

RESOLUTION NO. 23- 38

AMENDING RESOLUTION NO. 12-33

**RESOLUTION TO ESTABLISH THE KENDALL COUNTY  
TRANSPORTATION ALTERNATIVES PROGRAM (KC-TAP)**

WHEREAS, the Kendall County Board has determined it to be in Kendall County's best interests to encourage those within Kendall County to use alternative modes of transportation, such as walking or riding bicycles;

WHEREAS, to promote this interest in alternative modes of transportation in the County of Kendall, the Kendall County Board desires to create a program to help fund construction and maintenance of multi-use trails and sidewalks along State and County Highways within Kendall County, and;

WHEREAS, by constructing and maintaining linear trails and sidewalks that connect businesses and residential developments, the Kendall County Board hopes to reduce the necessity for travel throughout Kendall County by use of automobiles alone, and to reduce our reliance on fossil fuels, as well as to promote the health and welfare of citizens of this County, and;

WHEREAS, on November 7, 2006, the voters of Kendall County approved an increase of 1/2¢ in the local sales tax for transportation purposes, which was officially implemented July 1, 2007, and;

WHEREAS, on February 6, 2007, Kendall County approved Ordinance No. 07-01 entitled "An Ordinance for Special County Occupation Taxes for Transportation" (hereinafter "Ordinance No. 07-01"), which imposed a transportation sales tax in accordance with the Illinois Counties Code (55 ILCS 5/5-1006.5), and;

WHEREAS, Ordinance No. 07-01 authorizes the expenditure of transportation sales tax funds for uses including, but not limited to, expenditures for public highways as authorized under the Illinois Highway Code (605 ILCS 5/1 *et seq.*), and;

WHEREAS, the Illinois Highway Code (605 ILCS 5/1 *et seq.*) and the Bikeway Act (605 ILCS 30/1 *et seq.*) each encourage the funding and the creation of bicycle paths, multi-use trails and sidewalks along roadways within the State of Illinois, and;

WHEREAS, pursuant to 605 ILCS 5/9-101 and 605 ILCS 5/4-409, the State of Illinois, its Municipalities and the Counties may form cooperative agreements with each other for the construction, maintenance and improvement of streets, highways and any portions thereof.

NOW, BE IT RESOLVED by the Kendall County Board, Kendall County, Illinois, as follows:

SECTION 1 - Title and Purpose:

A program entitled "THE KENDALL COUNTY TRANSPORTATION ALTERNATIVES PROGRAM (KC-TAP)" is hereby created. The purpose of KC-TAP

is to provide partial reimbursement in an amount of up to a maximum of seventy-five percent (75%) for actual costs incurred by eligible municipalities, townships, and other units of local government in Kendall County, Illinois, for their construction of multi-use trails or sidewalks within Kendall County, Illinois, as is further outlined herein.

SECTION 2 - KC-TAP Administrator:

The Administrator of the KC-TAP shall be the Kendall County Engineer. The Kendall County Board hereby authorizes the Kendall County Engineer to adopt policies and procedures necessary to effectuate the purpose of the KC-TAP, to maintain all records related to the KC-TAP and to oversee the daily operations of the KC-TAP. The KC-TAP Administrator shall periodically provide reports to the Highway Committee of the Kendall County Board and, if necessary, to the Kendall County Board.

SECTION 3 - Creation of Transportation Alternatives Program (TAP) Fund:

KC-TAP shall be funded through a Transportation Alternatives Program (TAP) Fund. The Kendall County Treasurer is hereby authorized to create a TAP Fund for purposes of funding qualified projects under the KC-TAP. The amount of money to be maintained in the TAP Fund shall be set by a majority vote of the Kendall County Board. However, it is the intent of the Kendall County Board that the TAP Fund shall be funded by a portion of the monies contained in the Kendall County Transportation Sales Tax Fund, which shall be transferred to the TAP Fund by a majority vote of the Kendall County Board. The amount of funds to be transferred from the Transportation Sales Tax Fund, if any, to the TAP Fund shall be established by a majority vote of the Kendall County Board on or before December 1<sup>st</sup> of each year. Monies in the TAP Fund shall only be used in a manner consistent with this resolution to provide an opportunity for qualified applicants to apply and receive up to a seventy-five percent (75%) match for any approved bicycle path, multi-use trail and sidewalk project along State or County Highways in Kendall County, Illinois.

All revenues and expenditures of the TAP Fund shall be regularly reviewed by the Highway Committee of the Kendall County Board. All monetary expenditures from the TAP Fund require approval by a majority vote of the Kendall County Board.

The TAP Fund and the KC-TAP may be dissolved by further resolution of the Kendall County Board at any time.

SECTION 4 -Applicant Eligibility:

Only the following applicants may be eligible for assistance under the KC-TAP:

- The applicant is a unit of local government as defined by Article VII, Section 1 of the Illinois Constitution of 1970.
- The applicant is located within the boundaries of Kendall County, Illinois.
- The applicant has statutory authority to provide lands or facilities for multi-use trails or sidewalk purposes within its boundaries.
- The applicant has thoroughly and accurately completed a KC-TAP application, which the applicant has timely submitted to the Kendall County Highway Department.
- The applicant has received no more than \$100,000 in TAP funds each fiscal

year, unless specifically authorized by the Kendall County Board. For purposes of this Resolution, "fiscal year" is defined as Kendall County's fiscal year (December 1 to November 30).

