



DATE: August 25, 2025

MEMO TO: Sara Knizhnik, Chair
Operations Committee

FROM: Pati Vitt
Director of Natural Resources

RECOMMENDATION: Recommend approval of an Ordinance amending the District’s Farm Management Program Policy concerning the use and management of certain District property for agricultural uses.

STRATEGIC DIRECTIONS SUPPORTED: Conservation, Organizational Sustainability

FINANCIAL DATA: There is no financial impact to the Farm Management Program.

BACKGROUND: The District originally established the Farm Management Program Policy (“Policy”) in 2003 to govern implementation of the Farm Management Program (“Program”). The Policy is intended to standardize the implementation of the Program, such as the public bid process, license cancellations, terminations, retirements, and other procedures. In addition, proper management and conservation of District natural resources adjacent to agricultural fields requires clear guidelines from the District and a comprehensive conservation plan of such agricultural fields. District Staff has recently reviewed the present Policy (“Farm Management Program Policy for the Lake County Forest Preserve District *Updated September 9, 2014*”) and determined that it should be amended to provide improvements to the farm management policies and procedures.

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Manager of Board Operations, Corporate Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR SEPTEMBER MEETING
SEPTEMBER 10, 2025**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **OPERATIONS COMMITTEE** presents herewith “An Ordinance Approving an Amended Farm Management Program Policy,” and requests its approval.

OPERATIONS COMMITTEE:

Date: _____ Roll Call Vote: Ayes: ____ Nays: _____
 Voice Vote Majority Ayes; Nays: _____

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**AN ORDINANCE APPROVING AN AMENDED
FARM MANAGEMENT PROGRAM POLICY**

WHEREAS, certain properties acquired by the Lake County Forest Preserve District (the "District") as part of its land acquisition program are used for, or are capable of, agricultural production at the time of acquisition; and

WHEREAS, during the time period after the District purchases such a property, and prior to the District implementing the development, restoration, or other statutorily authorized permanent use of the property, the agricultural use of the property is often a cost-effective and appropriate interim land management tool; and

WHEREAS, the District has previously approved a policy to govern the management, use, and licensing of District properties for agricultural use (the "Original Policy"); and

WHEREAS, the goals of the Original Policy include the protection of natural resources within such properties during such interim use and establishment of a public bidding process for awarding farm licenses to the highest responsible bidders, which generates non-tax revenue for the District; and

WHEREAS, District staff and the Operations Committee have recommended that the District approve the amended "Farm Management Program Policy for the Lake County Forest Preserve District" attached hereto (the "Amended Policy"), effective January 1, 2026, to continue promoting the goals of the Original Policy and to improve farm management procedures and policies; and

WHEREAS, pursuant to Section 8 of the Downstate Forest Preserve District Act, 70 ILCS 805/8, the District is authorized to pass all necessary ordinances, rules, and regulations for the management of its property; and

WHEREAS, pursuant to Section 7b of the Downstate Forest Preserve District Act, 70 ILCS 805/7b, the District is authorized to issue licenses by ordinance for activities reasonably connected to the District's statutory purposes; and

WHEREAS, the District Board of Commissioners hereby finds that the interim agricultural use of District properties, in accordance with the Amended Policy, until such properties are developed, restored, or put to some other statutorily authorized permanent use, is an activity that is reasonably connected to the District's statutory purposes;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois **THAT**:

Section 1. Recitals. The recitals set forth above are incorporated as a part of this Ordinance by this reference.

Section 2. Approval of Amended Policy. The Amended Policy is hereby approved and shall take effect on January 1, 2026. The Operations Committee is authorized and directed to prepare and approve appropriate amendments to the Farm Management Program Procedures to implement the Amended Policy.

Section 3: Repealer. Any Ordinance or Resolution in conflict with this Ordinance shall be and is hereby repealed to the extent of such conflict.

Section 4: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this _____ day of _____, 2025

AYES:

NAYS:

APPROVED this _____ day of _____, 2025

Jessica Vealitzek, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District

Exhibit No. _____

FARM MANAGEMENT PROGRAM POLICY FOR THE LAKE COUNTY FOREST PRESERVE DISTRICT

I. INTRODUCTION

The Lake County Forest Preserve District (District) desires to promote the ecological integrity of its preserves and actively conserve, restore and manage its natural resources, including populations of native species and their habitats, so visitors to the District's preserves can enjoy their scenic beauty and diversity. In addition to natural resource conservation, the District provides for innovative education, recreation and cultural opportunities, and for visitor safety when pursuing these opportunities.

