

November 5, 2009

**REVISED - SHELBY COUNTY BOARD MEETING AGENDA**

**November 12, 2009 – 9:00 A. M. in Courtroom B**

**MEETING IS ON THURSDAY DUE TO VETERANS DAY HOLIDAY**

1. Call to Order - Pledge of Allegiance
2. Roll Call
3. Approval of Minutes
4. Probation Officer Heather Wooters – Drunk and Drugged Driving Prevention Month Proclamation
5. Robert Verdun, Superintendent of Shelbyville Community Unit Schools – “Consideration of Resolution providing for the submission to the electors of the County at the General Primary Election to be held on February 2, 2010, of a proposition to impose a retailers’ occupation tax and service occupation tax to be used exclusively for school facility purposes.”
6. State’s Attorney Allan Lolie – State’s Attorneys Appellate Prosecutor Program Resolution
7. State’s Attorney Allan Lolie – Competitive Bid Limits Resolution
8. County Highway Engineer Alan Spesard – Highway Engineer’s Report
9. Zoning Administrator Dennis Harris – Zoning Report including an Ordinance Providing for the Placement of Communications Towers and Antennae
10. County Health Administrator Steve Melega – House Bill 170 and H1N1 Update
11. ESDA Coordinator Cristy Pullen – ESDA Report including an EMA Mutual Aid Agreement between Shelby County and Jefferson County
12. Committee Reports
13. Chairman Brooks Updates
14. Chairman Brooks Appointments
15. Correspondence
16. Public Body Comment
17. Adjournment

COFFEE: Jury Room B @ 8:30 A. M.

REMINDERS: Please silence cell phones during the Board meeting.

**CEFS FOOD PANTRY DONATIONS DUE NOVEMBER 12<sup>TH</sup> – THANK YOU!**

**SHELBY COUNTY BOARD MEETING**

**November 12, 2009 – 9:00 A.M.**

The Shelby County Board met on Thursday, November 12, 2009, at 9:00 A.M. at the Courthouse in Shelbyville, Illinois.

Chairman Brooks called the meeting to order and all present recited the Pledge of Allegiance.

The Clerk called the roll. Barbara Bennett, Jesse Durbin, Robert Jordan, Roger Pauley, Norma Stewart and Don Strohl were absent.

Minutes for the October 14, 2009 Board meeting were presented for approval.

MOTION: Dale Wetherell made motion to approve the minutes of the October 14, 2009 Board meeting as presented. Richard Hayden seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Probation Office Heather Wooters requested the County Board proclaim December 2009 as Drunk and Drugged Driving (3D) Prevention Month. Mrs. Wooters noted that the Memorial Tree will be in the basement throughout the month of December and thanked the Board for their support.

MOTION: Larry Lenz made motion to approve the Proclamation Declaring December 2009 to be Drunk and Drugged Driving (3D) Prevention Month. Glenn R. "Dick" Clark seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Robert Verdun, Superintendent of Shelbyville Community Unit Schools, addressed the Board to request their approval of a resolution providing for the submission to the electors of the County at the General Primary Election to be held on February 2, 2010, of a proposition to impose a retailers' occupation tax and service occupation tax of one percent to be used exclusively for school facility purposes. School district board resolutions representing at least 51 percent of the county's student enrollment were provided to the County Board by Central A & M Unit School District, Stewardson – Strasburg Unit School District and Shelbyville Unit School District. States Attorney Allan Lolie explained to the Board that having received resolutions from a least 51 percent of the student enrollment within the county, the County Board must certify the question of whether the county will impose this tax to the proper election authority, who will then submit the proposition at the General Primary Election. Mr. Verdun highlighted the handouts provided to the Board detailing the schools presentation and proposed property tax levy relief. (Copies of all resolutions and presentation handouts may be found in the original county board records in the County Clerk's office.)

MOTION: Robin Robertson made motion to approve the Resolution providing for the submission to the electors of the county at the General Primary Election to be held on February 2, 2010, of a proposition to impose a retailers' occupation tax and service occupation tax to be used exclusively for school facility purposes as presented. Glenn R. "Dick" Clark seconded the motion.

Discussion followed. Dr. Barbara Roberts, Stewardson – Strasburg School Superintendent, addressed the Board highlighting their plan for the tax revenue which included property tax levy relief and to maintain existing facilities. At this time, Chairman Brooks called for the vote.

VOTE: Roll Call Vote:  
Aye: Amling, Cannon, Clark, Doerner, Hayden, Kearney, Lenz, Reynolds, Robertson, Roessler, Sims, Warren, Wetherell  
Nay: Barr, Behl  
Absent: Bennett, Durbin, Jordan, Pauley, Stewart, Strohl  
Not Voting: Brooks  
Motion Carried

Mr. Lolie requested Board approval for the State's Attorneys Appellate Prosecutor Resolution.

MOTION: Richard Reynolds made motion to approve the State's Attorneys Appellate Prosecutor Resolution as presented. Jim Warren seconded the motion.

VOTE: All voted aye by voice and the motion carried.

The next Resolution presented by Mr. Lolie was to increase the County's competitive bid limit from \$10,000.00 to \$20,000.00.

MOTION: Jim Warren made motion to approve the Competitive Bid Limits Resolution increasing bid limits to \$20,000.00. Kay Kearney seconded the motion.

VOTE: All voted aye with the exception of three nay votes and the motion carried.

**Shelby County Board Meeting**  
**November 12, 2009**

Alan Spesard, County Highway Engineer, addressed the Board to give the highway report. Mr. Spesard requested approval for a 50/50 Petition to replace a tank car culvert over the unnamed tributary where the same is crossed by the highway TR 191A at a point near the SW ¼, NW ¼, Section 22, T11N, R3E in Rose Township. Estimated cost to replace is \$6,500.00. Cost share is to be shared equally between the County and Township.

MOTION: Glenn R. "Dick" Clark made motion to approve the 50/50 Petition to replace a tank car culvert in Rose Township at an estimated cost of \$6,500.00 as presented.  
John "Jack" Roessler seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Spesard requested approval for a 50/50 Petition to replace a timber bridge over the unnamed tributary where the same is crossed by the highway TR 200 at a point near the SW ¼, NW ¼, Section 12, T13N, R3E in Pickaway Township. Estimated cost to replace is \$4,000.00. Cost share is to be shared equally between the County and Township.

MOTION: Richard Hayden made motion to approve the 50/50 Petition to replace a timber bridge in Pickaway Township at an estimated cost of \$4,000.00 as presented.  
Robin Robertson seconded the motion.

VOTE: All voted aye by voice and the motion carried.

The last Petition Mr. Spesard presented for approval was to replace Bridge 087-3262 over Brush Creek where the same is crossed by the highway TR 431 at a point near the NE ¼, NE ¼, Section 9, T9N, R4E in Holland Township. Estimated cost to replace is \$420,000.00. Cost share is 80% Federal, 16% State and 4% to be shared equally by the County and Township.

MOTION: Jim Warren made motion to approve the Petition to replace Bridge 087-3262 in Holland Township at an estimated cost of \$420,000.00 as presented.  
Dale Wetherell seconded the motion.

VOTE: All voted aye by voice and the motion carried

Next, Mr. Spesard requested approval for a Resolution awarding a contract for the Sigel Township railroad crossing approach to Effingham Asphalt Company, Inc. based on their low bid of \$43,061.20.

MOTION: Larry Lenz made motion to approve the Resolution awarding Effingham Asphalt Company, Inc. the Sigel Township railroad crossing approach project for \$43,061.20 as presented.  
John "Jack" Roessler seconded the motion.

VOTE: All voted aye by voice and the motion carried

Mr. Spesard requested approval for a Resolution awarding a contract for the construction of a pole type building addition (48' x 72') to Graber Buildings, Inc. based on their low bid of \$49,250.00.

MOTION: Robert Behl made motion to approve the Resolution awarding Graber Buildings, Inc. the pole type building addition project for \$49,250.00 as presented.  
Robin Robertson seconded the motion.

VOTE: All voted aye by voice with the exception of one nay vote and the motion carried

Ending his report, Mr. Spesard gave the Board some highlights and updates on the work in the County Highway Department. The department received \$5,389.00 from recent recycling efforts. Mr. Spesard stated that about 40 people attended the Highway Department's semi-annual educational conference held on November 6<sup>th</sup>.

Zoning Administrator Dennis Harris updated the Board on the activities of the Zoning office and highlighted the Zoning monthly report. Mr. Harris presented and detailed the Cellular/Wireless Tower Resolution. The Planning Commission and Zoning Board of Appeals recommended the Resolution for approval. Mr. Harris and Mr. Lolie answered questions from the Board.

MOTION: Rob Amling made motion to approve the Cellular/Wireless Tower Resolution as presented.  
Dale Wetherell seconded the motion.

VOTE: Roll Call Vote:  
Aye: Amling, Barr, Behl, Cannon, Clark, Doerner, Hayden, Kearney, Lenz, Reynolds, Robertson, Roessler, Sims, Warren, Wetherell  
Nay: None  
Absent: Bennett, Durbin, Jordan, Pauley, Stewart, Strohl  
Not Voting: Brooks  
Motion Carried

Health Administrator Steve Melega updated the Board on House Bill 170 which provides, beginning January 1, 2013, that no new surface discharging private systems can be installed without a NPDES permit. The House and Senate overrode the Governor's veto and the bill is now Public Act 96-0801. How these systems will be permitted has not been decided. Continuing with his report, Mr. Melega explained how the department was conducting the H1N1 inoculation process. Currently, there are 13 reported cases ranging from age 16 months to 79 years old in Shelby County. Chairman Brooks thanked Mr. Melega and staff for the H1N1 Clinic held this morning and congratulated him on the great job they are doing.

Cristy Pullen, ESDA Director, updated the Board on the activities of the ESDA office. Mrs. Pullen stated that accreditation is her number one priority this year and the date for that to occur is September, 2010. The Emergency Operations plan is complete except for the Hazardous Materials Annex. Upon completion of this part, the entire plan will be resubmitted for accreditation. Additionally, Mrs. Pullen is working towards county NIMS compliance. In the further, mutual aid agreements with other county agencies will be submitted to the board for their consideration and approval.

Chairman Brooks called for Committee Reports.

Mr. Clark, Rescue Squad Committee Chairman, informed the Board that the pump for the rescue tools was going out and is not repairable. The squad is getting quotes for the purchase of a new pump and tools, which are estimated to cost around \$20,000.00. Mr. Clark requests that the Board consider the funding of this equipment and be ready to vote on it at the December board meeting.

Mr. Warren, Public Buildings Committee Chairman, had several items to address: The gas expense for the eternal flame on the Veteran's Memorial is no longer being supported by the City of Shelbyville, according to Mr. Warren. In place of this, a bulb and globe were installed but this is still inadequate and drawing public criticism. Mr. Warren suggested the Board consider repairing the flame and pay the difference between the anticipated yearly gas cost of \$1,800.00 and any donations received towards this cost. Robin Robertson stated that Shelbyville Township will donate \$600.00 towards this cost. Sheriff Miller noted that Figgins Electric Company has completed the Courthouse lighting repair project and has started on the Detention Center. Mr. Warren stated he was approached by Whitney Hardy, local attorney, for the County Board to provide a Courthouse bench and/or waste receptacle in memory of George Frazier. For those interested, Mr. Warren has catalogs available to look through. Reacting to complaints from the public, Mr. Warren is seeking quotes to purchase and install handicapped accessible buttons on the basement entrance doors. Mr. Warren stated that the University of Illinois Smart Energy Design Assistance Center (SEDAC) has accepted the County's application and will tour the Courthouse in the future.

Sheriff Miller requested the Board declare a squad car surplus and allow disposition of it.

