

KANE COUNTY AGRICULTURE COMMITTEE

AGENDA

Monday, June 17, 2013

9:00 a.m.

1. **Call to Order**
2. **Opening Remarks**
3. **Approval of Minutes: May 20, 2013**
4. **Public Comment**
5. **Partners**
6. **Kane County Agricultural Innovations**
 - Presentation a. **UPDATE:** Health Impact Assessment and new Food and Farm Ordinance
 - Attachment b. **Resolution:** Adopting and Implementing the Kane County Locally Grown Food Project
7. **Soil & Water Resources (Tom Huddleston and Ken Anderson)**
 - Presentation a. Staff Update
8. **Kane County Farmers' Markets**
 - Presentation a. Staff Update
9. **Conferences and Opportunities**
10. **New Business**

Adjournment



AGENDA ITEM EXECUTIVE SUMMARY Agenda Item #

<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance	Name	ADOPTING AND IMPLEMENTING THE KANE COUNTY LOCALLY GROWN FOOD PROJECT
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Presenter/Sponsor:

Budget Information: Was this item budgeted? Yes No N/A Appropriation Amount:

If not budgeted, explain funding source

SUMMARY: This resolution creates a Locally Grown Food Project that is recommended in the final Health Impact Assessment report undertaken by staff from a grant from the Health Impact Project/Pew Charitable Trust. The purpose of the study was to determine the potential health and economic impacts of supporting more locally grown foods in Kane County. The studies and analyses show that more locally grown foods in Kane County benefits the health and economy. The economic study shows a potential for 1700 more acres of vegetable production which would create 102 jobs, and \$ 14.85 million in annual economic impact within the county.

Supporting farms of all sizes in all parts of the county both protects Kane County's rich farmland, while providing fresh fruits and vegetables to our residents. Increasing access to and consumption of fresh fruits and vegetables is a strategy to meet one of four health priorities outlined in the Community Health Improvement Plan: Supporting health behaviors that promote well-being and prevent disease.

The resolution establishes an "AGRICULTURAL ECONOMIC AUTHORITY" as a public/private initiative to maximize resources and coordinate efforts for production and marketing. This program complements and does NOT replace the Kane County Farmland Protection Program and Commission.

Attachments:

Detailed information available from : Staff Name: Phone:

Resolution/Ordinance Tracking:

Assigned Committee:	<input type="text" value="Agriculture"/>	<input type="text"/>	Sent to:	<input type="text"/>	on:	<input type="text"/>
If Other, specify:	<input type="text"/>					
Committee Remarks:	<input type="text"/>					
Next Committee:	<input type="text"/>	<input type="text"/>	Sent to:	<input type="text"/>	on:	<input type="text"/>
If Other, specify:	<input type="text"/>					
Committee Remarks:	<input type="text"/>					
Next Committee:	<input type="text"/>	<input type="text"/>	Sent to:	<input type="text"/>	on:	<input type="text"/>
Committee Remarks:	<input type="text"/>					
County Board Date:	<input type="text"/>					

STATE OF ILLINOIS

COUNTY OF KANE

RESOLUTION NO. 13 -

**ADOPTING AND IMPLEMENTING THE KANE COUNTY
LOCALLY GROWN FOOD PROJECT**

WHEREAS, on April 10, 2001, adopted the Kane County Agricultural Conservation Easement and Farmland Protection Program (the "Farmland Protection Program") to protect farmland in Kane County by adopting Ordinance No. 01-67; and

WHEREAS, pursuant to Resolution No. 01-67, the Kane County Agricultural Conservation Easement and Farmland Protection Foundation was established to determine the interest of orders of land within the county to donate or sell interests in real property for the purpose of farmland protection; and

WHEREAS, the County has determined that the scope and nature of the Farmland Protection Program does not include a focus on creating incentives to produce and market locally grown food, including fruits, vegetables, meat products and dairy products to the residents of Kane County through local schools, farmers' markets, corner stores and other sites within Kane County (the "Locally Grown Food Project"); and

