Village of University Park

VILLAGE OF UNIVERSITY PARK
BOARD OF TRUSTEES
Committee Of The Whole Meeting

Tuesday, November 12, 2019
90 Town Center Drive, University Park, Illinois
7:00 p.m.

Visitors are always welcome to all public meetings of the Board of Trustees. To comment on an issue, persons wishing to speak will be called upon by the Mayor during Section 4, General Public. The interested party will stand, identify themselves and make their comment.

In order to give proper consideration to all items on this agenda, the Mayor will limit participants in a debate and will close off protracted, repetitive, irrelevant or abusive remarks. Public Comments will be limited to a total of thirty (30) minutes.

AGENDA

1. CALL TO ORDER.

2. ROLL CALL.

3. PLEDGE OF ALLEGIANCE

4. GENERAL PUBLIC COMMENT.
   This is a comment forum, and if response is necessary, Board members may elect to respond formally at the next regular Board meeting.

5. BUSINESS DISCUSSION ITEMS:
   5-a1) Discussion – An Ordinance To Add “Cigar Lounges” As A Permitted Use In B-3 Commercial District.
   5-a2) Discussion An Ordinance Amending Part Twelve Title S.x Of The Village Of University Park Code Of Ordinances (Cannabis)
   5-a3) Discussion An Ordinance Amending Part Eight Title Two Of The Village Of University Park Code Of Ordinances (Cannabis Regulations)
5-a4) Discussion - An Ordinance Amending Part Eight Title Four Of The Village Of University Park Code Of Ordinances (Cannabis - Sales Tax)

5-a5) Discussion - An Ordinance Amending Part Two Title Four Chapter 210 Of The Village Of University Park Code Of Ordinances (Standing Rules)

5-a6: Discussion – A Resolution Making The Appointment Of And Designating The Village Manager As The TIF Administrator

5-a7) Discussion – Ordinance Muni-Buy

5-a8) Discussion – Leasing/Renovation Agreement With 201-U School District.

6. ADJOURNMENT
AGENDA SECTION: DISCUSSION

DOCKET NUMBER: 5-a1:

Discussion – An Ordinance Amending Title 6 Chapter 1258 Section 1258-03 As It Relates To Permitted Uses In B3 Commercial District (Cigar Lounges)

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance To Add “Cigar Lounges” As A Permitted Use In B-3 Commercial District.

The Plan Commission Held A Public Hearing On This Item In September But Was Unable To Reach A Consensus At That Time. Therefore, The Plan Commission Is Scheduled To Hold A Public Hearing And Special Meeting On This Item On Wednesday, November 13, 2019 at 7:00 p.m.

APPROVED: ____________________________
Ernestine B. Deck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ____________________________ Seconded By: ____________________________
Ordinance Number: ____________________________ Resolution Number: ____________________________
Comments: ____________________________
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER ____

AN ORDINANCE AMENDING
TITLE 6 CHAPTER 1258 SECTION 1258-03
AS IT RELATES TO PERMITTED USES
B3 COMMERCIAL DISTRICT

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLYSE BROOKS
CURTIS MCMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of University Park
on this the ____th day of ________, 2019
ORDINANCE NO. ___

AN ORDINANCE AMENDING
TITLE 6 CHAPTER 1258 SECTION 1258-03
AS IT RELATES TO PERMITTED USES
B3 COMMERCIAL DISTRICT

WHEREAS, the Village of University Park, Will and Cook Counties, Illinois (the "Village") is a home rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, the Village conducts an ongoing review of the text of its zoning regulations and other provisions regarding land use and development in the Village to identify amendments that will improve clarity in interpretation, increase flexibility for the commercial and retail business community and expedite development and maintaining the high-quality appearance of its commercial streetscape;

WHEREAS, a public hearing was held before the Village Planning and Zoning Commission, on August 20, 2019, to consider certain proposed text amendments to Title 6 Chapter 1258 Section 1258-03 providing for Tobacco Shops to be a permitted use in a B3 Commercial District, public notice of which was duly advertised in the ____________ on ____________, 2019;

WHEREAS, the Planning and Zoning Commission determined that such proposed text amendments comply with the standards set forth by the Village Code, will allow the Village to remain current with best land use management practices, and will facilitate business development in the Village;

WHEREAS, the Planning and Zoning Commission filed its Findings of Fact and Recommendations with the Village Board regarding such proposed text amendments in a report dated ____________, 2019 (hereinafter referred to as "Findings and Recommendations"); and
WHEREAS, the Board of Trustees of the Village reviewed the Findings and Recommendations and determined it appropriate to approve certain amendments to the Village Code, as amended, by the adoption of an ordinance further amending the Village Code;

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled by the Village President and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois pursuant to its home rule powers as follows:

Section One - Recitals

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Ordinance are full, true, and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two - Adoption of Findings and Recommendations

The Board of Trustees hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as Exhibit “A”, which is attached hereto and made a part hereof.

Section Three - Amendment to Village Code

Title 6 Chapter 1258 Section 1258-03 shall be amended and restated to include the following as a permitted use in a B3 Commercial District:

Cigar Lounge-Tobacco shops.

Section Four - Codification

The title, chapter(s) and section(s) adopted by this Ordinance shall be numbered and placed in an appropriate title, chapter(s), and section(s) sections when and during the codification of the University Park Municipal Code.

Section Five – Home Rule Power

This ordinance represents an exercise of the home rule powers conferred upon the Village of University Park by the Constitution of the State of Illinois. This ordinance is intended to preempt any ordinance, statute, law, requirement and/or regulation contrary to the regulations and
requirements contained herein to the extent permitted under the Constitution of the State of Illinois.

Section Six – Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Seven - Effective Date

This ordinance shall be in full force and effect after its passage, approval and publication in a manner provided by law.

Section Eight - Conflict Clause

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section Nine - Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the th day of __________, 2019:

__________________________
Joseph E. Roudez III
Mayor

ATTEST:

__________________________
Dorothy R. Jones, MMC
Village Clerk
STATE OF ILLINOIS ) ) SS
COUNTIES OF WILL AND COOK )

CLERK'S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. _________

AN ORDINANCE AMENDING
TITLE 6 CHAPTER 1258 SECTION 1258-03
AS IT RELATES TO PERMITTED USES
B3 COMMERCIAL DISTRICT

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on ____________, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said Ordinance were conducted openly, that the vote on the adoption of said Ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

______________________________
Dorothy R. Jones, MMC
Village Clerk
Exhibit A

Findings of Fact
LEGAL NOTICE
NOTICE OF A PUBLIC HEARING

PLEASE TAKE NOTICE that on the 13th day of November, 2019, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the Planning Commission of the Village of University Park will conduct a public hearing at 90 Town Center Drive, University Park, Illinois 60464 upon the proposal by the Village for text amendments to its Zoning Regulations so as to maintain its relevance to current land use and development patterns and trends, encourage harmonious and integrated development in the Village, and protect property values. The topics to be addressed as part of this hearing on the proposed text amendments are related to amendments to the Village's Zoning Code allowing for the permitted use of tobacco lounges/cigar shops within designated zoning districts within the corporate limits of the Village of University Park.

This Notice is given pursuant to the Village of University Park Zoning Regulations.

Persons requiring auxiliary aids and services should contact the Economic Development/Code Enforcement Department, 698 Burnham Drive, University Park, Illinois 60464, or call the Village Clerk (708) 473-6301 five (5) days prior to the meeting to inform of their anticipated attendance.

By Order Of The Corporate Authorities of The Village of University Park
Ernestine B. Beck-Fulgham, Village Manager

ATTEST: Dorothy R. Jones, MMC, Village Clerk
10/27/2019 6491194
AGENDA SECTION: DISCUSSION  
DOCKET NUMBER: 5-a2:

Discussion – An Ordinance Amending Part Twelve Title Six Of The Village Of University Park Code Of Ordinances (Cannabis Zoning – Special Use)

__________________________________________________________

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance Amending Part Twelve Title Six Of The Village Of University Park Code Of Ordinances (Cannabis Zoning – Special Use)

The Plan Commission Is Scheduled To Hold A Public Hearing And Special Meeting On This Item On Wednesday, November 13, 2019 at 7:00 p.m.

APPROVED: ________________________________  
Ernestine B. Beck-Fulgham,  
Village Manager

BOARD ACTION: Motion By: ________________________________  
Seconded By: ________________________________  
Ordinance Number: ________________________________  
Resolution Number: ________________________________  
Comments: ___________________________________________
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AMENDING
PART TWELVE TITLE SIX
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk
ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS McMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of University Park
on this the 26th day of November 2019
ORDINANCE NO. ______

AN ORDINANCE AMENDING
PART TWELVE TITLE SIX
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

WHEREAS, the Village of University Park (hereinafter referred to as the "Village") is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of University Park is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village has adopted and codified the Village of University Park Code of Ordinances (hereinafter referred to as the "Village Code"), as amended;

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter referred to as the "Act"), effective June 25, 2019, which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis;

WHEREAS, pursuant to the Act, the Village may enact reasonable zoning not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments;

WHEREAS, on __________ 2019 public notice was published in a newspaper of general circulation, of a public hearing to be held before the Village of University Park Planning Commission relating to proposed text amendments to the Village of University Park Code of Ordinances pertaining to the adoption of rules and regulations pertaining to allowing adult-use cannabis facilities as a special use in non-residential zoning districts;

WHEREAS, on November 13, 2019 a public hearing was convened before the Village of University Park Planning Commission to consider certain proposed text amendments relating to the adoption of rules and regulations pertaining to adult cannabis;
WHEREAS, the Planning Commission determined that such proposed text amendments comply with the standards set forth by the Village Code, will allow the Village to remain current with best land use management practices and will facilitate business development in the Village; and

WHEREAS, the Village is interested in amending its Village Code allowing for the use of recreational cannabis within identified zoning districts and to further review and consider additional amendments to reasonable regulate adult-use cannabis facilities within the Village of University Park; and

WHEREAS, the Corporate Authorities of the Village of University Park are of the opinion that that it is in the best interests of the safety, health and welfare of the residents to amend the village's code of ordinances as referenced herein.

