasonable total time limit on public comment on any single issue. The Chair may also limit or preclude comment which is repetitive, redundant, cumulative, irrelevant to the business of the Commission, or promoting or supporting a candidate for public office or political in nature.

Members of the public shall be afforded time to comment on matters germane to the business of the Commission but that are not on the agenda of the meeting subject to the following constraints.

- Such public comment shall be limited to 15 minutes total under Public Comment.
- Individual comments shall be limited to three (3) minutes which shall be controlled by a timing device. A speaker shall be notified when two (2) minutes have elapsed. The time limit shall be controlled by the Chair.
- Individuals wanting to speak must complete a public comment card indicating the topic on which they wish to comment.
- Time for such comments shall be assigned on a first-come, first-serve basis as determined by the Chair.
- Persons addressing the Commission shall not be permitted to make statements or remarks that concern only the private activities, lifestyles, or beliefs of others, including individual employees of the County or its elected officials, unrelated to the business of the Housing and Community Development Commission or the professional duties and performance of its employees or the employees of its elected officials. Persons addressing the Commission shall refrain from statements, remarks, or conduct that is uncivil, rude, vulgar, profane or otherwise disruptive to the conducting of the Commission's business. Any person making such prohibited statements or remarks or engaging in such conduct shall be requested to leave the meeting and may be barred by the Chair from further audience before the Commission.

#### **ARTICLE VIII - TECHNICAL ASSISTANCE**

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The Commission shall utilize and direct the necessary technical services of the Staff of the Lake County Department of Planning, Building and Development, and such other Lake County employees as are necessary to accomplish the work of the Commission. All such technical services provided by the County, or municipal staffs, shall be fully and exclusively reimbursed from funds received under the provisions of the Act.

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#### **ARTICLE IX - CONFLICT OF INTEREST**

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All Commission members shall be subject to the Conflict of Interest provisions contained in the Federal regulations for the Community Development Block Grant (CDBG) Program, Emergency Solutions Grant (ESG) Program and the Home Investment Partnerships (HOME) Program, which prohibit Commission members from obtaining a financial interest or benefit from a grant-assisted activity (within the scope of this Commission).

All Commission members shall also be subject to the Illinois Public Officers Prohibited Activities Act, which prohibits direct or indirect financial interest by a Commissioner in any contract or work in which the Commissioner may be called upon to vote.

In order to avoid any appearance of a conflict of interest, no Commissioner who is associated in any official capacity with an applicant for funds shall serve on any Advisory and Recommendation Committee whose purpose is to review funding applications that include an application from the entity with which the Commissioner is associated.

#### **ARTICLE X - DURATION OF COMMISSION**

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The Commission shall continue in operation until all funds which may be received from the Department of Housing and Urban Development or from other sources for housing and community development have been expended, returned, or otherwise accounted for to the satisfaction of the said Department.

#### **ARTICLE XI - AMENDMENT**

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These bylaws may be amended by resolution of the County Board, by simple majority of those voting at any regular or special meeting thereof. The Commission, with a two-thirds (2/3) vote at any regular or special meeting thereof, may propose amendments for County Board approval.

#### **ARTICLE XII - SEVERABILITY**

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If any provision of these bylaws is invalid for any reason, such invalidation shall not affect other provisions of the bylaws which can be given effect without the invalid provisions, and to this end, the provisions of these bylaws are to be severable.