

mailed to state
4/3/07

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 07-02-01-10

**AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF
THE PROPOSITION OF IMPOSING A NON-HOME RULE MUNICIPAL
RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL
SERVICE OCCUPATION TAX TO THE VOTERS OF THE CITY OF LE ROY,
MCLEAN COUNTY, ILLINOIS, AT THE CONSOLIDATED ELECTION TO BE
HELD ON THE 17TH DAY OF APRIL, 2007**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
5th Day of February, 2007


PRESENTED: February 5, 2007
PASSED: February 5, 2007
APPROVED: February 5, 2007
RECORDED: February 5, 2007
PUBLISHED: February 5, 2007

In Pamphlet Form

Voting "Aye" 7
Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



City Clerk of City of Le Roy

Dated: February 5, 2007

ORDINANCE NO. 07-02-01-10

AN ORDINANCE providing for and requiring the submission of the proposition of imposing a non-home rule municipal retailers' occupation tax and non-home rule municipal service occupation tax to the voters of the City of LeRoy, McLean County, Illinois, at the consolidated election to be held on the 17th day of April, 2007.

* * *

WHEREAS, the City of LeRoy, McLean County, Illinois (the "*City*"), is a duly incorporated and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (the "*Act*"); and

WHEREAS, 65 ILCS 5/8-11-1.1 empowers a non-home rule municipality with the authority, upon approval by referendum, to impose by ordinance the taxes authorized in Sections 8-11-1.3 and 8-11-1.4, which are commonly referred to and known as local sales taxes; and

WHEREAS, 65 ILCS 5/8-11-1.3 authorizes a non-home rule municipality to impose a Non-Home Rule Municipal Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property which is titled and registered by an agency of the State of Illinois, at retail in the municipality for expenditure on public infrastructure or property tax relief or both as defined in Section 8-11-1.2; and

WHEREAS, 65 ILCS 5/8-11-1.4 authorizes a non-home rule municipality to impose a Non-Home Rule Municipal Service Occupation Tax upon all persons engaged in the business of making sales of service in the municipality for expenditure on public infrastructure or property tax relief or both as defined in Section 8-11-1.2; and

WHEREAS, no municipality may impose a tax under Section 8-11-1.3 unless the municipality also imposes a tax at the same rate under Section 8-11-1.4; and

WHEREAS, 65 ILCS 5/8-11-1.2 defines "Public infrastructure," as used in Sections 8-11-1.3 and 8-11-1.4 to mean municipal roads and streets, access roads, bridges and sidewalks; waste

disposal systems; and water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities; and

WHEREAS, 65 ILCS 5/8-11-1.2 defines "Property tax relief" as used in Sections 8-11-1.3 and 8-11-1.4 to mean the action of a municipality to reduce the levy for real estate taxes or avoid an increase in the levy for real estate taxes that would otherwise have been required, as long as the property tax relief or the avoidance of property tax uniformly applies to all classes of property; and

WHEREAS, the City Council of the City of LeRoy desires to submit to the electors of the City of LeRoy a proposition regarding the imposition of a Non-Home Rule Municipal Retailers' Occupation Tax and Non-Home Rule Municipal Service Occupation Tax:

NOW, THEREFORE, Be It Ordained by the City Council of the City of LeRoy, McLean County, Illinois, as follows:

Section 1. That the City Council hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does incorporate them into this Ordinance by this reference.

Section 2. That it is necessary and in the best interests of the City that the City Council be authorized to impose a Non-Home Rule Municipal Retailers' Occupation Tax and Non-Home Rule Municipal Service Occupation Tax.

Section 3. That the proposition hereinabove referred to be submitted to the voters of the City in accordance with the general election law at the consolidated election to be held on Tuesday, the 17th day of April, 2007, between the hours of 6:00 o'clock A.M. and 7:00 o'clock P.M. on said day (the "*Election*").

Section 4. That the Election shall be held in the voting precincts and at the polling places established by the County Board (the "*County Board*") of The County of McLean, Illinois (the "*County*"), for voters of the City at the Election.

Section 5. That the County Clerk of the County (the "*County Clerk*") shall give notice of the Election (the "*Notice*") in accordance with the general election law by (i) publishing the Notice once not more than 30 nor less than 10 days prior to the date of the Election in a local, community newspaper having general circulation in the City, and (ii) posting a copy of the Notice at least 10 days before the date of the Election at the principal office of the County Clerk.

Section 6. That the City Clerk shall post a copy of the Notice at the principal office of the City.

Section 7. That it is hereby found and determined that the *LeRoy Journal* is a local, community newspaper having general circulation in the City as required by Section 12-5 of the Election Code of the State of Illinois, as amended (the "*Election Code*").

Section 8. That the Notice shall appear over the name or title of the County Clerk and shall be substantially in the following form:

NOTICE IS HEREBY GIVEN that at the consolidated election to be held on Tuesday, the 17th day of April, 2007, the following proposition will be submitted to the voters of the City of LeRoy, McLean County, Illinois:

“Shall the City of LeRoy impose a one-half (1/2) of 1% Non-Home Rule Municipal Retailers’ Occupation Tax and Non-Home Rule Municipal Service Occupation Tax (commonly referred to as a municipal sales tax) for expenditure on property tax relief and public infrastructure in accordance with the provisions of Sections 8-11-1.1 through 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.1 through 65 ILCS 5/8-11-1.4)?”