NOW, THEREFORE, BE IT ORDEAID by the Mayor and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois, in open meeting assembled, pursuant to the Village of University Park's "Home Rule Powers" that the Village of University Park Code of Ordinances be amended and restated pursuant to the following revisions of said code which are adopted and made a part of and hereby restated as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Amendment to Part Twelve Title Six

Chapter 1254 Section 1254-03 shall be amended as follows:

(h) Adult-Use Cannabis Dispensing Organization

(hi) Accessory uses, including, but not limited to:

1. Off-street parking and loading as regulated in Chapter 1270; and

2. Signs as regulated in Chapter 1272; and

(ii) Planned Developments;
Chapter 1258 Section 1258-03 shall be amended by the addition of the following special use

(f) Adult-Use Cannabis Dispensing Organization

(g) Accessory uses, including, but not limited to:

(1) Off-street parking and loading as regulated in Chapter 1270; and

(2) Signs as regulated in Chapter 1272; and

(h) Planned Developments;

(i) Uses not explicitly enumerated in this section as special uses, but closely similar thereto, provided that such uses are not explicitly mentioned as permitted or special uses elsewhere in this Zoning Code.

Chapter 1260 Section 1260-04(a) shall be amended by the addition of the following special use

(9) Adult-Use Cannabis Craft Grower

(10) Adult-Use Cannabis Cultivation Center

(11) Adult-Use Cannabis Dispensing Organization

(12) Adult-Use Cannabis Infuser Organization or Infuser

(13) Adult-Use Cannabis Processing Organization or Processor

(14) Adult-Use Cannabis Transporting Organization or Transporter

(915) Uses not explicitly enumerated in this section as special uses, but closely similar thereto, provided that such uses are not explicitly mentioned as permitted or special uses elsewhere in this Zoning Code.

Part Twelve Title Six shall be amended by the addition of Chapter 1273, as follows:

CHAPTER 1273. - ADULT-USE CANNABIS

Sec. 1273-01. Purpose

Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits, non-residential zoning districts, of the Village of University Park. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided herein. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

Sec. 1273-02. Definitions

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis 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. 101-0027), 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 licensee 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. 101-0027), 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. 101-0027), 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. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Sec. 1273-02 Adult-Use Cannabis

(a) Special Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a special use in the respective zoning districts in which they are requested shall be processed in accordance with University of Park Village Code and Village of University Park Zoning Code as provided herein.

(b) Adult-Use Cannabis Facility Components: In determining compliance with the Village of University Park Zoning Code, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties: Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property. Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and
building code compliance. Hours of operation and anticipated number of customers/employees. Anticipated parking demand. Anticipated traffic generation in the context of adjacent roadway Village and access to such roadways. Site design, including access points and internal site circulation. Proposed signage plan.

(c) Adult-Use Cannabis Craft Grower: In those non-residential zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall provide one space per 1000 square feet of the proposed facility provided, however, that the Village may require that additional parking be provided as a result of additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101:0027).

(d) Adult-Use Cannabis Cultivation Center: In those non-residential zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall provide one space per 1000 square feet of the proposed facility provided, however, that the Village may require that additional parking be provided as a result of additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101:0027).

(e) Adult-Use Cannabis Dispensing Organization: In those non-residential zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located in a dwelling unit or within 1,000 feet of the property line of a pre-existing property zoned or used for residential purposes. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility shall also reflect adequate provisions to respond to disruptive
conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in the Village Code. For purposes of determining required parking, said facilities shall provide five spaces per 1000 square feet of the proposed facility, provided, however, that the Village may require that additional parking be provided as a result of additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027).

(f) Adult-Use Cannabis Infuser Organization: In those non-residential zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located in a dwelling unit or within 1,000 feet of the property line of a pre-existing property zoned or used for residential purposes. At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility provided, however, that the Village may require that additional parking be provided as a result of the additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027).

(g) Adult-Use Cannabis Processing Organization: In those non-residential zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located in a dwelling unit or within 1,000 feet of the property line of a pre-existing property zoned or used for residential purposes. At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility provided, however, that the Village may require that additional parking be provided as a result of the additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027).

(h) Adult-Use Cannabis Transporting Organization: In those non-residential zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following: Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section. Facility may not be located in a dwelling unit or within 1,000 feet of the property line of a pre-existing property zoned or used for residential purposes. The transporting organization shall be the sole use of the tenant space in which it is located.
Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act. For purposes of determining required parking, said facilities shall provide one space per 1000 square feet of the proposed facility, provided, however, that the Village may require that additional parking be provided as a result of the additional analysis. Petitioner shall file an affidavit with the Village affirming compliance with the Cannabis Regulation and Tax Act (P.A. 101-0027).

(i) Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the special use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

(ii) Co-Location of Cannabis Business Establishments. The Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Special Use criteria within the Village of University Park Municipal Code. In a co-location, the floor space requirements shall apply independently of each other.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections when and during the codification of the University Park Municipal Code.

Section Four – Home Rule Preemption

This ordinance represents an exercise of the home rule powers conferred upon the Village of University Park by the Constitution of the State of Illinois. This ordinance is specifically intended to preempt any statutory provision that it conflicts with to the extent permitted under the Constitution of the State of Illinois.

Section Five – Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.
Section Six - Constitutionality Clause

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of the University Park Municipal Code.

Section Seven - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the 26th day of November 2019:

________________________
Joseph E. Roudez III
Mayor

ATTEST:

________________________
Dorothy R. Jones, MMC
Village Clerk
STATE OF ILLINOIS    )    SS
COUNTIES OF WILL AND COOK    )

CLERK’S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. ________

AN ORDINANCE AMENDING
PART TWELVE TITLE SIX
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on November 26, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

______________________________________
Dorothy R. Jones, MMC
Village Clerk

(SEAL)
LEGAL NOTICE
NOTICE OF A PUBLIC HEARING

PLEASE TAKE NOTICE that on Wednesday, the 13th day of November 2019, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the Planning Commission of the Village of University Park will conduct a public hearing at 90 Town Center Drive, University Park, Illinois 60484 upon the proposal by the Village for text amendments to its Zoning Regulations so as to maintain its relevance to current land use and development patterns and trends; encourage harmonious and integrated development in the Village; and protect property values. The topics to be addressed as part of this hearing on the proposed text amendments are related to amendments to the Village’s Zoning Code to allow recreational cannabis sales in all non-residential zoning districts within the corporate limits of the Village of University Park. A copy of the proposed text amendment will be available in the Village of University Park Building Department for review.

This Notice is given pursuant to the Village of University Park Zoning Regulations.

Persons requiring auxiliary aids and services should contact the Code Enforcement/Economic Development Coordinator, 698 Burrham Drive, University Park, Illinois 60484, or call the Village Clerk at (708) 475-2201 five (5) days prior to the meeting to inform of their anticipated attendance.

For The Corporate Authorities of the Village of University Park, IL
Ernestine B. Beck-Fugham, Village Manager
ATTEST: Dorothy R. Jones, MMC, Village Clerk
10/27/2019 6491189
AGENDA SECTION: DISCUSSION

DOCKET NUMBER: 5-a3:

Discussion – An Ordinance Amending Part Eight Title Two Of The Village Of University Park Code Of Ordinances (Cannabis Regulations)

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance Amending Part Eight Title Two Of The Village Of University Park Code Of Ordinances (Cannabis Regulations)

The Plan Commission Is Scheduled To Hold A Public Hearing And Special Meeting On Zoning Related To This Item On Wednesday, November 13, 2019 at 7:00 p.m.

APPROVED: ____________________________

Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ____________________________ Seconded By: ____________________________

Ordinance Number: ____________________________ Resolution Number: ____________________________

Comments:
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AMENDING
PART EIGHT TITLE TWO
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS MCMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of University Park
on this the 26th day of November 2019
ORDINANCE NO. ______

AN ORDINANCE AMENDING
PART EIGHT TITLE TWO
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

WHEREAS, the Village of University Park (hereinafter referred to as the "Village") is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of University Park is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village has adopted and codified the Village of University Park Code of Ordinances (hereinafter referred to as the "Village Code"), as amended for the purpose of improving and protecting the public health, safety and general welfare of the residents;

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter referred to as the "Act"), effective June 25, 2019, which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis;

WHEREAS, pursuant to the Act, the Village may enact reasonable regulations pertaining to cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments;

WHEREAS, the Village is interested in amending its Village Code allowing for the use of recreational cannabis within identified zoning districts and to further review and consider additional amendments to reasonable regulate adult-use cannabis facilities within the Village of University Park; and

WHEREAS, Corporate Authorities of the Village are of the opinion that it is in the best interests of the health, welfare and public safety of the residents of the Village of University Park to amend its Village of University Park Code of Ordinances as referenced herein.
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois, in open meeting assembled, pursuant to the Village of University Park's "Home Rule Powers" that the Village of University Park Code of Ordinances be amended and restated pursuant to the following revisions of said code which are adopted and made a part of and hereby restated as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Amendment to Part Eight Title Two

Part Eight Title Two shall be amended by the addition of Chapter 809 as follows:

CHAPTER 809. - ADULT-USE CANNABIS BUSINESS ESTABLISHMENTS

Sec. 809-01 Purpose

Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits, non-residential zoning districts, of the Village of University Park. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided herein. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

Sec. 809-02 Definitions

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis 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. 101-0027), 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. 101-0027), 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. 101-0027), 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. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Section 809-3 License Required

It shall be unlawful for any person to operate any Adult-Use Cannabis Business Establishment in the Village without first obtaining:

(a) A valid license from the Illinois Department of Agriculture, Illinois Department of Financial and Professional Regulation, or other authorized State licensing agency.
(b) A Special Use Permit from the Village’s Planning and Zoning Board of Appeals, and
(c) An Adult-Use Cannabis Business License from the Village’s Cannabis Control Commissioner.

