



# VILLAGE OF RIVER FOREST REGULAR VILLAGE BOARD MEETING

Monday, December 9, 2019 – 7:00 PM  
Village Hall – 400 Park Avenue – River Forest, IL 60305  
Community Room

## AGENDA

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Citizen Comments
4. Elected Official Comments & Announcements
5. Consent Agenda
  - a. Village Board Meeting Minutes – November 25, 2019
  - b. 2020 Public Notice of Meeting Schedule
  - c. Waiver of Formal Bids (due to Sole Source Professional Services) and Award of Contract to R1 RCM, Inc. for Consulting Services to Enroll in Ground Emergency Medical Transport Program in a Not-to-Exceed Amount of the greater of \$12,000 or 12% of the HFS Reimbursement Amount
  - d. Monthly Department Reports
  - e. Performance Measurement Report
  - f. Accounts Payable – November 2019 – \$2,550,076.08
  - g. Village Administrator's Report
6. Consent Items for Separate Consideration
  - a. Accounts Payable from the Economic Development Fund (\$5,570.92), Madison Street TIF Fund (\$7,399.88), and North Avenue TIF Fund (\$939.50) (*Trustee Vazquez Common Law Conflict of Interest*)
  - b. Accounts Payable from the General Fund to McDonald's-Karavites for \$60.63 (*Trustee O'Connell Common Law Conflict of Interest*)
7. Recommendations of Boards, Commissions and Committees
  - a. Traffic Safety Commission – Update on Procedures for Resident Initiated Requests
  - b. Zoning Board of Appeals – Text Amendments to Zoning Ordinance Regarding Cannabis Business Establishments – Ordinance
8. Unfinished Business
  - a. Discussion: Next Steps on Wildlife Management Program
9. New Business
  - a. Amendment of the Village Code Regarding the Regulation of Cannabis (Non-Land Use) – Ordinance
  - b. An Ordinance Providing for the Issue of Not-to-Exceed \$525,000 General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois, for the Purpose of Paying for Public Infrastructure Projects within the Village, Providing for the Levy of a Direct Annual Tax to Pay the Principal of and Interest on said Bonds – Ordinance
  - c. Proposal to Create Special Service Area 11 (*Chicago & Harlem Senior Care Community*) – Ordinance
  - d. Discussion and Referral of Zoning Ordinance Text Amendments Related to Defining Beauty Shops and Allowing Permanent Cosmetics, Microblading, Micropigmentation and Similar Care Services as an Accessory Use to Beauty Shops
10. Executive Session
11. Adjournment

**VILLAGE OF RIVER FOREST  
REGULAR VILLAGE BOARD OF TRUSTEES MINUTES  
Monday, November 25, 2019**

A regular meeting of the Village of River Forest Board of Trustees was held on Monday, November 25, 2019 at 7:00 p.m. in the Community Room of Village Hall, 400 Park Avenue – River Forest, IL.

**1. CALL TO ORDER/ROLL CALL**

The meeting was called to order at 7:00 p.m. Upon roll call, the following persons were:

Present: President Adduci, Trustees Bachner, Brennan, Cargie, Henek, O’Connell, Vazquez

Absent: None

Also Present: Village Clerk Kathleen Brand-White, Village Administrator Eric Palm, Assistant Village Administrator Lisa Scheiner, Assistant to the Village Administrator Jonathan Pape, Management Analyst Sara Phyfer, Police Chief James O’Shea, Fire Chief Kurt Bohlmann, Finance Director Rosemary McAdams, Public Works Director John Anderson, Village Attorney Greg Smith

**2. PLEDGE OF ALLEGIANCE**

President Adduci led the pledge of allegiance.

**3. CITIZEN COMMENTS**

Marta Kozbur, 1235 Monroe. Ms. Kozbur stated that she had never heard deer referred to as a problem in the 47 years that she has lived in the Village. She stated she was respectfully asking to postpone culling the deer. She asked that the Village get a fair and accurate account of what all the residents think with proper surveys and data. She inquired about alternatives to shooting the deer and stated this decision excluded the voices of many residents. In referencing the June 24 meeting, Ms. Kozbur stated she did not think she needed to attend because she did not have any issues with deer. She reiterated her request to postpone this decision until more research was done.

John Roeger, 7837 Greenfield. Mr. Roeger stated he sees this issue very clearly as related to infectious diseases caused by deer ticks. He spoke about the diseases and explained a tick’s life cycle. He noted that growing up as a Scout and going camping, you learned the importance of avoiding tick bites. He stated that children are playing in yards where deer go and that this is where they can pick up ticks. He shared that his daughter has Lyme disease and that several families in the Village have come to him to say their children have the same symptoms. He stated it is time to get rid of the deer.

Annie Wallis, 846 Monroe. Ms. Wallis called the Village a unique environment and stated that she treasures being this close to woods. She stated she did not think deer were a nuisance

and that she is shocked the Village is so far down the path in choosing a solution. She questioned what other solutions might be applied and stated they should be supported by data collected over time. She noted she appreciated there are serious concerns but asserted that this solution is not born out of data or surveys. She expressed concern about the cost of the contract. She stated this decision is anathema to what she thought she was moving to in coming to the Village.

Mary Vanker, 1234 Monroe. Ms. Vanker stated she has conducted research since learning in August of the discussion to cull deer. She stated she reached out to Village Administrator Palm and watched the video from the June 24 meeting. She questioned whether health and safety were supported as reasons for this decision and stated that there are no instances of chronic wasting disease in Cook County and that it is not known how or where residents contracted Lyme disease. She encouraged the Village to conduct a survey of residents to determine the risk of Lyme disease and stated pets are an early indicator for its risk to humans of contraction. Ms. Vanker asserted that there is not an adequate basis to conclude the Village needs to cull deer. She stated the Forest Preserve does not have data to support this decision and reiterated her request to conduct resident surveys to assess community attitudes. She asked that the Board defer any decision to cull deer at this time.

Gerri Humbert, 1319 Park. Ms. Humbert spoke about deer-car collisions and stated Division and Thatcher is a very busy and dangerous intersection. She stated the absence of stop signs and traffic signals causes cars to drive faster and creates a hotspot for collisions, noting that this is complicated and requires more study. Ms. Humbert also cautioned the use of taxpayer funds and inquired about cheaper options. She stated that fiscal stewardship of tax dollars is warranted and further stated there is no justification for this spending. She asserted that there is no evidence that deer culling will reduce collisions and suggested instead that the Village take extra measures to enforce driver caution. She reiterated that the Village needs data to justify this decision.

Keary Cragan, 914 Bonnie Brae. Ms. Cragan shared that she is an avid gardener and that deer eat her plants. She stated her solution is to get a mesh fence around her garden. She stated the Village has no data on deer population or migration and asserted there are false claims in the deer FAQ related to flooding. She commented that when it is too wet to move through the forest, the deer move into the residential areas. She expressed incredulity that the Village would spend money on this IGA rather than items listed in the Comprehensive Plan.

Leslie Zimmerman, 906 Keystone. Ms. Zimmerman stated she selected her home because of its proximity to the Forest Preserve. She shared that she is a gardener and that in her 30 years of living in her home, her dogs have come in with ticks one or two times. She stated the Village can control deer with other measures. She recounted when a fawn was born in her backyard and another time when a deer was impaled on her fence. She stated there are a lot of nuisances but that she chose to live here because of the environment with its proximity to schools, Chicago, and the airport.

Askold Kozbur, 1235 Monroe. Mr. Kozbur expressed his concern about the possible shooting of deer. He stated he was bringing to the Board's attention alternatives to manage and coexist

with deer. He presented a plan from the Humane Society, which provides alternatives to killing deer. He asserted that culling is a last resort for a sick herd, which has not been demonstrated. He stated these alternatives are significantly less expensive, risky, and controversial. He suggested putting together a community task force committee to put together a plan of controlling and coexisting with deer. He asserted that unless deer are completely eliminated, they will keep coming back. Mr. Kozbur contemplated what other Village issues could use this money instead. He requested that the Village gather and review sufficient data to develop a logical plan, stating that anecdotal evidence should not be used in decision-making.

Mary Shoemaker, 633 Keystone. Ms. Shoemaker stated there are times when she has had over a dozen deer in her backyard and emphasized that it is a problem. She stated she did not know what the answer is but that the Village has to do something. She clarified that she is not saying no deer but that the number of deer has increased so greatly that she does not like going in her backyard in the evening. Ms. Shoemaker stated she loves the openness of River Forest and that she does not want to put up a fence. She asked that the Board take public safety and health into consideration, highlighting the concerns of the resident whose child has Lyme disease.

Dave Franek, 633 Keystone. Mr. Franek stated he has noticed the deer problems getting worse. He stated deer are supposed to be nocturnal, but he sees them in the middle of the afternoon. He stressed that there is an overpopulation of deer and noted he has not seen any correlation with the presence of deer and flooding. He asserted the population has exceeded its resources, so the deer are going where they should not be. He stated he has talked to numerous nurseries and that deer will eat anything if they are hungry. He emphasized consideration of public health and safety concerns. Mr. Franek further stated the deer problem has only gotten worse and will only get worse.

Jim Weiss, 1210 Franklin. Mr. Weiss stated his family loves deer and that deer are part of the special character of the Village. He requested the Village assess data behind what the problems are and consider whether Villagers view them as problems. He stated that questions such as whether the population has increased or if this is related to flooding need to be answered before entering into an IGA.

Jacqueline Stamm, 414 Edgewood. Ms. Stamm stated she is appalled by this and that she is against culling of any sort. She echoed others' comments about the beauty of River Forest, stating that it breaks her heart to hear the Village may be killing any deer. She stated deer are not the only tick host. Ms. Stamm requested that the Village find data that supports this decision before doing anything.

Gigi Hoke, 1037 Forest. Ms. Hoke stated she watched the video from the June 24 meeting and that she is in favor of culling the deer. She stated she thought there were some valid concerns about how it would be done but that the bottom line is the deer are overpopulated. She stated there are more deer now than 20 years ago and echoed John Roeger's statements regarding Lyme disease. She shared that she has two children who have been diagnosed with Lyme disease as well. She stated they do not hike or camp, nor have they vacationed in places

known to have Lyme disease. She explained research she has conducted that shows the disease has spread and that western suburbs are a hotspot. Ms. Hoke recounted the financial and emotional impact Lyme disease has had on her family, and she asserted the only explanation is that her children contracted the disease either in their yard or at soccer practice in Thatcher Woods. She stated they can debate how it is transmitted but that deer are the biggest animals, which means they carry more ticks. She implored that the Village do everything it can to prevent an outbreak, noting that treatments and symptoms are lifelong. She suggested the Village survey the residents about exposure to Lyme disease. Ms. Hoke stated that ultimately the Village should thin the deer population.

Ryan Tetrick, 562 Keystone. Mr. Tetrick shared his experience looking for a home when moving from Chicago and stated there was a deer in the backyard when viewing the house he ultimately purchased. He stated what sets River Forest apart is being on the doorstep of Chicago and nature. He stated he is excited to bring deer into his backyard and that he felt this decision would be destroying and degrading what makes River Forest a unique place to live.

David Raino-Ogden, 559 Edgewood. Mr. Raino-Ogden stated he is not sure if he is for or against culling but that he too has seen an increased presence of deer. He shared research he found showing that five acres of healthy forest are needed to support one healthy deer, but that one acre of gardens can support 10-20 deer. He stated this mismatch of a limited amount of forest and abundance of gardens, coupled with there being no natural predator for deer, will come to a head at some point. He recalled when Yellowstone Park eliminated the wolf population and how it destroyed the ecosystem. He emphasized that without a natural predator for deer, the Village will have to do something at some point.

#### **4. ELECTED OFFICIAL COMMENTS & ANNOUNCEMENTS**

Trustee Bachner read a statement to acknowledge that this land was once inhabited by indigenous people and stated that River Forest continues to be a place that people from diverse backgrounds live and gather. She wished everyone a Happy Thanksgiving. Trustee Bachner also gave an update on the Village's Census preparations, noting that Census workers are needed to help connect with underrepresented groups.

Trustee Cargie wished everyone a Happy Thanksgiving.

Trustee Vazquez reported that the River Forest Dementia-Friendly group met earlier in the day and that they are continuing to work on meeting with local businesses about this initiative. He noted that Lake Theater will be sponsoring a free screening of *It's a Wonderful Life* for seniors on December 18 at 1PM and again at 7PM. He stated that the Oak Park Memory Café is growing. Additionally, he noted that the Village has received official notification of its acceptance into the AARP Network of Age-Friendly Communities.

Trustee Brennan reported that the Great Pumpkin Smash had 512 pumpkins or 4,860lbs. She noted that pumpkins produce methane, and this event helps to divert that from landfills.

Additionally, she stated the importance of keeping pumpkins out of the streets because leaf collection is paid by weight. She stated this translates into \$125 of savings for the Village.

Trustee Henek congratulated the OPRF High School students who achieved perfect scores on the ACT. She announced that she is the coordinator for a holiday gift and food basket program and stated they need volunteers, especially drivers, on December 14 at the United Lutheran Church. She wished everyone a Happy Thanksgiving, safe travels, and encouraged everyone to shop local this holiday season.

Trustee O'Connell thanked the Board for allowing him to participate via telephone for the past few meetings. He praised Public Works for doing a great job with the weather's sudden turn. He also wished everyone a Happy Thanksgiving and safe travels.

President Adduci noted that the Census helps bring dollars to the community. She stated she is on the CommunityWorks Advisory Board and is the chair of the Leadership Lab subcommittee and reported she attended a recent meeting. She described the training program as being for community leaders to connect to local issues and noted that Trustees Henek and Vazquez are past participants. President Adduci stated she also attended the OPRF Historical Museum gala last week.

**5. PUBLIC HEARING PURSUANT TO THE REQUIREMENTS OF SECTIONS 10 AND 20 OF THE BOND ISSUANCE NOTIFICATION ACT (BINA) OF THE STATE OF ILLINOIS, AS AMENDED ON THE PLANS TO ISSUE GENERAL OBLIGATION LIMITED TAX BONDS IN THE AMOUNT NOT TO EXCEED \$525,000**

President Adduci called the public hearing to order.

Administrator Palm explained the purpose of the public hearing, stating it is part of the Village's debt service extension base. He further explained that as a non-home rule community, the State allow the Village to issue limited bonds for purposes as it sees fit. The alternative, he explained, is to go out for referendum. He noted that the Village will use these funds for infrastructure projects such as street resurfacing.

There were no comments from the public during the public hearing, and Administrator Palm stated the Village did not receive any written comments on this matter.

Trustee O'Connell made a motion, seconded by Trustee Bachner, to close the public hearing.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O'Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

**6. CONSENT AGENDA**

- a. Special Village Board Meeting Minutes – November 12, 2019
- b. Waiver of Formal Bids (Due to an Intergovernmental Agreement) and Approval of a Supplemental Statement of Work with Municipal GIS Partners for \$41,901.00
- c. Waiver of Formal Bids (Due to State Bid Pricing) and Award of Contract to CDS Office Technologies for Computer Equipment Replacement for an amount not-to-exceed \$104,992
- d. Waiver of Formal Bids and Award of Purchase through the Suburban Purchasing Cooperative a 2020 Ford Utility Police Interceptor AWD Vehicle from Currie Motors for \$38,500.00
- e. Change Order #1 (Final) for the 2019 Street Patching Project for \$12,185.00 – Resolution
- f. Change Order #1 (Final) for Thomas Street Alley Reconstruction for \$12,617.27 – Resolution
- g. Appointment of Victor Puscas, Jr. as a Back-up Administrative Hearing Officer
- h. Monthly Financial Report – October 2019
- i. Accounts Payable – October 2019 – \$1,914,658.31
- j. Village Administrator’s Report

Trustee Brennan made a motion, seconded by Trustee Vazquez to approve the Consent Agenda items A, B, D- F, and H-I.

In response to questions from Trustee Cargie about items E and F, Director Anderson stated different materials were needed in order to complete some areas of street patching, and that the deteriorating manhole that was reconstructed was not identified until digging began.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O’Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

Trustee Vazquez made a motion, seconded by Trustee Henek, to approve Consent Agenda item C.

In response to a question from Trustee Cargie about bidding, Administrator Palm and Assistant to the Administrator Pape explained State bid pricing was offered and they were unable to locate other vendors who provided all the parts needed.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O’Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

Trustee Brennan made a motion, seconded by Trustee O’Connell, to approve Consent Agenda item G.

In response to a question from Trustee Bachner about having more information about this appointment, President Adduci stated the purpose of the appointment is to allow for administrative hearings to continue in December because Judge Gulbrandsen is unavailable that date. She further noted this is a Village President appointment, and that in the future there will be a discussion to converting the position to a four-year appointment. Administrator Palm noted that there currently is no back-up official and without this appointment, the December docket would be pushed to a later date.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O'Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

## 7. CONSENT AGENDA ITEMS FOR SEPARATE CONSIDERATION

- a. Accounts Payable from the Economic Development Fund (\$11,141.28), Madison Street TIF Fund (\$1,636.76), and North Avenue TIF Fund (\$325.00) (*Trustee Vazquez Common Law Conflict of Interest*)

Trustee Cargie made a motion, seconded by Trustee Henek, to approve Accounts Payable from the Economic Development Fund (\$11,141.28), Madison Street TIF Fund (\$1,636.76), and North Avenue TIF Fund (\$325.00).

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O'Connell

Absent: None

Nays: None

Abstain: Trustee Vazquez

Motion Passes.

- b. Accounts Payable from the General Fund to McDonald's-Karavites for \$83.69 (*Trustee O'Connell Common Law Conflict of Interest*)

Trustee Cargie made a motion, seconded by Trustee Vazquez, to approve Accounts Payable from the General Fund to McDonald's-Karavites for \$83.69.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, Vazquez

Absent: None

Nays: None

Abstain: Trustee O'Connell

Motion Passes.

## 8. RECOMMENDATIONS OF BOARDS, COMMISSIONS AND COMMITTEES

a. Zoning Board of Appeals – Request for Floor Area Ratio and Building Height Variations at 535 Monroe Avenue – Ordinance

Trustee Vazquez made a motion, seconded by Trustee Henek, to approve an Ordinance granting the requested variations to Sections 10-9-5 and 10-9-6 of the Zoning Ordinance at 535 Monroe.

In response to a question from Trustee Cargie about when the plans were drawn, Michelle Elfvin, petitioner, stated that the current plans were drawn in September when they discovered the roof was buckling during construction. She stated the height of the structure is under the 35' limit. In response to follow up questions, she stated neither their contractor nor the architect mentioned anything about floor area ratio, and that there was no ill intent to use unapproved plans and they were trying to ensure the home was structurally sound.

Trustee O'Connell commented that a big step in the process was missed, and that the plans should have been resubmitted for review.

Trustee Cargie stated his concern is with the professionals – the contractor who showed unapproved plans to the inspector and the architect who did not resubmit the plans. He stated that the problem with granting the variation is that it could convert the process into one that seeks forgiveness rather than permission. He expressed concern about having to assess the credibility of applicants.

Ms. Elfvin stated she is upset with what has happened and thought the architect spoke only for himself and not her family at the Zoning Board of Appeals hearing, which is why she did not invite him to this meeting.

Trustee Henek commented that she attended the ZBA hearing and her understanding was that the architect said he drew up new plans to match the roof's construction, and that separate conversations between the husband and contractor resulted in the heightened knee-walls.

In response to a question from Trustee Henek, Assistant Administrator Scheiner stated the Village stamps "approved" on every page of the plans to avoid issues where unapproved plans are mixed in with a cover page that is stamped approved. She noted that in conversations with the inspector (inspections are outsourced to B&F Construction Code Services), he was unable to confirm whether every page was stamped approved. However, she stated that the set he was presented with matched what was built. Assistant Administrator Scheiner also stated that the timeframe between the inspections and catching the non-conforming construction was approximately two weeks.

In response to a question from Administrator Palm about whether her general contractor was local, Ms. Elfvin stated she could not remember his name but that he lived approximately an hour away. Administrator Palm stated the trades, but not the general contractor, are required to be licensed with the Village.

Ms. Elfvín expressed frustration that since the inspections passed, they continued construction. She reiterated that they are not trying to get away with anything.

Trustees O'Connell and Cargie reiterated their concerns with the new plans not being submitted for review and that the inspector was not presented with approved plans.

President Adduci stated the Board is sympathetic to the family but that the struggle for the Board is whether or not to set a new precedent. She noted the Village has not in the past approved a third-story nor FAR over 40%.

Trustee Brennan stated she generally prefers to rely on the ZBA's expertise but that she is uncomfortable with setting this precedent.

Trustee Cargie stated the hardship as it relates to variations is something about the land that makes it unbuildable (to Zoning Code regulations), not mistakes that are made. He stated he is sympathetic but that the petitioners' recourse is with the professionals that were hired.

In response to Ms. Elfvín's comments that they would not have done the work if the inspector had said the plans were not approved, Village Attorney Smith stated that does not agree with the sworn testimony from the ZBA hearing, which was that the inspector was presented with supposedly official plans. He further stated the idea that the inspector did something wrong is not supported by the sworn testimony.

Trustee Bachner stated she agreed with the other trustees' sentiments.

There was a discussion about the difference between the architect's stamp and the Village's "approved plan set" stamp. Assistant Administrator Scheiner explained that the inspector verifies the construction is built to building code, which is separate from the Zoning Code, and that what has been built does not comply with the Village's Zoning Code. She further stated that the scope of the original permit did not include reconstructing the roof.

Bayard Elfvín, petitioner, stated their intent was to build an aesthetically pleasing and structurally sound home. He noted that their neighbors are in support of the project, and they requested the Board consider the impact of this decision on their family.

Trustee O'Connell reiterated the Board's sympathy for the situation but stated their decision is about the bigger picture.

Trustee Henek stated she struggled with this vote and is voting in the affirmative in deference to the ZBA's vote, though she noted her concern about setting precedent. She suggested looking into how to avoid situations like this in the future.

Trustee Cargie echoed that he struggled with this vote and reiterated his concern about shifting how variation standards are met. He stated the homeowners' recourse is with the professionals who did the work.

Roll call:

Ayes: Trustee Henek

Absent: None

Nays: Trustees Bachner, Brennan, Cargie, O'Connell, Vazquez

Motion fails.

## 9. UNFINISHED BUSINESS

- a. An Ordinance Levying Taxes for Corporate Purposes for the Current Fiscal Year Commencing May 1, 2019 and ending on April 30, 2020 for the Village of River Forest - \$8,135,161 – Ordinance

Trustee Bachner made a motion, seconded by Trustee Brennan, to approve an Ordinance Levying Taxes for Corporate Purposes for the Current Fiscal Year Commencing May 1, 2019 and ending on April 30, 2020 for the Village of River Forest - \$8,135,161.

Administrator Palm stated no changes had been made since the levy was presented to the Board at a previous meeting.

In response to a question from Trustee Cargie, Administrator Palm affirmed that the County would reduce the levy if the actual amount of new construction was lower than estimated.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O'Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

## 10. NEW BUSINESS

- a. Intergovernmental Agreement with the Forest Preserve District of Cook County Regarding a Wildlife Management Program

Trustee O'Connell made a motion, seconded by Trustee Cargie, to approve an Intergovernmental Agreement with the Forest Preserve District of Cook County Regarding a Wildlife Management Program.

President Adduci stated it is important to synthesize how the Village got to this point and the work Staff has done regarding this issue. She noted surveys were discussed but perhaps misunderstood or not explained right. She asked Administrator Palm and Assistant to the Administrator Pape to summarize these points.

Administrator Palm stated this originated with outreach from residents who had expressed concerns about deer and asked that the Village to look into it. He stated that nowhere within Village limits would they be able to enter into their own program and noted other

municipalities may utilize a municipal golf course for this purpose. He advised that anything that would take place would be on Forest Preserve property. Administrator Palm explained their survey is an evaluation of the natural ecological landscape of the land. The Forest Preserve's team of wildlife staff, he explained, survey the Forest Preserve and determine based on what they are seeing if a deer management program would be possible. He reported that the Forest Preserve then indicated to Staff that they would support a program because of the imbalance in the current environment between the amount of deer and what their property can sustain. He clarified that that is what they look at to determine whether to move forward with an application to the Illinois Department of Natural Resources. Administrator Palm stated the Forest Preserve looks at the impact to their property and the Village looks at public health and safety. Regarding concerns about traffic incidents, he stated the Village will continue to evolve in its reporting of these incidents and how to memorialize the data, noting that there were two deer-car collisions last Thursday.

Assistant to the Administrator Pape further clarified that with regard to traffic incidents, the data only represents cases in which a report is filed as those are the only ones that are 100% certain. He explained that, for example, Staff only learned of the second deer-car collision on Thursday because officers were called to the scene of the first. Since the officers did not have a driver to confirm the cause of the accident, he stated they were not able to generate an IDOT report and this second incident was not included in the data. He further explained that Staff is developing a new code to include in the CAD system for better accounting of all instances. Mr. Pape advised that regarding the confusion of the word survey, it has meant both of residents' attitudes but is now also being used to describe an evaluation of land. He explained that when a municipality is applying for an IDOT permit, surveys of residents are required as part of that process. However, he explained, with the Forest Preserve as the applicant (since this program would have to take place on their property rather than the Village's), the survey is of the impact to the land. Additionally, Mr. Pape clarified that the IDNR recommendation for fencing is 8ft tall and 2ft deep, with 8ft being tall enough to prevent deer from jumping and being impaled and 2ft being deep enough to prevent them from digging under.

Trustee Brennan thanked the residents for attending the meeting and noted she has read and heard about other communities being torn on this issue. She stated they do not want to create animosity and suggested gathering more information and surveying residents. She noted she has not seen the Forest Preserve's survey. She also suggested creating a community task force with people from both sides of the issue, and she echoed the call for more data.

President Adduci stated she thought there may be some misinformation and affirmed they would not make a decision without data. She stated that as volunteers and residents, the Board's intent is not to make life miserable and expressed confidence they would be able to get through this discussion.

Administrator Palm stated the Forest Preserve survey was relayed verbally and that he does not have a copy of it. He stated that based on what they have reported to Staff and their level

of expertise in managing the Forest Preserve, they believe there is enough data to get the permit from the IDNR.

In response to questions from Trustee Cargie, Mr. Pape confirmed the data is specific to the three Forest Preserve properties within the Village, and the level of damage suggests to them that there is an overpopulation of deer.

In response to a question from Trustee Vazquez, Mr. Pape confirmed culling is the method to resolve overpopulation to a state that the area can handle.

In response to a question from Trustee Brennan about why River Forest has not had a program to date, President Adduci stated the growth has heightened and that because the Village continued to ask of this from the Forest Preserve, they began to look into the issue.

Mr. Pape added that the County's budgetary constraints related to culling are due in part to focusing their culling programs on protecting land they have already invested in rehabilitating, such as those destroyed by fires. He affirmed that they would have other contributions to a culling program like working with the contractors and the IDNR.

In response to a question from Trustee Cargie about how many deer would be culled, Administrator Palm stated the goal of the agreement is not to eliminate deer entirely but to strike an ecological balance of the population. He further stated the goal includes reducing, though not eliminating, instances of Lyme disease and traffic crashes.

Trustee Cargie asked that everyone communicate in a way without being disagreeable.

Trustee Henek reviewed the history and her understanding of the issue this year and shared that she saw an incredible amount of deer activity on her block on Bonnie Brae. She expressed concern with the data collected and the lack of measurable benchmarks. She stated if the Village is going to be paying for this program, they have to recognize and know it will actually help the community. She further stated she did not feel specific objectives and quantifiable goals justifying this program have been provided. She expressed that she thought this conversation would happen sooner in terms of getting resident feedback though appreciates things going on with the other agencies meant that did not happen. She reiterated the need for more data points and benchmarks in order to get the best results for everybody. Trustee Henek echoed Trustee Brennan's suggestion about a task force to evaluate if it is working in the community, noting that the Village has to be thoughtful and mindful in considering this program.

Trustee O'Connell stated it was important to note that they would not be wiping out the deer population but would hopefully figure out what the right level is. He applauded Mr. Pape for his efforts here, noting that he is not an expert. He stated the Forest Preserve completed their survey and concluded there is a problem, and he stated there is not enough food in the Forest Preserve for deer to sustain themselves. He emphasized the Village has an obligation to public safety, health, and the wellbeing of the community. Trustee O'Connell also expressed concern that deer may wander to Harlem Avenue. He further commented that it is

unconscionable the Village would not do something to address the children who have contracted Lyme disease.

Trustee Brennan reiterated that she would like to see the Forest Preserve's survey. She stated the residents' gardens offer more enticing food to the deer than what is available in the Forest Preserve, suggesting plantings should be something they do not like. She stated she cannot explain why she sees deer on her block now, which is why she would like to have more information.

President Adduci stated the IDNR and Forest Preserve have provided information on why culling is appropriate.

Administrator Palm stated that, to the best of his knowledge, deer are leaving the Forest Preserve to look for food.

Trustee Vazquez commented that flooding and nothing for the deer to eat or not as much could be motivating the deer to leave the Forest Preserve.

Trustee Bachner stated she would like to have more than verbal information from the other agencies related to negative impacts to the area, noting that the community would be more behind a culling program if there was more information to point them to.

President Adduci asked what information was not provided or what questions were not asked that would give the Trustees the information they are looking for.

Trustee Cargie stated he agreed with Trustee Henek regarding objective metrics and how the Village would know it has achieved success. He stated he would like to see something from an expert about the probability of success.

President Adduci stated a lot of this work is fleshed out in the agreement. She stated measurable outcomes include a reduction of car accidents and incidents of Lyme disease. She further stated the IDNR affirms the deer population is up and the Village knows deer-car collisions are up. President Adduci stated there could be room for more organization but requested the Board gives Staff clear direction on what they are looking for.

Trustee Henek suggested she would like to see a copy of the Forest Preserve's IDNR permit application.

In response to a question from President Adduci, Administrator Palm stated they are relying on verbal information that has been shared by the Forest Preserve, noting he understands they are looking for more data points but expressed concern the Forest Preserve's survey and application may not answer their questions and that Staff might not meet their expectations without clear direction.

The Board continued to discuss gathering more data with quantifiable measures and creating a resident-led committee on the issue, including potentially hiring a consultant to

manage the process. They also discussed trying other options first before entering into a wildlife management program.

President Adduci stated the consensus of the Board is to pause and reflect. She indicated she will bring this item back to discussion at a later date to give direction to Staff regarding creating a task force and identifying its goals and objectives, along with its cost.

Trustees O'Connell and Cargie withdrew their motion and second, respectively.

b. Discussion on Park District Request for Funding Regarding Priory Park Paving Project

Administrator Palm reviewed the Park District's request, stating that their approved permit is for asphalt repaving. He stated he met with the Park Board to discuss more permeable solutions to encourage them to keep as much stormwater as possible out of the sewer system. The Park Board requested that the Village provide money to help with the increased cost of such a project. Administrator Palm stated the Village has not done subsidized projects like this for anyone else and is not in a position to start doing so.

Trustee Brennan stated it is a great idea to use permeable pavers, and that although they cost more initially, they will save money in the long-run because they last longer.

Trustee Cargie commented that the levy is to provide services and it would be a bad precedent to do that for another taxing body.

In response to a question from Trustee Bachner, Administrator Palm stated the Village can help them find grants or other resources but that the Park Board's request was for funding from the Village.

The Village Board reached a consensus to deny this request.

c. Discussion on Board Packet Procedures

Trustee Brennan stated it is challenging to receive meeting packets on Fridays and have enough time to get through the packet, do additional research, and make calls. She commented that the Sustainability Commission's packet is sent out Thursdays for Tuesday meetings, and that Oak Park makes the agenda available early.

Trustee Henek concurred and stated it is a combination of having an idea of what is on the agenda and planning accordingly. She stated she can research ahead of time if she knows what is going to be on the agenda and can manage time better around the topics. She shared that residents have also said this. However, she expressed this is with the understanding that things are fluid and some items are time-sensitive.

Administrator Palm stated that most of what the Board discusses and votes on is fairly routine, and that Staff endeavors to make sure the bigger items are on the Board's radar ahead

of time. He noted the challenge with getting the packet out a week in advance.

President Adduci stated the packets are doable over the weekend and bigger items are typically discussed prior to the meetings. She expressed concern about unintended consequences related to an earlier timeframe, particularly in a case when an item could be delayed during the months when the Board only meets once. She also noted her concern about expectations because items coming on and off draft agendas.

In response to a question from Trustee Cargie about the Open Meeting Act, Village Attorney Smith stated nothing can be added with 48 hours of the meeting but items may be removed.

Trustees Cargie and Vazquez expressed concern about the impact to Staff.

The Board discussed whether moving the packet to the Thursday prior would mean items that come in Friday would be delayed. Administrator Palm provided the example of Right-of-Way Encroachment Waivers being delayed a month due to the Board meeting only once per month in the summer, and Trustee Cargie proposed delegating this authority to Staff.

Administrator Palm suggested moving to Thursday would be a good start and asked that the Board give him flexibility moving forward. The Board reached a consensus to accept his suggestion.

## **11. EXECUTIVE SESSION**

None.

## **12. ADJOURNMENT**

Trustee Cargie made a motion, seconded by Trustee Brennan, to adjourn the regular Village Board of Trustees Meeting at 11:00 p.m.

Roll call:

Ayes: Trustees Bachner, Brennan, Cargie, Henek, O'Connell, Vazquez

Absent: None

Nays: None

Motion Passes.