WHEREAS, the County received a Health Impact Project grant to explore the health impacts of implementing an alternate Locally Grown Food Project to include an additional alternative to permanent easements, being the offering of Locally Grown Food Arrangements, along with the acquisition of Conservation Easements of permanent duration or specific term lengths and to include smaller farms in the Locally Grown Food Project, all within a setting that will require sustainable farming methods to be employed on the subject farmland and to encourage the produce, dairy products and meat products from same to be made available through local schools, farmers' markets, corner stores, government contracts and contractors, and other venues, outlets, and sources within Kane County; and

WHEREAS, the County desires to establish the Locally Grown Food Project to implement recommendations related to findings arising from the Health Impact Project, together with desirable aspects of the Illinois Food and Jobs Act (30 ILCS 105/5.675) within Kane County, Illinois; and

WHEREAS, the County is authorized to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, pursuant to 55 ILCS 5/5-1052; and

WHEREAS, the County intends to promote opportunities to participate in the Locally Grown Food Project to donors of land, funds or temporary or permanent easements or permanent restrictions or restrictions for a term of years upon lands with owners or farm tenants who might wish to provide others with a form of resources to pursue the sustainable farming methods in new or existing farming operations within Kane County or within the permanent easement arrangement offered under the Local Food Program by donor grant or partial sale and grant; and

WHEREAS, the County seeks to encourage leasing opportunities or cooperative contractual arrangements by governmental entities or private landowners, to persons seeking to utilize local production and marketing of locally grown food products, including use of greenhouses or similar facilities, regardless of location within Kane County; and

WHEREAS, the County desires that the nature and extent of the Local Food Project be implemented through the Agriculture Committee and County Board and be considered broadly enough to cover areas of new technology or innovative methodology not presently implemented or envisioned by the agricultural industry, where such technology or methodology would be consistent with the aims and purposes contemplated herein; and

WHEREAS, the Kane County Board finds and determines that the adoption and implementation of the Locally Grown Food Project in Kane County will provide a further and additional local program alternative to the Kane County Agricultural Conservation Easement and Farmland Protection Program, consistent with the alternative Health Impact Project determinations to promote better health of its residents through food sources produced locally under sustainable farming methods, but that participation in both the Locally Grown Food Project and the Kane County Agricultural Conservation Easement and Farmland Protection Program shall expressly be permitted and encouraged, as well.

NOW, THEREFORE, BE IT RESOLVED by the Kane County Board that it hereby adopts the following:

An Resolution to create a Kane County Locally Grown Food Project, to read as follows:

1. Recitals. The recitals set forth above are expressly incorporated herein by this reference.
2. DEFINITIONS. In this Ordinance:
 - A. "County Board" means the Kane County Board.
 - B. "Agriculture Committee" means the Agriculture Committee of the Kane County Board, established and governed by the limitations and conditions adopted for same by the Kane County Board from time to time.
 - C. "Locally Grown Food" is intended to mean fruits, vegetables, meat products, dairy products and other food that is grown and processed within Kane County, Illinois. The source of a grown food item, or of processing services, may be from Counties adjacent to the Kane County geographic borders when sufficient supply, or service, is not available within Kane County, but preference in all instances shall be for food produced in Kane County.
 - D. "Locally Grown Food Arrangement" means a holder's interest in a Conservation Easement, a third party right of enforcement in a Conservation Easement or fee title interest in real property, whether for a specific term or perpetual duration, or a leasehold interest, or other written commitment to be bound by certain conditions and restrictions regarding the methods of production or location of production within Kane County of Locally Grown Food which arises with respect to a Contract between Kane County or other unit of local government and a private party holding possessory rights with respect to the subject property or agricultural producers to which the restrictions and conditions are imposed, provided such terms are embodied in a Contract which is approved by the Agriculture Committee and County Board for this purpose; provided, however, that any

such arrangement which involves the expenditure of less than Thirty Thousand Dollars (\$30,000.00) in any one calendar year may be approved by the Agriculture Committee and the County Chairman, without necessity of submission to the County Board.

E. "Locally Grown Food Project" as stated in the recitals represents an intentional focus on creating incentives to produce and market Locally Grown Food to the residents of Kane County through local schools, farmers' markets, local stores and other sites within Kane County through the use of Locally Grown Food Arrangements and/or Conservation Easements crafted specifically to encourage and emphasize Locally Grown Food opportunities.

