



**COUNTY OF KENDALL, ILLINOIS  
COMMITTEE OF THE WHOLE  
COUNTY OFFICE BUILDING  
County Board Rooms 209-210  
Thursday, January 11, 2018 at 4:00 PM  
AGENDA**

- 1. Call to Order and Pledge of Allegiance**
- 2. Roll Call:** Scott Gryder, Lynn Cullick, Judy Gilmour, Matt Kellogg, Audra Hendrix, Matthew Prochaska, John Purcell, Bob Davidson, Elizabeth Flowers, Tony Giles
- 3. Old Business**
- 4. New Business**
  - *Presentation of CenterPoint Energy for Natural Gas for Kendall County facilities – Arnie Schramel, Progressive Energy Group*

*From Facilities Management Committee:*

  - *Approval of 48-month contract extension with CenterPoint Energy for Natural Gas for Kendall County facilities in an amount not to exceed 33.5 cents per therm*
  - *Approval of an Amendment to Ordinance 99-34 Regulating the Retail Sale of Alcoholic Liquors outside the Corporate Limits of any City, Village or Incorporated Town in Kendall County, Illinois*
- 5. Public Comment**
- 6. Questions from the Media**
- 7. Chairman's Report**
- 8. Review Board Action Items**
- 9. Executive Session**
- 10. Adjournment**

*If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630- 553-4171, a minimum of 24-hours prior to the meeting time*

**COUNTY OF KENDALL, ILLINOIS**  
**COMMITTEE OF THE WHOLE**  
**Thursday, December 14, 2017**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE** - The meeting was called to order by County Board Vice Chair Lynn Cullick at 4:00p.m., who led the committee in the Pledge of Allegiance to the American Flag.

**ROLL CALL**

Attendee	Status	Arrived	Left Meeting
Scott Gryder	ABSENT		
Lynn Cullick	here		
Bob Davidson	yes		
Elizabeth Flowers	ABSENT		
Tony Giles	here		
Judy Gilmour	here		
Audra Hendrix	ABSENT		
Matt Kellogg	here		
Matthew Prochaska	present		
John Purcell		4:44p.m.	

Others present: Matt Asselmeier, Sheriff Dwight Baird, ASA Leslie Johnson, Scott Koeppel, Jim Smiley

**COMMITTEE BUSINESS**

- *Presentation on Demand response using County Generators by Arnie Schramel of Progressive Energy* – Mr. Schramel briefed the committee on the Demand Response using County Generators, the types of programs offered, the history of mandatory emergency events, the demand response providers, the revenue projection and recommended next steps. **After a voice vote, there was consensus by the committee to forward the item to the County Board for approval at the January 2, 2018 meeting.**
  
- *Presentation on installing Solar Field to provide power for County Properties by Arnie Schramel of Progressive Energy* – Mr. Schramel stated that the County would lease the field to a third party for 20-years, who would build and maintain the solar field. Mr. Schramel also reported that the County would need to obtain a special use permit from the United City of Yorkville to construct a solar field on any of its property.

Discussion on the benefits to the County and tax payers, the benefit of a third party building and maintaining the field versus the County building and maintaining it, and the cost savings on electricity for the County if a solar field was built.

Member Davidson said the County could potentially see a savings of 30-40 percent with the solar field installation, which could potentially equal about \$125,000 annually. Mr. Schramel informed the Committee of ComEd Rebates for Solar fields that could equal 10

percent savings, and IPA Incentives that might be available for 30 percent additional savings in reference to Member Davidson's earlier statement.

**There was consensus by the Committee for the Facilities Committee to continue researching the project and report back to the COW in January.**

- *Approval of Licensing Intergovernmental Agreement between Kendall County and KenCom with a Onetime buy in cost of \$28,275.00 and annual maintenance cost through 2026 not to exceed \$55,682.06 – Scott Koeppel reviewed the agreement on the item. **The item will go to the County Board for approval at the December 19, 2017 Board meeting.***
- *Approval of Assignment Intergovernmental Agreement between Kendall County and KenCom – Scott Koeppel reviewed the agreement with the committee. **The item will go to the County Board for approval at the December 19, 2017 Board meeting.***
- *Approval of Attachment A to the Licensing Intergovernmental Agreement between Kendall County and KenCom for LERMS annual maintenance cost through 2026 not to exceed \$373,960.03 - Scott Koeppel briefed the committee on the proposed agreement. Mr. Koeppel reported that the Kendall County costs will decrease with the addition of the Village of Montgomery. **The item will go to the County Board for approval at the December 19, 2017 Board meeting.***
- *Review and Discussion of Security and Operations Intergovernmental Agreement between Kendall County Sheriff and KenCom – Mr. Koeppel reported that the he and the Sheriff met and reviewed the agreement, and that it has also been reviewed by the State's Attorney's Office. Both Koeppel and Sheriff Baird were in favor of the Board approving the agreement. **The item will be forwarded to the County Board for approval at the December 19, 2017 meeting.***
- *Discussion on Streamlining the Zoning Process – Boards & Commissions Review Ad Hoc Committee – Matt Asselmeier, PBZ Senior Planner explained the proposed streamlining to the Zoning Process, which would make it more efficient for citizens to proceed with projects, and reduce the number of committee's that aa citizen must appear before. Discussion on the current process and the proposed changes. **There was consensus by the committee to forward the item to the County Board for approval at the December 19, 2017 Board meeting.***

**PUBLIC COMMENT – None**

**QUESTIONS FROM THE MEDIA – None**

**CHAIRMANS REPORT – No report**

**REVIEW BOARD ACTION ITEMS** – Vice Chair Cullick asked the committee to review the agenda for any updates or changes. Judy Gilmour asked that the KenCom Agreements be added to the agenda. Mr. Purcell asked that the Levies also be included on the agenda.

**EXECUTIVE SESSION** Member Prochaska made a motion to enter into Executive Session for the purpose of the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, and for the purpose of collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees, and for the purpose of litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal; second by Member Kellogg.

Roll Call: Member Purcell – yes, Member Giles – yes, Member Gilmour – yes, Member Cullick – yes, Member Davidson – yes, Member Prochaska – yes, Member Kellogg - present

With seven members present voting aye, the committee entered into Executive Session at 5:07p.m.

The committee reconvened in Open Session at 5:38p.m.

**ADJOURNMENT** – Member Prochaska moved to adjourn the meeting at 5:39p.m., Member Davidson seconded the motion. The motion was unanimously approved by a 7-0 voice vote.

Respectfully Submitted,

Valarie McClain  
Administrative Assistant and Recording Secretary

# Kendall County

## Status Review of Demand Response Program and Natural Gas/Electric RFP

January 11, 2018



# Agenda



- 1. Status of Demand Response Contract with NRG**
  
- 2. Results of Natural Gas and Electric Procurement**
  - RFP Responses were due back on December 4, 2017**
  
- 3. Recommendation/Next Steps for Kendall County**

# Demand Response Contract Status



- a. Met with Assistant States Attorney for contract revisions on the following sections:**
  - 1. General Terms (1) include or fail to run generators,**
  - 2. General Terms (5) include to the extent permitted by Illinois law**
  - 3. General Terms (6) include “This authorization shall not extend to the agreements entered into by NRGCS on our behalf. NRGCS may not enter into agreement on our behalf until the agreement has been provided to us for review and we have consented to the agreement**
  - 4. General Terms (7) remove Right of First Refusal Language. Include “Notwithstanding any other provision of this Agreement, we may terminate this Agreement at any time with or without cause upon 30 days prior written notice to NRGCS.**
  
- b. Submitted revisions to NRGCS**
  
- c. NRGCS has accepted contract revisions proposed by the Assistant States Attorney**

# Historical Gas Savings Analysis



## Review of Natural Gas Accounts (Supply)

### 3 Transportation Accounts

<b>Supplier:</b>	Centerpoint	Centerpoint	Centerpoint
<b>Contract Start:</b>	September 1, 2010	August 1, 2013	August 1, 2016
<b>Contract End Date:</b>	July 31, 2013	July 31, 2016	July 31, 2019
<b>Contract Rate/therm:</b>	\$0.5950	\$0.4497	\$0.3780
<b>Annual Cost Reduction:</b> (Based on annual consumption of 222,100 therms )		\$32,271	\$15,925

Progressive Energy Group sent out a RFP on natural gas supply to 41 retail suppliers for the following terms:

- Contract term beginning August 1, 2019
  - 100% Fixed pricing with a supplier managed storage program
  - Pricing options for 12, 18, 24, 30, 36, and 48 months



# Bid Results for Fixed Price Gas (Supply Only) August 2019 Start Date



## Centerpoint Energy

12 month	18 month	24 month	30 Month	36 Month	48 Month
\$0.32800	\$0.33000	\$0.33100	\$0.33100	\$0.33300	\$0.33500

