

**COLES COUNTY BOARD**  
**Regular Meeting**  
**January 12, 2016**

The regular meeting of the Coles County Board was called to order at 7:00 p.m. with the following members present, Paul Daily, Jan Eads, Dan Lawrence, Brian Marvin, Ron Osborne, Nancy Purdy, and Mike Zuhone with Chairman Stan Metzger presiding. Absent was members Brandon Bell, Mark Degler, Cory Sanders, and Marc Weber.

Following the Pledge to the Flag, the Invocation was given by Stan Metzger.

Motion was made by Daily, seconded by Marvin to approve the December 8, 2015 County Board minutes.

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)  
NAYS: None (0)  
ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION AUTHORIZING COLES COUNTY STATE'S ATTORNEY TO FILE  
SUIT AGAINST THE STATE OF ILLINOIS**

For a copy of the resolution see pages 3018 - 3028

Upon motion was made by Daily, seconded by Lawrence

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)  
NAYS: None (0)  
ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION RE: TAX SALE RESOLUTION**

For a copy of the resolution see page 3029

Upon motion by Marvin, seconded by Daily

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)  
NAYS: None (0)  
ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION RE: AMEND BUDGET COURT SERVICES**

For a copy of the resolution see page 3030

Upon motion by Marvin, seconded by Zuhone

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)

NAYS: None (0)

ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION RE: AMEND THE FOOD SANITATION ORDINANCE**

For a copy of the resolutions see pages 3031 - 3033

Upon motion by Zuhone, seconded by Purdy

AYES: Daily, Eads, Marvin, Metzger,  
Osborne, Purdy, Zuhone (7)

NAYS: Lawrence (1)

ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION TO RECOMMEND THAT COLES COUNTY BOARD AMEND THE  
COLES COUNTY PRIVATE SEWAGE CODE SYSTEM ORDINANCE  
TO RAISE PERMIT FEES**

For a copy of the resolutions see pages 3034

Upon motion by Zuhone, seconded by Osborne

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)

NAYS: None (0)

ABSENT: Bell, Degler, Sanders, Weber (4)

**AMENDMENT TO THE SERVICES AGREEMENT - GOOD ENERGY, L.P.**

For a copy of the resolution see page 3035

Upon motion by Daily, seconded by Lawrence

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)

NAYS: None (0)

ABSENT: Bell, Degler, Sanders, Weber (4)

**RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT  
FOR THE SUPPLY OF ELECTRICITY FOR RESIDENTIAL AND SMALL  
COMMERCIAL RETAIL CUSTOMERS WHO DO NOT OPT OUT OF SUCH A  
PROGRAM (Electric Aggregation)**

For a copy of the resolution see pages 3036-3039

Upon motion by Daily, seconded by Eads

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)

NAYS: None (0)

ABSENT: Bell, Degler, Sanders, Weber (4)

**APPOINTMENTS**

1. One appointment to the 911 Emergency Board
2. Two appointments to the Housing Authority

**ADJOURNED**

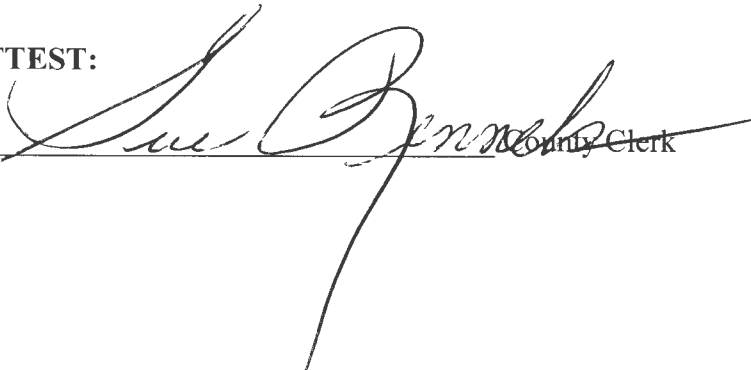
Upon motion by Zuhone, seconded by Marvin, the Coles County Board was adjourned at 7:45 p.m..