F. "Conservation Easement" means a holder's non-possessory interest in real property within Kane County imposing any limitation or affirmative obligation the purpose of which includes protecting viable farm operations and farmland to maintain the rural character of Kane County, permanently preserving scenic vistas and environmentally significant areas, including wetlands, lakes, streams and wood lots, creating and preserving "buffer zones" around significant environmental areas and agricultural areas, protecting Kane County from encroachment of neighboring cities and villages, restricting land divisions, retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving the historical, architectural, archaeological or cultural aspects of real property. Such a conservation easement may be permanent in nature, but for purposes of allowing for alternative arrangements contemplated by a health impact assessment or other favorable determination by the Agriculture Committee or County Board, may also be a commitment for a specific time frame or term of years, or incorporated with respect to an agricultural lease and continuing for the lease term or portion thereof, or it may be concurrent with a cooperative arrangement by or with units of local government and/or private parties for a specific term or indefinite duration or perpetual term, as the circumstances may justify or allow.

G. "Health Impact Assessment" means the study of the health impacts of the Kane County Agricultural Conservation Easement and Farmland Protection Program, together with other government programs, as undertaken by various departments of the County of Kane with the intent of broadening annual investments to include small farms and a project seeking the enhancement of healthful, sustainable production and distribution of locally grown produce, dairy products and meats within the Program.

H. "Contract" means a binding agreement executed by the Chairman of the County on or after the date of adoption of this Ordinance, on behalf of the County after appropriate approval by the Agriculture Committee and, subject to the limitation of Section 2D above, the County Board, which implements the purposes of production and/or marketing of Locally Grown Food for which this Ordinance is established, wherein the County acquires, approves or grants a privilege or benefit, or is committed to expend or does expend its funds or other resources, or acquires or confers a benefit having recognized value, including, but not limited to, a grant, loan, interest in real or personal property, binding agreement, or tax incentive, any of which may be in any form for or in connection with any work, project, or public purpose designed to satisfy the purposes of production and marketing of Locally Grown Food, or a written agreement by

and between third parties which further the purposes of production and/or marketing Locally Grown Food when such contract between third parties is approved and ratified in the manner aforesaid as being beneficial to the County and supporting the Locally Grown Food Project in a meaningful way.

I. "Foundation" means the entity contemplated by Section 7 hereof, if established and recognized by the County Board for these purposes.

3. **LOCALLY GROWN FOOD PROJECT EXPENDITURES AND ACCEPTANCE OF DONATED PROPERTY OR PROPERTY RIGHTS.** The County Board is authorized to approve Locally Grown Food Arrangements and the acquisition of Conservation Easements or other interests in real property and the payment for obligations arising under approved Contracts which facilitate the initiatives of the Locally Grown Food Project. It has also been determined that an intentional effort to purchase food grown under the Locally Grown Food Project should be undertaken by Kane County for its food sourcing, when possible and to the extent such purchases are justified under the circumstances, to encourage and facilitate the Locally Grown Food Project.

A. **Locally Grown Food Arrangements.** The County Board may expend funds for costs associated with the establishment of Locally Grown Food Arrangements, including but not limited to Conservation Easement acquisitions, creation or assignment of leasehold interests, or other transfer of beneficial interests which are made in conjunction with the Locally Grown Food Project. The Board may also authorize acceptance of donated interests or third party rights of enforcement in conservation easements as defined, respectively, in the Illinois Property Conservation Rights Act.

B. **Land Purchases.** The Board may expend funds for the purchase of land for the purpose of placing the property into the Locally Grown Food Project to be held, operated or leased for purposes consistent with same.

C. **Payments to Nonprofit Organizations.** The County Board may appropriate money for payment to a nonprofit conservation organization for the conservation of farmland and natural resources within Kane County or as is beneficial to Kane County through the creation of Locally Grown Food Arrangements, such as the entity contemplated in Section 7 hereof, provided that the recipient organization submits and the Board approves a detailed plan for the scope of the proposed project to be implemented through same. The County Board may attach such conditions and restrictions on the appropriation as the County Board considers necessary and appropriate to protect Kane County's interests in the Locally Grown Food Project, including farmland protection.

D. **Voluntary Conveyances.** The County Board may acquire real property interests and enter into Locally Grown Food Arrangements only from willing owners and may not exercise its power of eminent domain to acquire such interests or property rights associated with same.

