



**CHAMPAIGN COUNTY BOARD**  
**ENVIRONMENT and LAND USE COMMITTEE AGENDA**

County of Champaign, Urbana, Illinois

Thursday, November 7, 2019 - 6:30 p.m.

Lyle Shields Meeting Room

Brookens Administrative Center, 1776 E. Washington St., Urbana

**Committee Members:**

Aaron Esry – Chair

Eric Thorsland – Vice-Chair

Connie Dillard-Myers

Jodi Eisenmann

Stephanie Fortado

Jim Goss

Kyle Patterson

<b>Agenda</b>	<b>Page #</b>
I. Call to Order	
II. Roll Call	
III. Approval of Agenda/Addendum	
IV. Approval of Minutes	
A. October 10, 2019	1-5
V. Public Participation	
VI. Communications	
VII. New Business: For Information Only	
A. Update Regarding Planning for Follow-up IEPA-Sponsored HHW Collection in 2020	
VIII. New Business: Items to be Approved by ELUC	
A. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027	6-8
IX. New Business: Items to be Recommended to the County Board	
A. Public Comment Period for Proposed Fee Increase for Waste Hauler License	12-25
B. Resolution Prohibiting Cannabis Related Uses Pursuant to Public Act 101-0027	6 & 9-11
X. Other Business	
A. Semi-annual Review of CLOSED Session Minutes	26-27
XI. Chair's Report	
XII. Designation of Items to be Placed on the Consent Agenda	
XIII. Adjournment	



**Champaign County Board  
Environment and Land Use Committee (ELUC)  
County of Champaign, Urbana, Illinois**

**MINUTES – SUBJECT TO REVIEW AND APPROVAL**

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DATE: Thursday, October 10, 2019  
TIME: 6:30 p.m.  
PLACE: Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E Washington, Urbana, IL 61802

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**Committee Members**

<b>Present</b>	<b>Absent</b>
Aaron Esry (Chair)	
Jodi Eisenmann	
Stephanie Fortado	
Jim Goss	
Kyle Patterson	
Eric Thorsland (Vice-Chair)	

**County Staff:** John Hall (Zoning Administrator), Susan Monte (Planner), Rita Kincheloe (Recording Secretary)

**Others Present:** Giraldo Rosales (County Board Chair), Darlene Kloeppel (County Executive)

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**MINUTES**

**I. Call to Order**

Committee Chair Esry called the meeting to order at 6:30 p.m.

**II. Roll Call**

A verbal roll call was taken and a quorum was declared present.

**III. Approval of Agenda**

**MOTION** by Mr. Thorsland to approve the agenda, seconded by Mr. Goss. Upon vote, the **MOTION CARRIED** unanimously.

**IV. Approval of Minutes**

*A. June 6, 2019 – Closed Session*

**MOTION** by Mr. Goss to approve the minutes of the June 6, 2019 ELUC Closed Session Meeting; seconded by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

*B. August 8, 2019*

**MOTION** by Ms. Eisenmann to approve the minutes of the August 8, 2019 ELUC meeting; second by Ms. Fortado. Upon vote, the **MOTION CARRIED** unanimously.

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**V. Public Participation**

Barton Pitts, of Nexamp, spoke regarding item IX. E. Zoning Case 903-S-18, requesting approval of the decommissioning and reclamation plan for a solar farm project.

Cathy Strick, who lives at 2006 Juniper Dr., Mahomet, spoke regarding noxious weed removal in unincorporated Mahomet and asked that the commons area adjacent to her property be maintained by the county.

**VI. Communications**

There were no communications.

**VII. New Business: for Information Only**

*A. October Events: Residential Electronics Collection and IEPA Sponsored One Day HHW Collection*

Ms. Monte provided a reminder that there were two events this month and that there were still openings for both.

**VIII. New Business: Items to be Approved by ELUC**

*A. Recreation & Entertainment License: Illini BMX, Champaign County Fairgrounds, 1302 North Coler Avenue, Urbana for September 28, October 5, 12, 18, 26, 2019*

There was a rainout on September 28, and they have added a date of November 2. Mr. Hall will coordinate with the clerk to make sure the license reflects this change.

**MOTION** by Mr. Thorsland to approve; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.

*B. Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027*

Mr. Hall gave brief overview. This is a draft amendment, a simple amendment that will specify which zoning districts these uses are allowed in. They must meet the state requirements. If the County Board wants to prohibit some of these uses, it could be a simple resolution. If you like what is before you, after you take action tonight, a public hearing could be held at the Zoning Board of Appeals, which has been docketed for December 12, and could be back to this committee as early as the January meeting.

Discussion followed: Mr. Goss asked if we have an inventory of parcels that might be included. Mr. Hall stated I-2 is the most limited area in the county, B-4 is more widespread and B-5 is possibly more limited than I-2. Mr. Thorsland stated that there are 75 parcels throughout the state, so there would probably not be that many licenses for Champaign County. He is in favor of what has been proposed here. Ms. Eisenmann would like to see us opt-out of CRT and ban recreational businesses. She has concerns about putting it in small towns and how it would be monitored. It will already be available in big cities and will not be doing any favors by allowing it in small areas.