MOTION: Glenn R. "Dick" Clark made motion to approve Sheriff Miller's Request to declare a squad car surplus and disposition of it.  
Richard Hayden seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Mr. Hayden praised Mrs. Pullen for the work she is doing as ESDA Director.

At this time, Chairman Brooks reported on updates and correspondence to the Board. Chairman Brooks noted to the Board that he felt the eternal flame was very important to keep working as a show of respect to our Veterans. Mr. Robertson reiterated Shelbyville Townships offer of \$600.00. Mrs. Kearney reported that she contacted Ameren CIPS about possible concessions and that they would be willing not to charge the County the reconnect fee. Additionally, Mrs. Kearney contacted Steve Shoaff of Shelby Energy Company about converting the flame over to propane. Mr. Shoaff did not believe this was the way to go.

MOTION: Glenn R. "Dick" Clark made motion to take over the eternal flame out of respect for our Veterans.  
Jim Warren seconded the motion.

VOTE: All voted aye by voice and the motion carried.

MOTION: Jim Warren made motion to take the expense for providing for the eternal flame out of the County courthouse utilities budget line item at this time.  
Fred Doerner seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Chairman Brooks requested the following appointment.

**Airport and Landing Fields Commission appoints Jim Looft, Commissioner.**

MOTION: Glenn R. "Dick" Clark made motion to approve the Chairman's appointment as requested.  
Larry Lenz seconded the motion.

VOTE: All voted aye by voice and the motion carried.

Chairman Brooks called for Public Body Comment.

Frank Mulholland, Shelbyville Daily Union Managing Editor, wondered if an effort had been made to locate the old eternal flame parts. This effort was made but the parts were not relocated.

Shelby County Board Meeting  
November 12, 2009

Mr. Hardy thanked the County Board and Sheriff Miller for allowing the last Lincoln Debate Reenactment to be held November 12<sup>th</sup> at 7:00 P.M. in the Courthouse. Mr. Hardy reminded the group that a Lincoln Wayside Storybook Dedication ceremony would be held November 13<sup>th</sup> at 10:00 A.M. in the Strasburg Park.

There was no further business to come before the Shelby County Board.

MOTION: Glenn R. "Dick" Clark made motion to assess mileage and per diem for the November meetings, to pay the bills and payroll as approved by the Committees and adjourn until the next regular meeting to be held on December 9, 2009.  
Fred Doerner seconded the motion.

VOTE: All voted aye by voice, motion carried and the meeting was adjourned at 10:12 A.M.



Kathy A. Lantz  
Shelby County Clerk and Recorder

STATE OF ILLINOIS		ROLL CALL VOTES IN COUNTY BOARD												
SHELBY COUNTY		SESSION												
		ROLL CALL			QUESTIONS									
		MILEAGE	/ / 2009	/ / 2009	ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO		ON MOTIONS TO	
COUNTY BOARD MEMBERS			A.M.	P.M.	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY	AYE	NAY
217	AMLING, ROBERT	35	✓		✓		✓							
110	BARR, KENNETH	50	✓		✓	✓	✓							
116	BEHL, ROBERT H.	42	✓			✓	✓							
117	BENNETT, BARBARA	40	A		A	A	A	A						
29	BROOKS, PAUL		✓		X		X							
45	CANNON, BRUCE	26	✓		✓		✓							
133	CLARK, GLENN "DICK"	12	✓		✓		✓							
25	DOERNER, FRED		✓		✓		✓							
214	DURBIN, JESSE	12	A		A	A	A	A						
177	HAYDEN, RICHARD	44	✓		✓		✓							
193	JORDAN, ROBERT	31	A		A	A	A	A						
44	KEARNEY, KAY		✓		✓		✓							
206	LENZ, LARRY	26	✓		✓		✓							
457	PAULEY, ROGER	18	A		A	A	A	A						
458	REYNOLDS, RICHARD JR.	32	✓		✓		✓							
181	ROBERTSON, ROBIN		✓		✓		✓							
148	ROESSLER, JOHN JACK	12	✓		✓		✓							
221	SIMS, TERRY JOE	24	✓		✓		✓							
137	STEWART, NORMA J.	52	A		A	A	A	A						
46	STROHL, DON	45	A		A	A	A	A						
329	WARREN, JAMES	28	✓		✓		✓							
44	WETHERELL, DALE	46	✓		✓		✓							

ON MOTIONS TO  
 appear Resolution  
 prior. you r requiring the  
 submission @ 5/12/10 After Post bleed  
 a proposition to increase  
 number of operators tax & service  
 see up on table for school facility  
 pump

ON MOTIONS TO  
 Amend zoning Ordinance  
 providing for placement  
 of County office in  
 Duane & Chestnut

6 absent

13 ayes 2 nays 15 ayes  
 motion carried motion carried  
 6 absent 6 absent  
 1 not voting 1 not voting

## PROCLAMATION

### Drunk and Drugged Driving (3D) Prevention Month

**Whereas**, more violent deaths are attributed to traffic crashes than any other cause of death, and in 2008 there were 362 alcohol-related fatalities in the State of Illinois, and

**Whereas**, approximately 3 in every 10 Americans will be involved in an alcohol-related crash at some time in their lives; and

**Whereas**, the December holiday season is traditionally one of the most deadly times of the year for alcohol-impaired driving and is an appropriate time to focus attention on both the problems and the solutions; and

**Whereas**, for thousands of families across the nation, the December holidays are a sad time to remember loved ones they lost to an impaired driver during a previous holiday season; and

**Whereas**, community based programs involving consumer education, effective laws, and strong law enforcement have been proven successful in reducing impaired driving; and

**Whereas**, organizations from every state are joining together this December by supporting anti-impaired driving programs and policies; and

**Whereas**, Shelby County is a partner in that effort to make our roads and streets safer;

**Now, therefore**, I, Paul Brooks, Shelby County Board Chairman, do hereby proclaim December 2009 as **Drunk and Drugged Driving (3D) Prevention Month** and do hereby call upon all citizens, government agencies, business leaders, hospitals, schools, and public and private institutions in Shelby County to promote awareness of the impaired driving problem, to support programs and policies to reduce the incidence of impaired driving, to promote safer and healthier behaviors regarding the use of alcohol and other drugs this December 2009 holiday season.

  
Signature

RESOLUTION NUMBER 2009-46

RESOLUTION providing for and requiring the submission to the electors of The County of Shelby, Illinois, at the general primary election to be held on the 2nd day of February, 2010, of a proposition to impose a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the County Board (the "*County Board*") of The County of Shelby, Illinois (the "*County*"), to impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in the County on the gross receipts of the sales made in the course of business and a service occupation tax upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*"), if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition; and

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities, and also includes fire prevention, safety, energy



conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended; and

WHEREAS, a resolution with respect to the County School Facility Occupation Taxes has been adopted by school district boards that represent at least 51% of the student enrollment within the County; and

WHEREAS, it is hereby deemed advisable, necessary and in the best interests of the County that the Proposition be submitted to the voters of the County at an election to be held and conducted in accordance with the general election law:

NOW, THEREFORE, Be It and It Is Hereby Resolved by the County Board of The County of Shelby, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The County Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Submission to Voters.* The Proposition shall be submitted to the voters of the County in accordance with the general election law at the general primary election to be held on the 2nd day of February, 2010, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "*Election*").

*Section 3. Voting Precincts and Polling Places.* The Election shall be held in the voting precincts and at the polling places established by the County Board for voters of the County at the Election.

*Section 4. Election Notice.* The County Clerk of the County (the "*County Clerk*") shall give notice of the Election (the "*Notice*") in accordance with the general election law by (i) publishing the Notice once not more than 30 nor less than 10 days prior to the date of the Election in a local, community newspaper having general circulation in the County, and

(ii) posting a copy of the Notice at least 10 days before the date of the Election at the principal office of the County Clerk.

*Section 5. Newspaper of General Circulation.* It is hereby found and determined that the Shelbyville Daily Union is a local, community newspaper having general circulation in the County as required by Section 12-5 of the Election Code of the State of Illinois, as amended (the "Election Code").

*Section 6. Form of Notice.* The notice shall appear over the name or title of the County Clerk and shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the election to be held on Tuesday, the 2nd day of February, 2010, the following proposition will be submitted to the voters of The County of Shelby, Illinois:

Shall The County of Shelby, Illinois, be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of 1% to be used exclusively for school facility purposes?

The polls at the election will be open at 6:00 o'clock A.M. and will continue to be open until 7:00 o'clock P.M. of that day.

Dated this \_\_\_\_\_ day of January, 2010.

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County Clerk, The County of Shelby,  
Illinois

*Section 7. Form of Ballot.* The ballot to be used at the Election shall be in substantially the following form, with such alterations, changes, deletions and insertions as may be required by Articles 24A, 24B or 24C of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)

OFFICIAL BALLOT

PROPOSITION TO IMPOSE COUNTY  
SCHOOL FACILITY OCCUPATION TAXES

(INSTRUCTIONS TO VOTERS: Mark a cross (x) in  
the space opposite the word indicating  
the way you desire to vote.)

Shall The County of Shelby, Illinois, be authorized to impose a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of 1% to be used exclusively for school facility purposes?	YES	
	NO	

(Back of Paper Ballot)

OFFICIAL BALLOT

Official ballot for voting on the proposition to impose a retailers' occupation tax and a service occupation tax for school facility purposes of The County of Shelby, Illinois, at the general primary election held on February 2, 2010.

Precinct Number: \_\_\_\_\_

Polling Place: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Facsimile Signature)

\_\_\_\_\_  
County Clerk,  
The County of Shelby, Illinois

*Section 8. Election Judges.* The Election shall be conducted by the election judges appointed by the County Board to act in the precincts at which the Proposition will be submitted to the voters of the County.

*Section 9. Filing of Resolution.* After the adoption hereof and not less than 61 days prior to the date of the Election, the County Clerk shall certify, on behalf of the County Board, that the Proposition shall be submitted to the voters of the County at the Election.

*Section 10. Canvass of Election.* The Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law.

*Section 11. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

Section 12. Repealer and Effective Date. All resolutions and parts of resolutions in conflict herewith be and the same are hereby repealed, and that this Resolution be in full force and effect forthwith upon its adoption.

AYES: Robert Amling Bruce Cannon Glenn "Dick" Clark  
Fred Doerner Richard Hayden Kay Kearney  
Larry Lenz Richard Reynolds Robin Robertson  
John "Jack" Roessler Terry "Joe" Sims Jim Warren Dale Wetherell

NAYS: Kenneth Barr Robert Behl Bo

ABSENT: Barbara Bennett Jesse Durbin Robert Jordan  
Don Strohl Roger Pauley Norma Stewart

ADOPTED: 11/12, 2009


APPROVED: 11/12, 2009

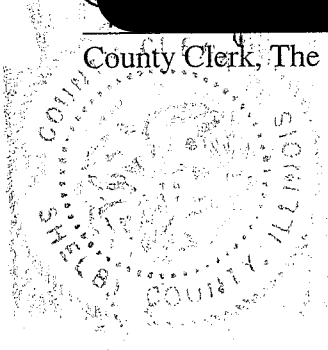


Chairman, County Board  
The County of Shelby, Illinois

Recorded In County Records: 11/12, 2009.

ATTEST:

  
County Clerk, The County of Shelby, Illinois



STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF SHELBY         )

**CERTIFICATION OF RESOLUTION AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Shelby, Illinois (the "County"), and that as such official I am the keeper of the records and files of the County Board of the County (the "County Board").