The rapid urbanization of Lake County has converted a predominantly agricultural and natural landscape into a mosaic of suburban and urban ~~developments~~development mixed with agricultural and remnant natural areas. Many parcels of land, ~~when acquired~~at the time of acquisition by the District, are in agricultural production. ~~During the time~~Continued agricultural use of the parcel is often a sound economic and ecological interim management strategy during the period after ~~the~~the purchase of such a parcel; and prior to the implementation on such parcel of a permanent District use (such as public access, facility improvement, or restoration projects), ~~continued agricultural use of the parcel is often an economical interim management strategy.~~ Therefore, it is in the District's best interest to continue to ~~operate~~implement a Farm Management Program (Program) to provide, where appropriate, for the interim farming use of such parcels until they are ready for permanent District uses. The benefits of the Program ~~including~~include a) providing for interim management of the parcel, b) generating revenue for the District; (directly or through the Preservation Foundation of the Lake County Forest Preserves (Foundation)), and c) allowing the District time to generate plans and funds for permanent District uses on such parcels.

This Farm Management Program Policy (Policy) implements the Program and establishes Policy Objectives (identified below) that will help the District achieve the Program's objectives. Collectively, the Policy Objectives promote a) implementation of farmland management standards that ensure adequate protection and conservation of natural resources and b) ~~equitable~~impartial and efficient assignment of farm licenses to farmers. The District will achieve the Policy Objectives through implementation of this Policy and "Farm Management Program Procedures" (Procedures). The ~~District's Finance and Administrative~~District's Operations Committee (~~F&A Committee~~) is authorized and directed to prepare, approve, amend, and implement the Procedures and may delegate to the District's Executive Director the authority to implement the Procedures or portions thereof.

II. POLICY OBJECTIVES

A. LAND ACQUISITIONS WITH EXISTING FARM LEASES

Objective:

- Provide a consistent and fair course of action for newly acquired parcels purchased by the District that are subject to existing farm leases.

It is not uncommon for the District to acquire a parcel that is subject to an existing farm lease. In that situation, the District will follow the ~~policy outlined in~~ land acquisition provisions of the then-current Land Preservation and Acquisition District's "Planning Committee Rules" that have been approved by the Land Preservation and Acquisition Committee and Board of Commissioners (Board), as they may be amended or replaced.

B. PUBLIC BID PROCESS

Objectives:

- Implement a fair, responsible and effective public bid process for farm licenses.
- Implement a public bid schedule that will complete, by December 31 of each year, the selection of parcels for bid, advertise that year, the advertisement for public bids, open for such parcels, the opening of public bids, and the award farm licenses by December 31 of each year for such parcels, based on such bids.
- Award bids to the highest, responsible bidder.

By September 1, District staff will ~~notify Licensees~~ provide a courtesy notice to each farm licensee (Licensee) with a farm licenses license (License) due to expire on December 31st of the current year of such expiration. If a License (or a farm lease that is assumed by the District upon acquisition of a parcel) is due to expire anytime other than December 31st, District staff will provide a courtesy notice to the Licensee 30 days in advance of expiration, or otherwise as required by the License or lease.

Generally, the Program will include a parcel only ~~parcels that are~~ if the parcel was subject to ~~existing a farm licenses or farm leases that lease at the time the District inherited when it purchased~~ acquired the parcels parcel. However, the F&A Operations Committee and Board may include other parcels in the Program. By October 15 of each year, District staff shall review the parcels that are subject to licenses or leases that are due to expire in or at the end of the current year and recommend to the Executive Director which District parcels, for the following year, should be (a) included in the Program, (b) retired from the Program, and (c) partially included and partially retired (as provided in Section II.E below). ~~During~~

Except in the case of Special Circumstances, as defined below, during November and December of each year, the Executive Director shall determine which District parcels will be ~~recommended to the F&A Committee for including~~ included in the Program and cause advertisements and competitive public bidding to occur for farm licenses for such parcels. The term for a ~~farm license~~ License generally will be four years; however, restoration or development opportunities may arise that require shorter license terms. Even if the District places advertisements for bids only in newspapers published in Lake County, any interested party may submit a bid. By December 31st of each year, (i) District staff will open the bids and, (ii) the F&A Operations Committee shall make any award recommend awards of farm licenses based upon such bids, and

(iii) the Board shall consider whether to award any such farm licenses in accordance with the Operations Committee recommendations.