Projected Annual Spend:	\$72,849	\$73,293	\$73,515	\$73,515	\$73,959	\$74,404
Savings vs. Current Rate:	\$ (11,105)	\$ (10,661)	\$ (10,439)	\$ (10,439)	\$ (9,995)	\$ (9,550)
% lower than current rate:	-13.23%	-12.70%	-12.43%	-12.43%	-11.90%	-11.38%
Monthly Billing Option:	Single Billing					

## Constellation Energy

12 month	18 month	24 month	30 Month	36 Month	48 Month
\$0.33577	\$0.33440	\$0.33905	\$0.33850	\$0.34127	-

Projected Annual Spend:	\$74,575	\$74,270	\$75,303	\$75,181	\$75,796	-
Savings vs. Current Rate:	\$ (9,379)	\$ (9,684)	\$ (8,651)	\$ (8,773)	\$ (8,158)	-
% lower than current rate:	-11.17%	-11.53%	-10.30%	-10.45%	-9.72%	-
Monthly Billing Option:	Single Billing					

## Direct Energy

12 month	18 month	24 month	30 Month	36 Month	48 Month
\$0.33440	\$0.34180	\$0.34370	\$0.34730	\$0.34540	-

Projected Annual Spend:	\$74,270	\$75,914	\$76,336	\$77,135	\$76,713	-
Savings vs. Current Rate:	\$ (9,684)	\$ (8,040)	\$ (7,618)	\$ (6,818)	\$ (7,240)	-
% lower than current rate:	-11.53%	-9.58%	-9.07%	-8.12%	-8.62%	-
Monthly Billing Option:	Dual Billing					

## Mansfield Energy

12 month	18 month	24 month	30 Month	36 Month	48 Month
\$0.33200	\$0.33500	\$0.33400	\$0.33400	\$0.33600	\$0.33800

Projected Annual Spend:	\$73,737	\$74,404	\$74,181	\$74,181	\$74,626	\$75,292
Savings vs. Current Rate:	\$ (10,217)	\$ (9,550)	\$ (9,772)	\$ (9,772)	\$ (9,328)	\$ (8,662)
% lower than current rate:	-12.17%	-11.38%	-11.64%	-11.64%	-11.11%	-10.32%
Monthly Billing Option:	Dual Billing					

## Spark Energy

12 month	18 month	24 month	30 Month	36 Month	48 Month
\$0.36400	\$0.36600	-	-	-	-

Projected Annual Spend:	\$80,844	\$81,289	-	-	-	-
Savings vs. Current Rate:	\$ (3,109)	\$ (2,665)	-	-	-	-
% lower than current rate:	-3.70%	-3.17%	-	-	-	-
Monthly Billing Option:	Dual Billing					

Current market conditions show an annual savings of \$9,550 should a 48 month extension with Centerpoint be entered.

Annual Therm Volume: **222,100**  
 Centerpoint Energy Fixed Rate: **\$0.37800**  
 Current Natural Gas Supply Cost: **\$83,954**

**\*\*All Pricing Is Indicative for 100% Fixed Pricing\*\***  
 Pricing is for the 3 large Kendall County facilities

# Recommendations



## 1. Finalize NRGCS contract

- Send to full board approval on Tuesday January 16, 2018

## 2. Enter into 48 month natural gas extension with Centerpoint Energy

- Agreement Term from August 1, 2019 to July 31, 2023
- Fixed Rate of \$0.335/therm
- Projected annual supply spend - \$74,404 (Based on 222,100 therms)
- Capture annual supply savings of \$9,550
- Centerpoint Energy is the current supplier
  - Contract terms have already been agreed upon and reviewed
- Single monthly billing and credit approved for contract term
- Send to full board approval on Tuesday January 16, 2018

## 3. Determine Electric Supply procurement options following the Solar Program

- Solar RFQ will be issued on Monday January 8, 2018
- Solar Program will change the buying methodology for Kendall County
- Revisit electric supply procurement options in February 2018

**ORDINANCE NO. 20185-\_\_\_\_\_**  
**AMENDING ORDINANCE NO. 99-34**

**AN ORDINANCE REGULATING THE RETAIL SALE OF ALCOHOLIC LIQUORS  
OUTSIDE THE CORPORATE LIMITS OF ANY CITY, VILLAGE OR  
INCORPORATED TOWN IN KENDALL COUNTY, ILLINOIS**

To the end that the health, safety and welfare of the People of Kendall County shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the sale of alcoholic liquor in Kendall County:

BE IT RESOLVED by the Kendall County Board, State of Illinois that hereafter the sale, keeping for sale, or offering for sale of alcoholic liquors in all of the territory which lies outside of the corporate limits of any City, Village or Town and lying within the corporate limits of said Kendall County, Illinois shall be subject to the following regulations:

**ARTICLE I**

Section 1: Whenever reference is herein made to the "State Law" it shall mean and refer to an Act of the General Assembly of the State of Illinois, entitle "Liquor Control Act of 1934", approved January 31, 1934, as amended.

Section 2: Unless the context otherwise required all other words and phrases used herein shall have the same meaning as the same or similar words or phrases defined and used in said Act entitled, "Liquor Control Act of 1934", approved January 31, 1934, as amended.

**ARTICLE II  
LICENSES REQUIRED**

Section 1: No person shall sell, furnish, deliver, solicit or receive orders for, keep or expose for sale at retail, or keep with intent to sell, or furnish any alcoholic liquor for beverage purposes for sale at retail in any of the territory lying outside of the corporate limits of any City, Village or Town lying within the corporate limits of said County of Kendall, State of Illinois without first having a valid license issued by the Liquor Control Commissioner of Kendall County, as hereinafter provided and a valid license issued by the Illinois Liquor Control Commissioner.

**ARTICLE III  
LICENSE CLASSIFICATION**

Section 1: The classification of licenses authorized to be issued under this Ordinance shall be as follows:

a) Class "A" License which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises and retail sales of alcoholic liquors by original package for consumption off the premises.

b) Class "B" License which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises, and the retail sale of package beer only to members of the licensee. Class "B" licenses shall be issued only to Clubs as defined in "Liquor Control Act of 1934", approved January 31<sup>st</sup>, 1934, as amended, and as provided in this Ordinance, as amended.

c) Class "C" License which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor by original package for consumption off the premises.

d) Class "D" License which shall authorize the retail sale, on the premises specified, of beer and wine by original package for consumption off the premises.

e) Class "E" License which shall authorize the retail sale, on the premises specified, of all kinds of legalized alcoholic liquor for consumption on the premises requiring service, thereof, at tables in conjunction with the primary function of serving food to the public in said premises.

f) Class "F" License which shall authorize the retail sale, on the premises specified, of beer and wine for consumption on the premises, requiring service, thereof, at the tables in conjunction with the primary function of serving food to the public in said premises.

g) Class "G" Licenses which authorize the retail sales on the premises specified of beer and wine only for a limited time, which shall be identified on the license as valid for either 24, 48, or 72 hours by such not for profit corporations or organizations which provide adequate proof to the Commissioner of the following:

1. Continuous existence in the community for a period of 5 years preceding the application.
2. Internal Revenue reports or such other information as requested by the Commissioner to verify the not for profit status of the corporation or organization.

Such licenses when issued shall be issued within 7 days of its authorized commencement date, and shall automatically expire 24-48-72 hours thereafter as noted on the license. A not for profit corporation or organization shall not receive more than four (4) Class "G" licenses during a 12 month period. For purposes of this subsection, the 12 month period shall begin on January 1 and end on December 31 of each calendar year. (Amended 5/18/2010)

Applicants for a Class "G" License must file the application for said license no less than 30 days prior to the anticipated effective date of said license. Despite the provisions of this Ordinance, no public hearing shall be required prior to the issuance of a Class "G" License.

h) Class "H" Licenses which authorize the retail sale, on the premises specified, of beer and wine only for consumption on the premises and retail sales of beer and wine only by original package for consumption off the premises.

i) Class "I" Licenses which shall authorize the retail sale of alcoholic liquor within the County by a "caterer" as defined in the Liquor Control Act of 1934 as amended on the premises owned by the Kendall County Forest Preserve District commonly known as "Ellis House" and the "Meadowhawk Lodge" for consumption within 250 feet of the "Ellis House" and the "Meadowhawk Lodge" buildings owned by the Forest Preserve District during times when food is dispensed for consumption within 250 feet of the building from which food is dispensed and only as an incidental part of food service that serves prepared meals, which excludes the serving of snacks as the primary meal for private and public functions. Liquor shall not be served nor shall it be consumed inside horse stables of these Forest Preserve District properties. Licensee shall provide proof of general and liquor liability insurance which shall name the Kendall County Forest Preserve District as an additional insured. Sale of alcoholic liquor to the licensee shall only be made at the registered office of the licensee. A Class "I" License shall authorize the holder to engage in the retail sale of alcoholic liquor as described above at both the "Ellis House" and the "Meadowhawk Lodge" without the need to apply for separate licenses.