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Kathleen Brand-White, Village Clerk



2020

**VILLAGE OF RIVER FOREST PUBLIC NOTICE OF MEETINGS**

Name of Board, Committee or Commission	Day of Month	Time
<b>VILLAGE BOARD REGULAR MEETING</b> <i>except as listed below:</i>	<b>2<sup>nd</sup> Monday &amp; 4<sup>th</sup> Monday</b>	7:00 p.m.
<i>Monday, May 25 (Memorial Day)      Rescheduled to      Tuesday, May 26</i>		
Name of Board, Committee or Commission	Day of Month	Time
<b>VILLAGE BOARD COMMITTEE-OF-THE-WHOLE</b> <i>except as listed below:</i>	3 <sup>rd</sup> Monday ( <i>as needed</i> )	7:00 p.m.
<i>Monday, January 20 – rescheduled to January 27</i>	( <i>MLK Day</i> )	6:00 p.m.
<i>Monday, February 17 – cancelled</i>	( <i>Presidents Day</i> )	
<b>DEVELOPMENT REVIEW BOARD</b>	1 <sup>st</sup> & 3 <sup>rd</sup> Thursday	7:30 p.m.
<b>TRAFFIC &amp; SAFETY COMMISSION</b>	3 <sup>rd</sup> Wednesday of Jan., March, May, July, Sept., and Nov.	7:30 p.m.
<b>BOARD OF FIRE AND POLICE COMMISSIONERS</b>	4 <sup>th</sup> Wednesday	6:00 p.m.
<b>PLAN COMMISSION</b>	3 <sup>rd</sup> Tuesday	7:00 p.m.
<b>ZONING BOARD OF APPEALS</b>	2 <sup>nd</sup> Thursday	7:30 p.m.
<b>HISTORIC PRESERVATION COMMISSION</b>	4 <sup>th</sup> Thursday	7:00 p.m.
<b>SUSTAINABILITY COMMISSION</b>	2 <sup>nd</sup> Tuesday	7:00 p.m.
<b>POLICE PENSION BOARD</b>	4 <sup>th</sup> Thursday of Jan., April, July & Oct.	3:30 p.m.
<b>FIRE PENSION BOARD</b>	4 <sup>th</sup> Thursday of Jan., April, July & Oct.	2:00 p.m.
<b>BOARD OF LOCAL IMPROVEMENTS</b>	On Call	
<b>LOCAL ETHICS COMMISSION</b>	On Call	
<b>ECONOMIC DEVELOPMENT COMMISSION</b>	2 <sup>nd</sup> Friday	7:30 a.m.

**VILLAGE HALL ADMINISTRATIVE OFFICES ARE CLOSED ON THE FOLLOWING HOLIDAYS:**

NEW YEAR’S DAY (1/1/20), MARTIN LUTHER KING JR. DAY (1/20/20), PRESIDENTS DAY (2/17/20), MEMORIAL DAY (5/25/20), DAY BEFORE INDEPENDENCE DAY (7/3/20), LABOR DAY (9/7/20), THANKSGIVING DAY (11/26/20), DAY AFTER THANKSGIVING (11/27/20), CHRISTMAS EVE (12/24/20), CHRISTMAS DAY (12/25/20)

*All Meetings are held in the Community Room of the Municipal Center unless otherwise posted. Meeting dates and times may be subject to change. Check Village Hall or Village website under “Agendas and Minutes” to confirm meetings.*

*Revised 11/19/19*



## MEMORANDUM

DATE: December 3, 2019

TO: Eric J. Palm  
Village Administrator

FROM: Kurt Bohlmann  
Fire Chief

SUBJECT: Ground Emergency Medical Transport (GEMT)

**Issue:** The Village of River Forest registered to participate in the GEMT program in Illinois. The Village used the services of R1 RCM to complete the registration.

**Analysis:** The Village of River Forest used the services of R1 RCM to complete the registration for the GEMT program in Illinois. The GEMT program is a Medicaid supplement program with the potential to create a significant annual revenue stream for the Village. Due to the short timeframe of the announcement of the GEMT program and the deadline to file, the Village came to an agreement in principle and R1 RCM performed the work. A formal contract has been negotiated by both parties' legal services and is attached. For their work, R1 RCM will be paid \$12,000.00 or 12%, whichever is greater, of the Village's net income from the GEMT program, not to exceed the net income realized by the Village.

**Requested Board Action:** Staff recommends approving the contract for services with R1 RCM.

**Documents Attached:**  
Contract between Village of River Forest and R1 RCM.

## **MASTER SERVICES AGREEMENT**

This Master Services Agreement (this "MSA") is dated December \_\_\_\_, 2019 (the "Effective Date") between the Village of River Forest, an Illinois municipality, on behalf of itself and its affiliates (collectively, "Client"), and R1 RCM Inc., a Delaware corporation, on behalf of itself and its subsidiaries (collectively, "R1").

### **ARTICLE I SERVICES**

1.1 Services. R1 will provide to Client certain services ("Services") described in one or more statements of work separately executed by the parties (each, a "SOW"). The Ground Emergency Medical Transport Reimbursement Program Consulting Services SOW is attached hereto as Exhibit B. Each SOW shall further describe the term, applicable Fees (as defined in Section 5.1), any specific PCG Technology (as defined in Section 2.1) utilized, and any additional terms and conditions. Upon execution, such SOW shall become a part of this MSA. Services shall be performed by R1 in a professional and workmanlike manner.

1.2 Changes to Statements of Work. The parties may modify the Services through an updated SOW reflecting such modifications and any resulting changes in Fees. Such updated SOW shall be executed by the parties and made a part of the MSA.

### **ARTICLE II TECHNOLOGY**

2.1 License. R1, through its consultant, Public Consulting Group ("PCG"), grants Client a limited, revocable, non-exclusive, non-transferable right and license to use any PCG Technology made available as part of the Services solely for Client's internal business purposes. "PCG Technology" means the proprietary software applications, including source code, APIs (application programming interfaces), automated functionality, portals, design, data structures, services, objects and any documentation, reports or other materials or business methods used in providing the Services. PCG Technology also includes updates or changes to the PCG Technology.

### **ARTICLE III PARTIES' OBLIGATIONS**

3.1 Data and Information. Client shall supply R1 with all data and information required by R1 to perform the Services. R1 shall supply Client with all information

required by Client to use the Services and shall obtain all authorizations and other consents required to provide Client with access to the Services. Client acknowledges that R1's performance of the Services depends on Client's timely, accurate and effective performance of all of its responsibilities under this MSA and SOWs, and Client further acknowledges and agrees that its failure to satisfy any such responsibilities may prevent or delay R1's performance of the Services which may result in modifications to a SOW and an adjustment of the Fees. R1 acknowledges that Client's obligation to pay R1 any amount depends on R1's timely, accurate and effective performance of all of its responsibilities under this MSA and SOWs, and R1 further acknowledges and agrees that its failure to satisfy any such responsibilities may prevent or delay Client's obligation to pay any amount.

3.2 Notification of Investigation. Client shall notify R1 in writing within ten (10) days following notice of an investigation by a government agency or contractor, e.g., intermediary or QIO, where the subject of the investigation involves any aspect of the Services. R1 shall notify Client in writing within ten (10) days following notice of an investigation involving any aspect of the Services.

### **ARTICLE IV CONFIDENTIALITY**

4.1 Confidential Information. In connection with this MSA and the SOWs, certain confidential and proprietary information regarding either Client or R1 (such party, as applicable, the "Disclosing Party") may be disclosed to the other party (such party, as applicable, the "Receiving Party"). All information identified by the Disclosing Party as proprietary or confidential, or that is of a nature that it should reasonably be considered as proprietary, trade secret or confidential, including, without limitation, information regarding the business, operations, finances, know-how, research, development, products, algorithms, technology, business plans or models, business processes, techniques, customers, computer systems and programs, intellectual property or strategies of the Disclosing Party shall be considered "Confidential Information," except that any public records

required to be disclosed under the Illinois Freedom of Information Act, 5 ILCS 140/1, *et seq*, as amended, shall not be Confidential Information.

Confidential Information does not include protected health information (“PHI”). The definition, management and protection of PHI is specifically set forth in the BAA, attached as Exhibit A.

Confidential Information shall not include information that the Receiving Party can demonstrate (i) was, at the time of its disclosure, or thereafter becomes, part of the public domain through no fault of the Receiving Party, (ii) was known to the Receiving Party at the time of its disclosure from a source other than the Disclosing Party, (iii) is subsequently obtained from a third party not under a confidentiality obligation to the Disclosing Party, (iv) was independently developed without use of any Confidential Information of the Disclosing Party by employees of the Receiving Party who have had no access to any such Confidential Information, or (v) is required to be disclosed pursuant to law, subpoena, court order, or government authority, provided that the Receiving Party has provided the Disclosing Party with sufficient prior written notice of such requirement, if possible, to enable the Disclosing Party to seek to prevent such disclosure and allows the Disclosing Party to participate in any proceeding requiring such disclosure.

4.2 Nondisclosure. During the Term and for a period of three (3) years thereafter, each party agrees to hold the Confidential Information of the other party in strict confidence, to use such information solely in connection with this MSA, and to make no disclosure of such information except in accordance with the terms of this MSA.

4.3 Permitted Disclosures. A party may disclose Confidential Information only to its personnel, directors, agents, advisors, auditors, attorneys, accountants and subcontractors (collectively, “Representatives”) who have a need to know in connection with the Services. Client shall not disclose any Confidential Information of R1 to any Representative known by Client to be a competitor of R1 at the time of disclosure, except with the prior written consent of R1.

4.4 Return of Confidential Information. Upon expiration or termination of this MSA, each Receiving Party shall, at the Disclosing Party’s option, either return

or destroy all Confidential Information of the other party and all copies thereof and other materials containing such Confidential Information, other than (a) Confidential Information archived in the ordinary course of business on electronic storage systems or media or (b) as required by Applicable Laws (as defined below). Any such retained Confidential Information shall continue to be subject to the terms hereof. The Receiving Party shall confirm in writing its compliance with this Section 4.4.

## **ARTICLE V**

### **FEES**

5.1 Fees; Payment Terms. Client shall pay to R1 the fees set forth in each SOW (the “Fees”). Fees are exclusive of taxes. Except to the extent otherwise agreed in a SOW, payment for Fees shall be due when required under the Illinois Local Government Prompt Payment Act, 50 ILCS 505/1, *et seq*.

5.2 Failure to Pay Timely. If any Fee has not been received by R1 within the time required, then, in addition to all other remedies that may be available:

(a) R1 may charge interest on the past due amount at a rate allowed under the Illinois Local Government Prompt Payment Act, 50 ILCS 505/1, *et seq*;

(b) R1 may suspend performance for all Services until payment has been made in full or terminate this MSA or any SOW.

5.3 Accrued Fees. Termination of this MSA will not excuse any Fees, payments or credits that accrue or become due prior to termination.

5.4 Expenses. Responsibility for expenses shall be set forth in the SOWs. If applicable, expenses will be invoiced quarterly based on actual expenses incurred by R1 personnel, and R1 shall provide evidence of such expenses upon the reasonable request of Client.

## **ARTICLE VI**

### **INTELLECTUAL PROPERTY**

6.1 R1 Intellectual Property. R1 or, as applicable, R1 Service Providers (as defined in Section 7.6 below) shall have and retain sole and exclusive ownership of, and all right, title and interest to their respective copyrights, patents, trade secrets and other intellectual

property rights, in and to methods, processes, techniques, work papers, proprietary information, ideas, trade secrets, strategies, materials, images, prototypes, software, source and object code and related materials (the "Intellectual Property"), including the R1 Technology that are owned or developed by R1 and/or R1 Service Providers which relate to the performance of the Services. Intellectual Property may further include anything which R1 or an R1 Service Provider may discover, create, learn or develop during the provision of Services for Client, whether or not (a) modified or developed at Client's request, (b) modified or developed in cooperation with Client or (c) modified by Client. Client acknowledges that all of the foregoing is R1's Intellectual Property or, as applicable, that of its R1 Service Providers and Client agrees that no work of authorship developed or delivered by R1 or R1 Service Providers is or will be a "work made for hire" as defined by U.S. copyright law. Client has no rights to the Intellectual Property owned and/or developed by R1 or R1 Service Providers, except as expressly set forth herein or in a SOW.

6.2 Protection of Intellectual Property. Without limitation to Section 4.1 hereof, each party will protect the other party's Intellectual Property and Confidential Information with the same care and diligence as it would use to protect its own Intellectual Property and Confidential Information. Each party will take all necessary and appropriate steps to safeguard the other party's Intellectual Property and Confidential Information by employees, former employees, vendors, affiliates and others to whom they have directly, or indirectly, made Confidential Information available.

6.3 Client Data. "Client Data" means data of Client that is collected, downloaded or otherwise received by R1, directly or indirectly, from Client, but does not include any information or data created by R1 to support its internal operations outside of the Services (e.g., information or data R1 uses for purposes of creating internal financial and other records).

6.4 Consent to Use Client Data. Client grants to R1 a non-exclusive, non-transferable, worldwide, fully-paid up and royalty-free right and license to use, reproduce, distribute, transmit, perform, display, and make derivative works of any and all Client Data for purposes of making the Services available to Client.

## **ARTICLE VII** **COMPLIANCE**

7.1 PHI and Data Privacy Policy. As part of R1's data and information privacy and information security compliance program, and in connection with its desire to uniformly protect PHI and other sensitive data, R1 shall maintain privacy and information security policies and procedures that comply with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA").

7.2 Business Associate Agreement. The parties have entered into a business associate agreement ("BAA") governing the use and disclosure of protected health information in accordance with 42 C.F. R. 164.502(e) of the regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA"). A copy of the BAA is attached hereto as Exhibit A.

7.3 Regulatory Compliance.

(a) Each party represents that it will use all reasonable and appropriate efforts to ensure that in the performance of the Services, it, its personnel and its agents will comply with all applicable federal, state and local laws, regulations and rules, including the provisions of HIPAA and the rules of all applicable regulatory agencies with jurisdiction over Client (including, but not limited to, CMS) (collectively referred to as "Applicable Laws").

(b) R1 represents and warrants to Client that: (i) R1 and its directors, officers and employees are not excluded from participation in any federal health care programs, as defined under 42.U.S.C. § 1320a-7b(f), or any form of state Medicaid program; (ii) to R1's knowledge, there are no pending or threatened governmental investigations that may lead to such exclusion; and (iii) its employees and R1 Service Providers are not listed on the most recent version of the Office of Foreign Assets Controls' "Specially Designated Nationals List".

(c) Client represents and warrants to R1 that: (i) there are no Client employees, personnel or independent contractors performing services for Client who are excluded from participation in any federal health care programs, as defined under 42.U.S.C. § 1320a-7b(f), or any form of state

Medicaid program (ii) to Client's knowledge, there are no pending or threatened governmental investigations that may lead to such exclusion; and (iii) its employees, personnel and independent contractors performing services for Client are not listed on the most recent version of the Office of Foreign Assets Controls' "Specially Designated Nationals List".

7.4 Compliance Program. Each party will maintain a compliance program meeting or exceeding all industry guidelines and standards for healthcare compliance programs, including but not limited to guidance issued by the U.S. Department of Health and Human Services Office of Inspector General.

7.5 R1 Offshore Personnel. R1 may perform the Services from outside of the United States using R1 employees located at R1's blended shore operations in India or Lithuania.

7.6 R1 Service Providers. R1 may in its sole discretion use third parties to provide certain services, systems, software or technology in connection with the Services ("R1 Service Providers"). R1 will remain responsible for the activities of these R1 Service Providers as if those activities were undertaken by R1.

7.7 Investigations. If a party determines that a potential compliance matter that relates to the Services exists, it shall promptly inform the other party.

7.8 Audit. During the Term, upon (a) reasonable request, (b) at least thirty (30) days' advance written notice, and (c) opportunity for coordination and alignment relating to scope, each party shall provide the other party's designated auditors with access to its books and records that relate to the Services. Such audit shall be conducted during normal business hours of operation and in a manner that does not disrupt normal business operations; provided that, to the extent that either party has obtained a certification from a qualified third-party assessor (e.g., HITRUST or SOC), then any matters covered by such certification shall be excluded from the scope of such audit. Other than any audit performed by either party's internal auditors or the independent external auditors who examine either party's financial statements, the other party shall have the right to approve the auditor (such approval not to be unreasonably withheld) and require appropriate protections against disclosure of its Confidential

Information, including compliance with its security policies and procedures. Each party shall provide such auditors with any reasonable assistance that they may require; and shall provide the other party with a summary of the results of any such audit upon receipt.

7.9 Record Retention. For a period of four (4) years after Services are furnished under this MSA and any SOW subject to this MSA, R1 shall retain and permit the Comptroller General of the United States, the U.S. Department of Health and Human Services and their respective duly authorized representatives access to examine or copy this MSA and such books, documents, and records of R1 as are reasonably necessary to verify the nature and extent of the costs of the Services. In the event R1 provides any of its Services pursuant to a subcontract and if (i) the services provided pursuant to such subcontract have a value or cost of ten thousand dollars (\$10,000.00) or more over a twelve (12) month period and (ii) such subcontract is with a related organization, then R1 agrees that such subcontract shall contain a clause requiring the subcontractor to retain and allow access to its records on the same terms and conditions as required by R1. This provision shall be null and void should it be determined that Section 1861(v)(1)(I) of the Social Security Act is not applicable to this MSA.

## **ARTICLE VIII** **DISPUTE RESOLUTION**

[Intentionally omitted.]

## **ARTICLE IX** **TERM AND TERMINATION**

9.1 Term. The term of this MSA shall be for three (3) years from the Effective Date (the "Term") and thereafter shall not renew for consecutive terms unless agreed to in writing by the parties.

9.2 Termination for Cause. In the event that either party has failed to perform its obligations under this MSA or a SOW in all material respects and that failure has not been satisfactorily addressed through the cure procedures in Section 9.3 below, the aggrieved party shall have the right to terminate this MSA or any SOW for cause sixty (60) days following the issuance of a written notice of termination to the other party hereto. No written notice of termination for cause will be valid unless

the party issuing the notice has complied with the cure procedures in Section 9.3.

9.3 Cure Procedures. A non-performing party shall have the opportunity to cure the failure to perform prior to a termination for cause. Therefore, prior to the issuance of a written notice of termination for cause, each party agrees to proceed in the following manner, working in good faith to address the circumstances which led to the alleged failure to perform:

(a) The party seeking to address an area of concern shall give written notice to the non-performing party describing in reasonable detail its concerns.

(b) The non-performing party shall be given thirty (30) days within which to satisfactorily address the concern and to begin implementation of the agreed upon course of action. If necessary, under the circumstances, the complete implementation of the agreed upon course of action may take more than thirty (30) days but may not exceed ninety (90) days unless the other party otherwise agrees in writing prior to the end of such ninety (90) days.

(c) If the non-performing party fails to comply with the agreed upon course of action on the appropriate timetable, then the performing party shall be authorized to issue a notice of termination for cause.

9.4 Effect of Termination on SOWs. Termination of this MSA will effectuate a termination of any SOW then in effect, subject to any specific provisions contained within an applicable SOW concerning transition services and payments in connection with same. In the event there are no active SOWs between the parties for a period of at least three (3) months, this MSA shall terminate without the need for further action by either party.

9.5 Rights and Responsibilities Upon Expiration or Termination. Upon expiration or termination of this MSA, including, as applicable, any transition services: (a) all rights, licenses, consents and authorizations granted by either party to the other party hereunder or under any SOW will immediately terminate; (b) Client shall cease all use of R1 Technology; (c) each party shall, within sixty (60) days, destroy or return all other documents and tangible materials containing, reflecting, incorporating or based on the other party's Confidential Information; and

(d) each party shall permanently erase all of the other party's data and Confidential Information from all computer systems and networks controlled by such party, except to the extent and for so long as required by Applicable Laws. Client Data will be returned in a commercially standard format.

9.6 Termination for Insolvency. If any party (the "Insolvent Party") (a) files for bankruptcy, (b) becomes or is declared insolvent, or is the subject of any bona fide proceedings related to its liquidation, administration, provisional liquidation, insolvency or the appointment of a receiver or similar officer for it, (c) passes a resolution for its voluntary liquidation, (d) has a receiver or manager appointed over all or substantially all of its assets, or (e) makes an assignment for the benefit of all or substantially all of its creditors, then the other party may terminate this MSA upon prior written notice to the Insolvent Party; provided, however, that (x) any Insolvent Party subject to an involuntary proceeding will have a reasonable amount of time (and in no event less than sixty (60) days) to have such proceeding dismissed or stayed prior to the other party having the right to terminate this MSA pursuant to this Section 9.6, (y) R1 will not have the right to terminate this MSA under this Section 9.6 so long as Client is current in its payment of the Fees hereunder, and (z) Client will not have the right to terminate this MSA under this Section 9.6 so long as R1 continues to provide the Services and comply with this MSA.

## **ARTICLE X**

### **INDEMNIFICATION AND LIABILITY**

10.1 R1 Intellectual Property Indemnification. R1 shall indemnify, defend and hold harmless Client and its elected officials, officers, agents and employees ("Client Indemnitees") against any claims arising out of or resulting from the alleged infringement of any Intellectual Property of any third party as a result of any Client Indemnitee's receipt or use of any Services or R1 Technology in compliance with this MSA. The foregoing obligation does not apply to any claim arising out of or resulting from: (a) modification of R1 Technology other than (i) by or on behalf of R1 or any R1 Service Provider; or (ii) with R1's prior written consent in accordance with R1's written specifications; (b) combination of the R1 Technology with any products or services from any third party or any other system other than as authorized or directed by R1 or any R1 Service Provider as demonstrated in writing; or (c) failure to timely implement

any modifications, upgrades, replacements or enhancements made available to Client by R1 or any R1 Service Provider.

10.2 R1 Other Indemnification. R1 shall indemnify, defend and hold harmless Client and the Client Indemnitees against any third-party claims, including any governmental claims, in each case to the extent based upon, relating to, or resulting from R1's (a) gross negligence or willful misconduct, (b) violation of HIPAA or any other Applicable Laws, and (c) breach of any of its obligations, representations and warranties hereunder, in each case which are not caused or directed by Client.

10.3 Client Indemnification. Client shall indemnify and defend R1 and its directors, officers and employees and R1 Service Providers from and against any and all claims and losses arising out of any third party claims, including any governmental claims, in each case to the extent based upon, relating to, or resulting from Client's (a) gross negligence or willful misconduct, (b) infringement of any Intellectual Property of any third party, (c) violation of HIPAA or any other Applicable Laws and (d) breach of any of its obligations, representations and warranties hereunder, in each case above which are not caused or directed by R1.

10.4 Defense of Claims. A party making a claim for indemnification under this Article X ("Indemnified Party") shall notify the indemnifying party ("Indemnifying Party") of any action, lawsuit, proceeding, investigation or other claim ("Claim") against it by a third party describing the claim, the amount thereof (if known and quantifiable) and the basis thereof; provided that failure to notify the Indemnifying Party shall not relieve the Indemnifying Party of its indemnification obligations (a) if the Indemnifying Party had actual notice of such Claim or (b) unless and only to the extent of any forfeiture of substantive rights and defenses resulting from the failure to provide timely notice of any Claim.

10.5 Cap on Liability. Each party's total cumulative liability under this MSA and each SOW, including indemnification obligations, shall be capped at an amount equal to the total Fees paid by Client to R1 during the twelve-month period preceding the date of the claim; provided, however, that such cap shall not apply to: (a) claims arising out of a party's, or such party's employees', vendors' or agents', willful or intentional misconduct; (b) personal bodily injury or death or

physical property damage; (c) taxes assessed against one party that are the responsibility of the other party; (d) a party's infringement of any Intellectual Property belonging to a third party; (e) a breach of HIPAA or the BAA (except that total cumulative liability under this subsection (e) shall be capped at Three Million Dollars (\$3,000,000.00)); and/or (f) payments for Services rendered prior to termination of this MSA and claims for benefit of the bargain damages for a wrongful termination of this MSA or any SOW.

10.6 General Disclaimers. EXCEPT AS SPECIFICALLY PROVIDED HEREIN, NEITHER CLIENT NOR R1 MAKES ANY OTHER REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE SERVICES, TECHNOLOGY, DATA OR SYSTEMS TO BE PROVIDED TO ONE ANOTHER PURSUANT TO THIS AGREEMENT, OR ANY RESULTS OF THE USE THEREOF, AND EACH EXPLICITLY DISCLAIMS ALL OTHER REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NONINFRINGEMENT. NEITHER PARTY WARRANTS THAT THE SERVICES, ANY MATERIALS OR THE OPERATION OF ANY SYSTEMS, TECHNOLOGY, HARDWARE OR SOFTWARE WILL BE UNINTERRUPTED OR ERROR-FREE. NO REPRESENTATIVE OF R1 HAS THE RIGHT TO MAKE WARRANTIES ON R1'S BEHALF UNLESS THOSE WARRANTIES ARE IN WRITING AND EXECUTED BY A DULY AUTHORIZED OFFICER OF R1. ALL THIRD-PARTY MATERIALS PROVIDED BY R1 TO CLIENT AND ALL CLIENT DATA PROVIDED BY CLIENT TO R1 ARE PROVIDED "AS IS" AND ANY REPRESENTATION OR WARRANTY OF OR CONCERNING ANY THIRD-PARTY MATERIALS IS STRICTLY BETWEEN R1 AND THE THIRD-PARTY OWNER OR DISTRIBUTOR OF THE THIRD-PARTY MATERIALS.

IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY PUNITIVE, SPECIAL, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES, WHETHER THE LIKELIHOOD OF SUCH DAMAGES WAS KNOWN TO THE PARTY, AND REGARDLESS OF THE FORM OF THE CLAIM OR ACTION. THE PARTIES IRREVOCABLY WAIVE ANY RIGHT TO TRIAL BY JURY.

R1 WILL NOT BE RESPONSIBLE FOR ANY INCORRECT INFORMATION TRANSMITTED BY CLIENT, CLIENT'S PATIENTS OR A THIRD PARTY, OR FOR ANY ERRONEOUS OR INCOMPLETE BILLING RESULTING FROM SUCH INCORRECT INFORMATION, IF APPLICABLE. R1 PROVIDES SERVICES UNDER THIS MSA WITHOUT ANY SPECIFIC GUARANTEE OF PERFORMANCE OR ANY PARTICULAR LEVEL OF CASH COLLECTIONS. CLIENT ACKNOWLEDGES THAT R1 BEARS NO RESPONSIBILITY FOR THE ACTIONS OF ANY PRIOR VENDOR REGARDLESS OF WHETHER R1 ASSUMES RESPONSIBILITY FOR COLLECTIONS OF ACCOUNTS BILLED BY SUCH VENDOR.

10.7 R1 Insurance Coverage. R1 will obtain and continuously maintain during the Term the following insurance coverages:

(a) Workmen's Compensation: statutory limits for workers' compensation in each state as applicable to R1 employees who work on the Services;

(b) Commercial General Liability Insurance: \$1,000,000 per occurrence and \$2,000,000 in the annual aggregate;

(c) Comprehensive Automotive Liability Insurance: \$1,000,000 per occurrence;

(d) Umbrella excess liability coverage above the commercial general liability and comprehensive automobile liability described above in all amounts not less than \$5,000,000 per occurrence/accident;

(e) Crime Insurance: R1 is responsible for loss to owner and third party property/assets and shall maintain comprehensive crime insurance coverage for the dishonest acts of its employees in a minimum amount of \$1,000,000;

(f) Errors and Omissions Liability: R1 shall provide liability limits of at least \$3,000,000 per claim, and \$3,000,000 in the annual aggregate. Coverage shall address all professional services provided by R1 to Client under this MSA; and

(g) Network Security and Privacy with Breach Response Services: \$5,000,000 per event and in the annual aggregate.

10.8 Client Insurance. Client will obtain and continuously maintain during the Term the following insurance coverages:

(a) Workmen's Compensation: statutory limits for workers' compensation in each state as applicable to Client's licensed personnel who are members, employees or independent contractors providing health care services (the "Professionals") or other services on behalf of Client;

(b) Commercial General Liability Insurance: \$1,000,000 per occurrence and \$2,000,000 in the annual aggregate, covering Client's property, the activities of the Professionals, and all other individuals performing services on behalf of Client; and

(c) Professional Liability Insurance: \$1,000,000 per occurrence and \$2,000,000 in the annual aggregate, covering Client, the Professionals and all other individuals performing services on behalf of Client.

## **ARTICLE XI** **MISCELLANEOUS**

11.1 Authority. Each party represents and warrants that it has the authority to enter into this MSA and to be bound by its terms, and that it has been executed by all necessary and authorized individuals.

11.2 Relationship of the Parties. Each party is an independent contractor. Neither party is the agent of the other, and neither may make commitments on the other's behalf. Except as expressly provided in this MSA or a SOW, R1 does not undertake to perform any obligation of Client, whether legal or contractual, or assume any responsibility for Client's business or operations.

11.3 Survival. The terms of Articles IV (Confidentiality), V (Fees), VI (Intellectual Property), VII (Compliance) IX (Term and Termination), and XI (Miscellaneous) and Sections 10.1-10.6 (Indemnification and Liability) of this MSA shall survive the expiration or termination of this MSA.

11.4 Force Majeure. Each party will be excused from performance under this MSA (other than obligations to make payments that become due) for any period during which it is prevented from or delayed in

performing any obligation pursuant to this MSA in whole, or in part, as a result of a force majeure event, including any change in Applicable Laws which would preclude a party from performing its obligations under this MSA.

11.5 Taxes. All service charges, fees, expenses and other amounts due under this MSA are exclusive of all taxes. Client shall be responsible for payment of all taxes incurred or assessed in connection with the Services, including any applicable sales and use tax. If the Services are exempt from any otherwise applicable sales and use tax as a result of such tax-exempt status, Client will provide R1 with reasonable evidence of exemption from taxes.

11.6 Change in Laws. The parties agree that in the event of a change in any Applicable Laws that (i) would render any part of this MSA illegal, materially affect R1's payment for the Services, or directly, adversely and materially affect either party's performance under this MSA and (ii) could not be remedied by an amendment to this MSA, then either party shall have the right to immediately terminate the MSA and there shall be no penalty or damages due to such termination.

11.7 Assignment. This MSA may not be assigned by either party without the prior written consent of the other party which may not be unreasonably withheld, provided, however, that this MSA may be assigned by a party, without the consent of the other party, (i) to a wholly-owned subsidiary of such party, (ii) in connection with the sale of substantially all of the assets or a majority of the equity securities of such party in one or more related transactions, or (iii) by operation of law in connection with a merger of such party, so long as the assignee agrees in writing to assume all liabilities under this MSA, including any liabilities (known or unknown) accruing prior to the effectiveness of such assignment. If a party assigns this MSA in accordance with subsection (i), (ii) or (iii) above, then such party shall notify the other party of such assignment in writing within ten (10) days of the assignment.

11.8 Notice. Notices to R1 and Client required by this MSA shall be sent via certified first class mail, or overnight delivery, to the following respective addresses, and shall be deemed received by the receiving party three (3) business days after being mailed certified first class, or one (1) day after being sent by overnight delivery:

R1 RCM Inc.  
Attention: Chief Executive Officer  
With a copy to: General Counsel  
401 N. Michigan Avenue, 27<sup>th</sup> Floor  
Chicago, Illinois 60611

Village of River Forest  
Attention: Village Administrator  
With a copy to:  
400 Park Avenue  
River Forest, Illinois 60305

11.9 Severability. If any provision of this MSA is declared invalid, unenforceable or void by a court of competent jurisdiction, such decision shall not have the effect of invalidating or voiding the remainder of this MSA. Rather, it is the intent of the parties that in such an event this MSA will be deemed amended by modifying such provision to render it valid and enforceable while preserving the original intent of the parties. If that is not possible, the parties shall attempt to agree on a substitute provision that is legal and enforceable and that achieves the same objective as the original provision to the extent possible.

11.10 Equal Opportunity and Anti-Discrimination. Each party represents and warrants that it does not discriminate on the basis of race, color, religion, gender, national or ethnic origin, disability, age, marital status or sexual orientation in its employment, hiring or contracting practices and otherwise complies with all applicable local, state and federal laws prohibiting discrimination.

11.11 No Third-Party Beneficiaries. Nothing in this MSA is intended or shall be construed to confer upon any person (other than the parties hereto and the indemnified parties specifically identified herein) any rights, benefits or remedies of any kind or character whatsoever, and no person or entity shall be deemed a third-party beneficiary under or by reason of this MSA.

11.12 Amendment and Waiver. This MSA may only be amended or modified by execution of a written amendment or modification signed by both parties. No waiver of any provision hereunder or any breach or default thereof shall extend to or affect in any way any other provision or prior or subsequent breach or default.

11.13 Entire Agreement. This MSA, including all SOWs and any exhibits or schedules thereto, and the

BAA, constitutes the entire agreement among the parties with respect to its subject matter and supersedes all prior and contemporaneous agreements and understandings, whether written or oral, between the parties with respect to the subject matter. There are no representations, understandings or agreements related to this MSA that are not fully expressed in this MSA.

This MSA and the SOWs are intended to be correlative and complementary. Any requirement contained in this MSA and not the SOWs will be performed or complied with as if contained in both. However, the requirements of each SOW are intended to be separate. Consequently, unless otherwise specifically provided for, the requirements of one SOW shall not apply to the Services provided or to be provided under another SOW. Further, in the event of a conflict between any provision of this MSA and any provision of the applicable SOW, the provision of the applicable SOW shall control.

11.14 Governing Law. This MSA will be governed by and construed in accordance with the laws of the State of Illinois without regard to its conflict of laws principles.

11.15 Counterparts. This MSA may be executed in counterparts (including signatures sent via electronic transmission in portable format (pdf), each of which shall be deemed to be an original, and both of which together shall constitute a binding agreement. Each person signing below represents that he or she has the authority to sign this MSA for and on behalf of the party for whom he or she is signing.

Termination for Convenience. Notwithstanding anything in this MSA or a SOW to the contrary, the Village has the right to terminate this MSA or a SOW, in whole or in part, for any reason for convenience on no less than thirty (30) days' notice specifying the termination date. On the date specified, this MSA and any related SOW will end. If this MSA and any related SOW is terminated by the Village for convenience, the Village shall pay R1 only for services performed up the date of termination.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties have entered into this MSA as of the Effective Date.

**VILLAGE OF RIVER FOREST**

**R1 RCM INC.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

**EXHIBIT A**  
**BUSINESS ASSOCIATE AGREEMENT**

**THIS BUSINESS ASSOCIATE AGREEMENT** (this "Agreement") is entered into this \_\_\_\_ day of November 2019 (the "Effective Date"), by and between the Village of River Forest, an Illinois municipality ("Covered Entity"), and R1 RCM Inc., a Delaware corporation, on behalf of itself and its subsidiaries (collectively, "Business Associate").