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

Dated this ____ day of _____, 2007.

County Clerk, The County of McLean,
Illinois

Section 9. That the ballot to be used at the Election shall be in substantially the following form, with such necessary alterations, changes, deletions and insertions as may be required by Articles 24A or 24B of the Election Code if an electronic, mechanical or electric voting system is used at the Election:

(Face of Ballot)

OFFICIAL BALLOT

PROPOSITION TO IMPOSE A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND
NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

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

<p>“Shall the City of LeRoy impose a one-half (1/2) of 1% Non-Home Rule Municipal Retailers’ Occupation Tax and Non-Home Rule Municipal Service Occupation Tax (commonly referred to as a municipal sales tax) for expenditure on property tax relief and public infrastructure in accordance with the provisions of Sections 8-11-1.1 through 8-11-1.4 of the Illinois Municipal Code (65 ILCS 5/8-11-1.1 through 65 ILCS 5/8-11-1.4)?”</p>	YES	
	NO	

(Back of Paper Ballot)

OFFICIAL BALLOT

Official ballot for voting on the proposition to impose a Non-Home Rule Municipal Retailers' Occupation Tax and Non-Home Rule Municipal Service Occupation Tax for the City of LeRoy, McLean County, Illinois, at the consolidated election held on April 17, 2007.

Precinct Number: _____

Polling Place: _____

(Facsimile Signature)
County Clerk, The County of McLean,
Illinois

Section 10. That the Election shall be conducted by the election judges appointed by the County Board to act in the precincts at which said proposition will be submitted to the voters of the City.

Section 11. That after the adoption hereof and not less than 61 days prior to the date of the Election, the City Clerk shall certify a copy hereof to the County Clerk in order that the proposition set forth herein may be submitted to the voters of the City at the Election.

Section 12. That the Election shall be held and conducted and the returns thereof duly canvassed, all in the manner and time as provided by the general election law.

Section 13. That if any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Section 14. That all ordinances and resolutions and parts thereof in conflict herewith be and the same are hereby repealed, and that this Ordinance be in full force and effect forthwith upon its adoption.

ADOPTED by the City Council on the 5th day of February, 2007, pursuant to a roll call vote as follows:

AYES: Dave McClelland, John Haney, Dawn Thompson, Shirley Chancellor, Gary Koerner, George Cook Jr., and Jerry Henson

NAYS: _____

ABSENT: T.A. Whitsitt

APPROVED by me, as Acting Mayor of the City of LeRoy, McLean County, Illinois, the 5th day of February, 2007.



ACTING MAYOR

PASSED by the City Council of the City of LeRoy, McLean County, Illinois, the 5th day of February, 2007.

Attest: 

CITY CLERK

Alderman Jerry Henson moved and Alderman Dawn Thompson seconded the motion that said ordinance as presented and read by the City Clerk be adopted.

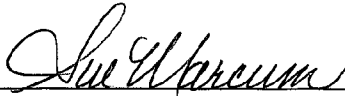
After a full discussion thereof, the Acting Mayor directed that the roll be called for a vote upon the motion to adopt said ordinance as read.

Upon the roll being called, the following Aldermen voted AYE: Dave McClelland, John Haney, Dawn Thompson, Shirley Chancellor, Gary Koerner, George Cook Jr., and Jerry Henson and the following Aldermen voted NAY: _____

Whereupon the Acting Mayor declared the motion carried and the ordinance adopted and did sign and approve the same in open meeting and did direct the City Clerk to record the same in the records of the City Council of the City of LeRoy, McLean County, Illinois, which was done.

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

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



City Clerk

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Jerry Henson, and seconded by Dawn Thompson by roll call vote on the 5th day of February 2007, as follows

Aldermen elected 8

Aldermen Present 7

Voting Aye:

Shirley Chancellor, Jerry Henson, John Haney, David McClelland, Gary Koerner, George Cook Jr., and Dawn Thompson

Voting Nay:

None

Absent:

T.A. Whitsitt

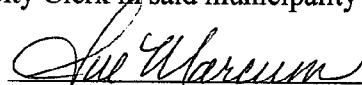
Abstain:

None

Other:

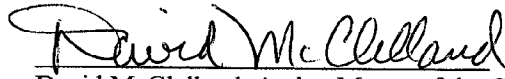
None

and deposited and filed in the office of the City Clerk in said municipality on the 5th day of February, 2007.



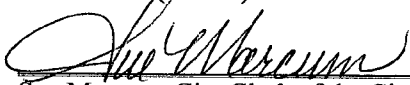
Sue Marcum, City Clerk of the City of Le Roy
Mc Lean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 5th day of February 2007.