All those already holding a Class "I" license at the time of the enactment of this 2012 revision shall automatically have the right to utilize the license at both the "Ellis House" and the "Meadowhawk Lodge", in the same manner as if they were obtaining the license after the revision date. Further, All Class "I" licenses currently held at the time of the 2012 revision shall expire at the current expiration date displayed on such licenses and thereafter have to be renewed as set forth in this Ordinance.

j) Class "J" Licenses which authorize the retail sales on the premises specified of beer and wine only by such not for profit corporations or organizations which provide adequate proof to the Commissioner of the following:

1. Continuous existence in the community for a period of 5 years preceding the application.
2. Internal Revenue reports or such other information as requested by the Commissioner to verify the not for profit status of the corporation or organization.

Such license shall limit the number of days beer and wine may be sold on the premises to 75 calendar days each calendar year. For purposes of this subsection, the calendar year shall begin on January 1 and end on December 31 of that same year. The Licensee shall submit a list of each day the liquor license was used and nature of event to the Liquor Control Commissioner 30 days after the end of the calendar year.

k) Class "K" License which shall authorize the retail sale, on the premises specified, of all kinds of alcoholic liquor for Craft Brewers/Craft Distillers, when such liquor has

been manufactured on the premises, for consumption on the premises and shall authorize the retail sale of all kinds of alcoholic liquor, when such liquor has been manufactured on the premises, for consumption off the premises. Class "K" licensees may conduct limited beer and liquor tasting activities on the premises.

A Craft Distiller under this license shall be allowed to manufacture of up to 15,000 gallons of spirits by distillation per year and a Craft Brewer may only manufacture up to 465,000 gallons of beer per year. These amounts may be increased/reduced pursuant to amendment of the State Liquor Control Act of 1934.

The Class "K" License does not permit the retail sale, either for consumption on the premises or off the premises, of any alcoholic liquor that has been purchased at wholesale nor does the Class "K" License permit the retail sale, either for consumption on the premises or off the premises, of any alcoholic liquor that has been manufactured off the premises.

Section 2: All licenses shall be signed by the Liquor Control Commissioner of Kendall County, and shall thereon the class or classification for which issued, and shall state thereon the name of the licensee, the address and description of the premises for which granted, together with the date of issuance and expiration thereof. Every renewed license shall be in all respects identical with the original or first license.

Section 3: A retailer's license shall allow the licensee to sell and offer for sale at retail, on the premises specified in such license, alcoholic liquor for use or consumption, but not for resale.

Section 4: All licenses issued hereunder are limited in use to the premises specified in said licenses and upon cessation in possession thereof, by the licensee, said license shall immediately be rendered null and void.

#### ARTICLE IV LICENSE FEES

Section 1: The annual license fees for each of the classes of licenses authorized by this Ordinance to be issued are hereby fixed in the following amounts:

Class "A"	\$2,000.00
Class "B"	\$ 300.00
Class "C"	\$2,000.00
Class "D"	\$2,000.00
Class "E"	\$2,000.00
Class "F"	\$1,300.00
Class "G"	\$ 100.00
Class "H"	\$2,000.00
Class "I"	\$ 100.00
Class "J"	\$ 300.00

Class "K" \$2,000.00

Section 2: Unless otherwise provided herein, all licenses issued hereunder shall be valid for a period of one (1) year from the date of issuance. No refunds shall be made for cancelled or surrendered licenses, nor shall any license issued hereunder be transferred, except as provided by the provisions of this Ordinance, or the Liquor Control Act of 1934, as amended.

Section 3: On application for a license hereunder, the applicant shall deposit with the Liquor Control Commissioner of Kendall County at the time he submits his application for a license hereunder, the fee as is in this Ordinance provided. This shall be by certified check, bank draft or money order made payable to the Liquor Control Commissioner of Kendall County.

ARTICLE V  
NUMBER OF LICENSES

Section 1: At the date of the adoption of this Ordinance, the maximum number of licenses for retail sale of alcoholic beverage is as follows:

Class "A" – 6	Class "F" – 0	Class "K" - 1
Class "B" – 3	Class "G"– No more than 4 during a 12 month period per	
qualified organization as outlined in Art. III Sec. 1(g).		
Class "C" – 2	Class "H" – 0	
Class "D" – 2	Class "I" – 10	
Class "E" – 0	Class "J" – 1	

In the event any license issued hereunder is surrendered, for any reason whatsoever, the maximum number of licenses authorized in that class is accordingly reduced by the number of licenses surrendered. No further licenses may be issued until action of the Kendall County Board appropriately increases the maximum number allowed.

ARTICLE VI  
APPLICATION FOR LICENSES AND RENEWALS

Section 1: Forms of application for a license under this Ordinance shall be furnished by the Liquor Control Commissioner of Kendall County, and applicants for a license under this Ordinance shall secure the necessary forms from said Liquor Control Commissioner and such application or applications shall be in writing and under oath and shall be filed with the Liquor Control Commissioner of Kendall County and shall contain the following information, viz:

- a) The names, date of birth, and address of residence of the applicant or any agent or manager who conducts the business in the case of an individual; in the case of a co-partnership, the names of all partners together with their ages and addresses; and in the

case of a corporation or club, the corporate name, the date of incorporation, place of incorporation, the object for which the corporation was organized, the names and addresses of the officers and directors thereof; the name, age and address of any officer, manager, director or any stockholder of said corporation owning more than 5% of the stock in the said corporation and the exact percentage of stock so owned

b) The citizenship of the applicant or any agent or manager who conducts the business, his place of birth and if naturalized citizen, the time and place of his naturalization.

c) The location and description of the place of business where the applicant intends to conduct his business which shall include the legal description and mailing address thereof.

d) Statement whether applicant or any agent or manager who conducts the business has made similar application for a similar other license on premises other than that described in his application and the disposition of such application.

e) A statement whether applicant or any agent or manager who conducts the business has made any other application for liquor license in any other County in the State of Illinois, and if so, the disposition of such application.

f) A statement whether a previous license by any state or subdivision thereof or by the Federal Government has been revoked and if so the reason therefore.

g) A statement that the applicant or any agent or manager who conducts the business will not violate any of the laws of the State of Illinois or of the United States or of the laws or regulations set forth in this Ordinance in the conduct of his business.

h) A statement that he has not received or borrowed money or anything of value and that he will not receive or borrow money or anything of value other than merchandising credit in the ordinary course of business for a period not to exceed thirty days as expressly permitted under 235 ILCS 5/6-5, directly or indirectly from any manufacturer, importing distributor or distributors, representatives of any such manufacturer, importing distributor or distributors nor to be a party in any way, directly or indirectly, to any violation by a manufacturer, distributor or importing distributor as set forth in 235 ILCS 5/6-5.

i) If such application is made on behalf of a partnership, firm, association, club or corporation then the same shall be signed and sworn to be at least two members of such partnership or the President and Secretary of any such corporation. In the event that the applicant seeks a Class "B", "G" or "J" license, the applicant shall provide, at the time of application for the original license and any renewal thereof, written current verification the tax-exempt status of the applicant, a copy of the applicant's application for tax exempt status filed with the Internal Revenue Service, and the most recently filed tax return filed by the applicant. An applicant for a Class "B", "G", or "J" license which is itself not a tax-exempt organization may still qualify for a Class "B", "G", or "J" license if it proves, to the reasonable satisfaction of the Kendall County Liquor Commissioner, that the applicant



is wholly owned by a tax-exempt organization which meets the qualifications for a Class "B", "G" or "J" license.

j) A statement that said applicant or any co-partner, except in the case of a club or corporation, is a resident of the County of Kendall stating the date the applicant acquired residence in the County of Kendall.

k) A statement as to whether or not the applicant, or in the event that the applicant is a partnership or corporation, any entity in which the applicant currently or previously held a 5% or more interest, has any unpaid fines in any court of the State of Illinois, for any violation of any law.

l) A statement that the applicant, or any agent or any manager who conducts the business is qualified to receive a license under the laws of the State of Illinois and that he will not violate nor permit any of his employees to violate any of the laws of the State of Illinois or of the United States or of this Ordinance in the conduct of his business and shall also state the name and address of the agent or manager in charge of any licensed premises if there be one.

m) A statement whether or not the proposed place of business is within 100 feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their wives, or children or any military or naval station.

n) A statement as to whether or not the proposed location is within one-half mile of the territorial limits of any city, village or incorporated town in Kendall County.

o) If applicant does not own the premises for which a license is sought he shall exhibit a true copy of the lease for said premises for the full period for which the license is to be issued. Applicant shall also submit with his application the type of bond he proposed to furnish as is hereinafter required if granted a license.

p) A statement that no law enforcing public official, mayor, alderman, member of a city council or commission, president of a village board of trustees, or president or member of a county board has any interest in any way, directly or indirectly, in the operation of the business for which the license is sought.

q) A statement that the applicant is the beneficial owner of the business to be operated by the license.

r) A statement that the applicant, any partner, if a co-partnership, any officer, manager, director or shareholder, owning 5% or more of the stock in said corporation, has not:

1. Been convicted of:

a) a felony under any State or Federal laws:

- b) keeping a house of ill fame:
- c) pandering or other crime or misdemeanor opposed to decency and morality;
- d) violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to Jan. 31, 1934 or has forfeited his bond to appear in court to answer for any such violation;
- e) gambling offense as prescribed by any subsection of Section 28 of the Illinois Criminal code of 1961, as amended.

