

(COUNTY OF VERMILION)
AGENDA

1. Call to Order
2. Invocation/Moment of Silence- Jim Russell
3. Pledge of Allegiance- Tom Morse
4. Roll call – Members Present and Roll Call for Attendance via Telephone
5. Adoption or Amendment of Agenda
6. Approval of minutes
7. Audience Comments
8. **Executive & Legislation (Baughn)**
 - A. Ordinance: Commercial Wind Energy Facility
 - B. Ordinance: Commercial Solar Energy Facility
9. **Executive Sessions:**
 - A. **Pursuant to Illinois Open Meetings Act 5 ILCS 120/2.06**
To determine whether or not to release minutes from executive sessions of the County Board.
 - B. **Pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (1)**
the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.
 - C. **Pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (2)**
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.
 - D. **Pursuant to Open Meetings Act 5 ILCS 120/2 (c) (6)**
the setting of a price for sale or lease of property owned by the public body.
 - E. **Pursuant to Illinois Open Meetings Act 5 ILCS 120/2 (c) (11)**
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, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.
10. **Chairman’s Comments/Items of Information**
 - A. Committee Chairperson’s Comments (Baughn, Golden, Miller, Green, Bird, Morse, Eakle, & Walls)
 - B. Board Member Comments
11. Adjourn to Tuesday **June 13, 2023 @ 6 PM-** At the Joseph G. Cannon Building located at 201 N. Vermilion Street

STATE OF ILLINOIS)
) SS:
COUNTY OF VERMILION)

VERMILION COUNTY BOARD
May 09, 2023
6:00 P.M.

MINUTES

The County Board of Vermilion County, State of Illinois met in the Vermilion County Administration Building in the City of Danville, Vermilion County, Illinois on the 9th day of May, 2023. The meeting was called to order at 6:00 p.m.

Upon call of the roll, 23 were present, 4 were absent.

Invocation/Moment of silence: Jim Russell

Pledge of Allegiance led by Tom Morse.

Attest: Cathy Jenkins, County Clerk

Chairman Baughn in the Chair.

ADOPTION OR AMENDMENT TO THE AGENDA

Chairman Baughn asked to amend the agenda striking item 12. (B) & (C) and also switching the names John High & Bruce Redman on the appointments. Motion made by Hawker. Seconded by Eakle. Motion carried by acclamation.

APPROVAL OF MINUTES

Chairman Baughn entertained a motion to approve as presented. Motion made by Bird. Seconded by Morse. No discussion. Motion carried by acclamation.

REPORT ON CLAIMS (APRIL)

Chairman Baughn entertained a motion to dispense with the reading of the Report on Claims and place on file. Motion made by Eakle. Seconded by Butler. No discussion.

Upon call of the roll, 23 voted yes, 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O’Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver.



Expense Budget Performance Report

Date Range 04/01/23 - 04/30/23

Include Rollup Account and Rollup to Base Account

Account	Account Description	Current Month Transactions
Fund 001 - GENERAL FUND		
Department 110 - County Board		
Project 00 - General		
	Fund 001 - GENERAL FUND Totals	\$1,191,336.55
Fund 002 - IMRF FUND		
Department 197 - IMRF		
Project 00 - General		
	Fund 002 - IMRF FUND Totals	\$41,918.69
Fund 003 - VERMILION CO HEALTH DEPARTMENT		
Department 445 - Health Department		
Project 00 - General		
	Fund 003 - VERMILION CO HEALTH DEPARTMENT Totals	\$114,818.54
Fund 004 - MENTAL HEALTH 708 FUND		
Department 470 - Mental Health		
Project 00 - General		
	Fund 004 - MENTAL HEALTH 708 FUND Totals	\$68,879.21
Fund 005 - LIABILITY INSURANCE FUND		
Department 198 - Liability Insurance		
Project 00 - General		
	Fund 005 - LIABILITY INSURANCE FUND Totals	\$200,363.92
Fund 006 - PSB RENT FUND		
Department 340 - PSB		
Project 00 - General		
	Fund 006 - PSB RENT FUND Totals	\$496,889.28
Fund 007 - COUNTY HIGHWAY FUND		
Department 810 - County Highway		
Project 00 - General		
	Fund 007 - COUNTY HIGHWAY FUND Totals	\$87,221.84
Fund 008 - MFT COUNTY FUND		
Department 820 - County MFT		
Project 00 - General		
	Fund 008 - MFT COUNTY FUND Totals	\$67,596.04
Fund 009 - LAW ENFORCEMENT FUND		
Department 315 - Law Enforcement		
	Fund 009 - LAW ENFORCEMENT FUND Totals	\$34,835.45
Fund 011 - ANIMAL CONTROL FUND		
Department 440 - Animal Control		
	Fund 011 - ANIMAL CONTROL FUND Totals	\$94,784.03
Fund 012 - VETERANS ASSISTANCE COMMISSION		
Department 125 - Veterans Assistance Commission		
Project 00 - General		
	Fund 012 - VETERANS ASSISTANCE COMMISSION Totals	\$3,902.57
Fund 013 - GIS AUTOMATION FUND		
Department 131 - GIS Automation Fund		
Project 00 - General		
	Fund 013 - GIS AUTOMATION FUND Totals	\$26,140.00
Fund 014 - PROBATION SERVICE FUND		
Department 231 - Probation Service		
Project 00 - General		
	Fund 014 - PROBATION SERVICE FUND Totals	\$10,644.45
Fund 015 - COUNTY CLERK VITAL RECORDS		
Department 511 - County Clerk Vital Records		
Project 00 - General		
	Fund 015 - COUNTY CLERK VITAL RECORDS Totals	\$4,211.25
Fund 016 - 911 FUND		
Department 911 - 911 Department		
Project 00 - General		



Expense Budget Performance Report

Date Range 04/01/23 - 04/30/23

Include Rollup Account and Rollup to Base Account

	Fund 016 - 911 FUND Totals	<u>\$19,421.63</u>
Fund 019 - FICA (SOCIAL SECURITY)		
Department 196 - FICA		
Project 00 - General		
	Fund 019 - FICA (SOCIAL SECURITY) Totals	<u>\$117,443.03</u>
Fund 022 - STATE'S ATTY AUTOMATION		
Department 220 - States Attorney		
Project 00 - General		
	Fund 022 - STATE'S ATTY AUTOMATION Totals	<u>\$84.99</u>
Fund 030 - CHILD ADVOCACY CENTER		
Department 124 - Child Advocacy Center		
Project 00 - General		
	Fund 030 - CHILD ADVOCACY CENTER Totals	<u>\$17,113.55</u>
Fund 034 - VC HEALTH INS- AETNA		
Department 133 - V C Health Insurance		
Project 00 - General		
	Fund 034 - VC HEALTH INS- AETNA Totals	<u>\$220,372.00</u>
Fund 035 - CORONER'S AUTOMATION		
Department 350 - Coroner		
Project 00 - General		
	Fund 035 - CORONER'S AUTOMATION Totals	<u>\$1,581.82</u>
Fund 040 - AMERICAN RESCUE PLAN		
Department 640 - American Rescue Plan		
Project 00 - General		
	Fund 040 - AMERICAN RESCUE PLAN Totals	<u>\$71,957.34</u>
Fund 042 - NORTH FORK SPEC SERV AREA 1		
Department 665 - North Fork Spec Serv Area 1		
Project 00 - General		
	Fund 042 - NORTH FORK SPEC SERV AREA 1 Totals	<u>\$6,903.44</u>
Fund 043 - NORTH FORK SPEC SERV AREA 2		
Department 666 - North Fork Spec Serv Area 2		
Project 00 - General		
	Fund 043 - NORTH FORK SPEC SERV AREA 2 Totals	<u>\$2,601.30</u>
Fund 044 - NORTH FORK SPEC SERV AREA 3		
Department 667 - North Fork Spec Serv Area 3		
Project 00 - General		
	Fund 044 - NORTH FORK SPEC SERV AREA 3 Totals	<u>\$500.26</u>
Fund 050 - Credit Card Fund		
Department 150 - Credit Card		
Project 00 - General		
	Fund 050 - Credit Card Fund Totals	<u>\$19,507.78</u>
Fund 061 - MFT TOWNSHIP FUND		
Department 830 - Township MFT		
Project 00 - General		
	Fund 061 - MFT TOWNSHIP FUND Totals	<u>\$297,227.36</u>
Fund 062 - COUNTY BRIDGE FUND		
Department 850 - County Bridge		
Project 00 - General		
	Fund 062 - COUNTY BRIDGE FUND Totals	<u>\$9,875.67</u>
Fund 063 - LAW LIBRARY FUND		
Department 950 - Law Library		
Project 00 - General		
	Fund 063 - LAW LIBRARY FUND Totals	<u>\$4,579.42</u>
Fund 066 - VC SOLID WASTE MANAGEMENT		
Department 660 - VC Solid Waste Management		
Project 00 - General		
	Fund 066 - VC SOLID WASTE MANAGEMENT Totals	<u>\$10,566.10</u>
Fund 074 - COURT AUTOMATION FUND		
Department 961 - Court Automation		