#### SECTION 5 -Project Eligibility:

To be considered for funding under the KC-TAP, an applicant's construction project must meet all the following requirements:

- The project must construct or maintain a multi-use trail and/or sidewalk within the geographical boundaries of Kendall County and located along a State or County Highway. Maintenance projects such as sealing, patching or crack filling of existing sidewalks, bike paths and/or trails are eligible for funding under KC-TAP.
- The project is part of the applicant's long-range transportation plan, sidewalk plan, or multi-use trail plan.
- The project is consistent with Kendall County's Regional Trail Plan.
- The applicant shall not submit more than one project for consideration each fiscal year.
- The KC-TAP portion of the funding for the project must be approved by a majority vote of the Kendall County Board.
- The project must commence within 24 calendar months after the Kendall County Board has approved the applicant's request for funding under the KC-TAP.
- Projects in State Highway rights-of-way shall adhere to State and Federal requirements for multi-use paths and sidewalks, including, but not limited to, the latest edition of the *Guide for the Development of Bicycle Facilities* (AASHTO), the Standard Specifications for Road and Bridge Construction (IDOT), and IDOT's Highway Standards.
- Projects in County rights-of-ways shall comply with all applicable County and/or Municipal specifications for multi-use path and sidewalk construction.
- The project shall comply with the Americans with Disabilities Act (ADA) and all other applicable state and federal laws and regulations and local ordinances.
- The project shall comply with all other published requirements as set forth by the Kendall County Engineer.

#### SECTION 6 - Application Process:

Applications for TAP funding shall include all of the following information:

- Name, address, and contact person for the applicant;
- Location map;
- Concept Plan Exhibit w/ Typical Section;
- Proof that the project is part of the local agency's long range plan;
- Construction timeline;
- Detailed cost estimate with breakdown of funding sources.

Applications shall be submitted in writing to the Kendall County Engineer by December 31st of each calendar year. Only one application per applicant per year will be considered.

Initial project review will be performed by the Highway Committee of the Kendall County Board. The Highway Committee will then make recommendation(s) to the Kendall County Board to award TAP funds for certain projects.

The Kendall County Board will then review and consider the applications and will announce recipients of the Transportation Alternatives Program Funds by April 1<sup>st</sup> of each year.

The Kendall County Board will award funds, at its discretion, to projects that are the most consistent with the goal of reducing motor vehicle usage on the County Highway Network by promoting alternative modes of transportation, such as walking and biking.

#### SECTION 7 - Intergovernmental Agreements Following Approval:

Sponsoring agencies of approved projects will be required to enter into an intergovernmental agreement (IGA) with Kendall County as a prerequisite to receiving any TAP funds. The IGA will require, among other things, that: contractors and subcontractors additionally insure Kendall County during periods of construction or maintenance of such TAP projects; contractors, subcontractors and sponsoring agencies hold harmless Kendall County and indemnify the County for all facilities constructed or maintained with TAP Funds; sponsoring agencies shall obtain and tender to Kendall County a final waiver of liens for all contractors, sub-subcontractors, and suppliers who performed work on and/or supplied materials for the subject project prior to reimbursement; the sponsoring agency's work is to be performed subject to the Illinois Prevailing Wage Act, 820 ILCS 130/1 *et seq.*, and; the sponsoring agencies will maintain constructed facilities for as long as the facilities exist.

#### SECTION 8 - Disbursement of TAP Funds:

TAP funds may only be used to reimburse the applicant for the applicant's actual, incurred costs to build or maintain multi-use trails and sidewalks (including multi-use trails and sidewalks built as part of rehabilitation projects).

In no case shall Kendall County provide more than 75% of the funding for any approved project. Further, the Kendall County Board may, at its own discretion, choose to award less than 75% for any approved project. A qualified applicant's project cannot obtain more than \$100,000 in TAP funds per project, per fiscal year, unless specifically authorized by the Kendall County Board.

Construction of approved projects must begin within 24 months of approval by the Kendall County Board. If a project does not begin construction within 24 months, obligated monies will default back to the TAP Fund, and applicants must reapply for funding, unless an extension is specifically approved by a majority vote of the Kendall County Board.

Prior to TAP funds being disbursed, the applicant must submit final project costs, along with the request for reimbursement with TAP funds, to the Kendall County Engineer. When requested, the applicant must also submit all necessary documentation to the Kendall County Engineer to verify completion of work and project costs incurred by applicant. Reimbursement requests shall not exceed the amount originally awarded for the project by the Kendall County Board. No cost

overruns will be considered. TAP Funds will not be advanced to the sponsoring agency prior to project completion.

SECTION 9 - Ownership and Maintenance of Completed Projects:

All projects partially funded through the TAP Fund shall be owned and maintained entirely and in perpetuity by the sponsoring agency. Even facilities constructed within County rights-of-way using TAP funds shall be perpetually owned and maintained by the applicant or their agents, per agreement with Kendall County. The awarding of TAP funds for the construction or maintenance of a facility shall in no way obligate Kendall County for any future maintenance of that facility. Sponsoring agencies shall hold harmless and shall indemnify Kendall County in perpetuity for said facilities.

BE IT FURTHER RESOLVED, that in accordance with Section 3 above, the County Treasurer is to create a Transportation Alternatives Program (TAP) Fund account, wherein each year the funds appropriated by the Kendall County Board are to be transferred from the Kendall County Transportation Sales Tax Fund in accordance with the remaining provisions of this Resolution, for the purpose of providing funding to projects as outlined herein.

Adopted the 17<sup>th</sup> day of July, 2012, and amended August 15, 2023.

Board Chair Signature:

  
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Matt Kellogg  
Kendall County Board Chairman

Attest:

  
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Debbie Gillette  
Kendall County Clerk

Adopted: July 17, 2012  
Amended: August 15, 2023