**MOTION** by Mr. Thorsland to approve the Proposed Amendment (B1 and B2, pages 24 and 25); second by Mr. Patterson.

Discussion on the Motion: Mr. Goss will not support the motion. Mr. Hall added that if the consensus of the committee is to opt-out, we should come back in November with a draft resolution. Mr. Thorsland commented that the vote may be a tie, but if it passes it will go to the ZBA for public comments. We should start with what we have here and let public comments dictate if we opt-out. Mr. Esry stated that if it is a tie at committee, it goes to County Board with no recommendation. If at full committee strength in November, it could be discussed again. Ms. Fortado stated that if it is not legal in some areas, it can cause more problems. Ms. Eisenmann stated concerns that business will be all around small towns and is sending

93 a mixed message. Ms. Fortado stated folks in the area will be/are using the product. Mr. Esry asked if a  
94 motion to postpone is in order. Mr. Thorsland withdrew the original motion.

95  
96 **MOTION** by Mr. Thorsland to postpone until the November ELUC meeting; second by Mr. Patterson.  
97 Discussion followed on postponing the motion. Upon vote, the **MOTION CARRIED** by a vote of 4 to 2.  
98

99 **IX. New Business: Items to be Recommended to the County Board**

100 Mr. Hall explained that items A – C are related; A and B are rezoning requests to allow a subdivision and C is  
101 for an event center that they do out of their house. The event center has been approved by the ZB as  
102 special use.  
103

- 104 A. **Zoning Case 931-AM-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to add the Rural*  
105 *Residential Overlay Zoning District designation to allow for the development of 5 single family residential lots in*  
106 *the CR Conservation Recreation Zoning District in conjunction with related Zoning Case 932-S-19 on a 17.2 acre*  
107 *tract in the East Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North,*  
108 *Range 9 East of the Third Principal Meridian in Somer Township and commonly known as the residence and*  
109 *property at 4018 North Lincoln Avenue, Urbana.*

110  
111 **MOTION** by Mr. Goss; second by Mr. Patterson. Mr. Goss asked if there was a water feature on Lot 4 and  
112 4A. Mr. Hill answered that, yes, there was a pond. Upon vote, the **MOTION CARRIED** unanimously.  
113

- 114 B. **Zoning Case 932-S-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to authorize a*  
115 *special use permit for a Rural Residential Development of 5 single family residential lots in the CR Conservation*  
116 *Recreation Zoning District in conjunction with related Zoning Case 931-AM-19 on a 17.2 acre tract in the East*  
117 *Half of the Northeast Quarter of the Northwest Quarter of Section 32, Township 20 North, Range 9 East of the*  
118 *Third Principal Meridian in Somer Township and commonly known as the residence and property at 4018 North*  
119 *Lincoln Avenue, Urbana.*

120  
121 **MOTION** by Mr. Thorsland; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.  
122

- 123 C. **Zoning Case 934-AM-19.** *A request by Bill Cope and Mary Kalantzis to amend the Zoning Map to change the*  
124 *Zoning District designation from the current CR Conservation Recreation Zoning District to the AG-2 Agriculture*  
125 *Zoning District for proposed Outlot A and Proposed Lots 1,2,3,4, and 5 in the Preliminary Plat of Subdivision*  
126 *created by Berns, Clancy and Associates dated July 31, 2019, in order to establish and operate a proposed Event*  
127 *Center as a special use permit authorized by the Zoning Board of Appeals in related Zoning Case 935-S-19 and*  
128 *commonly known as the residence and property at 4018 North Lincoln Avenue, Urbana.*

129  
130 **MOTION** by Ms. Fortado; second by Mr. Patterson. Upon vote, the **MOTION CARRIED** unanimously.  
131

- 132 D. **Zoning Case 955-FV-19.** *Request by Brad and Simone Ribbe to authorize a variance from the Champaign*  
133 *County Special Flood Hazard Areas Ordinance for construction and use of a shed in the Special Flood Hazard*  
134 *Area for which the earthen fill extends only 3 feet beyond the foundation before sloping below the Flood*  
135 *Protection Elevation in lieu of the minimum required extension of fill for 10 feet beyond the foundation before*  
136 *sloping below the Flood Protection Elevation on property located at 2176 CR2100N, St. Joseph.*

137  
138 **MOTION** by Ms. Eisenmann; second by Mr. Thorsland. Upon vote, the **MOTION CARRIED** unanimously.

139 E. **Zoning Case 903-S-18.** A request by Nexamp, 101 Summer Street, 2<sup>nd</sup> Floor, Boston MA 02110, via Barton Pitts,  
140 Director of Business Development Midwest Region, and participating landowners the Mildred Catherine Wolf  
141 Trust, Mildred Catherine Wolf, Trustee, and Judith K. Wertz to approve the Decommissioning and Site  
142 Reclamation Plan for a Community PV Solar Farm with a nameplate capacity of 2 megawatts (MW), on  
143 approximately 11 acres in the AG-1 Agriculture Zoning District. The subject property is a 121.79-acre tract  
144 comprised of part of Lot D of the Proprietor's Survey of Lands Subdivision in Section 11 of Township 18 North,  
145 Range 10 East of the Third Principal Meridian in Sidney Township, and commonly known as the field east of the  
146 house located at 2232A CR 1000N, Sidney.

147  
148 **MOTION** by Mr. Thorsland; second by Mr. Goss. Mr. Hill said we are awaiting comments from the State's  
149 Attorney's Office and it was explained to the Petitioner that we may need to postpone until November. The  
150 Original Motion was amended to add the following: **move to approve to full County Board contingent**  
151 **upon approval of the State's Attorney.**

152  
153 Barton Pitts, of Nexamp, answered a question about the ramifications of waiting until November. They can  
154 start the building permit process once approved. Many people are nervous that it won't get done in time  
155 as a tax issue expires at the end of the year.

156  
157 Upon vote, the **MOTION CARRIED** unanimously. Will be kept off the consent agenda.