Expense Budget Performance Report

Date Range 04/01/23 - 04/30/23

Include Rollup Account and Rollup to Base Account

Project	00 - General	
	Fund 074 - COURT AUTOMATION FUND Totals	\$9,686.76
Fund	075 - COURT SECURITY FEE FUND	
Department	962 - Court Security Fee	
Project	00 - General	
	Fund 075 - COURT SECURITY FEE FUND Totals	\$11,266.68
Fund	076 - RECORDER SPECIAL FUND	
Department	963 - Recorder Special Account	
Project	00 - General	
	Fund 076 - RECORDER SPECIAL FUND Totals	\$3,204.28
Fund	078 - CIRCUIT CLERK OPER & ADMIN	
Department	178 - Circuit Clerk Oper & Admin	
Project	00 - General	
	Fund 078 - CIRCUIT CLERK OPER & ADMIN Totals	\$93.60
Fund	079 - COURT DOCUMENT STORAGE FUND	
Department	967 - Court Document Storage	
Project	00 - General	
	Fund 079 - COURT DOCUMENT STORAGE FUND Totals	\$3,839.60
Fund	080 - DRUG COURT FEE FUND	
Department	880 - Operations	
Project	00 - General	
	Fund 080 - DRUG COURT FEE FUND Totals	\$629.83
Fund	081 - VC ELECTRONIC MONITOR	
Department	881 - VC Electronic Monitor	
Project	00 - General	
	Fund 081 - VC ELECTRONIC MONITOR Totals	\$4,737.00
Fund	085 - UNCLAIMED FUNDS	
Department	973 - Unclaimed Funds	
Project	00 - General	
	Fund 085 - UNCLAIMED FUNDS Totals	\$41,600.00
Fund	088 - TREASURER AUTOMATION FUND	
Department	965 - Treasurer Automation	
Project	00 - General	
	Fund 088 - TREASURER AUTOMATION FUND Totals	\$350.00
Fund	091 - CHILD SUPPORT/MAINT	
Department	966 - Child Support & Maintenance	
Project	00 - General	
	Fund 091 - CHILD SUPPORT/MAINT Totals	\$4,375.14
Fund	097 - VICTIM WITNESS/ATTY GENERAL	
Department	999 - Victim Witness	
Project	00 - General	
	Fund 097 - VICTIM WITNESS/ATTY GENERAL Totals	\$4,278.86
	Grand Totals	\$3,327,339.26

RAFFLE/POKER RUN APPLICATION LIST (APRIL)

Chairman Baughn entertained a motion to dispense with the list and place it on file. Moved by Morse. Seconded by Mackiewicz. No discussion. Motion carried by acclamation.

Attorney Andrew Keyt – Discussion regarding regulation of Commercial Wind & Solar Energy Facilities (No Action to be Taken)

Mr. Keyt spoke regarding the new amended statute regarding wind and solar facilities.

Discussion made by Jackson, Eakle and Bruce Stark.

AUDIENCE COMMENTS

Arthur Cronkrite spoke regarding the county board meetings and county board members. He also made a suggestion for the use of technology for public comments and questions.

Britta Maddox and Becky Miller spoke regarding Windfarms.

Sheila Puzey spoke regarding solar panels.

EXECUTIVE & LEGISLATION (BAUGHN)

RESOLUTION 23-0501: COLLECTION OF DELINQUENT TAXES (MAY)

Chairman Baughn entertained a motion to approve. Motion was made by McFadden. Seconded by Johnson. Discussion made by Jackson.

Upon call of the roll, 22 voted yes, 4 were absent, 1 voted no. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following voted nay, to-wit: O’Kane.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver.

Rules of Order: Resolution & Ordinance – Re-Institution of as stand-alone Personnel Committee and Updating County Ordinance as to the structure of the Board Office to Accommodate the same, Pursuant to Rule 3 (b)(2), as Requested by Board Members, McLain and O’Kane

McLain made a motion to table this resolution & ordinance for review. Seconded by Green. Discussion made by Hawker, McLain, O’Kane, Becky Stark, Green, Miller and Chairman Baughn

Upon call of the roll, 14 voted yes, 9 voted no and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hoag, Mackiewicz, McLain, Morse, O’Kane, Becky Stark, Bruce Stark and Weller.

The following voted nay, to-wit: Hawker, Jackson, Johnson, Lamar, McFadden, Miller, Shepard, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver.

FINANCE (MILLER)
FINANCIAL UPDATE

Mr. Miller gave a brief update stating everything is on track with our revenues and expenditures.

Ordinance – RE: Amendment to the Combined Annual Budget and Appropriation Ordinance for the Animal Shelter - \$15,000.00 & \$20,000.00

STRICKEN

Ordinance – RE: Amendment to the Combined Annual Budget and Appropriation Ordinance for the Mental Health Board 708 - \$75,000.00

STRICKEN

TRANSPORTATION (EAKLE)

RESOLUTION 23-0502: RE: RESOLUTION LOW BID AWARD, BUTLER TWP, TOWNSHIP REBUILD FUNDS, SECTION 21-02159-00-PV, LETTING HELD APRIL 27, 2023 GRANT TWP LOW BID AWARD TOWNSHIP REBUILD FUNDS SECTION 22-08162-00-PV, LETTING HELD APRIL 27, 2023

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Eakle. Seconded by Butler. No discussion.

Upon call of the roll, 23 voted yes and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O’Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver.

RESOLUTION 23-0503: RE: LOW BID AWARD COUNTY SEAL COAT CONTRACT, SECTION 23-00000-03-GM LETTING HELD APRIL 27, 2023

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Eakle. Seconded by Hawker. No discussion.

Upon call of the roll, 23 voted yes and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O'Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver

ORDINANCE 23-0504: RE: RESOLUTION LOW BID AWARD, COUNTY STRIPING CONTRACT, SECTION 23-00000-05-GM, LETTING HELD APRIL 27, 2023

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Eakle. Seconded by McLain. No discussion.

Upon call of the roll, 23 voted yes and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O'Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver

ORDINANCE 23-0505: RE: SUPPLEMENTAL RESOLUTION, SECTION 22-00219-00-RS, CATLIN VERMILION ST & BATESTOWN RD. DESCRIPTION MILLING, PATCHING AND RESURFACING IN CATLIN AND PATCHING AND DIAMOND GRINDING ON BATESTOWN RD

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Eakle. Seconded by Bird. Discussion made by Miller.

Upon call of the roll, 23 voted yes and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O'Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver

TRANSPORTATION (EAKLE)

RESOLUTION 23-0506: RESOLUTION FOR IMPROVEMENT HIGGINSVILLE ROAD CH 21, SECTION 23-00225-00-PV REBUILD FUND

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Eakle. Seconded by Weller. No discussion.

Upon call of the roll, 23 voted yes and 4 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Green, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O’Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Ryan, Steinbaugh, Walls and Weaver

TRANSPORTATION (EAKLE)

RESOLUTION 23-0507: RESOLUTION FOR HIGHWAY ROAD DISTRICT CONSTRUCTION AND LEGISLATIVE SUPPORT FOR HOUSE

Mr. Eakle moved to dispense with the reading and approve as presented. Motion was made by Bird. Seconded by Johnson. No discussion.

Upon call of the roll, 22 voted yes and 5 were absent. Motion carried.

The following members voted yea, to-wit: Bird, Boyd, Butler, Eakle, Golden, Hawker, Hoag, Jackson, Johnson, Lamar, Mackiewicz, McFadden, McLain, Miller, Morse, O’Kane, Shepard, Becky Stark, Bruce Stark, Weller, Wright and Chairman Baughn.

The following members were absent, to-wit: Green, Ryan, Steinbaugh, Walls and Weaver

EXECUTIVE SESSIONS

Chairman Baughn stated there is no need for Executive Sessions.

CHAIRMAN’S COMMENTS/ITEMS OF INFORMATION

May Birthdays: Robert Boyd, Marla Mackiewicz, Tom Morse, and Bruce Stark

Committee Chairperson’s Comments: Chairman Baughn-nothing at this time, Golden-nothing to report, Miller-will meet, Green-nothing to report, Bird-nothing at this time, Morse-nothing at this time but working on something, Eakle-will meet, and Technology-nothing to report.

Board Member Comments: Hawker discussed the proposed resolution & ordinance for the personnel committee. McLain spoke about a fundraiser that her son is having for the Vermilion County Animal Shelter. Morse spoke about the Honor Guard fundraiser being held May 10th. Jackson spoke about coal mines in his district and wind turbines. Eakle spoke about the wind farms.

APPOINTMENTS FOR MAY 2022

Chairman Baughn entertained a motion to approve as presented with exception to the names John High & Bruce Redman being switched on the list of appointments.

Motion made by Eakle. Seconded by Morse. Miller abstained. Motion carried by acclamation.