**WHEREAS**, Covered Entity and Business Associate intend to protect the privacy and provide for the security of Protected Health Information disclosed to Business Associate in order to evaluate a potential business transaction and pursuant to any underlying services agreement the parties may enter into (collectively "Service Agreement") in compliance with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191 ("HIPAA"), Subtitle D of Title XIII of Division A of the American Recovery and Reinvestment Act of 2009, Public Law 111-5 ("HITECH") and the regulations promulgated under HIPAA and HITECH, including, without limitation, the Standards for Privacy of Individually Identifiable Health Information, at Title 45, Parts 160 and 164 (the "Privacy Rule") and the Standards for the Security of Electronic Protected Health Information, at Title 45, Parts 160 and 164 (the "Security Rule"), collectively referred to hereinafter as "HIPAA";

**WHEREAS**, in the course of providing services to Covered Entity ("Services") pursuant to the Service Agreement, Business Associate may be required to create, receive, maintain, or transmit Protected Health Information on behalf of Covered Entity; AND

**NOW THEREFORE**, in consideration of the foregoing and the mutual promises contained herein, the parties agree as follows:

**WITNESSETH**

1. **Definitions.** Capitalized terms used, but not otherwise defined, in this Agreement shall have the same meanings as those terms in HIPAA, except that the terms "Protected Health Information" and "Electronic Protected Health Information" (which may be collectively referred to herein as "PHI") shall have the meaning as set forth in HIPAA, limited to the information created, received, maintained, or transmitted by Business Associate from or on behalf of Covered Entity in connection with the Service Agreement.
2. **Uses and Disclosures of PHI.** Business Associate shall not use or disclose PHI in any manner that is not permitted or required by the Service Agreement, this Agreement, or as Required By Law. The parties agree that the Business Associate may:
  - (a) Use and disclose PHI to perform functions, activities, or Services for, or on behalf of, Covered Entity as specified in the Service Agreement. Business Associate shall not use or disclose PHI in any manner that would constitute a violation of HIPAA, or other applicable federal or State law if so used by a Covered Entity, unless such use or disclosure is expressly provided for in this Agreement;
  - (b) Use and disclose PHI for the proper management and administration of the Business Associate and to meet its legal obligations, provided that the disclosures are Required By Law, or Business Associate obtains reasonable assurances in writing from the person to whom the information is disclosed that it will remain confidential and will be used or further disclosed only as Required By Law or for the purpose for which it was disclosed to the person, and that the person will notify the Business Associate of any instances of which it is aware in which the confidentiality of the information has been breached; and
  - (c) Aggregate PHI with the Protected Health Information of another covered entity as permitted under the Privacy Rule.

**3. Safeguards Against Misuse of Information.** Business Associate agrees to use appropriate physical, administrative, and technical safeguards that (i) reasonably and appropriately protect the confidentiality, integrity, and availability of Electronic PHI; and (ii) prevent the use, disclosure of, or access to the PHI other than as provided for by this Agreement.

**4. Privacy Rule Representations and Warranties.** To the extent that Business Associate is requested by Covered Entity to carry out one or more of a Covered Entity's obligations under the Privacy Rule, Business Associate will comply with the requirements of the Privacy Rule that apply to the Covered Entity.

**5. Security Policies Representations and Warranties.** Business Associate represents and warrants to Covered Entity that Business Associate will comply with the Security Rule with respect to Electronic PHI that it creates, receives, maintains, or transmits.

**6. Reporting Security Incidents or Improper Uses or Disclosures.** Business Associate shall report to Covered Entity: (i) any Security Incident; and (ii) any use or disclosure of the PHI not provided for by this Agreement or permitted by HIPAA, of which it becomes aware. This Section constitutes notice to Covered Entity of attempted but unsuccessful security incidents for which no additional notice to Covered Entity is required. For purposes of this Agreement, unsuccessful security incidents include activity such as pings and other broadcast attacks on Business Associate's firewall, port scans, unsuccessful log-on attempts, denials of service, and any combination of the above, so long as no such incident results in unauthorized access, use, or disclosure of PHI.

**7. Reporting of Breaches.** Business Associate shall notify Covered Entity in accordance with 45 C.F.R. § 164.410 of any Breach of such Unsecured Protected Health Information.

**8. Mitigation of Harmful Effects.** Business Associate agrees to take commercially reasonable steps to mitigate harmful effects from any Breach of Unsecured PHI or other Security Incident or inconsistent use or disclosure of PHI which Business Associate is required to report pursuant to this Agreement.

**9. Agreements by Third Parties.** Business Associate agrees to ensure that any agent or subcontractor, to whom it provides PHI, agrees in writing: (i) to restrictions and conditions with respect to use and disclosure of such PHI that are at least as restrictive as those that apply through this Agreement to Business Associate; and (ii) to the implementation of reasonable and appropriate privacy and security safeguards to protect PHI.

**10. Documentation of Disclosures.** Business Associate agrees to document disclosures of PHI and information related to such disclosures as would be required for Covered Entity to respond to a request by an Individual for an accounting of disclosures of PHI in accordance with 45 C.F.R. § 164.528.

**11. Accounting of Disclosures.** Within ten (10) business days of written notice by Covered Entity to Business Associate that it has received a request for an accounting of disclosures of PHI regarding an Individual, Business Associate shall make available to Covered Entity such information as would be required to permit Covered Entity to respond to such request as required by 45 C.F.R. § 164.528. In the event the request for an accounting is delivered directly to Business Associate Business Associate shall within (5) business days forward such request to Covered Entity.

**12. Access to Information.** Within ten (10) business days of a written request by Covered Entity for access to PHI about an Individual contained in a Designated Record Set, Business Associate shall make available to Covered Entity such information as would be required to permit Covered Entity to meet the access requirements under 45 C.F.R. § 164.524. In the event any Individual requests access to PHI directly from Business Associate, Business Associate shall, within five (5) business days, forward such request to Covered Entity. Any denials of access to the PHI requested shall be the responsibility of Covered Entity.

**13. Availability of PHI for Amendment.** Within ten (10) business days of receipt of a written request from Covered Entity for the amendment of an Individual's PHI contained in a Designated Record Set, Business Associate shall provide such information to Covered Entity for amendment and incorporate any such amendments in the PHI as required by 45 C.F.R. § 164.526. In the event any individual delivers directly to Business Associate a request for amendment to PHI, Business Associate shall within five (5) business days forward such request to the Covered Entity.

**14. Availability of Books and Records.** Business Associate hereby agrees to make its internal practices, books, and records relating to the use and disclosure of PHI available to the Secretary for purposes of determining compliance with HIPAA. In responding to any such request, Business Associate shall notify Covered Entity and promptly afford Covered Entity the opportunity to exercise any rights it may have under the law relating to documents or information protected from disclosure by obligations of confidentiality.

#### **15. Obligations of Covered Entity**

- (a) **Consent.** Covered Entity agrees to obtain any consent, authorization or permission that may be required by the Privacy Rule or any other applicable federal or state laws and/or regulations prior to furnishing Business Associate PHI pertaining to an Individual; and
- (b) **Restrictions.** Covered entity agrees that it will inform Business Associate of any PHI that is subject to any arrangements permitted or required of Covered Entity under the Privacy Rule that may materially impact in any manner the use and/or disclosure of PHI by Business Associate under the Service Agreement, including, but not limited to, restrictions on the use and/or disclosure of PHI as provided for in 45 C.F.R. § 164.522 and agreed to by Covered Entity.
- (c) **Minimum Necessary.** Covered Entity shall only request, use or disclose the minimum necessary PHI to accomplish its obligations under the Services Agreement or this Agreement.
- (d) **Permissible Requests.** Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under the Privacy Rule if done by a Covered Entity.

**16. Term.** The term of this Agreement shall commence on the Effective Date, and shall terminate upon the earlier to occur of: (i) the termination of the Service Agreement for any reason or (ii) the termination of this Agreement pursuant to the provisions herein.

**17. Termination for Cause.** Either party may terminate this Agreement due to a material breach of this Agreement by the other party upon giving the other party thirty (30) days prior written notice; provided the breaching party does not cure the breach prior to the effective date of termination. Any dispute regarding any such alleged breach and/or cure shall be resolved in accordance with the dispute resolution provisions of the Service Agreement, if any.

**18. Effect of Termination of Services.** Upon termination of this Agreement for any reason, Business Associate shall return to Covered Entity, or, at Covered Entity's direction, destroy, all PHI received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity. In the event that Business Associate determines that returning or destroying the PHI is infeasible, Business Associate shall extend the protections of this Agreement to such PHI and limit further use of the PHI to those purposes that make the return or destruction infeasible, for so long as Business Associate maintains such PHI. If Business Associate elects to destroy the PHI, Business Associate shall certify in writing to the Covered Entity that such PHI has been destroyed. The provisions of this Section 18 shall survive the termination of the Service Agreement and this Agreement, and shall apply to PHI that is in the possession of subcontractors or agents of Business Associate.

**19. Interpretation.** This Agreement and the Service Agreement shall be interpreted as broadly as necessary to implement and comply with HIPAA. The parties agree that any ambiguity in this Agreement shall be resolved in favor of a meaning that complies and is consistent with HIPAA.

**20. Third Party Rights.** The terms of this Agreement are not intended, nor should they be construed, to grant any rights to any parties other than Business Associate.

**21. Notices.** Any notices to be given hereunder shall be in accordance with the notification procedures identified in the Service Agreement.

**22. Regulatory References.** A reference in this Agreement to a section in the HIPAA means the section as in effect or as amended, and for which compliance is required.

**23. Governing Law.** This Agreement will be governed by the laws of the State of Illinois.

**24. No Waiver.** No change, waiver, or discharge of any liability or obligation hereunder on any one or more occasions shall be deemed a waiver of performance of any continuing or other obligation, or shall prohibit enforcement of any obligation, on any other occasion.

**25. Severability.** In the event that any provision of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the provisions of this Agreement will remain in full force and effect.

**26. Independent Contractor.** None of the provisions of this Agreement are intended to create, nor will they be deemed to create, any relationship between the parties other than that of independent parties contracting with each other solely for the purposes of effecting the provisions of this Agreement and any other agreements between the parties evidencing their business relationship.

27. Subject to Article X of the Master Services Agreement, Business Associate agrees to indemnify Covered Entity for any and all damages, expenses, penalties and fees suffered by Covered Entity to the extent resulting directly from a breach of this Agreement or HIPAA by Business Associate.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date written above.

Village of River Forest	R1 RCM Inc.
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Date: _____	Date: _____

**EXHIBIT B**  
**GROUND EMERGENCY MEDICAL TRANSPORT REIMBURSEMENT PROGRAM CONSULTING SERVICES**  
**STATEMENT OF WORK**

This Ground Emergency Medical Transport Reimbursement Program Consulting Services Statement of Work (the "GEMT SOW") is entered into as of this \_\_\_\_ day of November 2019 ("GEMT SOW Effective Date") by and between the Village of River Forest, an Illinois municipality, on behalf of itself and its affiliates (collectively, "Client") and Advanced Data Processing, Inc. ("ADPI") a subsidiary of R1 RCM Inc., a Delaware corporation. This GEMT SOW is incorporated by reference into, and is subject to all of the terms and conditions of, the MSA. All signatories to this GEMT SOW shall be bound to the terms of the MSA as if original signatories thereto. All undefined capitalized terms shall have the meanings set forth in the MSA.

**SECTION I**  
**SCOPE OF SERVICES**

1. ADPI's Scope of Services. Ground Emergency Medical Transport Reimbursement Program ("GEMT") is a State of Illinois approved supplemental Federal funding program that allows Illinois fire agencies that perform emergency medical transports for Medicaid patients to submit for additional reimbursement for unrecovered costs associated with those transports. Client has selected ADPI and ADPI's Consultant, Public Consulting Group, Inc. ("PCG"), on an annual basis to prepare a GEMT cost report and submission (herein referred as "GEMT Consulting Services"). The parties agree ADPI will be the exclusive provider of Client's GEMT Consulting Services. ADPI, through its consulting partner, PCG shall provide the following GEMT Consulting Services:
  - A. Draft application materials and respond to requests for additional information necessary for the Client to gain approval to participate in the GEMT program.
  - B. Conduct analysis of the Client's financial and billing data in order to prepare and submit annual cost reports, the mechanism for providers to receive additional revenue under GEMT.
  - C. Identify eligible costs and develop appropriate cost allocation methodologies to report allowable costs as defined under the GEMT for providing emergency medical services to Medicaid recipients and, as applicable, uninsured populations. Classify costs as Medical Transport Services (MTS) costs or non-Medical Transport Services (non-MTS) costs properly as per the Illinois GEMT cost report. Such costs will include direct costs and indirect costs.
  - D. Prepare and review with Client, their annual Medicaid cost report for GEMT. Accurately complete the schedules in accordance with GEMT Program requirements and guidelines, using data supplied by Client.
  - E. Provide comprehensive desk review support, including but not limited to conducting reviews of all cost settlement files, performing detailed analysis of billing reports generated by Medicaid agencies to ensure that all allowable charges and payments are encompassed in the calculation of the final settlement, and drafting letters and providing supporting documentation to meet Medicaid requirements and expedite settlement.
  - F. Assist Client in responding to any Center for Medicare & Medicaid Services (CMS) or Illinois Department of Healthcare and Family Services (HFS) review or communication regarding any Client GEMT cost report prepared and delivered to HFS.

- G. Work with Client to make any necessary corrections and/or modifications and resubmit the report before the required filing deadline, as needed.
- H. Determine enhanced supplemental payments realized by provider, as necessary.
- I. Conduct comparative analysis to identify significant trends in billing and financial data.
- J. Upon Client request, provide charge master review to ensure that the provider is optimizing charges to drive revenue reimbursement.

**SECTION II  
OBLIGATIONS OF THE CLIENT**

1. GEMT Program Eligibility. Client is and shall remain during the Term of this SOW eligible to receive supplemental reimbursement by meeting all of the following requirements continuously during the claiming period by: (i) providing emergency response and transportation services to recipients; (ii) remaining enrolled as an Illinois Medicaid provider during the period being claimed; and (iii) remaining owned or operated by a public provider, including a state, city, county, or fire protection district.
2. The Client agrees and acknowledges that it is responsible for uploading data into a secure portal as directed by ADPI. Data includes, but is not limited to the following:
  - A. A CAD report that includes all calls during the period covered by the cost report.
  - B. Depreciation schedules as requested.
  - C. Capital expenditure reports as requested.
  - D. Personnel expenses as requested.
  - E. Copies of other expenses and expenditures as requested.
  - F. Source documentation for future audit responses when requested.

**SECTION III  
PAYMENT**

1. Payment for GEMT Services. The terms set forth in this Section III are specific to the Client and unique to the Client's demographics, volume, and scope of services, among additional criteria. In consideration of the services rendered by ADPI under this GEMT SOW, the Client agrees to pay ADPI the following GEMT Consulting Services Fee:
  - o if reimbursement revenue received from HFS ("HFS Reimbursement Amount") is less than Twelve Thousand Dollars (\$12,000), then the GEMT Consulting Services Fee shall be equal to the HFS Reimbursement Amount; and
  - o if the HFS Reimbursement Amount is equal to or greater than Twelve Thousand Dollars (\$12,000), then the GEMT Consulting Services Fee shall be equal to the greater of: (i) twelve percent (12%) of the HFS Reimbursement Amount and (ii) Twelve Thousand Dollars (\$12,000).

Client acknowledges that the HFS Reimbursement Amount shall be determined by the Medicaid cost settlement calculated based on the Medicaid cost report and based on the net state funding received by the Client (Total Funding) less the original Intergovernmental Transfers (IGT) funding submitted by Client to participate in the GEMT. ADPI will not receive any compensation until the GEMT reimbursement revenues are received by the Client.

ADPI will invoice Client for the GEMT Consulting Fees within thirty (30) days of Client's receipt of the HFS Reimbursement Amount. Client agrees to remit payment to ADPI within thirty (30) days of invoice receipt. If, as a result of an audit by HFS or CMS, a refund is required of the Client, ADPI agrees to return the portion of the GEMT Consulting Fee that was paid on the amount being refunded.

#### **SECTION IV TERM AND TERMINATION**

1. Term of Statement of Work. The term of this GEMT SOW shall begin as of the GEMT SOW Effective Date and shall continue for three (3) years ("GEMT SOW Term") and thereafter shall not renew unless the parties otherwise agree in writing. The date on which this GEMT SOW terminates pursuant to the relevant provision in the MSA, shall be known as the "GEMT SOW Termination Date".
2. Termination. The termination or expiration of this GEMT SOW shall not affect the underlying MSA or any other statement of work between the Client and ADPI. Termination of the underlying MSA or GEMT SOW shall not relieve Client of the obligation to pay fees due and owing ADPI.
3. Termination without Cause. Either party may terminate this GEMT SOW without cause upon thirty (30) days' prior written notice to the other party.

#### **SECTION V GENERAL**

1. Order of Precedence. In the event of a conflict between the MSA and this GEMT SOW, the terms of this GEMT SOW will prevail.
2. Counterparts. This GEMT SOW may be executed in several counterparts, all of which taken together constitute the entire agreement between the parties hereto.

[SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the parties have caused this GEMT SOW to be signed by their duly authorized representatives as of the GEMT SOW Effective Date.

VILLAGE OF RIVER FOREST

ADVANCED DATA PROCESSING, INC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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



**Village of River Forest**  
**Village Administrator's Office**  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: December 3, 2019

To: Eric Palm, Village Administrator

From: Lisa Scheiner, Assistant Village Administrator

Subj: Building & Zoning Report – November, 2019

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The Village issued 91 permits in November, 2019, compared to 90 during the same month in 2018. Permit revenue collected \$48,408 in October, 2019 totaled, compared to \$35,844 in October. Fiscal Year-to-date building permit revenue is 97% of the \$999,740 budgeted.

**Planned Development Project/Development Review Board Updates**

Below please find a summary of the status of approved planned development permits as well as certain pending applications.

*Approved:*

- River Forest Townhomes (formerly known as The Promenade) (7820 W. Madison Street - Approved July 13, 2015) – Occupancy permits have been issued to 17 of the 29 units.
- Mixed Use Development (Lake and Lathrop) – This project was approved on September 17, 2018. Under the terms of the redevelopment agreement, the developer has until December 15, 2019 to submit a completed building permit application. Project updates are available on the Village's website ([www.vrf.us/lakeandlathrop](http://www.vrf.us/lakeandlathrop)).
- Senior Care Community (Chicago and Harlem) – This project was approved on October 15, 2018. Demolition has been completed and a groundbreaking ceremony was scheduled on October 2, 2019. The developer has 33 months from the date of approval to complete construction (July, 2021) for the planned development permit to remain valid. Regular updates regarding the project are available on the Village's website ([www.vrf.us/chicagoandharlem](http://www.vrf.us/chicagoandharlem)).

*Pending:*

- 1101-1111 Bonnie Brae Place: The Developer appeared before the Development Review Board for a pre-filing conference on November 7, 2019. They plan to submit their official

application soon and are hoping for a public hearing in early 2020. Information regarding this application is available on the Village's website ([www.vrf.us/bonnieandthomas](http://www.vrf.us/bonnieandthomas)).

### **Zoning Board of Appeals Updates**

Below please find a summary of the activities of the Zoning Board of Appeals:

- Cannabis Business Establishments: The Zoning Board of Appeals held a public hearing on October 17, 2019 and adopted its findings of fact on November 14, 2019. The Board will consider their recommendation at its December 9, 2019 Village Board meeting.
- There were no public hearings in November and the December Zoning Board of Appeals meeting was cancelled due to lack of a quorum.

### **Permit and Real Estate Transfer Activity Measures**

#### **Permits**

Month	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
May	124	178	128	205	144
June	144	179	153	135	154
July	150	140	194	131	147
August	144	145	123	170	106
September	180	130	152	116	95
October	149	140	119	118	130
November	72	98	79	90	91
December	79	55	71	51	
January	66	107	69	80	
February	67	87	58	67	
March	109	120	93	101	
April	97	148	136	139	
<b>Two Month Comparison</b>	<b>221</b>	<b>238</b>	<b>198</b>	<b>208</b>	<b>221</b>
<b>Fiscal Year Total</b>	<b>1,381</b>	<b>1,527</b>	<b>1,375</b>	<b>1,403</b>	<b>867</b>

#### **Real Estate Transfers**

	November 2019	November 2018	FYTD 2020 Total	FY 2019 Total
<b>Transfers</b>	16	18	151	232

#### **Residential Property Demolition**

	Nov. 2019	FYTD 2020 Total	FY 2019 Total	FY 2018 Total	FY 2017 Total
<b>Residential Demolitions</b>	0	4	2	4	7

Demolition permit(s) were issued for the following single family home(s):

Address

Architectural Survey Notes

n/a



## MEMORANDUM

TO: Eric J. Palm  
Village Administrator

*Kurt Bohlmann*

FROM: Kurt Bohlmann  
Fire Chief

DATE: December 3, 2019

SUBJECT: Monthly Report – November – 2019

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The Fire Department responded to 183 calls during the month of November. This is below our average number of calls in comparison to 2018. We experienced 4 fire related calls for the month. Emergency Medical Service calls represented 56% of our response activity for the month of November.

<b>Incident Group</b>	<b>Count</b>
100 – Fire	4
200 – Rupture/Explosion	0
300 – Rescue/EMS	102
400 – Hazardous Condition	7
500 – Service Calls	15
600 – Good Intent	26
700 – False Alarm	29
800 – Severe Weather	0
900 – Special Incidents	0

I attended the TripCom meeting. The group is looking into absorbing River Grove. This will give us valuable access to Triton College as a distribution center and could eliminate potential traffic issues around our current dispensary sites at Concordia University and Dominican University.

The Village received a letter from FEMA acknowledging our Annex in the Cook County Hazard Mitigation Plan. The plan is updated every 5 years. The last update occurred in 2014.

Jonathan Rouse continues his firefighter training at the Romeoville Fire Academy. He has received excellent scores to date.

The Village of River Forest used R1 RCM for their services in applying for the GEMT program. Due to the short application deadline, their services were used prior to a contract being settled. A contract has now been negotiated by both sides.

I attended the Dementia Friendly River Forest meeting. A special screening of “It’s a Wonderful Life” is being planned at Lake Theater for people who suffer from dementia and their caregivers.

### **Incidents of Interest**

Engine 222 responded to 1028 Monroe Ave on November 30<sup>th</sup>, for the smell of burning wires in the basement walls. Engine 222 using the TIC found no increase in temperatures in the basement. The homeowner stated there was also a strange noise. Engine 222 removed a vent cover and found an operating sump pump behind the wall. The homeowners stated that they were told the pump was inoperable. They had a new pit installed on the other side of the basement. The crew determined the strange odor and noise was coming from the sump pump. The pump was unplugged and the noise and odor stopped. Engine 222 also found questionable electrical work behind the wall and unplugged the wiring from an outlet inside the wall.

### **Suppression Activities**

For the month of November, we responded to 183 emergency calls, which is below our normal amount of calls. Of this total, 4 were fire related incidents. Two of these fire incidents occurred in River Forest. The other two fire incidents occurred outside of River Forest.

The first incident was a building fire in Maywood. Upon arrival, our crew went to the front of the structure and awaited instructions. We were returned by command.

The other three fires were cooking fires that caused no damage. Two of these occurred in River Forest and the other one in Elmwood Park.

### **Training**

This month the department participated in various training activities such as:

- All shifts continued their assigned building inspections
- Probationary FF/PM McNabb continued his training
- Probationary FF/PM Rouse started Romeoville Fire Academy
- Lt. Carter passed OSFM Fire Investigator and is now state certified
- Lt's Smith and Bochenek attended Fire Investigator drill in Oak Park. Subject was CV's
- All shifts did a tour and pre-plan of Grace Lutheran Church

### **Paramedic Activity**

We responded to 102 ambulance calls making contact with 92 patients for the month of November, which is above our monthly average number of EMS calls. Of this total, 38 patients were classified as ALS and 50 were BLS. There were 4 invalid assists. 17 of the 50 BLS patients refused treatment and/or transport.

The October report was not available in time for last month's report. We responded to 100 ambulance calls making contact with 107 patients for the month of October, which is below our monthly average number of EMS calls. Of this total, 34 patients were classified as ALS and 67 were BLS. There were 3 invalid assists. 31 of the 67 BLS patients refused treatment and/or transport.

A detailed monthly EMS report is available for review.

### **Fire Prevention**

During the month of November, the Fire Prevention Bureau conducted 7 Regular Inspections and 20 Company Inspections with 78 violations noted and 17 violations corrected. Fire Prevention performed 1 plan review.

A detailed monthly Fire prevention report is available for review.



# Village of River Forest

## POLICE DEPARTMENT MEMORANDUM

**TO:** Eric Palm- Village Administrator

**FROM:** James O'Shea- Chief of Police

**DATE:** December 4, 2019

**SUBJECT:** November 2019 Monthly Report

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### Crime Statistics

The month of November 2019 showed a 19% decrease in Part I offenses in comparison to November 2018. There was a 5% increase in Part II reported crimes compared to November 2018. A decrease in Theft, and Burglary to Auto incidents contributed to the decrease in Part I crimes. An increase in traffic related misdemeanor offenses contributed to the Part II figures. Year-to-date statistics include a 4% reduction in Part I offenses and a 3% decrease in Part II crimes.

	Nov 2019	Nov 2018	Diff. +/-	% +/-	YTD 2019	YTD 2018	Diff. +/-	% +/-
<b>Part I*</b>	13	16	-3	-19%	224	234	-10	-4%
<b>Part II**</b>	78	74	4	5%	743	767	-24	-3%
<b>Reports***</b>	112	141	-29	-21%	1,668	1,772	-104	-6%
<b>Events****</b>	1,070	1,069	1	0%	12,199	16,309	-4,110	-25%

\**Part I Offenses* include homicide, criminal sexual assault, robbery, aggravated battery, burglary, theft, and motor vehicle theft.

\*\**Part II Offenses* include simple battery, assault, criminal trespass, disorderly conduct, and all other misdemeanor and traffic offenses.

\*\*\**Reports* (new category as of September 2015) include total number of reports written by officers during the month.

\*\*\*\**Events* (new category as of September 2015) include all activities conducted by officers, including foot patrols, premise checks, traffic stops, and all other calls for service not included as PART I and PART II offenses.

## **Town Center**

The Police Department conducted one-hundred one (101) calls for service at the Town Center properties in November 2019; of those calls there were sixteen (16) reported crimes, which included seven (7) Retail Thefts, one (1) Assault, six (6) Panhandler/Criminal Trespass incidents, and two (2) Thefts. Calls for service at the Town Center are down 16% year-to-date in comparison to 2018, and criminal activity is down 24% year-to-date in comparison to 2018 statistics.

## **Collaboration and Relationship Strengthening**

- Midnight and Afternoon shifts continued extra patrols of parks after hours for curfew, underage drinking, illegal use of narcotics, or other illicit activity.
- Extra traffic missions conducted on Thatcher, Chicago, and Division due to accidents and citizen complaints.
- Extra traffic missions conducted at and near Lake St. business district.
- Extra foot patrols conducted at parks during sporting or other community events.
- Day and Afternoon Shifts continue to utilize a back to school safety plan for parking and traffic enforcement in the areas near the schools.
- Saturation patrols and decoy squads to deter burglary and thefts.
- Focus on ATM locations due to on-going west-suburban ATM burglary/theft pattern.
- Shift participated in the Hillside parade on 11/2/19.
- Shift attended lockdown drill at Trinity high school on 11/6/19.
- Shift attended lockdown drill at Willard school on 11/15/19.
- Shift attended lockdown drill at Roosevelt school on 11/18/19.
- Chief attended West Suburban Chiefs of Police meeting at Triton College on 11/06/19.
- Chief and Crime Prevention Officer met with loss prevention managers from Ulta reference high end retail thefts on 11/07/19.
- Chief attended River Forest Administrator's Forum at Village Hall on 11/12/19.
- Chief attended Illinois Public Sector Labor Relations Law Conference at Kent Collage of Law on 11/15/19.
- Chief attended WSCDC Operations Committee meeting in Elmwood Park on 11/20/19.
- Shift attended the RF Village Board meeting on 11/4/19.
- Targeted anti-theft patrols at Jewel.
- Traffic enforcement focus at Bonnie Brae and Lemoyne due to citizen complaints.

- Parking enforcement focus on 7600 Madison due to business owner complaints.

### **School and Community Support**

During this period, the SRO/CSO Division continued to focus on addressing safety and security concerns by meeting with community organizations and schools. Some of these concerns included general traffic, construction related hazards, and personal safety related issues.

#### **Ordinance Enforcement Officer Activity Summary for October 2019**

<b>Bank/Metra</b>	14 assignments / 2.50 hours
<b>Errands</b>	10 assignments / 3.33 hours
<b>Local Ordinance Enforcement / Citations</b>	0 assignments / 0 min
<b>Parking Citations</b>	55 Citations
<b>Fingerprinting assignments</b>	1 assignment / 15 min
<b>Administrative Duties</b>	10 assignments / 8.5 hours
<b>Animal Calls</b>	6 calls / 3.08 hours
<b>Vehicle Service</b>	21 assignments / 10.75 hours
<b>Crossings</b>	2 assignments / 40 min
<b>Bond Hearing / Court</b>	8 assignments / 11.83 hours
<b>Other Assignments</b>	21 calls / 7.91 hours
<b>Adjudication / Red Light Hearing</b>	2 assignments / 3.5 hours
<b>Other Calls for Service</b>	26 assignments / 8.33 hours

The OEO conducted parking enforcement throughout the Village, resulting in 55 tickets for:

Time Limit	19
No Parking Anytime	3
Fire Lane/Hydrant	2
Handicapped	0
Resident Only Zone	2
Permit Parking Only	2
Daily Parking Fee Zone	23
Other Parking Offense	4
Vehicle License	0
<b>TOTAL</b>	<b>55</b>

## School Resource/Community Service Officer Activity Summary for November 2019

<b>Written Reports</b>	7 Reports
<b>Foot Patrols / Premise Checks</b>	49 Foot Patrols/Premise Checks
<b>I-Search and Too Good For Drugs Activities</b>	11 I-Search Classes 7 Too Good for Drugs Lessons
<b>Calls for Service</b>	17 Calls for Service
<b>Other Assignments</b>	15 assignments / 23 hours
<b>Special Assignments</b>	50 assignments / 81 hours (see below)

### School and Community-Support Activity Highlights for November 2019

Ofc. Ransom completed the following:

- Taught Too Good For Drugs at the following schools:
  - 1 Lesson at St. Vincent on 11/06/2019
  - 4 Classes at St. Luke's on 11/07/2019 & 11/14/2019
  - 2 Classes at Grace Lutheran on 11/07/2019 & 11/14/2019
- Taught ISEARCH Classes at the following schools:
  - 7 Classes at Lincoln on 11/05/2019 & 11/25/2019
  - 4 Classes at Willard on 11/25/219 & 11/26/2019
- Completed Supplemental report for Retail Theft arrest 19-01555 on 11/01/2019.
- Completed Information for Police Report 19-01561 for Concordia University on 11/01/2019.
- Completed Lockdown Drill Report for Mosaic Montessori on 11/05/2019.
- Conducted Active Shooter Lockdown Drill at Trinity on 11/06/2019 (report completed).
- Attended Ruse Burglary Investigation training on 11/04/2019.
- Attended meeting with Ulta regarding retail theft concerns on 11/07/2019.
- Re-assigned to Patrol on 11/08/2019.
- Compiled elderly resources for patrol officers on 11/11/2019.
- Put out new FLIR (infrared camera) device for patrol on 11/12/2019.
- Met with elderly resident to deliver RF Emergency ID bracelet and follow-up on 11/12/2019.
- Assisted patrol with Retail Theft arrest (19-01607) on 11/12/2019 (supplemental report completed).
- Phone meeting with District 90 regarding school crossings on 11/13/2019.
- Attended Positive Youth Development meeting on 11/13/2019.
- Hosted Scams and Fraud Presentation for seniors on 11/13/2019.
- Attended CCRT meeting on 11/14/2019.

- Attended Trip Com meeting on 11/15/2019.
- Conducted Lockdown Drill at Willard on 11/15/2019 (report completed).
- Conducted Roosevelt Lockdown Drill on 11/18/2019 (report completed).
- Referred elderly resident to senior services on 11/18/2109.
- Phone meeting with resident about school crossing concerns at Lincoln on 11/19/19.
- Completed Police Law training on 11/19/19.
- Completed theft report from Roosevelt school (19-01644) on 11/20/2019.
- Completed Breath Analysis Operator Recertification exam on 11/20/19.
- Attended Opioid Task Force meeting on 11/21/2019.
- Attended M Team meeting on 11/21/2019.
- Put out Holiday Hours for RF businesses to department on 11/22/2019.
- Attended meeting with Ofc. Humphreys regarding new Juvenile Justice Resource on 11/22/2109.
- Referred elderly resident to senior services on 11/22/2019.
- Attended Dementia Friendly RF meeting on 11/25/2019.
- Attended meeting with St. Vincent's principal regarding parking complaints on 11/26/2019.
- Provided security for Thanksgiving mass at St. Vincent's on 11/26/2019.
- Completed range training on 11/27/2019.
- Assigned to Town Center patrol for Black Friday on 11/29/2019.

### **Upcoming School and Community-Support Activity Highlights for December 2019**

Ofc. Ransom will:

- Attending compliance check training with PYD on 12/03/2019.
- Teaching ISEARCH at Keystone Montessori and Willard.
- Attending CCRT meeting on 12/18/2019.
- Attending M Team meeting on 12/19/2019.
- Following up on contacts made by patrol.
- Regular checks of businesses and schools.
- Meeting with Keystone Montessori about lockdown drill.
- Assisting patrol with calls for service.

Sgt. Grill will:

- Assist with Red Light hearings.
- Assist with Adjudication hearings and manage caseload.
- Manage movie and commercial film details, permits, and requests.
- Assist with Information Technology projects.
- Address subpoenas, FOIA requests and other records requests for various sources of police video used in police response and criminal investigations.
- Manage various grant activities.
- Assist with Vehicle Maintenance and Equipment.