AYES: Daily, Eads, Lawrence, Marvin, Metzger,  
Osborne, Purdy, Zuhone (8)

NAYS: None (0)

ABSENT: Bell, Degler, Sanders, Weber (4)

**ATTEST:**

  
\_\_\_\_\_  
County Clerk

Agenda Item \_\_\_\_\_

Date: \_\_\_\_\_

Resolution No. \_\_\_\_\_

**COUNTY OF COLES**

**RESOLUTION AUTHORIZING COLES COUNTY STATE’S ATTORNEY TO FILE  
SUIT AGAINST THE STATE OF ILLINOIS**

WHEREAS, pursuant to statute the State of Illinois is required to partially reimburse counties for the salaries of State’s Attorney, Public Defender, and Supervisor of Assessment; and

WHEREAS, the State of Illinois has stopped reimbursing counties for said salaries citing a lack of a budget; and

WHEREAS, the Circuit Court of St. Clair County, Illinois, has determined said withholding of funds to be inappropriate; and

WHEREAS, the lack of reimbursement has and continues to create a financial burden on Coles County, Illinois.

NOW THEREFORE, BE IT RESOLVED by the County Board of the County of Coles and State of Illinois, that the Coles County State’s Attorney is hereby authorized and requested to file suit against the State of Illinois to obtain reimbursement. A copy of the initial pleading suggested for filing is attached hereto.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES \_\_\_\_\_ NAYS \_\_\_\_\_ ABSENT \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
Secretary

Prepared by: BRIAN L. BOWER, Coles County State’s Attorney, Coles County Courthouse, 651 Jackson Ave., Room 330, Charleston, IL 61920, Telephone: (217) 348-0561, Facsimile: (217) 348-0576

f:/CountyBoard/Resolution/ResolutionAuthorizingSuitAgainstStateofIllinois/rjp1-8-16

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
COLES COUNTY, ILLINOIS

THE COUNTY OF COLES,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 16-MR-
	)	
CONSTANCE BEARD, in her official capacity as	)	
Director of the Illinois Department of Revenue, and	)	
LESLIE GEISSLER MUNGER, in her official	)	
capacity as Comptroller of the State of Illinois,	)	
	)	
Defendants.	)	

**VERIFIED COMPLAINT**

COMES NOW Plaintiff, The County of Coles, by and through State’s Attorney, Brian L. Bower, and for its Verified Complaint against Defendants, CONSTANCE BEARD, in her official capacity as Director of the Illinois Department of Revenue, and LESLIE GEISSLER MUNGER, in her official capacity as Comptroller of the State of Illinois, states as follows:

**COUNT I  
(Mandamus)**

For Count I of its Verified Complaint pursuant to Article XIV of the Illinois Code of Civil Procedure (735 ILCS 5/14-101 *et seq.*), Plaintiff, The County of Coles, states as follows:

1. Plaintiff is a body politic and corporate organized and existing under the Illinois Counties code (55 ILCS 5/1-1 *et seq.*) and a taxing district within the meaning of Section 1-150 of the Illinois Property Tax Code (35 ILCS 200-1/150). Plaintiff is authorized to sue under Section 5-1001 and 2-9005 of the Illinois Counties Code (55/ILCS 5/5-1001; 55 ILCS 5/2-9005).
2. Defendant, Constance Beard, is the duly-appointed Director of the Illinois Department of Revenue and is sued in that official capacity.

3. Defendant, Leslie Geissler Munger, is the duly-appointed Comptroller of the State of Illinois and is sued in that official capacity.

4. Section 4-2001 of the Illinois County's Code pertinently provides for State reimbursement of "66  $\frac{2}{3}$ % of the total annual compensation to be paid to each state's attorney in Illinois based on the salary in effect on December 31, 1988, and 100% of the increases in salary taking effect after December 31, 1988", and further provides that, "[s]ubject to appropriation, said amounts furnished by the State shall be payable monthly by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund to the county in which each state's attorney is elected." 55 ILCS 5/4-2001(a).

5. Similarly, Section 3-40007(a) of the Illinois Counties Code provides that "[t]he public defender shall be paid out of the county treasury and, subject to appropriation, shall be paid by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund as provided in subsection (b)", which further provides that "[t]he State must pay 66  $\frac{2}{3}$ % of the public defender's annual salary." 55 ILCS 3-4007.

6. Finally, Section 3-40(c) of the Illinois Property Tax Code pertinently provides for reimbursement of the compensation of county supervisors of assessments as follows: "If the Department has determined that the total assessed value of property in a county, as equalized by the supervisor of assessments under Section 9-210, is between 31  $\frac{1}{3}$  % and 35  $\frac{1}{3}$  % of total fair cash value of property in the county, subject to appropriation, the Department shall reimburse the county monthly for the Personal Property Tax Replacement Fund 50% of the amount of salary the county paid to the officer for the preceding month." 35 ILCS 200/3-40.

