



Resolution Appropriating Funds for the Payment of the County Engineer's Salary



Does the County participate in the County Engineer's Salary Reimbursement Program? Yes No

Resolution No 2020-03-10-A Section No 20-00000-00-CS STP Section No 20-CS051-00-AC

WHEREAS, the County Board of Fayette County has adopted a resolution establishing the salary of the County Engineer to be 100% of the recommended salary for the County Engineer as determined annually by the Illinois Department of Transportation, and percentage

WHEREAS, the County Board of Fayette County has entered into an agreement with the Illinois Department of

Transportation for transfer of Federal Surface Transportation Program funds to pay one-half of the salary paid to the County Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Fayette County Board that there is hereby appropriates the sum of

One Hundred Six Thousand Six Hundred and no/100 Dollars (\$106,600.00) from the County's

Motor Fuel Tax funds for the purpose of paying the County Engineer's salary from 05/01/20 to 04/30/21 and, beginning date ending date

BE IT FURTHER RESOLVED, that the Fayette County Board hereby authorizes the Department of Transportation, State of

Illinois to transfer Fifty Three Thousand Three Hundred and no/100 Dollars

(\$53,300.00) of Federal Surface Transportation Program funds allocated to Fayette County to the Department of Transportation in return for an equal amount of State funds; and

BE IT FURTHER RESOLVED, by the Fayette County Board that there is hereby appropriated the sum of

Two Thousand Four Hundred and no/100 Dollars (\$2,400.00) from the County's

Motor Fuel Tax funds for the purpose of paying the County Engineer's expenses from 05/01/20 to 04/30/21 beginning date ending date

I Vicky L. Conder County Clerk in and for said County of Fayette in the State of Illinois, and Name of Clerk County

keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by the County Board of Fayette at a meeting held on 03/10/20 date

I certify that the correct TIN/FEIN number for Fayette County is 37-6000800 Legal Status: Governmental. County TIN/FEIN Number

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 10th day of March, 2020 Day Month, Year

(SEAL)

Clerk Signature

[Handwritten signature of Vicky L. Conder]

APPROVED STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION

For resolutions involving a transfer of STR funds:

Omer Osman, P.E.

Secretary of Transportation

Date

BY:

Director, Office of Planning & Programming

Date

[Signature and Date boxes for Secretary of Transportation]

[Signature and Date boxes for Director, Office of Planning & Programming]

For information about IDOT's collection and use of confidential information review the department's Identity Protection Policy.

LPA NAME

Fayette

County

Section Number

200000000CS

STP Section Number

20CS05100AC

For IDOT Use Only

Dates of the existing agreement between IDOT and County _____ to _____
Beginning Ending

Dates of the new agreement between IDOT and County _____ to _____
Beginning Ending

ORDINANCE NO. 2020-03-10-B

AN ORDINANCE LIMITING CANNABIS BUSINESS ESTABLISHMENTS

WHEREAS, the County of Fayette, a body politic and corporate of the state of Illinois ("Fayette County") is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the County has the authority to enact ordinances to prohibit or significantly limit a cannabis business establishment's location; and

WHEREAS, the County has determined that the operation of cannabis business establishments would present adverse impacts upon the health, safety and welfare of the residents, and additional costs, burdens and impacts upon law enforcement and regulatory operations of the County; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF AS FOLLOWS:

SECTION 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Cannabis Business Establishments Limited.

1. Definitions. The following words and phrases shall, for the purposes of this Ordinance, have meanings respectively ascribed to them by this section, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: A cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 01-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION: A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers,, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A. IO1-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR: A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture: to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. IO1-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER: An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. O1-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

PERSON: Any person, firm, corporation, association, club, society or other organization, including any owner, manager, proprietor, employee, volunteer or agent.

2. **Cannabis Business Establishments Limited.** The following Adult-Use Cannabis Business Establishments are limited in the County of Fayette as noted below. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation of more businesses in each category within the County of Fayette of any of the following:
 - Adult-Use Cannabis Craft Grower - limited to three (3) State licensed businesses;
 - Adult-Use Cannabis Cultivation Center - limited to three (3) State licensed businesses;
 - Adult-Use Cannabis Dispensing Organization - limited to zero (0) State licensed businesses;
 - Adult-Use Cannabis Infuser Organization or Infuser - limited to two (2) State licensed businesses;
 - Adult-Use Cannabis Processing Organization or Processor - limited to two (2) State licensed businesses;
 - Adult-Use Cannabis Transporting Organization or Transporter - limited to five (5) State licensed businesses;
3. **Public Nuisance Declared.** Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this Ordinance is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
4. **Violations.** Violations of this Ordinance may be enforced in accordance with the provisions of the Fayette County Ordinances.

SECTION 3. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Passed by the County Board this 10th day of March, 2020.

AYES: 8

NAYES: 6

PRESENT: 14

ABSTAIN: 0

ABSENT: 0

Approved this 10th day of March, 2020.