Appointments for May 2023

The following appointment is for the **Allerton Fire Protection District #10103**

Term Expired: Damon L Ennis 3199 N 100 East Rd Allerton, IL 61810

Reappointment: Damon L Ennis 3199 N 100 East Rd Allerton, IL 61810

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Catlin Fire Protection District**

Term Expired: David W Jones, 103 Wayne Dr Catlin, IL 61817

Reappointment: David W Jones, 103 Wayne Dr Catlin, IL 61817

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Danville Sanitary District**

Term Expired: Patrick J O'Shaughnessy, 100 Lakeside Dr Danville, IL 61832

Reappointment: Patrick J O'Shaughnessy, 100 Lakeside Dr Danville, IL 61832

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Dougherty Cemetery Board**

Term Expired: Sandra Cox, 16789 E 2750 North Rd. Danville, IL 61834

Reappointment: Sandra Cox, 16789 E 2750 North Rd. Danville, IL 61834

6-Year Term: 5/09/2023-05/2029

The following appointment is for the **FMC Fire Protection District**

Term Expired: Charles D. Mabry Jr, 112 N Main; P.O. Box 4 Fithian, IL 61844

Reappointment: Charles D. Mabry Jr, 112 N Main; P.O. Box 4 Fithian, IL 61844

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Kickapoo Fire Protection District**

Term Expired: Jason R Adams, 18209 N 1000 East Rd Oakwood, IL 61858

Reappointment: Jason R Adams, 18209 N 1000 East Rd Oakwood, IL 61858

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Lynch Fire Protection District**

Term Expired: John A High Sr, 15805 S Markley Rd Danville, IL 61834

Reappointment: John A High Sr, 15805 S Markley Rd Danville, IL 61834

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Oakwood Fire Protection District**

Term Expired: Bruce Redman, 8200 E 1900 North Rd Oakwood, IL 61858

Reappointment: Bruce Redman, 8200 E 1900 North Rd Oakwood, IL 61858

3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Rankin Fire Protection District #10117**
Term Expired: Travis Johnson, 35453 N 170 East Rd Rankin, IL 60960
Reappointment: Travis Johnson, 35453 N 170 East Rd Rankin, IL 60960
3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Rossville Area Fire Protection District**
Term Expired: David W Boyer, 36785 N 1394 East Rd Hoopeton, IL 60942
Reappointment: David W Boyer, 36785 N 1394 East Rd Hoopeton, IL 60942
3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Rossville Area Fire Protection District**
Resigned: Walter Dean Grimes Jr, 410 S Chicago Rossville, IL 60963
Appointment: Melissa Brazel, 211 E Attica Rossville, IL 60963
Remaining Term: 5/09/2023-05/2025

The following appointment is for the **Rossville Area Fire Protection District**
Term Expired: Mark Willard, 20947 E 3750 North Rd Rossville, IL 60963
Reappointment: Mark Willard, 20947 E 3750 North Rd Rossville, IL 60963
3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Sidell Fire & Rescue District**
Term Expired: Bradley J Prunkard, 302 Lyons St Sidell, IL 61876
Reappointment: Bradley J Prunkard, 302 Lyons St Sidell, IL 61876
3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Vermilion County Housing Authority**
Term Expired: Lindsay VanFleet, 212 W S 2nd St Georgetown, IL 61846
Reappointment: Lindsay VanFleet, 212 W S 2nd St Georgetown, IL 61846
3-Year Term: 5/09/2023-05/2026

The following appointment is for the **Westville Belgium Sanitary District #10700**
Term Expired: Royce M Wolfe, 406 Vermont St Sidell, IL 61876
Reappointment: Royce M Wolfe, 406 Vermont St Sidell, IL 61876
3-Year Term: 5/09/2023-05/2026

ADJOURNMENT

The meeting adjourned at 7:21 p.m. to Tuesday June 13th, 2023, 6 P.M.-at the Joseph G Cannon Administration building located at 201 N. Vermilion Street.

Cathy Jenkins, Vermilion County Clerk

ORDINANCE#

**SITING ORDINANCE
COMMERCIAL WIND ENERGY FACILITY**

I. INTRODUCTION

A. Title

This Ordinance shall amend the Vermilion County Ordinances and be known, cited and referred to as the Vermilion County Wind Energy Structure Ordinance.

B. Purpose:

This Ordinance is adopted for the following purposes:

- 1) To assure that any structures, and equipment connected to such structures, used in the development and production of wind- generated electricity in Vermilion County are safe and effective;
- 2) To facilitate economic opportunities for local residents;
- 3) To promote the supply of wind energy in support of Illinois' statutory goal of increasing energy production from renewable energy sources while adhering to required structural regulations to enhance safety.

II. DEFINITIONS

- A. "Applicant" means the entity or person who submits to the County, pursuant to Section V of this Ordinance, an application for the permitting of any CWEF or Substation.
- B. Assurance" means reasonable assurance from a credit worthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit.
- C. "Commercial Wind Energy Facility" or "CWEF" means a wind energy conversion facility of equal or greater than 500 kilowatts in total nameplate generating capacity. "Commercial wind energy facility" includes a wind energy conversion facility seeking an extension of a permit to construct granted by a county.
- D "Committee" means the County Wind and Solar Committee who are appointed by the County Board Chair and shall at a minimum include the County Engineer, a representative from the County Health Department, and Emergency Management Director, or their designee, for the County, and such at-large members as required and as may be appointed by the County Board Chair.
- E. "Facility Owner" means (i) a person with a direct ownership interest in a commercial wind energy facility regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility. "Facility Owner" and "Owner" includes those successors and assigns of those entities or persons. "Facility Owner" and "Owner" does not mean (i) the property owner from whom land is leased for locating the CWEF or Supporting Facilities (unless the property owner has an equity interest in the CWEF(s) or Supporting Facilities); or (ii) any person holding a security interest in the CWEF(s) solely to secure an extension of credit. "Facility Owner" and "Owner" shall be synonymous unless otherwise stated.
- F. "Financial Assurance" or "Financial Security" or "Decommission Security" means assurance from a credit worthy party, examples of which include a surety

bond (e.g., performance and payment bond), trust instrument, cash escrow, or irrevocable letter of credit.

- G. "Nonparticipating property" means real property that is not a participating property.
- H. "Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county.
- I. "Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial wind energy facility or the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.
- J. "Operator" means the entity responsible for the day-to-day operation and maintenance of the CWEF, including any third-party subcontractors.
- K. "Professional Engineer" means a qualified individual who is licensed as a professional engineer in the state of Illinois.
- L. "Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial wind energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial wind energy facility or supporting facilities.
- M. "Participating Residences ~~Structure~~" means, for each property, the residence that is located on the participating property and is existing and occupied on the date the application for a permit to develop the commercial wind or solar facility is filed with the county. ~~structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospitals, and day care facilities. Primary residences excludes structures such as hunting sheds, storage sheds, pool houses, unattached garages and barns.~~
- N. "Protected lands" means real property that is:

- (1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or
 - (2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.
- O. "Supporting facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial wind energy facility or commercial solar energy facility.
- P. "Wind tower" includes the wind turbine tower, nacelle, and blades.
- Q. "Substation" means the apparatus that connects the electrical collection system of the CWEF(s) and increases the voltage for connection with the utility's transmission lines.
- R. "Wind Tower Height" means the distance from the rotor blade at its highest point to the top surface of the Wind Turbine foundation.

III. APPLICABILITY

This Ordinance governs the siting, permitting, and building of CWEFs and Supporting Facilities that generate electricity to be sold to wholesale or retail markets, except that owners of CWEFs with total nameplate generating capacity of 500 kilowatts or less are not subject to this Ordinance, except for those provisions relating to setback distances. As to CWEFs with a total nameplate generating capacity of 500 kilowatts or less a building permit is required to verify compliance with the setback provisions herein, but there shall be no charge for the same, and no public hearing is required.

IV. PROHIBITION

No CWEF, or Supporting Facilities governed by this Ordinance shall be constructed, erected, installed, or located within Vermilion County, unless prior approval has been obtained for each individual Wind Tower and Supporting Facility pursuant to this Ordinance from the County, and as finally approved by legislative action.

No CWEF, or Supporting Facilities governed by this Ordinance shall be operated or maintained in violation of this Ordinance or in violation of the terms of the permit as may be approved by the County, or in an unsafe condition.

Siting permits shall be valid for a period of 30 years for any approved CWF unless otherwise allowed by further action of the County Board.

V. VERMILION COUNTY WIND AND SOLAR COMMITTEE

The committee shall be appointed by the County Board Chair and shall consist of the representative of the

- A. Vermilion County Highway Engineer
- B. Vermilion County Health Department
- C. Vermilion County Emergency Management Director
- D. Such at-large community representatives or County employees as may be required and as may be appointed by the County Board Chair

The committee chair shall organize the times and meeting places of the committee. The chair shall be named by the County Board Chair from such representatives as may be appointed, and may be removed from the Chairpersonship at the discretion of the County Board Chair. All meetings shall be open to the public and shall be held at a public place with notice as required under the Open Meetings Act. In the absence or unavailability of the committee Chair, the County Board Chair may call a meeting of the committee for any purpose.

The committee shall be limited to the review of permit applications and matters under the governance of this ordinance.

The decision to grant or deny a permit application is within the sole discretion of the County Board.

VI. SITING APPROVAL

- A. To obtain approval to build any structure within the jurisdiction of this ordinance, the Applicant must first submit a Siting Permit Application (“Application”) to the County, undergo a public hearing regarding the CWF, and obtain approval from the County Board to construct the CWF. The application shall be filed with the Vermilion County Board Office, and any forms or information relative to the permit process shall be made available at such location. Upon approval, the County Board may affix conditions to approval which are not inconsistent with this Ordinance, or any other law or regulation.