OEO Raymond will:

- Monitor parking issues near the various schools.
- Enforce any/all new regulated parking zones recently approved by the village board.
- Monitor crossing guard performance and presence.
- Monitor school crossing guards once school begins.
- Monitor parking issues near the River Forest Community Center.
- Monitor and enforce parking regulations in Daily Fee, Time Zone, Resident Only Zones, and Handicapped Parking Only Areas etc.
- Assist with Court records communications.
- Assist with Animal Control.
- Administer traffic control services during Fire and Police related events.
- Continue to utilize the Automated License Plate Reader to increase efficiency and effectiveness of parking enforcement efforts in an effort to gain better community compliance.

Active Solicitor Permits		
Individual or Organization	Description	Expires
Renewal by Anderson	Home Repair	12-July-20
Power Home Remodeling	Home Repair	08-Aug-20
Point Pest Control	Home Services	06-June-20

### **Budget and Fiscal Monitoring**

#### **November 01 – November 30, 2019**

November is the seventh month of Fiscal Year 2020. During the month of November, parking citation revenue was slightly lower than the monthly average projection of \$13,530 for the fiscal year (FY 2020). Administrative tow revenue was lower than the FY 2020 monthly projection of \$10,754, and local ordinance revenue was slightly lower than the monthly average of \$399 for FY 2020. Overtime costs were on par for the monthly projection of \$15,021 for FY 2020. We will be monitoring and reporting any notable patterns or anomalies that occur during FY 2020.

## Revenue/Expenditure Summary

Category	Total # Paid FY20 11/19	Total # Paid FY20 Y-T-D	Expenditure/ Revenue FY20 11/19	FY20 Y-T-D Expenditure/Revenue
Parking/Compliance Citations	260	2,151	\$10,450	\$105,741
Admin. Tows	8	119	\$3,700	\$59,200
Local Ordinance	1	7	\$100	\$1,055
Overtime	249 hrs.	1,488 hrs.	\$15,701	\$94,716

### Significant Incidents and Notable Arrests:

#### **19-01556                      Aggravated Driving While License Revoked Arrest**

On November 1, 2019, a River Forest officer conducted a traffic stop in the area of the 1000 block of Harlem. The driver, a 60 year-old male Elmwood Park resident, had a revoked Illinois Driver's License and had previously been arrested numerous times for driving on a revoked license. The driver was charged with Aggravated Driving While License Revoked and other traffic violations. The driver was later transported to the Maybrook courthouse for bond hearing.

#### **19-01558                      Aggravated Assault to a Police Officer Arrest**

On November 1, 2019, River Forest units were dispatched to a home on the 400 block of Edgewood. The caller told dispatch she was having a domestic disturbance with her 17-year-old son. When officers arrived, the mother advised the son was out of control. The juvenile was uncooperative with officers and shouted obscenities. The juvenile then clinched his fists and moved towards officers as if he was going to strike the officers on scene. The juvenile was arrested and transported to the station. The juvenile was charged with Aggravated Assault to a Police Officer and was petitioned to juvenile court. Thrive family services was called to the station and spoke to the juvenile and the family to address the underlining issues. The juvenile was turned over to the custody of his parents.

#### **19-01568                      Retail Theft Arrest**

On November 2, 2019, River Forest police were called to Walgreens regarding a subject who stole \$274 worth of laundry detergent, lotion, deodorant, and body wash. A River Forest officer located a 53-year-old male Blue Island resident at 1 S. Harlem who matched the description and possessed the stolen items. The male was arrested, charged with Felony Retail Theft due to having 24 prior larceny convictions. He was transported to bond hearing at the Maybrook Courthouse.

#### **19-01593                      Warrant Arrest**

On November 9, 2019, River Forest police were called to Whole Foods regarding a subject detained by loss prevention who attempted to steal food. A name check revealed that the 56-year-old female Chicago resident was found to be wanted by the Chicago Police Department for an unrelated charge. Whole Foods did not wish to sign complaints for retail theft so the female was arrested for the warrant and turned over to Chicago Police

Department officers.

**19-01596                      No Valid Driver's License**

On November 11, 2019, a River Forest officer conducted a traffic stop in the area of the 7300 block of North Ave. The driver, a 41 year-old male Chicago resident, did not have a valid Illinois Driver's License. The driver was charged with No Valid Driver's License and another traffic violation. The driver was later released on bond.

**19-01607                      Retail Theft Arrest**

On November 12, 2019, River Forest police were called to Jewel regarding a subject who stole \$46 worth of alcoholic beverages and food, leaving the scene in a vehicle. A River Forest officer located the vehicle being driven by a 26-year-old male Chicago resident at nearby who matched the description and possessed the stolen items. The male was arrested, charged with Retail Theft and later released on bond. The vehicle was towed with an administrative hold placed on the vehicle.

**19-01616                      DWLS Arrest**

On November 13, 2019, a River Forest officer conducting traffic enforcement in the 7800 block of Washington stopped a vehicle with no license plates. The driver, a 45-year-old female Chicago resident, was found to be driving with a suspended driver's license, which was suspended for an insurance violation. She was arrested for Driving While License Suspended and later released on bond. The vehicle was towed with an administrative hold placed on the vehicle.

**19-01618                      Robbery Arrest/Assist other Police Department**

On November 13, 2019, a River Forest officer was in the area of Thatcher and Lake when a passing motorist advised the officer of a robbery in front of the McDonald's at 1<sup>st</sup> and Lake. Officers responded to the area and located the victim and the offender. The offender, a 19 year-old male Chicago resident fled on foot from responding officers. A short foot chase ensued and the offender was arrested without incident. Maywood police department was notified and arrived on scene. The offender was turned over to Maywood police.

**19-01630                      Reckless Driving/Endangering the Life of a Child Arrest**

On November 16, 2019, a River Forest officer conducted a traffic stop in the area of Grand Ave and Sayre after observing the vehicle commit multiple traffic violations. The driver, an 18 year-old male Chicago resident, was charged with Reckless Driving, Endangering the Life of a Child and other traffic violations. The driver was later released on bond.

**19-01632                      Aggravated Driving Under the Influence &  
Driving While License Suspended/Obstructing Arrest**

On November 17, 2019, a River Forest officer conducted a traffic stop in the area of the 400 block of Harlem Ave, just North of Circle Ave. The driver, a 22 year-old female Chicago resident, provided a fictitious name initially but later provided the real name which revealed that the driver's license was suspended. At the station, the driver showed multiple signs of impairment on all SFSTs. The ASA office was contacted and approved felony Driving Under the Influence charges. The driver was charged with felony Driving Under the

Influence, Driving While License Suspended, Obstructing ID, Aggravated Speeding and other traffic violations. The driver was later transported to the Maybrook courthouse for bond hearing.

**19-01638                      Retail Theft Arrest**

On November 18, 2019, River Forest police were called to Whole Foods regarding a subject detained by loss prevention who attempted to steal \$388 worth of health and clothing items. Upon arrival, the 40-year-old female Chicago resident was arrested, charged with Retail Theft and later released on bond.

**19-01642                      Warrant Arrest**

On November 19, 2019, a River Forest officer arrived in the area of 420 William after being alerted to a suspicious vehicle by a Forest Park PD detective investigating suspicious activity around the CTA Green Line service yard. A name-check of the occupants revealed that the passenger, a 37-year-old female Oak Park resident, was wanted by the DuPage County Sheriff's Office for an unrelated charge. The female was arrested for the warrant and transported to DuPage County where she was turned over to the Sheriffs.

**19-01649                      No Valid Driver's License**

On November 22, 2019, a River Forest officer conducted a traffic stop in the area of North Ave and Kenilworth. The driver, a 22 year-old male Chicago resident, did not have a valid Illinois Driver's License. The driver was charged with No Valid Driver's License and other traffic violations. The driver was later released on bond.

**19-01650                      Disorderly Conduct Arrest**

On November 22, 2019, River Forest units were dispatched to the Jewel reference a disturbance. Upon arrival, the manager advised the 55 year-old female Chicago resident was causing a disturbance inside the store. The manager stated the female comes in on a weekly basis and causes a scene. On this date, the female became irate due to not having funds in her account. The offender was arrested for Disorderly Conduct and was banned from the store. The offender was later released on bond.

**19-01651                      DWLS Arrest**

On November 22, 2019, a River Forest officer conducting traffic enforcement at Lathrop/Division due to recent accidents stopped a vehicle after observing the driving using an electronic communication device while driving. The driver, a 28-year-old male Oak Park resident, was found to be driving with a suspended driver's license, which was suspended for an out-of-state conviction. He was arrested for Driving While License Suspended and later released on bond. The vehicle was towed with an administrative hold placed on the vehicle.

**19-01652                      Driving While License Suspended Arrest**

On November 22, 2019, a River Forest officer conducted a traffic stop in the area of the 7500 block of Randolph. The driver, a 25-year-old male Stone Park resident, had a Suspended Driver's License. The driver was charged with Driving While License Suspended and another traffic violation. The driver was later released on bond.

**19-01657                      Driving Under the Influence/Driving While License Suspended Arrest**

On November 24, 2019, a River Forest officer conducted a traffic stop in the area of North Ave and 1<sup>st</sup> Ave. The

driver, a 37 year-old male Chicago resident, had a Suspended Driver's License and showed multiple signs of impairment on the SFSTs. At the station, the driver provided a BAC sample of .082. The driver was charged with Driving Under the Influence, Driving While License Suspended and other traffic violations. The driver was later released on bond.

**19-01670                      Retail Theft Arrest**

On November 27, 2019, River Forest officers responded to a retail theft in progress at the Walgreens, 7251 W. Lake St. The subject, a 42-year-old male Park Forest resident who matched the description of the offender, was stopped at the Green Line. It was later determined he was the offender and he was in possession of the reported stolen merchandise. The subject was charged with Retail Theft and later released on bond.

**19-01673                      Driving Under the Influence Arrest**

On November 28, 2019, a River Forest officer conducted a traffic stop in the area of North Ave and 9<sup>th</sup> Ave. The driver, a 37 year-old male Chicago resident, showed multiple signs of impairment on the SFSTs. At the station, the driver provided a BAC sample of .175. The driver was charged with Driving Under the Influence and other traffic violations. The driver was later released on bond.

**19-01677                      Driving Under the Influence Arrest**

On November 30, 2019, a River Forest officer conducted a traffic stop in the area of North Ave and Kenilworth. The driver, a 27 year-old male Chicago resident, showed multiple signs of impairment on the SFSTs. The driver was charged with Driving Under the Influence and other traffic violations. The driver was later released on bond.

The following chart summarizes and compares the measured activity for all three Patrol Watches during the month of November 2019:

	Midnights 2230-0630	Day Watch 0630-1430	Third Watch 1430-2230
Criminal Arrests	4	6	3
Warrant Arrests	0	1	2
D.U.I Arrests	4	1	1
Misdemeanor Traffic Arrests	7	5	11
Hazardous Moving Violations	67	64	62
Compliance Citations	19	39	39
Parking Citations	136	17	23
Traffic Stop Data Sheets	104	134	177
Quasi-Criminal Arrests/ L.O	0	0	1
Field Interviews	14	16	29
Premise Checks/Foot Patrols	287	165	330
Written Reports	20	67	55
Administrative Tows	8	2	6
Booted vehicles	0	0	0
Sick Time used (in days)	1	3	4

### **Detective Division**

Detective Sergeant Labriola worked thirteen (13) days performing detective duties.

Detective Fries worked fifteen (15) scheduled days performing detective duties.

Detective Sergeant Labriola and Detective Fries completed the 24-Hour Advanced Homicide Investigation Course.

Detective Sergeant Labriola and Detective Fries interviewed two (2) potential candidates for new police officer hires, and began their background checks. Both continued working on background checks for the previous six (6) candidates they interviewed in October.

Detective Sergeant Labriola was activated for a Death Investigation in Hillside as the acting Forensic Team Supervisor for WESTAF.

Detective Sergeant Labriola completed numerous Certificates of Purchase from O'Hare Towing.

During the month of August, the Detective Unit opened up/reviewed ten (10) cases for potential follow-up. Of those cases, three (3) were Exceptionally Cleared, and seven (7) are Pending. The Unit also continued to

investigate open cases from previous months, as well as assisted the Patrol Division in multiple cases reported in the month of November.

**Year-to-Date Arrest Statistics**

Quantity Arrested	# Felony Charges	# Misdemeanor Charges	# Warrants
27	19	14	9

**November 2019 Case Assignment Summary**

Part I	# Cases	Cleared by Arrest	Adm Closed	Screen Out	Susp	Except	Pend	Refer	Unfound
Aggravated Assault	1						1		
Residential Burglary	1						1		
Burglary	1						1		
<b>Part I Total</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>0</b>
Part II	# Cases	Cleared by Arrest	Adm Closed	Screen Out	Susp	Except Clear	Pend	Refer	Unfound
Theft Over \$500	1					1			
Theft Under \$500	3						3		
Retail Theft	1					1			
Criminal Damage	1						1		
Disorderly Conduct	1					1			
<b>Part II Total</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>4</b>		
<b>TOTALS</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>7</b>	<b>0</b>	<b>0</b>

**November 2019 Juvenile Arrests**

Offenses	Adjusted	Cited	Petitioned	Referred
Agg. Assault to Peace Ofc.			1	
Robbery/Theft Over \$500			1	
Total (2)	0	0	2	0

**New Investigations**

**19-01549-Theft Over \$500**

On October 29, 2019 a resident in the 900 Block of Ashland reported that a known individual who he hired to complete the design for a remodel of the residence took \$20,000 worth of Kohler products without his permission. Upon further investigation it was determined that this was a contractual dispute, and the Cook County State’s Attorney’s Office agreed. As a result, this case was Exceptionally Cleared due to it being a Civil Matter.

### **19-01553-Aggravated Assault**

On October 30, 2019 a River Forest Police Officer responded to the River Forest Town Center located at 7200 Lake St. in reference to an Aggravated Battery report. The victim related that she was involved in a road rage incident after she almost struck the offender's vehicle. The offending vehicle then chased the victim in her vehicle, and intentionally struck the victim's vehicle. The victim obtained a license plate and she positively identified the offender in a photo lineup. Investigators searched for the offender and the vehicle but were unsuccessful in locating either at this time. This case is pending.

### **19-01559-Criminal Damage to Property**

On November 1, 2019 a River Forest Officer took a Criminal Damage report from a victim who related that his vehicle was damaged while dropping off his children at St. Luke's School located at 500 Ashland. The victim reported that he had almost struck a pedestrian crossing the street, and after he apologized the victim and the offender exchanged words before the offender punched the victim's exterior mirror with a closed fist. The victim provided a receipt for the damage, and the offender was positively identified by the victim and an independent witness. Investigators searched for the offender, a 45-year-old male from Berwyn whose child attends St. Luke's School on multiple occasions. Investigators spoke with the male offender on the telephone and he related he would not turn himself in to police. This case is still pending.

### **19-01562-Disorderly Conduct**

On November 1, 2019 Investigators received a report of a male subject repeatedly circling the 1400 block of Franklin and was seen in the driveway of a residence in the 1400 of Franklin. The witness who reported the incident obtained a license plate for the vehicle which registered to a 57-year-old male from River Forest who has a significant criminal history for Window Peeping. Neither the witness of the victim could identify the offender in a lineup, and the case was Exceptionally Cleared.

### **19-01595-Theft Under \$500**

On November 10, 2019 a River Forest Officer responded to the Jewel/Osco located at 7525 Lake St. in reference to a wallet theft. The victim related that her wallet was taken while she was shopping between 5:00Pm and 5:40PM. The unknown offender used the victim's credit card multiple times at the Target in Oak Park. Investigators sent a Critical Reach bulletin seeking assistance on identifying the offender. This case is pending the identification of the offender.

### **19-01637-Theft Under \$500**

On November 18, 2019 a River Forest Officer took a Theft Under \$500 report from a victim who related that her wallet was stolen on November 18, 2019 between 10:30AM and 1:30PM. The victim further reported that her credit cards were used at Macy's in Chicago multiple times. Investigators obtained video surveillance and locating the offending vehicle which was rented from Enterprise in Forest Park. A Critical Reach was also disseminated to surrounding agencies seeking assistance in identifying the offender. Investigators have been working with Enterprise to gather more information about the offender who was not the subject who rented the vehicle. This case is pending.

### **19-01639-Theft Under \$500**

On November 19, 2019 a River Forest Officer took a Theft and Criminal Damage report from Concordia University located at 7400 Augusta. The Public Safety Director stated that on November 16, 2019 he observed eight (8) male subjects who appeared to be teenagers in the gymnasium. The subjects damaged a couple of trophies and took a baseball jersey. Investigators are working with the River Forest School Resource Officer and Oak Park River Forest High School to attempt to identify the subjects from video surveillance.

### **19-01661-Burglary**

On November 25, 2019 a River Forest Officer responded to the 200 block of Park in reference to a Burglary report. The victim related that between November 24, 2019 at 8:00PM and November 25, 2019 at 7:25AM an unknown person entered his detached garage and took a bicycle from within. A check of the bicycle through LeadsOnline was negative. There are no witnesses, physical evidence, or video surveillance. This case is pending the location of the bicycle at this time.

### **19-01662-Residential Burglary**

On November 25, 2019 a River Forest Officer responded to the 600 block of Forest in reference to a Residential Burglary report. The victim related that between November 23, 2019 at 9:00AM and November 25, 2019 at 12:00PM an unknown person entered his residence most likely through an unlocked kitchen door and removed three computers. The victim was unable to provide serial numbers, there are no witnesses, and no video surveillance. An evidence technician lifted multiple latent prints which will be analyzed at the Illinois State Police Forensic Science Center in Chicago to determine if a match could be made to an offender. This case is still pending results from the lab.

### **Old Cases**

#### **19-01482-Strong Arm Robbery**

On October 18, 2019 at approximately 8:00PM a group of juveniles/teenagers chased the juvenile victim in the 700 block of Bonnie Brae Pl, and with the threat of force obtained the victim's cell phone and pass code. The area was checked with negative results, and the following day it was reported a juvenile offender was using the victim's cell phone. The shift sergeant responded to where the phone was tracked, and located three juvenile suspects matching the description of the offenders. The suspects did not have the cell phone, were identified, and released after the victim was unable to identify the suspects in a photo line-up. The detective unit determined the photo line-up of the juvenile offender using the phone was incorrectly administered with the wrong suspect photo. Detective unit attempted to locate the juvenile suspect again with negative results.

Investigators sought the assistance from the Oak Park Detective Bureau in identifying the offender since he has ties to Oak Park. On November 26, 2019 a Robbery was committed at Denny's in Oak Park. The loss was a cellular telephone and Investigators went to the scene where the offender, a 16-year-old male from Chicago was being detained. He was put in a photo lineup and the victim from this case identified him as the offender. Once he was released from Oak Park PD, Investigators apprehended him, and charged him with Robbery and Theft Over \$500. He was mandated to appear on November 27, 2019 at the Cook County Juvenile Detention Center for a court hearing but released on November 26, 2019 to his mother.

### **19-00828-Deceptive Practice**

On June 13, 2019 at 5:33PM a victim of a Deceptive Practice came to the River Forest Police Department to make a report that a male subject unlawfully withdrew money from her bank account at Citibank located at 7221 Lake St. on June 6, 2019 at 1:30PM. Through the investigation it was determined that the male subject convinced the victim to deposit a fraudulent check into her account. He then withdrew those funds before Citibank realized it was fraudulent. Therefore, the victim was responsible for the overdraft of the account. A registration for the offending vehicle was determined and a suspect was developed. The victim positively identified the offender, and he is currently being sought.

After numerous attempts by Investigators to locate the offender or his vehicle without success, Investigators worked with the assistance of the United States Postal Inspector's Office to apprehend the offender who had a master key for all mailboxes because he was stealing mail to obtain checks. The offender, a 29-year-old male was taken into custody and charged with numerous Federal crimes including the one pertaining to this case. This case was cleared by an arrest.

### **Training**

During the month of November 2019, five (5) officers attended different training classes for a total of one-hundred and twenty (120) hours of training. The Department members, courses, and total number of hours included in the course are detailed below.

<b>Officer Name</b>	<b>Course Title</b>	<b>Start</b>	<b>End</b>	<b>Hours</b>
Fries	Advanced Homicide Investigations	11/11/2019	11/13/2019	24
Humphreys	Gypsy Traveler Seminar	11/04/2019	11/04/2019	8
Humphreys	Cyber-Bullying/Sexting Investigations	11/14/2019	11/15/2019	16
Labriola	Advanced Homicide Investigations	11/11/2019	11/13/2019	24
Landini	Impaired Driving Summit	11/13/2019	11/14/2019	16
Landini	AR-15 Armorer	11/23/2019	11/23/2019	8
Landini	Vortex II	11/23/2019	11/23/2019	16
Random	Gypsy Traveler Seminar	11/04/2019	11/04/2019	8
<b>Totals</b>				<b>120</b>



## MEMORANDUM

**DATE:** December 4, 2019  
**TO:** Eric J. Palm, Village Administrator  
**FROM:** John Anderson, Director of Public Works  
**SUBJECT:** Monthly Report – November 2019

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### Executive Summary

In the month of November, the Department of Public Works continued with fall operations with a heavy emphasis on leaf collection and tree trimming. Davis Tree Care continued the annual contractual tree trimming program. The section of the Village where contractual trimming is taking place is mostly between Chicago and Central from Thatcher to Harlem. The information collected during our tree inventory process which is uploaded to the GIS system is shared with the trimming contractor for more efficient trimming. A preconstruction meeting was held with KLOA and H&H Electric for the upcoming traffic signal improvement project at Lake and Thatcher. This project will begin in spring of 2020 and will include the addition of turn signals for each direction at this intersection. This project has been coordinated and submitted for permit with IDOT. Village and Public Works administrative staff continue to meet with Public Works Union (Local 150 operating engineers) representatives to negotiate the union contract. These meeting will continue until an agreement can be reached on the conditions for a new contract with union Public Works employees. A kick-off meeting was held with KLOA to discuss the commuter parking study for sections of the Village impacted by commuter parking issues. This meeting involved discussion of the methods that will be used for collecting the necessary data on Village streets that will be needed to make informed decisions on parking recommendations. Street, alley and parking lot ratings were completed as well as the street patching project. The water tower rehabilitation project began in early November and is anticipated to be completed in 30 to 45 days. This project consists of interior and exterior painting of the water tower, safety improvements, and piping/valve repair and replacement. Public Works staff continue to plan for future needs by updating our Capital Improvement Plan to determine which infrastructure projects are most needed in the near future.

Public Works items approved/discussed by the Village Board of Trustees in November:

- Waiver of Formal Bids and Award of Purchase through the Suburban Purchasing Cooperative a 2020 Ford F-550 Chassis from Sutton Ford for \$40,041.00 and Stainless Steel Dump Body and Plow from Regional Truck Equipment for \$26,274.00 (total cost of \$66,315.00)
- Update Related to Guest Parking on 1500 Block of Ashland Avenue
- Waiver of Formal Bids (Due to an Intergovernmental Agreement) and Approval of a

Supplemental Statement of Work with Municipal GIS Partners for \$41,901.00

- Change Order #1 (Final) for the 2019 Street Patching Project for \$12,185.00 – Resolution
- Change Order #1 (Final) for Thomas Street Alley Reconstruction for \$12,617.27 – Resolution

#### Sustainability Commission Report

- Go Green Oak Park Preemption Resolutions
- PlanItGreen Letter of Intent
- Bike Plan Implementation and Bike Fix It Station Update
- Clean Energy Jobs Act Programs
- Goals for 2020-Matrix All American City Awards Discussion
- Holiday Lights Recycling
- Climate Reality Nov. 20-21
- Dec. 10th PlanItGreen Institutional Forum Breakfast

#### Engineering Division Summary

- Reviewed 3 grading permits
- Conducted monthly Combined Sewer Overflow (CSO) inspection
- Kicked off the 2019 Commuter Parking Study
- Completed the 2019 Streets, Alleys and Parking Lot Rating Surveys
- Completed all locations of the 2019 Street Patching Project
- Continued permit process for the 2019 Water Main Improvement Project
- Continued to coordinate development projects at Chicago/Harlem and Lake/Lathrop
- Continued to coordinate Geographic Information System (GIS) improvements with the Village’s consultant (MGP)
- Participated in completion of the FY21 Capital Improvement Plan

#### Public Works – Operations

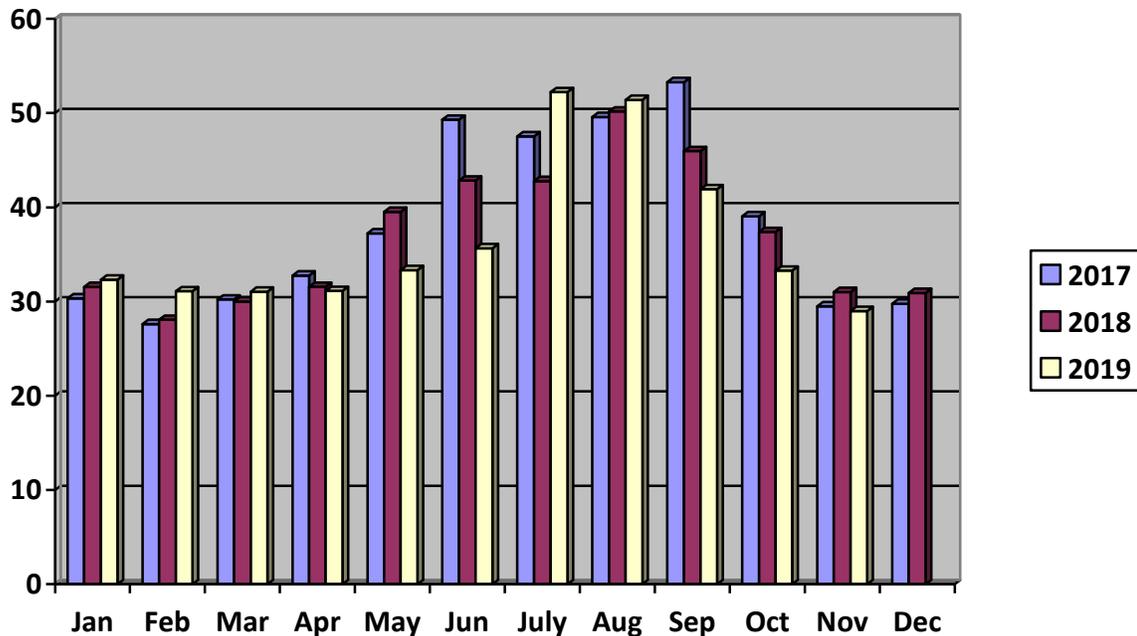
The following is a summary of utility locate requests received from JULIE (Joint Utility Locating Information for Excavators) and work orders (streets, forestry, water, sewer, etc.) that were received and processed during the past 12 months:

	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov
Utility Locates	34	28	21	72	127	226	210	457	311	206	155	77
Work Orders	25	9	20	15	32	39	61	54	46	28	64	44

## Water and Sewer

Monthly Pumpage: November's average daily pumpage of 0.96 million gallons (MG) is lower than November's average of 1.03 MG in 2018.

### Volume of Water Pumped into the Distribution System (Million Gallons)



The 2019-20 Valve Exercising Program is being done in the middle section of the Village.

Residents and Businesses were notified of backflow violations.

One fire hydrant was repaired at the southwest corner of Ashland and Greenfield on 11/20.

A private water service leak occurred at 823 Keystone on 11/20. It was repaired and inspected by B&F construction code services.

The 2019-20 water meter replacement program started in November. A total of 17 meters are remaining to be installed.

The water tower was taken offline for interior and exterior painting and safety improvements. The system was re-adjusted to allow for continually pumping to maintain pressure.

IRMA and the Illinois Dept. of Labor performed inspections at the water pumping station in November. Lockout/Tagout training was completed by water operators.

The Water Division personnel performed these additional tasks in November:

- Responded to 183 service calls
- Exercised 1 valve
- Installed 3 meters

## Streets and Forestry

Staff in the Streets and Forestry division focused heavily on street sweeping, leaf removal, tree trimming, and tree planting. These are the details of the tasks performed frequently in the month of November:

<b>Description of Work Performed</b>	<b>Quantity</b>
Sign Repairs/Fabrication	13
Leaf Removal (tons)	1,424.9
Trees Trimmed	1,041
Trees Removed	3
Number of Snow & Ice Responses	1
Salt Used (tons)	27.4



**Village of River Forest**  
**Village Administrator's Office**  
 400 Park Avenue  
 River Forest, IL 60305  
 Tel: 708-366-8500

**MEMORANDUM**

Date: December 5, 2019  
 To: Eric Palm, Village Administrator  
 From: Lisa Scheiner, Assistant Village Administrator  
 Subj: Village-Wide Performance Measurement Report – November 2019

<b>Building Department Performance Measures</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Goal</b>	<b>November Actual</b>	<b>FY 2020 YTD</b>
Plan reviews of large projects completed in 21 days or less	75% (98 of 130)	95%	N/A*	89% (71 of 80)
Average length of review time for plan reviews of large projects	18.1 days (Monthly Avg)	>21	N/A*	15.7 days (Monthly Avg)
Re-reviews of large projects completed in 14 days or less	92% (160 of 174)	95%	N/A*	96% (109 of 113)
Average length of review time for plan re-reviews of large projects	10.1 days (Monthly Avg)	>14	N/A*	8.2 days (Monthly Avg)
Plan reviews of small projects completed in 7 days or less	100% (185 of 185)	95%	100% (10 of 10)	100% (111 of 111)
Express permits issued at time of application	100% (231 of 231)	100%	100% (20 of 20)	100% (157 of 157)
Inspections completed within 24 hours of request	100% (1576 of 1576)	100%	100% (180 of 180)	100% (1003 of 1003)
Contractual inspections passed	93% (1459 of 1576)	80%	93% (168 of 180)	94% (945 of 1003)
Inspect vacant properties once per month	100% (210 of 210)	100%	100% (21 of 21)	100% (134 of 134)
Code violation warnings issued	179	N/A	5	108
Code violation citations issued	40	N/A	6	26
Conduct building permit survey quarterly	4	1 per quarter	1	3
Make contact with existing business owners	60	5/month 60/year	5	35

<b>Fire Department Performance Measures</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Goal</b>	<b>November Actual</b>	<b>FY 2020 YTD</b>
Average fire/EMS response time for priority calls for service (Includes call processing time)	4:13 minutes	5 Min	4:03 minutes	4:12 minutes
Customer complaints and/or public safety professional complaints	0%	<1%	0%	0%
All commercial, multi-family and educational properties inspected annually	334	335 inspections	27	182
Injuries on duty resulting in lost time	1	<3	0	1
Plan reviews completed 10 working days after third party review	2.17 days on average	<10	4. days on average	2.79 days on average
Complete 270 hours of training for each shift personnel	4792.8	4824	420.	3095.5
Inspect and flush fire hydrants semi-annually	455	445 annually	0	382

<b>Police Department Performance Measures</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Goal</b>	<b>November Actual</b>	<b>FY 2020 YTD</b>
Average police response time for priority calls for service (Does not include call processing time)	4:53 minutes	4:00	5:22 minutes	4:54 minutes
Injuries on duty resulting in lost time	2	0 Days Lost	0	1
Reduce claims filed for property & vehicle damage caused by the Police Department by 25%	7	<3	0	2
Maintain positive relationship with the bargaining unit and reduce the number of grievances	0	0%	0	0
Reduce overtime and improve morale by decreasing sick leave usage	116 days	10% reduction	23 days	160 days
Track accidents at Harlem and North to determine impact of red light cameras	17 accidents	10% reduction	0 accidents	4 accidents
Decrease reported thefts (214 in 2012)	167	5% reduction	9	110
Formal Citizen Complaints	0	0	0	0
Use of Force Incidents	10	0	0	9
Send monthly crime alerts to inform residents of crime patterns and prevention tips	148	1 email/month; 12 emails/year	11	89

<b>Public Works Performance Measures</b>	<b>FY 2019 Actual</b>	<b>FY 2020 Goal</b>	<b>November Actual</b>	<b>FY 2020 YTD</b>
Complete tree trimming/pruning service requests within 7 working days	98% (171 of 175)	95%	97% (32 of 33)	96% (187 of 194)
Complete service requests for unclogging blocked catch basins within 5 working days	100% (8 of 8)	95%	N/A (0 of 0)	100% (4 of 4)
Percent of hydrants out of service more than 10 working days	0.00% (0 of 2640)	<1%	0.00% (0 of 440)	0.00% (0 of 3080)
Replace burned out traffic signal bulb within 8 hours of notification	N/A	99%	N/A	N/A
Complete service requests for patching potholes within 5 working days	100% (12 of 12)	95%	N/A (0 of 0)	100% (5 of 5)
Repair street lights in-house, or schedule contractual repairs, within five working days of notification	96% (23 of 24)	95%	N/A (0 of 0)	100% (14 of 14)
Safety: Not more than two employee injuries annually resulting in days off from work	1	≤2	0	0
Safety: Not more than one vehicle accident annually that was the responsibility of the Village	2	≤1	0	0
Televise 2,640 lineal feet of combined sewer each month from April – September	165% (26196 of 15840)	2,640/ month (15,840/ year)	N/A (0 of 0)	243% (32098 of 13200)
Exercise 25 water system valves per month	43% (117 of 275)	25/month (300/year)	04% (1 of 25)	111% (195 of 175)
Complete first review of grading plans within 10 working days	100% (98 of 98)	95%	100% (3 of 3)	100% (74 of 74)

N/A: Not applicable, not available, or no service requests were made

N/A\*: Due to extenuating circumstances, this data has not yet been collected for November 2019.