Section 809-4 Cannabis Control Commissioner

The Mayor shall be the local Cannabis Control Commissioner.

Section 809-5 Minimum Requirements for License

(a) Compliance with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027)
(b) Keeping within the spirit of the law, satisfies the following criteria as determined by the department of commerce an economic opportunity. The Village Trustees finds it to be in
the best interest of the Village to meet the spirit and intent of the State Statute by addressing the social equity objectives by meeting all of its "Social Equity" provisions including but not limited to addressing the historic negative impact of the "War on Drugs" in "Disproportionately Impacted Areas" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity; and "Disproportionately Impacted Areas" are those areas that meet at least one of the following criteria: (A) the area has a poverty rate of at least 20% according to the latest federal decennial census; or (B) 75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education; or (C) at least 20% of the households in the area Assistance Program; or (C) the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least consecutive calendar years preceding the date of the application; and has high rates of arrest, conviction, and incarceration related to sale, possession, use, cultivation, manufacture, or transport of cannabis.

(c) Satisfactory completion of an Application for Adult-Use Cannabis Business Establishment provided by the Village.

(d) Compliance with all applicable zoning restrictions, including obtaining a conditional use permit.

(e) Where the applicant is not the owner of the premises, a copy of a valid lease between the applicant and property owner for a minimum of one year.

(f) Applicant must hold a liability insurance policy.

(g) Applicant must hold a valid operating license from the Illinois Department of Agriculture and/or Illinois Department of Financial and Professional Regulation.

Section 809-6 Effect of License

(a) The issuance of any license pursuant to this Chapter shall not be deemed to create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution, or use of cannabis.

(b) The Applicant and all licensees waive and release the Village, its elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution from the license owners, operators, employees, clients, or customers for a violation of state or federal laws, rules, or regulations.

(c) The Applicant and all licensees, jointly and severally, agree to indemnify, defend, and hold harmless the Village, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the business that is the subject of the approval/license.

Section 809-7 Designated Number of Facilities

(a) The total number of Adult Use Cannabis Business Establishments shall not exceed 8 sites within the Village of University Park as follows:

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<tr>
<th>Adult-Use Cannabis Craft Grower</th>
<th>1 license</th>
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<tr>
<td>Adult-Use Cannabis Cultivation Center</td>
<td>1 license</td>
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</table>
Adult-Use Cannabis Dispensing Organization 2 licenses
Adult-Use Cannabis Infuser Organization or Infuser 1 license
Adult-Use Cannabis Processing Organization or Processor 2 licenses
Adult-Use Cannabis Transporting Organization or Transporter 1 license

(b) The number of licenses issued within the Village for the retail sale of Cannabis shall be reviewed periodically by the Village Trustees.

Section 809-8 Annual Fee and Host Community Agreement

(a) A Cannabis license issued under this chapter shall permit the licensee to sell cannabis in original packages for consumption off the licenses premises only. The annual license fee shall be in the amount $5,000.

(b) All Cannabis establishments under this section shall enter into Host Community Agreements (HCAs) with the Village. Specifically, a Cannabis establishment seeking to operate or continue to operate in the Village shall execute a host community agreement with the Village setting forth conditions which shall include, but not be limited to, all stipulations of responsibilities between the host community and the Cannabis establishment. An agreement between a Cannabis establishment and the Village may include a community impact fee for the Village, and all other fees allowed by state statute, in accordance with the Illinois Cannabis Regulation and Tax Act, P.A. 101-0027; provided, however, that the community impact fee shall be reasonably related to the costs imposed upon the Village by the operation of the Cannabis establishment and shall not amount to more than 3 per cent (3%) of the gross sales of the Cannabis establishment or be effective for longer than 5 years, exclusive of any state or local tax on the gross sales. Any cost to the Village imposed by the operation of a Cannabis establishment shall be documented and considered a public record. All HCAs shall address any known and additional impact of Cannabis related use on the municipal departments and services including but not limited to public safety, health services, schools and infrastructure, and any other stipulations deemed necessary by the Office of the Mayor and the Village Trustees, and such agreement shall accompany any required special permit application.

Section 809-9 Revocation or Suspension of Cannabis License

The Cannabis Control Commissioner may suspend, revoke, or fine any license issued under this division for any one or more of the following reasons:

1. Violation of the laws of the United States government, the State of Illinois, or any of the ordinances of the Village.
2. Willfully making any false statements as to material fact in the application for a license.
3. Revocation or suspension of State license.

Section 809-10

It is unlawful for any person conducting, operating, owning, or in control of any premises to sell cannabis or cannabis products, whether medical (medicinal) or adult use (recreational) within the Village of University Park unless such person holds a valid cannabis retailer licensetherefor, pursuant to the provisions of this chapter. All retail sales of any type, including online and delivery service sales, are included in this requirement and are unlawful without the required cannabis
retailer license. A separate cannabis retailer license is required for each location. If a proprietor has more than one location, a license is required for each.

Section 809-11 Application Contents

Each application shall contain:

(a) A complete identification of the applicant including name and address.
(b) Names, residence and business addresses of any copartners, including limited partners, or, if the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the date and place of incorporation, the names and residence addresses of each of the officers, directors, and each stockholder owning more than ten percent of the stock of the corporation.
(c) If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply;
(d) The names, residence and business addresses of the managers and persons to be in charge of the business;
(e) The name, residence and business address of the owner of the property, who shall indicate in writing his/her consent to cannabis retail sales being conducted on the property by signing the application in the space provided;
(f) A site plan, floor plan, and elevations of the property where the business will operate;
(g) An operations plan for the business and the name under which it is to be operated;
(h) Whether or not any person referred to herein has had a license or use permit for the same or any similar business suspended or revoked anywhere, and, if so, the circumstances of such suspension or revocation;
(i) The hours of operation;
(j) Such other related information as the planning department and police department may require.

Section 809-12 License Non-Transferable

A cannabis retailer license may not be transferred from one person to another. A new cannabis retailer license is required whenever a cannabis retailer location has a change in proprietor. Licensees may change locations contingent upon obtaining zoning approval, an administrative use permit for the new location(s) as well as approval from the state licensing agency for the new location.

Section 809-13 Annual Renewal

All cannabis retailer licenses are required to be renewed annually. Licensees shall submit annually for a confirmation of renewal to the police department by providing proof of renewal of their state license. The police department will review the license before issuing the renewal. A fee commensurate with the cost of reviewing the existing license, the new state license, the history of calls for service at the site, and a site visit as well as any other appropriate review and investigation shall be submitted with the renewal application. This fee shall be set by Village Trustees.

Section 809-14 Consumption of cannabis on premises

The use, consumption, ingestion or inhalation of cannabis or cannabis products or within the premises of any adult use cannabis business is prohibited.
Section 809-15 Consumption in public places

No person shall consume any cannabis on any street, alley, sidewalk, or other public property, or in any automobile or vehicle traveling upon or parked on any street, alley or public property, or in any automobile or vehicle traveling upon or parked on any street, alley, or public property, or shall have in his possession greater than 30g of cannabis.

Section 809-16 Payment and Purchase Required

Each retail sale of cannabis shall be made and payment received by the licensee under the provisions of this article for retail sale. Giving away directly or indirectly of any recreational cannabis by the holder of any licensee at his place of business either by himself or through any servant, agent, employee, or person on his behalf is hereby prohibited.

Section 809-17 Hours of Operation

A Cannabis Retailer may open no earlier than 7:00 a.m. and shall close no later than 10:00 p.m. the next day, Monday through Saturday, and from 10:00 a.m. on Sunday until 10:00 p.m. Hours of operation shall apply to all sales, delivery, and dispensing activities for the business. There shall be no hourly restrictions on non-retail Cannabis facilities, unless imposed by the Special Permit Granting Authority as part of site plan approval. No licensee shall permit any person other than himself or employees to remain in the premises where cannabis is offered for sale, longer than thirty (30) minutes after the closing hour.

Section 809-18 Signage

All signage and advertising shall comply with all applicable state laws and the University Park Code. Advertisements, signs, displays, or other promotional material depicting retail Cannabis uses or symbols shall not be shows or exhibited off the premises, or in any manner which is visible to the public from roadways, pedestrian sidewalks or walkways or from other public areas. No signage associated a licensee shall use the word “Cannabis”, “cannabis” or any other word or phrase commonly understood to refer to cannabis unless such word or phrase is immediately preceded by the word “retail” provided that no signage shall contain words such as “reefer”, “ganja” “weed” or other similar slang references to cannabis.