I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the County Board held on the 12<sup>th</sup> day of November, 2009, insofar as the same relates to the adoption of a resolution numbered 2009-46 and entitled:

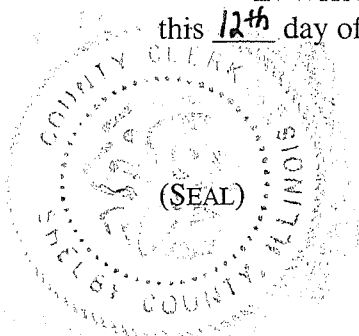
RESOLUTION providing for and requiring the submission to the electors of The County of Shelby, Illinois, at the general primary election to be held on the 2nd day of February, 2010, of a proposition to impose a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes.


a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the County Board at said meeting were conducted openly, that all votes taken at said meeting were taken openly, that said meeting was 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 an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the County Board, or a day which was not a Saturday, Sunday or legal holiday and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 Counties Code of the State of Illinois, as amended, and that the County Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the County Board in the conduct of said meeting.

I do hereby certify for submitting to the voters of the County at the general primary election to be held on the 2nd day of February, 2010, the proposition set forth in said resolution, which said resolution was duly adopted by the County Board on the 12<sup>th</sup> day of November, 2009.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the County, this 12<sup>th</sup> day of November, 2009.



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

After a full and complete discussion thereof, County Board Member Robin Robertson moved and County Board Member Glenn R. "Dick" Clark seconded the motion that said resolution be adopted.

The Chairman directed the County Clerk to call the roll for a vote upon the motion to adopt said resolution.

Upon roll call, the following County Board Members voted AYE: Robert Amling  
Bruce Cannon, Glenn R. "Dick" Clark, Fred Duermer, Richard Hayden, Kay Kearney,  
Larry Lenz, Richard Reynolds, Robin Robertson, John "Jack" Roessler,  
Terry "Joe" Sims, Jim Warren, Dale Wethered


The following County Board Members voted NAY: Kenneth Barr, Robert Behl

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Whereupon the Chairman declared the motion carried and said resolution adopted, and in open meeting did approve and sign said resolution and did direct the County Clerk to record the same in full in the records of the County Board of The County of Shelby, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at said meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
County Clerk

**County School Facility Tax  
Worksheet for Shelby County Schools  
Debt Capacity and Abatement Impact Per District**

**DRAFT**

1	2	3	4	5	6	7	8	9	10	11
County	District	2007-08 "In-County" Housed Enrollment from Fall Housing Report (1)(6)	Percent of Total	Adjusted Annual CSFT per District (2)	Estimated Proposed Debt Issuance with No Growth in Sale Tax Annually 1.25x Coverage @ 5% Rate for 30 Years (3)	Estimated Proposed Debt Issuance with 3% Annual Growth in Sales Tax, 1.25x Coverage @ 5% Rate for 30 Years (4)	2007 District EAV (5)	2008 Debt Service per District from ISBE Annual Financial Report	Potential Abatement Available Based on LESSER of CSFT Ponds or 2008 Debt Service	Effective Abatement \$ Amount per \$100,000 House Value Based on column 10
Shelby	Windsor CUSD 1	306	8.8%	\$75,568	\$975,793	\$1,325,111	\$29,751,711	\$0	\$0.00	\$0.00
Shelby	Cowden-Herrick CUSD 3A	371	10.7%	\$91,669	\$1,183,707	\$1,607,455	\$15,505,433	\$38,570	\$0.25	\$82.92
Shelby	Shelbyville CUSD 4	1,247	36.0%	\$307,950	\$3,976,517	\$5,400,044	\$98,005,327	\$101,200	\$0.10	\$34.42
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Christian	Pana CUSD 8	400	11.6%	\$98,781	\$1,275,547	\$1,732,171	\$84,862,372	\$672,936	\$0.12	\$38.80
Cumberland	Neoga CUSD 3	250	7.2%	\$61,738	\$797,217	\$1,082,607	\$51,195,584	\$164,130	\$0.12	\$40.20
	<b>Total</b>	<b>3,461</b>	<b>100%</b>	<b>\$854,667</b>	<b>\$11,036,190</b>	<b>\$14,986,963</b>	<b>\$377,058,803</b>			
	<b>Per Student Revenue Estimate</b>	<b>\$247</b>								

Prepared by Stifel Nicolaus & Company, Inc. on:  
November 2, 2009

For additional information please contact:  
Tom Crabtree  
at 1-800-230-5151 ext. 8457

- (1) K-12 Housed Enrollment from the ISBE Fall Housing Report
- (2) Based on 1% sales tax, derived from the Illinois Department of Revenue CST data, also excludes registered vehicles
- (3) Assumes no annual growth in sales tax
- (4) Assumes 3% annual growth in sales tax
- (5) As reported by ISBE Annual Financial Reports and County
- (6) Shows amount reported as "in-county" by district (CUSD 5A less 21) (Windsor less 81) (Cowden less 20%) (Central less 45%) (Total includes 400 from Pana 8 and 250 from Neoga 3)

Calendar Year	Adjusted Net CSFT at 1% (1)	% Change
2002	\$722,500	N/A
2003	\$700,268	-3.08%
2004	\$713,868	1.94%
2005	\$751,202	5.23%
2006	\$808,175	7.58%
2007	\$892,397	10.42%
2008	\$854,667	-4.23%

(1) CST as provided by the Illinois Department of Revenue as .25% on annual basis of Jan. through Dec. has been adjusted to exclude estimated vehicle sales tax exemption and then multiplied to reflect 1% estimated sales tax



**STIFEL  
NICOLAUS**



# Tax Rate Extension Report - Tax Year 2008

7/24/2009

11:32:19AM

Shelby County

Description	Rate	Avail. Rate	Levied Amt.	Exempt Amt.	Overlaid Amt.	Extension
USA STEW/STRAS UNIT #5A						
EDUCATION	2.00000	2.00000	602,527	28,135,132	478,260	562,702.70
BONDS AND INTEREST	0.48006	0.00000	137,360	28,135,132	478,260	135,065.53
OPERATIONS &	0.50000	0.50000	150,632	28,135,132	478,260	140,675.68
I. M. R. F.	0.00000	0.00000	0	28,135,132	478,260	0.00
TRANSPORTATION	0.20000	0.20000	60,253	28,135,132	478,260	56,270.27
WORKING CASH	0.05000	0.05000	15,063	28,135,132	478,260	14,067.57
FIRE PREV/SFTY/ENERGY	0.05000	0.05000	15,063	28,135,132	478,260	14,067.57
SPECIAL EDUCATION	0.04000	0.04000	12,051	28,135,132	478,260	11,254.05
TORT JUDGMENTS,	0.06990**	0.00000	20,000	28,135,132	478,260	19,666.46
SOCIAL SECURITY	0.34949**	0.00000	100,000	28,135,132	478,260	98,329.48
LEASE/PURCHASE/RENTAL	0.05000	0.05000	15,063	28,135,132	478,260	14,067.57
	3.78945		\$1,128,012			1,066,166.88

\* This year extension is more than 5% and no public hearing date has been held for the district

\*\* This year's rate is more than +/- 10% compared to last year's rate.

**Settlement Sheet**  
**Effingham County**  
**U5A - Unit 5A Stew/Stras School District**

Current Year Taxes Due		Current Year Taxes Paid			
	Original Amount Due	\$18,123.42	+	Real Estate	\$18,123.42
+	Supplements	\$0.00	+	Railroad	\$0.00
-	Cancellations	\$0.00	+	Mobile Home	\$0.00
-	Abatements/Refunds	\$0.00	+	Misc. Adjustments	\$0.00
+	Mobile Home	\$0.00	+	Prior Year Real Estate	\$0.00
+/-	Road & Bridge Transfer	\$0.00	+	Prior Year Mobile Home	\$0.00
+	Misc. Adjustments	\$0.00	+	Prior Year Misc. Adjustments	\$0.00
	<b>Adjusted Amount Due</b>	<b>\$18,123.42</b>	-	Abatements/Refunds	\$0.00
+	Prior Year Real Estate Tax	\$0.00		<b>Total Collected</b>	<b>\$18,123.42</b>
+	Prior Year Mobile Home Tax	\$0.00	+	Hold Back	\$0.00
+	Prior Year Misc. Adjustments	\$0.00	+	County Trustee	
	<b>Total Amount Due</b>	<b>\$18,123.42</b>	+	Forfeited Tax	
				<b>Total</b>	<b>\$18,123.42</b>

**Distribution Summary**

Tax Distribution Date	Amount
08/26/2009	\$8,393.21
09/28/2009	\$3,070.41
10/29/2009	\$6,659.78
<b>Totals: 3 Distributions</b>	<b>\$18,123.40</b>
<b>Grand Totals: 3 Distributions</b>	<b>\$18,123.40</b>

**Fund Summary**

Fund	Amount Collected	Previously Distributed	Current Distribution	Amount Available	Interest	PY Over Distrib
002 - Education	\$9,565.19	\$6,050.28	\$3,514.91	\$0.00	\$0.00	\$0.00
003 - Bonds and Interest	\$2,295.93	\$1,452.25	\$843.68	\$0.00	\$0.00	\$0.00
004 - Buildings, Equipment and Maintenance	\$2,391.30	\$1,512.57	\$878.72	\$0.01	\$0.00	\$0.00
005 - I M R F	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
030 - Transportation	\$956.52	\$605.03	\$351.49	\$0.00	\$0.00	\$0.00
031 - Working Cash	\$239.14	\$151.26	\$87.88	\$0.00	\$0.00	\$0.00
032 - Fire Prevention, Safety, Security	\$239.14	\$151.26	\$87.88	\$0.00	\$0.00	\$0.00
033 - Special Education	\$191.29	\$121.00	\$70.29	\$0.00	\$0.00	\$0.00
035 - Liability Insurance	\$334.31	\$211.46	\$122.84	\$0.01	\$0.00	\$0.00
047 - Social Security	\$1,671.46	\$1,057.25	\$614.21	\$0.00	\$0.00	\$0.00
057 - Lease or Purchase	\$239.14	\$151.26	\$87.88	\$0.00	\$0.00	\$0.00
<b>Totals</b>	<b>\$18,123.42</b>	<b>\$11,463.62</b>	<b>\$6,659.78</b>	<b>\$0.02</b>	<b>\$0.00</b>	<b>\$0.00</b>

PAYMENT MADE BY  
 DIRECT DEPOSIT ON  
 10-29-2009



306 N. MAIN ST., SUITE 3  
 P.O. BOX 3367  
 BLOOMINGTON, IL 61702-3367  
 TEL: 309-829-3311 FAX: 309-827-2171

INVESTMENT BANKERS

STEWARDSON-STRASBURG CUSD #5A, Shelby and Effingham Counties, Illinois

AMOUNT: \$1,300,000 Building Bonds  
 2005 E.A.V.: \$25,510,899  
 DATED: 01-Mar-07

DATE	PRINCIPAL	INTEREST RATE *	INTEREST DUE	PRNC & INT LEVY
2006				\$137,913.13
12/01/2007	\$45,000	8.900%	\$56,949.38	\$138,812.50
06/01/2008			\$35,963.75	
12/01/2008	\$70,000	8.900%	\$35,963.75	\$137,360.00
06/01/2009			\$32,848.75	
12/01/2009	\$75,000	8.900%	\$32,848.75	\$140,240.00
06/01/2010			\$29,511.25	
12/01/2010	\$85,000	8.900%	\$29,511.25	\$137,970.00
06/01/2011			\$25,728.75	
12/01/2011	\$90,000	7.750%	\$25,728.75	\$135,920.00
06/01/2012			\$22,241.25	
12/01/2012	\$95,000	7.500%	\$22,241.25	\$139,207.50
06/01/2013			\$18,678.75	
12/01/2013	\$105,000	6.000%	\$18,678.75	\$137,785.00
06/01/2014			\$15,528.75	
12/01/2014	\$110,000	5.950%	\$15,528.75	\$137,298.75
06/01/2015			\$12,256.25	
12/01/2015	\$115,000	3.850%	\$12,256.25	\$137,745.00
06/01/2016			\$10,042.50	
12/01/2016	\$120,000	3.900%	\$10,042.50	\$137,936.25
06/01/2017			\$7,702.50	
12/01/2017	\$125,000	3.950%	\$7,702.50	\$137,900.00
06/01/2018			\$5,233.75	
12/01/2018	\$130,000	3.950%	\$5,233.75	\$137,666.25
06/01/2019			\$2,666.25	
12/01/2019	\$135,000	3.950%	\$2,666.25	
TOTALS	\$1,300,000		\$493,754.38	\$1,793,754.38
			Avg P&I Levy	\$137,981

NIC = 4.9450%

\* This interest rate includes expenses of bond counsel legal opinion, bond printing, our reports and maturity schedules, implementation services, bond clearing expense, etc.