B. The County shall utilize the following factors used to analyze and consider the application, along with this ordinance and applicable state and federal laws and regulations.

1. The existing uses and, where applicable, zoning of nearby property;
2. The extent to which property values are diminished;
3. The extent to which the destruction of property value promotes the health, safety, morals, or general welfare of the public;
4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner;
5. The suitability of the subject property for the planned purposes;
6. The length of time the property has been vacant as currently utilized considered in the context of land development in the area;
7. The care with which the community has undertaken to plan its land-use development; and
8. The community need for the use proposed by the applicant.
9. The impact on wildlife and wildlife habitat
10. The impact on drainage facilities and public property

C. Once an Application is received and all Application fees are received, the matter shall be scheduled for public hearing.

D. The Application shall contain or be accompanied by the following information:

1. CWEF Project summary, including, to the extent available:
(1) a general description of the project, including its approximate name plate generating capacity; the potential equipment manufacturer(s), type(s) of Wind Tower(s), number of Wind Towers, and nameplate generating capacity of each Wind Tower and total CWEF nameplate generating capacity; the maximum height of the Wind Tower(s) and maximum diameter of the Wind(s) rotor(s); the general location of the project; and (2) a description of the Applicant, Owner and Operator, including their respective business structures.
2. The name(s), address(es), and phone number(s) of the Applicant(s), Owner and Operator, and all property owner(s), if

known, as well as any available references and history of similar projects constructed, maintained or operated by any Applicant, Owner and Operator.

3. A site plan for the installation of CWEFs showing the planned location of each Wind Tower, guy lines and anchor bases (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, Substation(s), electrical cabling from the Wind Tower to the Substation(s), ancillary equipment, third party transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
4. A copy of an Agricultural Impact Mitigation Agreement (“AIMA”) executed between the Applicant and the Illinois Department of Agriculture.
5. All required studies, reports, certifications, and approvals demonstrating compliance with the provisions of this Ordinance, including but not limited to, evidence of a review by the Illinois Department of Natural Resources, and compliance, at the expense of the Owner and/or Applicant, with recommendations made as a result and adopted by the County (including avoidance of protected lands as identified by the Illinois Department of Natural Resources), any United States Fish and Wildlife Service review and recommendations, an Illinois Historic Preservation Office study or review; and all determinations of No Hazard to Air Navigation from the Federal Aviation Administration (“FAA”).
6. Evidence of the financial ability of the Applicant and/ or Facility Owner to complete and operate the CWEF.
7. Any other information required by the County as part of its permit process as may be hereinafter described in this ordinance or requested by the County. To the extent practical, the County may develop a written application cover sheet with a checklist of required and requested information to assist in presentation of the

application. The County may request information concerning the background and experience of any owner, operator or construction group involved. The County may reject any application after review which does not substantially, and in good faith, contain the required or requested information.

8. Any waivers from the setback requirements, and/or shadow flicker requirements, of this ordinance and state statutes executed by the occupied community building owners/and/or the nonparticipating property owners and bearing a file stamp from the Recorder of Deed's Office confirming that such waivers were recorded against the title to the affected real estate.
9. Applicant shall provide a survey map of all known abandoned mines within the footprint of the CWF and within a 1 mile radius of the footprint of the CWF.
10. During the public hearing process, the Applicant shall provide sufficient evidence the CWF will not overlay any abandoned mine and will not cause any mine subsidence.

The Applicant shall notify the County of any changes to the information provided in Section VI above that occurs while the permit approval application is pending.

During the public hearing process Applicant shall provide competent evidence that the CWF will comply with all requirements of this Ordinance, all state and federal laws, rules and regulations.

VII. DESIGN AND INSTALLATION

A. Design Safety Certification

1. All CWF(s) and Wind Towers and Supporting Facilities shall conform to applicable industry standards, including those of the American National Standards Institute ("ANSI"). Applicants shall submit certificates of design compliance that equipment manufacturers have obtained from Underwriters Laboratories ("UL"), Det Norske Veritas ("DNV"), Germanischer Lloyd Wind Energie ("GL"), or an equivalent third party. The County shall have the discretion to refuse any certification or require additional certification. Any dispute as to the sufficiency of

the certification shall first be addressed by informal consultation between the County, Applicant, Owner and /or Operator. CWF shall be maintained and operated within applicable industry standards during construction and operation until their decommissioning as set out in this ordinance.

2. A Professional Engineer shall certify, as part of the building permit application that the foundation and tower design of the CWF is within accepted professional standards, given local soil, subsurface and climate conditions. To ensure that the subsurface conditions of the site will provide proper support for the CWF, the Applicant at its own expense, shall provide soil and geotechnical soil boring reports for each Wind Tower location to the County for review and approval prior to the issuance of any building permit. Recommendations from the County Soil and Water Conservation District shall be obtained and followed as part of any issuance of a permit or continued operations under a permit.
3. All Supporting Facilities which may be built in conjunction with the operation of the CWF shall comply with applicable safety and building codes and if there are no codes which are found to be applicable then they shall comply with the International Building Code standards insofar as practical. All underground connections shall be at least 60 inches below the ground.
4. Any staging or layout area where equipment will be gathered for installation will be identified to and approved by the County.

B. Controls and Brakes

All Wind Towers shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

C. Electrical Components

All electrical components of the CWEF shall conform to applicable local, state, and national codes, and relevant national and international standards (e.g. ANSI and International Electrical Commission).

D. Color, Aesthetics, Lighting

Towers and blades shall be painted white or gray or another non-reflective, unobtrusive color, including tower height. Further, all turbines shall rotate in the same direction.

CWEF Projects shall utilize minimal lighting that is compliant with the applicable FAA regulations, as amended from time to time by the FAA. The Applicant and/ or Facility Owner shall apply for the installation of an Aircraft Detection Lighting System and, if approved by the FAA, shall install and maintain such lighting system throughout the life of the CWEF.

All interproject power and communication lines used to collect power from individual turbines and all communication lines shall be buried underground at a depth in accordance with the AIMA until the same reach the property line or a substation adjacent to the property line.

E. Compliance with the Federal Aviation Administration

The Applicant for the CWEF shall comply with all applicable FAA requirements.

F. Warnings

1. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and Substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of 15 feet from the ground.

G. Climb Prevention

1. All Wind Towers must be unclimbable by design or protected by anti-climbing devices such as:
 - A. Fences with locking portals at least six feet high; or
 - B. Anti-climbing devices 12 feet vertically from the base of the Wind Tower.

H. Setbacks (measured from the center point on the base of the Wind Tower)

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied Community Buildings	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Participating Residences	1.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Nonparticipating Residences	2.1 times the maximum blade tip height of the wind tower to the nearest point on the outside wall of the structure
Boundary Lines of Participating Property	None
Boundary Lines of Nonparticipating Property	1.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the nonparticipating

property

Public Road Rights-of-Way	1.1 times the maximum blade tip height of the wind tower to the center point of the public road right-of-way
Overhead Communication and Electric Transmission and Distribution Facilities (Not Including Overhead Utility Service Lines to Individual Houses or Outbuildings)	1.1 times the maximum blade tip height of the wind tower to the nearest edge of the property line, easement, or right of way containing the overhead line
Overhead Utility Service Lines to Individual Houses or Outbuildings	None
Fish and Wildlife Areas and Illinois Nature Preserve Commission Protected Lands	2.1 times the maximum blade tip height of the wind tower to the nearest point on the property line of the fish and wildlife area or protected land
Known abandoned mines	5,280 feet as measured from the center point of the wind turbine to the nearest point of any known underground mine tunnel, shaft, chute, or other below ground excavation.

This Section does not exempt or excuse compliance with electric facility clearances approved or required by the National Electrical Code, The National Electrical Safety Code, Illinois Commerce Commission, Federal Energy Regulatory Commission, and their designees or successors.

A wind tower of a commercial wind energy facility must be sited so that industry standard computer modeling indicates that any occupied community building or nonparticipating residence will not experience more than 30 hours per year of shadow flicker under planned operating conditions.

I. Compliance with Additional Regulations

Nothing in this Ordinance is intended to preempt other applicable state and federal laws and regulations. Pursuant to 55 ILCS 5/5-12020(b) nothing herein is intended to be more restrictive than the State law contained within said statute and to the extent the State statute requirements varies, it shall control the regulations for siting and permitting the wind or solar project.

J. Use of Public Roads

- i. An applicant, Owner, or Operator proposing to use any county, municipal, township or village road(s), for the purpose of transporting CWF or substation parts and/or equipment for construction, operation, upgrades and decommissioning, or maintenance of CWF(s) or Supporting Facilities shall prior to issuance of CWF Construction/ Building Permits:
 1. Identify all such public roads within the county to be used for transportation of CWF components or substations components and/or equipment for the construction, operation, or maintenance of the CWF(s) or substation(s);
 2. Provide the Vermilion County Highway Department with the following prior to issuance of Construction/ Building Permits:
 - a. The list of roads to be used;
 - b. An executed copy of applicable weight and size permits from appropriate governmental units having jurisdiction over identified public roads; and
 - c. An executed copy of each written road use agreement and supporting documentation required by the

appropriate governmental units having jurisdiction over identified public roads addressing:

- i. The use and proposed repair plan for the public roads, bridges, and rights of way located within that governmental unit's jurisdiction;
 - ii. The pre-construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine existing road and bridge conditions for assessing potential damage to identified public roads;
 - iii. The method to conduct a post construction baseline survey prepared and sealed by a State of Illinois Licensed Professional Engineer to determine any actual damage to identified public roads and bridges;
 - iv. Proposed remediation or compensation to the appropriate governmental unit having jurisdiction over identified public roads for any actual measured damage to public roads and bridges; and
 - v. Performance/surety bonds or other financial assurance documents required to guarantee the performance of the road use agreements.
 - vi. If no such written agreement is required by the governmental unit having jurisdiction per identified public roads, an executed written statement from said unit of government stating no agreement is required shall be submitted.
- ii. Reasonable dust control measures will be required during construction of the CWF(s).