Section 809-19 Outside Storage

No outside storage of cannabis, cannabis products, related supplies, or educational materials is permitted, consistent with state statute.

Section 809-20 Visibility of activities

All activities of any licensee shall be conducted indoors consistent with state statute.

Section 809-21 Paraphernalia

Devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming cannabis, including but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a licensed business. No retail cannabis, cannabis products, or paraphernalia shall be displayed or kept in a retail cannabis store so as to be visible from
outside the licenses premises.

Section 809-22 Control of Emissions

Sufficient measure and means of preventing smoke, odors, debris, dust, fluids, and other substances from exiting a licensed business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a licensed business, the owner of the subject premises and licensee shall be jointly and severally liable for such condition. The licensee shall properly dispose of all such materials, items, and other substances in a safe, sanitary and secure manner and in accordance with all applicable Federal, State, and local laws and regulations.

Section 809-23 Landscaping

The proposed facility shall provide appropriate landscaping and urban design features to harmonize the proposed project with abutting uses so as to protect and enhance the aesthetics and architectural look and character of the surrounding neighborhood. This requirement may be modified or waived by the Special Permit Granting Authority. Any violation will be corrected within 15 days and if not corrected within the required time, all operations of the facility shall be suspended until the violation is corrected.

Section 809-24 Security Plan

A security plan shall be submitted to ensure the safety of employees, patrons and the public to protect the premises from theft or criminal activity. The Chief of Police, or their designee, shall offer comments to the Special Permit Granting Authority regarding the Security Plan. The security plan shall include, but not be limited to, the following:

(a) An interior flooring (including secured areas, windows, doors, etc.)
(b) Exterior lighting (if any)
(c) Exterior fencing (if any)
(d) Exterior gates (if any)
(e) Alarms

Section 809-25 Purchase or possession of cannabis by minor prohibited

(a) It shall be unlawful for any person under the age of twenty-one (21) years old to purchase or obtain cannabis in any place where cannabis is sold, or to have cannabis in his or her possession.
(b) No person under the age of twenty-one (21) years unaccompanied by his parent or legal guardian shall be permitted in or to loiter about any premises licensed under this chapter.
(c) It shall be unlawful for any person under the age of twenty-one (21) years old to misrepresent his or her age for the purpose of purchasing or obtaining cannabis.
(d) It shall be unlawful for any adult to give, sell, or deliver to any minor, directly or indirectly, any cannabis.
(e) A parent or guardian shall not knowingly suffer or permit his or her minor child to violate any provisions of this article.

Section 809-25 Liability and Indemnification

(a) The Applicant and all licensees waive and release the Village, its elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of
any kind that result from any arrest or prosecution of the facility owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(b) The Applicant, in receiving approvals issued pursuant to this chapter, and all licensees, jointly and severally, if more than one, agree to indemnify, defend and hold harmless the Village, its elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the facility that is the subject of the approval/license.

Section 809-26 Other Laws Remain Applicable

(a) Business License Required. At all times while a permit is in effect the licensee shall possess a valid business license as required by the University Park Municipal Code.

(b) To the extent that the state has adopted or adopts in the future any additional or stricter law or regulation governing the cultivation, manufacturing, testing, research or retail of Cannabis or Cannabis Products, the additional or stricter regulation shall control the facility in the Village. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this chapter, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

(c) Any facility may be required to demonstrate, upon the request by law enforcement officers of the University Park Police Department or the Illinois State Police Department and/or the local licensing authority by criteria set by the Mayor and the Village Trustees consistent with state statute, and the Cannabis Control Commissioner ("CCC"), that the source and quantity of any Cannabis found upon the licensed premises are in full compliance with any applicable state law or regulation.

(d) The issuance of any license pursuant to this chapter shall not be deemed to create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, possession, sale, distribution or use of Cannabis.

(e) Prior to the issuance of a Special Use Permit or site plan approval, the facility must have entered into a host community agreement with the Village. If, upon review by the CCC or Village Trustees, the facility is found not to be fully in compliance with the host community agreement, the Special Use Permit may be suspended or rescinded by the CCC.

Section 809-98 Violations and Penalty

(a) If the owner of the premises licensed under this chapter or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, shall knowingly permit the licensee to use the licensed premises in violation of the terms of this article, the owner, agent or other person shall be deemed guilty of a violation of this article to the same extent as the licensee and shall be subject to the same punishment as the licensee.

(b) Every act or omission constituting a violation of any of the provisions of this chapter, by any officer, director, manager, or agent, or employee of any licensee shall be deemed and held to be the act of such employer or licensee, and the employer or licensee shall be subject to punishment in the same manner as if the act or omission had been done or omitted by him personally.

(c) Any violation of the terms and conditions of a Special Use Permit or any section of the Zoning Ordinance that is not abated within seven (7) days after proper notice shall be
subject to a fine of $500.00 per violation per day.

Section 809-99 Suspension and Revocation

(a) In addition to any other remedy authorized by law, a cannabis retailer license may be suspended and/or revoked if the Chief of Police, the Planning Director, or their designees find that the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions of the special use permit, state law, or the Village's Municipal Code. During any period of license suspension, the business must remain closed and no operations may continue.

(b) Suspension of License. Upon the Chief of Police, the Planning Director, or their designees determining a violation of the requirements, conditions, or prohibitions of the use permit, state law, or the Village’s Municipal Code has occurred, a cannabis retailer license shall be suspended for up to sixty days.

(c) Revocation of License. Upon the Chief of Police, the Planning Director, or their designees determining that a second violation of the requirements, conditions, or prohibitions of the use permit, state law, or the Village’s Municipal Code has occurred, the cannabis retailer license shall be revoked and no new license may be issued for the proprietor or any other business entity in which the proprietor is a partner or owner of ten percent or more of the business for a period of five years from the date of revocation.

(d) Appeal of Suspension or Revocation. A licensee may appeal the suspension or revocation of a cannabis retailer license to the Village Trustees by filing an appeal with the planning department within 10 working days of the revocation.

(e) Any Adult Use Cannabis business establishment shall remove all material, cannabis products, equipment, signs, and other paraphernalia prior to the expiration of its license or immediately following revocation or voiding of its licensure and/or registration. If the license holder discontinues use, he or she shall immediately notify the cannabis commissioner, the University Park Police Chief, and the Zoning Board.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the University Park Municipal Code.

Section Four – Home Rule Preemption

This ordinance represents an exercise of the home rule powers conferred upon the Village of University Park by the Constitution of the State of Illinois. This ordinance is specifically intended to preempt any statutory provision that it conflicts with to the extent permitted under the Constitution of the State of Illinois.

Section Five - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall
be repealed to the extent of said conflict.

Section Six - Constitutionality Clause

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of the University Park Municipal Code.

Section Seven - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the 26th day of November, 2019:

[Signature]
Joseph E. Roudez III
Mayor

ATTEST:

[Signature]
Dorothy R. Jones, MNC
Village Clerk
STATE OF ILLINOIS  )
COUNTIES OF WILL AND COOK  )

CLERK’S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. ________

AN ORDINANCE AMENDING
PART EIGHT TITLE TWO
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on November 26, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

Dorothy R. Jones, MMC
Village Clerk

(SEAL)
AGENDA SECTION: DISCUSSION

DOCKET NUMBER: 5-a4:

Discussion – An Ordinance Amending Part Eight Title Four Of The Village Of University Park Code Of Ordinances (Cannabis - Sales Tax)

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance Amending Part Eight Title Four Of The Village Of University Park Code Of Ordinances (Cannabis - Sales Tax)

The Plan Commission Is Scheduled To Hold A Public Hearing And Special Meeting On Zoning Related To This Item On Wednesday, November 13, 2019 at 7:00 p.m.

APPROVED: ________________________________
Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ___________________________ Seconded By: ___________________________
Ordinance Number: ___________________________ Resolution Number: ___________________________
Comments:
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AMENDING
PART EIGHT TITLE FOUR
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS McMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of University Park
on this the 26th day of November, 2019
ORDINANCE NO. ______

AN ORDINANCE AMENDING
PART EIGHT TITLE FOUR
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

WHEREAS, the Village of University Park (hereinafter referred to as the “Village”) is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of University Park is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village has adopted and codified the Village of University Park Code of Ordinances (hereinafter referred to as the “Village Code”), as amended for the purpose of improving and protecting the public health, safety and general welfare of the residents;

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (hereinafter referred to as the “Act”), effective June 25, 2019, which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis;

WHEREAS, pursuant to the Act, the Village may enact reasonable regulations pertaining to cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments and may implement a tax on the sale of adult-use cannabis;

WHEREAS, the Village is interested in amending its Village Code allowing for the taxation on sale of recreational cannabis within identified zoning districts in the Village of University Park; and

WHEREAS, Corporate Authorities of the Village are of the opinion that it is in the best interests of the health, welfare and public safety of the residents of the Village of University Park to amend its Village of University Park Code of Ordinances as referenced herein.
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois, in open meeting assembled, pursuant to the Village of University Park’s “Home Rule Powers” that the Village of University Park Code of Ordinances be amended and restated pursuant to the following revisions of said code which are adopted and made a part of and hereby restated as follows:

Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Amendment to Part Eight Title Four

Part Eight Title Two shall be amended by the addition of Chapter 897 as follows:

CHAPTER 897 – RECREATIONAL CANNABIS EXCISE TAX

Sec. 897-01 Definitions

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT: An adult-use cannabis 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. 101-0027), 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. 101-0027), 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. 101-0027), 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. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

Section 897-02 Levy of Recreational Cannabis Excise Tax

In accordance with P.A. 101-0027, the Village of University Park hereby adopts a 3% gross sales tax applicable to Cannabis retailers. The Cannabis retailer shall pay the local sales tax imposed under this Public Act, pursuant to law.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the University Park Municipal Code.