\$1,300,000 BUILDING BONDS  
 SCHEDULE 1300-13  
 February 26, 2007

**STEWARDSON-STRASBURG CU DISTRICT #5-A**  
**Plan for proposed 1% Sales Tax Revenue**

**1. Reduce district property tax levy by approximately 0.34231 cents.**

Based on the district's rate for paying the \$1,300,000 Building Bonds, this past year's tax levy for the payment was .48006. (With the proposed CSFT of \$96,312 or .34231) The levy would be .13775 rather than the .48006

**2. Maintain existing district facilities.**

Approximately \$380,000 annually

**SHELBY COUNTY**

**SCHOOL FACILITIES**

**SALES TAX**

**Shelby County Board Meeting**

**November 12<sup>th</sup>, 2009**

**9:00 a.m.**

## **Frequently Asked Questions Regarding the Shelby County School Facilities Sales Tax**

### **What's the official name of the tax?**

While it is commonly referred to as the 1% Sales Tax, the official name is the Illinois County Facility Tax Act (Public Act 95-0675).

### **How did this 1% Sales Tax Opportunity come about?**

The idea originated in Iowa in 1998. Since that time EVERY county in Iowa has adopted it.

This proved to be a challenge for the schools in Illinois counties that border Iowa. Families were being drawn to the new and updated facilities that Iowa schools could offer.

Legislation was passed by the Illinois General Assembly on May 30<sup>th</sup>, 2007 to give Illinois counties the opportunity to pass a 1% Sales Tax Increase.

### **Have any local counties passed it?**

Yes. Champaign County in April 2009.

## What is taxed?

Everything in the municipal and county sales tax base is included EXCEPT the following items:

Most Groceries  
Drugs  
Farm equipment and parts  
Farm Inputs  
Cars, trucks, and ATV's  
Boats and RV's  
Mobile Homes

In a sentence "If it's not currently taxed, it will not be taxed."

## What are the present Sales Tax rates?

<u>City/Municipality</u>	<u>Rate</u>
Charleston	6.75%
Mattoon	6.75% (7.75% in South Rt. 45 Business District)
Oakland	6.25%
Shelbyville	6.25%
	7.25% (inside "business district")
Champaign	8.75%
Urbana	8.75%
Effingham	6.50% (7.50% in Ford Ave Business District)
Decatur	8.00%
Terre Haute	7.00%
Coles County	6.25% (outside of Charleston)
Champaign County	7.50% (outside cities of Champaign-Urbana)
Effingham County	6.50% (outside of Effingham)
Shelby County	6.25%

**County School Facility Tax  
Worksheet for Shelby County Schools  
Debt Capacity and Abatement Impact per District**

1	2	3	4	5	6	7	8	9	10	11
		2007-08 "In-County" Housed Enrollment from Fall Housing Report	Percent of Total	Adjusted Annual CSFT per District	Estimated Proposed Debt Issuance with no Growth in Sale Tax Annually 1.25x Coverage @ 5% Rate for 30 Years	Estimated Proposed Debt Issuance with 3% Annual Growth in Sales Tax, 1.25x Coverage @ 5% Rate for 30 Years	2007 District EAY	2008 Debt Service per District from ISBE Annual Financial Report	Potential Abatement Available Based on LESSER of CSFT Funds or 2008 Debt Service	Effective Abatement \$ Amount Per \$100,000 House Based on column 10
County	District									
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Shelby	Cowden-Herrick CUSD 3A	371	10.7%	\$91,669	\$1,183,707	\$1,607,455	\$15,505,433,	\$38,750	\$0.25	\$ 82.92
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	Total	3,461	100%	\$854,667	\$11,036,190	\$14,986,963	\$377,058,803	\$656,116 (Shelby County)		
	Per Student Revenue Estimate	\$247								

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- (2) Based on 1% sales, tax derived from the Illinois Department of Revenue CST data, also excludes registered vehicles
- (3) Assumes no annual growth in sales tax
- (4) Assumes 3% annual growth in sales tax
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- (6) Shows amount reported as "in-county" by district (CUSD 5A less 21)(Windsor less 81)(Cowden less 20%)(Central less 45%) (total includes 400 from Pana 8 and 250 from Neoga 3)



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2002	\$722,500	N/A
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2006	\$808,175	7.58%
2007	\$892,397	10.42%
2008	\$854,667	-4.23%

(1) CST as provided by the Illinois Department of Revenue as .25% on annual basis of January through December has been adjusted to exclude estimated vehicle sales tax exemption and then multiplied to reflect 1% estimated sales tax.

## **How can the school districts use the money?**

### **Eligible Projects**

- Reduce Property Taxes**
- Pay Facility Related Debt**
- New Facilities and Land Acquisition**
- Demolition**
- Additions, Renovations and Parking Lots**
- System Upgrades**

### **Ineligible Uses**

- Salaries and Overhead**
- Buses**
- Operating Costs**
- Detached Furniture and Fixtures**
- Computers**
- Moveable Equipment**

## **How is the Sales Tax placed on the ballot?**

### **Two Ways:**

County Board may pass a resolution or  
School District may pass a resolution

The County Clerk will place it on the ballot at the next regularly scheduled election.

## **When I go to vote, how will the ballot read?**

Shall Shelby County be authorized to impose a retailer's occupation tax and a service occupation tax (commonly referred to as a "sales tax") at a rate of one percent to be used exclusively for school facility purposes?

## **What does it take for the Sales Tax to pass?**

A simple majority of county wide voters.

## **What is the benefit to Property Owners, Kids, and the School Districts of Shelby County?**

If this referendum passes it will ease the burden of property taxes. Students will have the opportunity to attend more modern energy efficient school buildings. The school districts will have additional funding with which they can maintain their buildings.

**Can you give us an example of what the cost would be if we went shopping?**

A consumer who spends \$50 at Wal-Mart on non-food items would pay an extra 50 cents in sales tax.

An owner of a \$100,000 home would have to spend over \$17,000 on non-exempt items to lose the benefit of the real estate tax reduction.

MINUTES of a [regular/rescheduled regular/special] public meeting of the Board of Education of Central A & M CUD School District Number 21, Assumption, Illinois, held at Assumption, Illinois, in said School District at 8 o'clock P.M., on the 28 day of September, 2009.

\* \* \*

The meeting was called to order by the President, and upon the roll being called, Dawna Corzine, the President, and the following members were physically present at said location: Dennis Zindel, Stephanie Burgener, Stephanie Ramsey, Beth Sams, Lindsay Paradee, Tim Dial

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference: \_\_\_\_\_

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever: \_\_\_\_\_

The President announced that the Board of Education would consider the adoption of a resolution requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

FILED  
NOV 12 2009

*Kathy A. Lantz*  
SHELBY COUNTY CLERK

Whereupon Member Dawnna Corzine presented and the Secretary read by title a resolution as follows, copies of which were made available to all in attendance at said meeting who requested a copy:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the County Board (the "*County Board*") of The County of Shelby, Illinois (the "*County*"), to impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in the County on the gross receipts of the sales made in the course of business and a service occupation tax upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*") if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition; and

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities, and also includes fire prevention, safety, energy

conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended; and

WHEREAS, the County School Facility Occupation Tax Law provides that upon a resolution by school district boards that represent at least 51% of the student enrollment within the County, the County Board must certify the Proposition to the proper election authority in accordance with the Election Code of the State of Illinois, as amended (the "*Election Code*"); and

WHEREAS, the Board of Education (the "*School Board*") of Central A & M CUD School District Number 21, Assumption, Illinois (the "*District*"), deems it necessary, advisable and in the best interest of the District that the County Board certify the Proposition to the County Clerk of the County (the "*County Clerk*") for submission to the electors of the County at the general primary election to be held on the 2nd day of February, 2010 (the "*Election*");

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Central A & M CUD School District Number 21, Assumption, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The School Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Request to County Board.* The County Board is hereby requested to certify the Proposition to the County Clerk, in accordance with the Election Code, for submission to the electors of the County at the Election.

*Section 3. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or



unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 4. Repeal.* All resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted September 28 2009.

  
\_\_\_\_\_  
President, Board of Education

  
\_\_\_\_\_  
Secretary, Board of Education

Member Dennis Zindel moved and Member Tim Dial seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE: Dawna Corzine, Dennis Zindel, Stephanie Burgener, Stephanie Ramsey, Beth Sams, Lindsay Paradee, Tim Dial

The following members voted NAY: \_\_\_\_\_

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Secretary to record the same in the records of the Board of Education of Central A & M CUD School District Number 21, Assumption, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
Secretary, Board of Education

STATE OF ILLINOIS.                    )  
  ) SS  
COUNTY OF Shelby                    )

**CERTIFICATION OF MINUTES AND RESOLUTION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Central A & M School District Number 21, Moweaqua, Illinois (the "*Board*"), and as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 28 day of September, 2009, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

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 an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board, on a day which was not a Saturday, Sunday or legal holiday and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 School Code of the State of Illinois, 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.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 28 day of September, 2009.

  
Secretary, Board of Education

FILED  
NOV 03 2009

Kathy A. Lantz  
SHELBY COUNTY CLERK

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the County Board (the "*County Board*") of The County of Shelby, Illinois (the "*County*"), to impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in the County on the gross receipts of the sales made in the course of business and a service occupation tax upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*") if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition; and

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities, and also includes fire prevention, safety, energy

conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended; and

WHEREAS, the County School Facility Occupation Tax Law provides that upon a resolution by school district boards that represent at least 51% of the student enrollment within the County, the County Board must certify the Proposition to the proper election authority in accordance with the Election Code of the State of Illinois, as amended (the "*Election Code*"); and

WHEREAS, the Board of Education (the "*School Board*") of Shelbyville School District Number 4, Shelbyville, Illinois (the "*District*"), deems it necessary, advisable and in the best interest of the District that the County Board certify the Proposition to the County Clerk of the County (the "*County Clerk*") for submission to the electors of the County at the general primary election to be held on the 2nd day of February, 2010 (the "*Election*");

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Shelbyville School District Number 4, Shelbyville, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The School Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Request to County Board.* The County Board is hereby requested to certify the Proposition to the County Clerk, in accordance with the Election Code, for submission to the electors of the County at the Election.

*Section 3. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or

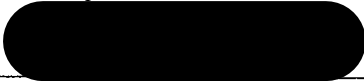
unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 4. Repeal.* All resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted September 17, 2009.



\_\_\_\_\_  
President, Board of Education



\_\_\_\_\_  
Secretary, Board of Education

MINUTES of a [regular/rescheduled regular/special] public meeting  
of the Board of Education of Shelbyville School  
District Number 4, Shelbyville,  
Illinois, held at 1001 W.N. 6th St., Shelbyville,  
Illinois, in said School District at 7:30 o'clock P.M., on the  
17th day of September, 2009.