E. **Indirect Costs.** In addition to the purchase price therefore, the County Board may expend funds for the payment of indirect costs associated with the conduct of the Locally Grown Food Project, including costs of administration, development of documents to implement the Locally Grown Food Project and acquisition of rights and interests (including those related to arrangements other than a fee title conveyance or permanent easement form) and including but not limited to survey costs, title evidence, attorneys'

fees, appraisers' fees, environmental assessments, transfer taxes and recording fees.

4. PROCEDURE FOR ESTABLISHING LOCALLY GROWN FOOD ARRANGEMENTS OR CONSERVATION EASEMENTS

A. The Agriculture Committee and the County Board may conduct public meetings or public hearings as it determines necessary or convenient for consideration of expenditures related to proposed implementation of Locally Grown Food Arrangements or the acquisition of Conservation Easements within the Locally Grown Food Project.

B. Prior to purchasing or funding a Locally Grown Food Arrangement or the acquisition of a Conservation Easement within the Locally Grown Food Project, the County Board may cause an evaluation or appraisal to be prepared by a qualified consultant setting forth the fair market value of the interest proposed to be created or the County Board may take such steps as it deems appropriate to determine the value to be paid for or toward such Locally Grown Food Arrangement or Conservation Easement within the Locally Grown Food Project.

5. ALIENATION OF ACQUIRED INTERESTS. Except where the intention to reconvey a Locally Grown Food Arrangement or other interest is expressly provided for in Kane County Board's authorization to implement the Locally Grown Food Arrangement or to acquire such other interest, no rights acquired by Kane County under the provisions of this Ordinance shall thereafter be alienated, unless all of the following conditions have been met:

A. The County Board or the Foundation has conducted a public hearing for the purpose of considering the proposed alienation;

B. The County Board has referred to the Foundation, for its consideration and recommendation before final action is taken by the Board, the proposed alienation. Unless such recommendation is made within 30 days, or such longer period as may be stipulated by the County Board, the County Board may take final action without it.

C. A resolution in support of the proposed alienation is adopted by an affirmative vote of two-thirds of the members of the County Board; and

D. A resolution in support of the proposed alienation is adopted by a majority of the members of the governing body of any public agency or nonprofit conservation organization which jointly undertook the acquisition of the conservation interest proposed to be alienated.

6. POLICY INITIATION AND PLANNING. The initial framework for evaluation of opportunities for establishing specific Locally Grown Food Arrangements and the purchase of Locally Grown Food by Kane County shall begin as soon as practicable following adoption of this ordinance. The Agriculture Committee shall review alternatives and formats and periodically report to the County Board regarding its progress and any specific proposals that may come from its review.

A. It is encouraged that Departments of Kane County increase the Locally Grown Food content of its food purchases, if any, when such modification would be more healthful and would reduce or not substantially increase the total contract costs.

B. The policy of Kane County to participate in the Locally Grown Food purchase policy shall

remain in force until amended or revoked by the County Board. The County Board expressly reserves the right to amend, or revoke, this policy for any reason.

7. LOCALLY GROWN FOOD PROJECT FOUNDATION

A. Creation. It is contemplated that in the future there may be a desire to create a separate Foundation under Internal Revenue Code Section 501(c) (3) that would be a charitable foundation to serve as a funding organization for undertaking specific opportunities that become available under the Locally Grown Food Project. Such a Foundation could be a private entity which works with and supports the County of Kane and the Locally Grown Food Project, as well as other, similar agricultural endeavors. This Ordinance is expressly authorizing the Board to assist in the implementation of the foundation in the form of an independent agricultural economic authority for such purposes, using the assistance of private parties willing to undertake such an endeavor as a collaborative "Public-Private" initiative, at such time as the Board deems such an entity to be in the best interests of the residents of Kane County. The name of the Foundation shall be the "KANE COUNTY AGRICULTURAL ECONOMIC AUTHORITY", or such other name determined to be fitting for the nature and extent of the duties it is to undertake as set forth herein.

B. Duties. The Foundation could be responsible for assisting in raising funds for development and implementation of the Locally Grown Food Project as set forth in this Ordinance, including the following additional functions, as may then be applicable:

1. The Foundation may maintain contact with public and private agencies to maximize the resources and coordinate efforts to encourage Locally Grown Food production and marketing.