If ~~the District~~ awards a farm license for a parcel through competitive bidding, the District's ~~F&A Operations~~ Committee will recommend, and the Board will make, such award to the highest, responsible bidder. Bidders will be evaluated based on their price per acre bid, their farming experience, and their past performance, including their performance pursuant to any previous farm licenses with the District. The District may request that a bidder provide references. Unless the ~~F&A Committee~~ Board specifically finds otherwise, ~~the F&A Committee shall deem~~ a bidder who owes outstanding license fees to the District or who has less than five years of farming experience will be deemed to be not responsible.

The above bid schedule is intended to allow (i) each ~~licensee~~ Licensee ample time to provide the District with the necessary documentation described in Section II.C, and order all necessary materials for spring planting and (ii) the District to prepare a Conservation Plan (CP) in accordance with Section II.C and II.F.

The Board may waive strict conformity with this Policy, including the procedures set forth in this Section II.B, if the Board determines that it is in the best interests of the District to do so, including if it determines that circumstances exist that make public bidding in accordance with such procedures impracticable or undesirable ("Special Circumstances"). Examples of Special Circumstances may include, but are not limited to: (a) expiration of a farm lease that was assumed by the District when it acquired the leased land, if that expiration does not align with the District's annual License bidding timeline; (b) a parcel that is not suitable for competitive public bidding because of lack of access or other physical limitations; (c) a parcel that is appropriate for installation of a crop that spans multiple calendar years (e.g. winter wheat is planted in late summer and harvested in early summer, but may provide enhanced soil stabilization over other crops); (d) award of a License without competitive bidding if the parcel was previously advertised and no responsible bids were received, or (e) restoration or public improvements are planned in the near future (prior to the expiration of a 4-year License term). In the event of Special Circumstances, the District may utilize such procedures as are in the District's best interests ("Alternative Procedures").

The Executive Director or their designee may, if they reasonably determine that Special Circumstances exist, utilize Alternative Procedures including: (i) soliciting and receiving public competitive bids on a different schedule than as set forth above, (ii) soliciting bids or proposals for a License term that does not begin on January 1 or end on December 31 of a given year, and/ or (iii) soliciting proposals from a responsible Licensee by means other than public competitive bidding. In such circumstances, the Operations Committee will review and recommend, and the Board will make the final decision as to, the award of any License utilizing Alternative Procedures.

C. FARM LICENSE AGREEMENT AND REQUIRED DOCUMENTATION

Objectives:

- Ensure that each Licensee performs farming activities in accordance with a standard District agreement and applicable laws, including State and County laws.

- Ensure that each Licensee maintains adequate insurance coverage for the District, which must be named as additional insured, and all parties that work on the farmed parcel.
- Ensure that each Licensee follows a CP that helps it reduce potential negative impacts to natural resources on the farmed parcel.
- Encourage communication among the Licensee, the District, and the Natural Resource Conservation Service (NRCS).

Upon award of a farm license to the highest responsible bidder ~~(Licensee)~~, the Licensee must execute a District “Farm License Agreement” in a form [recommended for approval by the Operations Committee](#) and approved by the ~~F&A Committee~~ Board. The Licensee may use the property subject to the Farm License Agreement (Licensed Property) only for the purpose of farming in accordance with the Farm License Agreement. To ensure that the Licensed Property is actually being managed, the Farm License Agreement will (i) require that the Licensee actually farm the Licensed Property and (ii) provide for termination of the Farm License Agreement by the District if the Licensee does not farm the Licensed Property as provided in the Farm License Agreement.

In addition to signing a Farm License Agreement, the Licensee shall provide the following documentation to the District before beginning work on the Licensed Property: a) State of Illinois Pesticide Applicators License for each person employed by Licensee or any subcontractor who will apply pesticide on the Licensed Property; b) a list of all persons that will work on the Licensed Property; c) proof of insurance as required by the Farm License Agreement; and d) up-to-date contact information of the Licensee. Licensee shall notify the District in writing of any changes to the information in the above required documentation. After the Licensee has executed the Farm License Agreement and has provided all of the above required documentation to the District, the District will provide the Licensee with information regarding NRCS technical assistance programs that will, among other things, foster Licensee's compliance with the CP, as provided in Section II.F.