K. AGRICULTURAL LAND RESTORATION

All impacted agricultural land, whether impacted during the construction, operation, or decommissioning activities, must be remediated by the Applicant pursuant to the terms of the Agricultural Impact Mitigation Agreement.

The Facility Owner must repair damage to drainage systems within 30 days of receiving notice of such damage. All repairs must be performed by a contractor with facilities

located in Vermilion County, Illinois, unless no contractors within the County are capable of making such repairs within the proscribed time period.

VIII. OPERATION

A. Maintenance

1. The Facility Owner or Operator of the CWEF must submit, on an annual basis, a summary of the operation and maintenance reports to the County. In addition to the above annual summary, the Owner or Operator must furnish such operation and maintenance reports as the County reasonably requests. Upon request of the County, a representative of the owner/operator of the CWEF Project will meet to confer about operations of the CWEF and discuss any complaints relative to the operation of the CWEF and associated activities related to the operation of the CWEF project. All costs and fees incurred by the County in attempting to or resolving complaints shall be reimbursed by the Applicant or Owner of the CWEF. A permanent hotline number and email will be available for residents to call or communicate with to make complaints, which shall operate on a 24/7 basis. The County shall be provided with any information concerning complaints and their resolution upon request.

2. Any physical modification to the CWEF that alters the mechanical load, mechanical load path, Wind Turbine heights, Wind Turbine impacts on the environment (such as sound, shadow flicker or other environmental impacts), or major electrical components shall require re-certification under Section VI of this Ordinance. Like-kind replacements shall not require re-certification but records demonstrating the nature of the 'like-kind' replacement or repair must be maintained and notification made to the County. Prior to making any physical modification (other than a like-kind replacement or repair), the owner or operator shall confer with a relevant third-party certifying entity identified in Section VI of this Ordinance as well as the County to determine whether the physical modification requires re-certification. The County may in its sole discretion require re-certification unless adequate showing is made by that such is not required. Re-certification of the CWEF will be required for any "repower" of a CWEF. Re-certification includes filing a Siting Permit Application, and public hearing to determine whether to approve the proposed CWEF changes. All requirements of this Ordinance shall apply to any re-certification request.

B. Interference

1. There shall be no interference with emergency communications, weather radar, or television reception as a result of the construction or operation of a CWEF project.
2. The Applicant shall provide the applicable microwave transmission providers and local emergency service provider(s) (911 operators) copies of the project summary and site plan, as set forth in this Ordinance. The Applicant, at its expense shall have a third party acceptable to the County who has a qualified professional background, conduct an appropriate analysis of the E9-1-1 communications, emergency communications, weather radar, or other official County and local municipal communications to determine that such communications shall not be negatively impacted or influenced by the proposed CWEF. To the extent that the above provider(s) demonstrate a likelihood of interference with its communications resulting from the CWEF, the Applicant shall take immediate action to minimize interference with such emergency communications. If, after construction of the CWEF, the Owner or Operator receives a written complaint related to the above-mentioned interference, the Owner or Operator shall take immediate steps to respond to the complaint.
3. The Applicant, at its expense shall have a third party acceptable to the County who has a qualified professional background, conduct an appropriate analysis of the television reception, documenting the television stations that are received within one and one-half miles of the footprint of the CWEF project. If, after construction of the CWEF, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, the Owner or Operator shall take immediate steps to respond and remedy the complaint.

C. Coordination with Local Fire Department

1. The Applicant, Owner or Operator shall submit to the local fire department a copy of the site plan.
2. Upon request by the local fire department or emergency response department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan and shall provide in person training to emergency response personnel. The Facility Owner shall be responsible for the costs associated with any additional training or required equipment.

3. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

D. Materials Handling, Storage and Disposal

1. All solid wastes related to the construction, operation, and maintenance of the CWEF shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.
2. All hazardous materials related to the construction, operation, and maintenance of the CWEF shall be handled, stored, transported, and disposed of in accordance with all applicable local, state and federal laws.

E. Aerial Application Cost Reimbursement

1. Facility Owner shall consult with all landowners and farmers within the footprint of the Project or adjacent thereto regarding aerial application; and
2. Shall reimburse those landowners or farmers the reasonable increased costs of aerial application due to or as a consequence of the existence of the CWEF.

IX. NOISE LEVELS

Noise levels from each Wind Turbine or CWEF Project shall follow applicable Illinois Pollution Control Board (IPCB) regulations. The Applicant, using a qualified professional, as part of the permit approval application process, shall appropriately demonstrate compliance with the above noise requirements. Upon complaint of any resident, or the County, and after consultation with the Facility Owner and/or Operator of the project, as to noise levels the Facility Owner and/or Operator at its own expense shall conduct a sound study using qualified professionals acceptable to the County to examine and resolve such complaints. The County shall have full access to all data and reports or findings of any such studies.

X. BIRDS AND BATS AND OTHER NATURAL RESOURCE AND WILDLIFE ISSUES

Consultation with the Illinois Department of Natural Resources (hereinafter "IDNR") as required pursuant to 17 Ill. Adm. Code Part 1075 shall be included by any applicant. The burden to conduct such consultations shall be upon the applicant and shall be reviewed by the County. The County shall weigh the recommendations of the Illinois Department of Natural Resources, if any, but shall not be bound by them and the County Board shall exercise independent judgment on the acceptance or rejection of such recommendations or may require implementation of such recommendations or alternatives determined by the County Board to be appropriate. Such recommended practices and studies may be, but are not limited to:

1. Curtailment wind turbine operations during certain hours, days, or other specified periods.
2. Require a minimum of three years, or as recommended by IDNR, mortality monitoring for specified wildlife.
3. Require setbacks from Illinois Nature Preserves as specified by IDNR.
4. Require setbacks from Illinois Natures Inventory Sites as specified by IDNR.
5. Require setbacks from streams which may be identified by IDNR, including but not limited to any perennial stream with a non-forested riparian zone.
6. Require setbacks from forested areas and forested riparian zones as described by or specifically identified by IDNR.
7. Coordination with recommendations of the U.S. Fish and Wildlife Service ("USFWS") as to Bald and Golden Eagles, or other matters within their jurisdiction or concern.
7. That all "Tiered surveys" identified in the IDNR report as tier 1,2, & 3 studies, as required by USFWS, Land-Based Energy Guidelines be forwarded to IDNR for study and comment and possible action if recommendations are made.
8. The results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Land-Based Wind Energy Guidelines" and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

It shall be the applicant's obligation to certify that based upon consultation with the IDNR, the siting, building and operation of the CWEF will not violate existing law. The County may require any independent study as noted above or otherwise deemed necessary by the County, IDNR, USFWS, or other nature or historic preservation agency or otherwise suggested by IDNR and the applicant shall pay for such studies.

9) The county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

Where applicable, the County shall consider the need for requesting an Incidental Take Authorization from IDNR or requiring the same as part of the application process.

XI. PUBLIC PARTICIPATION

Nothing in the Ordinance is meant to augment or diminish existing opportunities for public participation at the County Board meeting wherein the permit is to be voted upon.

XII. LIABILITY INSURANCE

Commencing with the issuance of a CWF Building Permit, the Applicant shall maintain a current general comprehensive liability policy and automobile liability coverage covering bodily injury, death and illness, and property damage with limits of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate; and, shall further maintain the above-stated lines of insurance from delivery of the "Notice to Proceed by the Applicant under the turbine supply and/or balance of plant construction contract(s) for the CWF Project, in coverage amounts of at least Five Million Dollars (\$5,000,000.00) per occurrence and Twenty Million Dollars (\$20,000,000.00) in the aggregate during the life of the CWF Project. The Applicant shall file the original certificate of insurance upon commencement of project construction prior to the issuance of a CWF Building Permit, corresponding policies and endorsements to be provided within sixty (60) days of issuance, and at each subsequent renewal, at least annually thereafter.

The Applicant and Facility Owner shall defend, indemnify and hold harmless the County and its officers, appointed and elected officials, employees, attorneys, engineers and agents (collectively and individually, the "Indemnified Parties") from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorney's fees relating to or arising out of the issuance of the Siting Permit or the construction, operation, maintenance and removal of the CWF and affiliated equipment including, without limitation, liability for property

damage or personal injury (including death or illness), whether said liability is premised on contract or on tort (including without limitation strict liability or negligence) or any acts or omissions of the Applicant or Facility Owner, or the Operator under this Ordinance or the Siting Permit, except to the extent any such claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities arise from the negligence or intentional acts of such Indemnified Parties. This general indemnification shall not be construed as limiting or qualifying the County's other indemnification rights available under the law.