2. The Foundation may act as an outreach medium to determine the interest of owners of land and other agricultural producers within the County to participate in the Locally Grown Food Project.

3. The Foundation may recommend to the Agriculture Committee the nature and extent of selection criteria to assist in implementing the Locally Grown Food Project.

4. The Foundation may conduct public meetings or public hearings as it determines necessary or convenient to its work to gather information that would assist the Agriculture Committee in its evaluations of application of the Locally Grown Food Project.

5. The Foundation at the direction of the Agriculture Committee may prepare any application forms useful or necessary for any grant applications for State and/or Federal grants for which the Locally Grown Food Project may be deemed appropriate.

C. Membership. The Foundation may consist of up to nine (9) voting members consisting of:

1. The Chairman of the Kane County Board.

- 2. The Chairman of the Kane County Development Committee
 - 3. A representative of the Kane County Farm Bureau.
 - 4. Six (6) members appointed by the County Board Chairman with the advice and consent of the Board, appointed for terms expiring on June 1 following the third anniversary of their appointment. All members shall be electors of the County and, to the extent practicable, include persons with backgrounds and experience in agriculture, finance, conservation or planning.
- D. Officers. The Foundation shall have the following officers:
- 1. The Foundation Chair shall be appointed by the Chairman of the Kane County Board and shall preside at all meetings of the Foundation.
 - 2. A Vice Chair shall be elected by a majority vote of the Foundation at the first meeting of the Foundation to serve for a term of three (3) years.
- E. Rules of Procedure. The Foundation may adopt rules of procedure governing its deliberations. In the absence of any other such rules, the Foundation shall conduct its proceedings in accordance with Robert's Rules of Order, latest revised edition.
8. CONFLICT OF INTEREST. No person may participate in any deliberation of the Foundation or of the County Board in the consideration or determination of any expenditure under this Ordinance in which the person, a member of the person's family, or an organization with whom the person is affiliated has a financial interest.
9. AMENDMENT OR REPEAL. This Ordinance may be amended or repealed only by affirmative vote of the Board following a public hearing.
10. SEVERABILITY. Should any provision of this Ordinance be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of any other provision of this Ordinance.

Passed by the Kane County Board on July 9, 2013.

John A. Cunningham
 Clerk, County Board
 Kane County, Illinois

Christopher J. Lauzen
 Chairman, County Board
 Kane County, Illinois

Vote:
 Yes _____
 No _____
 Voice _____
 Abstentions _____

Summary of the Resolution relating to the Kane County Locally Grown Food Project

- Recitals This sets forth the premises upon which this Resolution is based. It cites the Farmland Preservation Ordinance Number 01-67, the focus on Local Foods under this ordinance, the Health Impact Assessment that was undertaken, the Illinois Food and Jobs Act and related authority to enact this Resolution. Finally, it describes the nature and extent of the programs to be implemented under this Resolution.

- Section 1 References the recitals and incorporates them into the Resolution.

- Section 2 Sets out the Definitions used in the Resolution.

- Section 3 Describes the expenditures that may be applicable to the Resolution – The locally grown food arrangements that could take the shape of a contract commitment, lease, easement, fee simple title transfer or simply be a commitment by a local producer to participate in some way.

- Section 4 Describes the procedure by which an arrangement will be approved and established.

- Section 5 Limits the further transfer of rights by the County to those situations where the transfer right is reserved by the County at the outset of the acquisition or contract – requiring a public hearing, referring it to the Foundation (Kane County Agricultural Economic Authority referenced in later Section 7) for consideration (it may want to purchase the arrangement, for example), 2/3rd voting approval required for transfer, and resolution by a majority of any other public body that jointly undertook the arrangement.

- Section 6 Describes the preliminary policy and planning for establishing the framework of evaluating opportunities and implementing them – places a fair amount of initial emphasis on the Agriculture Committee. Adopts the policy to keep the program in place unless amended or revoked by the County Board.

- Section 7 Sets out the independent 501(c)(3) organization to assist in funding the program, following some similar provisions of the existing farmland commission membership, but contemplates being an exempt private charity.

- Section 8 Prohibits participation where a conflict of interest exists.

- Section 9 Allows amendment or repeal by majority vote of the County Board.

- Section 10 Allows for severability as to any part declared invalid.

- Section 11 Indicates that the Resolution is effective upon approval.