158  
159 F. *Proposed Fee Increase: Waste Hauler License*

160 **MOTION** by Mr. Thorsland to approve a \$35 flat fee per vehicle per company; second by Mr. Goss. The  
161 question was asked if there was feedback from any waste haulers; there was none.

162  
163 Upon vote, the **MOTION CARRIED** unanimously.

164  
165 G. *Proposed Intergovernmental Agreement and Bylaws for Proposed East Central Illinois Land Bank Authority*

166 Ms. Kloeppel discussed that fees were dropped because of the Rantoul grant, so the grant satisfies the  
167 money needs for now. There is an exit clause. Ms. Fortado stated there is 60 day notice to withdraw. Ms.  
168 Kloeppel stated there is interest from surrounding counties and additional municipalities, which will lower  
169 the cost. If we are charged a fee, we would get advance notice. We would have 3 positions on their board  
170 and they require either a board member or someone representing the board. The make-up of the board  
171 would be 3 board members from each county and 2 from each municipality. Vermilion County has a land  
172 bank and are looking to expand. The State's Attorney has signed off on this.

173  
174 **MOTION** by Mr. Goss to approve subject to County Board approval; second by Mr. Thorsland.  
175 Upon vote, the **MOTION CARRIED** unanimously. Will be kept off the consent agenda.

176  
177 X. **Other Business**

178 A representative of the BMX event stated that the October 18, 2019 date on the Agenda (VIII A.) was incorrect and  
179 that the correct date is October 19, 2019.

180  
181 XI. **Chair's Report**

182 There was no Chair's report.

183

184 XII. **Designation of Items to be Placed on the Consent Agenda**

185 IX. A, B, C, D and F.

186 XIII. **Adjournment**

187 There being no further business, Mr. Esry adjourned the meeting at 7:34 p.m.

188 *Please note the minutes reflect the order of the agenda and may not necessarily reflect the order of business conducted at the meeting.*

190

191

Champaign County  
Department of

**PLANNING &  
ZONING**

Brookens Administrative  
Center  
1776 E. Washington Street  
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(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**TO: Environment and Land Use Committee**  
**FROM: John Hall, Zoning Administrator**  
**DATE: October 28, 2019**  
**RE: Direction Regarding Proposed Zoning Ordinance Text Amendment for Adult Use Cannabis Zoning Regulations Pursuant to Public Act 101-0027 (Continued from 10/07/19 ELUC Meeting); and**

**Proposed Prohibition of Cannabis Related Uses Pursuant to Public Act 101-0027**

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## BACKGROUND

At the October 10, 2019, meeting the Committee reviewed a proposed Zoning Ordinance text amendment to authorize adult cannabis land use pursuant to the Cannabis Regulation and Tax Act (CRTA; House Bill 1438) that was recently approved by both houses of the State legislature and is expected to be signed by the Governor and become law on January 1, 2020.

The Committee continued this item to the November 7, 2019, meeting.

Based on the discussion from the October 10 meeting, this memorandum has two attachments:

- Attachment A is the draft Zoning Ordinance text amendment that would authorize adult cannabis uses businesses “by right” in zoning districts where similar uses are authorized. No special use permits are proposed. For example, Dispensaries are only authorized in the principal business districts, B-4 General Business and B-5 Central Business Districts, and Processors and Infusers are only authorized in the I-2 Heavy Industry Zoning District.
- Attachment B is a model ordinance that would prohibit adult cannabis uses. The model prohibition ordinance was promulgated by the United Counties Council of Illinois (UCCI). This draft ordinance is the item that is the subject of item IX.B. on the Agenda.

## ATTACHMENTS

- A Draft Proposed Amendment from 9/24/19 ELUC Memorandum (10/7/19 ELUC Meeting)
- B Draft Cannabis Prohibition Ordinance from the UCCI

**Attachment A. Draft Proposed Amendment from 10/10/19 ELUC Meeting**

October 29, 2019

1. Add the following definitions to Section 3 Definitions:

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**Attachment A. Draft Proposed Amendment from 10/10/19 ELUC Meeting**  
October 29, 2019

2. Add the following uses to Section 5.2 Table of Authorized Principal Uses:
  - a. Add “ADULT-USE CANNABIS DISPENSING ORGANIZATION” to be allowed By-Right in the B-4 and B-5 Districts subject to the following conditions (footnotes in Section 5-2):
    - (1) The use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
    - (2) The use shall not be located within 1,500 feet of the property line of a pre-existing dispensing organization or medical cannabis dispensing organization.
  - b. Add “ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER” to be allowed By-Right in the B-3, B-4 and B-5 Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - c. Add “ADULT-USE CANNABIS CRAFT GROWER” to be allowed By-Right in all Zoning Districts, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - d. Add “ADULT-USE CANNABIS CULTIVATION CENTER” to be allowed By-Right in all Zoning Districts subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - e. ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.
  - f. ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR to be allowed By-Right in the I-2 District, subject to the condition (footnote in Section 5-2) that the use shall be in compliance with the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE  
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

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

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

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

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

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

**SECTION 2. Cannabis Business Establishments Prohibited.** Chapter \_\_\_ of the County Code of the County of \_\_\_\_\_ shall be amended by the addition of [Article Chapter] \_\_\_ that will read as follows:

**[ARTICLE / CHAPTER/ SECTION] \_\_\_ Cannabis Business Establishments Prohibited.**

**1. Definitions.** The following words and phrases shall, for the purposes of this [Article / Chapter / SECTION], have the meanings respectively ascribed to them by this section, as follows:

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

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax

Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

**ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

**ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:** An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

**2. Cannabis Business Establishments Prohibited.** The following Adult-Use Cannabis Business Establishments are prohibited in the County of \_\_\_\_\_. No person shall locate, operate, own, suffer, allow to be operated or aide, abet or assist in the operation within the County of \_\_\_\_\_ of any of the following:

[REMOVE ANY OF THE FOLLOWING THAT WILL BE PERMITTED]

- Adult-Use Cannabis Craft Grower
- Adult-Use Cannabis Cultivation Center
- Adult-Use Cannabis Dispensing Organization
- Adult-Use Cannabis Infuser Organization or Infuser
- Adult-Use Cannabis Processing Organization or Processor
- Adult-Use Cannabis Transporting Organization or Transporter

**3. Public Nuisance Declared.** Operation of any prohibited Cannabis Business Establishment within the County in violation of the provisions of this [Article / Chapter / Section] is hereby declared a public nuisance and shall be abated pursuant to all available remedies.

**4. Violations.** Violations of this Article [Article / Chapter / Section] may be enforced in accordance with the provisions of [Article / Chapter / Section] \_\_\_ of this Code.

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

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

Passed by the County Board this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

AYES: \_\_\_\_\_  
 NAYS: \_\_\_\_\_  
 PRESENT: \_\_\_\_\_  
 ABSTAIN/ABSENT: \_\_\_\_\_

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
CHAIRPERSON, \_\_\_\_\_ COUNTY

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

**PLANNING &  
ZONING**

**Brookens Administrative  
Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
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DATE: October 29, 2019  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner  
John Hall, Director of Planning & Zoning  
RE: Public Comment Period for Proposed Fee Increase for Waste  
Hauler License  
ACTION  
REQUESTED: Recommend County Board Approval

***Background***

At the October 10, 2019 ELUC meeting, members voted unanimously to recommend County Board approval of the proposed increase of the Champaign County waste hauler license fee to \$35 per license.

Upon a final review of any possible publication requirement remaining, I did notice that a publication requirement included in ILCS 5/5-8004 had not been met:

Sec. 5-8004. Local option. Any county board desiring to avail its county of the provisions of this Division may do so by ordinance. ....At least 30 days prior to the enacting of such an ordinance, the county board shall cause the ordinance to be published in a newspaper of general circulation within the county.

The proposed ordinance amendment was published on October 19, 2019 in The News-Gazette. The public notice invited public input about the proposed waste hauler fee increase to take place at the November 7th ELUC meeting.

***Attachment:*** October 10th ELUC memo with attachments regarding proposed Champaign County Waste Hauler License Fee Increase

**PLANNING &  
ZONING**

DATE: September 24, 2019  
TO: Environment and Land Use Committee  
FROM: Susan Monte, Planner  
John Hall, Director of Planning & Zoning  
RE: Proposed Fee Increase: Waste Hauler License  
ACTION  
REQUESTED: Recommend County Board Approval

**Brookens Administrative  
Center**  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
[zoningdept@co.champaign.il.us](mailto:zoningdept@co.champaign.il.us)  
[www.co.champaign.il.us/zoning](http://www.co.champaign.il.us/zoning)

### ***Background***

This request is to propose an adjustment to County-issued annual waste hauler license fees.

As a non-home rule county, Champaign County authority to set the annual amounts of fees, terms and manner of issuing and revoking waste hauler licenses is provided for in Section 5-8003 of the Illinois Counties Code (55 ILCS 5/). See Attachment A.

Champaign County has not reviewed the waste hauler license fee schedule since the County Board adopted Ordinance No. 512 in March, 1996, establishing the waste hauler license requirement and license fee schedule as follows:

Businesses with up to two vehicles \$ 50  
Business with three to five vehicles \$100  
Business with six or more vehicles \$150

*Revenue to Solid Waste Fund.* Waste hauler license fees are a source of revenue to Champaign County Solid Waste Fund (676-011), a Special Fund in decline since it was established. Attachment B specifies revenue to this fund from waste hauler license fees since 2002. Since then, the amount of \$1,540 is the average annual waste hauler license fee revenue to this fund.

*Waste Hauler Licenses Issued.* Attachment C details the number of vehicles per waste hauler doing business in Champaign County, based on waste hauler license applications received for the year 2019. A total of 17 waste hauler companies operating within Champaign County applied for vehicle licenses, with variability in number of qualifying vehicles reported by each company, from 1 to 44 vehicles. Based on the Champaign County waste hauler fee schedule, the per-vehicle license fee paid by waste hauler companies applying for a waste hauler license varies greatly depending on the number of vehicles to be licensed, ranging from a per-vehicle license fee of \$3.41 to \$50.

*Other County Comparison.* Attachment D compares a selection of eight comparable counties in Illinois, population-wise only,<sup>1</sup> with Champaign County to provide information about waste hauler fee license and fee requirements for each county. Except for McLean County, which has no established waste hauler license fee, Champaign County has the lowest per-vehicle waste hauler license fee.

(continued)

## ***Proposed Fee Amendment Options***

### 1) Adjust waste hauler license fee schedule

As noted above, the existing waste hauler fee schedule includes a discount provided to larger waste hauler companies with many vehicles to license. The actual per-vehicle license fee paid by waste hauler companies varies greatly depending on the number of vehicles to be licensed, ranging from a per-vehicle license fee of \$3.41 to \$50.

As a minimum proposed waste hauler vehicle fee correction, the waste hauler fee should be equitable with the same fee applicable to each licensed vehicle, regardless of the company size.