7. Section 12 of the Illinois State Revenue Sharing Act (Act) creates the Illinois Property Tax Replacement Fund as a Special Fund in the State Treasury, and pertinently

provides for the allocation and payment of revenues realized therein to taxing districts, including Plaintiff, based upon a continuing appropriation, meaning such expenditures are authorized by law for multiple fiscal periods without the necessity of further legislative action:

\*\*\*. All amounts allocated pursuant to this Section are appropriated on a continuing basis.

Prior to December 31, 1980, as soon as may be after the end of each quarter beginning with the quarter ending December 31, 1979, and on and after December 31, 1980, as soon as may be after January 1, March 1, April 1, May 1, July 1, August 1, October 1 and December 1 of each year, the Department of Revenue shall allocate to each taxing district as defined in Section 1-150 of the Property Tax Code, in accordance with the provisions of paragraph (2) of this Section the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed, as provided in paragraph (1), for each quarter. Provided, however, under no circumstances shall any taxing district during each of the first two years of distribution of the taxes imposed by this amendatory Act of 1979 be entitled to an annual allocation which is less than the funds such taxing district collected from the 1978 personal property tax. Provided further that under no circumstances shall any taxing district during the third year of distribution of the taxes imposed by this amendatory Act of 1979 receive less than 60% of the funds such taxing district collected from the 1978 personal property tax. In the event that the total of the allocations made as above provided for all taxing districts, during either of such 3 years, exceeds the amount available for distribution the allocation of each taxing district shall be proportionately reduced. Except as provided in Section 13 of this Act, the Department shall then certify, pursuant to appropriation, such allocations to the State Comptroller who shall pay over to the several taxing districts the respective amounts allocated to them.\*\*\*”  
30 ILCS 115/12.

8. Pursuant to Section 12 of the Act, Plaintiff, as a taxing district, has a clear and affirmative right to payment from the Personal Property Tax Replacement Fund of the respective amount allocated to it thereunder.

9. Under Section 12 of the Act, it is the clear duty of Defendant Beard, as Director of the Illinois Department of Revenue, to allocate the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and certify such allocations.

and it is further the clear duty of Defendant Munger, as State Comptroller, to pay the several taxing districts, including Plaintiff, the respective amounts due them thereunder.

10. Section 12 of the Act provides Defendants with clear authority to so allocate and pay funds from the Personal Property Replacement Fund based upon a continuing appropriation.

11. Nevertheless, for the current Fiscal Year beginning July 1, 2015, Defendant Beard, as Director of Illinois Department of Revenue, has not allocated the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and certified such allocations, nor has Defendant Munger, as State Comptroller, paid the several taxing districts, including Plaintiff, the respective amount due them and Defendants have otherwise entirely failed to comply with Section 12 of the Act.

12. Defendants' inaction is purportedly based upon the lack of a State budget for the current Fiscal Year beginning on July 1, 2015 providing an appropriation (see Exhibit A), yet, upon information and belief, Defendants have and continue to make payments in the current Fiscal Year beginning on July 1, 2015 in the absence of such budget based upon similar statutory continuing appropriations, including but not limited to payments from the Local Government Distributive Fund (30 ILCS 115/1).

13. Unless compelled to do so by preemptory order of this Court, Defendant Beard will continue to refuse to allocate the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and certify such allocations, and Defendant Munger will continue to refuse to pay the several taxing districts, including Plaintiff, the respective amounts due them, and Defendants will continue to otherwise entirely fail to comply with Section 12 of the Act.



WHEREFORE. Plaintiff, THE COUNTY OF COLES, respectfully prays that this Court set this case for early hearing consistent with Sections 14-102, and 14-103 of the Illinois Code of Civil Procedure (735 ILCS 5/14-102; 735 ILCS 5/14-103), and enter Judgment of Mandamus in its favor and against Defendants, CONSTANCE BEARD, in her official capacity as Director of the Illinois Department of Revenue, and LESLIE GEISLER MUNGER, in her official capacity as Comptroller of the State of Illinois, as follows:

(a) Command that, for the Fiscal Year beginning July 1, 2015, Defendant Beard, as Director of the Illinois Department of Revenue, shall allocate the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and shall certify such allocations, and Defendant Munger, as State Comptroller, shall pay the several taxing districts, including Plaintiff, the respective amounts due them, including but not limited to the statutory reimbursements for the salaries of the Plaintiff's State's Attorney, Public Defender, and Supervisor of Assessments, and Defendants shall otherwise comply with Section 12 of the Act;

(b) Order that Defendants shall pay Plaintiff's attorney's fees and costs of this action in accordance with section 14-105 of the Illinois Code of Civil Procedure (735 ILCS 5/14-105); and

(c) Order such further relief as this Court may deem just and proper.