\* \* \*

The meeting was called to order by the President, and upon the roll being called,  
Clay Miller, the President, and the following members were  
physically present at said location: Matthew Beyers, Rob Bosgraaf, Larry Durbin,  
Toby Koonce, Scott West and Mike Wheeler

The following members were allowed by a majority of the members of the Board of  
Education in accordance with and to the extent allowed by rules adopted by the Board of  
Education to attend the meeting by video or audio conference: None

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner  
or to any extent whatsoever: None

The President announced that the Board of Education would consider the adoption of a  
resolution requesting the County Board of The County of Shelby, Illinois, to certify to the  
County Clerk of said County the question of imposing a retailers' occupation tax and a service  
occupation tax to be used exclusively for school facility purposes for submission to the electors  
of said County at the general primary election to be held on the 2nd day of February, 2010.

Whereupon Member Clay Miller presented and the Secretary read by title a resolution as follows, copies of which were made available to all in attendance at said meeting who requested a copy:

None



Member Matthew Beyers moved and Member Rob Bosgraaf  
seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.


Upon the roll being called, the following members voted AYE: \_\_\_\_\_  
Matthew Beyers, Rob Bosgraaf, Larry Durbin, Toby Koonce, Scott West,  
Mike Wheeler, and Clay Miller

The following members voted NAY: None

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Secretary to record the same in the records of the Board of Education of Shelbyville School District Number 4, Shelbyville, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
\_\_\_\_\_  
Secretary, Board of Education

STATE OF ILLINOIS. )  
 ) SS  
 COUNTY OF Shelby )

**CERTIFICATION OF MINUTES AND RESOLUTION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Shelbyville School District Number 4, Shelbyville, Illinois (the "Board"), and as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 17th day of September, 2009, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

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 an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board, on a day which was not a Saturday, Sunday or legal holiday and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 School Code of the State of Illinois, 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.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 17th day of September, 2009.

  
 Secretary, Board of Education

MINUTES of a [regular/rescheduled regular/special] public meeting of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, held at Jr. High Science at Strasburg, Illinois, in said School District at 7:30 o'clock P.M., on the 17th day of September, 2009.

\* \* \*

The meeting was called to order by the President, and upon the roll being called, Leroy Helmuth, the President, and the following members were physically present at said location: J. Barton, L. Helmuth, G. Collins, C. Kessler, B. Schlechte, C. Smith, G. Vonderheide

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference: N/A

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever: N/A

The President announced that the Board of Education would consider the adoption of a resolution requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

FILED  
NOV 24 2009

*Kathy A. Lantz*  
SHELBY COUNTY CLERK

Whereupon Member Leroy Helmuth presented and the Secretary read by title a resolution as follows, copies of which were made available to all in attendance at said meeting who requested a copy:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the County Board (the "*County Board*") of The County of Shelby, Illinois (the "*County*"), to impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in the County on the gross receipts of the sales made in the course of business and a service occupation tax upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*") if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition; and

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities, and also includes fire prevention, safety, energy

conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended; and

WHEREAS, the County School Facility Occupation Tax Law provides that upon a resolution by school district boards that represent at least 51% of the student enrollment within the County, the County Board must certify the Proposition to the proper election authority in accordance with the Election Code of the State of Illinois, as amended (the "Election Code"); and

WHEREAS, the Board of Education (the "School Board") of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois (the "District"), deems it necessary, advisable and in the best interest of the District that the County Board certify the Proposition to the County Clerk of the County (the "County Clerk") for submission to the electors of the County at the general primary election to be held on the 2nd day of February, 2010 (the "Election"):

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The School Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Request to County Board.* The County Board is hereby requested to certify the Proposition to the County Clerk, in accordance with the Election Code, for submission to the electors of the County at the Election.


*Section 3. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 4. Repeal.* All resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted Aug 17, 2009.

  
President, Board of Education

  
Secretary, Board of Education

Member Chad Smith moved and Member Gary Collins seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.


Upon the roll being called, the following members voted AYE: J. Burton,  
G. Collins, L. Helmuth, C. Kessler, C. Smith,  
G. Vonderheide

The following members voted NAY: B. Schlechte

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Secretary to record the same in the records of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
Secretary, Board of Education



STATE OF ILLINOIS. )  
 ) SS  
COUNTY OF Shelby )

**CERTIFICATION OF MINUTES AND RESOLUTION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois (the "Board"), and as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 17<sup>th</sup> day of September, 2009, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

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 an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board, on a day which was not a Saturday, Sunday or legal holiday and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 School Code of the State of Illinois, 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.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 17<sup>th</sup> day of September, 2009.

  
Secretary, Board of Education

MINUTES of a [regular/rescheduled regular/special] public meeting of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, held at the Jr High Science Lab at Stew-Stras school, Strasburg, Illinois, in said School District at 7:30 o'clock P.M., on the 17 day of September, 2009.

\* \* \*

The meeting was called to order by the President, and upon the roll being called, Leroy Helmuth, the President, and the following members were physically present at said location: G. Burton; L. Helmuth; G. Collins; C. Kessler; B. Schlechte; C. Smith; & G. Vonderheide

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference: Leroy Helmuth; Gary Collins

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever: N/A

The President announced that the Board of Education would consider the adoption of a resolution requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

FILED  
OCT 30 2009

Kathy A. Lantz  
SHELBY COUNTY CLERK

Whereupon Member Leroy Helmuth presented and the Secretary read by title a resolution as follows, copies of which were made available to all in attendance at said meeting who requested a copy:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the County Board (the "*County Board*") of The County of Shelby, Illinois (the "*County*"), to impose a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in the County on the gross receipts of the sales made in the course of business and a service occupation tax upon all persons engaged, in the County, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*") if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition; and

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities, and also includes fire prevention, safety, energy

conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended; and

WHEREAS, the County School Facility Occupation Tax Law provides that upon a resolution by school district boards that represent at least 51% of the student enrollment within the County, the County Board must certify the Proposition to the proper election authority in accordance with the Election Code of the State of Illinois, as amended (the "*Election Code*"); and

WHEREAS, the Board of Education (the "*School Board*") of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois (the "*District*"), deems it necessary, advisable and in the best interest of the District that the County Board certify the Proposition to the County Clerk of the County (the "*County Clerk*") for submission to the electors of the County at the general primary election to be held on the 2nd day of February, 2010 (the "*Election*");

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The School Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Request to County Board.* The County Board is hereby requested to certify the Proposition to the County Clerk, in accordance with the Election Code, for submission to the electors of the County at the Election.

*Section 3. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 4. Repeal.* All resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted 9/17/2009 2009.



President, Board of Education



Secretary, Board of Education

Member Chad Smith moved and Member Gary Collins seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE: J. Burton;  
G. Collins; L. Helmuth; C. Kessler;  
C. Smith; G. Vonderheide

The following members voted NAY: B. Schlechte

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Secretary to record the same in the records of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

  
Secretary, Board of Education

STATE OF ILLINOIS. )  
COUNTY OF Shelby ) SS

**CERTIFICATION OF MINUTES AND RESOLUTION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Stewardson-Strasburg School District Number 5A, Strasburg, Illinois (the "Board"), and as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 17<sup>th</sup> day of September, 2009, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION requesting the County Board of The County of Shelby, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of said County at the general primary election to be held on the 2nd day of February, 2010.

a true, correct and complete copy of which said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

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 an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board, on a day which was not a Saturday, Sunday or legal holiday and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, 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 School Code of the State of Illinois, 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.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 17<sup>th</sup> day of September, 2009.

  
Secretary, Board of Education



**RESOLUTION**

2009-47

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor was created to provide services to State's Attorneys in Judicial Districts containing less than 3,000,000 inhabitants; and

WHEREAS, the powers and duties of the Office of the State's Attorneys Appellate Prosecutor are defined and enumerated in the "State's Attorneys Appellate Prosecutor's Act", 725 ILCS 210/1 et seq., as amended; and

WHEREAS, the Illinois General Assembly appropriates monies for the ordinary and contingent expenses of the Office of the State's Attorneys Appellate Prosecutor, one-third from the State's Attorneys Appellate Prosecutor's County Fund and two-thirds from the General Revenue Fund, provided that such funding receives county approval and support from within the respective Judicial Districts eligible to apply; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor shall administer the operation of the appellate offices so as to insure that all participating State's Attorneys continue to have final authority in preparation, filing, and arguing of all appellate briefs and any trial assistance; and

WHEREAS, the Office of the State's Attorneys Appellate Prosecutor and the Illinois General Assembly have reviewed and approved a budget for Fiscal Year 2010, which funds will provide for the continued operation of the Office of the State's Attorneys Appellate Prosecutor.

NOW, THEREFORE, BE IT RESOLVED that the Shelby County Board, in regular session, this 12<sup>th</sup> day of November, 2009 does hereby support the continued operation of the Office of the State's Attorneys Appellate Prosecutor, and designates the Office of the State's Attorneys Appellate Prosecutor as its Agent to administer the operation of the appellate offices and process said appellate court cases for this County.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor are hereby authorized to act as Assistant State's Attorneys on behalf of the State's Attorneys of this County in the appeal of all cases, when requested to do so by the State's Attorney, and with the advice and consent of the State's Attorney prepare, file, and argue appellate briefs for those cases; and also, as may be requested by the State's Attorney, to assist in the prosecution of cases under the Illinois Controlled Substances Act, the Cannabis Control Act, the Drug Asset Forfeiture Procedure Act and the Narcotics Profit Forfeiture Act. Such attorneys are further authorized to assist the State's Attorney in the State's Attorney's duties under the Illinois Public Labor Relations Act, including negotiations thereunder, as well as in the trial and appeal of tax objections.

BE IT FURTHER RESOLVED that the attorneys employed by the Office of the State's Attorneys Appellate Prosecutor may also assist the State's Attorney of this County in the discharge of the State's Attorney's duties in the prosecution and trial of other cases, and may act as Special Prosecutor if duly appointed to do so by a court having jurisdiction.

BE IT FURTHER RESOLVED that the Shelby County Board hereby agrees to participate in the service program of the Office of the State's Attorneys Appellate Prosecutor for Fiscal Year 2010, commencing December 1, 2009, and ending November 30, 2010, by hereby appropriating the sum of \$7,000.00 as consideration for the express purpose of providing a portion of the funds required for financing the operation of the Office of the State's Attorneys Appellate Prosecutor, and agrees to deliver the same to the Office of the State's Attorneys Appellate Prosecutor on request during the Fiscal Year 2010.

Passed and adopted by the County Board of Shelby County, Illinois, this

12<sup>th</sup> day of November, 2009.

ATTEST:

County Clerk

Chairman

**RESOLUTION NO. 09-48**

**WHEREAS**, the County of Shelby, State of Illinois, currently requires that units of Shelby County government seek bids for any materials or services (other than professional services) exceeding \$10,000 in value to be purchased by said unit of Shelby County government; and

**WHEREAS**, Section 5-1022 of the Counties Code (55 ILCS 5/5-1022) requires units of county government to seek bids for services (other than professional services), materials, goods or supplies in excess of \$20,000.

**NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:**

Shelby County shall immediately hereby adhere to the requirements set forth in section 5-1022.

Duly adopted and approved this 12<sup>th</sup> day of November 2009.