David McClelland, Acting Mayor of the City of
Le Roy, Mc Lean County, Illinois

ATTEST: (SEAL)



Sue Marcum, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **February 5, 2007** the Corporate Authorities of such municipality passed and approved **Ordinance No. 07-02-01-10** entitled:


AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF THE PROPOSITION OF IMPOSING A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX TO THE VOTERS OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AT THE CONSOLIDATED ELECTION TO BE HELD ON THE 17TH DAY OF APRIL, 2007

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

The pamphlet form of Ordinance No. **07-02-01-10**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **February 5, 2007** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 5th day of February, 2007.

(SEAL)


Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

AN ORDINANCE PROVIDING FOR AND REQUIRING THE SUBMISSION OF THE PROPOSITION OF IMPOSING A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX TO THE VOTERS OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, AT THE CONSOLIDATED ELECTION TO BE HELD ON THE 17TH DAY OF APRIL, 2007

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 5th day of February, 2007, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 5th day of February 2007

(SEAL)


City Clerk

MINUTES of the regular public meeting of the City Council of the City of LeRoy, McLean County, Illinois, held at the City Hall, 207 South East Street, LeRoy, Illinois, in said City, at 7:00 o'clock P.M., on the 5th day of February, 2007.

* * *

The meeting was called to order by the Acting Mayor and upon the roll being called, Dave McClelland, the Acting Mayor, and the following Aldermen were physically present at said location: John Haney, Dawn Thompson, Shirley Chancellor, Gary Koerner, George Cook Jr., and Jerry Henson.

The following Aldermen were allowed by a majority of the City Council in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: _____

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

The following Aldermen were absent and did not participate in the meeting in any manner or to any extent whatsoever: T. A. Whitsitt

The Acting Mayor announced that the City Council would next consider the adoption of an ordinance providing for and requiring the submission of the proposition of imposing a non-home rule municipal retailers' occupation tax and non-home rule municipal service occupation tax to the voters of the City at the consolidated election to be held on the 17th day of April, 2007.

Whereupon Alderman Jerry Henson presented the following ordinance, a copy of which was made available to all in attendance who requested a copy:

STATE OF ILLINOIS)
) SS
COUNTY OF MCLEAN)

CERTIFICATION OF MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois (the "City"), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the City and of the City Council thereof (the "City Council").

I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the City Council held on the 5th day of February, 2007, insofar as the same relates to the adoption of Ordinance No. 07-02-01-10 entitled:


AN ORDINANCE providing for and requiring the submission of the proposition of imposing a non-home rule municipal retailers' occupation tax and non-home rule municipal service occupation tax to the voters of the City of LeRoy, McLean County, Illinois, at the consolidated election to be held on the 17th day of April, 2007.

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

I do further certify that the deliberations of the City Council on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the City Council at least 72 hours in advance of the holding of said meeting, that said agenda contained a separate specific item concerning the proposed adoption of the ordinance, a true, correct and complete copy of said agenda as so posted being attached to this certificate as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, the Illinois Municipal Code, as amended, and the Election Code of the State of Illinois, as amended, and that the City Council has complied with all of the provisions of said Act and said Codes and with all of the procedural rules of the City Council.

There is hereby certified to the County Clerk of The County of McLean, Illinois for submitting to the voters of the City at the consolidated election to be held on the 17th day of April, 2007, the proposition set forth in said ordinance, which said ordinance was duly adopted by the City Council on the 5th day of February, 2007.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City, this
5th day of February, 2007.



City Clerk

(SEAL)

**CITY OF LE ROY
COUNCIL MEETING AGENDA
FEBRUARY 5, 2007**

ROLL CALL & PLEDGE OF ALLEGIANCE

MINUTES 01/15

VISITORS -

ENGINEER

STAFF REPORTS

Jeff Clawson

Sue Marcum

Steve Reynolds

Gordon Beck

COMMITTEES

BUDGET & FINANCE - * HENSON HANEY KOERNER McCLELLAND

 ** PUBLIC HEARING (Sales Tax Referendum)

 ** Sales Tax Referendum Ordinance 07-02-01-10

 ** Sales Tax Referendum Minutes

 ** Sales Tax Referendum Certification of Minutes

 ** Liquor License Ordinance 07-02-02-10

ECONOMIC & COMMUNITY

DEVELOPMENT - * CHANCELLOR THOMPSON HENSON COOK

PERSONNEL - * WHITSITT THOMPSON McCLELLAND CHANCELLOR
 Patrol Office Hiring

PUBLIC SAFETY - * THOMPSON HANEY KOERNER COOK

PUBLIC WORKS - * HANEY COOK WHITSITT HENSON

BUILDING & ZONING - * KOERNER CHANCELLOR WHITSITT McCLELLAND

INVOICES

OLD BUSINESS

&

NEW BUSINESS

MAYOR DAVE McCLELLAND
 Zoning Board Appointment

&

COUNCIL CONCERN

EXECUTIVE SESSION

ORDINANCE # 07-01-01-__

RESOLUTION # 07-01-01-__

REMINDER: Fifteen minutes to each visitor (Group) per topic on the Agenda

* INDICIATES COMMITTEE CHAIRPERSON

** INDICATES INFORMATION SENT WITH PACKET OR ALREADY RECEIVED

& INDICATES COUNCIL VOTE REQUIRES A 2/3 MAJORITY TO PASS

Exhibit A