Chairman, Fayette County Board




County Clerk, Fayette County Illinois

ORDINANCE NO. 2020-03-10-C

AN ORDINANCE ESTABLISHING A COUNTY CANNABIS RETAILERS'

OCCUPATION TAX IN THE COUNTY OF FAYETTE, ILLINOIS

WHEREAS, the County of Fayette, a body politic and corporate of the state of Illinois ("Fayette County") is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 101-0027, effective January 1, 2020, which is a comprehensive revision of State statutes regulating the adult use of cannabis in Illinois counties; and

WHEREAS, the County has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8) (the "Act"); and

WHEREAS, this Ordinance is intended to impose the tax authorized by the Act providing for a county cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF FAYETTE, ILLINOIS, THAT THIS ORDINANCE ESTABLISHING A COUNTY CANNABIS RETAILERS' OCCUPATION TAX BE AND HEREBY IS ADOPTED AS FOLLOWS:

SECTION I: Recitals.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance

SECTION II: Tax imposed; Rate.

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail locations in the County on the gross receipts from these sales at the following rates:

- (i) Three-point seven five percent (3.75%) of the gross receipts from these sales made in the course of that business in unincorporated areas of Fayette County; and
- (ii) Three percent (3.00%) of the gross receipts of sales made in a municipality located in Fayette County; and

(b) The imposition of this tax is in accordance with the provisions of the County Cannabis Retailers' Occupation Tax Law (55 ILCS 5/5-1006.8).

SECTION III: Collection of tax by retailers.

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (the "Department"). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

SECTION IV: Severability. The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION V: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January, 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue

Passed by the County Board this 10th day of March, 2020.

AYES:	<u>14</u>
NAYES:	<u>0</u>
PRESENT:	<u>14</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>

Approved this 10th day of March, 2020.



Chairman, Fayette County Board



County Clerk, Fayette County Illinois

ORDINANCE NO. 2020-03-10-D

**AN ORDINANCE PROVIDING AUTHORITY AND BUDGET ALLOCATION FOR ADDITIONAL SERVICES
REQUIRED FOR INTERNAL OPERATIONS OF THE OFFICE OF STATE'S ATTORNEY**

WHEREAS, (55 ILCS 5/Div. 3-9) defines the authorities of the Fayette County State's Attorney; and

WHEREAS, (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005) section (a)(4) and (a)(7) further defines the State's Attorney's responsibilities to serve the Fayette County Board and other Fayette County Elected Officials; and

"(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005) (a) (4) To defend all actions and proceedings brought against his county, or against any county or State officer, in his official capacity, within his county."

"(55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005) (a) (7) To give his opinion, without fee or reward, to any county officer in his county, upon any question or law relating to any criminal or other matter, in which the people or the county may be concerned."

WHEREAS, 55 ILCS 5/3-9006) (from Ch. 34, par. 3-9006 (a) defines the State's Attorney's authority to procure necessary services to perform those duties; and

(55 ILCS 5/3-9006) (from Ch. 34, par. 3-9006)

Sec. 3-9006. Internal operations of office; simultaneous county board tenure.

(a) Internal operations of the office. The State's Attorney shall control the internal operations of his or her office and procure the necessary equipment, materials, and services to perform the duties of that office.

WHEREAS, budgetary limitations within Fayette County make having multiple Assistant State's Attorneys with training and experience in all specialties of civil law unfeasible; and

WHEREAS, the lack of legal counsel in various specialties of civil law would place Fayette County elected officials at risk and potentially disadvantage Fayette County in legal endeavors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF FAYETTE, ILLINOIS, THAT THIS ORDINANCE ESTABLISHING PROCESSES FOR FUNDING SUCH SERVICES FOR THE STATE'S ATTORNEY AS MAY BE NECESSARY TO PERFORM THE DUTIES OF THAT OFFICE:

SECTION I: Recitals.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance

SECTION II: Routine Operations through Fiscal Year Budgeting and Allocation.

- (a) The State's Attorney shall present budget requests and participate in budget discussions each year as prescribed in the Fayette County Budget Scheduled published each year outlining the procedures for the submission of requests for the coming fiscal year.
- (b) The Fayette County Board shall allocate funds through the normal budget process to meet the operation needs of the State's Attorney.

SECTION III: Special Services Required by the State’s Attorney to Support Civil Legal Issues for Fayette County Elected Officials.

- (a) Circumstances may arise wherein legal counsel for The County Board and Fayette County Elected Officials is required on topics outside of the expertise of the State’s Attorney and Assistant State’s Attorney or may require time commitments beyond the capacity of the State’s Attorney staff.
- (b) In such incidents the State’s Attorney shall identify suitable services to augment the State’s Attorney’s operation to meet Fayette County’s need and shall petition the County Board for funds to acquire such services.

SECTION IV: Funding services procured by the State’s Attorney in support of the Fayette County Board or elected officials.

- (a) The Fayette County Board shall review the State’s Attorney’s petition for additional funds and, if approved, shall identify and authorize such funds as necessary to meet expenses related to services procured by the State’s Attorney in support of Fayette County.

SECTION V: Such procured services shall be provided to, and in support of the operation of the State’s Attorney Office and shall be under the direction of the State’s Attorney.

SECTION VI: Severability. The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION VII: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.



Passed by the County Board this 10th day of March, 2020.

AYES:	<u>14</u>
NAYES:	<u>0</u>
PRESENT:	<u>14</u>
ABSTAIN:	<u>0</u>
ABSENT:	<u>0</u>

Approved this 10th day of March, 2020.



Chairman, Fayette County Board


ATTEST


County Clerk, Fayette County Illinois