XIII. DECOMMISSIONING PLAN

- A. Prior to receiving a Building Permit under this Ordinance, the County and the Applicant, Owner, and/or Operator must formulate a Decommissioning Plan and a Decommissioning Agreement to ensure that the CWFEP Project is properly decommissioned, and have such plan approved by the County Board. The Applicant must present information regarding the Decommissioning Plan in its Siting Application and during the public hearing process. The Decommissioning Plan and Agreement shall be as required by the AIMA and include:
- B. Provisions describing the triggering events for decommissioning the CWFEP Project;
- C. Provisions for the removal of structures, debris and cabling, including those below the soil surface, and shall provide for the removal of all buried objects above a depth of 60 inches under the soil surface;
- D. Provisions for the restoration of the soil and vegetation in accordance with the AIMA;
- E. An estimate of the decommissioning costs certified by an Illinois licensed Professional Engineer, considering the expected life of the CWFEP;
- F. Financial Assurance, secured by the Owner or Operator, for the purpose of adequately performing decommissioning, in an amount equal to the Professional Engineer's certified estimate of the decommissioning costs, provided however, that

the owner and or applicant may not delegate or assign the responsibilities of decommissioning under this ordinance or the AIMA without express written consent of the County;

- G. Identification of and procedures for County access to Financial Assurances;
- H. A provision that the terms of the Decommissioning Plan shall be binding upon the Owner or Operator and any of their successors, assigns, or heirs; and
- I. A provision that the County shall have access to the site, pursuant to reasonable notice, to effect or complete decommissioning at the expense of the owner/operator or other responsible party without regard to any previous financial assurance or bond posted if those resources are not available to the County for any reason, or have already been expended.
- J. The Decommissioning Cost shall be evaluated every 5 years from the date of Commercial Operation by an independent engineer at the Facility Owner's expense. Any increased Decommissioning Cost estimates shall require the Facility Owner to adjust the financial assurances provided to the County accordingly.

XIV. REMEDIES

- A. The Applicant's, Owner's, or Operator's failure to materially comply with any of the above provisions shall constitute a default under this Ordinance.
- B. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the Owner and Operator, setting forth the alleged default(s). Such written notice shall provide the Owner and Operator a reasonable time period, not to exceed 60 days, for good faith negotiations to resolve the alleged default(s), except those defaults that implicate public safety in which case the County Engineer in consultation with the County may issue a stop order.
- C. Any violation of this ordinance shall be an offense punishable by a fine not to exceed \$1,000.00. Each violation shall be a separate offense. Each day a violation

occurs or continues shall be a separate offense. A court may set any appropriate per day fine for each day the infraction exists or until such infraction is remedied. It is the goal of this ordinance to promote structural safety to protect the public and the court in setting any appropriate fine shall consider the nature of the offense, the degree of public safety involved, the efforts of the County and responsible owner or applicant to quickly and safely resolve any infraction. It is the intent that any dispute between the parties be resolved promptly and where possible by informal discussions as outlined elsewhere in this ordinance.

XV. COUNTY AUTHORITY TO ENTER AND INSPECT

To accomplish the purposes of this ordinance, the County shall have the right to enter upon any land upon which a Wind Turbine, CWEF or Supporting Facility is situated. If entry is denied, the County may seek an administrative search warrant to enter and inspect the land and structures. Neither this provision, nor any other in this ordinance, is intended to place a duty upon the County to inspect or enforce any provision of this ordinance, or waive any statutory, or common law, immunity provided by law, including any privilege, immunity or affirmative defense under the Local Immunity Act (745 ILCS 10/1-101 et seq).

XVI FEES AND COSTS

1. Siting Permit Application Fees

- a. Prior to processing any Application for a Commercial Wind Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5,000.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$250,000.00. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.
- b. Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.

- c. Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Wind Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward the Building Permit Fees for the Facility.
- 2. Building Permit Fees
 - a. Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$7,500.00 per megawatt (mW) of nameplate capacity. If the total nameplate capacity is less than 1 mW, the building permit fee shall be reduced pro rata.
- 3. All Costs to be Paid by Applicant or Owner
 - a. In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

XVII WAIVER AND VARIANCES

The County may allow waivers and variances of various buildings or equipment connected to the buildings, not in compliance with the ordinance when it is shown that the cost of compliance exceeds the benefit sought and does not implicate a danger to the public, or that technology has changed requiring such waiver or variance, or the application of a particular section of the ordinance is unworkable or impractical and sufficient proof exists to show that alternative means or equipment will serve the purposes of this ordinance, or that the true intent of the code or rules legally adopted under this code have been incorrectly interpreted. The requirements set forth in this ordinance as to setbacks and shadow flicker may also be waived subject to the written consent of the owner of each affected nonparticipating property. Such variances whether at the permit application stage or over the life of the CWEF(s) shall be considered at the request of the applicant or owner or managing entity responsible for the CWEF(s) and shall be in writing and

demonstrate the need for a waiver or variance to the satisfaction of the County. Such variance or waiver shall be filed with the County Board Office.

XVIII. PUBLIC HEARING PROCESS

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

XIV. CONFLICT WITH OTHER LAWS AND SEVERABILITY

Should any provision of this ordinance conflict with any other law or ordinance, state statute, regulation, or rule, then the provisions of this ordinance shall apply and shall prevail over other ordinances to the extent allowed under law due to the special nature of the structures covered by this ordinance.

Should any provision, section, or part thereof, or the application of this ordinance to any person or circumstance, be found or held to be unconstitutional or invalid by any court of competent jurisdiction, such section or part thereof shall be deemed a separate, distinct and independent provision and such holding or finding shall not affect the validity of the remaining portions of this ordinance which can be given effect without the invalid section, provision or part thereof.

XV. EFFECTIVE DATE

This ordinance shall become effective immediately upon the date of its passage by the county board.

Ordinance# _____

SITING ORDINANCE
COMMERCIAL SOLAR ENERGY FACILITIES

Section 1 - Definitions.

"Commercial Solar Energy Facility" ("CSEF") means any device or assembly of devices that (i) is ground installed and (ii) uses solar energy from the sun for generating electricity for the primary purpose of wholesale or retail sale and not primarily for consumption on the property on which the device or devices reside.

"Facility owner" means (i) a person with a direct ownership interest in a commercial wind energy facility or a commercial solar energy facility, or both, regardless of whether the person is involved in acquiring the necessary rights, permits, and approvals or otherwise planning for the construction and operation of the facility, and (ii) at the time the facility is being developed, a person who is acting as a developer of the facility by acquiring the necessary rights, permits, and approvals or by planning for the construction and operation of the facility, regardless of whether the person will own or operate the facility.

"Ground Mount Solar Energy System" means a solar energy system that is directly installed into the ground and is not attached or affixed to an existing structure.

"Net Metering" means a billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

"Nonparticipating property" means real property that is not a participating property.

"Nonparticipating residence" means a residence that is located on nonparticipating property and that is existing and occupied on the date that an application for a permit to develop a commercial solar energy facility is filed with the county.

"Occupied community building" means any one or more of the following buildings that is existing and occupied on the date that the application for a permit to develop the commercial solar energy facility is filed with the county: a school, place of worship, day care facility, public library, or community center.

"Participating property" means real property that is the subject of a written agreement between a facility owner and the owner of the real property that provides the facility owner an easement, option, lease, or license to use the real property for the purpose of constructing a commercial solar energy facility, or supporting facilities. "Participating property" also includes real property that is owned by a facility owner for the purpose of constructing a commercial solar energy facility, or supporting facilities.

"Participating Residence" means a residence that is located on the participating property and is existing and occupied on the date the application for a permit to develop the solar facility is filed with the county.

"Professional Engineer" means a qualified individual who is licensed as a professional engineer in the state of Illinois.

"Protected lands" means real property that is:

(1) subject to a permanent conservation right consistent with the Real Property Conservation Rights Act; or

(2) registered or designated as a nature preserve, buffer, or land and water reserve under the Illinois Natural Areas Preservation Act.

"Solar Energy" means radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

"Solar Energy System (SES)" means the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing.

"Solar Farm Energy System (SFES)" means the same as a "commercial solar energy facility" as defined above.

"Solar Panel" means a device for the direct conversion of solar energy into electricity. Structure Mount Solar Energy System. A solar energy system in which solar panels are mounted on top of a roof structure as either a flush mounted system or as modules fixed to frames which can be tilted toward the south at an optical angle.

"Supporting Facilities" means the transmission lines, substations, access roads, meteorological towers, storage containers, and equipment associated with the generation and storage of electricity by the commercial solar energy facility.

"Noxious Weeds" means any of several plants designated pursuant to the Illinois noxious Weed Law (505 ILCS 100/1 et. Seq.) and that are identified in 8 Illinois Administrative Code 220.

Section 2. Commercial Solar Energy Facility (SSEF).

- A. Purpose and Intent. The purpose of these regulations is to provide a uniform and comprehensive set of standards for the installation and use of CSEFs designed for commercial energy production. The intent of these regulations is to protect the public health, safety, and community welfare while allowing development of solar energy resources for commercial purposes. This ordinance shall apply to solar energy farms in the unincorporated areas of the County outside of the zoning jurisdiction of a municipality where that municipality exercises jurisdiction over the solar project.