### 2) Increase waste hauler license fee

An increase to the waste hauler license fee, should not be considered as the sole means to remedy the decreasing County Solid Waste Fund.<sup>2</sup> An increase to the waste hauler license fee, either an incremental increase or an increase to the maximum allowable of \$50 per vehicle, could serve to slow the rate of decline of the fund balance.

**At the August 8, 2019 ELUC meeting, a modest increase of \$10 was suggested. That proposed \$10 increase will result in a \$35 per vehicle license fee.**

Attachment E illustrates potential revenue impact to the County Solid Waste Fund associated with the option to simply equalize the waste hauler license fee schedule to \$25 per vehicle, and potential impacts associated with the options to increase the waste hauler license fee rate from \$25 to \$35.00 (intermediate) or from \$25 to \$50 (maximum).

## ***Attachments***

- A Section 5-8003, Illinois Counties Code (55 ILCS 5/)
- B Solid Waste Management Fund 676-011 Revenue from Waste Hauler License Fee
- C Number of Vehicles per Waste Hauler Businesses in 2019
- D County Comparison of Waste Hauler Fees
- E Potential Revenue to County Solid Waste Fund revised 09/24/2019
- F Strikeout Version of Ordinance No. 919 that includes Fee of \$35 per Vehicle

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## Notes

1. Each of the nine counties compared differs with regard to certain other factors that influence resources available to support county solid waste management efforts (e.g., recycling programs, and household hazardous waste collections). The variable factors include: operational landfills located within the county, existence of a county/municipal joint action agency, or intergovernmental agreements in place.
2. The County Solid Waste Fund 676-011 is used to fund costs associated with administration of Champaign County waste hauler license provisions and to support implementation of *Champaign County Solid Waste Management Plan* recommendations, such as supporting the Residential Electronics Collections and household hazardous waste collection efforts.

(55 ILCS 5/Div. 5-8 heading)

Division 5-8. Garbage Disposal

(55 ILCS 5/5-8001) (from Ch. 34, par. 5-8001)

Sec. 5-8001. Definitions. As used in this Division: "Garbage" means any refuse products or materials including but not limited to the following: putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, sale or consumption of food; animal excretion; glass or metal containers, products or objects discarded as no longer useable; paper, wood, and cardboard waste; uprooted weeds, grass clippings, leaves and the like; ashes and cinders; discarded furniture or clothing; and dead animals. The term "garbage" does not include human excretion in the form of body waste.

"Garbage disposal area" means any area within a county but outside any city, village or incorporated town in such county to which garbage is hauled for disposal. The term does not include the area on any person's land used for disposal of garbage from such person's own household, nor does it include areas maintained by any incorporated city, village or town. (Source: P.A. 86-962.)

(55 ILCS 5/5-8002) (from Ch. 34, par. 5-8002)

Sec. 5-8002. Rules and regulations; licenses. The county board in any county is authorized to:

(1) license annually garbage disposal areas. License forms shall be supplied by the county board and shall provide for the following information: name and address of the applicant; name and address of the owner of the land where the garbage disposal area is located; a description of the location of the property to be used; the method to be used in disposing of the garbage and the approximate amount of garbage to be disposed of weekly.

(2) license annually vehicles of any kind which are used in hauling garbage to such disposal areas except such vehicles owned or operated by any incorporated city, village or town used in hauling garbage to any garbage disposal area maintained by such city, village or town. License forms shall be furnished by the county board and shall provide for the following information: name and address of hauler; a description of the vehicle; the place where such vehicle is kept when not in use.

(3) make rules and regulations pertaining to and provide for inspections of garbage disposal areas and garbage hauling vehicles to insure reasonable health standards. (Source: P.A. 86-962.)

(55 ILCS 5/5-8003) (from Ch. 34, par. 5-8003)

Sec. 5-8003. Fees. The county board in any county may fix the annual amounts of fees, terms and manner of issuing and revoking licenses provided for in this Division and for such purpose may, by ordinance definition, subclassify the types of licenses authorized by this Division. The fees for licenses shall not exceed the following:

(1) For each garbage disposal area, \$500 per annum.

(2) For each vehicle used in hauling garbage to a garbage disposal area, \$50 per vehicle per annum.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8004) (from Ch. 34, par. 5-8004)

Sec. 5-8004. Local option. Any county board desiring to avail its county of the provisions of this Division may do so by ordinance. Such ordinance shall also set out the rules and regulations adopted by the county board under the authority granted in this Division. Such ordinance shall be placed on file in the office of the clerk of the county and shall be open for inspection by the public. At least 30 days prior to the enacting of such an ordinance, the county board shall cause the ordinance to be published in a newspaper of general circulation within the county.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8005) (from Ch. 34, par. 5-8005)

Sec. 5-8005. Inspection. The county board or any of its authorized agents shall have authority to inspect at any time or place any vehicle used in hauling garbage or any garbage disposal area.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8006) (from Ch. 34, par. 5-8006)

Sec. 5-8006. Penalties for violations. Any person who violates any ordinance, rule, or regulation adopted pursuant to this Division commits a petty offense and may be punished by a suspension of any license held.

(Source: P.A. 86-962.)

(55 ILCS 5/5-8007) (from Ch. 34, par. 5-8007)

Sec. 5-8007. In any review proceeding of a decision of the county board made pursuant to this Division, the plaintiff in the review proceeding shall pay to the county the cost of preparing and certifying the record of proceedings. Should the plaintiff in the review proceeding fail to make payment, the provisions of Section 3-109 of the Code of Civil Procedure, as now or hereafter amended, shall apply.