**COUNT II**  
**(Declaratory Judgment)**

For Count II of its Verified Amended Complaint pursuant to section 2-701 of the Illinois Code of Civil Procedure (735 ILCS 5/2-701), Plaintiff, THE COUNTY OF COLES, states as follows:

1. Plaintiff is a body politic and corporate organized and existing under the Illinois Counties code (55 ILCS 5/1-1 *et seq.*) and a taxing district within the meaning of Section 1-150 of the Illinois Property Tax Code (35 ILCS 200-1/150). Plaintiff is authorized to sue under Section 5-1001 and 2-9005 of the Illinois Counties Code (55/ILCS 5/5-1001; 55 ILCS 5/2-9005).

2. Defendant, Constance Beard, is the duly-appointed Director of the Illinois Department of Revenue and is sued in that official capacity.

3. Defendant, Leslie Geissler Munger, is the duly-appointed Comptroller of the State of Illinois and is sued in that official capacity.

4. Section 4-2001 of the Illinois County's Code pertinently provides for State reimbursement of "66 <sup>2</sup>/<sub>3</sub>% of the total annual compensation to be paid to each state's attorney in Illinois based on the salary in effect on December 31, 1988, and 100% of the increases in salary taking effect after December 31, 1988", and further provides that, "[s]ubject to appropriation, said amounts furnished by the State shall be payable monthly by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund to the county in which each state's attorney is elected." 55 ILCS 5/4-2001(a).

5. Similarly, Section 3-40007(a) of the Illinois Counties Code provides that "[t]he public defender shall be paid out of the county treasury and, subject to appropriation, shall be paid by the Department of Revenue out of the Personal Property Tax Replacement Fund or the General Revenue Fund as provided in subsection (b)", which further provides that "[t]he State must pay 66 <sup>2</sup>/<sub>3</sub>% of the public defender's annual salary." 55 ILCS 3-4007.

6. Finally, Section 3-40(c) of the Illinois Property Tax Code pertinently provides for reimbursement of the compensation of county supervisors of assessments as follows: "If the Department has determined that the total assessed value of property in a county, as equalized by

the supervisor of assessments under Section 9-210, is between  $31\frac{1}{3}\%$  and  $35\frac{1}{3}\%$  of total fair cash value of property in the county. subject to appropriation, the Department shall reimburse the county monthly for the Personal Property Tax Replacement Fund 50% of the amount of salary the county paid to the officer for the preceding month.” 35 ILCS 200/3-40.

7. Section 12 of the Illinois State Revenue Sharing Act (Act) creates the Illinois Property Tax Replacement Fund as a Special Fund in the State Treasury, and pertinently provides for the allocation and payment of revenues realized therein to taxing districts, including Plaintiff, based upon a continuing appropriation, meaning such expenditures are authorized by law for multiple fiscal periods without the necessity of further legislative action:

“\*\*\*. All amounts allocated pursuant to this Section are appropriated on a continuing basis.

Prior to December 31, 1980, as soon as may be after the end of each quarter beginning with the quarter ending December 31, 1979, and on and after December 31, 1980, as soon as may be after January 1, March 1, April 1, May 1, July 1, August 1, October 1 and December 1 of each year, the Department of Revenue shall allocate to each taxing district as defined in Section 1-150 of the Property Tax Code, in accordance with the provisions of paragraph (2) of this Section the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed, as provided in paragraph (1), for each quarter. Provided, however, under no circumstances shall any taxing district during each of the first two years of distribution of the taxes imposed by this amendatory Act of 1979 be entitled to an annual allocation which is less than the funds such taxing district collected from the 1978 personal property tax. Provided further that under no circumstances shall any taxing district during the third year of distribution of the taxes imposed by this amendatory Act of 1979 receive less than 60% of the funds such taxing district collected from the 1978 personal property tax. In the event that the total of the allocations made as above provided for all taxing districts, during either of such 3 years, exceeds the amount available for distribution the allocation of each taxing district shall be proportionately reduced. Except as provided in Section 13 of this Act, the Department shall then certify, pursuant to appropriation, such allocations to the State Comptroller who shall pay over to the several taxing districts the respective amounts allocated to them.\*\*\*.” 30 ILCS 115/12.