Section Four – Home Rule Preemption

This ordinance represents an exercise of the home rule powers conferred upon the Village of University Park by the Constitution of the State of Illinois. This ordinance is specifically intended to preempt any statutory provision that it conflicts with to the extent permitted under the Constitution of the State of Illinois.

Section Five - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.
Section Six - Constitutionality Clause

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of the University Park Municipal Code.

Section Seven - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the 26th day of November, 2019:

Joseph E. Roudez III
Mayor

ATTEST:

Dorothy R. Jones, MNC
Village Clerk
STATE OF ILLINOIS  
COUNTIES OF WILL AND COOK  

CLERK'S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. __________

AN ORDINANCE AMENDING  
PART EIGHT TITLE FOUR  
OF THE VILLAGE OF UNIVERSITY PARK  
CODE OF ORDINANCES

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on November 26, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

__________________________  
Dorothy R. Jones, MMC  
Village Clerk  

(SEAL)
AGENDA SECTION: DISCUSSION

DOCKET NUMBER: 5-a5:

Discussion – An Ordinance Amending Part Two Title Four Chapter 210 Of The Village Of University Park Code Of Ordinances (Standing Rules)

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance Amending Part Two Title Four Chapter 210 Of The Village Of University Park Code Of Ordinances (Standing Rules) (Consent Agenda)

APPROVED: ___________________________

Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ______________ Seconded By: ______________
Ordinance Number: ______________ Resolution Number: ______________
Comments: 
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AMENDING
PART TWO TITLE FOUR CHAPTER 210
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS McMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the Mayor and the Board of Trustees of the Village of University Park on this the 26th day of November, 2019
ORDINANCE NO. _____

AN ORDINANCE AMENDING
PART TWO TITLE FOUR CHAPTER 210
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

WHEREAS, the Village of University Park (hereinafter referred to as the “Village”) is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

WHEREAS, the Village of University Park is a home rule unit of local government with authority granted pursuant to the Illinois Constitution of 1970, to exercise certain powers and perform certain functions pertaining to its local government and affairs;

WHEREAS, the Village has adopted and codified the Village of University Park Code of Ordinances (hereinafter referred to as the “Village Code”), as amended;

WHEREAS, the Village Code provides certain “Standing Rules” setting forth procedural requirements and guidelines relating to the organization and function of Village Board Meetings;

WHEREAS, the Village is interested in amending its Village Code to provide for the use of a consent agenda; and

WHEREAS, the Corporate Authorities of the Village of University Park are of the opinion that it is in the best interests of the safety, health and welfare of the residents to amend the village’s code of ordinances as referenced herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois, in open meeting assembled, pursuant to the Village of University Park’s “Home Rule Powers” that the Village of University Park Code of Ordinances be amended and restated pursuant to the following revisions of said code which are adopted and made a part of and hereby restated as follows:
Section One – Recitals

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Amendment to Part Two Title Four Chapter 210

Part Two Title Four Chapter 210 Section 210-02 shall be amended as follows:

Section 210-02(a) and (b) shall be restated as follows:

(a) Special Rule One. The order of business for regular meetings of the Board shall be as follows:

(1) Call to Order;
(2) Roll Call;
(3) Pledge of Allegiance;
(4) Approval of Agenda;
(5) Approval of Minutes;
(6) General Public;
(7) Consent Agenda:
   (a) Items to be removed from consent agenda;
   (b) Place on items on the consent agenda;
   (c) Approval of consent agenda;
(8) Unfinished Business;
(9) New Business;
(10) Executive Session (if needed);
(11) Reports of Mayor, Board of Trustees, Clerk, Manager, appointed officials and committees;
(12) Announcement of scheduled meetings;
(13) Adjournment

(b) Special Rule Two. No main motion may be brought to a vote other than under the consent agenda, old business or new business. This does not apply to procedural motions, motions or points of order, motions to acknowledge receipt of reports, motions to suspend or modify the agenda (e.g. to place an additional item under new business), motions to recess or adjourn, etc.

Section Three – Codification

The title, chapter(s) and section(s) adopted by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) sections when and during the codification of the University Park Municipal Code.
Section Four – Home Rule Preemption

This ordinance represents an exercise of the home rule powers conferred upon the Village of University Park by the Constitution of the State of Illinois. This ordinance is specifically intended to preempt any statutory provision that it conflicts with to the extent permitted under the Constitution of the State of Illinois.

Section Five - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

Section Six - Constitutionality Clause

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of the University Park Municipal Code.

Section Seven - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Eight - Publication

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

Section Nine - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the 26th day of November, 2019:

Joseph E. Roudez III
Mayor

ATTEST:

Dorothy R. Jones, MMC
Village Clerk
STATE OF ILLINOIS  
COUNTIES OF WILL AND COOK 

CLERK'S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. __________

AN ORDINANCE AMENDING
PART TWO TITLE FOUR CHAPTER 210
OF THE VILLAGE OF UNIVERSITY PARK
CODE OF ORDINANCES

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on November 26, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

______________________________  (SEAL)
Dorothy R. Jones, MMC
Village Clerk
VILLAGE OF UNIVERSITY PARK

Request For Board Action

AGENDA SECTION: DISCUSSION

Discussion – A Resolution Making The Appointment Of And Designating The Village Manager As The TIF Administrator

DOCKET NUMBER: 5-a6:

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is A Resolution Making The Appointment Of And Designating The Village Manager As The TIF Administrator

APPROVED: ________________________________

Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ________________________________ Seconded By: ________________________________

Ordinance Number: ________________________________ Resolution Number: ________________________________

Comments:
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

RESOLUTION
NUMBER _____

A RESOLUTION
MAKING THE APPOINTMENT OF AND
DESIGNATING THE VILLAGE MANAGER AS
THE TIF ADMINISTRATOR

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS MCMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the
Mayor and the Board of Trustees of the Village of University Park
on this the 26th day of November, 2019
RESOLUTION NUMBER _____

A RESOLUTION
MAKING THE APPOINTMENT OF AND
DESIGNATING THE VILLAGE MANAGER AS
THE TIF ADMINISTRATOR

WHEREAS, the Village of University Park, Will and Cook Counties, Illinois is a Municipal Corporation organized pursuant to the Laws of the State of Illinois;

WHEREAS, the Village of University Park is a home rule unit of local government pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, the Village of University Park has previously adopted a managerial form of municipal government that is subject to the requirements of Article 5 of the Illinois Municipal Code;

WHEREAS, pursuant to Village of University Park Code of Ordinances Title 6, Chapter 220 Section 220-02 the Mayor and Board of Trustees have previously appointed a Village Manager in the Village of University Park;

WHEREAS, the Village of University Park (hereinafter referred to as the "Village") currently has several TIF Districts and as a result of which is in need a TIF Administrator to properly administer the respective TIF Districts;

WHEREAS, the Village Board is interested in assigning to the Village Manager the responsibilities and duties of the Village’s TIF District Administrator for all of the Village’s TIF Districts; and

WHEREAS, it is the desire of the Mayor and Board of Trustees to assign the duties of the TIF Administrator to the Village Manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Trustees of the Village of University Park, Will and Cook Counties, Illinois, pursuant to its Home Rule Powers, as follows:
Section One - Recitals

The Corporate Authorities hereby find that all of the recitals stated above in the preamble to the resolution are full, true and correct and do hereby, by reference, incorporate and make them part of this resolution as legislative findings.

Section Two – TIF Administrator

The Board of Trustees hereby appoints the Village Manager, Ernestine B. Beck-Fulgham to assume the duties and responsibilities as the Village’s TIF Administrator.

Section Four – Compensation

In addition to the Village Manager’s current salary the Village Manager shall receive $1,000.00 per month per TIF District to serve in the capacity as TIF Administrator and assume all of the duties and responsibilities associated therewith.

Section Five - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct to allocate and spend all necessary funds to fulfill the requirements of this Resolution.

Section Six – Effective Date

This resolution shall be in full force and effect from and after its passage, approval and publication as provided by law.

Section Seven – Conflict Clause

To the extent that any resolutions, parts of resolutions or board actions are in conflict herewith the terms and conditions contained herein shall prevail.

Section Eight - Publication

This resolution shall be published in book or pamphlet form as provided by the Illinois Municipal Code.
Section Nine – Saving Clause

If any section, paragraph, clause or provision of this resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this resolution which are hereby declared to be separable.

Section Eleven – Ten

This resolution shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of University Park.
DECIDED pursuant to a Roll Call Vote:

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PASSED AND APPROVED by the Village of University Park Board of Trustees on the 26th day of November, 2019:

Joe Roudez III
Mayor

ATTEST:

Dorothy R. Jones, MMC
Village Clerk
STATE OF ILLINOIS  )   SS
COUNTIES OF WILL AND COOK   )

CLERK'S CERTIFICATION

I, Dorothy R. Jones, MMC do hereby certify that I am the duly elected and qualified Village Clerk in and for the Village of University Park, Will and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Resolution No. _________

A RESOLUTION
MAKING THE APPOINTMENT OF AND
DESIGNATING THE VILLAGE MANAGER AS
THE TIF ADMINISTRATOR

adopted and approved by the Mayor and the Board of Trustees at an official meeting held or November 26, 2019 and that the vote on the motion for adoption was as follows:

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I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of University Park, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of University Park as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of University Park, Will and Cook Counties, Illinois on the date set forth herein.