- 2. had a license issued under the Dram Shop Act revoked for cause;
- 3. been issued a federal gaming device stamp or a federal wagering stamp by the Federal Government for the current tax period.

s) Statement that the premises in which the license is to be used has not had a federal gaming device stamp or a federal wagering stamp issued for the current tax period.

t) Statement if the applicant is a corporation, that no officer, manager, director of stockholder owning more than 20% of the stock in the corporation has been issued a federal gaming stamp or a federal wagering stamp for the current tax period.

u) In the event that any of the information required to be provided pursuant to this Article should change during the duration of the said license, the Licensee shall notify the Commissioner of such change as soon as practicable, but in any event no later than 72 hours after the said change takes effect.

v) In the event that the premises for which the license is proposed to be issued is licensed by any state or local health department, proof of said valid license and current health inspection results shall be provided at the time of application. In the event that said licensure by the local or state health department should lapse or terminate for any reason, the licensee shall immediately notify the Commissioner of the same, and in no event shall said notice be delayed form more than 24 hours.

**Section 2:** All applications to the Liquor Control Commission shall be filed in duplicate in the Office of ~~Administrative Services~~The County Clerk of Kendall County (amended January, 2018), Illinois and shall be accompanied by the full amount of the license fee required to be paid for the class of license applied for. All checks or money orders shall be made payable to the Liquor Control Commissioner of Kendall County, Illinois.

**Section 3:** At the time of the filing of any application for a license under this Ordinance, except Class "G" Licenses, the applicant shall file a Notice of Intent to Seek Liquor License, on a form to be provided to the applicant by the Commissioner, which Notice shall

be published, in a paper of general circulation in Kendall County, at least once, and which Notice shall contain the date, time and location of the public hearing required prior to the issuance of said license. Said publication shall take place no less than 7, or more than 15 days prior to the date of the scheduled public hearing required by the terms of this Ordinance. Said publication cost shall be paid by the applicant.

Section 4: Every renewal license shall be in all respects identical with the original or first license and applications for renewal licenses shall be made in the same manner except that a statement shall be endorsed on the face of the renewal application that such application is for renewal and the hearing process shall be excused upon such renewal application. (amended May, 2006) Submittal of renewal applications must be received in the office of ~~Administrative Services~~ The County Clerk (amended January, 2018) no less than 30 days prior to the expiration of the license. Failure to meet submittal deadlines could result in a lapse of liquor license, failure to renew the liquor license and/or a fine pursuant to statute.

Section 5: Prior to the determination to grant or deny the issuance of any new license, or the determination as to whether to permit the transfer of a license to a different location, except Class "G" Licenses, a public hearing shall be held by the Commissioner, at a date, time and location as identified by the Commissioner. Public notice of said hearing shall be given by means of the publication required in Section 3 herein. The applicant shall also give notice of said public hearing by mailing a copy of said Notice to the owners of all property located within 250 feet of the subject premises, which notice shall be mailed certified mail, return receipt requested. At the time of said hearing, the applicant shall provide proof of the mailing of said notices to the Commissioner, as well as a listing of all persons so notified. For the purposes of this paragraph, the mailing of a notice to the individual receiving the current real estate tax bill, as shown by the records of the Kendall County Supervisor of Assessments shall constitute notice to the "owner" of each premises.

Section 6: The Liquor Control Commissioner of Kendall County shall grant or refuse to grant the application within forty-five days after the required public hearing has been held, and all required documentation has been received by the Commissioner, including any required background or fingerprint checks. The costs of any required background check, including fingerprint checks, shall be paid by the applicant.

Section 7: All original or renewal applications for liquor licenses shall be accompanied with proof of completion of a state certified beverage alcohol sellers and servers education and training (BASSET) program for all persons who sell or serve alcoholic liquor, all management personnel working on the premises, and anyone whose job description entails the checking of identification for the purchase of alcoholic liquor, pursuant to that license. Class "G", "I" or "J" licensees must have a BASSET trained person on the premises during an event. Class "G" or "I" licensees must provide the name and proof of BASSET training for that person when applying for a Class "G" or "I" license.

Section 8: A "state certified BASSET program" shall be defined as a BASSET program licensed by the State of Illinois Liquor Commission as required by 235 ILCS 5/3-12(11.1). All licensed BASSET providers shall be required to have on file all licenses and certificates

to prove current qualifications and provide a certificate of course completion and a card to participants as proof of completion. A photocopy of certificates of completion for all owners, managers, employees, or agents required to have BASSET training shall be maintained on the premises in a manner that will allow inspection, upon demand, by any designee of both the State of Illinois or County of Kendall.

Section 9: Any new owner, manager, employee or agent requiring BASSET training, shall within ninety (90) days from the beginning of their employment with that licensee, complete an Illinois Liquor Control Commission BASSET approved seller/server training program and shall until completion of the BASSET program work under the supervision of a person who has completed BASSET training.

## ARTICLE VII LICENSE PROHIBITIONS

Section 1: No license under this Ordinance shall be issued to:

- a) a person who is not a resident of the County of Kendall;
- b) a person who is not a good character and reputation in the community in which he resides;
- c) a person who is not a citizen of the United States;
- d) a person who has been convicted of a felony under any Federal or State law, unless the State Liquor Control Commission, after investigation, determines that said applicant has been sufficiently rehabilitated to warrant public trusts;
- e) a person who has been convicted of being the keeper of, or is keeping a house of ill fame;
- f) a person who has been convicted of pandering or other crime or misdemeanor opposed to decency or morality;
- g) a person who license issued under this Ordinance, or any prior similar Ordinance of Kendall County, has been revoked for cause;
- h) a person who at the time of application for renewal of a license issued hereunder would not be eligible for such license upon a first application;
- i) a partnership, unless all of the members of such partnership shall be qualified to obtain a license, except that only one of the partners shall be required to meet the residency requirement imposed by this ordinance;
- j) a corporation, of any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five (5%) percent of the stock of

such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence with the County of Kendall;

- k) a corporation, unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois;
- l) a person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or shall have forfeited his bond to appear in court to answer charges for any such violation;
- m) a person who does not beneficially own the premises for which a license is sought or does not have a lease thereon for the full period for which the license is to be issued;
- n) any law enforcing public official, any mayor, alderman or member of a city council or commission, any president of the village board of trustees, any member of a village board of trustees or any presiding officer or member of a County Board; and no such official shall be interested in any way either directly or indirectly in the manufacture, sale or distribution of alcoholic liquor, pursuant to any license issued under this Ordinance;
- o) any person who is not a beneficial owner of the business to be operated by the licensee;
- p) any person to who a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;
- q) a co-partnership to which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period or if any of the partners have been issued a Federal gaming device stamp or Federal wagering stamp by the Government for the Current tax period;
- r) a corporation, if any officer or manager or director thereof or any stockholder owning on the aggregate more than twenty (20) percent of the stock of such corporation has been issued a Federal gaming device stamp or a Federal wagering stamp;
- s) any premises for which a Federal gaming device stamp or a Federal wagering stamp has been issued by the Federal Government for the current tax period;
- t) any person who has not furnished a bond as is required by this Ordinance;
- u) a person who has been convicted of a gambling offense as prescribed by any subsection of Section 28 of the Illinois Criminal Code of 1961.

Section 2: No license shall be issued for the sale at retail of any alcoholic liquor within one hundred (100) feet of any church, school (other than an institution of higher learning), hospital, home for aged or indigent persons or for veterans, their wives or children, or any military or naval station; provided, that this prohibition shall not apply to the renewal of a license for the sale at retail of alcoholic liquor on the premises within one hundred (100) feet of any church where such church has been established within such a one hundred (100) feet since the issuance of the original license.

Section 3: No license shall be issued to any person for the sale at retail of any alcoholic liquor at any store or other place of business where the majority of customers are minors of school age, or where the principal business transacted consists of school books, school supplies, food and drinks for such minors.

#### ARTICLE VIII BOND AND INSURANCE REQUIREMENTS

Section 1: Every licensee hereunder shall furnish a bond to the County of Kendall executed by such licensee and by good and sufficient corporate surety to be approved by the Local Liquor Control Commissioner, which bond shall be in the same amount as the License Fee imposed for the issuance of said license as identified in Article IV herein, and conditioned that the licensee shall faithfully observe and conform to the State law and to all of the provisions of this Ordinance and any and all amendments hereafter passed during the period of said license, and conditioned further for the payment of any and all fines or penalties levied or assessed against such licensee for the violation of any of the terms and conditions of this Ordinance and of any amendments thereto or of the State law and shall be further conditioned that the licensee will pay all the necessary costs and charges incurred by reason of any complaint filed for the revocation of a license herein by the Local Liquor Control Commissioner or by anyone person entitle to file such complaints before the Local Liquor Control Commissioner, as provided for in this Ordinance where the same is occasioned by any violation under the terms and provisions of this Ordinance or of the State law by said licensee, and no license shall be issued by the Local Liquor Control Commissioner until such bond has been fully executed by the principal and surety or sureties and duly approved by such Local Liquor Control Commissioner. The amount of bond required for a Class "G", "I" or "J" License shall be a minimum of \$500.00.