8. Pursuant to Section 12 of the Act, Plaintiff, as a taxing district, has a clear and affirmative right to payment from the Personal Property Tax Replacement Fund of the respective amount allocated to it thereunder.

9. Under Section 12 of the Act, it is the clear duty of Defendant Beard, as Director of the Illinois Department of Revenue, to allocate the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and certify such allocations. and it is further the clear duty of Defendant Munger, as State Comptroller, to pay the several taxing districts, including Plaintiff, the respective amounts due them thereunder.

10. Section 12 of the Act provides Defendants with clear authority to so allocate and pay funds from the personal property Replacement Fund based upon a continuing appropriation.

11. Never the less, for the current Fiscal Year beginning July 1, 2015, Defendant Beard, as Director of Illinois Department of Revenue, has not allocated the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and certified such allocations, nor has Defendant Munger, as State Comptroller, paid the several taxing districts, including Plaintiff, the respective amount due them and Defendants have otherwise entirely failed to comply with Section 12 of the Act.

12. Defendants' inaction is purportedly based upon the lack of a State budget for the current Fiscal Year beginning on July 1, 2015 providing an appropriation (see Exhibit A). yet, upon information and belief, Defendants have and continue to make payments in the current Fiscal Year beginning on July 1, 2015 in the absence of such budget based upon similar statutory continuing appropriations, including but not limited to payments from the Local Government Distributive Fund (30 ILCS 115/1).

13. Plaintiff has no adequate remedy at law concerning Defendants' continued refusal to comply with Section 12 of the Act, and Plaintiff will suffer irreparable harm if Defendants are not enjoined from such noncompliance.

WHEREFORE, Plaintiff, THE COUNTY OF COLES, respectfully prays this Honorable Court order this case set for early hearing as provided in section 2-701(b) of the Illinois Code of Civil Procedure (735 ILCS 5/2-701(b)), and thereafter enter judgment in favor of Plaintiff and against Defendants, CONSTANCE BEARD, in her official capacity as Director of the Illinois Department of Revenue, and LESLIE GEISSLER MUNGER, in her official capacity as Comptroller of the State of Illinois, as follows:

(a) A binding declaration of the rights of the parties to this case, including but not limited to a declaration that, for the current Fiscal Year beginning July 1, 2015, Defendant Beard, as Director of the Illinois Department of Revenue, shall allocate the portion of the funds held in the Personal Property Tax Replacement Fund which is required to be distributed and shall certify such allocations, and Defendant Munger, as State Comptroller, shall pay the several taxing districts, including Plaintiff, the respective amounts due them, including but not limited to the statutory reimbursements for the salaries of the Plaintiff's State's Attorney, Public Defender, and Supervisor of Assessments, and Defendants shall otherwise comply with Section 12 of the Act.

(b) A preliminary and permanent injunction requiring Defendants to so comply with Section 12 of the Act; and

(c) Such other relief as this Court deems just and proper.

Dated this \_\_\_\_ day of January, 2016

THE COUNTY OF COLES, Plaintiff

By: \_\_\_\_\_  
BRIAN L. BOWER, STATE'S ATTORNEY

**VERIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated this \_\_\_\_ day of January, 2016.

By: \_\_\_\_\_  
STAN METZGER, Chairman  
COLES COUNTY BOARD

Brian L. Bower  
Coles County State's Attorney  
Coles County Courthouse  
651 Jackson, Room 330  
Charleston, IL 61920  
Phone: (217) 348-0561  
Fax: (217) 348-0576  
f\ColesCounty\StateFundsReimbursement\Complaint\rjp\1-8-16



WHEREAS, The County of Coles, as Trustee for the Taxing Districts, has undertaken a program to collect delinquent taxes and to perfect titles to real property in cases in which the taxes on such real property have not been paid, pursuant to 35ILCS 200/21-90, and

WHEREAS, Pursuant to this program, the County of Coles, as Trustee for the Taxing Districts, has acquired an interest in the following described real estate:

MATTOON TOWNSHIP

PERMANENT PARCEL NUMBER: 07-2-12068-000

As described in certificates(s) : 201100346 sold October 2012

and it appearing to the Finance Committee that it would be to the best interest of the County to dispose of its interest in said property.

WHEREAS, Norris L. Gill, has bid \$649.00 for the County's interest, such bid having been presented to the Finance Committee at the same time it having been determined by the Finance Committee and the Agent for the County, that the County shall receive from such bid \$153.13 as a return for its certificate(s) of purchase. The County Clerk shall receive \$0.00 for cancellation of Certificate(s), the Tax Revolving Account Fund shall receive \$96.87 to reimburse the revolving account the charges advanced from this account, the auctioneer shall receive \$0.00 for his services and the Recorder of Deeds shall receive \$49.00 for recording. The remainder is the amount due the Agent under his contract for services. The total paid by purchaser is \$649.00.