__________________________________________
Dorothy R. Jones, MMC
Village Clerk
VILLAGE OF UNIVERSITY PARK

Request For Board Action

AGENDA SECTION: DISCUSSION

Discussion – Ordinance Authorizing The Sale Of Certain Revenues And Taxes (Muni-Buy)

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion And Your Consideration Is An Ordinance Authorizing The Sale Of Certain Revenues And Taxes (Muni-Buy)

APPROVED: ________________________________

Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ___________________________ Seconded By: ___________________________
Ordinance Number: ___________________________ Resolution Number: ___________________________
Comments: ___________________________
THE VILLAGE OF UNIVERSITY PARK
WILL AND COOK COUNTIES, ILLINOIS

ORDINANCE
NUMBER _____

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REVENUES AND TAXES

JOSEPH E. ROUDEZ III, Mayor
DOROTHY R. JONES, MMC Village Clerk

ELIZABETH WILLIAMS
THEAPLISE BROOKS
CURTIS McMULLAN II
SHIRLEY A. BOLDING
SONIA JENKINS-BELL
DONZELL FRANKLIN

Village Board

Published in pamphlet form by authority of the Mayor and the Board of Trustees of the Village of University Park on this the th day of November, 2019
VILLAGE OF UNIVERSITY PARK, COOK AND WILL COUNTIES, ILLINOIS

ORDINANCE AUTHORIZING THE SALE OF CERTAIN REVENUES AND TAXES

WHEREAS, the Village of University Park, Cook and Will Counties, Illinois (the "Village"), is a home rule municipality under Section 6 of Article VII of the Illinois Constitution of 1970, and, as such, the Village may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Mayor and the Board of Trustees of the Village (the "Corporate Authorities") constitute the duly elected, qualified and acting officials of the Village; and

WHEREAS, Public Act 100-0023, effective July 6, 2017 (the "Budget Implementation Act"), adding Division 13 to Article 8 of the Illinois Municipal Code, as amended, authorizes any home rule municipality to enter into agreements to assign, sell, transfer or otherwise convey its interest in all or any part of any revenues or taxes that it receives from the State Comptroller, the State Treasurer or the Department of Revenue of the State of Illinois (the "Department of Revenue"); and

WHEREAS, new or higher taxes and fees on gas, vehicle registrations, parking, marijuana, gambling, and online shopping, as further enumerated in SB 690, SB 689 and SB 1939, effective June 5, 2019 and June 28, 2019, respectively (the "2019 New Revenues" and together with any other revenues or taxes that the Village receives from the State Comptroller, the State Treasurer or the Department of Revenue, the "Conveyed Receipts"), will raise additional funds to be received by the Village from the State of Illinois; and

WHEREAS, it is in the best interest of the Village to assign, sell, transfer or otherwise convey its interest in the Conveyed Receipts to Munibuy TE University Park Corp., an Illinois not for profit (the "Corporation"), in order to (i) provide funding for any lawful purpose of the Village, including, but not limited to, the projects listed on Exhibit A hereto, and (ii) pay all costs related thereto; and

WHEREAS, it is in the best interest of the Village to provide for the assignment, sale, transfer or conveyance by the Village to the Corporation of such specified Conveyed Receipts of the Village in consideration for the transfer to, or upon the order of the Village (i) the net proceeds of the obligations issued by the Corporation to fund, from time to time the purchase price of the Conveyed Receipts (the "Secured Obligation" and collectively, the "Secured Obligations") and (ii) any portion of the revenue sources remaining from time to time after satisfying the Secured Obligations (collectively, the "Purchase Price"); and

WHEREAS, the repayment of any Secured Obligation will not be an obligation, general or special, of the Village and will not be secured by the Village's full faith and credit;

Now, Therefore, Be It Ordained by the Mayor and Board of Trustees of the Village of University Park:
SECTION 1. Incorporation of Recitals.

The Mayor and Board of Trustees of the Village, after a public meeting heretofore held on this Ordinance by the Committee on [Finance] of the Village (the "[Finance] Committee"), pursuant to proper notice and in accordance with the findings and recommendations of the Finance Committee, hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.


(a) Pursuant to the authorization contained in the Budget Implementation Act, the Mayor is hereby authorized to execute and deliver one or more agreements (the "Conveyed Transaction Agreements") with the Corporation in such form as the Mayor may deem appropriate under which the Village shall assign, sell, transfer or convey some or all of the Conveyed Receipts to the Corporation in an amount and under such terms as are deemed necessary or advisable by the Mayor, from time to time, with the principal amount, final maturity date, interest rate, amortization schedule, acceleration provisions and prepayment terms, of the related Secured Obligations, as set forth in an Issuance Approval Certificate in substantially the form attached hereto as Exhibit B. The Village hereby approves the initial issuance of a Secured Obligation having an aggregate principal amount of $1.8M and hereby ratifies and confirms the Village’s conveyance of the Conveyed Receipts. The initial issuance of a Secured Obligation having an aggregate principal amount of $1.8M by the Corporation is approximately equal to the amount that can be financed from the 2019 New Revenues. [The Mayor is hereby authorized, with the approval of the Village’s counsel, to execute and deliver additional Issuance Approval Certificates approving the issuance of additional Secured Obligations of not more than $_________ in the aggregate of the amount of Secured Obligations, without further action of the Village, its Mayor or the Board of Trustees of the Village.] In connection with such assignment, sale, transfer or conveyance of some or all of the Conveyed Receipts as authorized hereby, the Mayor is hereby authorized to execute one or more written irrevocable directions to the Department of Revenue or other appropriate State official to distribute the Conveyed Receipts in accordance with the instructions contained in such irrevocable written direction.

(b) The Village shall not execute and deliver additional Issuance Approval Certificates unless the Conveyed Receipts for the most recently completed fiscal year are at least two hundred and five percent 205% of the aggregate maximum annual debt service for such proposed Secured Obligations plus all other Secured Obligations previously issued by the Corporation and outstanding upon issuance of such series of Secured Obligations. On an annual basis, Conveyed Receipts shall be used to first pay operating expenses of the Corporation and servicing fees for such fiscal year.

(c) For purposes of this Ordinance, "Conveyed Receipts" means, [collectively, the 2019 New Revenues, the Home Rule Sales Tax Revenues, the Local Share Sales Tax Revenues, and the State Income Tax Revenues, each as defined below. "Home Rule Sales Tax Revenues" means, for any period of time, all amounts payable upon the order of the State Comptroller to or upon the order of the Village resulting from the collection of those taxes imposed by the Village pursuant to its home rule powers as currently authorized by the Home Rule Municipal Retailers’ Occupation Tax Act, the Home Rule Municipal Service Occupation Tax Act, and the Home Rule
Municipal Use Tax Act, each as supplemented and amended, or any successor or substitute law, ordinance or other legislation subsequently enacted (which taxes are currently imposed by the Village pursuant to the Municipal Code), or successor or substitute taxes therefor as provided by law in the future. "Local Share Sales Tax Revenues" means, for any period of time, all amounts payable upon the order of the State Comptroller to or upon the order of the Village resulting from the collection of those taxes imposed by the State pursuant to the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act and the Retailers' Occupation Tax Act, each as supplemented and amended, or successor or substitute taxes therefor as provided by law in the future. "State Income Tax Revenues" means all amounts allocated and paid to the Village from the Local Government Distributive Fund of the State pursuant to Section 2 of the State Revenue Sharing Act of the State, as amended, or from such successor or replacement fund or act as may be enacted in the future.]

(d) Pursuant to the Conveyed Transaction Agreements, the Corporation shall transfer to the Village, or upon the order of the Village, the Purchase Price. The net proceeds of the Purchase Price shall be paid to the Village and used by the Village to finance any of the purposes described in the preambles hereto.

(c) The Mayor and the Village Clerk, are each hereby authorized to execute and deliver such other documents and agreements and perform such other acts prior to or following the execution and delivery of the Conveyed Transaction Agreements (including, without limitation, effecting amendments, modifications or supplements to any of the documents or agreements authorized hereunder as may be deemed necessary or desirable by an Authorized Officer in order to implement the transactions or other purposes authorized hereunder) as may be necessary or desirable in connection with the Conveyed Transaction Agreements, and the transactions or other purposes authorized hereunder, including, but not limited to, the exercise following the delivery date of the Conveyed Transaction Agreements of any power or authority delegated to such official under this Ordinance with respect to the Conveyed Transaction Agreements upon original execution and delivery, but subject to any limitations on or restrictions of such power or authority as herein set forth. All of the acts of each such officer which are in conformity with the intent and purposes of this Ordinance, whether heretofore or hereafter taken or done, shall be and the same are in all respects ratified, confirmed, authorized and approved.

SECTION 3. Construction.