Section 2: No license shall issue, nor be renewed, to any applicant unable to furnish evidence of dram shop liability insurance, in the form of a certificate of insurance, issued by an insurance company that is authorized to do business in the State of Illinois, insuring the applicant, and the owner or lessor of the premises in at least the amount of \$500,000 per occurrence.

#### ARTICLE IX HOURS OF PROHIBITED SALE

Section 1: No licensee hereunder, with the exception of Class A licensees and Class B licensees, shall sell or offer for sale at retail any alcoholic liquor or furnish or give away or

allow or permit the same to be consumed on the licensed premises or any other premises under the control directly or indirectly of the licensee during the following hours:

a) One o'clock A.M. and Six o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every day from Monday to Saturday of every week.

b) One o'clock A.M. and Ten o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Sunday.

Section 2: No Class A licensee or Class B licensee shall sell or offer for sale at retail any alcoholic liquor or furnish or give away or allow or permit the same to be consumed on the licensed premises or any other premises under the control directly or indirectly of the licensee during the following hours:

a) One o'clock A.M. and Six o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every day from Monday to Friday of every week.

b) Two o'clock A.M. and Six o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Saturday.

c) Two o'clock A.M. and Ten o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every Sunday.

d) Two o'clock A.M. and Six o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, on each and every holiday of Memorial Day, Fourth of July, Labor Day, Thanksgiving, and New Year's Day. If the Fourth of July or New Year's Day occur on a Sunday in any given calendar year, the hours of prohibited sale shall be between Two o'clock A.M. and Ten o'clock A.M. Central Standard Time, or Central Daylight Time, whichever is applicable at the particular time of year, for that particular occurrence.

Section 3: The local Liquor Control Commissioner may on special occasions extend the time during which a licensee may remain open. Said extensions shall be at the sole discretion of the local Commissioner.

## ARTICLE X GENERAL REGULATIONS

Section 1: It shall be unlawful for licensee hereunder to directly or indirectly receive any financial aid or assistance or to receive as a loan or lease of otherwise any furnishing, fixture, or equipment on the premises of a place of business from any manufacturer, distributor or importing distributor of alcoholic liquors and it shall be equally unlawful for any such licensee to allow any manufacturer, distributor or importing distributor or

alcoholic liquors, directly or indirectly, to be interested in the ownership, conduct or operation of the business of any licensee under this Ordinance, and it shall be, also equally unlawful for any licensee hereunder to permit or allow any manufacturer, distributor or importing distributor to be interested directly or indirectly or as owner or part owner of said premises described in the license or as lessee or lessor thereof.

Section 2: It shall be unlawful for any licensee hereunder to allow or permit any person engaged in the business of manufacturing importing or distributing alcoholic liquors to pay for or advance, furnish, or lend money, directly or indirectly, for the payment of such license.

Section 3: It is unlawful for any person including but not limited to any licensee or any associate, member, representative, agent, or employee of such licensee to sell, give, deliver or serve any alcoholic beverage to any person under the age of 21 years or to any intoxicated person or to any person known to be a spendthrift, insane, mentally ill, mentally deficient or a habitual drunkard.

Section 4: It shall be unlawful for any person under the age of 21 years to purchase, accept or procure or to attempt to purchase accept or procure any alcoholic beverage from any liquor dealer or from any other person.

Section 5: It shall be unlawful for any person to order, to purchase or in any manner to obtain any alcoholic beverage for another person under the age of 21 years. It shall be illegal for any person to sell, give or deliver any alcoholic liquor to another person under the age of 21 years. It shall be illegal for any person to directly or indirectly have any alcoholic beverage sold, given or delivered to another person less than 21 years of age or to permit the sale, gift or delivery of any alcoholic beverage to another person less than 21 years of age.

Section 6: It shall be unlawful for any person to who the sale, gift, delivery or service of any alcoholic liquor is prohibited because of age to consume or to possess in any manner, including by consumption, any such alcoholic liquor, except as otherwise provided by law. The violation referred to in this Section which relates to the possession of alcohol after it has been consumed may be identified as the "Illegal Possession of Alcohol by Consumption" or by the number of the Chapter and Section of this Ordinance. This violation may be proven by evidence which indicates that the breath of the person charged with such offense has a smell associated generally or specifically with any alcoholic liquor and no additional evidence relating thereto shall be necessary to find the Defendant to be in violation of this Ordinance. It shall not be necessary to show that the person charged with an offense hereunder was at the time in question under the influence of any alcoholic liquor in any manner, but such evidence shall be admissible to prove a violation of this Ordinance.

The possession and dispensing or consumption by a person under the age of 21 years of an alcoholic beverage in the performance of a religious service or ceremony or the consumption of alcoholic liquor by a person under the age of 21 years under the direct



supervision and direct approval of the parents or parent of such person in the privacy of a home is not prohibited by the Ordinance, and this provision shall be considered only as a defense for which the burden of proving that it applies to and was reasonably relied upon in a particular case shall be on the person charged with an offense under this Section.

**Section 7:** It shall be unlawful for any intoxicated persons or any person under the age of 21 years to be or remain in any premises which are licensed hereunder except that any person under the age of 21 years may be or remain on the premises:

- 1) If accompanied by his or her parents(s) or legally appointed guardian; or
- 2) If more than 50% of the gross business income received therein results from the sale of services or commodities other than alcoholic liquor; or
- 3) If legally employed by the license holder of the premises and if the person is actively performing his/her duties as a legal employee at the time in question. Employees of the licensee under age 21 shall not draw, mix, pour, nor sell alcoholic beverages, but may carry and deliver said beverages to the patron for consumption.
- 4) If the premises has a Class "G", "I", or "J" license pursuant to this ordinance.

**Section 8:** The Defendant/Respondent in any court or administrative hearing shall have the burden of proving as a defense that subparagraphs (1), (2), or (3) of the preceding Section 7 apply to the case and the prosecutor shall have no responsibility to prove that any of said exceptions do not apply herein.

**Section 9:** If a licensee or any officer, associate member, representative, agent or employee of such licensee believes or has any reason whatsoever to suspect or believe that the sale, gift, delivery or service to a prospective recipient of any alcoholic liquor is prohibited by this Ordinance because of the age of such person, he/she shall demand written evidence, and may not rely on oral evidence, of the prospective recipient's age and identity before making such sale, gift, delivery or service.

Any person from whom such written evidence is demanded shall forthwith display his/her motor vehicle operator's license, federal selective service card, federal armed forces identification card or other written and photographic evidence of age and identity issued by a public officer in the performance of his official duties.

If any person fails to present such written evidence, he/she shall be considered to be an under age person who is not entitled to any such alcoholic liquor. However, if such written and photographic evidence of age and identity is produced and shows the prospective recipient to be of the age required to purchase such alcoholic liquor and if such a sale, gift, delivery or service of alcoholic liquor is made in reasonable reliance thereon, the licensee and his representatives shall not be subject to the penalty provision of this Ordinance.

The burden of proving that a demand of written and photographic evidence of the age and identity was made, that such written and photographic evidence was shown, the content of the written photographic evidence presented, and the reasonableness of the reliance thereon shall be on the person charged with an offense under this Ordinance.

**Section 10:** It shall be unlawful for any person whomsoever to present or offer to any licensee or to any officer, associate, member, representative, agent, or employee of a licensee or to any other person any written, printed or photo static evidence or his/her age and identity or that of any other person which is false or fraudulent, for the purpose of ordering, purchasing, attempting to purchase, or otherwise procuring or attempting to procure any alcoholic liquor of any kind or description in violation of this Ordinance, or to have in his/her possession any false or fraudulent written, printed or photo static evidence of age and identity.

**Section 11:** No person shall sell or furnish alcoholic liquor at retail to any person on credit, or order on a store, or in exchange for any goods, wares or merchandise, or in payment for any services rendered, provided, that nothing herein contained shall be construed to prevent any club receiving a license under this Ordinance, from permitting checks or statement for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the by-laws of said club; and provided further, that nothing herein contained shall be construed to prevent any hotel from permitting checks or statement for liquor to be signed by regular guests residing at said hotel and charged to the accounts of said guests.

**Section 12:** It shall be unlawful for any licensee to sell, offer for sale or furnish any alcoholic liquor to any person or persons or patron or patrons in what is generally know as curb service. Free dispensing of alcoholic liquor by any licensee is hereby prohibited and unlawful.