THEREFORE, your Finance Committee recommends the adoption of the following resolution:

BE IT RESOLVED BY THE COUNTY BOARD OF COLES COUNTY, ILLINOIS, that the Chairman of the Board of Coles County, Illinois, be authorized to execute a deed of conveyance of the County's interest or authorize the cancellation of the appropriate Certificate(s) of Purchase, as the case may be, on the above described real estate for the sum of \$153.13 to be paid to the Treasurer of Coles County Illinois, to be disbursed according to law. This resolution to be effective for sixty (60) days from this date and any transaction between the above parties not occurring within this period shall be null and void.

ADOPTED by roll call vote this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

SALE TO NEW OWNER

01-16-001





# Resolution to Set Food Sanitation Permit Fees.

Whereas Section C(1) (a) of the Coles County Food Sanitation Ordinance states the Coles County Board of Health shall set fees to be collected annually by the Coles County Health Department to offset the cost of administering the program pursuant to This Ordinance.

In order to offset the cost for the Coles County Health Department to administer the Food Sanitation program pursuant to the Coles County Food Sanitation Ordinance, the Coles County Public Health Board (Board) resolves that the following fee schedule be established effective January 1, 2016:

## FULL TIME

\$300.00	category I facilities
\$250.00	category II facilities
\$200.00	category III facilities
\$100.00	Late fee for Full-time facilities if paid by October 1 of each year

\$35.00	temporary permit for each event and
\$10.00	temporary for churches and schools
\$100.00	temporary permit completed the day of the event

\$25.00 late fee for temporary permits not applied for 1-14 days prior to the event  
\$25.00 Cottage Food Registrations

## SEASONAL CLASSIFICATION (not to exceed six months)

\$150.00	category I facilities
\$125.00	category II and III facilities

## PLAN REVIEWS

### A. New Construction or conversion of existing structures:

100 to 1,000 square feet	\$225.00
over 1,000 to 10,000 square feet	\$270.00
over 10,000 to 50,000 square feet	\$350.00
over 50,000 square feet	\$400.00

### B. Extensive remodeling (75% or greater of A)

100 to 1,000 square feet	\$200.00
over 1,000 to 10,000 square feet	\$225.00
over 10,000 to 50,000 square feet	\$325.00
over 50,000 square feet	\$375.00

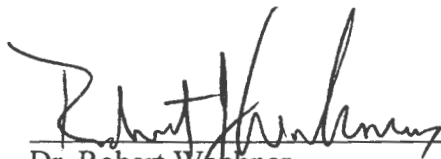
Minor remodeling (less 75% of A)	
100 to 1,000 square feet	\$150.00
over 1,000 to 10,000 square feet	\$175.00
over 10,000 to 50,000 square feet	\$225.00
over 50,000 square feet	\$275.00
Permanent Concession Facility	\$150.00

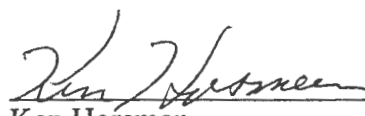
Permit fees are non-refundable.

This resolution has been moved by: Dr. Philip Kepp                      Seconded by Mr. Ken Horsman  
at a regular meeting of the Coles County Public Health Board held on November 12, 2015.

Motion Carried

Attested by:

  
\_\_\_\_\_  
Dr. Robert Wochner  
President

  
\_\_\_\_\_  
Ken Horsman  
Secretary/Treasurer

# Resolution to Recommend That Coles County Board Amend the Coles County Food Sanitation Ordinance

Whereas, the Coles County Board adopted the Food Sanitation Ordinance in 1977 which established the late fee for a renewal application at \$5.00 and that if the permit application and fees are not received within sixty (60) days past the expiration date a notice shall be issued in writing stating that all operations as a food establishment are to be immediately discontinued; and

Whereas the ordinance does not allow for charges for permits to any schools, religious, voluntary or non-profit community organizations and institutions; and

Whereas, the late fee does not encourage renewal applications to be submitted in a timely manner; and

Whereas the schools religious, voluntary or non-profit community organizations and institutions have practices and/or clientele that places them at a higher risk that require greater regulation oversight; and

Whereas, the late fee for renewal has not been changed in 38 years and the Department continues to provide services to these facilities;