B. The factors used to analyze and consider the application shall be the this ordinance, relevant state and federal laws and regulations, and the below listed factors:

1. The existing uses and, where applicable, zoning of nearby property;
2. The extent to which property values are diminished;
3. The extent to which the destruction of property value promotes the health, safety, morals, or general welfare of the public;
4. The relative gain to the public as opposed to the hardship imposed upon the individual property owner;
5. The suitability of the subject property for the planned purposes;
6. The length of time the property has been vacant as currently utilized considered in the context of land development in the area;
7. The care with which the community has undertaken to plan its land-use development; and
8. The community need for the use proposed by the applicant.
9. The impact on wildlife and wildlife habitat
10. The impact on drainage facilities and public property

B. Building Permit. Proposals to construct a CSEF shall undergo a public hearing pursuant to 55 ILCS 5/5-12020 and, if so approved, must obtain the required building permit(s), and shall be subject to the procedures and standards included in this ordinance and any conditions. It is the responsibility of the owner/operator to provide the County with proof of actual construction. Once a Building Permit has been issued to the Facility Owner, the Facility Owner shall have 2 years from the date of issuance to enter the CSEF into commercial operation.

C. Upon approval, the County Board may affix conditions to approval which are not inconsistent with this Ordinance, or any other law or regulation.

C. CSEFs are subject to the following requirements:

1. Height. Shall not exceed twenty feet at maximum tilt of the solar panel(s).
2. No CSEF shall be built on any lot less than 5 acres in size.
3. Setbacks. The Commercial Solar Energy Facility shall be sited as follows, with set back distances measured from the nearest edge of any component of the facility:

- a. Occupied Community Buildings and Dwellings on Non-participating Properties: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - B. Nonparticipating residences: one hundred fifty (150) feet to the nearest point on the outside wall of the structure.
 - c. Boundary line of Participating Property: None.
 - d. Boundary lines of Nonparticipating Property : fifty (50) feet to the nearest point on the property line of the nonparticipating property.
 - e. Public Road Right of Ways: fifty (50) feet the nearest edge of the public road right-of-way.
4. Fencing. A locked fence of at least six (6) feet in height but no greater than twenty-five (25) feet shall enclose the CSEF.
5. Lighting. If lighting is provided at the project, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel.
6. Noise. Noise levels measured at the property line shall comply with standards set out by the Illinois Pollution Control Board. Noise levels may be enforced by Vermilion County, or any other regulatory body.
7. Installation and Design. The CSEF shall be designed and located in order to prevent glare toward any inhabited buildings on adjacent properties as well as adjacent highways. Placement of the generator or noise producing electrical equipment shall be placed at the center of the project to the extent practical.
8. All wiring between solar panels and the solar farm facility substation shall be underground whenever possible.
9. Outdoor Storage. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed.
10. Proof an Agricultural Impact Mitigation Agreement (AIMA) has been executed with the Illinois Department of Agriculture. Failure comply with the Agricultural Mitigation Agreement and statue at 505 ILCS 147/15 et. seq. shall be a violation of this ordinance. Pursuant to 70 ILCS 405/22.02a an appropriate impact study shall be required as set out

in the statutory Agricultural Mitigation Agreement which is incorporated herein as part of this ordinance.

11. Building Codes. All state, and national construction codes shall be followed. For purposes of this ordinance, the County adopts the National Electric Code and International Building Code as amended from time to time. All building materials must comply with recognized industry standards.

12. Vegetation and Ground Cover and Weed Control. Any weed control or planting of vegetation shall prevent Palmer, Amaranthus, and Conyza weed species, and other weed species that, at the time of application, are resistant to agricultural herbicides that are commonly used in Illinois. Any weed control or planting of vegetation shall also be certified to be in compliance with the Noxious Weed Act, 505 ILCS 100/1 et. seq., to prevent importation of noxious weeds or harmful vegetation. No soil sterilant shall be permitted on a solar site.

Facility Owner shall install a Pollinator friendly habitat which shall be maintained in compliance with the Illinois Department of Natural Resources Solar Site Pollinator guidelines.

Facility Owner shall install a living buffer of evergreen trees that must be planted and maintained during the duration of the lifetime of the CSEF beginning with the commercial operation date. During the Siting Application process, the County shall determine the species of evergreens to be planted, the spacing and number of rows to be utilized. Upon decommissioning it shall be the landowners discretion whether the vegetation screening shall remain. Earth berms or other topographical features and existing wooded areas may be accepted in lieu or in combination of the above requirements if they conceal the use from public view and are maintained.

13. All drainage tiles shall be repaired or restored to same or better condition as when the project began. There will be an inspection for compliance by an independent inspector chosen by Vermilion County and paid for by the owner/operator. During construction or operation, any damage to drainage systems shall be repaired by the Facility Owner or Operator. Such repair shall be initiated within 30 days of Facility Owner or Operator being informed of such damage. All repairs shall be performed by a contractor with offices or facilities in Vermilion County, unless such contractor is unable to perform required repairs within the proscribed time period.

14. JULIE shall be contacted before digging or excavation begins.

15. Local drainage districts, if any, shall be contacted prior to any development on the project site to locate drainage district tiles.

16. Annual review and reporting.

a) The applicant, owner, and/or operator of an CSEF project shall submit to the Vermilion County Board Office on the first Monday of July of each year

following CSEF project approval a report regarding CSEF maintenance and operation. This report shall include:

- i) Any physical modifications to the CSEF and/or its infrastructure;
- ii) Complaints pertaining to setbacks, noise, appearance, safety, lighting, and use of any public roads, received by the applicant, owner and/or operator concerning the CSEF, and the resolution of such complaints;
- iii) Calls for emergency services, including the nature of the emergency and how it was resolved;
- iv) Status of liability insurance; and,
- v) Any other information that the county might reasonably request.

b) Within thirty days of the receipt of this annual report, the County Board Office and Wind and Solar Committee shall review the report and conduct an on-site field review of the CSEF project. The Board Office and Wind and Solar Committee shall compile a written report of the findings and within sixty days of the receipt of the report submit the report to the Vermilion County Board or any committee designated to oversee infrastructure issues.

c) The County Board shall charge a fee for this annual review in the amount of no more than five hundred dollars per CSEF project area. This fee shall be paid to the County Board by the CSEF applicant, owner, and/or operator at the time of annual report submission. Failure to provide the annual report and required fee shall be considered a cessation of operations, subject to the remedies provision herein.

d) The applicant, owner, and/or operator of an CSEF project shall provide the Vermilion County Board and their designees access to the CSEF project area for the purposes described in this ordinance. Failure to provide access shall be deemed a violation of this ordinance.

D. Safety. All CSEFs shall provide the following at all locked entrances:

- 1) A visible "High Voltage" warning sign;
- 2) Name(s) and phone number(s) for the electric utility provider;
- 3) Name(s) and phone number(s) for the site operator;

- 4) The facility's 911 address, GPS coordinates; and,
- 5) A Knox box with keys.
- 6) Evidence that the site plan has been submitted to the local fire protection district.

E. Application Process. The Application for a Siting Permit for a CSEF shall be submitted with thirty (30) paper copies and at least 1 electronic copy and shall include:

- 1) A written summary of the project including a general description of the project, including its nameplate generating capacity.
- 2) The name(s), address(s), and phone number(s) of the owner and/or CSEF operator.
- 3) A site plan of the CSEF site showing:
 - a) Boundaries of the site.
 - b) All proposed CSEF structures including, but not limited to, the project solar panels, substation, interconnect substation, and location and voltage of any overhead transmission lines
 - c) Property lines.
 - d) Setback lines.
 - e) The location of any known subsurface drainage tiles, and a statement describing attempts made to do tile surveys and to otherwise discover the location of drainage tile locations.
 - f) Identification of any flood zone areas within the project boundaries.
 - g) Location of all existing structures with their uses identified.
 - h) Wetland location, if any.
 - i) Septic systems.
 - j) Wells.
 - k) Existing easements, if any.
- 4) Proof of compliance with this solar ordinance and also proof of compliance with an erosion study by the Soil and Water Conservation District as defined under 70 ILCS 405/22.02a, and fully executed Agricultural Mitigation Agreement statute at 505 ILCS 147/15 et. seq.
- 5) A commercial solar energy facility owner shall provide:
 - (a) the results and recommendations from consultation with the Illinois Department of Natural Resources that are obtained through the Ecological Compliance Assessment Tool (EcoCAT) or a comparable successor tool; and

(b) the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with (i) the "U.S. Fish and Wildlife Service's Guidelines", if any, and (ii) any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review.

(c) Proof of compliance where required by the County of the recommendations provided by the Illinois Department of Natural Resources in an EcoCAT natural resource review report under 17 Ill. Admin. Code Part 1075.

6) The county may require a facility owner to:

(1) demonstrate avoidance of protected lands as identified by the Illinois Department of Natural Resources and the Illinois Nature Preserve Commission; or

(2) consider the recommendations of the Illinois Department of Natural Resources for setbacks from protected lands, including areas identified by the Illinois Nature Preserve Commission.