**Section 13:** It shall be unlawful to keep open for business or to admit the public or patrons or customers or persons to any premises licensed under this Ordinance for the retail sale of alcoholic liquor during the hours within which sale of such liquor is prohibited, or to permit or allow person, patrons, or customers to remain in or about the licensed premises during the hours designated within which the sale and consumption of alcoholic liquors is prohibited on the licensed premises; provided however, that restaurants, clubs, drug stores and hotels may keep their places of business open, subject only to the provisions that no sale at retail of alcoholic liquors or the consumption by patrons or customers or by the public of alcoholic liquors shall be permitted or allowed on said licensed premises during the hours prohibited.

**Section 14:** Whenever any licensee hereunder shall sell or otherwise dispose of the business conducted on the licensed premises, said licensee shall, with 5 days thereafter, cause a notice in writing of such fact to be delivered to the Local Liquor Control Commissioner of said Kendall County. Said statement shall contain full information concerning the same, including the date of such date or disposal of said business and the

name of the purchaser, if any. Upon the occurrence of any of the foregoing the license issued hereunder shall be surrendered to the Liquor Control Commission, providing that the Liquor Control Commissioner in his discretion may permit the licensee to maintain said license upon the following circumstances, viz: remodeling, casualty act of God or other business interruption deemed by the Commissioner to be beyond the control of the licensee. The commissioner is further authorized to approve assignment of said license to a qualifying purchaser. Failure on the part of the licensee to comply with the provisions of this shall subject said licensee to a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not less than Thirty (30) days nor more than four (4) months and such penalties as herein provided in this Section shall be in addition to any such penalties mentioned in this Ordinance for violation of any of the term and provisions thereof.

**Section 15:** It shall be the duty of every person licensed hereunder to keep complete and accurate records of all sales of liquor, wine or beer, which said records shall be produced by the person holding such a license at the request of the Local Liquor Control Commissioner.

**Section 16:** All premises and equipment and utensils or paraphernalia used for the retail sales of alcoholic liquor, or for the storage of such liquor for sale purposes, shall be kept in a clean and sanitary condition and shall have running water at any service bar for the purpose of washing and cleaning dishes and glasses and other utensils used in and about the serving of alcoholic liquors, and every licensee hereunder shall install and maintain clean and sanitary toilets or toilet rooms for both sexes and shall keep the licensed premises in full compliance with the State law regulating the conditions of premises used for the storage or sale of food for human consumption. The provisions of this paragraph may be modified by the Commissioner as deemed appropriate by the Commissioner for Class "G" and "J" Licenses.

**Section 17:** It shall be unlawful to employ in any premises used for the retail sale of alcoholic liquor any person who is afflicted with, or who is a carrier of, any contagious, infectious or venereal disease, and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any premises or to engage in any way in the handling, preparation or distribution of such liquor.

**Section 18:** It shall be unlawful for any licensee hereunder to permit or allow any lewd persons or any prostitutes to remain in and about any licensed premises or to allow or permit any soliciting to prostitution or lewdness, idleness, gaming, gambling, fornication or other misbehavior to be conducted on said licensed premises, or to permit or allow any slot machines or other devices used for gambling purposes, to be or to remain in or on or about the licensed premises, with the exception of those properly licensed locations and video gaming terminals as are allowed pursuant to the Illinois Video Gaming Act (230 ILCS 40/1 *et seq.*).

**Section 19:** It shall be unlawful for any licensee to allow person in a drunken condition to remain upon or loiter in and around any licensed premises or to harbor, conceal, aid or

assist any person who has committed any criminal offense against the laws of the State of Illinois, or to refuse to aid or assist the law enforcing officers of Kendall County in the apprehension of person accused of or suspected of crime.

Section 20: All places where alcoholic liquor is sold in violation of any of the provisions of this Ordinance shall be taken and held to be and are hereby declared to be common nuisances and may be abated as such.

Section 21: All license fees received by the Local Liquor Control Commission shall be paid over to the County Treasurer and credited to the general fund of the County.

Section 22: It shall be unlawful to permit the following kinds of conduct on the premises:

- a) The performance of act, or simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts;
- b) The actual or simulated exhibition, touching, caressing or fondling of the breast, buttocks, pubic hair, anus, vulva, or genitals.

Section 23: In the event of the death of the named license holder, said license shall lapse, and be of no further effect. Any license which is not used for a period of sixty (60) consecutive days shall be deemed to have lapsed due to such non-use. Any license which has lapsed as defined by this paragraph will be of no further effect unless written waiver of such lapse is granted by the Commissioner, after a hearing held to evaluate the reason for such lapse.

Section 24: A certified court reporter or certified shorthand reporter shall keep a record of all hearings held under the provisions of this Ordinance. The cost of such court reporter shall be paid by the applicant or licensee who is the subject of the proceeding. Any appeal taken from a decision of the Commissioner pursuant to the terms of this Ordinance shall be reviewed on the record of the hearing at which the decision was rendered as taken by and prepared by the certified court reporter or certified shorthand reporter.

Section 25: Any license issued pursuant to this Ordinance shall specifically identify the location of the authorized premises for the license, and such premises shall be sufficiently identified on the license to make such premises readily identifiable.

Section 26: The Kendall County State's Attorney shall be authorized to prosecute any violations of this Ordinance.

Section 27: No applicant will be entitled to a refund for an unused license for any reason once a license has been issued.

#### ARTICLE XI FINES AND PENALTIES

**Section 1:** Whoever violates any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of not less than One Hundred (\$100.00) Dollars, nor more than Five Hundred (\$500.00) Dollars or by imprisonment in the County jail for not less for not less than Thirty (30) days nor more than Six (6) months or by both such fine and imprisonment; and a separate offense shall be deemed committed on each day during, or on which, a violation occurs, or continues to occur. In addition to the foregoing, to the extent permitted by the "State Law", whoever violates the provisions of this Ordinance may be required to pay reasonable reimbursement to Kendall County for the expenses of investigating and prosecuting such violation.

## ARTICLE XII ADMINISTRATION

**Section 1:** The Chairman of the Kendall County Board shall be the Local Liquor Control Commissioner of said County, and he shall be charged with the administration of this Ordinance. Provided, however, that the authority and jurisdiction of said Local Liquor Control Commissioner shall extend only to that area of Kendall County which lies outside of the corporate limits of the cities, villages and incorporated towns therein, and shall, under no circumstances, extend to any area where the people of any local political subdivision have voted to prohibit the sale of alcoholic liquors in accordance with the terms and provisions of the State law governing the same.

**Section 2:** Said Local Liquor Control Commissioner of said County may appoint a person or persons to assist him in the exercise of the powers and the performance of the duties herein provided for such Local Liquor Control Commissioner or he may appoint members of the Kendall County Board on a committee to be known as the Local Liquor Control Committee which Committee may assist him in the exercise of he powers and the performance of the duties provided for by this Ordinance.

**Section 3:** Said Local Liquor Control Commissioner shall have the power to appoint or employ such clerks and other employees as may be necessary to carry out the provisions of this Ordinance, or to perform the duties and exercise the powers conferred by this Ordinance upon the Local Liquor Control Commissioner.

**Section 4:** Said Local Liquor Control Commissioner shall not appoint or employ any clerks or other employees who have been convicted of any violation or any Federal or State law concerning the manufacture or sale of alcoholic liquor prior to or subsequent to the passage of this Ordinance or who has paid a fine or penalty in settlement of any prosecution against him for any violation of such laws, or shall have forfeited his bond to appear in court to answer charges for any such violation, nor shall any person be appointed who has been convicted of a felony.

**Section 5:** No person shall be appointed to act on said Local Liquor Control Commission who may directly or indirectly, individually or as a member of a partnership, or as a shareholder or a corporation, have any interest, whatsoever, in the manufacture, sale or

distribution of alcoholic liquor, nor receive any compensation or profit there from, nor have any interest, whatsoever, in the purchases or sales made by the persons authorized by this Ordinance, or to purchase or to sell alcoholic liquor as provided for in the State law governing the same.

Section 6: The office of the Local Liquor Control Commissioner shall be in the Office of ~~Administrative Services~~ The County Clerk (amended January, 2018), in the Kendall County Office Building, Yorkville, Illinois or in such other place as the County Board shall designate.

Section 7: The Local Liquor Control Commissioner of said County of Kendall shall keep a record of the proceedings, transactions, communications and official acts of himself and any commission appointed by him, which said books and records shall be kept and maintained in the office of the Liquor Control Commissioner of Kendall County.

Section 8: The Local Liquor Control Commissioner shall be paid the sum of One Thousand Two Hundred (\$1200.00) Dollars per annum and mileage as provided by ordinance for county officers. The member or members of any committee or person or persons appointed by the said Commissioner to assist him in the exercise of the powers and performance of the duties herein provided for, shall receive the sum of Twenty Five (\$25.00) Dollars, and mileage as aforesaid for each day actually spent in the performance of duties.

Section 9: The Local Liquor Control Commissioner and all clerks and employees of said Local Liquor Control Commissioner shall be reimbursed for any disbursements incurred or made by them in the discharge of their official duties.