Therefore be it resolved that request that the Coles County Board to amend the Coles County Food Sanitation Ordinance, Section C, 1(a) as follows:

“a. FEES: The Coles County Board of health shall set fees to be collected annually by the Coles County Health department to offset the cost of administering the program pursuant to this Ordinance. This fee is collected by the Coles County Health Department at the time of application for permit is submitted and shall be deposited to the Health Department fund. ~~There will be no charges for such permits to any schools, religious, voluntary or non-profit community organizations and institutions.~~

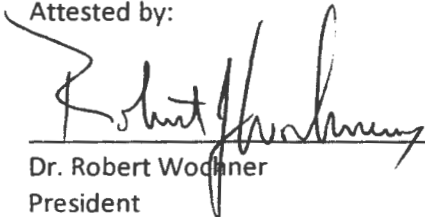
A late fee of \$100.00 shall be required for permit renewal applications submitted after the expiration date. If the permit application and fees are not received within seven days past the expiration date a notice shall be issued in writing stating that all operations as a food establishment are to be immediately discontinued. The notice shall also state that an opportunity for a hearing shall be provided for the applicant at a time and place designated by the Health Authority upon written request as provided in Section C1h.”

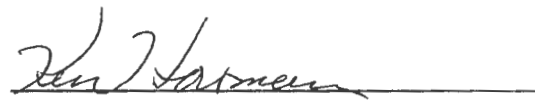
This resolution has been moved by: Dr. Philip Kepp

Seconded by: Mr. Ken Horsman

Motion carried.

Attested by:

  
Dr. Robert Wodtner  
President

  
Ken Horsman  
Secretary/Treasurer

# **Resolution to Recommend That Coles County Board Amend the Coles County Private Sewage Code System Ordinance to Raise Permit Fees.**

Whereas, the Coles County Board adopted the Private Sewage Disposal System Ordinance in 1978 and amended the Ordinance in 2010 which established the permit fee at \$100.00 for a single family dwelling without a surface discharge system, \$200.00 for a single family dwelling with a surface discharging system, \$200.00 per permit for all other without a surface discharging sewage systems, and \$300.00 for all other surface discharging sewage systems.; and

Whereas, the cost for the Coles County Health Department to fulfill the requirements to insure all systems are installed and maintained according to the Ordinance; and

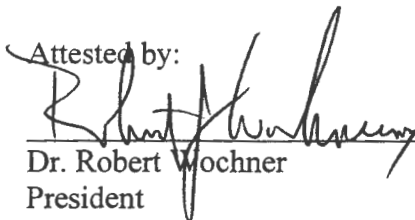
Whereas, the changes in types and design of private sewage disposal systems now require greater regulation oversight.

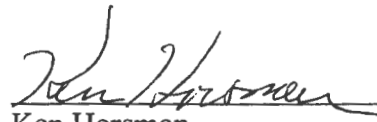
Now, Therefore be it resolved that request that the Coles County Board to amend the Coles County Private Sewage Disposal System Ordinance, Section 2.6 as follows:

AA fee may be charged for the initial construction permit, alteration, or extension of an individual sewage system. Said fee shall be \$200.00 for a single family dwelling without a surface discharge system, \$250.00 for a single family dwelling with a surface discharging system with an NPDES Permit, \$300.00 for a single family dwelling with a surface discharging system without an NPDES Permit. This fee shall be collected by the Coles County Health Department at the time the application for permit is submitted and shall be deposited into the Health Department fund. Permit fees are non-refundable.®

This resolution has been moved by: Dr. Philip Kepp                      Seconded by: Mr. Ken Horsman  
at a regular meeting of the Coles County Public Health Board held on November 12, 2015/

Motion carried

Attested by:  
  
\_\_\_\_\_  
Dr. Robert Wochner  
President

  
\_\_\_\_\_  
Ken Horsman  
Secretary/Treasurer

**AMENDMENT TO THE SERVICES AGREEMENT**

This Amendment to the Services Agreement, by and between the County of Coles, Illinois, located at 651 Jackson Ave. Charleston, Illinois and Good Energy, L.P., with offices located at 232 Madison Avenue, New York, NY 10016 (collectively, the "Parties") is hereby entered into as of January 12, 2016.