**MEMORANDUM**

Date: December 2, 2019  
 To: Eric Palm, Village Administrator  
 From: Rosey McAdams, Director of Finance  
 Subject: Expenditures –November 2019

Attached for your review and approval is a list of payments made to vendors by account number for the period from November 1-30, 2019. The total payments made for the period, including payrolls, are as follows:

**VILLAGE OF RIVER FOREST  
 EXPENDITURES  
 MONTH ENDED November 30, 2019**

FUND	FUND #	VENDORS	PAYROLLS	TOTAL
General Fund	01	\$ 715,637.24	\$ 455,665.08	\$ 1,171,302.32
Water & Sewer Fund	02	684,710.86	47,333.13	732,043.99
Motor Fuel Tax	03	-	-	-
Debt Service	05	259,461.00	-	259,461.00
Capital Equip Replacement	13	27,066.61	-	27,066.61
Capital Improvement Fund	14	360,262.79	-	360,262.79
Economic Development Fund	16	5,570.92	-	5,570.92
TIF-Madison	31	7,399.88	-	7,399.88
TIF-North	32	939.50	-	939.50
Infrastructure Imp Fund	35	-	-	-
<b>Total Village Expenditures</b>		<b>\$ 2,061,048.80</b>	<b>\$ 502,998.21</b>	<b>\$ 2,564,047.01</b>

**Requested Board Actions:**

1. Motion to Approve the November 2019 Accounts Payable and Payroll transactions totaling \$2,550,076.08.
2. Motion to Approve the November 2019 payment to McDonald’s-Karavites totaling \$60.63.
3. Motion to Approve the November 2019 Accounts Payable transactions for the Economic Development Fund (16) totaling \$5,570.92, the TIF-Madison Street Fund (31) totaling \$7,399.88 and the TIF-North Avenue Fund (32) totaling \$939.50.

# Accounts Payable

## Transactions by Account

User: rmcadams  
 Printed: 12/02/2019 - 12:16PM  
 Batch: 00000.00.0000



Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-00-00-21-0015	State Treasurer	PR Batch 00015.11.2019 State Income	11/15/2019	999767	14,941.69	
01-00-00-21-0015	State Treasurer	PR Batch 00027.11.2019 State Income	11/27/2019	999761	11,344.44	
Vendor Subtotal for Division:00					26,286.13	
01-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Medicare En	11/15/2019	999768	4,953.07	
01-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Medicare En	11/15/2019	999768	4,953.07	
01-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 FICA Emplo	11/15/2019	999768	3,705.98	
01-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Federal Inco	11/15/2019	999768	46,872.91	
01-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 FICA Emplo	11/15/2019	999768	3,705.98	
01-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 FICA Emplo	11/27/2019	999762	3,767.43	
01-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Medicare En	11/27/2019	999762	4,042.17	
01-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Medicare En	11/27/2019	999762	4,042.17	
01-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 FICA Emplo	11/27/2019	999762	3,767.43	
01-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Federal Inco	11/27/2019	999762	30,669.56	
Vendor Subtotal for Division:00					110,479.77	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF-Volun	11/15/2019	999759	792.65	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF-Volun	11/15/2019	999759	255.93	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	5,111.83	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	471.96	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	959.67	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	2,513.99	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	474.42	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF-Volun	11/27/2019	999759	898.58	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF-Volun	11/27/2019	999759	303.04	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	964.68	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	5,622.44	
01-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	2,765.11	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
Vendor Subtotal for Division:00					21,134.30	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00015.11.2019 ICMA	11/15/2019	999765	2,507.27	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00015.11.2019 ICMA	11/15/2019	999765	3,022.45	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00015.11.2019 ICMA-W/C	11/15/2019	999765	250.00	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00027.11.2019 ICMA	11/27/2019	999758	3,021.55	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00027.11.2019 ICMA	11/27/2019	999758	1,717.49	
01-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00027.11.2019 ICMA-W/C	11/27/2019	999758	250.00	
Vendor Subtotal for Division:00					10,768.76	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Loan R	11/15/2019	999763	98.88	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Flat	11/15/2019	999763	2,343.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Roth	11/15/2019	999763	225.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA %	11/15/2019	999763	1,348.17	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Emplo;	11/15/2019	999763	555.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Roth %	11/15/2019	999763	1,202.36	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Roth	11/27/2019	999756	225.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Loan R	11/27/2019	999756	98.88	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA %	11/27/2019	999756	858.14	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Emplo;	11/27/2019	999756	555.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Flat 50	11/27/2019	999756	900.00	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Flat	11/27/2019	999756	1,442.99	
01-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Roth %	11/27/2019	999756	923.77	
Vendor Subtotal for Division:00					10,776.19	
01-00-00-21-0043	Genesis Employee Benefits Inc	PR Batch 00015.11.2019 VEBA - W/C	11/15/2019	999764	80.24	
01-00-00-21-0043	Genesis Employee Benefits Inc	PR Batch 00015.11.2019 VEBA Contr	11/15/2019	999764	3,162.10	
01-00-00-21-0043	Genesis Employee Benefits Inc	PR Batch 00027.11.2019 VEBA - W/C	11/27/2019	999757	80.24	
01-00-00-21-0043	Genesis Employee Benefits Inc	PR Batch 00027.11.2019 VEBA Contr	11/27/2019	999757	3,199.18	
Vendor Subtotal for Division:00					6,521.76	
01-00-00-21-0050	Illinois Fraternal Order of Police Laf	PR Batch 00027.11.2019 Police Union	11/27/2019	6114	1,200.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:00			1,200.00	
01-00-00-21-0050	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	8.40	
01-00-00-21-0050	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	4,720.30	
01-00-00-21-0050	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	1,885.56	
		Vendor Subtotal for Division:00			6,614.26	
01-00-00-21-0050	International Union of Operating Eng	PR Batch 00015.11.2019 Public Works	11/15/2019	6115	237.66	
01-00-00-21-0050	International Union of Operating Eng	PR Batch 00027.11.2019 Public Works	11/27/2019	6115	287.23	
		Vendor Subtotal for Division:00			524.89	
01-00-00-21-0050	International Union of Operating Eng	PR Batch 00015.11.2019 Public Works	11/15/2019	6116	46.57	
01-00-00-21-0050	International Union of Operating Eng	PR Batch 00027.11.2019 Public Works	11/27/2019	6116	56.21	
		Vendor Subtotal for Division:00			102.78	
01-00-00-21-0050	NCPERS Group Life Ins.	PR Batch 00015.11.2019 Supplementa	11/15/2019	6117	46.56	
01-00-00-21-0050	NCPERS Group Life Ins.	PR Batch 00027.11.2019 Supplementa	11/27/2019	6117	46.85	
		Vendor Subtotal for Division:00			93.41	
01-00-00-21-0050	State Disbursement Unit	PR Batch 00015.11.2019 McNabb-170	11/15/2019	999766	216.67	
01-00-00-21-0050	State Disbursement Unit	PR Batch 00015.11.2019 Doran-17031	11/15/2019	999766	434.50	
01-00-00-21-0050	State Disbursement Unit	PR Batch 00027.11.2019 Doran-17031	11/27/2019	999760	434.50	
01-00-00-21-0050	State Disbursement Unit	PR Batch 00027.11.2019 McNabb-170	11/27/2019	999760	216.67	
		Vendor Subtotal for Division:00			1,302.34	
01-00-00-25-0021	Normandy Construction Co Inc	REFUND DUMPSTER DEPOSIT	11/27/2019	49984	350.00	
		Vendor Subtotal for Division:00			350.00	
01-00-00-25-0021	Amy Reardon	REFUND DUMPSTER DEPOSIT	11/15/2019	49937	350.00	
		Vendor Subtotal for Division:00			350.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-00-00-25-0021	Pamela Whitehead	REFUND DUMPSTER DEPOSIT	11/27/2019	49998	350.00	
		Vendor Subtotal for Division:00			350.00	
01-00-00-42-2120	Mary Jo & Kelly Taira	REFUND OVERPAYMENT OF VEH	11/27/2019	49993	20.00	
		Vendor Subtotal for Division:00			20.00	
01-00-00-42-2120	Patrick Worsham	REFUND OVERPAYMENT OF VEH	11/27/2019	50000	20.00	
		Vendor Subtotal for Division:00			20.00	
01-00-00-43-3550	Paramedic Billing Services Inc	PBS SERVICE FEE/OCT 2019	11/27/2019	49986	664.71	
		Vendor Subtotal for Division:00			664.71	
01-00-00-44-4230	Mark Carroll	REFUND DUPLICATE PAYMENT O	11/15/2019	49893	30.00	
		Vendor Subtotal for Division:00			30.00	
01-00-00-44-4230	Clare Faherty	REFUND DUPLICATE PAYMENT O	11/27/2019	49970	30.00	
		Vendor Subtotal for Division:00			30.00	
01-00-00-44-4230	Liliana Frischman	REFUND DUPLICATE PAYMENT O	11/15/2019	49908	30.00	
		Vendor Subtotal for Division:00			30.00	
01-00-00-44-4230	Green Arbor Landscape Contractors	REFUND DUPLICATE PAYMENT O	11/15/2019	49911	30.00	
		Vendor Subtotal for Division:00			30.00	
01-10-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	5,854.62	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-10-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	-0.01	
01-10-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	-109.87	
Vendor Subtotal for Division:10					5,744.74	
01-10-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	1,345.07	
01-10-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	5.70	
Vendor Subtotal for Division:10					1,350.77	
01-10-00-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	88.01	
Vendor Subtotal for Division:10					88.01	
01-10-00-53-0200	AT&T	MONTHLY ELEVATOR CHARGE	11/15/2019	49888	363.87	
Vendor Subtotal for Division:10					363.87	
01-10-00-53-0200	CALL ONE	MONTHLY PHONE SERVICE	11/15/2019	49891	989.77	
01-10-00-53-0200	CALL ONE	MONTHLY PHONE SERVICE	11/27/2019	49961	989.77	
Vendor Subtotal for Division:10					1,979.54	
01-10-00-53-0200	Verizon Financial Services LLC	DATA SERVICE FOR TABLETS & M	11/15/2019	0	77.92	
Vendor Subtotal for Division:10					77.92	
01-10-00-53-0380	Houseal Lavigne Associates	PLANNING CONSULTING SERVIC	11/15/2019	49915	5,512.97	
01-10-00-53-0380	Houseal Lavigne Associates	CONSULTING SERVICES	11/27/2019	49973	802.50	
Vendor Subtotal for Division:10					6,315.47	
01-10-00-53-0380	Total Administrative Services Corp	COBRA ADMIN FEES	11/15/2019	49946	89.00	
01-10-00-53-0380	Total Administrative Services Corp	FSA/VEBA ADMIN FEES	11/15/2019	49946	468.60	
01-10-00-53-0380	Total Administrative Services Corp	FSA/VEBA ADMIN FEES	11/15/2019	49946	144.50	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:10			702.10	
01-10-00-53-0410	Fifth Third Bank	AMAZON WEB SERVICES - OCT 20	11/29/2019	214	424.96	
01-10-00-53-0410	Fifth Third Bank	TABLET KEYBOARD - J ANDERSC	11/29/2019	214	49.99	
		Vendor Subtotal for Division:10			474.95	
01-10-00-53-0410	TKB Associates Inc	ANNUAL LASERFICHE FEES	11/15/2019	49945	3,929.25	
		Vendor Subtotal for Division:10			3,929.25	
01-10-00-53-0410	Webitects	WEB HOSTING/NOV 2019	11/15/2019	49954	235.00	
		Vendor Subtotal for Division:10			235.00	
01-10-00-53-3300	De Lage Landen Financial Svcs Inc	MONTHLY LEASING (3) COPIERS/	11/15/2019	49902	505.34	
		Vendor Subtotal for Division:10			505.34	
01-10-00-53-3300	Regal Business Machines Inc	(3) COPIERS MAINTENANCE & CC	11/15/2019	49938	399.92	
		Vendor Subtotal for Division:10			399.92	
01-10-00-53-4250	Fifth Third Bank	ICMA CONFERENCE AIRFARE - E	11/29/2019	214	68.30	
01-10-00-53-4250	Fifth Third Bank	ICMA CONFERENCE AIRFARE - E	11/29/2019	214	174.30	
01-10-00-53-4250	Fifth Third Bank	LUNCH MEETING	11/29/2019	214	119.85	
01-10-00-53-4250	Fifth Third Bank	IPELRA CONFERENCE LODGING	11/29/2019	214	133.28	
01-10-00-53-4250	Fifth Third Bank	OCTOBER CCC MEETING	11/29/2019	214	93.46	
01-10-00-53-4250	Fifth Third Bank	ICMA CONFERENCE TAXI FARE -	11/29/2019	214	50.25	
01-10-00-53-4250	Fifth Third Bank	ICMA CONFERENCE HOTEL - E PA	11/29/2019	214	1,024.20	
01-10-00-53-4250	Fifth Third Bank	LUNCH MEETING WITH VP & STA	11/29/2019	214	190.83	
		Vendor Subtotal for Division:10			1,854.47	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-10-00-53-4300	Fifth Third Bank	RECRUITMENT ASSESSMENT TEST	11/29/2019	214	798.00	
		Vendor Subtotal for Division:10			798.00	
01-10-00-53-4300	Illinois Municipal League	2020 ANNUAL MEMBERSHIP DUE	11/15/2019	49918	1,250.00	
		Vendor Subtotal for Division:10			1,250.00	
01-10-00-53-4300	Metropolitan Mayors Caucus	2019-20 MEMBERSHIP DUES	11/15/2019	49931	502.74	
		Vendor Subtotal for Division:10			502.74	
01-10-00-53-4300	Oak Park River Forest	ANNUAL MEMBERSHIP CHAMBER	11/15/2019	49935	750.00	
		Vendor Subtotal for Division:10			750.00	
01-10-00-53-4300	Society For Human Resource Mgmt	SHRM ANNUAL DUES/L SCHEINE	11/27/2019	49991	209.00	
		Vendor Subtotal for Division:10			209.00	
01-10-00-53-4400	Isaac Ray Forensic Group LLC	MEDICAL TESTING	11/15/2019	49922	6,600.00	
		Vendor Subtotal for Division:10			6,600.00	
01-10-00-54-0100	Fifth Third Bank	BATTERIES	11/29/2019	214	19.56	
01-10-00-54-0100	Fifth Third Bank	BREAK ROOM MICROWAVE	11/29/2019	214	179.95	
01-10-00-54-0100	Fifth Third Bank	MISC OFFICE SUPPLIES	11/29/2019	214	11.35	
01-10-00-54-0100	Fifth Third Bank	MISC OFFICE SUPPLIES	11/29/2019	214	29.48	
01-10-00-54-0100	Fifth Third Bank	MISC OFFICE SUPPLIES	11/29/2019	214	110.02	
		Vendor Subtotal for Division:10			350.36	
01-10-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	79.40	
01-10-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	14.72	
01-10-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	18.69	
01-10-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	25.04	
01-10-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	63.87	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:10			201.72	
01-10-00-54-0150	Bio-Tron Inc	AED FOR GENERAL BUILDING USE	11/15/2019	49890	1,630.00	
		Vendor Subtotal for Division:10			1,630.00	
01-14-00-53-4275	West Suburban Consolidated	MONTHLY CONTRIBUTION - 911 I	11/27/2019	0	34,634.64	
		Vendor Subtotal for Division:14			34,634.64	
01-15-00-53-0420	Klein Thorpe and Jenkins Ltd	ZONING BOARD OF APPEALS	11/15/2019	0	64.50	
01-15-00-53-0420	Klein Thorpe and Jenkins Ltd	HISTORIC PRESERVATION COMM	11/15/2019	0	150.50	
		Vendor Subtotal for Division:15			215.00	
01-20-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	3,557.63	
		Vendor Subtotal for Division:20			3,557.63	
01-20-00-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	11.20	
		Vendor Subtotal for Division:20			11.20	
01-20-00-53-0370	Envirosafe	PEST CONTROL	11/15/2019	49907	235.00	
01-20-00-53-0370	Envirosafe	PEST CONTROL	11/27/2019	49969	235.00	
		Vendor Subtotal for Division:20			470.00	
01-20-00-53-0370	Kelty Lawn Care	LAWN MAINTENANCE/423 ASHLA	11/15/2019	49925	412.50	
		Vendor Subtotal for Division:20			412.50	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-20-00-53-0370	Verizon Financial Services LLC	DATA SERVICE FOR TABLETS & M	11/15/2019	0	13.97	
		Vendor Subtotal for Division:20			13.97	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/1445 CLINTON PL :	11/15/2019	49889	225.00	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/800 HARLEM THE	11/15/2019	49889	450.00	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/734 WILLIAM ST	11/27/2019	49959	515.00	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/747 WILLIAM ST	11/27/2019	49959	225.00	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/1407 PARK AVE	11/27/2019	49959	365.00	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/1315 PARK AVE	11/27/2019	49959	1,263.74	
01-20-00-53-1305	B&F Construction Code Services Inc	PLAN REVIEW/823 KEYSTONE AV	11/27/2019	49959	340.00	
		Vendor Subtotal for Division:20			3,383.74	
01-30-00-53-0420	Clark Baird Smith LLP	EMPLOYMENT LAW SERVICES	11/15/2019	49896	1,615.00	
		Vendor Subtotal for Division:30			1,615.00	
01-30-00-53-0425	Klein Thorpe and Jenkins Ltd	PUBLIC WORKS ADVISORY	11/15/2019	0	2,449.42	
01-30-00-53-0425	Klein Thorpe and Jenkins Ltd	WEST LAKE ST BUSINESS DISTRI	11/15/2019	0	1,346.80	
01-30-00-53-0425	Klein Thorpe and Jenkins Ltd	POLICE ADVISORY	11/15/2019	0	43.00	
01-30-00-53-0425	Klein Thorpe and Jenkins Ltd	FIRE ADVISORY	11/15/2019	0	301.00	
01-30-00-53-0425	Klein Thorpe and Jenkins Ltd	FINANCE/ADMIN ADVISORY	11/15/2019	0	7,567.89	
		Vendor Subtotal for Division:30			11,708.11	
01-30-00-53-0426	Klein Thorpe and Jenkins Ltd	LOCAL PROSECUTION	11/15/2019	0	1,000.00	
		Vendor Subtotal for Division:30			1,000.00	
01-40-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	-585.08	
01-40-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	45,404.08	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:40			44,819.00	
01-40-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	12,676.64	
01-40-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	51.30	
		Vendor Subtotal for Division:40			12,727.94	
01-40-00-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	500.03	
01-40-00-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	-5.60	
		Vendor Subtotal for Division:40			494.43	
01-40-00-53-0200	AT&T Wireless	AT&T CELLULAR TELEPHONE BI	11/12/2019	213	211.01	
		Vendor Subtotal for Division:40			211.01	
01-40-00-53-0200	Verizon Financial Services LLC	DATA SERVICE FOR TABLETS & M	11/15/2019	0	65.95	
		Vendor Subtotal for Division:40			65.95	
01-40-00-53-0385	Municipal Systems Inc	MONTHLY SUBSCRIPTION FEE/O	11/15/2019	0	950.00	
		Vendor Subtotal for Division:40			950.00	
01-40-00-53-0410	Verizon Connect NWF Inc	GPS FLEET MANAGEMENT PROG	11/15/2019	49950	132.65	
		Vendor Subtotal for Division:40			132.65	
01-40-00-53-0410	Thomson Reuters-West	CP CLEAR MONTHLY SUBSCRIPT	11/15/2019	49943	185.66	
		Vendor Subtotal for Division:40			185.66	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-40-00-53-0430	Animal Care League	IMPOUND FEES/SEP 2019	11/15/2019	0	60.00	
		Vendor Subtotal for Division:40			60.00	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2013 FORD TAURUS PPV	11/15/2019	0	1,369.38	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2018 DODGE DURANGO	11/15/2019	0	44.00	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2017 FORD EXPLORER #	11/15/2019	0	24.00	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2013 FORD EXPLORER #	11/15/2019	0	175.50	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2017 DODGE DURANGO	11/15/2019	0	95.00	
01-40-00-53-3200	Pete's Automotive Service Inc	SERVICE 2018 DODGE CHARGER	11/15/2019	0	24.00	
		Vendor Subtotal for Division:40			1,731.88	
01-40-00-53-3600	Fifth Third Bank	NEW FAUCET FOR PD SOUTH GA	11/29/2019	214	206.49	
		Vendor Subtotal for Division:40			206.49	
01-40-00-53-4100	Fifth Third Bank	TRAINING - M LANDINI	11/29/2019	214	100.00	
		Vendor Subtotal for Division:40			100.00	
01-40-00-53-4100	ITOA	TUITION FOR (1) DAY TRAINING/	11/27/2019	49975	10.00	
		Vendor Subtotal for Division:40			10.00	
01-40-00-53-4100	Justin Labriola	REIMB MEAL EXPENSE/TRAINING	11/15/2019	49926	52.51	
		Vendor Subtotal for Division:40			52.51	
01-40-00-53-4100	Matthew Landini	REIMB MEAL EXPENSE/TRAINING	11/15/2019	49927	11.47	
		Vendor Subtotal for Division:40			11.47	
01-40-00-53-4100	North East Multi-Regional Training	(2) DAY TUITION FOR TRAINING/	11/15/2019	49934	650.00	
01-40-00-53-4100	North East Multi-Regional Training	TUITION FOR (2) DAY TRAINING/	11/27/2019	49985	325.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:40			975.00	
01-40-00-53-4100	PRI Management Group	TUITION FOR (1) DAY TRAINING/I	11/27/2019	49987	390.00	
		Vendor Subtotal for Division:40			390.00	
01-40-00-53-4100	Bruce Walstad	(1) DAY TRAINING TUITION/B RA	11/15/2019	49952	150.00	
		Vendor Subtotal for Division:40			150.00	
01-40-00-53-4200	Andy Frain Services Inc	CROSSING GUARD SERVICES/OC	11/27/2019	0	11,671.56	
		Vendor Subtotal for Division:40			11,671.56	
01-40-00-53-4200	Thrive Counseling Center	QUARTERLY COUNSELING SERVI	11/15/2019	49944	1,500.00	
		Vendor Subtotal for Division:40			1,500.00	
01-40-00-53-4300	Fifth Third Bank	CHICAGO TRIBUNE DIGITAL SUB	11/29/2019	214	7.96	
		Vendor Subtotal for Division:40			7.96	
01-40-00-54-0100	Warehouse Direct Inc	MISC OFFICE SUPPLIES	11/15/2019	49953	151.14	
01-40-00-54-0100	Warehouse Direct Inc	PD OFFICE SUPPLIES	11/27/2019	49997	399.83	
		Vendor Subtotal for Division:40			550.97	
01-40-00-54-0150	Radarsign LLC	POLE MOUNTED RADAR SPEED S	11/27/2019	49988	19,968.00	
		Vendor Subtotal for Division:40			19,968.00	
01-40-00-54-0300	Fifth Third Bank	FLAG PATCHES FOR PD	11/29/2019	214	19.96	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-40-00-54-0300	Fifth Third Bank	FLAG PATCHES FOR PD	11/29/2019	214	53.95	
		Vendor Subtotal for Division:40			73.91	
01-40-00-54-0300	JG Uniforms Inc	UNIFORMS/A MURILLO	11/15/2019	49923	61.50	
01-40-00-54-0300	JG Uniforms Inc	UNIFORMS/CHANGE PATCHES ON	11/15/2019	49923	66.00	
01-40-00-54-0300	JG Uniforms Inc	UNIFORMS/RFPD PINK SHOULDE	11/15/2019	49923	675.00	
		Vendor Subtotal for Division:40			802.50	
01-40-00-54-0300	Ray O'Herron Co. Inc	UNIFORMS/M SHEEHAN	11/15/2019	49936	175.99	
01-40-00-54-0300	Ray O'Herron Co. Inc	UNIFORMS/P EBERLING	11/15/2019	49936	5.40	
01-40-00-54-0300	Ray O'Herron Co. Inc	UNIFORMS/D HUMPHREYS	11/15/2019	49936	360.93	
01-40-00-54-0300	Ray O'Herron Co. Inc	UNIFORMS/D ZERMENO	11/15/2019	49936	13.99	
01-40-00-54-0300	Ray O'Herron Co. Inc	UNIFORMS/M OSTROWSKI	11/15/2019	49936	202.71	
		Vendor Subtotal for Division:40			759.02	
01-40-00-54-0400	Albertsons/Safeway	MEDS FOR PRISONER	11/27/2019	49957	24.69	
		Vendor Subtotal for Division:40			24.69	
01-40-00-54-0400	McDonald's-Karavites Restaurant 67	PRISONER MEALS	11/27/2019	49977	60.63	
		Vendor Subtotal for Division:40			60.63	
01-40-00-54-0602	Axon Enterprise Inc	TWO NEW TASER UNITS	11/27/2019	49958	2,044.00	
		Vendor Subtotal for Division:40			2,044.00	
01-40-00-54-0602	UPS	TASER/GEAR	11/27/2019	49995	28.94	
		Vendor Subtotal for Division:40			28.94	
01-40-00-54-0603	Fifth Third Bank	PD EVIDENCE SUPPLIES - PHOTO	11/29/2019	214	1,255.26	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:40			1,255.26	
01-40-00-54-0603	TriTech Forensics Inc	EVIDENCE SUPPLIES	11/15/2019	49947	52.00	
01-40-00-54-0603	TriTech Forensics Inc	EVIDENCE SUPPLIES	11/15/2019	49947	98.75	
01-40-00-54-0603	TriTech Forensics Inc	EVIDENCE SUPPLIES	11/15/2019	49947	151.78	
		Vendor Subtotal for Division:40			302.53	
01-50-00-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	28,176.31	
		Vendor Subtotal for Division:50			28,176.31	
01-50-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	9,471.43	
01-50-00-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	31.35	
		Vendor Subtotal for Division:50			9,502.78	
01-50-00-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	273.47	
		Vendor Subtotal for Division:50			273.47	
01-50-00-53-0200	AT&T Wireless	AT&T CELLULAR TELEPHONE BI	11/12/2019	213	82.52	
		Vendor Subtotal for Division:50			82.52	
01-50-00-53-0410	Zoll Medical Corporation	ICLOUD SERVICES - CARDIAC MC	11/15/2019	49956	495.00	
		Vendor Subtotal for Division:50			495.00	
01-50-00-53-3100	Hastings Air-Energy Control Inc	REPAIR TO FD GEAR CLEANER	11/27/2019	49972	621.95	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:50			621.95	
01-50-00-53-3200	Certified Fleet Services Inc	#222 REPAIR WATER LEAK IN PUM	11/15/2019	0	3,628.67	
01-50-00-53-3200	Certified Fleet Services Inc	ANNUAL PUMP TEST	11/15/2019	0	1,650.00	
01-50-00-53-3200	Certified Fleet Services Inc	#222 RIGHT MIRROR REPLACEME	11/15/2019	0	729.03	
		Vendor Subtotal for Division:50			6,007.70	
01-50-00-53-4100	Quentin Boyd	REIMB FOR LIFE CYCLE OF MAS\$	11/27/2019	49960	20.00	
		Vendor Subtotal for Division:50			20.00	
01-50-00-53-4100	Illinois Fire Inspectors Association	SEMINAR REGISTRATION/K WILF	11/15/2019	49917	50.00	
		Vendor Subtotal for Division:50			50.00	
01-50-00-53-4300	Fifth Third Bank	LICENSE INSPECTION FEE RENEV	11/29/2019	214	51.13	
		Vendor Subtotal for Division:50			51.13	
01-50-00-54-0300	W.S. Darley & Co	FIRE GLOVES	11/27/2019	49996	402.30	
		Vendor Subtotal for Division:50			402.30	
01-50-00-54-0300	Multi Service Technology Solutions	WORK BOOT/A HOWE	11/15/2019	49933	139.49	
01-50-00-54-0300	Multi Service Technology Solutions	WORK BOOT/D BOCHENEK	11/15/2019	49933	139.49	
01-50-00-54-0300	Multi Service Technology Solutions	WORK BOOT/A SEABLOM	11/27/2019	49981	139.49	
		Vendor Subtotal for Division:50			418.47	
01-50-00-54-0600	Bio-Tron Inc	MOUNT FOR 2011 MONITOR	11/15/2019	49890	875.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:50			875.00	
01-50-00-54-0600	CJC Auto Parts & Tires	WINDSHIELD FLUID & BULBS FO	11/15/2019	49895	52.50	
01-50-00-54-0600	CJC Auto Parts & Tires	OIL DRY	11/15/2019	49895	58.32	
01-50-00-54-0600	CJC Auto Parts & Tires	#215 BATTERY CORE - #222 HOSE	11/15/2019	49895	305.67	
		Vendor Subtotal for Division:50			416.49	
01-50-00-54-0600	W.S. Darley & Co	FIRE HOODS (6)	11/15/2019	49951	468.30	
		Vendor Subtotal for Division:50			468.30	
01-50-00-54-0600	Christopher Doran	REIMB TOOLS FOR RIG & STATIO	11/15/2019	49905	98.90	
		Vendor Subtotal for Division:50			98.90	
01-50-00-54-0600	Emergency Medical Products Inc	LARYNGOSCOPE HANDLES & BL	11/15/2019	49906	795.43	
		Vendor Subtotal for Division:50			795.43	
01-50-00-54-0600	Fifth Third Bank	SENSIT COMBUSTIBLE GAS LEAF	11/29/2019	214	425.00	
		Vendor Subtotal for Division:50			425.00	
01-50-00-54-0600	US Gas	OXYGEN CYLINDER RENTAL/OC'	11/15/2019	0	168.30	
		Vendor Subtotal for Division:50			168.30	
01-60-01-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	4,680.60	
		Vendor Subtotal for Division:60			4,680.60	
01-60-01-52-0400	MOE Funds	P/W EMPLOYEE HEALTH INS/JAN	11/27/2019	49980	5,157.10	
		Vendor Subtotal for Division:60			5,157.10	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-60-01-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	1,974.66	
01-60-01-52-0420	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	5.70	
		Vendor Subtotal for Division:60			1,980.36	
01-60-01-52-0420	Midwest Operating Eng-Pension Tru	P/W RETIREE EMPLOYEE HEALTH	11/27/2019	49979	1,070.00	
		Vendor Subtotal for Division:60			1,070.00	
01-60-01-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	86.03	
		Vendor Subtotal for Division:60			86.03	
01-60-01-53-0200	Verizon Financial Services LLC	DATA SERVICE FOR TABLETS & M	11/15/2019	0	47.27	
01-60-01-53-0200	Verizon Financial Services LLC	DATA FOR MESSAGE BOARD	11/27/2019	0	18.04	
		Vendor Subtotal for Division:60			65.31	
01-60-01-53-0410	GIS Consortium	ONE-TIME INITIATION FEE FOR M	11/15/2019	49910	600.00	
		Vendor Subtotal for Division:60			600.00	
01-60-01-53-0410	MGP Inc	GIS CONSORTIUM STAFFING SER	11/15/2019	0	1,697.67	
		Vendor Subtotal for Division:60			1,697.67	
01-60-01-53-3200	D & K Truck Safety Lane LLC	SAFETY LANE STICKERS	11/15/2019	49899	100.00	
		Vendor Subtotal for Division:60			100.00	
01-60-01-53-3200	Runnion Equipment Co	ANNUAL REQUIRED INSPECTION	11/15/2019	49939	1,926.40	
		Vendor Subtotal for Division:60			1,926.40	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-60-01-53-3200	Wigit's Truck Center	MAINTENANCE ON FORD RANGE	11/15/2019	49955	276.30	
01-60-01-53-3200	Wigit's Truck Center	MAINTENANCE ON FORD TAURU	11/15/2019	49955	212.26	
		Vendor Subtotal for Division:60			488.56	
01-60-01-53-3400	State Treasurer	MAINTENANCE AGREEMENT FOI	11/15/2019	49941	2,344.50	
		Vendor Subtotal for Division:60			2,344.50	
01-60-01-53-3550	Davis Tree Care Inc	TREE TRIMMING	11/15/2019	49901	8,310.00	
01-60-01-53-3550	Davis Tree Care Inc	TREE TRIMMING	11/15/2019	49901	15,912.00	
01-60-01-53-3550	Davis Tree Care Inc	TREE TRIMMING	11/15/2019	49901	12,903.00	
01-60-01-53-3550	Davis Tree Care Inc	TREE TRIMMING	11/27/2019	49966	4,317.00	
01-60-01-53-3550	Davis Tree Care Inc	TREE TRIMMING	11/27/2019	49966	8,418.00	
		Vendor Subtotal for Division:60			49,860.00	
01-60-01-53-3550	Homer Tree Care Inc	CONTRACT TREE REMOVALS	11/15/2019	49914	17,895.00	
		Vendor Subtotal for Division:60			17,895.00	
01-60-01-53-3600	Aqua Fiori Inc	WINTERIZED VILLAGE HALL LAV	11/15/2019	49887	110.00	
		Vendor Subtotal for Division:60			110.00	
01-60-01-53-3600	Fifth Third Bank	SECURITY CAMERAS FOR P/W G/	11/29/2019	214	404.98	
		Vendor Subtotal for Division:60			404.98	
01-60-01-53-3620	McGill Construction Co LLC	2019 STREET PATCHING PROJECT	11/15/2019	49930	60,415.00	
		Vendor Subtotal for Division:60			60,415.00	
01-60-01-53-3620	Superior Road Striping Inc	2019 THERMOPLASTIC STRIPING	11/27/2019	49992	7,998.24	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
					7,998.24	
		Vendor Subtotal for Division:60				
01-60-01-53-4250	Illinois Arborist Association	IAA ANNUAL CONFERENCE/RAD	11/15/2019	49916	655.00	
		Vendor Subtotal for Division:60			655.00	
01-60-01-53-4250	IPWMAN	ANNUAL MEMBERSHIP DUES	11/15/2019	49921	100.00	
		Vendor Subtotal for Division:60			100.00	
01-60-01-53-4300	International Society of Arboricultur	ARBORIST CERTIFICATION RENE	11/15/2019	49920	180.00	
01-60-01-53-4300	International Society of Arboricultur	ARBORIST CERTIFICATION RENE	11/15/2019	49920	180.00	
		Vendor Subtotal for Division:60			360.00	
01-60-01-53-4300	International Society of Arboricultur	RENEWAL OF ARBORIST CERTIFI	11/27/2019	49974	120.00	
		Vendor Subtotal for Division:60			120.00	
01-60-01-53-4400	Elmhurst Occupational Health	EMPLOYEE MEDICAL/SCREENIN	11/27/2019	49968	303.00	
		Vendor Subtotal for Division:60			303.00	
01-60-01-53-5300	UPS	2019 S.I.P. SUBMITTAL	11/15/2019	49949	5.38	
01-60-01-53-5300	UPS	CHICAGO AVE REIMBURSEMENT	11/27/2019	49995	5.41	
		Vendor Subtotal for Division:60			10.79	
01-60-01-53-5350	Greenwood Transfer LLC	TREE PLANTING SPOILS	11/15/2019	49912	107.25	
		Vendor Subtotal for Division:60			107.25	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-60-01-53-5400	Economy Iron	REPAIR OF IRON FENCE ON CHIC	11/27/2019	49967	2,925.00	
		Vendor Subtotal for Division:60			2,925.00	
01-60-01-53-5400	Leyden Lawn Sprinklers Inc	REPAIRS TO SPRINKLER SYSTEM	11/15/2019	49928	150.00	
		Vendor Subtotal for Division:60			150.00	
01-60-01-53-5400	Lyons & Pinner Electric Companies	REPAIR CONDUIT CROSSING-PIPI	11/15/2019	0	1,083.96	
		Vendor Subtotal for Division:60			1,083.96	
01-60-01-53-5450	AEP Energy	ELECTRICITY FOR STREET LIGHT	11/15/2019	49886	1,614.71	
		Vendor Subtotal for Division:60			1,614.71	
01-60-01-53-5450	ComEd	MADISON ST LIGHTING	11/27/2019	49963	100.95	
		Vendor Subtotal for Division:60			100.95	
01-60-01-54-0100	Datasource Ink	TONER/PUMP STATION	11/15/2019	49900	84.00	
01-60-01-54-0100	Datasource Ink	TONER/PUMP STATION	11/15/2019	49900	165.00	
		Vendor Subtotal for Division:60			249.00	
01-60-01-54-0500	Genuine Parts Co Inc	PW VEHICLE BULBS & TIRE SEAI	11/27/2019	49971	57.98	
		Vendor Subtotal for Division:60			57.98	
01-60-01-54-0600	Keller-Heartt Oil Co Inc	D.E.F. FLUID FOR P/W TRUCKS	11/27/2019	0	209.25	
		Vendor Subtotal for Division:60			209.25	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
01-60-01-54-0600	W.C. Schauer Hardware	ALKALINE BATTERIES FOR P/W	11/15/2019	49940	15.29	
01-60-01-54-0600	W.C. Schauer Hardware	4-OUTLET POWER STRIP FOR P/W	11/15/2019	49940	11.68	
		Vendor Subtotal for Division:60			26.97	
01-60-01-54-0600	Unique Products & Service Corp	MISC JANITORIAL SUPPLIES	11/27/2019	49994	617.52	
		Vendor Subtotal for Division:60			617.52	
01-60-01-54-2100	Cargill Incorporated	PURCHASE OF ROAD SALT	11/15/2019	49892	1,795.72	
01-60-01-54-2100	Cargill Incorporated	PURCHASE OF ROAD SALT	11/15/2019	49892	1,746.15	
01-60-01-54-2100	Cargill Incorporated	PURCHASE OF ROAD SALT	11/15/2019	49892	5,305.12	
		Vendor Subtotal for Division:60			8,846.99	
01-60-05-53-5500	Roy Strom Refuse Removal Inc	REFUSE REMOVAL PER CONTRA	11/27/2019	0	91,554.64	
		Vendor Subtotal for Division:60			91,554.64	
01-60-05-53-5510	Roy Strom Refuse Removal Inc	DISPOSAL OF LEAVES	11/27/2019	0	6,977.21	
		Vendor Subtotal for Division:60			6,977.21	
		Subtotal for Fund: 01			715,637.24	
02-00-00-21-0000	Home Partners GA 2015 LLC	REFUND OVERPAYMENT ON ACC	11/15/2019	49913	48.32	
		Vendor Subtotal for Division:00			48.32	
02-00-00-21-0000	Frank Difebo	Refund Check 009338-000, 755 MON	10/30/2019	49903	45.00	
		Vendor Subtotal for Division:00			45.00	
02-00-00-21-0000	Jorge Lopez	Refund Check 013226-000, 543 CLIN	11/05/2019	49929	55.51	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:00			55.51	
02-00-00-21-0000	Maria Schaer	Refund Check 000355-000, 801 CLIN	11/21/2019	49990	45.00	
		Vendor Subtotal for Division:00			45.00	
02-00-00-21-0000	Freda Wood-Livingston	Refund Check 002213-000, 1315 PAF	11/25/2019	49999	0.10	
		Vendor Subtotal for Division:00			0.10	
02-00-00-21-0015	State Treasurer	PR Batch 00015.11.2019 State Income	11/15/2019	999767	1,571.85	
02-00-00-21-0015	State Treasurer	PR Batch 00027.11.2019 State Income	11/27/2019	999761	1,567.34	
		Vendor Subtotal for Division:00			3,139.19	
02-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Federal Inco	11/15/2019	999768	3,840.72	
02-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Medicare En	11/15/2019	999768	503.18	
02-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 FICA Emplo	11/15/2019	999768	2,099.66	
02-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 FICA Emplo	11/15/2019	999768	2,099.66	
02-00-00-21-0015	United States Treasury	PR Batch 00015.11.2019 Medicare En	11/15/2019	999768	503.18	
02-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 FICA Emplo	11/27/2019	999762	1,938.18	
02-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Federal Inco	11/27/2019	999762	3,943.63	
02-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Medicare En	11/27/2019	999762	500.68	
02-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 FICA Emplo	11/27/2019	999762	1,938.18	
02-00-00-21-0015	United States Treasury	PR Batch 00027.11.2019 Medicare En	11/27/2019	999762	500.68	
		Vendor Subtotal for Division:00			17,867.75	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF-Volun	11/27/2019	999759	114.28	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF-Volun	11/27/2019	999759	353.05	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	2,776.66	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	1,365.58	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	123.80	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00027.11.2019 IMRF Emplc	11/27/2019	999759	251.74	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF-Volun	11/15/2019	999759	353.05	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	2,751.64	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	294.85	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF-Volun	11/15/2019	999759	161.39	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	145.00	
02-00-00-21-0030	Illinois Municipal Retirement Fund	PR Batch 00015.11.2019 IMRF Emplc	11/15/2019	999759	1,353.28	
Vendor Subtotal for Division:00					10,044.32	
02-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00015.11.2019 ICMA	11/15/2019	999765	23.38	
02-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00015.11.2019 ICMA	11/15/2019	999765	92.55	
02-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00027.11.2019 ICMA	11/27/2019	999758	93.45	
02-00-00-21-0040	ICMA Retirement Corporation - 302	PR Batch 00027.11.2019 ICMA	11/27/2019	999758	23.38	
Vendor Subtotal for Division:00					232.76	
02-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Flat	11/15/2019	999763	242.00	
02-00-00-21-0041	AXA Equitable Retirement	PR Batch 00015.11.2019 AXA Emplo;	11/15/2019	999763	61.67	
02-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Flat	11/27/2019	999756	142.01	
02-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Emplo;	11/27/2019	999756	61.67	
02-00-00-21-0041	AXA Equitable Retirement	PR Batch 00027.11.2019 AXA Flat 50	11/27/2019	999756	100.00	
Vendor Subtotal for Division:00					607.35	
02-00-00-21-0050	International Union of Operating Eng	PR Batch 00027.11.2019 Public Work:	11/27/2019	6115	238.60	
02-00-00-21-0050	International Union of Operating Eng	PR Batch 00015.11.2019 Public Work:	11/15/2019	6115	288.17	
Vendor Subtotal for Division:00					526.77	
02-00-00-21-0050	International Union of Operating Eng	PR Batch 00027.11.2019 Public Work:	11/27/2019	6116	45.79	
02-00-00-21-0050	International Union of Operating Eng	PR Batch 00015.11.2019 Public Work:	11/15/2019	6116	55.43	
Vendor Subtotal for Division:00					101.22	
02-00-00-21-0050	NCPERS Group Life Ins.	PR Batch 00027.11.2019 Supplementa	11/27/2019	6117	9.15	
02-00-00-21-0050	NCPERS Group Life Ins.	PR Batch 00015.11.2019 Supplementa	11/15/2019	6117	9.44	
Vendor Subtotal for Division:00					18.59	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
02-00-00-42-2360	John Murphy	REFUND WATER SERVICE OVERP	11/27/2019	49982	50.00	
		Vendor Subtotal for Division:00			50.00	
02-60-06-52-0400	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	6,265.37	
		Vendor Subtotal for Division:60			6,265.37	
02-60-06-52-0400	MOE Funds	P/W EMPLOYEE HEALTH INS/JAN	11/27/2019	49980	7,397.90	
		Vendor Subtotal for Division:60			7,397.90	
02-60-06-52-0420	Midwest Operating Eng-Pension Tru	P/W RETIREE EMPLOYEE HEALTH	11/27/2019	49979	766.00	
		Vendor Subtotal for Division:60			766.00	
02-60-06-52-0425	Intergovernmental Personnel Benefit	HEALTH/LIFE/DENTAL BREAKDO	11/01/2019	212	200.53	
		Vendor Subtotal for Division:60			200.53	
02-60-06-53-0100	ComEd	ELECTRICITY FOR PUMP STATION	11/15/2019	49897	2,962.31	
		Vendor Subtotal for Division:60			2,962.31	
02-60-06-53-0200	CALL ONE	MONTHLY PHONE SERVICE	11/15/2019	49891	247.44	
02-60-06-53-0200	CALL ONE	MONTHLY PHONE SERVICE	11/27/2019	49961	247.44	
		Vendor Subtotal for Division:60			494.88	
02-60-06-53-0200	Comcast Cable	INTERNET AT PUMP STATION	11/27/2019	49962	104.85	
		Vendor Subtotal for Division:60			104.85	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
02-60-06-53-0200	Verizon Financial Services LLC	DATA SERVICE FOR TABLETS & M	11/15/2019	0	47.27	
		Vendor Subtotal for Division:60			47.27	
02-60-06-53-0380	Strand Associates Inc	SEWER MODELING - PAYMENT #2	11/27/2019	0	1,684.71	
		Vendor Subtotal for Division:60			1,684.71	
02-60-06-53-0410	Accela Inc #774375	UB WEB PAYMENTS/OCT 2019	11/15/2019	0	430.00	
		Vendor Subtotal for Division:60			430.00	
02-60-06-53-0410	GIS Consortium	ONE-TIME INITIATION FEE FOR M	11/15/2019	49910	600.00	
		Vendor Subtotal for Division:60			600.00	
02-60-06-53-0410	MGP Inc	GIS CONSORTIUM STAFFING SER	11/15/2019	0	1,697.67	
		Vendor Subtotal for Division:60			1,697.67	
02-60-06-53-0410	TKB Associates Inc	ANNUAL LASERFICHE FEES	11/15/2019	49945	1,309.75	
		Vendor Subtotal for Division:60			1,309.75	
02-60-06-53-3200	Roberta Signs	LETTERING ON WATER VAN & SE	11/27/2019	49989	1,470.00	
		Vendor Subtotal for Division:60			1,470.00	
02-60-06-53-3300	De Lage Landen Financial Svcs Inc	MONTHLY LEASING (3) COPIERS/	11/15/2019	49902	56.15	
		Vendor Subtotal for Division:60			56.15	
02-60-06-53-3300	Regal Business Machines Inc	(3) COPIERS MAINTENANCE & CC	11/15/2019	49938	44.43	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:60			44.43	
02-60-06-53-3600	Futurity19 Inc	PUMP STATION VENT HOUSE REF	11/15/2019	49909	4,500.00	
		Vendor Subtotal for Division:60			4,500.00	
02-60-06-53-3600	Patten Industries Inc	SILVER MAINTENANCE SERVICE	11/27/2019	0	522.00	
02-60-06-53-3600	Patten Industries Inc	10 POINT GENERATOR INSPECTIC	11/27/2019	0	162.00	
		Vendor Subtotal for Division:60			684.00	
02-60-06-53-3630	Arthur Kiening	OVERHEAD SEWER REIMBURSEM	11/27/2019	49976	4,000.00	
		Vendor Subtotal for Division:60			4,000.00	
02-60-06-53-4480	Suburban Laboratories Inc	WATER QUALITY TESTING	11/15/2019	49942	495.00	
		Vendor Subtotal for Division:60			495.00	
02-60-06-54-0600	Core & Main LP	METER FLANGE KIT	11/15/2019	49898	104.97	
02-60-06-54-0600	Core & Main LP	SERVICE BOX FOR REPLACEMEN	11/15/2019	49898	49.05	
02-60-06-54-0600	Core & Main LP	GPS RECEIVER	11/15/2019	49898	389.28	
02-60-06-54-0600	Core & Main LP	CREDIT MEMO ON INV L359943 -	11/15/2019	49898	-375.00	
02-60-06-54-0600	Core & Main LP	NEW WATER METERS/824 BONNII	11/27/2019	49965	1,160.00	
02-60-06-54-0600	Core & Main LP	STOCK REPAIR PARTS FOR METE	11/27/2019	49965	170.00	
02-60-06-54-0600	Core & Main LP	NEW WATER METER/7902 CHICAC	11/27/2019	49965	210.00	
		Vendor Subtotal for Division:60			1,708.30	
02-60-06-54-0600	Hawkins Inc	SODIUM HYPOCHLORITE	11/15/2019	0	352.80	
		Vendor Subtotal for Division:60			352.80	
02-60-06-54-0600	Menards	P/W TOOLS & SUPPLIES	11/27/2019	49978	67.92	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:60			67.92	
02-60-06-54-1300	Sebis Direct (Postage)	UTILITY BILLING POSTAGE	11/15/2019	0	677.34	
		Vendor Subtotal for Division:60			677.34	
02-60-06-54-2200	City of Chicago	PURCHASE OF WATER	11/15/2019	49894	56,754.57	
02-60-06-54-2200	City of Chicago	PURCHASE OF WATER	11/15/2019	49894	60,381.63	
		Vendor Subtotal for Division:60			117,136.20	
02-60-06-55-1150	Insituform Technologies USA LLC	2019 SEWER LINING - PAYMENT #	11/15/2019	49919	14,247.70	
		Vendor Subtotal for Division:60			14,247.70	
02-60-06-55-1300	Dixon Engineering Inc	ENGR & INSPECTION SVCS FOR V	11/15/2019	49904	13,200.00	
		Vendor Subtotal for Division:60			13,200.00	
02-60-06-55-1300	Union Pacific Railroad Company	UPRC PERMIT SUBMITTAL FEE (2	11/15/2019	49948	755.00	
		Vendor Subtotal for Division:60			755.00	
02-60-06-55-9100	McGill Construction Co LLC	2019 STREET PATCHING PROJECT	11/15/2019	49930	10,000.00	
		Vendor Subtotal for Division:60			10,000.00	
02-60-06-56-0104	Illinois Environmental Protection Ag	IEPA LOAN PRINCIPAL & INTERE	11/27/2019	0	319,088.74	
		Vendor Subtotal for Division:60			319,088.74	



Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
14-00-00-55-1250	MYS Inc	THOMAS ST ALLEY IMPROVEME	11/27/2019	49983	272,772.38	
		Vendor Subtotal for Division:00			272,772.38	
14-00-00-55-8620	ClientFirst Consulting Group LLC	LAND MANAGEMENT SELECTIO	11/15/2019	0	900.00	
		Vendor Subtotal for Division:00			900.00	
		Subtotal for Fund: 14			360,262.79	
16-00-00-53-0420	Klein Thorpe and Jenkins Ltd	TIF ISSUES (2008)	11/15/2019	0	5,570.92	
		Vendor Subtotal for Division:00			5,570.92	
		Subtotal for Fund: 16			5,570.92	
31-00-00-53-0100	ComEd	ELECTRICITY FOR 11 ASHLAND A	11/15/2019	49897	21.73	
31-00-00-53-0100	ComEd	ELECTRICITY FOR 11 ASHLAND A	11/15/2019	49897	20.44	
31-00-00-53-0100	ComEd	ELECTRICITY FOR 10 LATHROP A	11/15/2019	49897	19.21	
		Vendor Subtotal for Division:00			61.38	
31-00-00-53-0100	Fifth Third Bank	NICOR GAS BILL FOR 10 LATHRO	11/29/2019	214	18.35	
		Vendor Subtotal for Division:00			18.35	
31-00-00-53-0380	Cordogan Clark & Associates Inc	RFCCA STUDY	11/27/2019	49964	5,346.15	
		Vendor Subtotal for Division:00			5,346.15	
31-00-00-53-0380	Kane, McKenna & Assoc Inc	MADISON ST TIF PROFESSIONAL	11/15/2019	49924	1,125.00	

Account Number	Vendor	Description	GL Date	Check No	Amount	PO No
		Vendor Subtotal for Division:00			1,125.00	
31-00-00-53-0425	Klein Thorpe and Jenkins Ltd	MADISON ST TIF DISTRICT	11/15/2019	0	849.00	
		Vendor Subtotal for Division:00			849.00	
		Subtotal for Fund: 31			7,399.88	
32-00-00-53-0380	Kane, McKenna & Assoc Inc	NORTH AVE TIF PROFESSIONAL C	11/15/2019	49924	875.00	
		Vendor Subtotal for Division:00			875.00	
32-00-00-53-0425	Klein Thorpe and Jenkins Ltd	NORTH AVE TIF DISTRICT	11/15/2019	0	64.50	
		Vendor Subtotal for Division:00			64.50	
		Subtotal for Fund: 32			939.50	
		Report Total:			2,061,048.80	



**MEMORANDUM**

Date: December 9, 2019

To: Catherine Adduci, Village President  
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Village Administrator's Report

Upcoming Meetings (all meetings are at Village Hall unless otherwise noted)

Tuesday, December 10	7:00 PM	Sustainability Commission Meeting
Thursday, December 12	7:30 PM	Zoning Board of Appeals Meeting – <i>Cancelled</i>
Friday, December 13	7:30 AM	Economic Development Commission Meeting
Monday, December 16	7:00 PM	Committee of the Whole Meeting – <i>Cancelled</i>
Tuesday, December 17	7:00 PM	Plan Commission Meeting – <i>Cancelled</i>
Thursday, December 19	7:30 PM	Development Review Board Meeting – <i>Cancelled</i>
Tuesday, December 24	ALL DAY	Village Hall Closed
Wednesday, December 25	ALL DAY	Village Hall Closed
Thursday, December 26	7:00 PM	Historic Preservation Commission Meeting – <i>Cancelled</i>
Wednesday, January 1	ALL DAY	Village Hall Closed
Thursday, January 2	7:30 PM	Development Review Board Meeting
Thursday, January 9	7:30 PM	Zoning Board of Appeals Meeting
Monday, January 13	7:00 PM	Village Board of Trustees Meeting

Recent Payments of >\$10,000

In accordance with the purchasing policy, the following is a summary of payments between \$10,000 and \$20,000 that have occurred since the last Board meeting:

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>
Andy Frain Services	\$11,672	Crossing Guard Services
Davis Tree Care Inc	\$12,735	Tree Trimming
MOE Funds	\$12,555	Public Works Health Insurance
Radarsign LLC	\$19,968	Pole Mounted Radar Speed Signs

No New Business Licenses Issued.

Thank you.



## MEMORANDUM

**DATE:** December 9, 2019

**TO:** Eric J. Palm, Village Administrator

**FROM:** Jeff Loster, Village Engineer

**SUBJECT:** Update to Traffic and Safety Commission Process

---

**Issue:** Staff has reviewed the process by which resident requests are placed on Traffic and Safety Commission meeting agendas and have suggested changes with the goal of involving more of the impacted residents earlier in the process.

**Analysis:** The current process for bringing items forward for discussion at a Traffic and Safety Commission Meeting leaves the potential for many of those residents or businesses that may be impacted to remain unaware of the discussion and requested changes until after implementation. Though a signature petition is required for these items, there is no minimum number of signatures needed. And though notification postcards are sent out by Staff in advance of the meeting, many individuals have indicated that they did not receive one in the mail. This often leads to Staff receiving phone calls immediately after implementation of the approved change indicating opposition to the new sign/restriction/etc. which is also occasionally accompanied by a formal request to modify what has just been implemented.

In an effort to make more of the affected residents/businesses aware of requested changes prior to public discussion, Staff has proposed that a minimum threshold (percentage-based) of signatures be obtained by the requestor, showing varying levels of support for the request prior to being placed on a Traffic and Safety Meeting agenda. This will provide the Commission and Village Board with a much more representative level of support (or lack thereof) by those that will be the most impacted by the requested change.

The Traffic and Safety Commission met on December 4<sup>th</sup> to discuss this matter and generally agreed with the updated requirement. Ultimately, it was decided that 75% of the properties within the “notification area” would need to be in support of a request in order for it to be placed on a future agenda. The updated “Exhibit B” is attached to this memo, with edits made to encompass Traffic and Safety Commissioner feedback.

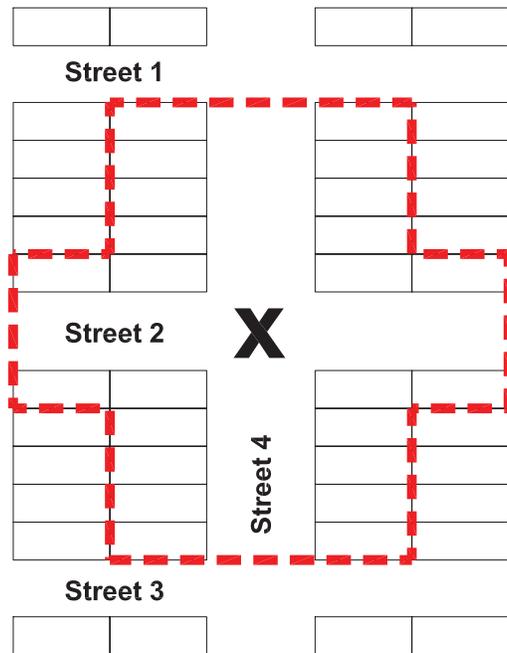
**Motions:** As this item is only for discussion purposes, there is no motion necessary.

**Attachments:** “Exhibit A” – Updated Signature Petition  
“Exhibit B” – Updated per Traffic and Safety Commission Feedback  
Traffic and Safety Agenda Packet

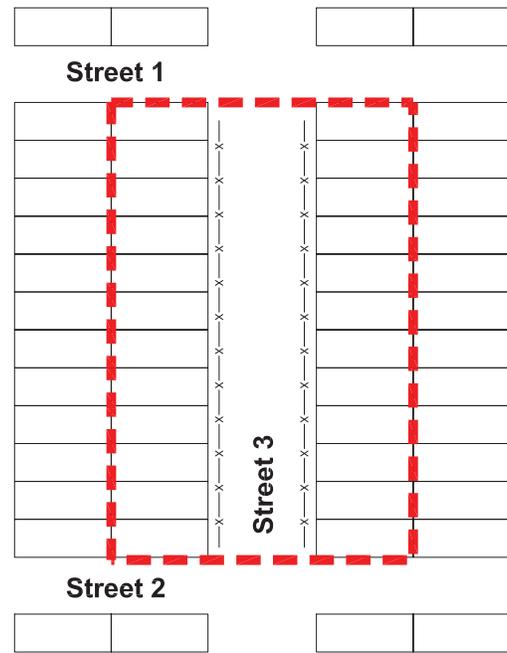


## EXHIBIT B

For requests centered on a single intersection (such as a stop sign request) properties within a 1-block radius are typically considered to be within the notification area.



For requests of a more linear nature (such as a parking restriction change) properties that are immediately adjacent to the proposed change are typically considered to be within the notification area.

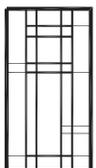


For a request located at intersection X, 75% of all properties within the indicated boundary would need to be in support of the request in order to be placed on a Traffic and Safety Commission meeting agenda.

For a request involving parking changes along the length of Street 3, 75% of all properties within the indicated boundary would need to be in support of the request in order to be placed on a Traffic and Safety Commission meeting agenda. Even if the requested change does not extend the length of an entire block, changes may alter behavior in the area and, as a result, the notification area may be extended through the entire block or beyond.

### GENERAL NOTES

- For petitions to be considered by the Traffic and Safety Commission, at least 75% of the properties within the notification area must be in support of the request
- The notification area will be determined by Village Staff and will be provided to the petitioner
- Only one signature per household is required
- For properties with multiple residents/businesses/etc., all those living or conducting business within the property will be considered separately for petition purposes
- Petitions that do not indicate required levels of support will be returned to the petitioner



INCORPORATED 1880  
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# TRAFFIC AND SAFETY COMMISSION - REQUIRED PROCEDURE



# VILLAGE OF RIVER FOREST TRAFFIC AND SAFETY COMMISSION MEETING

Wednesday, December 4, 2019 – 7:30 PM  
Village Hall – Community Room, 400 Park Ave., River Forest, IL

## AGENDA

1. Call to Order/Roll Call
2. Adoption of meeting minutes from 5/15/19 Traffic and Safety Commission Meeting
3. Public Comment
4. Request by Village Staff to update requirements to resident request process.
5. Adjournment



## VILLAGE OF RIVER FOREST TRAFFIC AND SAFETY COMMISSION MEETING MINUTES

Wednesday, May 15, 2019 – 7:30 PM

A regular meeting of the River Forest Traffic and Safety Commission was held on Wednesday, May 15, 2019 at 7:30 P.M. The meeting was conducted in the Community Room at the River Forest Village Hall, 400 Park Ave. River Forest.

### **Roll Call and Call to Order**

The meeting was called to order at 7:33 PM. Present at this meeting were Commissioner Buis, Commissioner Gillis, Commissioner Cleary and Commissioner Osga.

### **Old Business**

Jeff Loster, Village Engineer requests for a motion to approve the minutes from November 14, 2018 and January 16, 2019 Traffic and Safety Commission Meetings. Commissioner Osga made the motion and Commissioner Cleary seconded the motion. All commissioners present voted to approve the minutes.

### **New Business – Request to install a 2-hr time limit parking zone on the east and west side of the 600 block of William Street.**

Susan Kelty of 625 William Street recalls the last couple of years parking on the 600 block of William Street became an annoyance. Over the last nine months to a year it has turned from an annoyance to an issue. They have cars parked on both sides of the street. It has become a one-way street for a two-way street. Drivers need to anticipate who's coming or back up. For this reason, they are requesting a two-hour parking time limit for both sides of the street.

Devin Howe lives at 613 William Street; she agrees with what Ms. Kelty is testifying. Over the past year the situation is progressively getting worse. Individuals which do not reside on this block are parking on this block. Some parking from 6am through 7pm, the street is congested all day long. Vehicles are blocking the street from traffic, visitors and workers. Ms. Howe is concerned for her kids who ride bikes and cross the street. There is no visual for them, they need to step into the street to be able to see if a vehicle is coming. She clarifies, the people parking are mostly train commuters. Parking for the entire day to avoid paying for parking. Certain days of the week they get up to thirteen vehicles on their block. These are vehicles from the other side of town or from other Villages.

Joe Farruggia from 605 William, informs his block is the closest unrestricted street for commuters to park. If they approve this, a year from now the 700 block of William Street or the 600 block of Monroe Avenue will be asking for the same request. These commuters will just look elsewhere for parking to avoid paying to park in Oak Park.

Commissioner Osga informs it will just become a longer walk for them. He is just concerned with the residents, their purview tonight is the 600 block of William Street.

Commissioner Osga made the motion, seconded by Commissioner Cleary to implement a two-hour limit parking restriction on both sides of the 600 block of William Street.

The vote was 4 to 0 in favor of approving the request. **The motion to approve the request passed.**

**New Business – Request by Commissioner Gillis to install dedicated motorcycle/scooter parking in proximity to the CTA/Metra stations at Harlem Avenue and Central Avenue.**

Commissioner Gillis communicates there are two spots on Central Avenue, both presenting a 37-foot gap. Both located at the “T” intersection, one at Bonnie Brae Place and the other at Clinton Place. The spots would be approximately 4 feet wide since motorcycles and scooters back into a spot. They can get up to eight spots with a buffer, so vehicles don’t hit the last motorcycle. To prevent non-residents from using these spots he recommends making this a “Resident Parking Only”. This would require a current River Forest Motorcycle tag.

Jeff Loster, Village Engineer warns that the Bonnie Brae Place intersection becomes relatively congested during rush hour. As far as staff is concerned he trusts they will be more in favor of the Clinton Place option. It’s a slight further walk, but it is away from the congestion.

Commissioner Osga made the motion, seconded by Commissioner Buis to install dedicated scooter and motorcycle parking on the south side of Central Avenue at its intersection with Clinton Place and to install signage for “Resident Only” parking.

The vote was 4 to 0 in favor of approving the request. **The motion to approve the request passed.**

**New Business – Request by Commissioner Buis to discuss the Metra expansion project as it relates to fatalities, foot traffic, noise abatement and vagrant activity during the summer months.**

Jessica Hamon resides at 8117 Lake Street, at the time of moving in they understood they would live by a railroad. About two weeks after moving in, everything changed when the Metra expansion began. She is hoping the Village can help by working with Union Pacific with two things she has been dealing with for the past year. First, is the noise abatement. By the actions taken of cutting down trees and all the construction, there is more noise now. Second, is the path that the public can easily get access to the train tracks. Ms. Hamon has observed children, teens and grown adults on the tracks. This pathway needs to be closed due to it being a safety concern.

Megan Keskitalo lives at 8125 Lake Street. She distributes the fact sheet for the Union Pacific West Line Third Main Line Track Project. This is a hundred-million-dollar project to expand from Chicago through Geneva, IL, to increase from two tracks to three tracks. She believes they

will see an increase in train traffic which leads River Forest into a safety issue. Ms. Keskitalo knows a specific disaster plan of derailment is not in place, only a general disaster plan worked with the local community. This is a concern because they have a highly populated, low access area around the tracks. They are seeking for noise barriers that also prevent access to their area. Furthermore, the removal of the entry road created on the easement at the end of the project. She asks the Committee initiate conversation with the Village and Erik Varela from Union Pacific and communicate back to the neighborhood group.

Commissioner Osga likes her idea, however is not certain what they can do in regards to the established easements the railroad has had for a long time. Legally he is not aware of what the Village of River Forest can do next to the railroads easements.

Commissioner Buis reiterates that it's a hundred-million-dollar project of tax payer federal money. This track is one of the busiest in the nation, the statistics state fifty freight trains go by every day. Sixty Metra trains go up and down through the Village every day, with thirty thousand passengers. On the whole stretch from Geneva through the City the closest proximity to family dwellings is in River Forest. This is approximately twenty-five feet before getting to the property lines. In 2014, at the beginning of this phase in Geneva, IL Union Pacific had a public meeting with the residents to discuss the project. We have a stronger tax base and they still have yet to make a public presentation to the citizens of this Village. Commissioner Buis is looking to put pressure on Union Pacific. For them to know that the Village recognizes that our tax dollars enable us to get accountability from them. He would like to recommend a motion first, for a commitment from Union Pacific for a safety barrier that will simultaneously attenuate 44:15 noise and ground vibrations between Lake Streets west homes and the railway. Second, the access road constructed on the easements adjacent to Edgewood Place to be removed at the completion of the project. Third, put in place a rail disaster plan. If no plan exists that the Village creates a drafted plan with community input.

Commissioner Gillis states Commissioners Buis motions and concerns make sense. If some pressure from a Commissioner or the Village of River Forest can get Mr. Varela here to explain their project, they can assist. He would love to hear all that's going on and would be present at the meeting. Although, he doesn't believe legally they have the power to tell them what to do.

Commissioner Osga made the motion, seconded by Commissioner Gillis for the Traffic and Safety Commission request that staff work with the Village Board to request an onsite meeting with railroad staff to discuss the items on Commissioners Buis' handout.

The vote was 4 to 0 in favor of approving the request. **The motion to approve the request passed.**

A motion was made and seconded to adjourn the meeting at 8:41 P.M. All commissioners voted in favor of the motion. Motion passed.

Respectfully Submitted:

*Signature Line*

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Jeff Loster, Secretary

*Signature Line*

-----

Doug Rees, Chairman  
Traffic & Safety Commission

Date: -----

DRAFT



## MEMORANDUM

**DATE:** December 4, 2019

**TO:** Traffic and Safety Commission

**FROM:** Jeff Loster, Village Engineer

**SUBJECT:** Proposed Changes to Resident Request Procedure

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**Issue:** Village Staff has reevaluated the process by which residents are able to request that an item be placed on an agenda for the Traffic and Safety Commission. Staff is seeking your input and a recommendation on this item.

**Analysis:** In order for a resident to have an item placed on a Traffic and Safety agenda they simply need to express their request in writing to Staff and submit a signature petition related to their request. Currently, there is no minimum number of signatures required in order to bring the item forward for discussion – many of which require that a study be performed by the Village’s Transportation Engineering Consultant. Once all other administrative tasks are completed by Staff, the request is placed on a future agenda and all affected homeowners are notified of the upcoming meeting via postcard. Village Staff determines the area of postcard notification based on the particular request. For intersection-based requests (e.g. stop sign request) all homes are notified within one block of the subject intersection. For more linear requests (e.g. parking restriction on a particular block) all homes that are adjacent to the requested restriction are notified – typically both sides of the subject block.

Unfortunately, the current process currently results in significant portions of affected residents being unaware of a proposed change until it is implemented. Though many of these residents are within the postcard notification area, some indicate that they did not receive any notification. And though a petition is required, without a minimum number of signatures it can lead to several residents not being aware of the requested change(s).

To that end, Village Staff has reviewed the procedure for Traffic and Safety agenda items and is proposing the following:

- Petitioners would be given the updated petition form (Exhibit A). A minimum number of signatures would be required – to be determined by the Traffic and Safety Commission (e.g. 50% of designated area, 75% of designated area, etc.). This threshold would be established at the onset of these changes and would apply to all future requests. Though the signatures would be required, there is an ability to agree, disagree or express a lack of opinion on the petition.
- Exhibit B would also be shared with the petitioner. This would clearly identify the petition area for a particular request. This would indicate to a petitioner which signatures are required. Additional signatures could be added from other residents outside the designated area, however, the threshold established above would apply to homes within the directly affected area.

While this update to the procedure does require an increased amount of effort on behalf of the petitioner, Staff believes that it will indicate a much more substantial level of support (or lack thereof) to the Commission and the Board for a request by those that are most immediately affected. This approach should also help reduce the number of residents that are unaware of a request prior to implementation. It has been designed to create a greater knowledge of proposed changes for those that will be affected in hopes that their voice can be heard at the onset of the conversation, rather than after it is concluded.

Note – The practice of sending notification postcards prior to Traffic and Safety Meetings is planned to continue, regardless of the outcome of the discussion regarding the updated signature petition.