(Source: P.A. 86-1028; 87-435.)

Solid Waste Management Fund 676-011  
Revenue from Waste Hauler License Fee

2019	\$1,750 <sup>1</sup>
2018	\$1,725 <sup>1</sup>
2017	\$1,750
2016	\$1,550
2015	\$2,000
2014	\$1,450
2013	\$1,400
2012	\$2,250
2011	\$1,250
2010	\$650
2009	\$2,050
2008	\$1,250
2007	\$1,400
2006	\$1,550
2005	\$1,600
2004	\$1,650
2003	\$1,400
2002	\$1,400

Annual Average 2002-2019: \$1,538

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Note.

1. Waste hauler fee amounts for 2018 and 2019 are projected, and not actual.

## Number of Vehicles per Waste Hauler Business in 2019

	<i>Local Waste Hauler Businesses in 2019</i>	<i>Number of vehicles per business in 2019</i>	<i>Current fee schedule</i>	<i>Per vehicle</i>
1	ABC Sanitary	14	\$150	\$10.71
2	Advanced Disposal	6	\$150	\$25
3	Advantage Disposal	2	\$50	\$25
4	Appl Sanitary	4	\$100	\$25
5	Area Disposal Service	44	\$150	\$3.41
6	Bulldog Disposal Service	3	\$100	\$33.33
7	Captain Hook	3	\$100	\$33.33
8	Chris's Service Company	7	\$150	\$21.43
9	Clean Harbors/Safety Kleen	8	\$150	\$18.75
10	Contractor's Disposal	1	\$50	\$50
11	Dale Levitt Disposal	3	\$100	\$33.33
12	Hayden Sanitary	2	\$50	\$25
13	Illini Recycling	4	\$100	\$25
14	Mervis Recycling	1	\$50	\$50
15	Midwest Fiber Recycling	2	\$50	\$25
16	Republic Services	22	\$150	\$6.82
17	Shaffer Sanitary	5	\$100	\$20
<b>Totals:</b>			<b>\$1,750</b>	

Other County Comparisons  
Existing Waste Hauler License Annual Fee

	Illinois County	2018 Population*	Waste Hauler License Annual Fee (Each Vehicle)
1	McHenry County	308,570	Municipal Solid Waste Hauler operating in McHenry County: \$50 For each vehicle operated in McHenry County: \$25
2	Winnebago County	284,081	1st Vehicle: \$110 Add'l Vehicles: \$60
3	Madison County	264,461	\$60 per Vehicle
4	St. Clair County	261,059	\$50 per Vehicle
5	Champaign County	209,983	1-2 Vehicles: \$50 total 3-5 Vehicles: \$100 total < 6 Vehicles: \$150 total
6	Sangamon County	195,348	Each Vehicle License is \$10, plus: \$152 per Class VI Vehicle, a vehicle with capacity of 7 cu yds or less; or \$177 per Class V2 Vehicle, a vehicle with capacity of more than 7 cu yds; and \$54 per Class T (each trailer)
7	Peoria County	180,621	\$50 per Vehicle
8	McLean County	172,828	n/a (no local waste hauler license requirement)
9	Rock Island County	143,477	Enclosed packer type vehicle operating one or more days per week: \$275 per Vehicle Nonpacker vehicle with stationary or roll-off box: \$225 per Vehicle Container cleaning or refuse processing sites: \$400 per site

Revenue Potential of Optional Amendments to Waste Hauler License Fee

	Number of vehicles per business in 2019	Current fee schedule	Per vehicle	Per vehicle	Per vehicle
1	ABC Sanitary	\$150	\$10.71	\$25	\$50
2	Advanced Disposal	\$150	\$25	\$25	\$50
3	Advantage Disposal	\$50	\$25	\$25	\$50
4	Appl Sanitary	\$100	\$25	\$25	\$50
5	Area Disposal Service	\$150	\$3.41	\$25	\$50
6	Bulldog Disposal Service	\$100	\$33.33	\$25	\$50
7	Captain Hook	\$100	\$33.33	\$25	\$50
8	Chris's Service Company	\$150	\$21.43	\$25	\$50
9	Clean Harbors_Safety Kleen	\$150	\$18.75	\$25	\$50
10	Contractor's Disposal	\$50	\$50	\$25	\$50
11	Dale Levitt Disposal	\$100	\$33.33	\$25	\$50
12	Hayden Sanitary	\$50	\$25	\$25	\$50
13	Illini Recycling	\$100	\$25	\$25	\$50
14	Mervis Recycling	\$50	\$50	\$25	\$50
15	Midwest Fiber Recycling	\$50	\$25	\$25	\$50
16	Republic Services	\$150	\$6.82	\$25	\$50
17	Shaffer Sanitary	\$100	\$20	\$25	\$50
<b>Totals:</b>		<b>\$1,750</b>		<b>\$3,275</b>	<b>\$6,550</b>

**ORDINANCE NO. ~~919~~**

**ORDINANCE RESCINDING ORDINANCE NO. ~~522-919~~  
FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY  
AND ADOPTION OF ORDINANCE FOR LICENSURE OF  
WASTE HAULERS IN CHAMPAIGN COUNTY**

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted the fourth fifth five-year update to the Champaign County Solid Waste Plan, entitled "*Champaign County Solid Waste Plan 2012 2017 Update*" by Resolution Number ~~10160 8205~~ on ~~August 23, 2012~~ November 21, 2017;

**WHEREAS**, counties are empowered by Statutes 55 ILCS 5/5-8002 through 8007, to regulate the activities of persons in the business of collecting and transporting garbage, municipal solid waste, and other non-hazardous waste or non-special waste;

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted Ordinance No. 919, Ordinance Rescinding Ordinance No. 522 for Licensure of Waste Haulers in Champaign County and Adoption of Ordinance for Licensure of Waste Haulers in Champaign County; approved and recorded on January 24, 2013.