Section 10: All charges or expenses or claims or demands incurred either by or against or in behalf of the Local Liquor Control Commissioner by reason of anything or matter in this Ordinance contained, shall be claims against Kendall County, and shall be presented and paid or disallowed in the same manner as other claims against Kendall County are allowed and paid or disallowed.

### ARTICLE XIII POWERS OF LOCAL LIQUOR CONTROL COMMISSIONER

Section 1: The Liquor Control Commissioner of Kendall County, Illinois shall have all the powers and authority granted and delegated to Local Liquor Control Commissioners in the "State Law."

### ARTICLE XIV REVOCATION OR SUSPENSION OF LICENSE, FINES: APPEALS

Section 1: The Liquor Control Commissioner may suspend for not more than thirty days, or may revoke, any liquor license issued by him, or may impose a monetary fine as

permitted as provided under Illinois law, if he determines that the licensee has violated any of the provisions of this Ordinance or any of the provisions of the State Law, or of any rule or regulation established by the Illinois State Liquor Control Commission which is not inconsistent with law.

Section 2: All proceedings for revocation or suspension of licenses issued by the Liquor Control Commissioner, and appeals there from shall be in conformance with the applicable provisions of State Law and this Ordinance.

## ARTICLE XV MISCELLANEOUS

Section 1: The articles, provisions and sections of this Ordinance shall be deemed to be separable and the validity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 2: That all Ordinances or parts of Ordinances heretofore passed and adopted by the County Board of the County of Kendall and State of Illinois, relating to the retail sale, keeping the sale, or offering for sale of alcoholic liquors in all of the territory lying outside of the corporate limits of any city, village or town and lying within the corporate limits of said Kendall County, Illinois be, and the same are hereby repealed.

Section 3: This Ordinance, which shall be known as “Rules of the Liquor Control Commission, Kendall County, Illinois,” which comprise and are the rules of the said Liquor Control Commission, or any part thereof may be amended by Ordinance of the Kendall County Board by adoption thereof, at any regular or special meeting of said Board.

**Section 4:** This Ordinance and the regulations contained therein shall be in full force and effect on and after.

Adopted the 19<sup>th</sup> day of October, 1999, and amended this 21<sup>st</sup> day of July, 2015.

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County Chairman

Attest:

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County Clerk

Adopted: October 19, 1999  
Amended: January, 2004  
May 16, 2006  
May 18, 2010  
March 1, 2011  
June 7, 2011  
April 17, 2012  
December 4, 2012  
March 7, 2013  
September 2, 2014  
February 3, 2015  
July 21, 2015  
January 16, 2017



# KENDALL COUNTY BOARD

COUNTY OFFICE  
KENDALL COUNTY OFFICE BLDG  
111 WEST FOX STREET  
YORKVILLE, ILLINOIS 60560  
630.553.4171



CHAIRMAN  
PLANNING, BUILDING & ZONING COMMITTEE

VICE CHAIRMAN  
PUBLIC SAFETY COMMITTEE

MEMBER  
ECONOMIC DEVELOPMENT COMMITTEE  
FINANCE COMMITTEE  
HIGHWAY COMMITTEE

**SCOTT R. GRYDER**  
**COUNTY BOARD VICE CHAIRMAN**

April 12, 2016

Dear Fellow Legislators,

The Aurora Election Commission currently runs elections for portions of the City of Aurora in Will, Kane and Kendall Counties, which has created confusion among voters, candidates, and officials concerning jurisdiction on various election issues.

For the March 16, 2016 Primary Election, the Aurora Election Commission was the last of any area county to release unofficial results of the election, more than 14 hours after the polls closed.

City of Aurora Mayor Tom Weisner has called for the abolishment of the Aurora Election Commission by news release on Wednesday, March 16, 2016, in which he stated that the "Aurora Election Commission is a one-trick pony, and a lame one at that." And said there was a "substantial track record of mismanagement".

Further, the residents of Kendall County subject to the Aurora Election Commission are being double taxed, once for the Kendall County Clerk, and once for the Aurora Election Commission. The Kendall County Clerk has confirmed that her office could easily assume the responsibility for these three election precincts in Kendall County. Abolishing the commission would save taxpayers roughly \$1.3 million based on 2014 budgetary numbers.

In the enclosed resolution approved on April 5, 2016, the Kendall County Board is asking that the City of Aurora work toward the abolishment of the Aurora Election Commission, and for the citizens of the City of Aurora to submit a petition in favor of putting a referendum on the ballot to abolish the Aurora Election Commission.

And, the County of Kendall is asking the Illinois General Assembly to amend 10 ILCS 5/6-17 and 10 ILCS 5/6-18 to make it more convenient for the citizens of a municipality to abolish a local election commission.

We appreciate your consideration of these requests from the citizens and Board of Kendall County.

With Regards,

Scott R. Gryder  
Kendall County Board Vice Chair

*4/12/16 Resolution + Ltr sent to all listed  
in last paragraph of Resolution*

**RESOLUTION****A RESOLUTION REQUESTING THAT THE CITIZENS OF THE CITY OF AURORA  
ABOLISH THE AURORA ELECTION COMMISSION**

**WHEREAS, the City of Aurora is located in the Counties of Kane, DuPage, Kendall, and Will;  
and**

**WHEREAS, according to the 2010 US Census the portion of the City of Aurora located in the  
County of Kendall is 6,019 people, who are divided into three election precincts; and**

**WHEREAS, the residents of the City of Aurora who live in the County of Kendall for the  
purposes of elections are subject to the Aurora Election Commission instead of the County Clerk  
of the County of Kendall; and**

**WHEREAS, the Aurora Election Commission was created by referendum in 1934, being one of  
a few remaining municipal election commissions in Illinois; and**

**WHEREAS, the Aurora Election Commission was created in a day when you would have to go  
to the county seat to vote; and**

**WHEREAS, the Aurora Election Commission currently runs elections for the portions of the  
City of Aurora in Will, Kane, and Kendall Counties, creating confusion among voters,  
candidates, and officials as to who has jurisdiction on various election issues; and**

**WHEREAS, in the 2016 Primary Election the Aurora Election Commission was the last of any  
area counties to release any unofficial results of the election more than 14 hours after the polls  
closed; and**

**WHEREAS, election evening the "current results" section of the Aurora Election Commission  
official website [www.auroravotes.org](http://www.auroravotes.org) listed candidates and results from the April 2015 general  
consolidated election; and**

**WHEREAS; the Mayor of the City of Aurora called for the abolishment of the Aurora Election  
Commission by news release on Wednesday, March 16th 2016, in which he stated that the "The  
Aurora Election Commission is a one-trick pony, and a lame one at that." And there was a  
"substantial track record of mismanagement"; and**

**WHEREAS, the Aurora Election Commission in 2014 had revenue of \$1,351,343 and expenses  
of \$1,351,343; and**

**WHEREAS, the residents of Kendall County subject to the Aurora Election Commission are  
being double taxed, once for the Kendall County Clerk and once for the Aurora Election  
Commission; and**

WHEREAS, the Clerk of the County of Kendall could easily assume the responsibility for the three election precincts in Kendall County; and

NOW, THEREFORE, BE IT RESOLVED BY THE KENDALL COUNTY BOARD, that the County of Kendall asks the City of Aurora to work toward abolish the Aurora Election Commission and the citizens of the City of Aurora to submit a petition in favor of putting a referendum question on the ballot to abolish the Aurora Election Commission.

BE IT FURTHER RESOLVED, that the County of Kendall asks the Illinois General Assembly to amend 10 ILCS 5/6-17 and 10 ILCS 5/6-18 to make it easier for the citizens of a municipality to abolish a local election commission.

BE IT FURTHER RESOLVED that the County Board directs the County Administrator to transmit suitable copies of this Resolution to the Governor of the State of Illinois, Speaker and Minority Leader of the Illinois House of Representatives, to the President and Minority Leader of the Illinois Senate, to all members of the General Assembly representing any portion of Kendall County, to the County Board Chairmen of Kane and DuPage Counties, the County Executive of Will County, and the Mayor of the City of Aurora.

Approved and adopted this 5th day of April, 2016 at Yorkville, Illinois.

  
\_\_\_\_\_  
John A. Shaw, Chairman  
Kendall County Board

ATTEST:   
\_\_\_\_\_  
Debbie Gillette, County Clerk



October 11, 2017

Dear Senator Link & Representative Phelps:

As the leaders of the Cook and Collar Counties, we represent 8.48 million Illinoisans - comprising over 66% of our State's population. While our partisan affiliations might differ, we are unified on the issues that impact county government, our communities, and our taxpayers. The Small Wireless Facilities Deployment Act (SB1451) is one such issue. Following our last joint letter on SB1451, we joined with local governments and the wireless industry to open a dialogue seeking to mitigate the negative impacts SB1451 would have on county and municipal governments, as well as our taxpayers. However, this discussion needs to be given enough time to succeed. That has not yet occurred and fundamental disagreements over several core issues remain, including: (1) the definition of "small wireless facilities" and "wireless provider"; (2) the potential impact on public safety communication; and (3) the effect on existing agreements and review processes.