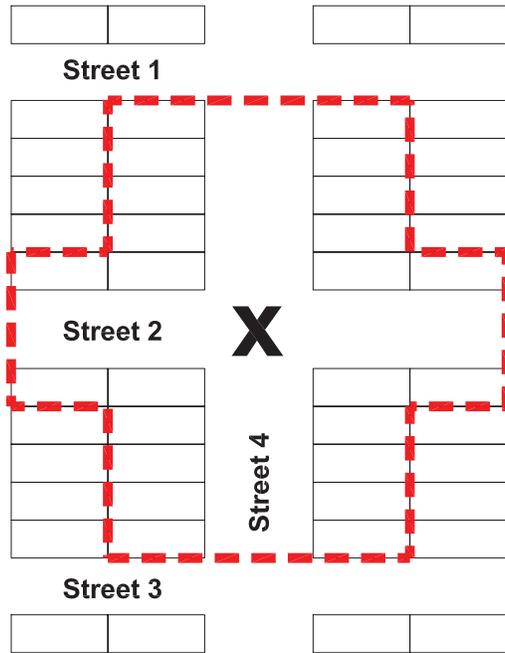
**Recommendation:** Village Staff is seeking your input and feedback on these recommended changes. Staff is seeking a recommendation to the Village Board on these matters.

**Attachments:** Exhibit A – Updated Signature Petition Form  
Exhibit B – Notification Area Exhibit



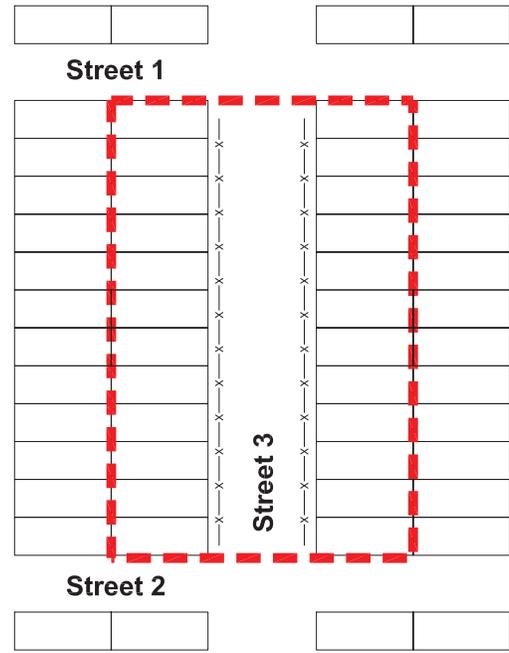
**EXHIBIT B**

For requests centered on a single intersection (typically a stop sign request) all property owners within a 1-block radius will need to sign the petition.



For a request located at intersection X, all properties within the indicated boundary would need to be included on the petition.

For requests of a more linear nature (typically parking restriction changes) all property owners that are immediately adjacent to the proposed change will need to sign the petition.



For a request involving parking changes along the length of Street 3, all properties within the indicated boundary would need to be included on the petition. Even if the requested change does not extend the length of an entire block, changes may alter behavior in the area and, as a result, all property owners will need to be included on the petition.

**GENERAL NOTES**

- Only one signature per household is required
- For properties with multiple residents/businesses/etc., all those living or conducting business within the property will need to be included on the petition
- All properties within the designated boundary *must* be included on the petition
- Any petitions not including all required properties will be returned to the petitioner for completion



VILLAGE OF RIVER FOREST  
 400 PARK AVE.  
 RIVER FOREST, IL 60305  
 PH. (708)-366-8500

**TRAFFIC AND SAFETY  
 COMMISSION - REQUIRED  
 PROCEDURE**



**Village of River Forest**  
**Village Administrator's Office**  
 400 Park Avenue  
 River Forest, IL 60305  
 Tel: 708-366-8500

**MEMORANDUM**

Date: December 3, 2019

To: Eric Palm, Village Administrator

From: Lisa Scheiner, Assistant Village Administrator

Subj: Zoning Ordinance Text Amendments - Cannabis Business Establishments

**ISSUE:**

On October 17, 2019, the Zoning Board of Appeals (ZBA) held a public hearing on proposed text amendment to the River Forest Zoning Ordinance regulations related to medical and recreational cannabis business establishments (CBEs). At the conclusion of the hearing the Zoning Board of Appeals recommended to the Village Board of Trustees that the Zoning Ordinance be amended as follows

<b>Section</b>	<b>Proposed Amendment</b>	<b>ZBA Recommendation</b>
Section 10-3-1, "Definitions of Words and Terms"	Add Definitions of Cannabis, Cannabis Business Establishment, Medical Cannabis Cultivation Center & Dispensary, Recreational Cannabis Craft Grower, Cultivation Center, Dispensary, Infuser, Processor & Transporter	Amend as proposed
Section 10-7-5, "Cannabis Business Establishments"	Add language to the Zoning Ordinance that prohibits cannabis consumption on the site of a CBE	Amend as proposed
	Add language that requires that CBEs comply with all state and Village requirements and furnish prove of approval by the State of Illinois	Amend as proposed
	Add language that prohibits CBEs from being located within 100 feet of a pre-existing public or private preschool, or elementary or secondary school	Increase the minimum distance requirement to 1,000 feet
	Add language that prohibits recreational cannabis dispensaries from being located within 1,500 of another dispensary;	Increase the minimum distance requirement to 3,000 feet
	Add language that prohibits recreational craft growers from being located within 1,500 feet of another craft grower or cultivation center;	Amend the Zoning Ordinance to prohibit recreational craft growers

<b>Section</b>	<b>Proposed Amendment</b>	<b>ZBA Recommendation</b>
Section 10-7-5, “Cannabis Business Establishments” <i>(continued)</i>	Add language that prohibits a medical cannabis cultivation center from being located within 2,500 feet of a pre-existing preschool, elementary school or secondary school, day care, or area zoned for residential use;	Increase the minimum distance requirement to 3,000 feet
	Add language that limits the number of recreational cannabis dispensaries and craft growers within the Village	Limit the number of recreational dispensaries in the Village to one (1) and prohibit recreational craft growers
	Add language that establishes hours of operation for cannabis business establishments;	Limit the hours of operation from 10 a.m. to 7 p.m.
	Add language that requires a cannabis business establishment to provide the Village with any notices provided by the State of Illinois	Amend as proposed
Section 10-21-1, “Land Use Chart”	Add language that to clarify that when a use is not specifically listed as a prohibited, permitted, special, or planned development use in the land use chart in Appendix A the use is prohibited;	Amend as proposed
Section 10-21-3, Appendix A , “Land Use Chart”	Identify medical cannabis dispensaries and cultivation centers as a Special Use in the C1, C2, C3 and ORIC Zoning Districts;	Amend as proposed
	Identify recreational cannabis dispensaries as a Special Use in the C1, C2, C3 and ORIC Zoning Districts as a special use;	Amend as proposed
	Identify recreational cannabis craft growers as a Special Use in the C1, C2, C3 and ORIC Zoning Districts; prohibit recreational cannabis cultivation centers, infusers, processors and transporters in all zoning districts;	Prohibit recreational cannabis craft growers, cultivation centers, infusers, processors and transporters be prohibited in all zoning districts

**ANALYSIS:**

**Minimum distance requirements** - The Village Board proposed amending the Zoning Ordinance to require a minimum distance of 100 feet (measured from property line to property line) from sensitive uses, (schools) in order to mirror the Village’s existing regulations regarding liquor licenses, which prohibit the dispensing of liquor within 100 feet of churches and schools. The churches in the Village’s commercial corridors also house schools, therefore, the proposed text amendment defining a school as a sensitive use would have the same effect as defining sensitive use as “church” and “school.” The ZBA recommended that the distance be increased to 1,000 feet but did not discuss the basis for its recommendation. The Village Board proposed that there be a minimum of 1,500 feet between CBEs, which is consistent with state law. The ZBA recommended that the distance be increased to 3,000 feet but did not discuss the basis for its recommendation. The impact of the ZBA’s recommendation with regard to increasing the minimum distance requirements is as follows:

LAKE STREET

The ZBA's recommendation would result in there being no location along Lake Street where a dispensary could be located. The 3,000-foot distance requirement from an existing dispensary would eliminate the properties on Lake Street from Harlem Avenue west to mid-block between Lathrop and Ashland. Further, the 1,000-foot distance requirement from a school eliminate the remaining properties on Lake Street. The maps below demonstrate the difference between the Text Amendment that was proposed to the Zoning Board of Appeals and the recommendation from the ZBA made:

*Text Amendment as proposed - CBEs could be located within the properties outline in yellow as these properties are both located in a commercial zoning district and meet the minimum 100-foot distance requirement from a school:*



*Text Amendment as recommended by ZBA - CBEs could be located in no properties along Lake Street as there are no properties located in a commercial zoning district that meet the minimum 1,000-foot distance requirement from a school.*

HARLEM AVENUE

As noted in previous presentations to the Village Board, the Cannabis Regulation and Tax Act (CRTA) requires a minimum 1,500-foot distance requirement between CBEs. Given the location of a CBE on Lake Street in Oak Park, and given existing property uses on commercially zoned properties along Harlem Avenue, there are no locations where a CBE could operate. Increasing the distance to 3,000 feet has no real impact on the Harlem Avenue corridor.

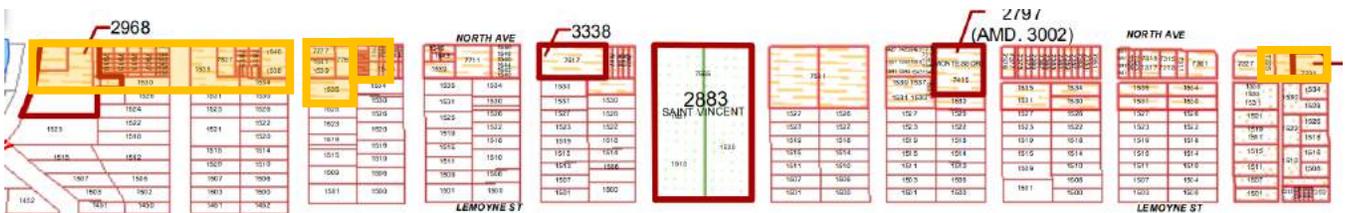
## NORTH AVENUE

The ZBA's recommendation would result in there being only a small number of commercially zoned properties where a CBE could locate. The 3,000-foot distance requirement from another CBE and the 1,000-foot distance requirement from a school would limit the location of a dispensary to the southwest corner of Harlem Avenue and North Avenue (where a gas station and restaurant are located), and from west of Franklin Avenue to Thatcher Avenue (where an existing professional building and multi-family housing is located).

*Text Amendment as proposed - CBEs could be located within the properties outline in yellow as these properties are both located in a commercial zoning district and meet the minimum 100-foot distance requirement from a school:*



*Text Amendment as recommended by ZBA - CBEs could be located within the properties outline in yellow as these properties are both located in a commercial zoning district and meet the minimum 1,000-foot distance requirement from a school:*



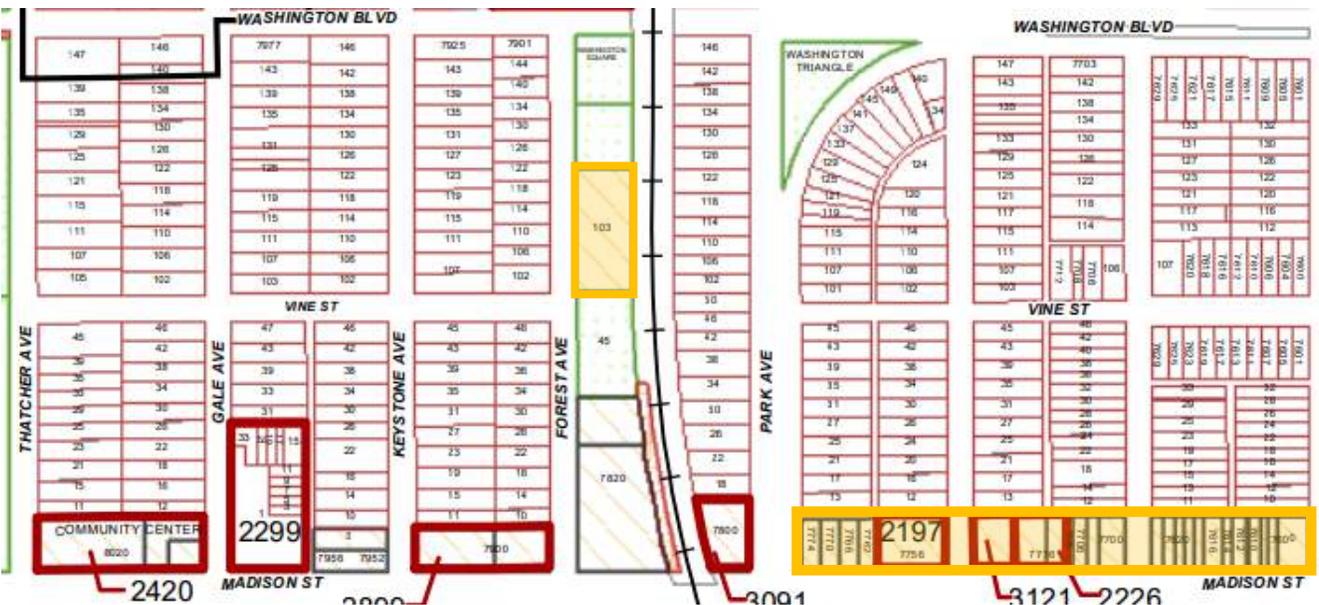
MADISON STREET

The ZBA's recommendation would result in CBEs locating only at the property at 103 Franklin (currently occupied by Fresenius Dialysis Center) and the area from Park Avenue west to Lathrop Avenue (which includes a mix of multi-family and a variety of retail and service uses).

*Text Amendment as proposed – CBEs could be located within the properties outline in yellow as these properties are both located in a commercial zoning district and meet the minimum 100-foot distance requirement from a school:*



*Text Amendment as recommended by ZBA - CBEs could be located within the properties outline in yellow as these properties are both located in a commercial zoning district and meet the minimum 1,000-foot distance requirement from a school:*



**Hours of Operation** - Under state law, a CBE can only operate between the hours of 7 a.m. and 10 p.m. but municipalities can further regulate the hours of operation. The Zoning Board of Appeals recommended that hours of operation be limited to 10 a.m. to 7 p.m. every day. A sample of other dispensaries in the Chicagoland area, and a brief review of hours of operation recommended by other communities who are allowing recreational CBE's, indicate that the recommended hours are not unlike those in other areas and would not impede the location of a dispensary in River Forest. Staff is not aware of any need to modify dispensary hours for dual licensed (medical and recreational) facilities.

<b>Medical Dispensary</b>	<b>Weekday Hours</b>	<b>Weekend Hours</b>
Flora Medex (Elmwood Park)	Mon-Fri: 10 am – 7 pm	Sat: 10 am – 7 pm Sun: 10 am – 5 pm
Greenhouse (All)	Mon-Fri: 10 am – 7 pm	Sat-Sun: 10 am – 5 pm
Verilife (All)	Mon-Fri: 10 am – 7 pm	Sat: 9 am – 4 pm Sun: Closed
EarthMed (Addison)	Mon-Wed: 11 am – 7 pm Thu-Fri: 11 am – 8 pm	Sat: 11 am – 8 pm Sun: 12 – 5 pm
Maribis (Chicago)	Mon-Fri: 10 am – 7 pm	Sat: 10 am – 3 pm Sun: 10 am – 2 pm
Mission South Shore (Chicago)	Mon-Fri: 10 am – 7 pm	Sat: 10 am – 7 pm Sun: 12 – 5 pm
Medical Marijuana of IL (Chicago)	Mon-Fri: 9 am – 5:30 pm	Sat-Sun: Closed
Mindful (Addison)	Mon: 11 am – 3 pm Tue, Wed, Fri: 11 am – 7 pm Thu: 11 am – 8 pm	Sat: 11 am – 6 pm Sun: 11 am – 3 pm

**Financial Impact** - In researching the potential financial impact of allowing recreational cannabis sales in River Forest, Staff checked in with the Illinois Municipal League (IML). To date, the IML has not provided any revenue estimates based on recreational marijuana sales. Staff also spoke with other municipalities and viewed their financial projections. Some communities have not provided any revenue estimates given the difficulty in doing so, others have tried to generate their own projections, and others are relying on the IEPI report.

The Zoning Board of Appeals packet (which is attached as part of the application) included a November, 2018, report from the Illinois Economic Policy Institute (IEPI) and the Project for Middle Class Renewal at the University of Illinois at Urbana-Champaign, which examined the potential revenue that could be generated by legalizing recreational cannabis. This report examines revenues generated in Colorado to estimate potential revenue in Illinois. Based on this report, total estimated annual sales in Illinois could reach approximately \$1.6 Billion. Under the State's current regulatory structure, there are up to 185 potential dispensaries that will be licensed in Illinois, resulting in potential estimated annual sales of \$8,736,216. As shown in the table below, this could result in \$436,810.80 per dispensary in new revenue to the Village of River Forest once the market has matured.

<b><i>Cannabis Sale Revenue Estimates</i></b>	
Total Projected Annual Sales (State-wide)	\$1,616,200,000
# of Potential Dispensaries	185
Annual Sales Per Dispensary	\$8,736,216
3% Cannabis Excise Tax	\$262,086.48
1% State Sales Tax	\$87,362.16
1% Non-Home Rule Sales Tax	\$87,362.16
Total Revenue Per Dispensary	\$436,810.80

Revenues generated by a CBE as a result of local sales and excise taxes are not restricted by the CRTA and can be allocated by the Village Board as part of its annual budget process. Funds that will be provided to the Village through the LGDF as a result of cannabis sales are not included in the estimate above and will be restricted for use on local crime prevention programs, law enforcement training, and drug interdiction efforts. Overall, recreational marijuana revenue represents a significant new source of revenue to communities across Illinois, particularly to non-home rule communities such as River Forest.

**Other Considerations** - Concerns regarding public safety have been discussed throughout this Text Amendment process. Village staff have reviewed data from other jurisdictions, including a recent survey of communities with medical dispensaries regarding calls for service to medical dispensaries. Based on this data, staff's experience with other businesses in the community, no requests for additional personnel are contemplated at this time as a result of the legalization of recreational cannabis or the potential location of a CBE in River Forest. Village staff will continue to monitor the calls for service received by the Police and Fire Departments in making staffing and budgetary recommendations to the Village Board as part of the annual budget process.

Should a CBE be proposed as a Special Use in River Forest, the ZBA, residents and Village Board will have an opportunity to review those applications and consider their impact on surrounding properties and the community before granting permission to open.

**REQUESTED ACTION:**

The Village Board of Trustees has the option to:

1. Approve the Text Amendments as recommended by the Zoning Board of Appeals and incorporated into the attached Ordinance
2. Approved the Text Amendments as proposed by the Village Board and modify the attached Ordinance
3. Approve the Text Amendments with further modifications to the attached Ordinance provided they are not more liberal than what was referred to and included in the public hearing notice.

A simple majority vote is required to approve an Ordinance Amending the Zoning Ordinance. There is no requirement in the Village Code that the Village Board act upon the Zoning Board of Appeals recommendation within a certain timeframe. However, there are a finite number of licenses that will

be issued by the State of Illinois in 2020. Delaying action could result in lost opportunity to attract a CBE to River Forest.

**ATTACHMENTS:**

- Legal Notice
- Ordinance
- Findings of Fact
- Minutes of the October 17, 2019 Zoning Board of Appeals Public Hearing
- Application



**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Village of River Forest, Cook County, Illinois, on Thursday, October 17, 2019 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois, to consider amendments to the Village's Zoning Ordinance which include, but may not be limited to, the following:

Additions and amendments to Chapters 10-3 (Definitions), 10-7 (Regulations of General Applicability), 10-12 (C1 Commercial Zoning District), 10-13 (C2 Commercial Zoning District), 10-14 (C3 Central Commercial Zoning District), 10-15 (ORIC Office/Research/Industrial/Commercial Zoning District) and 10-21 (Land Use Chart), to allow the limited operation in the Village of River Forest of certain cannabis business establishments operating under the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as amended ("CRTA"), and medical cannabis establishments under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, *et seq.*, as amended ("CUMCPPA), subject to the following limitations, in addition to those limitations which the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate:

- A. Cannabis dispensaries and cannabis craft growers operating under the CRTA may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office/Research/Industrial/Commercial Zoning District.
- B. Cannabis cultivation centers, cannabis processing organizations and cannabis transporting organizations are prohibited from operating in the Village of River Forest.
- C. Medical cannabis dispensaries and medical cannabis cultivation centers operating under the CUMCPPA may be may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office/Research/Industrial/Commercial Zoning District.
- D. Consumption of cannabis shall not be permitted on the premises of any cannabis business establishment or medical cannabis establishment.

The additions and amendments to the Village of River Forest Zoning Ordinance include, but are not be limited to, those described above, along with, defining cannabis business establishments and medical cannabis establishments, establishing additional reasonable time, place and manner restrictions, distance limitations, or other limitations on the operations of cannabis business establishments and medical cannabis establishments as allowed under the CRTA and/or the CUMCPPA, and such other regulations as the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate.

The petitioner for the Text Amendments is the Village President and Board of Trustees.

This public hearing is being held pursuant to direction given by the Village President and Board of Trustees for the Zoning Board of Appeals to consider these amendments. For additional information visit [www.vrf.us](http://www.vrf.us).

All interested persons will be given the opportunity to be heard at the public hearing. **For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record at the hearing before the Zoning Board of Appeals.**

For further information or for a copy of the proposed text amendments, please contact Assistant Village Administrator Lisa Scheiner at (708) 714-3554 or at [lscheiner@vrf.us](mailto:lscheiner@vrf.us) or visit [www.vrf.us](http://www.vrf.us).

Sincerely,  
Clifford Radatz  
Secretary, Zoning Board of Appeals

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

**AN ORDINANCE AMENDING THE VILLAGE OF RIVER FOREST  
ZONING ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS**

**WHEREAS**, the Village of River Forest (“Village”) is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village President and Board of Trustees of the Village (“Corporate Authorities”) have adopted a zoning ordinance (“Zoning Ordinance”), which has been amended from time to time; and

**WHEREAS**, the Village is authorized to amend its Zoning Ordinance pursuant to Section 11-13-14 of the Illinois Municipal Code, 65 ILCS 5/11-13-14; and

**WHEREAS**, the Corporate Authorities have recently considered whether it is appropriate to allow cannabis business establishments to operate in the Village; and

**WHEREAS**, on September 9, 2019, the Corporate Authorities referred consideration of proposed text amendments regarding this matter (“Text Amendments”) to the Village’s Zoning Board of Appeals (“ZBA”); and

**WHEREAS**, the ZBA held a public hearing, on October 17, 2019, on the question of whether the proposed Text Amendments should be made, at which time all persons present were afforded an opportunity to be heard; and

**WHEREAS**, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing; and

**WHEREAS**, on October 17, 2019, the ZBA voted to favorably recommend the proposed Text Amendments to the Corporate Authorities with regard to the operation of cannabis business establishments within the Village, with some changes to the amendments proposed by the Corporate Authorities; and

**WHEREAS**, on November 14, 2019, the ZBA approved its findings and recommendation regarding the Text Amendments to the Corporate Authorities, and the Corporate Authorities have duly considered said report, findings of fact and recommendation, a copy of which is attached hereto as **EXHIBIT A** and made a part hereof; and

**WHEREAS**, the Corporate Authorities, pursuant to their statutory zoning authority, and the report, findings of fact and recommendation of the ZBA, have determined that it is in the best interests of the health, welfare and safety of residents of the Village to adopt the Text Amendments as set forth below;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

**SECTION 1: Incorporation.** That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION 2: Approval of Findings and Recommendation.** That the President and Board of Trustees of the Village of River Forest approve and adopt the report, findings of fact and recommendation of the ZBA, in **EXHIBIT A**.

**SECTION 3: Amendments.** That the Zoning Ordinance is hereby amended as follows:

**Amendment One:**

Section 10-3-1 of the Zoning Ordinance, entitled “Definitions of Words and Terms,” is amended to add the following definitions:

“CANNABIS: “Cannabis” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

CANNABIS BUSINESS ESTABLISHMENT: A medical cannabis cultivation center, medical cannabis dispensary, recreational cannabis craft grower, recreational cannabis cultivation center, recreational cannabis dispensary, recreational cannabis infuser, recreational cannabis processor and / or recreational cannabis transporter.

MEDICAL CANNABIS CULTIVATION CENTER: A “cultivation center” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

MEDICAL CANNABIS DISPENSARY: A “dispensary organization” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CRAFT GROWER: A “craft grower,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CULTIVATION CENTER: A “cultivation center,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), as amended.

RECREATIONAL CANNABIS DISPENSARY: A “dispensary,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS INFUSER: An “infuser” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS PROCESSOR: A “processor,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS TRANSPORTER: A “transporter,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.”

**Amendment Two:**

Section 10-7-5 of the Zoning Ordinance, entitled “Cannabis Business Establishments,” is hereby created and shall read as follows:

- “A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.
  
- B. Compliance Required:
  - 1. Cannabis business establishments, their “principal officers,” as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.
  
  - 2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the

Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.

- C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:
  - 1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not be located within one thousand (1,000) feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.
  - 2. A recreational cannabis dispensary shall not be located within three thousand (3,000) feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.
  - 3. A medical cannabis cultivation center shall not be located within three thousand (3,000) feet of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, measured from lot line to lot line.
- D. Limitations on Number of Establishments: There shall be no more than one (1) recreational cannabis dispensaries in the Village at any given time.
- E. Hours of Business: Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of 10:00 AM and 7:00 PM.
- F. Required Reports: A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business

establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment’s receipt of the materials.”

**Amendment Three:**

Section 10-21-1 of the Zoning Ordinance, entitled “Land Use Chart,” is amended to read as follows, with additions underlined:

“The land use chart contained in Appendix A, set out in Section 10-21-3 of this Chapter indicates what the permitted, prohibited and special uses and planned developments required are in each of the zoning districts established by this zoning title. When a use is not specifically listed as a prohibited, permitted, special or planned development use in the land use chart in Appendix A, such use is hereby prohibited.”

**Amendment Four:**

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following items to the Land Use Chart:

Under the “Retail Trade” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the “Industrial” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	N	N	N	N	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

**SECTION 4: Continuing Effect.** That all parts of the Zoning Ordinance not amended herein shall remain in effect.

**SECTION 5: Severability.** That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or

unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 6: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

**SECTION 7: Effectiveness.** That this Ordinance shall be in full force and effect upon its passage and approval according to law.

**PASSED** this 9th day of December, 2019 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this 9th day of December, 2019.

\_\_\_\_\_  
Catherine Adduci, Village President

ATTEST:

\_\_\_\_\_  
Kathleen Brand-White, Village Clerk

**EXHIBIT A**

**REPORT, FINDINGS OF FACT AND RECOMMENDATION  
FROM THE ZONING BOARD OF APPEALS**

(attached)

**VILLAGE OF RIVER FOREST ZONING BOARD OF APPEALS  
FINDINGS OF FACT AND RECOMMENDATION REGARDING  
PROPOSED TEXT AMENDMENTS TO THE VILLAGE OF RIVER FOREST  
ZONING ORDINANCE REGARDING CANNABIS BUSINESS ESTABLISHMENTS  
OPERATING UNDER THE ILLINOIS CANNABIS REGULATION AND TAX ACT,  
410 ILCS 705/1, ET SEQ., AND MEDICAL CANNABIS ESTABLISHMENTS UNDER  
THE ILLINOIS COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT,  
410 ILCS 130/1, ET SEQ.**

**WHEREAS**, petitioner the Village of River Forest (“Village”), based upon direction from the Village President and Board of Trustees given at its September 9, 2019 meeting, has requested consideration of, and a public hearing on, the amendments to the Village of River Forest Zoning Ordinance (“Zoning Ordinance”) in Exhibit A attached hereto and made a part hereof (“Proposed Text Amendments”), which were summarized as follows in the published public hearing notice:

Additions and amendments to Chapters 10-3 (Definitions), 10-7 (Regulations of General Applicability), 10-12 (C1 Commercial Zoning District), 10-13 (C2 Commercial Zoning District), 10-14 (C3 Central Commercial Zoning District), 10-15 (ORIC Office / Research / Industrial / Commercial Zoning District) and 10-21 (Land Use Chart), to allow the limited operation in the Village of River Forest of certain cannabis business establishments operating under the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as amended (“CRTA”), and medical cannabis establishments under the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq., as amended (“CUMCPA), subject to the following limitations, in addition to those limitations which the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate:

- A. Cannabis dispensaries and cannabis craft growers operating under the CRTA may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office / Research / Industrial / Commercial Zoning District.
- B. Cannabis cultivation centers, cannabis processing organizations and cannabis transporting organizations are prohibited from operating in the Village of River Forest.
- C. Medical cannabis dispensaries and medical cannabis cultivation centers operating under the CUMCPA may be may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the ORIC Office / Research / Industrial / Commercial Zoning District.

- D. Consumption of cannabis shall not be permitted on the premises of any cannabis business establishment or medical cannabis establishment.

The Proposed Text Amendments consist of four (4) groups of amendments to the Zoning Ordinance, each of which is labeled in Exhibit A as "Amendment One," "Amendment Two," "Amendment Three" and "Amendment Four;" and

**WHEREAS**, the Village's Zoning Board of Appeals ("ZBA") held a public hearing on the question of whether the Proposed Text Amendments should be made on October 17, 2019, as required by Section 10-5-5 of the Zoning Ordinance, at which time all persons present and wishing to speak were given an opportunity to be heard and all evidence that was tendered was received and considered by the ZBA; and

**WHEREAS**, public notice in the form required by law was given of said public hearing by publication not more than thirty (30) days nor less than fifteen (15) days prior to said public hearing in the *Wednesday Journal*, a newspaper of general circulation in the Village, there being no newspaper published in the Village; and

**WHEREAS**, at the public hearing, Assistant Village Administrator Lisa Scheiner presented the Proposed Text Amendments on behalf of the Village; and

**WHEREAS**, at the public hearing Village residents testified for and against the Proposed Text Amendments; and

**WHEREAS**, after the close of the public hearing, the ZBA discussed and deliberated the Proposed Text Amendments and made a series of votes on recommendations regarding the Proposed Text Amendments; and

**WHEREAS**, following discussion and deliberation, the ZBA, pursuant to Section 10-5-5(B)(2) of the Zoning Ordinance, recommended the Village President and Board of Trustees approve the Proposed Text Amendments, with the changes noted in Exhibit B attached hereto and made a part hereof ("Recommended Text Amendments"), the specific reasoning and votes for which are set forth in detail below;

**NOW THEREFORE**, the ZBA makes the following findings of fact and recommendations pursuant to Section 10-5-5(B)(2) of the Zoning Ordinance:

### **FINDINGS OF FACT AND RECOMMENDATIONS**

1. **Amendment One.** Amendment One, which contains definitions of cannabis business establishments, is recommended for APPROVAL as proposed. Defining cannabis business establishments in the Zoning Ordinance is necessary for the Village to regulate the establishments. The ZBA recommends APPROVAL of Amendment One by a unanimous vote (7-0).

2. **Amendment Two.** Amendment Two, which contains regulations on cannabis business establishments, is recommended for APPROVAL with the modifications in the Recommended Text Amendments in Exhibit B. A majority of the ZBA finds that regulating cannabis business establishments as set forth in Exhibit B is an appropriate and reasonable way to govern such uses in the Village. A minority of the ZBA voted against Amendment Two with the restrictions as amended. The ZBA recommends APPROVAL of Amendment Two as modified by a vote of five (5) in favor and two (2) against.

3. **Amendment Three.** Amendment Three, which adds language to Section 10-21-1 of the Zoning Ordinance regarding the interpretation and application of the land use chart in Section 10-21-3, Appendix A, of the Zoning Ordinance, is recommended for APPROVAL as proposed. The language proposed to be added to the Zoning Ordinance in Amendment Three is a reasonable and necessary addition to the Zoning Ordinance that provides guidance for the interpretation and application of the land use chart. The ZBA recommends APPROVAL of Amendment Three by a unanimous vote (7-0).

4. **Amendment Four.** Amendment Four, which amends the land use chart in Section 10-21-3, Appendix A, of the Zoning Ordinance, regarding cannabis business establishments is recommended for APPROVAL with the modifications noted in the Recommended Text Amendments in Exhibit B. The ZBA recommends APPROVAL of Amendment Four, with the modifications noted in the Recommended Text Amendments in Exhibit B, as set forth below, with the explanations for each recommendation included below:

- A. The ZBA recommends allowing medical cannabis dispensaries and medical cannabis cultivation centers to operate in the Village, by amending the land use chart to add the uses as special uses in the C1, C2, C3 and ORIC Zoning Districts, by a unanimous vote (7-0). The CUMCPA prohibits the Village from excluding medical cannabis dispensaries and medical cannabis cultivation centers in the Village. As such, it is reasonable to require that the uses be allowed in certain commercial Zoning Districts in the Village as special uses, so that the ZBA and Village President and Board of Trustees can thoroughly review and vet applications for such uses through a public hearing process, and impose conditions on such uses on a case-by-case basis if necessary.
- B. The ZBA recommends allowing recreational cannabis dispensaries to operate in the Village, by amending the land use chart to add the use as a special use in the C1, C2, C3 and ORIC Zoning Districts, by a vote of four (4) in favor and three (3) against. A majority of the ZBA finds that allowing recreational cannabis dispensaries as a special use in certain commercial Zoning Districts is appropriate, as such use is compatible with the Village's land planning goals and objectives. As a special use, a recreational cannabis dispensary could not operate in the Village without first going through a public hearing before the ZBA and obtaining approval from the Village President and Board of Trustees, which process would allow for

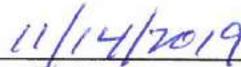
public input and conditions to be placed on a particular proposed dispensary on a case-by-case basis. A minority of the ZBA finds that recreational cannabis dispensaries are not compatible with the Village's land planning goals and objectives and that such use should not be allowed in the Village.