Pursuant to the home rule powers of the Village, to the extent that any ordinance, resolution, rule, order or provision of the Municipal Code, or part thereof, is in conflict with the provisions of this Ordinance, the provisions of this Ordinance shall be controlling. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. No provision of the Municipal Code or violation of any provision of the Municipal Code shall be deemed to render voidable at the option of the Village any document, instrument or agreement authorized hereunder or to impair the validity of this Ordinance or the instruments authorized by this Ordinance or to impair the rights of the Corporation or the owners of any Secured Obligations issued by the Corporation to receive payment of the principal of or interest on such Secured Obligations or to impair the security for such Secured Obligations; provided that the foregoing
shall not be deemed to affect the availability of any other remedy or penalty for any violation of any provision of the Municipal Code.

SECTION 4. Pamphlet Publication.

This Ordinance shall be published by the Village Clerk, by causing to be printed in special pamphlet form at least five copies hereof, which copies are to be made available in her office for public inspection and distribution to members of the public who may wish to avail themselves of a copy of this Ordinance.

SECTION 5. Effective Date.

This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

ADOPTED this ___ day of October, 2019, pursuant to a roll call vote as follows:

AYE VOTES:

NAY VOTES:

ABSTAIN:

ABSENT:

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of University Park, Cook and Will Counties, Illinois, on the ___ day of October, 2019.

__________________________
Mayor

ATTEST:

__________________________
Village Clerk
EXHIBIT A
INITIAL PROJECT DESCRIPTION
EXHIBIT B

FORM OF ISSUANCE APPROVAL CERTIFICATE

[__________, 20__]

This Issuance Approval Certificate is delivered to you pursuant to and in accordance with Section 2.02(a) of that certain Assignment, Purchase and Sale Agreement, dated as of [__________, 2019] (as supplemented or amended from time to time, the “Assignment Agreement”), between the Village of University Park, Cook and Will Counties, Illinois (the “Village”) and Munibuy TE University Park Corp., an Illinois not for profit (the “Corporation”).

Unless otherwise defined herein or as the context otherwise requires, terms used herein have the meaning assigned thereto, or incorporated by reference, in the Assignment Agreement.

The Village hereby approves the issuance of a Secured Obligation having the terms set forth below (the “Note”), on the date set forth below, and hereby ratifies and confirms the Village’s conveyance of the Conveyed Receipts in exchange for the proceeds of the Secured Obligations, including the Note approved hereby, for the benefit of the owners of the Secured Obligations:

Issuance Date: [__________, 20__]
Principal Amount: $__________
Interest Rate: _____%
Maturity Date: [__________, 20__]

The Village understands that principal of the Note shall be payable prior to the Maturity Date in accordance with the attached amortization schedule, and shall be subject to acceleration of maturity upon the occurrence of any of the following events:

(a) collections in the Escrow Account available for such purpose shall not be sufficient to pay the principal of and interest on the Secured Obligations due in any calendar month;

(b) the Act shall be repealed or amended in any manner that adversely affects the validity of the Assignment Agreement, the conveyance of the Conveyed Receipts to the Issuer, any State Entity’s obligation to deposit the Conveyed Receipts to the Escrow Account, or the statutory lien on the Conveyed Receipts, or that otherwise adversely affects the security or sources of payment for the Notes;

(c) any of the taxes that give rise to the Conveyed Receipts conveyed to the Corporation pursuant to the Assignment Agreement shall be repealed, or the measure of any such tax imposed by or allocable to the Village shall be reduced;

(d) the State shall default in the timely payment of principal of or interest on any of its general obligation debt;
(e) the credit rating of the State’s general obligation debt shall be reduced by S&P Global Ratings or Fitch below “BBB-” or by Moody’s Investors Service below “Baa3”;

(f) the State adopts any legislation, regulation or executive order (i) authorizing municipalities in the State to become a debtor under the United States Bankruptcy Code or otherwise to become the subject of any bankruptcy, insolvency, receivership or conservatorship law, or (ii) providing for or authorizing any moratorium on payments of the State’s or any of its municipalities’ obligations or the payment of the taxes that give rise to the Conveyed Receipts; or

(g) any representation or warranty of the Village in any Transaction Document to which it is a party proves to have been untrue in any material respect when made, or the Village fails in any material respect to comply with its obligations under any Transaction Document to which it is a party.

The Village hereby certifies that [, except as set forth below1]:

(1) each of the Village’s representations and warranties set forth in Section 3.01 of the Assignment Agreement is true and correct as of the date hereof, as if made on the date hereof, and

(2) the Village is in compliance with its covenants and agreements under Article IV of the Assignment Agreement, and its other obligations under the Assignment Agreement and the Escrow Agreement.

Payment of the purchase price should be made by wire transfer in accordance with the following instructions:

________________________
________________________
________________________

1 Include any exceptions to representations and warranties and compliance.
IN WITNESS WHEREOF, the Village has caused this Issuance Approval Certificate to be executed and delivered as of the date set forth above.

VILLAGE OF UNIVERSITY PARK, COOK AND WILL COUNTIES, ILLINOIS

By: _____________________________
Name: __________________________
Title: [Mayor] [Treasurer]

[Attest: ________________________]
Name: _________________________
Title: City Clerk

---

2 Should treasurer sign? Also, confirm whether there are any requirements for other signatures/countersignatures.
Illinois Passes 21st Century Sales Tax Law

On June 28, 2019, Governor JB Pritzker signed legislation that will change the way Retailers Occupation Taxes (ROT, aka sales taxes) and Use Taxes are collected in the state of Illinois. This concept and proposal was developed by the Illinois Retail Merchants Association (IRMA) in consultation and partnership with the Illinois Municipal League (IML).

WHERE WE BEGAN IN 2018

On June 21, 2018, the United States Supreme Court (USSC) overturned prior precedent in National Bellas Hess and Quill in South Dakota v. Wayfair. The court ruled that individual states have the authority to implement laws that require remote retailers to collect and remit taxes to the state where the purchaser lives.

In May 2018, Illinois enacted legislation that allowed for the required collection of the state’s Use Tax (P.A. 100-0587). The legislation required remote retailers (who make 200 or more annual transactions or $100,000 or more in annual gross receipts) to collect Use Tax on purchases made for use or consumption in Illinois.

More information about the Use Tax can be found via this link.

WHAT WAS MISSING?

While the required collection of the state’s Use Tax on certain remote sellers was a step in the right direction, Use Tax fails to fully level the playing field between brick-and-mortar retailers and their online counterparts. It also does not allow municipalities to collect any locally-imposed sales taxes on products being used or consumed in their communities.

IML has been a leader at the federal and state levels advocating for the required collection and remittance of the state and locally-imposed sales taxes instead of Use Tax. Most recently, IML filed HB 270 (Rep. Murphy, R-Springfield) and SB 2049 (Sen. Castro, D-Elgin), which would have required remote retailers to collect the state and local sales taxes on any purchase based on the delivery address or destination.

DEFINITIONS

Remote Online Retailer = A retailer who makes sales to Illinois residents for use or consumption in Illinois, but does not have a physical presence in Illinois.

Marketplaces = A space where third party sellers can sell their products online.

Marketplace Facilitators = Companies that provide marketplaces for third-party retailers (Examples: Amazon, Walmart, eBay, etc.).

Certified Service Providers = Agents certified by the state to perform the remote retailer’s sales and use tax functions online.
LEVELING THE PLAYING FIELD FOR ILLINOIS RETAILERS IN 2020

The “Leveling the Playing Field for Illinois Retail Act” was signed into law by Gov. Pritzker on June 28, 2019, to require both Remote Retailers and Marketplace Facilitators to collect and remit the state and locally-imposed Retailers’ Occupation Tax (ROT, aka sales tax) for the jurisdictions where the product is delivered (its destination) starting July 1, 2020.

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<th>Remote Retailer (no physical nexus)</th>
<th>Under Current Law</th>
<th>Starting January 1, 2020</th>
<th>Starting July 1, 2020</th>
<th>Municipal Revenue Impact</th>
<th>State Revenue Impact</th>
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<td>Meets sales thresholds of 200 annual transactions or $100,000 in annual gross receipts</td>
<td>Use Tax</td>
<td>Use Tax</td>
<td>ROT at destination</td>
<td>Significant increase</td>
<td>Improved state sales tax compliance and locally-imposed sales taxes collected where applicable</td>
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<thead>
<tr>
<th>Marketplace Sales by non-IL Retailers (&lt;96% of IL Marketplace transactions)</th>
<th>Under Current Law</th>
<th>Starting January 1, 2020</th>
<th>Starting July 1, 2020</th>
<th>Municipal Revenue Impact</th>
<th>State Revenue Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retailers meet sales threshold of 200 annual sales or $100,000 annual gross receipts</td>
<td>Use Tax, low compliance</td>
<td>Use Tax</td>
<td>ROT at destination</td>
<td>Significant increase due to increased compliance and locally-imposed sales taxes collected where applicable</td>
<td>Significant increase</td>
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<table>
<thead>
<tr>
<th>Marketplace Sales by IL-based retailer (&lt;4% of IL Marketplace transactions)</th>
<th>Under Current Law</th>
<th>Starting January 1, 2020</th>
<th>Starting July 1, 2020</th>
<th>Municipal Revenue Impact</th>
<th>State Revenue Impact</th>
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<tbody>
<tr>
<td>ROT at origin, low compliance</td>
<td>ROT at origin</td>
<td>ROT at origin</td>
<td>ROT at origin</td>
<td>Increased due to increased compliance</td>
<td>Significant increase</td>
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<tr>
<th>IL retailer shipping to IL customer from IL warehouse</th>
<th>Under Current Law</th>
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<th>Starting July 1, 2020</th>
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<th>State Revenue Impact</th>
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The law requires Remote Retailers (who either meet a threshold of 200 transactions annually or receive $100,000 in annual gross receipts) from Illinois residents to collect both state and locally-imposed sales taxes starting July 1, 2020. The local rate would be determined by the delivery destination or pick-up location. To assist in the collection of locally-imposed sales taxes, Remote Retailers are authorized to allow Certified Service Providers to collect and remit state and local sales taxes on behalf of the retailer.