**WHEREAS**, the County Board of the County of Champaign, Illinois adopted Ordinance No. 522, Ordinance for Licensure of Waste Haulers in Champaign County; approved and recorded on November 19, 1996, and effective on and after the first day of January, 1997;

**NOW, THEREFORE, BE IT ORDAINED** by the County Board of the County of Champaign, Illinois, as follows:

1. Prior County Board ORDINANCE NO. ~~522~~ 919 - ORDINANCE RESCINDING ORDINANCE NO. 522 FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY AND ADOPTION OF ORDINANCE FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN COUNTY, IS HEREBY RESCINDED;
2. The following Ordinance is adopted as ORDINANCE FOR LICENSURE OF WASTE HAULERS IN CHAMPAIGN:

WHEREAS, it is in the best interests of the County and for the public good and welfare, that provision be made for appropriate waste disposal in Champaign County,

NOW, THEREFORE BE IT ORDAINED by the County Board of the County of Champaign, as follows:

Section 1. Short Title. This Ordinance shall be known and cited as the "Waste Haulers Licensure Ordinance."

Section 2. Intent and Purpose. This article shall govern the storage, collection, transportation and disposal of solid wastes and other refuse within the legal geographical limits of the County as provided by law. The purpose of this article is to eliminate vectors and nuisances and prevent the transmission of disease organisms resulting from the improper and inadequate handling of solid waste and other refuse by regulating the storage, collection, transportation and disposal of solid waste. (Also reference Ord. 468 § 3.2)

Section 3. Definitions. For the purpose of the Ordinance, the following definitions shall apply.

*Collecting agent* shall mean the person, firm or corporation engaged in the business of collecting and/or transporting solid waste and other refuse for a fee.

*Commercial premises* shall mean all grocery stores, service stations, food processing plants, industrial plants, trailer parks, motels and all other places refuse is or may be created or accumulate.

*Collection vehicle* shall mean vehicles owned, operated or leased by a collecting agent for the purpose of collecting and/or transporting of solid waste or other refuse.

*Other refuse* shall be interpreted to mean bottles, tin cans, broken glass, crockery, scrap metal, vehicle parts, derelict vehicles, printed matter, paper, discarded clothing, furniture and appliances, ashes, debris from fire damage, earth, sand, brick, stone, plaster and other substances that may accumulate during the construction of a building.

*Solid waste* shall mean garbage and all wastes resulting from the handling, preparation, processing or cooking of food including vegetables and animal offal, carcasses of small dead animals, except sewage, and other water carried waste.

Section 4. Vehicles used for collection and transportation of solid waste and other refuse.

(a) *Generally.* The collection and transportation of solid waste and other refuse shall be carried out in a sanitary manner which does not endanger the public health or create a public nuisance;

(b) *License required, annual fee.* All collecting agents within Champaign County shall be licensed. All collection vehicles except those vehicles owned or leased by a municipality and operated by municipal employees that transport solid waste shall be licensed. An annual fee of \$35 per vehicle according to the following schedule is set per business, and will include vehicle identification stickers;

<del>Businesses with up to two vehicles .....</del>	<del>\$ 50.00</del>
<del>Business with three to five vehicles .....</del>	<del>\$100.00</del>
<del>Business with six or more vehicles .....</del>	<del>\$150.00</del>

The license fee for collection vehicles that transport solid waste shall be effective January 1 through December 31 of each calendar year. License fees are payable at the County Administrator's Office and shall be deposited as revenue to the General Corporate Fund Solid Waste Management Department.

An application for said license shall include the following information:

1. Name, address and phone number of applicant.
2. Name of collecting agent, the collecting agent's business name, if different, location of the collecting agent's business site, the business address, and the business phone number.
3. Number, description, vehicle identification number, and license plate number of all vehicles utilized by collecting agent within Champaign County.
4. Collection agent shall provide a listing of all towns, villages, or general areas serviced by waste collector in Champaign County.
5. Location of all waste disposal sites utilized by the collecting agent, for the disposal of wastes collected within Champaign County. Licensure is subject to approval by the licensing entity, the Champaign County Board, after referral and recommendation from the Champaign County Solid Waste Committee.

(c) *Vehicle identification.* The name and phone number under which the business is conducted shall be painted with legible letters at least three inches high on the side of each vehicle, and the vehicle identification sticker shall be affixed to the driver's side front window.

(d) *Vehicle construction.* Any vehicles used for the collection of waste within Champaign County shall be water tight, equipped with tight fitting lids or covers, and designed so no materials shall be blown, scattered or leaked from vehicles at anytime.

(e) *Proof of Insurance.* All collecting agents shall provide, with license application, proof of insurance in amounts set forth by the State of Illinois, for any vehicles used for collection of wastes within Champaign County.

(f) *Business site(s).* All business site(s) of the collecting agent must comply with all applicable Zoning and Public Nuisance laws.

(g) *Complaints; inspections.* Upon receipt of a complaint regarding a vehicle used in transporting or collecting solid waste or other refuse, such vehicle shall be made available, at a reasonable time, for inspection by the County.

Section 5. Exemptions.