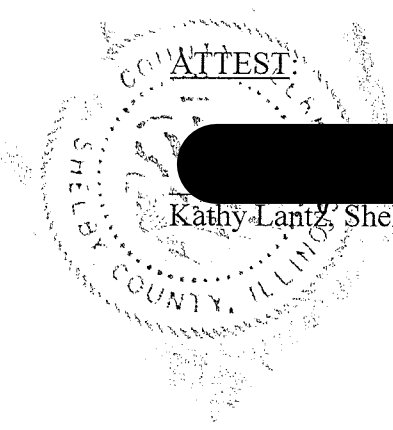


Paul Brooks, Shelby County Board Chairman

**ATTEST:**



Kathy Lantz, Shelby County Clerk




TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION	_____
PETITION	<u>  X  </u>
AGREEMENT	_____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF ILLINOIS, }  
County of Shelby } ss.  
Road District of Rose }

To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Rose in said County, would respectfully represent that a tank car culvert needs to be replaced over the unnamed tributary where the same is crossed by the highway TR 191A at a point near SW 1/4, NW 1/4 Section 22; R3E ; T11N; 3rd PM

in said Road District, for which said work the Road District of Rose is responsible; and the cost of which work will be six thousand five hundred Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 5th day of November 2009

  
Highway Commissioner.

STATE OF ILLINOIS, }  
County of Shelby } ss.  
Road District of Rose }

I, the undersigned Highway Commissioner of the Road District of Rose County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

Pipe Culvert -	4500
Labor, Equip, Mat'l -	2000
TOTAL -	\$6500

and I do estimate that the probable cost of the same will be six thousand five hundred Dollars.

Witness my hand, this 5th day of November 2009

  
Highway Commissioner.

**PETITION FOR COUNTY AID TO BUILD  
OR REPAIR BRIDGE, CULVERT OR  
DRAINAGE STRUCTURE**

ROAD DISTRICT OF

ROSE

SHELBY

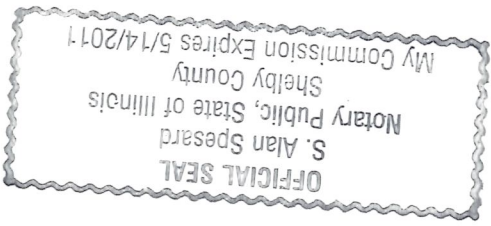
COUNTY, ILLINOIS

**FILED**  
NOV 12 2009

*Kathy A. Stutz*  
SHELBY COUNTY CLERK

Filed this \_\_\_\_\_ day of \_\_\_\_\_

County Clerk.



James Atteberry  
Rose  
being duly sworn, on oath says that  
six thousand five hundred  
Dollars mentioned in the estimate to which this  
affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose  
required.  
\_\_\_\_\_ Highway Commissioner.  
Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 2009

STATE OF ILLINOIS,  
County of Shelby  
Road District of Rose  
ss.





TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION	_____
PETITION	<u>  X  </u>
AGREEMENT	_____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

STATE OF ILLINOIS,  
County of Shelby } ss.  
Road District of Pickaway }

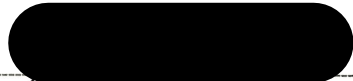
To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Pickaway in said County, would respectfully represent that a timber bridge needs to be replaced over the unnamed tributary where the same is crossed by the highway TR 200 at a point near SW 1/4, NW 1/4 Section 12; R3E; T13N; 3rd PM

in said Road District, for which said work the Road District of Pickaway is responsible; and the cost of which work will be four thousand Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 5th day of November 2009



Highway Commissioner.

STATE OF ILLINOIS,  
County of Shelby } ss.  
Road District of Pickaway }

I, the undersigned Highway Commissioner of the Road District of Pickaway County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

Pipe Culvert -	3000
Labor, Equip, Mat'l -	1000
TOTAL -	\$4000

and I do estimate that the probable cost of the same will be four thousand Dollars.

Witness my hand, this 5th day of November 2009



Highway Commissioner.

PETITION FOR COUNTY AID TO BUILD  
OR REPAIR BRIDGE, CULVERT OR  
DRAINAGE STRUCTURE

ROAD DISTRICT OF

Pickaway

Shelby

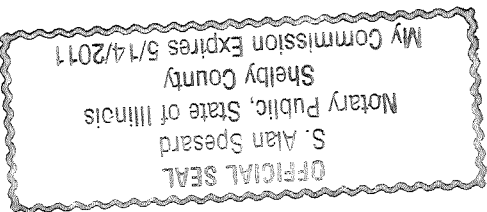
COUNTY, ILLINOIS

FILED  
NOV 12 2009

*Kathryn A. Dault*  
SHELBY COUNTY CLERK

Filed this \_\_\_\_\_ day of \_\_\_\_\_

County Clerk.



Subscribed and sworn to before me, this 5th day of November, 2009

Highway Commissioner.

affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose required.

Four thousand

Pickaway being duly sworn, on oath says that

Brent Macklin Highway Commissioner of said Road District of

STATE OF ILLINOIS,  
County of Shelby  
Road District of Pickaway  
ss.




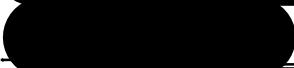


TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION	_____
PETITION	<u>  X  </u>
AGREEMENT	_____

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

STATE OF ILLINOIS,  
County of Shelby } ss.  
Road District of Holland }

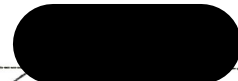
To the County Board of Shelby County, Illinois:

The undersigned, Highway Commissioner of the Road District of Holland in said County, would respectfully represent that Bridge 087-3262 needs to be replaced over the Brush Creek where the same is crossed by the highway TR 431 at a point near NE 1/4 NE 1/4 Section 9; R4E; T9N; 3rd PM

in said Road District, for which said work the Road District of Holland is responsible; and the cost of which work will be four hundred twenty thousand Dollars, which sum will be more than .02 per cent of the full, fair cash value of all the taxable property in said Road District, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in said Road District was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of the Illinois Highway Code.

Wherefore, the said Highway Commissioner hereby petitions you for aid, and for an appropriation from the "County Bridge Fund" in the County Treasury of a sum sufficient to meet one half the expenses of said bridge or other work, said Road District being prepared to furnish the other half of the amount required.

Dated at Shelbyville, this 5th day of November 2009

X   
Highway Commissioner.

STATE OF ILLINOIS,  
County of Shelby } ss.  
Road District of Holland }

I, the undersigned Highway Commissioner of the Road District of Holland County aforesaid, hereby state that I have made a careful estimate of the probable cost of the

(Here state the description of the work asked for.)

Bridge Construction -	360,000
Engineering -	60,000
TOTAL -	\$420,000

and I do estimate that the probable cost of the same will be four hundred twenty thousand Dollars.

Witness my hand, this 5th day of November 2009

X   
Highway Commissioner.

PETITION FOR COUNTY AID TO BUILD  
OR REPAIR BRIDGE, CULVERT OR  
DRAINAGE STRUCTURE

ROAD DISTRICT OF

HOLLAND

SHELBY

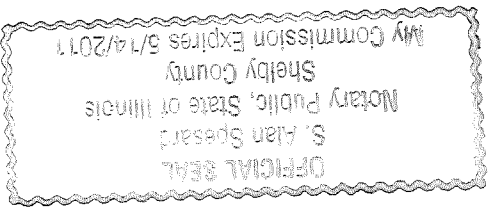
COUNTY, ILLINOIS

**FILED**  
NOV 12 2009

*Rachel A. Stutz*  
SHELBY COUNTY CLERK

Filed this \_\_\_\_\_ day of \_\_\_\_\_

County Clerk.



Subscribed and sworn to before me, this \_\_\_\_\_ 5th day of \_\_\_\_\_ November \_\_\_\_\_ 2009

\_\_\_\_\_ Highway Commissioner.

Four hundred twenty thousand Dollars mentioned in the estimate to which this affidavit is attached is necessary, and that the same will not be more expensive than is needed for the purpose required.

\_\_\_\_\_ being duly sworn, on oath says that

STATE OF ILLINOIS,  
County of Shelby } ss.  
Road District of Holland }

Larry Syfert

Highway Commissioner of said Road District of

Holland

Resolution  
Sigel Perry


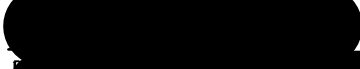

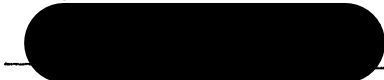
TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION        X    
PETITION            \_\_\_\_\_  
AGREEMENT        \_\_\_\_\_

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

**RESOLUTION**

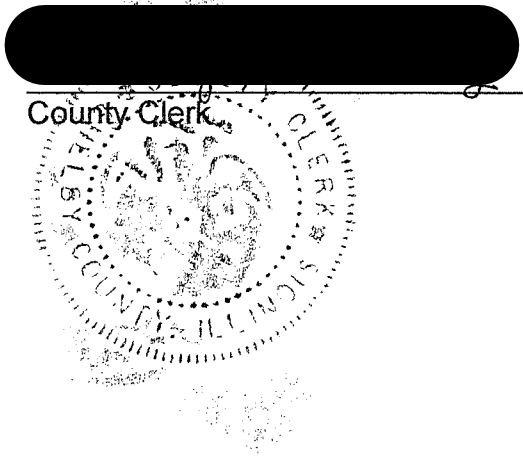
2009-49

BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for the Sigel Township Railroad Crossing Approach to Effingham Asphalt Co., Inc. based on their low bid submitted at a letting held November 9, 2009, of \$ 43,061.20.

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY        )

I, Kathy A. Gantz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its regular meeting held in Shelbyville, Illinois on November 12, 2009.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 12th day of November, 2009 A.D.



*Baileys*

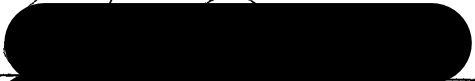

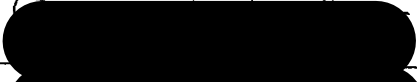

TO: THE SHELBY COUNTY BOARD

WE, THE MEMBERS OF THE ROAD AND BRIDGE COMMITTEE,  
HAVING EXAMINED THE ATTACHED

RESOLUTION       X    
PETITION                    
AGREEMENT               

DO HEREBY RECOMMEND APPROVAL OF SAME BY THE COUNTY BOARD.

RESPECTFULLY SUBMITTED,  
ROAD & BRIDGE COMMITTEE

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

**RESOLUTION**

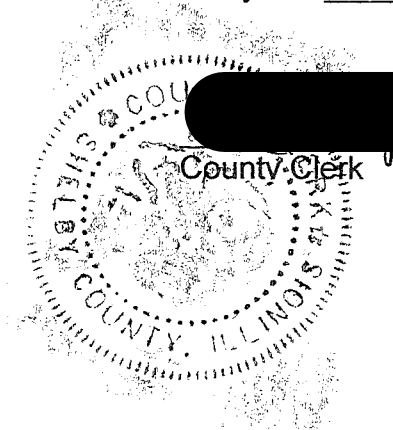
2009-50

BE IT RESOLVED, by the County Board of Shelby County, State of Illinois, that Shelby County concurs in the awarding of a contract for a pole-type building addition (48 foot x 72 foot) to Graber Buildings, Inc. based on their low bid submitted at a letting held November 9, 2009, of \$ 49,250.00.

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF SHELBY        )

I, Kathy A. Gantz County Clerk in and for said County in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect, and complete copy of a Resolution adopted by the County Board of Shelby County at its regular meeting held in Shelbyville, Illinois on November 12, 2009.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said County at my office in Shelbyville in said County this 12th day of November, 2009 A.D.



October 30, 2009

October, 2009 Zoning Administration report to the Shelby County Board for their consideration.

(12) Building permits issued

(3) New residence

(2) Residential additions

(7) Accessory additions

An amendment to the Shelby County Zoning ordinance concerning the placement of cellular/wireless towers, was presented to the Planning Commission and Board of Appeals at their October meetings. Both bodies voted to accept the ordinance and present it to the County Board for approval.