Starting on January 1, 2020, Marketplace Facilitators, like Amazon, will be required to collect Use Tax from remote or out-of-state retailers. On July 1, 2020, Marketplaces will be required to collect state and locally-imposed sales taxes from Remote Retailers who meet certain sales thresholds.

Retailers that have a physical presence in Illinois will see no change in how their sales tax is collected. For example, if a community has a local retailer that ships products to Illinois customers, that sales tax will still be origin-based, determined as the origin of the sale (the local retailer’s location).

This new law eventually requires that sales made in Marketplaces or by Remote Retailers be taxed at the same rate (including both state and local sales taxes) as brick-and-mortar businesses, therefore leveling the playing field for retailers and ensuring municipal governments have the revenues necessary to address their local needs.

**MUNICIPAL IMPACT OF LEVELING THE PLAYING FIELD**

This new law provides the ability for increased compliance with the collection of state sales tax, which means increased revenues, of which municipal governments receive a share. The law also provides that any locally-imposed sales taxes will be collected on Marketplace and Remote Retailer sales.

The Illinois Retail Merchants Association (IRMA) estimates that this new law could generate $460 million annually in additional sales tax revenue. The state could receive $368 million per state fiscal year and local governments could receive $92 million per state fiscal year, according to those estimates. These revenue estimates do not include the expanded revenues that locally-imposed sales taxes could generate from Remote Retailers and Marketplace sales.

**FREQUENTLY ASKED QUESTIONS**

**Q:** Does this legislation require the collection of locally-imposed sales tax on all online purchases?

**A:** This proposal requires the collection of state and locally-imposed sales tax, instead of the state use tax, on all purchases made in a Marketplace (like Amazon) when a Remote Retailer meets the 200 annual sales or $100,000 in annual gross receipts threshold. If a Remote Retailer makes the sale, they have to meet the same thresholds to be required to collect the state and locally-imposed sales tax.

A person who makes a purchase from a Remote Retailer, who does not meet this threshold and does not collect taxes, is still required to pay the state Use Tax on their purchase when filing their state income tax.

It should be noted that if a Remote Retailer asks a CSP to collect sales taxes for Illinois purchases and is under the threshold, sales taxes would still be collected under this law, not the Use Tax.
Q: How does a retailer establish a presence in a marketplace setting?
A: Retailers will typically enter into an agreement with a Marketplace Facilitator (like Amazon) to sell their goods in an online Marketplace. In exchange for marketing their products in the Marketplace, the Facilitator receives compensation from the retailer.

Q: How does a Certified Service Provider (CSP) differ from a Marketplace?
A: Essentially, CSPs are tax software companies that work with states to provide tax collection services to retailers. They operate nationwide and currently aid in the collection of sales tax in 26 states. More information about CSPs is available via this link.

Q: Are sites like Craigslist or Facebook Marketplace marketplaces?
A: No, for a company to be considered a Marketplace they have to process the transaction. Craigslist and Facebook Marketplace only provide opportunities to advertise a product, but do not offer the opportunity to process the sale.

Q: How will the Marketplaces and CSPs know which sales tax rates to collect?
A: They will receive the tax rate information from the Illinois Department of Revenue. They will then use the shipping address to determine the rate of tax to be assessed on a transaction.

Q: Is there any sales tax benefit for a brick-and-mortar retailer to convert to a marketplace?
A: Under this legislation, no. The proposal would treat a resident of a municipality that goes to the local store versus a resident of the community ordering the same product and having it shipped to their home equally if the retailer meets the sales threshold by requiring the state and locally-imposed sales tax rates for that community be collected.

Q: What does my municipality have to do under this proposal?
A: The legislation does not require municipalities to do anything differently. Municipalities should continue to regularly report any changes to their locally-imposed sales tax rate and municipal boundaries to ensure the appropriate taxes are being collected on online purchases.

Q: Have marketplace laws worked anywhere else?
A: Marketplace laws are currently in effect in more than 26 other states and Washington, D.C. and they have been very successful. Pennsylvania, for example, is on track to raise around $200 million from their marketplace laws this year. New York is estimating $390 million in revenues from their marketplace law.

Q: Will my Use Tax revenues decline?
A: While your Use Tax revenue distribution will decline, your Retailer Occupation Tax (ROT, aka sales tax) revenues are likely to increase sufficiently to more than cover the loss in Use Tax revenues.
WHAT IS MFT AND THE MFT FUND?

Motor Fuel Tax (MFT) is a tax on the privilege of operating motor vehicles upon public highways and operating recreational watercraft upon the waters of Illinois. The tax is based on the consumption (purchase) of motor fuel.

Starting July 1, 2019, Illinois’ motor fuel taxes will be:

a. $0.19 per gallon of gasoline + $0.19 per gallon of gasoline (dedicated to the Transportation Renewal Fund or TRF) = $0.38 per gallon of gasoline

b. $0.215 per gallon of diesel fuel + $0.24 per gallon of diesel fuel (dedicated to TRF) = $0.455 per gallon of diesel fuel

After covering various state costs, 45.6% of the non-TRF MFT revenue is allocated to the state, and 54.4% is distributed by the Illinois Department of Transportation (IDOT) as follows:

a. 49.3% to municipalities on a per capita basis
b. 16.74% to Cook County
c. 18.27% to all other counties in proportion to motor vehicle registration fees collected
d. 15.69% to road districts and townships in proportion to the total mileage of roads in the state

TRANSPORTATION RENEWAL FUND (TRF)

On June 2, 2019, the Illinois General Assembly passed legislation that would increase the state’s MFT by 19 cents per gallon on gasoline. Municipalities will receive a portion of these new revenues, but it will be a smaller share than may be perceived. The legislation also increased the tax on diesel fuel by 24 cents per gallon. All new revenues from both increases will be deposited into the state’s new Transportation Renewal Fund (TRF), with the surcharge on diesel fuel dedicated to the state.

A portion of the 19-cent increase in gasoline MFT will be shared with units of local governments. Of the total increase, 80% will be split among the state and local units of government for road construction and 20% will be distributed to mass transit districts.

The state will receive 60% of the 80% road construction portion (or 48% of the new MFT revenues) and 40% of the 80% will be shared with local units of
Transportation Renewal Fund (SB 1939)

<table>
<thead>
<tr>
<th>New Revenue Allocation by Law</th>
<th>Estimated New (19 cent) Gas Tax Allocation</th>
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<tbody>
<tr>
<td></td>
<td>Beneficiaries</td>
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<tr>
<td>19 Cent Gas Tax Increase</td>
<td>State</td>
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<tr>
<td>100% Vehicle Registration Fee Increase</td>
<td>Mass Transit</td>
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<tr>
<td>0% 5 Cent Diesel Tax Increase</td>
<td>Municipalities*</td>
</tr>
<tr>
<td>0%</td>
<td>Counties &gt; 1 million</td>
</tr>
<tr>
<td>0%</td>
<td>Counties &lt; 1 million</td>
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<tr>
<td>0%</td>
<td>Road Districts</td>
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<tr>
<td>100%</td>
<td>TOTAL New TRF Revenue</td>
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*For municipalities, $143M is equal to $12.80 per capita annually.

government, including municipalities. Of the local share, municipalities will receive 49.1% (which is 15.71% of new MFT revenues). The remainder of the local share will be distributed to counties and road districts.

Essentially, municipalities may see an increase of about 50% in MFT through TRF, due to the 2019 state capital bill, based on their current level of MFT funding. Since the law is effective July 1, 2019, local governments may see the increase from new money, at the earliest, in September or October 2019. Payments from TRF could therefore contribute to seven or eight months of additional funding within MFY 2020. The estimated per capita distribution for those seven or eight months of MFY 2020 ranges between $7.50 and $8.50, depending on when the first distribution will occur. (For an annualized 12 month period, the municipal per capita share would be approximately $12.80.)

MFT FUNDS ARE A CRITICAL REVENUE SOURCE FOR MUNICIPAL TRANSPORTATION INFRASTRUCTURE

Municipalities throughout Illinois utilize MFT revenues to fund critical transportation infrastructure projects in their cities, villages and towns.

MFT funds can be used to construct and maintain roads, traffic controls, street lighting, storm sewers, sidewalks and other pedestrian paths, off-street parking facilities and much more.

These funds ensure that municipalities are able to provide for the public health, safety and welfare of their community through a stable infrastructure.

Increased MFT revenues would allow municipalities to address neglected and dilapidated infrastructure.

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AGENDA SECTION: DISCUSSION

Discussion – Leasing/Renovation Agreement With 201-U School District.

SUMMARY OF REQUESTED ACTION FOR THE COW MEETING OF: November 12, 2019

Presented For Discussion Leasing/Renovation Agreement With 201-U School District.

Additional Information Will Be Available At The Meeting

APPROVED: _____________________________

Ernestine B. Beck-Fulgham,
Village Manager

BOARD ACTION: Motion By: ____________________________ Seconded By: ____________________________
Ordinance Number: ____________________________ Resolution Number: ____________________________
Comments: ____________________________