**Definitions of "Small Wireless Facilities" & "Wireless Provider"**

The wireless industry and local government leaders have not yet reached agreement over the types of equipment and devices that constitute "small wireless facilities". The wireless industry's effort to incorporate other state legislatures' definition of "small cell facilities" into SB1451 leaves too much ambiguity. The definition of "wireless provider", currently defined as "entities that provide wireless infrastructure or services", does not sufficiently protect against unfettered access to our rights-of-way. We agree that a level playing field is important for permitting small wireless facilities. However, it must include well-developed definitions that protect county governments and taxpayers.

**Interference with Public Safety Communication**

We remain very concerned about the risks small wireless facilities pose to future public safety technology - specifically the nationally-required FirstNet equipment. FirstNet is a vital upgrade of public safety communications that will provide first responders with access to full high-speed data, locational information, images, and video in situations when seconds count. We do not know how or if small wireless facilities will interfere with FirstNet communication frequencies. Furthermore, public safety officials have not been able to provide input into the language of this bill until recently, and it is critical to incorporate their expertise to maximize public safety prior to calling SB1451 for a vote.

**Effect on Existing Agreements & Review Processes**

Local governments have existing agreements with wireless providers, and SB1451 could affect the terms of those agreements. If this bill were to pass, it would supersede these contracts and alter collocation rates within existing agreements. While we are mindful of uniformity, mandating rates through this legislation undercuts local governments' ability to set rates that would allow them to recoup costs associated with the technical review process. Furthermore, this bill expedites the review process, thereby jeopardizing public safety. This improperly advances the standing of wireless industry customers at the expense of all other local government permitting priorities.

While progress has been made, the working group has not been afforded enough time and additional negotiation is needed. There are simply too many issues left on the table that need thoughtful consideration. We remain committed to working towards language that is acceptable to both the wireless industry and local governments; however, it is impractical for this work to be completed prior to the fall veto session. Accordingly, we continue to oppose SB1451.

Jointly Submitted,

Toni Preckwinkle  
Cook County

Dan Cronin  
DuPage County

Chris Lauzen  
Kane County

Scott Gryder  
Kendall County

Aaron Lawlor  
Lake County  
*Aaron Lawlor*

Jack Franks  
McHenry County

Lawrence M. Walsh  
Will County

*SARG*

## Kendall County Job Description

**TITLE:** Director  
**DEPARTMENT(S):** Technology Services, Geographic Information Systems (GIS)  
**SUPERVISED BY:** County Administrator  
**FLSA STATUS:** Exempt  
**AMENDED:** / /2018

### I. Position Summary:

The position is primarily responsible for management of all matters pertaining to Technology Services and GIS including, but not limited to, staffing, system analysis, programming and developing enhancements based on the technology information needs of the County.

### II. Essential Duties and Responsibilities:

- A. Primary duty is to manage the County's Technology Services and GIS departments in accordance with the County's organizational policies, goals and budget parameters.
- B. Customarily and regularly directs the work of at least two or more full-time employees (or their equivalent) assigned to the County's Technology Services and GIS Departments.
- C. Customarily and regularly performs management duties in the Technology Services and GIS Departments including, but not limited to, the following:
  - Interviewing, selecting and training Technology and GIS Department employees;
  - Setting and adjusting employees' hours of work;
  - Setting and adjusting employees' rates of pay (within pre-approved budget parameters);
  - Maintaining production and operations records for use in supervision and control of the Technology and GIS Department;
  - Conducting performance evaluations of Technology Department employees and GIS Coordinator;
  - Appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status;
  - Handling employee complaints and grievances;
  - Disciplining employees;
  - Apportioning the work among employees assigned to Technology Services; and
  - Providing for the safety and security of the employees and County property.
- D. Making the final decisions regarding the hiring, firing, advancement, promotion and any other changes of status for all employees in Technology Services and GIS Departments,
- E. Evaluates, develops and ensures proper maintenance of the County's information systems, including, but not limited to, communication lines, equipment, effective back-up and security, and upgrades as necessary.
- F. Develops and coordinates a long-term strategic plan for county-wide information technology management.
- G. Evaluates overall operations of computing and information technology functions and develops and recommends enhancements in order to ensure the consistency and maintainability of the County's information technology services and equipment.
- H. Determines the type of materials, supplies, machinery, equipment or tools to be used or merchandise to be purchased to maintain and improve the County's information technology services and equipment.

- I. Oversees project management for the County's Technology Department by setting the schedule for projects; monitoring all ongoing projects; creating project metrics and deliverables; and assessing the achievement of said project metrics and deliverables.
- J. Assists managers, department heads and elected officials to utilize and facilitate systems to improve efficiency and that allows optimal utilization of County resources.
- K. Ensures proper hardware maintenance of all county computer systems and keeps computer equipment, hardware, and software updated to meet organizational needs.
- L. Manages relationships with outside vendors and contractors by performing duties including, but not limited to the following: obtaining quotes; developing requests for proposals; negotiating services and contract terms; and reviewing and recommending contracts for computing and information technology services and equipment, which recommendations are given particular weight by the final decision-maker.
- M. Identifies emerging information technologies to be introduced within the organization.
- N. Serves on planning and policy-making work groups and recommends appropriate IT policy/budgeting changes/enhancements for ultimate approval by the County Board.
- O. Oversees provision of end-user services, including but not limited to help desk technical support services.
- P. Develops and implements all IT policies, procedures and best practices, including written protocols and guidance to IT staff and to end-users.
- Q. Responsible preparation and submission of the Technology Services and GIS budgets to the County Administrator, final budget approval by the County Board.
- R. Monitors and authorizes expenditures for Technology Services and GIS.
- S. Adheres to all work and safety policies and governing policies and procedures established by the County Board.
- T. Assists the Administrative Services Department and elected offices in responding to requests for records and information pursuant to subpoena, court order, the Illinois Freedom of Information Act and/or any other applicable state and/or federal law.
- U. Preserves the confidentiality and security of confidential information including information that may be protected under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").
- V. Attend meetings of the Human Resource and Administration Committee as needed both during and after work hours.
- W. Attendance and punctuality while performing assigned job duties.
- X. Performs any other duties as required or assigned.

### **III. Qualifications:**

To perform this job successfully, an individual must be able to perform all essential duties satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required for the position.

#### **A. LANGUAGE SKILLS:**

- Ability to research, read, and interpret documents.
- Ability to prepare documents, reports and correspondence.
- Ability to speak effectively with the public, employees, law enforcement agencies, and elected officials.
- Requires good knowledge of the English language, spelling and grammar.

**B. MATHEMATICAL SKILLS:**

- Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions, and decimals.
- Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

**C. REASONING ABILITY:**

- Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form.
- Ability to deal with problems involving several concrete variables in standardized situations.

**D. CERTIFICATES, LICENSES, REGISTRATIONS:**

- Any and all certificates and registrations as required for the specific duties performed.

**E. OTHER SKILLS, KNOWLEDGE AND ABILITIES:**

- Strong organizational skills.
- Knowledge of information technology computer systems and software and the ability to manage the entire spectrum of information technology operations, configuration of computer hardware, including but not limited to LAN and WAN capabilities.
- Knowledge of contracting, negotiating, and change management.
- Ability to motivate teams and staff.
- Ability to multi-task and simultaneously manage several projects.
- Ability to participate in and facilitate group meetings.
- Commitment to quality results and customer focused.
- High degree of professionalism and demeanor.
- Proven time management skills.

**F. EDUCATION AND EXPERIENCE:**

- Bachelor's degree in information technology or computer science preferred;
- Four (4) or more years experience as a manager or director of an information technology department;
- Previous governmental experience in technology and information systems is a plus; and
- Prior experience in strategic planning, execution and implementation of information technology integration in a 50+-user environment.

**IV. Physical Demands:**

1. Frequently sit for hours at a desk or in meetings;
2. Occasionally lift and/or move up to 40 pounds; frequently lift and/or move up to 10 pounds;
3. Use hands and fingers to finger, handle, type, write, and feel;
4. Reach, push, and pull with one and/or both hands and arms;
5. Talk and hear in person and via use of telephone;
6. Vision abilities include close and distance vision, and ability to view computer monitors and screens;
7. Travel independently to other County office buildings and other locations, to perform job duties.

**V. Work Environment**

1. Mostly inside environmental conditions except when outside traveling between various buildings or locations to perform assigned job duties.
2. The noise level in the work environment is usually quiet to moderately quiet.
3. Employee may be exposed to stressful situations while working with staff, law enforcement, department heads, elected officials, vendors, and the general public.
4. Employee must be able to perform all assigned job duties during normal business hours and outside of normal business hours.

**By signing my name below, I hereby affirm that I received a copy of this job description.**

\_\_\_\_\_  
**Employee Receipt Acknowledgement & Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Supervisor**

**cc: personnel file, employee**

\_\_\_\_\_  
**Date**