Denny Harris  
Zoning Administrator



**Zoning Administration  
Monthly Report  
2009**

	January	February	March	April	May	June	July	August	September	October	November	Year Total
<b>Building Permits</b>												
Residence (Mobile, Modular, and Co	3	3	3	4	6	6	5	6	2	3		
Additions to Residence			1	2	6	2	4	0	1	2		
Accessory Buildings	1	1	4	6	4	8	4	9	7	7		
Grain Bins		1	3	2	4	0	3	0	0	0		
Commercial/Additions	1		0	0	0	0	0	3	2	0		
Billboard/Sign			0	0	0	0	0	0	0	0		
<b>Zoning Applications</b>												
Rezoning	0	0	0	0	0	0	0	0	0	0		
Special Exceptions	0	0	0	0	0	0	0	0	0	0		
Variances	0	0	0	0	0	0	0	0	0	0		
Sub Divisions	0	0	0	0	0	0	0	0	0	0		
Preliminary Plat	0	0	0	0	0	0	0	0	0	0		
Final Plat	0	0	0	0	0	0	0	0	0	0		
<b>Fees Received</b>	\$1,025.00	\$525.00	\$900.00	\$1,025.00	\$4,050.00	\$2,025.00	\$1,625.00	\$3,675.00	\$1,725.00	\$975.00		

\$ -

SHELBY COUNTY, ILLINOIS

AMENDMENT TO  
ZONING ORDINANCE  
OF  
SHELBY COUNTY, ILLINOIS  
2005

No. 09- 02-0

ADOPTED: NOVEMBER 12, 2009

Published in pamphlet form by authority of  
the County Board of Shelby County, Illinois,  
this 12<sup>th</sup> day of November, 2009

Prepared for

The Shelby County Zoning Commission  
The Shelby County Board of Appeals  
The County Board of Shelby County

AN ORDINANCE PROVIDING FOR THE PLACEMENT OF  
COMMUNICATIONS TOWERS AND ANTENNAE

WHEREAS, an Application for amendment to the Zoning Ordinance of Shelby County has been made by the Zoning Administrator and said application was referred to the Shelby County Plan Commission for public hearing and at its meeting on October 22, 2009 recommended that such amendments be made by the Shelby County Board; and,

WHEREAS, said application was referred to the Shelby County Board of Appeals for further hearing and at its meeting on October 27, 2009 recommended that such amendments be made by the Shelby County Board; and

WHEREAS, after due consideration, it is the determination of the Shelby County Board that such amendments be made to the Zoning Ordinance of Shelby County; and

WHEREAS, the Zoning Ordinance of Shelby County, No. 05-05 provides for the setting of certain fees to be charged by and paid to Shelby County for various zoning applications, permits and appeals;

WHEREAS, this ordinance shall be published in pamphlet form;

NOW, THEREFORE, BE IT ORDAINED by the Shelby County Board that the aforementioned Zoning Ordinance is to be amended as follows:

ARTICLE II, Section 19 shall read:

**A. DEFINITIONS**

- 1) "Residential Zoning District" means a zoning district that is designated under a county zoning ordinance and is zoned for residential uses;
- 2) "Non-Residential Zoning District" means the county jurisdiction of Shelby County, except for those portions within a residential zoning district;
- 3) "Residentially Zoned Lot" means a zoning lot in a residential zoning district;
- 4) "Non-Residentially Zoned Lot" means a zoning lot in a non-residential zoning district;
- 5) "Telecommunications Carrier" means a telecommunications carrier as defined in the public utilities act as of January 1, 2009;
- 6) "Facility" means that part of the signal distribution system used or operated by a telecommunications carrier under a license from the FCC consisting of a combination of improvements and equipment including (i) one or more antennas,

- ii) a supporting structure and the hardware by which antennas are attached; (iii) equipment housing; and (iv) ancillary equipment such as signal transmissions cables and miscellaneous hardware;
- 7) "FAA" means the Federal Aviation Administration of the United States Department of Transportation;
  - 8) "FCC" means the Federal Communications Commission;
  - 9) "Antenna" means an antenna device by which radio signals are transmitted, received, or both;
  - 10) "Supporting Structure" means a structure, whether an antenna tower or another type of structure, that supports one or more antennas as part of a facility;
  - 11) "Qualifying Structure" means a supporting structure that is (i) an existing structure, if the height of the facility, including the structure, is not more than 15 feet higher than the structure just before the facility is installed; or (ii) a substantially similar, substantially same-location replacement of an existing structure, if the height of the facility, including the replacement structure, is not more than 15 feet higher than the height of the existing structure just before the facility is installed;
  - 12) "Equipment Housing" means a combination of one or more equipment buildings or enclosures housing equipment that operated in conjunction with the antennas of a facility, and the equipment itself;
  - 13) "Height" of a facility means the total height of the facility's supporting structure and any antennas that will extend above the top of the supporting structure;
  - 14) "Facility Lot" means the zoning lot on which a facility is or will be located;
  - 15) "Principal Residential Building" has its common meaning but shall not include any building under the same ownership as the land of the facility lot. "Principal Residential Building" shall not include any structure that is not designed for human habitation;
  - 16) "Horizontal Separation Distance" means the distance measured from the center of the base of the facility's supporting structure to the point where the ground meets a vertical wall of a principal residential building; and
  - 17) "Lot Line Set Back Distance" means the distance measured from the center of the base of the facility's supporting structure to the nearest point on the common lot line between the facility lot and the nearest residentially zoned lot. If there is no common lot line, the measurement shall be made to the nearest point on the lot

line of the nearest residentially zoned lot without deducting the width of any intervening right of way.

## **B. APPLICABILITY**

### **1) Applicable Area**

The requirements of this Ordinance shall apply only in the unincorporated area of Shelby County, Illinois.

### **2) Other Applicable Rules**

Nothing contained in the Ordinance shall be construed as reducing, abridging or eliminating the requirements of other applicable rules, regulations, ordinances or laws as they may legally apply, including but not limited to the following Shelby County Zoning Ordinance:

- Federal Communications Commission (FCC) regulations
- Federal Aviation Administration (FAA) regulations

Where a conflict exists between this Ordinance and any other applicable rule, the more strict regulation shall govern.

### **3) Amateur Radio/Receive-Only Antennas**

The regulations of this Ordinance shall not apply to the construction or modification of any antenna facility that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.

## **C. RADIO FREQUENCY RADIATION AND INTERFERENCE**

### **1) Radio Frequency Radiation**

All antenna facilities shall comply with the radio frequency radiation standards of the Federal Communications Commission (FCC). Application for a building permit for an antenna facility shall include a written statement from a radio frequency engineer, or licensed engineer stating that the facility complies with these standards.

### **2) Interference with Public Safety Telecommunications**

No new or existing antenna shall interfere with public safety telecommunications.

An application for a building permit for a new antenna or antenna facility shall include a written statement from a licensed engineer that the proposed antennae will not interfere with public safety telecommunications.

#### **D. SUBDIVISION OF PROPERTY**

An antenna facility may be located on a parcel of land without requiring the subdivision of the parcel, provided that an accurate legal description of the property leased for, or otherwise dedicated to, the antenna facility is provided with the application for building permit.

#### **E. CONSTRUCTION STANDARDS**

##### **1) Structural Certification**

Each application for building permit for the construction or modification of an antenna facility shall include a certification of the structural integrity of the facility and foundation plans sealed by a licensed engineer. (G. 2) d))

##### **2) Signs and Lighting**

- a. The use of any portion of an antenna facility for advertising purposes, including but not limited to signs, banners, streamers, company name, etc., is prohibited. An antenna may be attached to an existing sign structure.
- b. Warning signs and equipment information signs shall be permitted on an antenna facility.
- c. Lighting should be installed for security and safety purposes only. Except with respect to lighting required by the FCC or FAA, all lighting should be shielded so that no glare extends substantially beyond the boundaries of a facility.

#### **F. LOCATION**

- 1) In choosing a location for a facility, a telecommunications carrier shall consider the following:
  - a. A non-residentially zoned lot is the most desirable location.
  - b. A residentially zoned lot that is not used for residential purposes is the second most desirable location.

- c. A residentially zoned lot that is 2 acres or more in size and is used for residential purposes is the third most desirable location.
  - d. A residentially zoned lot that is less than 2 acres in size and is used for residential purposes is the least desirable location.
- 2) The size of a lot shall be the lot's gross area in square feet without deduction of any unbuildable or unusable land, any roadway, or any other easement.
  - 3) No building or tower that is part of a facility should encroach onto any recorded easement prohibiting the encroachment unless the grantees of the easement have given their approval.
  - 4) No facility should encroach onto an existing septic field.
  - 5) No portion of a facility's supporting structure or equipment housing shall be less than 15 feet from the front lot line of the facility lot or less than 10 feet from any other lot line.

**G. APPLICATION FOR BUILDING PERMIT**

1) **Permits Required**

Anyone wishing to construct or modify an antenna facility, including but not limited to

- erection, modification, extension, moving or replacement of a tower;
- placement or replacement of an antenna; and
- placement or replacement of an equipment shelter

shall be required to obtain a Shelby County Building Permit before commencing such work.

2) **Application Prerequisites**

In addition to the information required to be submitted by the Shelby County Building Ordinance, as now adopted and as amended from time to time, an applicant for a Shelby County Building Permit for an antenna facility shall be required to submit the following information from a professional engineer licensed to practice in the State of Illinois:

- a. a statement as specified in section C. 1) of this Ordinance.
- b. a statement as specified in section C. 2) of this Ordinance.
- c. a site plan, drawn to scale, showing the location of all proposed improvements, and the location of all pertinent existing buildings,

- structures, right-of-way and easement lines, property lines, above ground power lines or telephone lines, and similar relevant features within a radius distance around the proposed tower site, equal to the height of the proposed antenna facility.
- d. a detailed description of the proposed antenna facility, indicating the proposed tower height, antenna facility height, and the number and type of antennas that the proposed tower can accommodate, and including certification of the structural integrity of the facility.
  - e. foundation plans sealed by the engineer.
  - f. an accurate legal description of the property leased for, or otherwise dedicated to, the antenna facility.

## **H. NON-CONFORMING FACILITIES**

Towers, antennas and antenna facilities in existence on, or approved prior to, the effective date of adoption or amendment of this Ordinance which do not conform to or comply with the regulations of this Ordinance shall be allowed to continue to exist and to be used subject to the following provisions:

- a. Routine repairs and maintenance shall be permitted and encouraged, to prevent structural failure, to an extent not to exceed one-half ( $\frac{1}{2}$ ) of the fair market value of the non-conforming tower, antenna or antenna facility.
- b. Non-conforming towers, antennas or antenna facilities shall not be moved, replaced, enlarged, structurally altered or modified unless such action decreased its non-conformity.
- c. Non-conforming towers, antennas or antenna facilities which are damaged or destroyed by any means to an extent exceeding one-half ( $\frac{1}{2}$ ) of the fair market value of the non-conforming tower, antenna or antenna facility shall not be replaced or reconstructed except in conformance with all of the requirements of the Ordinance.

## **I. ABANDONMENT**

The owner(s) of the real property on which an antenna facility is placed shall be ultimately responsible for all costs of dismantling or removal of the antenna facility. Unused antenna facilities or portions of antenna facilities, such as a section of a tower above a manufactured connection, shall be removed by the owner or operator within one (1) year of the cessation of use or operation. Antenna facilities or portions or antenna facilities that remain unused for more than one (1) year shall be deemed to have been abandoned. In the event that an antenna facility or portion of an antenna facility is



deemed to have been abandoned, then it may be dismantled and removed by the County of Shelby and the costs of such action assessed against the real property.