7) The county may require that a facility owner provide evidence of consultation with the Illinois State Historic Preservation Office to assess potential impacts on State-registered historic sites under the Illinois State Agency Historic Resources Preservation Act.

8) Emergency plan. The site and emergency plan shall be submitted to the local fire protection district(s) and/or department(s) whose jurisdiction is included in whole or in part within the CSEF project area. Any specialized training necessary will be provided at the operator's expense and shall be in person with all local emergency response personnel.

9) All other information as may be requested by the Wind and Solar Committee.

10) At the sole discretion of the Wind and Solar Committee with the consent of, or at the direction of, the County Board Chairman, if an independent engineering or consulting report is required to resolve any disputes, it shall be the responsibility of the applicant to pay for such engineer or consultant, provided however that the County shall consult with the applicant and attempt to resolve any issue prior to incurring any costs.

10) During the public hearing process Applicant shall provide competent evidence that the CSEF will comply with all requirements of this Ordinance, all state and federal laws, rules and regulations.

11) Evidence of the financial ability of the Applicant and/ or Facility Owner to complete and operate the CSEF.

G. Decommissioning Plan. As part of the Application process of applying for a building permit, the CSEF project owner/operator shall submit a decommissioning plan to the Vermilion County Board Office and Wind and Solar Committee. The Vermilion County Board Office, the Wind and Solar Committee, or its designees shall review the plan for completeness and refer it to the Vermilion County Board or any committee(s) designated to oversee solar farm issues. The plan shall include:

- 1) A description of the plan to remove the CSEF equipment and restore the land to its previous use upon the end of the project's life.
- 2) Provisions for the removal of structures, debris, and associated equipment on the surface and to a level of not less than five feet below the surface, and the sequence in which removal is expected to occur;
- 3) Provisions for the restoration of the soil and vegetation;
- 4) An estimate of the decommissioning costs certified by a professional engineer in current dollars. The engineer providing this estimate shall, at the option of the County, be engaged under contract by the Vermilion County Engineer and all costs associated with this engagement shall be borne by the applicant;
- 5) A written financial plan approved to ensure that funds will be available for decommissioning and land restoration;
- 6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs;
- 7) Upon review of the decommissioning plan, the Wind and Solar Committee, or its successor committee(s), of the Vermilion County Board may set an amount to be held in a bond, escrow or other acceptable form of funds approved by the Committee. The plan shall state that Vermilion County shall have access to the project and to the funds to effect or complete decommissioning one year after cessation of operations; and,
- 8) The applicant shall provide the county with a new estimate of the cost of decommissioning the CSEF project every five years under the same conditions as set forth in this Section above. Salvage value of structures, shall not be considered with in the cost estimate calculations, unless otherwise provided for by law. Upon receipt of this new estimate, the county may require, and the applicant, owner, and/or operator of the CSEF project shall provide, a new financial plan for decommissioning acceptable to the county. Failure to provide an acceptable financial plan shall be considered a cessation of operations.

H. After an approved final inspection of all required information a certificate of compliance shall be issued and thereafter the Vermilion County Board shall vote for the issuance of a Building Permit.

Section 3. Indemnification and liability.

A. The applicant, owner, and/or operator of the CSEF project shall defend, indemnify, and hold harmless the County of Vermilion and its officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever, including attorney's fees, without limitation, arising out of acts or omissions of the applicant, owner, and/or operator associated with the construction and/or operation of the CSEF project.

B. The applicant, owner, and/or operator of the CSEF project shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$5 million (\$5,000,000.00) dollars per occurrence and \$10 million (\$10,000,000.00) dollars in the aggregate. Evidence of liability coverage must be reported to the Vermilion County Board on an annual basis, and any loss of coverage must be reported within three working days of loss. Failure to maintain coverage shall be considered a cessation of operations.

C. Neither this provision, nor any other in this ordinance, is intended to place a duty upon the County to inspect or enforce any provision of this ordinance, or waive any statutory, or common law, immunity provided by law, including any privilege, immunity, or affirmative defense under the Local Immunity Act (745 ILCS 10/1-101 et seq).

Section 4. Recertification and Cessation of Operations.

If any CSEF provided for in this chapter has not been in operation and producing electricity for at least two hundred seventy consecutive days, it shall be removed. The Vermilion County Board shall notify the owner to remove the system. Within thirty days, the owner shall either submit evidence showing that the system has been operating and producing electricity or remove it. If the owner fails to or refuses to remove the solar energy system, the violation shall be referred to the Vermilion County State's Attorney for enforcement, and the County may call upon any decommissioning financial assurance to effectuate removal.

Any physical modification to the CSEF that alters the mechanical load, mechanical load path, or major electrical components, and/ or increases the nameplate capacity shall require re-certification pursuant to the requirements of this Ordinance. Like-kind replacements and modifications that are made in the ordinary course of operations, including expected repairs and warranty items, shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement or other modifications made in the ordinary course of operations), the Applicant shall confer with a relevant third-party certifying entity to determine whether the physical modification requires re-certification. Re-certification includes filing a Siting Permit Application, and public hearing to determine whether to approve the proposed CSEF changes. All requirements of this Ordinance shall apply to any re-certification request.

The Siting Permit shall be valid for a period of 30 years, thereafter, Facility Owner is required to apply and receive a new Siting Permit in order to continue operating said facility. If a new Siting Permit is not issued within the requisite time frame, the Facility Owner will decommission the Facility or allow the county to enter upon the premises to effectuate decommissioning.

Section 4. Penalties.

A failure to obtain applicable building permit(s) for the construction of a solar energy system or failure to comply with the requirements of a building permit or the provisions of this chapter or the requirements of the Agricultural Mitigation Agreement, 505 ILCS 147/15, shall be deemed a violation of this chapter. The state's attorney may bring an action to enforce compliance of the requirements of this chapter by filing an action in the circuit court for an injunction requiring conformance with this chapter or seek such other relief necessary to secure compliance with this chapter.

Any person who violates this chapter shall be fined not less than twenty-five dollars or more than five hundred dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the county from seeking such other legal remedies available to prevent or remedy any violations of this chapter.

Section 6 Costs and Fees

A. Application Fees

Prior to processing any Application for a Commercial Wind Energy Facility, the Applicant must submit a certified check to the County for the Application Fee equal to \$5,000.00 per megawatt (mW) of proposed nameplate capacity, up to a maximum fee of \$250,000.00. These funds shall be placed in an FDIC insured account and will be used to cover the county's cost incurred in processing the Application.

Should the actual costs to the County exceed the submitted Application Fee, the Applicant shall be responsible for those additional costs and shall remit additional funds to the County within 15 days of receipt of a request from the County. No hearings on an Application shall be conducted nor final decisions rendered on an Application if there are Application fees due to the County.

Any unused amounts of the Application Fee shall be refunded to the Applicant within six months of the County Board rendering a final decision on the matter, unless any pending litigation, disputes or negotiations involving the County exist regarding the Commercial Solar Energy Facility, in which case any amounts owed to the Applicant shall be refunded within six months of the conclusion of the litigation, disputes or negotiations. An Applicant may request any unused Application Fee be applied toward

the Building Permit Fees for the Facility.

B. Building Permit Fees

Prior to the issuance of building permits, the Building Permit Applicant must deposit a Building Permit Fee equating to \$7,500.00 per megawatt (mW) of nameplate capacity. If the total nameplate capacity is less than 1 mW, the building permit fee shall be reduced pro rata.

C. All Costs to be Paid by Applicant or Owner

In addition to all fees noted above, the Applicant or Owner shall pay all costs incurred by the County, including but not limited to, those costs associated with all offices, boards and commissions of the County, and third-party costs incurred by the County. This includes, but is not limited to, the direct or indirect costs associated with the hearing, permitting, operations, inspections, decommissioning, litigation, disputes, and/ or negotiations.

Section 7. Hearing Facilitator

The County may engage the services of a hearing facilitator. The hearing facilitator shall be an independent contractor who shall conduct a hearing in accordance with all applicable rules of the board and the county but has no adjudicatory responsibility other than ruling on requests for continuances, procedural matters, admissibility of evidence and the propriety of any arguments.

The hearing facilitator shall be an attorney, licensed to practice in the State of Illinois. The Applicant shall reimburse the county for the fees and costs charged by the facilitator.

Section 8. Wind and Solar Committee.

The committee shall be appointed by the County Board Chair and shall consist of the representative of the

- A. Vermilion County Highway Engineer
- B. Vermilion County Health Department
- C. Vermilion County Emergency Management Director
- D. Such at-large community representatives or County employees as may be required and as may be appointed by the County Board Chair

The committee chair shall organize the times and meeting places of the committee. The chair shall be named by the County Board Chair from such representatives as may be appointed, and may be removed from the Chairpersonship at the discretion of the County Board Chair. All meetings shall be open to the public and shall be held at a public place with notice as required under the Open Meetings Act. In the absence or unavailability of the committee Chair, the County Board Chair may call a meeting of the committee for any purpose.

The committee shall be limited to the review of permit applications and matters under the governance of this ordinance.

The decision to grant or deny a permit application is within the sole discretion of the County Board.

Section 9. Severability.

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 10. Effective Date.

This ordinance is effective upon passage by the Vermilion County Board