**WHEREAS**, the Parties entered into a Services Agreement (the "Agreement") in May, 2014 and

**WHEREAS**, the original term of the Agreement has expired.

**WHEREAS**, the Parties desire to renew and extend the Agreement under the same terms and conditions contained therein; and

**NOW, THEREFORE**, in consideration of the mutual promises contained herein and in the Agreement, and other good and valuable consideration given and received, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Agreement shall be automatically renewed and extended on its original terms and conditions upon each occasion when the County enters into or renews an electricity supply contract for its Municipal Electricity Opt-Out Aggregation Program. The Agreement shall automatically be renewed and extended for a term equal to that of the term of the electricity supply contract entered into or renewed by the County.
2. This Amendment binds the Parties and their successors or assigns.
3. This document, including the attached original Agreement, constitutes the entire agreement between the Parties, superseding any prior understandings, arrangements or agreements whether in writing or oral.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have executed this Amendment on the dates set forth below, to be effective as of the date first set forth above

GOOD ENERGY, L.P.  
By: Good Offices Technology Partners, LLC,  
General Partner

Coles County Board

Sign: \_\_\_\_\_

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT FOR THE SUPPLY OF ELECTRICITY FOR RESIDENTIAL AND SMALL COMMERCIAL RETAIL CUSTOMERS WHO DO NOT OPT OUT OF SUCH A PROGRAM (Electric Aggregation)**

**WHEREAS**, Section 1-92 of the Illinois Power Agency Act, 20 ILCS 3855/1- 92, permits a county, if authorized by referendum, to adopt an ordinance by which it may operate a program to solicit bids and enter into service agreements for the sale and purchase of electricity and related services and equipment to residential and small commercial customers who do not opt-out of such a program; and

**WHEREAS**, the County of Coles provides an opt-out electric aggregation program for eligible electric accounts within its jurisdiction; and

**WHEREAS**, such aggregation program was authorized by referendum passed by a majority vote of the qualified electors voting on the question; and

**WHEREAS**, because electricity is a commodity for which supply bids typically are made each morning and expire the same day at the close of business, the County must act promptly to accept any such desired bid in order to contractually guarantee a per kilowatt hour electric rate for its residential and small commercial customers; and

**WHEREAS**, the Coles County Board finds that the best interests of the County are served by authorizing the County to receive and review bids and, in consultation with the County's consultant Good Energy, LP, accept the bid most beneficial to the County, pursuant to 20 ILCS 3855/1-92, to aggregate the residential and small commercial retail electric loads located within the County and to arrange for competitive electric supply to these retail electrical accounts; and

**NOW, THEREFORE, BE IT RESOLVED by the County Board of Coles County, Illinois, as follows:**

**SECTION 1.** The statements set forth in the preamble to this Resolution are hereby found to be true and correct and are hereby incorporated into this Resolution as if set forth in full in Section 1.

**SECTION 2.** The corporate authorities of Coles County hereby authorize and direct the County, or its designee, Kelly Lockhart, to receive and review bids and, in consultation with the County's consultant Good Energy, LP, accept the bid most beneficial to the County without further action of the County Board. The County, or its designee, is hereby authorized to execute a service agreement with the bidder who submits the bid most beneficial to the County for the supply of electricity for residential and small commercial retail customers who do not opt out of such a program, without further action of the County Board, with said execution and attestation to take place within the applicable time constraints required by the bidder; provided, however, that the energy price to be paid per kilowatt hour pursuant to the service agreement is less than the default rate currently in effect, resulting in savings for the County residential and small commercial retail customers.

**SECTION 3.** All prior actions of the County officials, employees, and agents with respect to the subject matter of this Resolution are hereby expressly ratified.

**SECTION 4.** The provisions of this Resolution are hereby declared to be severable, and should any provision of this Resolution be determined to be in conflict with any law, statute, or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 5.** All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 6.** This Resolution shall be effective immediately and shall remain in effect until rescinded by Coles County, and shall remain in effect for the current bid and any and all future bids associated with each occasion when the renewal of an electricity supply

contract for its Municipal Electricity Opt-Out Aggregation Program exists.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]



Motion was made by \_\_\_\_\_, seconded by  
\_\_\_\_\_ that the Resolution be adopted.

**PASSED BY THE COUNTY BOARD OF COLES COUNTY, ILLINOIS, IN REGULAR  
AND PUBLIC SESSION THIS \_\_\_12TH\_\_\_ OF JANUARY, 2016.**

**Roll Call Vote:**

**Ayes:**

**Nays:**

**Absent:**

**APPROVED:**

\_\_\_\_\_  
**County Board Chairman**

**ATTEST:**

\_\_\_\_\_  
**Clerk**

**EXAMINED AND APPROVED:**

\_\_\_\_\_  
**Corporation Counsel**