**J. VIOLATIONS**

Any person, firm or corporation, or agent, employee or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance shall be in violation, and shall be subject to a fine of not more than five hundred dollars (\$500.00) for each offense. Each week a violation continues to exist shall constitute a separate offense.

The Shelby County Zoning Department shall be the agency responsible for the administration and enforcement of the regulations of this Ordinance. The Shelby County State's Attorney shall prosecute violations of this Ordinance for the County.

**K. SEVERABILITY**

If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not effect the remaining portions of this Ordinance.

**L. FEE**

The fee for a permit to construct an afore-mentioned communication tower shall be \$25.00 per foot to be measured from the ground to the highest point on said tower.

**M. EFFECTIVE DATE**


This Ordinance shall become effective immediately upon passage from the Shelby County Board.

Duly adopted and approved this 12<sup>th</sup> day of November, 2009.



Paul Brooks, Chairman of County Board  
of Shelby County, Illinois

ATTEST:



Kathy A. Eantz, County Clerk and  
Ex. Officio Secretary of County Board  
of Shelby County, Illinois

**Tower Permit Requirement Checklist**

Permit # \_\_\_\_\_

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

- \_\_\_ 1) No County Board action needed if:
  - a) Tower less than 200' (350' if over 1½ mile from an incorporated municipality); AND
  - b) Tower is at least the height of from nearest Residence or, if over 99' tall, at least 100' or 80% of tower height, whichever is greater.
  
- \_\_\_ 2) Engineer's written statement that antenna(s) complies with FCC regulations or radio frequency radiation (RFR). (C. 1))
  
- \_\_\_ 3) Engineer written statement that antenna(s) will not interfere with public safety telecommunications. (C. 2))
  
- \_\_\_ 4) Legal description of leased/dedicated land for tower. (G. 2) f))
  
- \_\_\_ 5) Certification by engineer as to structural integrity. (G. 2) d))
  
- \_\_\_ 6) Certification by engineer as to foundation plans. (G. 2) e))
  
- \_\_\_ 7) No part of "supporting structure or equipment housing" shall be less than 15' from front lot line of facility lot or 10' from any other lot line. (F. 5))
  
- \_\_\_ 8) Site plan, to scale. (G. 2) c))
  
- \_\_\_ 9) Detailed description: tower height, facility height, number and type of antennas that the proposed tower can accommodate. (G. 2) d))

STATE OF ILLINOIS     )  
  )  
COUNTY OF SHELBY     )

**CERTIFICATE**

I, KATHY A. LANTZ, certify that I am the duly elected acting County Clerk of the County of Shelby and State of Illinois.

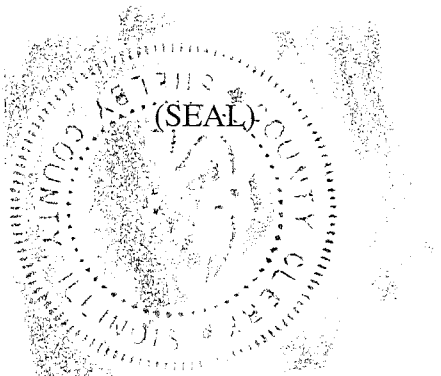
I further certify that on November 12, 2009, the County Board of Shelby County passed and approved Ordinance No. 09-02-0, entitled:


AN ORDINANCE PROVIDING FOR THE PLACEMENT OF  
COMMUNICATIONS TOWERS AND ANTENNAE

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 09-02-0, including the Ordinance and a cover sheet thereof, was prepared, and a copy of the Ordinance was posted in the Shelby County Courthouse, commencing on November 12, 2009, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the County Clerk.

DATED at Shelbyville, Illinois, this 12<sup>th</sup> day of November, 2009.



  
(KATHY A. LANTZ)  
COUNTY CLERK

November, 2009, Shelby County Emergency Management Agency report to the Shelby County Board for their consideration.

- Discuss new position and the priorities of this position
- The activity that has taken place while in this position
- Priority departments in reference to NIMS compliance
- Contact that has been made with each fire department/police department in Shelby County

Cristy Pullen

Shelby County Emergency Management Agency Coordinator

Shelby County Treasurer  
 Monthly Report of Investments  
 1-Nov-09  
 Bank Balance: \$13,511,759.44

Passbooks, Money Markets,  
 & Certificates of Deposits

Checking & Cash

\$	629,938.43	MMD		
\$	2,349,747.24	MMD	General Fund	\$ 17,687.28
\$	-			
\$	-		County Payroll Clearing	\$ 109,537.08
\$	-			
\$	-		Section 105 Claims	\$ 1,000.00
\$	-			
\$	344,052.93	PB	County Health Fund	\$ -
\$	121,776.34	CD		
\$	14,949.79	MMD	County Health-TB	\$ -
\$	-			
\$	37,096.21	MMD	Animal Control Fund	\$ 44,246.86
\$	23,092.87	MMD		
\$	117,804.11	PB	Ambulance Fund	\$ -
\$	150,103.59	MMD		
\$	1,013,056.16	MMD	Mental Health Fund	\$ -
\$	-			
\$	1,198,344.32	PB	IMRF Fund	\$ -
\$	-			
\$	323,697.02	PB	Social Security Fund	\$ -
\$	54,457.27	CD & MMD		
\$	25,323.95	PB	Indemnity Fund	\$ -
\$	-			
\$	517.46	PB	Court Security Fund	\$ -
\$	-			
\$	196,824.89	MMD	County Bridge Fund	\$ -
\$	-			
\$	206,617.73	PB	County Highway Fund	\$ -
\$	-			
\$	208,428.02	MMD	FASM Fund	\$ -
\$	-			
\$	553,310.54	MMD	County Motor Fuel Tax Fund	\$ -
\$	-			
\$	9,998.14	PB	Tourism Fund	\$ -
\$	95,865.42	CD & MMD		
\$	109,712.73	PB	Probation Fund	\$ -
\$	55,220.27	CD & MMD		
\$	96,893.25	PB	Assist Court Fund	\$ -
\$	-			
\$	6,792.93	PB	Law Library Fund	\$ -
\$	-			
\$	93,043.10	PB	Automation Fund	\$ -
\$	-			
\$	81,214.90	PB	Recording Fund	\$ -
\$	-			
\$	15,816.77	PB	Drug Traffic Fund	\$ -
\$	60,000.00	CD		
\$	48,339.37	MMD	Airport Fund	\$ 15,479.53
\$	240,464.34	CD & MMD		
\$	440,571.11	MMD	Home Nursing Fund	\$ -
\$	-			
\$	-		W.I.C. Fund	\$ 17,757.13
\$	-			
\$	194,212.59	MMD	Local Bridge Fund	\$ -
\$	-			
\$	-		Township Bridge Fund	\$ 9,797.11
\$	-			
\$	-		Township Construction Fund	\$ 1,014.03

288,660.86	MMD		
\$ 346,440.44	MMD	Township Motor Fuel Tax	\$ -
\$ -			
\$ 1,129.87	PB	Estate Tax Fund	\$ -
\$ -			
\$ 52,765.65	PB	Minor Unknown Heirs Fund	\$ -
\$ -			
\$ 8,775.51	PB	Probation Drug Testing	\$ -
\$ 178.82	MMD	Carriage Park Fund	\$ -
\$ 41,635.16	MMD		
\$ 238,660.49	PB	Drainage Fund	\$ 2,000.00
\$ -			
\$ 46,144.11	PB	Document Storage Fund	\$ -
\$ 80,825.03	MMD		
\$ 104,342.40	PB	Misc County Health Fund	\$ -
\$ 26,509.29	MMD		
\$ 44,682.78	PB	Litigation Fund	\$ -
\$ 207,500.95	CD		
\$ 145,926.17	PB	Revolving Loan Fund	\$ -
\$ -			
\$ 12,579.88	PB	Victim Impact Panel Fund	\$ -
\$ -			
\$ 330.73	PB	States Attorney Forf Fund	\$ -
\$ -			
\$ 620.12	MMD	Findlay Road Project Fund	\$ -
\$ -			
\$ 3,022.47	PB	Rescue Squad Fund	\$ -
\$ -			
\$ 861.67	MMD	Garden Acres Road Fund	\$ -
\$ -			
\$ 10,184.90	PB	DUI Equipment Fund	\$ -
\$ -			
\$ 48,769.49	PB	GIS Fund	\$ -
\$ 1,000,000.00	CD		
\$ 299,241.85	PB	Capital Improvement Fund	\$ 542,794.28
\$ -			
\$ -		County Health Petty Cash	\$ 135.64
\$ -			
\$ -		Probation Petty Cash	\$ 50.00
\$ -			
\$ -		County Treasurer Cash	\$ 5,000.00
\$ -			
			\$ 12,893,571.37

County Collector Accounts

Shelby County State Bank-Checking	\$ 40,633.17
Busey Bank-Checking	\$ 204.00
National Bank at Pana	\$ 174.86
First National Bank of Assumption	\$ 230.23
Community Banks of Shelby County-Cowden	\$ 206.86
Shelby County State Bank-Strasburg	\$ 175.52
First Federal Savings & Loan-Shelbyville	\$ 192.84
Busey Bank-Real Estate Tax Trust Account	\$ 3,089.47
Shelby County State Bank-Shelbyville-Money Market	\$ 1,723.98
Busey Bank-Money Market	\$ 569,778.37
Ayars State Bank-Moweaqua	\$ 180.06
Shelby County State Bank-Findlay	\$ 179.70
First National Bank of Pana	\$ 213.99
Peoples Bank of Pana	\$ 165.48
Prairie National	\$ 190.28
Shelby County State Bank-Windsor Branch	\$ 227.35
Dewitt Federal Savings & Loan-Moweaqua	\$ 235.81
Sigel Community Bank	\$ 178.52
Shelby County State Bank-Moweaqua	\$ 207.58
	\$ 618,188.07

CERTIFICATE OF DEPOSITS  
November 1, 2009

General Fund(001) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>629,938.43</u>
Animal Control Fund(003) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>37,096.21</u>
Ambulance Fund(004) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>23,092.87</u>
Mental Health Fund(005) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>150,103.59</u>
Indemnity Fund(008) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>9,457.27</u>
Probation Fund(016) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>95,865.42</u>
Assist Court(017) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>220.27</u>
Home Nursing Fund(024) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>115,464.34</u>
Township Motor Fuel Tax Fund(029) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>288,660.86</u>
Miscellaneous County Health Fund(043) Community Banks of Shelby County-MMD# 390	
1.51% Interest	\$ <u>80,825.03</u>
County Health Fund-TB(002) Ayars State Bank-CD# 3162 Matures 01/31/2010 1.9% Interest	\$ <u>121,776.34</u>

CERTIFICATE OF DEPOSITS  
November 1, 2009

Indemnity Fund(008) Shelby County State Bank-CD# 14065 Matures 02/12/2010 1.10% Interest	\$ <u>45,000.00</u>
Assist Court Fund(017) Shelby County State Bank-CD# 14794 Matures 4/20/2010 1.10% Interest	\$ <u>55,000.00</u>
Home Nursing Fund(024) Prairie National Bank-CD# 14288 Matures 02/18/2010 1.50% Interest	\$ <u>125,000.00</u>
Revolving Loan Fund(045) Community Banks of Shelby County-MMD# 720151  .85% Interest	\$ <u>207,500.95</u>
Capital Improvement(054) First Federal Savings & Loan-CD# 20555 Matures 10/16/2010 2.02% Interest	\$ <u>1,000,000.00</u>
Airport(022)	\$ <u>60,000.00</u>
TOTAL	\$ <u>3,045,001.58</u>