The following are exempt from the provisions of this ordinance:

1. A person or company that transports its own personal or business discarded materials produced by said person or business;
2. A civic, community, benevolent or charitable non-profit organization that collects, transports and markets recyclable materials solely for the purpose of raising funds for a civic, community, benevolent or charitable organization;
3. Demolition or construction contractors or landscaping companies that produce and transport discarded materials in the course of such occupations;
4. Companies that solely transport liquid wastes including sewage, sewage sludge, septic tank or cesspool pumpings; discarded or abandoned vehicles or parts thereof; discarded home or industrial appliances; materials used as fertilizers or for other productive purposes; household hazardous wastes; and hazardous materials as defined in the rules and regulations adopted by the Hazardous Materials Transportation Act; and
5. Any city, village, or township which collects and transports discarded materials.

Section 6. Enforcement.

(a) This Ordinance shall be enforced by the County Administrator and his/her authorized representatives. All violations should be reported to the County Administrator and will be referred to the State's Attorney's Office for enforcement.

(b) No person shall violate any provision of this article or abatement order made in pursuance thereof, obstruct or interfere with the executive of an abatement order, or willfully neglect to obey an abatement order.

Section 7. Penalties.

(a) A violation of any of the provisions of this Ordinance is a petty offense punishable by a fine of not more than five hundred dollars (\$500.00) for each offense as provided by law. Each day the violation continues shall constitute a separate offense.

(b) Two separate violations within a twelve (12) month period will result in possible suspension or revocation of the collecting agent's license. Possible suspension or revocation will be at the discretion of the licensing entity, the Champaign County Board, after referral and recommendation from the Champaign County Solid Waste Committee.

Section 8. Severability.

The invalidity or any Section of part of this Ordinance or any rule or regulation promulgated hereunder shall not affect the validity of the remainder of this Ordinance or any other such rule or regulation.

Section 9. Effective Date.

This Ordinance shall be effective on and after **January 1, 2020.**

**PRESENTED, PASSED, APPROVED and RECORDED** this 24th day of **October,** A.D.. **2019.**

\_\_\_\_\_  
Giraldo Rosales, Chair  
Champaign County Board

Recorded  
& Attest: \_\_\_\_\_  
Aaron Ammons, County Clerk and  
ex-officio Clerk of the  
Champaign County Board

Approved: \_\_\_\_\_  
Darlene A. Kloeppel, County Executive

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

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

**Julia R. Rietz**  
State's Attorney

**Barbara Mann**  
Chief of the Civil Division  
email: [bmenn@co.champaign.il.us](mailto:bmenn@co.champaign.il.us)

**Donna M. Davis**  
Assistant State's Attorney  
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**Office of  
State's Attorney  
Champaign County, Illinois**

October 30, 2019  
[Via Email: [rkincheloe@co.champaign.il.us](mailto:rkincheloe@co.champaign.il.us)]

Mr. Aaron Esry  
ELUC Chair

*Re: Closed Session Minutes Review for ELUC*

Dear Mr. Esry:

Pursuant to the Open Meetings Act, a public body such as ELUC must review its closed session minutes at least semi-annually. The Committee must then determine whether the need for confidentiality exists as to all or part of those minutes, or that the minutes or portions thereof no longer require confidential treatment, if so, the records would be available for public inspection. Therefore, the question is whether there is no longer a need to keep minutes closed in order to protect either the public interest or the privacy of an individual. Whichever conclusion that the Committee draws must be then be reported in open session.

Please note that the Committee may enter into closed session for the purpose of review of closed session minutes pursuant to 5 ILCS 120/2(c)(21): Discussion of minutes of meetings lawfully closed under the Act. Just as in open session, if the matter requires action by the Committee, the matter must have been noticed on the posted agenda.

The County Board passed Resolution No. 7969, "Resolution Establishing Procedures for Semi-Annual Review of Closed Session Minutes by the Champaign County Board" on November 17<sup>th</sup>, 2011. Under the parameters established by the full board in Resolution 7969, our office may recommend the opening of certain matters if the need for confidentiality no longer remains. Our office advises that all matters indicated on the attached index continue to require confidentiality. No new closed session minutes have occurred since the last review.

Sincerely,

A handwritten signature in blue ink that reads "Donna M. Davis".

Donna M. Davis

Enc.  
cc: Rita Kincheloe (Administrative Services)

## Closed Meeting Minutes Review

**Is it necessary to protect the public interest or privacy of an individual?**

Date of Minutes	Yes, Keep Confidential	No, Place in Open Files
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### Environment & Land Use Committee

December 12, 2005 <i>Personnel</i>	X	
August 24, 2006 <i>Performance Appraisal Subcommittee</i>	X	
September 14, 2006 <i>Performance Appraisal Subcommittee</i>	X	
October 16, 2006 <i>Job Performance Evaluation</i>	X	
August 17, 2007 <i>Performance Appraisal Subcommittee</i>	X	
September 17, 2007 <i>Performance Appraisal Subcommittee</i>	X	
November 13, 2007 <i>Employment, compensation, discipline, performance or dismissal of an employee</i>	X	
August 26, 2008 <i>Performance Appraisal Subcommittee</i>	X	
September 12, 2008 <i>Performance Appraisal Subcommittee</i>	X	
October 14, 2008 <i>Job Performance Evaluation</i>	X	
December 7, 2017 <i>Setting of a price for lease or sale of property</i>	X	
May 10, 2018 <i>Setting of a price for lease or sale of property</i>	X	

**\*Minutes not previously approved in semi-annual review.**