D. FARM REVENUES

Objective:

- Provide a clear process for each Licensee to submit annual license fees timely, as required in its Farm License Agreement.

~~Each~~ [Unless otherwise provided in the Farm License Agreement, each](#) Licensee shall pay its annual license fee in full no later than December 31st of each year during the Farm License Agreement term by sending payment to:

Lake County Forest Preserve District
 Accounting Department
 Attention: Principal Account Clerk – Receivable
 1899 West Winchester Road
 Libertyville, Illinois, 60048

A Licensee's failure to timely pay license fees may result in termination of its Farm License Agreement. Each Licensee should direct questions regarding payment to the District Accounting Department and all other questions related to its Farm License Agreement to the ~~District Planning, Conservation and Development's~~ District's Natural Resource ~~Division~~ Department.

The Licensee, and not the District, shall be responsible for any and all real estate taxes or other taxes levied or assessed against the Licensed Property during the term of the Farm License Agreement.

E. FARM LICENSE RETIREMENTS, REDUCTIONS, AND TERMINATIONS

Objective:

- Provide a consistent, fair, and efficient course of action for the retirement, acreage reduction, and termination of Licensed Properties from the Program.

1. Annual Review by District

Prior to awarding ~~farm licenses~~ Licenses each year, the ~~F&A~~ Operations Committee shall review District staff's recommendations and determine whether each Licensed Property should (a) be retired from the Program, (b) remain in the Program and be included in the public bidding process for farm licenses, or (c) be reduced in acreage, so that it is partially retired from the Program and partially included in the public bidding process.

2. Termination or Reduction by District Before Expiration of Farm License Agreement

In addition, the ~~F&A~~ Operations Committee may retire or reduce a Licensed Property during the term of a Farm License Agreement, as provided in such Agreement. If the ~~F&A~~ Operations Committee approves the retirement or acreage reduction of a Licensed Property during the term of the Farm License Agreement applicable to the Licensed Property, it shall terminate the Farm License Agreement (in the event of a retirement) or amend the Farm License Agreement (in the event of an acreage reduction) by sending written notice of the termination or amendment to the Licensee at least 30 days in advance of such termination or amendment. If the District terminates or amends a Farm License Agreement, it shall equitably adjust the license fee and make certain reimbursements to the Licensee for chemicals, fertilizers, or loss of un-harvested crops, all as provided in the Farm License Agreement.

3. Termination by Licensee

A Licensee may request in writing that a Farm License Agreement be mutually terminated if natural conditions on the Licensed Property or other circumstances beyond the Licensee's control cause extreme economic hardship for the Licensee. Any such written request must be submitted to the District by February 1st of the year in which the Licensee desires to terminate the Farm License Agreement. The

Licensee's written request must describe the hardship experienced by the Licensee and the reasons for the hardship. The F&A Operations Committee may approve termination of a Farm License Agreement if it determines, in its sole discretion, that the Licensee did not cause the hardship and that the hardship justifies termination of the Farm License Agreement.

If the F&A Operations Committee approves a mutual termination, it may recommend, and the Board may award, in such manner as ~~the Board~~ deems appropriate, a new Farm License Agreement for the Licensed Property through December 31 of the year in which the Farm License Agreement was terminated.

4. Reasons for Retirement or Reduction

The F&A Operations Committee may retire a Licensed Property or reduce the acreage of a Licensed Property (a) because of immediate opportunities or implementation plans for site development or restoration, (b) if retirement or reduction from farming will protect restoration areas or habitat that support rare, threatened or endangered species, (c) if necessary or appropriate for the District to comply with tax covenants made by the District in its ordinances authorizing the issuance of tax-exempt bonds, or (d) for any other reason related to the management and operation of the District's properties and affairs.

F. NATURAL RESOURCE CONSERVATION

Objective:

- Improve the conservation and protection of soil resources, water quality, plant communities, wildlife, wildlife habitat and cultural resources on District lands.

With assistance from NRCS, the District will prepare a CP for each Licensed Property: on which the Licensee will engage in row crop farming, tillage, fertilizer application, or similar activities. The Licensee shall not commence work on ~~the~~such Licensed Property until the District approves a final CP for the Licensed Property. ~~The; provided, however, that in the event of delays beyond the reasonable control of Licensee, the Executive Director may authorize work prior to approval of the final CP and may establish reasonable limitations and conditions for such work. Following approval of the final CP, the~~ Licensee shall conduct all work on ~~the~~such Licensed Property in accordance with the CP. Each CP will (a) include a Resource Management System Plan (RMS) designed by the USDA with technical support provided by NRCS and (b) incorporate the District's Conservation Guidelines set forth in the District Farm Management Program Procedures approved by the ~~F&A Committee. Operations~~ Committee. Unless required by the Executive Director, generally, a CP will not be required for Licensed Properties that will be used solely for hay fields, grazing lands, or produce crops (collectively "Non-Row Crop Land").

The RMS will:

- (a) include guidelines for application of pesticides and fertilizers to the Licensed Property,
- (b) include a nutrient management plan requiring the Licensee to (i) account for all sources of Nitrogen (N), Phosphorus (P), and Potassium (K) that add nutrients to the soil, to help reduce the potential for over-application of fertilizer, (ii) provide for the timing of fertilizer application to ensure fertilizer is applied when plants require it and to limit nutrient loss by surface water runoff,
- (c) require that Licensed Property adjacent to wetlands to have a grassy or forested buffer between the Licensed Property and the wetlands,
- (d) require the use of grassy waterways within the Licensed Property to prevent or limit erosion, when the District determines this use is necessary, and
- (e) to the extent required by the District and not addressed above, address control of soil erosion, conservation of soil quality, maintenance of water quality, management of runoff, use of buffers and grassy waterways, nutrient management, pesticide management, wildlife habitat, and adjacent land use.

The incorporation of the District's Conservation Guidelines is intended to achieve a higher standard of natural resource conservation than would be accomplished by the RMS alone and to increase the protection of any wetlands and wildlife habitat adjacent to the Licensed Property.

Before a ~~license~~License for a Licensed Property expires, and before the District awards a new ~~license~~License for the ~~property~~Licensed Property pursuant to the competitive bidding process set forth in Section II.B, the District will, with assistance from NRCS, develop a CP for ~~each property~~that Licensed Property that will govern the next ~~license~~License term. Therefore, all Licensed Properties (except for new land acquisitions with pre-existing leases and Non-Row Crop Land) shall have District-approved CP's.

Each CP for a Licensed Property shall be kept on file with the District and delivered to NRCS. Any modifications to a CP during the term of the Farm License Agreement shall require approval by the District, in consultation with NRCS.

G. MONITORING CONSERVATION PRACTICES

Objective:

- Confirm that Licensees are in compliance with the terms of their Farm License Agreements and the CP's.

The District shall monitor each Licensee's compliance with its Farm License Agreement. The District will encourage NRCS to monitor compliance with the CP's, including random or targeted field assessments with the District to determine compliance. Monitoring may include percent residue surveys, field checks, review of CP's, and personnel contact with Licensees.

H. MAINTENANCE AND RESTORATION OF LICENSED PROPERTIES

Objective:

- To ensure that farm license fees are deposited into either (i) a special revenue fund for maintenance and restoration of Licensed Properties after they are retired from the Program or (ii) to an endowment fund of the Foundation.

The District shall maintain a special revenue fund (called the Farmland Management fund) into which farm ~~License~~License fees shall be deposited, unless otherwise expressly directed by the District's Board of Commissioners ~~during its~~(i) in the District's annual budget approval process or ordinance approving same or (ii) in an ordinance, resolution, or contract in which the Board directs that farm License fees be directed to the Foundation, to hold the same for a given fiscal year. the District in an endowment fund. The Farmland Management fund will be used to maintain Licensed Properties (including, without limitation, the installation and maintenance of wetland buffers and grass swales within or adjacent to Licensed Properties) and to restore Licensed Properties after they are retired from the Program (including, without limitation, ~~planting~~performing soil surveys and testing, mapping existing drainage infrastructure and planning for its disablement, installing a cover crop or native plant species, managing invasive species, managing animal damage, and mowing).