- C. The ZBA recommends prohibiting recreational cannabis craft growers, recreational cannabis cultivation centers, recreational cannabis infusers, recreational cannabis processors and recreational cannabis transporters from operating in the Village, by making the uses prohibited uses in the land use chart in all Zoning Districts, by a unanimous vote (7-0). The ZBA finds that these types of recreational cannabis business establishment are not compatible with the Village's land planning goals and objectives and that such uses should not be allowed in the Village.



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Frank Martin  
Chairman



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Date

**EXHIBIT A**

**PROPOSED TEXT AMENDMENTS**

(attached)

**Amendment One:**

Section 10-3-1 of the Zoning Ordinance, entitled "Definitions of Words and Terms," is amended to add the following definitions:

"CANNABIS: "Cannabis" as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

CANNABIS BUSINESS ESTABLISHMENT: A medical cannabis cultivation center, medical cannabis dispensary, recreational cannabis craft grower, recreational cannabis cultivation center, recreational cannabis dispensary, recreational cannabis infuser, recreational cannabis processor and / or recreational cannabis transporter.

MEDICAL CANNABIS CULTIVATION CENTER: A "cultivation center" as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

MEDICAL CANNABIS DISPENSARY: A "dispensary organization" as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CRAFT GROWER: A "craft grower," as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS CULTIVATION CENTER: A "cultivation center," as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 *et seq.*), as amended.

RECREATIONAL CANNABIS DISPENSARY: A "dispensary," as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS INFUSER: An "infuser" as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS PROCESSOR: A "processor," as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended.

RECREATIONAL CANNABIS TRANSPORTER: A "transporter," as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended."

## **Amendment Two:**

Section 10-7-5 of the Zoning Ordinance, entitled "Cannabis Business Establishments," is hereby created and shall read as follows:

- "A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.
  
- B. Compliance Required:
  - 1. Cannabis business establishments, their "principal officers," as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.
  
  - 2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.
  
- C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:
  - 1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not be located within one hundred (100) feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.
  
  - 2. A recreational cannabis dispensary shall not be located within one thousand five hundred (1,500) feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.

3. A recreational craft grower shall not be located within one thousand five hundred (1,500) feet of an existing recreational craft grower or medical cannabis cultivation center, measured from lot line to lot line.
4. A medical cannabis cultivation center shall not be located within two thousand five hundred (2,500) feet of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, measured from lot line to lot line.

D. Limitations on Number of Establishments:

1. There shall be no more than \_\_\_\_\_ ( ) recreational cannabis dispensaries in the Village at any given time.
2. There shall be no more than \_\_\_\_\_ ( ) recreational cannabis craft growers in the Village at any given time.

E. Hours of Business: Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of \_\_\_\_ AM and \_\_\_\_ PM.

F. Required Reports: A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment's receipt of the materials."

**Amendment Three:**

Section 10-21-1 of the Zoning Ordinance, entitled "Land Use Chart," is amended to read as follows, with additions underlined:

"The land use chart contained in Appendix A, set out in Section 10-21-3 of this Chapter indicates what the permitted, prohibited and special uses and planned developments required are in each of the zoning districts established by this zoning title. When a use is not specifically listed as a prohibited, permitted, special or planned development use in the land use chart in Appendix A, such use is hereby prohibited."

**Amendment Four:**

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled "Land Use Chart," is amended to add the following items to the Land Use Chart:

Under the "Retail Trade" heading:

<b>Land Use</b>	<b>R1 and R2</b>	<b>R3</b>	<b>R4</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>ORIC</b>	<b>PRI</b>
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the "Industrial" heading:

<b>Land Use</b>	<b>R1 and R2</b>	<b>R3</b>	<b>R4</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>ORIC</b>	<b>PRI</b>
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	S	S	S	S	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

**EXHIBIT B**

**RECOMMENDED TEXT AMENDMENTS**

(attached)

The ZBA's recommended changes to the Proposed Text Amendments are set forth herein, with additions underlined and deletions struck through.

**Amendment One:**

No recommended changes.

**Amendment Two:**

Section 10-7-5 of the Zoning Ordinance, entitled "Cannabis Business Establishments," is hereby created and shall read as follows:

- "A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.
  
- B. Compliance Required:
  - 1. Cannabis business establishments, their "principal officers," as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, *et seq.*), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, *et seq.*), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.
  
  - 2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.
  
- C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:
  - 1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not

be located within one thousand (1,000) ~~one hundred (100)~~ feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.

2. A recreational cannabis dispensary shall not be located within three thousand (3,000) ~~one thousand five hundred (1,500)~~ feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.

~~3. A recreational craft grower shall not be located within one thousand five hundred (1,500) feet of an existing recreational craft grower or medical cannabis cultivation center, measured from lot line to lot line.~~

3 4. A medical cannabis cultivation center shall not be located within three thousand (3,000) ~~two thousand five hundred (2,500)~~ feet of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, measured from lot line to lot line.

D. Limitations on Number of Establishments:

1. There shall be no more than one (1) recreational cannabis dispensaries in the Village at any given time.

~~2. There shall be no more than \_\_\_\_\_ ( ) recreational cannabis craft growers in the Village at any given time.~~

E. Hours of Business: Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of 10:00 AM and 7:00 PM.

F. Required Reports: A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment's receipt of the materials."

**Amendment Three:**

No recommended changes.

**Amendment Four:**

Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following items to the Land Use Chart:

Under the “Retail Trade” heading:

<b>Land Use</b>	<b>R1 and R2</b>	<b>R3</b>	<b>R4</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>ORIC</b>	<b>PRI</b>
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the “Industrial” heading:

<b>Land Use</b>	<b>R1 and R2</b>	<b>R3</b>	<b>R4</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>ORIC</b>	<b>PRI</b>
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	<u>NS</u>	<u>NS</u>	<u>NS</u>	<u>NS</u>	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

**VILLAGE OF RIVER FOREST  
ZONING BOARD OF APPEALS MEETING MINUTES  
October 17, 2019**

A meeting of the Village of River Forest Zoning Board of Appeals was held at 7:30 p.m. on Thursday, October 17, 2019 in the Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois.

**I. CALL TO ORDER**

The meeting was called to order at 7:30 p.m. Upon roll call, the following persons were:

Present: Chairman Frank Martin, Gerald Dombrowski, Tagger O'Brien, Michael Smetana, David Berni, Joanna Schubkegel and Ronald Lucchesi

Absent: None

Also Present: Secretary Clifford Radatz, Assistant Village Administrator Lisa Scheiner and Village Attorney Gregory T. Smith

**II. APPROVAL OF SEPTEMBER 19, 2019 ZONING BOARD OF APPEALS MEETING MINUTES**

A MOTION was made by Member O'Brien and SECONDED by Member Berni to approve the minutes of the September 19, 2019 Zoning Board of Appeals meeting.

Ayes: Chairman Martin, Members Dombrowski, Tagger, O'Brien, Berni, Schubkegel and Lucchesi

Nays: None

Abstain: Member Smetana

Motion passed.

**III. TEXT AMENDMENT REQUEST - PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE VILLAGE OF RIVER FOREST ZONING ORDINANCE REGARDING CERTAIN CANNABIS BUSINESS ESTABLISHMENTS OPERATING UNDER THE ILLINOIS CANNABIS REGULATION AND TAX ACT, 410 ILCS 705/1, ET SEQ., AND MEDICAL CANNABIS ESTABLISHMENTS UNDER THE ILLINOIS COMPASSIONATE USE OF MEDICAL CANNABIS PROGRAM ACT, 410 ILCS 130/1, ET SEQ.**

Chairman Martin stated that the next item on the agenda was a request for consideration of text amendments regarding cannabis business establishments. All those present at the meeting who planned to testify were sworn in.

Lisa Scheiner, Assistant Village Administrator for the Village of River Forest, presented the application on behalf of the Village President and Board of Trustees. Ms. Scheiner explained the State laws regulating the growing, processing and sale of cannabis. Ms. Scheiner explained that State law prohibited the Village from prohibiting the growing and sale of medical cannabis, but that establishments which grow and sell medical cannabis may be required to be located farther away from certain sensitive uses.

Ms. Scheiner explained that State law was recently amended to allow recreational cannabis to be grown and sold in municipalities, if the municipality allows those uses. Ms. Scheiner noted that regardless of how the Village of River Forest zones the uses of growing and selling recreational cannabis, as of January 1, 2020, it will be legal for people to possess and consume recreational cannabis, within the limits set in State law. Ms. Scheiner summarized other aspects of the State law regarding recreational cannabis, including revenue generated by recreational cannabis establishments. She noted that the Village's Police Department will continue to enforce laws regarding driving under the influence and other laws that relate to the use of cannabis that have not been changed by the State law.

Ms. Scheiner noted that there are two medical cannabis dispensaries near the Village, one in Oak Park and one in Elmwood Park. She said that the Police Departments in Oak Park and Elmwood Park have not seen an increase in calls for service from those dispensaries. Ms. Scheiner said that before the public hearing tonight, the Village President and Board of Trustees held two public meetings, publicized the meetings online and the Village has created and updated a website with information about the issues presented.

Ms. Scheiner explained that the request from the Village President and Board of Trustees was for consideration to allow certain recreational and medical cannabis business establishments as special uses in certain commercial districts, with restrictions noted in the application. She reviewed the four groups of proposed amendments before the Zoning Board of Appeals. Ms. Scheiner explained that Amendment One defined the uses allowed under State law, and explained the different types of cannabis business establishments allowed under State law.

Ms. Scheiner explained that Amendment Four would amend the land use chart in the Zoning Ordinance to allow medical cannabis establishments as special uses in certain commercial districts, and to allow recreational cannabis dispensaries and craft growers as special uses in certain commercial districts. She explained the purpose and process for consideration of applications for special uses, including review by the Board at a public hearing.

Ms. Scheiner explained that Amendment Two would prohibit cannabis lounges from operating in the Village, and that the Village would require cannabis business establishments operating in the Village to be in strict compliance with the State laws under which they are licensed. She explained the distance restrictions for certain cannabis business establishments under State law and as proposed in the application, including sensitive uses set forth in the application.

Ms. Scheiner reviewed the potential locations in the Village where certain cannabis business establishments could be located, if the application was granted. She discussed maps drawn by Village staff that show the proposed locations in the Village's commercial corridors. She mentioned that distance requirements in State law at this time would prohibit the placement of a cannabis business establishment in the River Forest Town Center development because of an existing medical cannabis dispensary in Oak Park near the intersection of Lake Street and Harlem Avenue. She noted that there are a few locations on Madison Street, North Avenue and Lake Street in which a cannabis business establishment could be located given distance requirements, however, she stated that it is unlikely that several establishments would be opened given market forces and limitations on licensing in State law.

Ms. Scheiner noted that the Village does not expect to have to hire additional staff if a cannabis business establishment opens in the Village. She explained that the Village will receive some revenue from the sale of recreational cannabis, whether or not a cannabis business establishment opens in the Village, but that a greater revenue stream would occur if retail cannabis sales occur in the Village, which would be subject to a 3% excise tax previously approved by the Village President and Board of Trustees. She then offered to answer questions from the Board.

Chairman Martin asked what uses cannot be banned by the Village. Ms. Scheiner explained that medical cannabis dispensaries and medical cannabis cultivation centers cannot be banned using the Village's zoning authority, and that the Village cannot ban the adult use and possession of recreational cannabis within the limits of State law. Attorney Smith confirmed that the Village cannot ban medical cannabis dispensaries and medical cannabis cultivation centers from locating in the Village. Ms. Scheiner clarified that medical cannabis dispensaries and medical cannabis cultivation centers could be classified as special uses, however.

Member Lucchesi asked whether the 3% excise tax applied to medical cannabis sales as well as recreational sales. Ms. Scheiner confirmed that the tax only applies to recreational cannabis sales.

#### Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed text amendments.

Peter Zeh stated that he is a high school student who lives in the Village. He expressed concerns about the health effects of cannabis usage on the youth. He asked the Board to recommend cannabis business establishments not be allowed in the Village, and urged the Village to wait and see the effects of cannabis dispensaries in other communities before allowing them in the Village.

Nate Mellman said that he is against cannabis businesses in the Village because of concerns he has over their costs to the Village, the immorality of the uses and the impractical locations the uses could be located in the Village. He explained each of his three issues in detail and

asked the Board to recommend cannabis business establishments not be permitted in the Village. He stated that there is no appropriate place in the Village for these uses to be located.

Marilyn Thomas said that she is against cannabis businesses in the Village.

Leslie Huzick said that she is against cannabis businesses in the Village. She discussed articles and studies related to the negative impacts of cannabis use. She explained that there is no test she is aware of to test for impairment of people who have consumed cannabis.

Maryann Zeh stated that she is opposed to cannabis businesses in the Village. She asked the Board to recommend that such businesses not be allowed in the Village.

David Smith asked whether the Village would prohibit the use of cannabis in any business in the Village. He said that he is opposed to cannabis business establishments and believes there will be increased crime if such establishments operate in the Village.

Deb Wolkstein said that she is in favor of cannabis businesses. She stated that tax revenue from the sales of cannabis would be a benefit for taxpayers.

Victoria Sustard Koch said that he is not in favor of cannabis businesses. She said that these establishments would devalue properties in the Village. She stated that the tax revenue benefits are not enough to offset the negative aspects of cannabis business establishments.

Dorel Nicole Miller said that she is in favor of cannabis businesses. She said that the fear against cannabis is unfounded and that it can be used for valid medicinal purposes.

Hearing no further public comment, Chairman Martin closed the public portion of the hearing.

#### Discussion and Deliberation of the Request

Member Berni asked about the revenue effects of having a recreational cannabis dispensary. Ms. Scheiner and Attorney Smith explained the revenues related to recreational sales of cannabis, includes sales tax and Local Government Distributive Fund distributions.

Attorney Smith explained that the application proposed that cannabis consumption would not be allowed in any public place, including cannabis business establishments and other businesses in the Village.

The Board discussed how to vote on the different parts of the application, as certain parts of the application are required by State law, such as medical cannabis establishments, while other parts are discretionary, such as recreational cannabis business establishments.

Chairman Martin suggested the Board go through each of the four amendments and take separate votes on them, to come up with a recommendation for the Village Board.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that "Amendment One" in the application, defining cannabis business establishments, be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

Chairman Martin asked Attorney Smith to explain Amendment Three in the application. Attorney Smith said that Amendment Three was standard zoning language that the Village's Zoning Ordinance should have, but did not have.

A MOTION was made by Member O'Brien and SECONDED by Member Smetana to recommend to the Village Board of Trustees that "Amendment Three" in the application be approved.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

Chairman Martin then suggested the Board split Amendment Four into a series of votes, and asked Attorney Smith to confirm that medical cannabis business establishments must be allowed in the Village. Attorney Smith confirmed that such uses were required under State law.

A MOTION was made by Member Smetana and SECONDED by Member Berni to recommend to the Village Board of Trustees that medical cannabis dispensaries and medical cannabis cultivation centers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Chariman Martin and Members Dombrowski, Berni, Smetana, O'Brien, Schubkegel and Lucchesi  
Nays: None

Motion passed.

A MOTION was made by Member Dombrowski and SECONDED by Member Schubkegel to recommend to the Village Board of Trustees that recreational cannabis dispensaries be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski, Smetana, Schubkegel and Lucchesi

Nays: Chairman Martin and Members Berni and O'Brien

Motion passed.

A MOTION was made by Chairman Martin and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that recreational craft growers be allowed as special uses in the Village in the C1, C2, C3 and ORIC Zoning Districts, as set forth in "Amendment Four" in the application.

Ayes: Members Dombrowski and Smetana

Nays: Chairman Martin and Members Berni, O'Brien, Schubkegel and Lucchesi

Motion failed.

A MOTION was made by Chairman Martin and SECONDED by Member Lucchesi to recommend to the Village Board of Trustees that recreational cannabis craft growers, recreational cannabis cultivation centers, recreational cannabis infusers, and recreational cannabis processors be prohibited from operating in the Village, as set forth in "Amendment Four" in the application.

Ayes: Chairman Martin and Members Berni, O'Brien Dombrowski, Smetana,  
Schubkegel and Lucchesi

Nays: None

Motion passed.

At Chairman Martin's request, Attorney Smith explained the specifics of Amendment Two as referred by the Village President and Board of Trustees, which are time, place and manner restrictions on cannabis business establishments operating in the Village. The Board discussed the specifics of the proposals and reached a consensus to recommend that Amendment Two as proposed by the Village President and Board of Trustees be modified (1) to increase the distance between medical cannabis dispensaries and recreational cannabis dispensaries and preexisting schools from one hundred feet (100') to one thousand feet (1,000'), (2) to increase the distance from recreational cannabis dispensaries to existing medical cannabis dispensaries and existing recreational cannabis dispensaries from fifteen hundred feet (1,500') to three thousand feet (3,000'), (3) to increase the distance between medical cannabis cultivation centers to preexisting schools, child care facilities and areas zoned for residential use from two thousand five hundred feet (2,500') to three thousand feet (3,000'), (4) to limit the number of recreational cannabis dispensaries to one (1), (5) limiting the hours of operation of cannabis business establishments to the hours of 10 AM to 7 PM, and (6) to eliminate the limitations on operations of recreational cannabis craft growers because the Board does not recommend that use be allowed in the Village.

A MOTION was made by Member O'Brien and SECONDED by Member Berni to recommend to the Village Board of Trustees that "Amendment Two" in the application be approved, with

the modifications discussed above, as stated in the approved findings of fact and recommendation.

Ayes: Chairman Martin and Members Dombrowski, Berni, O'Brien and Lucchesi  
Nays: Members Schubkegel and Smetana

Motion passed.

**IV. VARIATION REQUEST – PUBLIC HEARING REGARDING MAJOR VARIATIONS TO SECTIONS 10-9-5 AND 10-9-6 OF THE ZONING ORDINANCE (FLOOR AREA RATIO AND BUILDING HEIGHT) AT 535 MONROE AVENUE**

Chairman Martin stated that the next item on the agenda was a request for variations related to an addition built on a home at 535 Monroe Avenue. All those present at the meeting who planned to testify were sworn in.

Architect Steven Ryniewicz presented the application on behalf of the homeowners. He explained that a third story of an addition was built too tall, requiring variations for floor area ratio and building height. The home is currently under construction, to add about 1,000 square feet and to renovate most of the structure. He said that during construction the carpenter discovered that the existing roof plane had sagging roof rafters and was warped, so the carpenter could not get the new roof rafters to line up with the existing rafters. He stated that during construction, one of the homeowners asked that the roof be raised higher than designed and permitted by the Village. He said that the roof was raised during construction as requested by the homeowner.

Mr. Ryniewicz said that as a result of increasing the roof height, what would have been a half story on top of the house was now a third story, requiring variations for floor area ratio and building height to allow the third story.

In response to questions from Chairman Martin, Mr. Ryniewicz admitted that the application seeks after-the-fact approval of unpermitted work, and that the Village-issued building permit did not allow for the three and half feet (3.5') knee walls. Mr. Ryniewicz said that the homeowner and carpenter were focused on the overall height requirements for the structure, not the knee wall height.

In response to a question from Chairman Martin, Mr. Radatz confirmed that the increased height of the knee wall made the addition a full third story, as opposed to being a half story on top of the two existing stories. Mr. Radatz explained in detail how the Zoning Ordinance addresses these issues.

Owner Michelle Elfvn spoke about the circumstances leading to the increase in height of the third floor. She explained that the construction was stalled waiting for the Village to decide on their application for variations. She asked the Board to recommend that the variations be granted, so the work can be completed.

Public Comment with Regard to the Request

Chairman Martin asked if any members of the public wished to comment on the proposed variation. Hearing no public comment, Chairman Martin closed the public portion of the hearing.

Discussion and Deliberation of the Request

The Board deliberated on the application, and it was noted that the addition on the home was under the thirty-five feet (35') height limit. Member Dombrowski stated that he believes there was an honest mistake by the petitioner and that it would be a hardship if the variations were denied and the addition had to be removed and rebuilt.

Member Berni asked how the addition caused the problem. Mr. Ryniewicz said that during construction it was discovered the roof had to be rebuilt, and when that occurred, the homeowner asked that the roof be raised higher since it was going to be rebuilt anyways.

There was a discussion regarding inspections by the Village during construction. Ms. Scheiner noted that inspections done by the Village's consultant are for the purpose of identifying compliance with the building code, not the Village's zoning regulations. Ms. Scheiner noted that the inspector requested the approved drawings when he was on site and the drawings showing the increased building height were represented as the approved drawings to the inspector, but they had not been submitted to the Village for review and were not approved. Ms. Scheiner noted it is the homeowner's responsibility to keep Village-approved permit drawings onsite for use by the inspectors.

A MOTION was made by Member Lucchesi and SECONDED by Member Dombrowski to recommend to the Village Board of Trustees that the variations requested in the application be approved.

Ayes: Members Dombrowski, Berni, O'Brien, Schubkegel, Smetana and Lucchesi  
Nays: Chairman Martin (finding that Standards 1, 4 and 8 were not met)

Motion passed.

**V. ADJOURNMENT**

A MOTION was made by Member Schubkegel and SECONDED by Member Berni to adjourn the meeting 10:07 p.m.

Ayes: Chairman Martin, Members Dombrowski, O'Brien, Smetana, Berni, Schubkegel and Lucchesi  
Nays: None.

Motion passed.

Respectfully Submitted:

  
Clifford Radatz, Secretary

  
Frank Martin, Chairman  
Zoning Board of Appeals

  
Date



**Village of River Forest**  
**Village Administrator's Office**  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: October 7, 2019

To: Frank Martin, Chairman, Zoning Board of Appeals

From: Lisa Scheiner, Assistant Village Administrator

Subj: Recreational Cannabis Business Establishments – Proposed Text Amendments

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**ISSUE:** Governor Pritzker recently signed House Bill 1438, known as the Cannabis Regulation and Tax Act (CRTA), which allows cannabis to be sold at licensed facilities, and consumed for recreational purposes for adults age 21 and over. These changes will become effective January 1, 2020. The CRTA includes a number of provisions that impact municipalities. Further, recent changes to the Compassionate Use of Medical Cannabis Program Act (CUMCPA) also require text amendments to the Zoning Ordinance. The purpose of the October 17, 2019 public hearing is for the Zoning Board of Appeals to consider the Village's petition to amend the Zoning Ordinance in response to these recent statutory changes.

This hearing has been advertised on the Village's website for several weeks, a legal notice was published at the Village Hall, on the Village website and in the *Wednesday Journal* 15 days prior to the hearing. It was also announced in the Village's October e-newsletters and via social media.

**PETITION:** Pursuant to Section 10-5-5 of the River Forest Zoning Ordinance, the Village Board of Trustees has petitioned the Zoning Board of Appeals to consider text amendments to amend the following sections of the Zoning Ordinance to add definitions for cannabis business establishments and allow the limited operation of Cannabis Business Establishments (CBEs) in the Village of River Forest subject to the following limitations, in addition to limitations which the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate:

- Chapter 10-3 (Definitions)
- Chapter 10-7 (Regulations of General Applicability)
- Chapter 10-12 (C1 Commercial Zoning District)
- Chapter 10-13 (C2 Commercial Zoning District)
- Chapter 10-14 (C3 Central Commercial Zoning District)
- Chapter 10-15 (ORIC Office/Research/Industrial/Commercial Zoning District)
- Chapter 10-21 (Land Use Chart)

The additions and amendments to the Village of River Forest Zoning Ordinance include, but are not be limited to, those described above, along with, defining cannabis business establishments and medical cannabis establishments, establishing additional reasonable time, place and manner restrictions, distance limitations, or other limitations on the operations of cannabis business establishments and medical cannabis establishments as allowed under the CRTA and/or the CUMCPA, and such other regulations as the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate. Proposed amendments to the

Zoning Ordinance are set forth below. Deletions to existing language in the Zoning Ordinance are stricken through and additions are underlined.

**Amendment One:** Section 10-3-1 of the Zoning Ordinance, entitled “Definitions of Words and Terms,” is amended to add the following definitions:

- “CANNABIS: “Cannabis” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.
- CANNABIS BUSINESS ESTABLISHMENT: A medical cannabis cultivation center, medical cannabis dispensary, recreational cannabis craft grower, recreational cannabis cultivation center, recreational cannabis dispensary, recreational cannabis infuser, recreational cannabis processor and / or recreational cannabis transporter.
- MEDICAL CANNABIS CULTIVATION CENTER: A “cultivation center” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.), as amended.
- MEDICAL CANNABIS DISPENSARY: A “dispensary organization” as defined in the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.), as amended.
- RECREATIONAL CANNABIS CRAFT GROWER: A “craft grower,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.
- RECREATIONAL CANNABIS CULTIVATION CENTER: A “cultivation center,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1 et seq.), as amended.
- RECREATIONAL CANNABIS DISPENSARY: A “dispensary,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.
- RECREATIONAL CANNABIS INFUSER: An “infuser” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.
- RECREATIONAL CANNABIS PROCESSOR: A “processor,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.
- RECREATIONAL CANNABIS TRANSPORTER: A “transporter,” as defined in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended.”

**Amendment Two:** Section 10-7-5 of the Zoning Ordinance, entitled “Cannabis Business Establishments,” is hereby created and shall read as follows:

“A. Cannabis Consumption Prohibited: Consumption of cannabis, in any form, is prohibited on the premises of cannabis business establishments.

B. Compliance Required:

1. Cannabis business establishments, their “principal officers,” as defined and referred to in the Illinois Cannabis Regulation and Tax Act (410 ILCS 705/1, et seq.), as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act (410 ILCS 130/1, et seq.), as amended, their agents and their employees shall strictly comply with all laws, regulations, ordinances and directives of the State and the Village, including, but not limited to, licensing requirements, registration requirements, operations requirements, zoning approvals, special use conditions and zoning requirements, including lot size, building height, lot coverage, setbacks, stormwater management, public utilities and parking.
2. No cannabis business establishment may operate in the Village without first receiving all the approvals required for the operation of the cannabis business establishment, including, but not limited to, from the Village, the Illinois Department of Financial and Professional Regulation and the Illinois Department of Agriculture. Proof of receipt of all required approvals must be provided to the Village Administrator prior to operation of a cannabis business establishment.

C. Distance Requirements: Cannabis business establishments shall comply with all distance requirements, both in State law and the following:

1. A medical cannabis dispensary, recreational cannabis dispensary and a recreational cannabis craft grower shall not be located within one hundred (100) feet of a pre-existing public or private preschool or elementary or secondary school, measured from lot line to lot line.

2. A recreational cannabis dispensary shall not be located within one thousand five hundred (1,500) feet of an existing medical cannabis dispensary or recreational cannabis dispensary, measured from lot line to lot line.
3. A recreational craft grower shall not be located within one thousand five hundred (1,500) feet of an existing recreational craft grower or medical cannabis cultivation center, measured from lot line to lot line.
4. A medical cannabis cultivation center shall not be located within two thousand five hundred (2,500) feet of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use, measured from lot line to lot line.

**D. Limitations on Number of Establishments:**

1. There shall be no more than ( ) recreational cannabis dispensaries in the Village at any given time.
2. There shall be no more than ( ) recreational cannabis craft growers in the Village at any given time.

**E. Hours of Business:** Unless different hours of business are included in a special use permit or planned development for a cannabis business establishment, a cannabis business establishment may only be operated between the hours of \_\_\_ AM and \_\_\_ PM.

**F. Required Reports:** A cannabis business establishment shall provide the Village Administrator with any notices of violation, orders and correspondence related to alleged or proven violations by the cannabis business establishment, its principal officers, its agents or its employees sent by the Illinois Department of Financial and Professional Regulation or the Illinois Department of Agriculture. A cannabis business establishment shall provide the Village Administrator with the materials within two (2) business days of the cannabis business establishment’s receipt of the materials.”

**Amendment Three:** Section 10-21-1 of the Zoning Ordinance, entitled “Land Use Chart,” is amended to read as follows:

“The land use chart contained in Appendix A, set out in Section 10-21-3 of this Chapter indicates what the permitted, prohibited and special uses and planned developments required are in each of the zoning districts established by this zoning title. When a use is not specifically listed as a prohibited, permitted, special or planned development use in the land use chart in Appendix A, such use is hereby prohibited.”

**Amendment Four:** Section 10-21-3, Appendix A, of the Zoning Ordinance, entitled “Land Use Chart,” is amended to add the following items to the Land Use Chart<sup>1</sup>:

Under the “Retail Trade” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis dispensary	N	N	N	S	S	S	S	N
Recreational cannabis dispensary	N	N	N	S	S	S	S	N

Under the “Industrial” heading:

Land Use	R1 and R2	R3	R4	C1	C2	C3	ORIC	PRI
Medical cannabis cultivation center	N	N	N	S	S	S	S	N
Recreational cannabis craft grower	N	N	N	S	S	S	S	N
Recreational cannabis cultivation center	N	N	N	N	N	N	N	N
Recreational cannabis infuser	N	N	N	N	N	N	N	N
Recreational cannabis processor	N	N	N	N	N	N	N	N
Recreational cannabis transporter	N	N	N	N	N	N	N	N

<sup>1</sup> Within the Land Use Chart, “N” is a non-permitted use, “S” is a special use”, “P” is a permitted use, and “PD” is a planned development

**ANALYSIS:** The CRTA, which will become effective January 1, 2020, establishes regulations regarding the cultivation, distribution, possession and consumption of recreational cannabis. The CRTA allows municipalities to determine whether recreational cannabis CBEs are a permitted, conditional (special), or prohibited use within their corporate boundaries.

The CUMCPA (formerly CUMCPPA), which became effective January 1, 2014, established regulations regarding the cultivation, distribution, possession and consumption of medical cannabis. The CUMCPA allows municipalities to determine whether medical cannabis CBEs are permitted or conditional (special) uses within their corporate boundaries, but municipalities may not prohibit the use. The Village of River Forest land use chart and Zoning Ordinance are currently silent on the matter. Until recently, no medical CBE could locate in River Forest given location restrictions in the CUMCPA. Specifically, the CUMCPA stated that cultivation centers could not locate within 2,500 feet of the property line of an existing public/private preschool, elementary or secondary schools, daycare centers, daycare homes, childcare facilities, or areas zoned for residential use. Further, dispensing organizations could not locate within 1,000 feet of the property line of an existing public/private preschool, elementary or secondary schools, daycare centers, daycare homes, childcare facilities, or in a house, apartment, condominium, or an area zoned for residential use. Amendments to the CUMCPA that took effect in August, 2019, eliminated mandatory distance requirements for all medical cannabis dispensaries registering after July 1, 2019.

Given the recent statutory changes, it is appropriate for the Zoning Board of Appeals to address the issue of both medical and recreational CBEs through this text amendment process.

***Location Regulations:*** The Village has the authority to establish local regulations regarding the location of a CBE, provided those regulations do not conflict with the state's minimum requirements.

Under the State's regulations, CBEs may only be located on properties zoned for commercial use. The Village's commercially zoned areas consist of Madison Street (C2 Commercial District), Lake Street (primarily the C3 Central Commercial District West of Lathrop and the ORIC District East of Lathrop), North Avenue (C1 Commercial District) and Harlem Avenue (select properties are located in the C2 Commercial District).

Further, the State has established a requirement that there must be a minimum distance of 1,500 feet between CBEs (measured from property line to property line) and this restriction crosses municipal corporate boundary lines. There is currently a medical dispensary in Oak Park on Lake Street, east of Harlem Avenue that is applying to hold a recreational license as well. As a result, a CBE could not currently be located in Town Center because it is within 1,500 feet of another dispensary.

As noted earlier, the State's amendments to the CUMCPA removed the mandatory distance requirements between medical CBEs and certain uses that the state defined as "sensitive". The CRTA gives each municipality the authority to define "sensitive uses" and to establish mandatory distance requirements between those uses and CBEs. Staff recommends that the Village establish minimum distance requirements between CBEs and "sensitive uses" and that those "sensitive uses" be defined as preschools, elementary schools, and secondary schools. Please note that the Village's current liquor restrictions prohibit anyone from holding a liquor license within 100 feet of a school (measured from property line to property line) and 100 feet from a church (measured building to building). Practically speaking, the churches that are currently located near the commercial zoning districts where CBEs could be located also operate schools, so defining schools as a "sensitive use" could also incorporate those churches.

The following maps demonstrate where a CBE could be located in River Forest if the Village implements the mandatory distance requirement recommended above. The maps demonstrate that there are no commercial properties on Harlem Avenue where a CBE could be located for the foreseeable future. There are locations on Madison Street, North Avenue, and Lake Street where a CBE could be located, however, the proximity restrictions and limited licenses available under the CRTA, as well as market realities, make it unlikely the Village

would have more than a few CBEs located within its boundaries. Properties inside the yellow boundaries indicate locations where a CBE could be located.

*North Avenue Corridor<sup>2</sup>*



*Lake Street Corridor (including Lathrop south of the tracks)<sup>3</sup>*



<sup>2</sup> The North Avenue commercial corridor is approximately 4,900 feet from Thatcher to Harlem. The distance between Thatcher and west of St. Vincent’s is approximately 2,300 feet. The distance between Harlem and east of Keystone Montessori is approximately 1,190 feet.

<sup>3</sup> The Lake Street commercial corridor measures approximately 5,600 feet from west of Thatcher to Harlem, and 4,300 feet from West of Thatcher to William. A CBE cannot currently be located in the Town Center (Lake Street east of William) due to the location of an existing dispensary in at 1132 Lake Street in Oak Park. There is a small commercially zoned pocket south of Hawthorne between Ashland and Lathrop. However, these properties are approximately 200 feet south of Lake. Under the CRTA, a dispensary located on Lake Street would likely prohibit a CBE on these properties because no two CBEs can be within 1,500 feet of each other.

Madison Street Corridor<sup>4</sup>



Harlem Avenue Corridor<sup>5</sup>



<sup>4</sup> The Madison Street commercial corridor measures approximately 2,390 feet from the alley between Gale and Keystone east to Lathrop.

<sup>5</sup> There are no commercially zoned properties on Harlem Avenue that could accommodate a CBE for the foreseeable future. The area south of Oak is within 1,500 feet of the dispensary in Oak Park, meaning that a dispensary could not currently be located

The recommended mandatory distance requirements, in addition to the State's distance requirements and zoning district restrictions, result in a limited number of locations within the Village's commercial zoning districts where CBEs could be located. Further, the Zoning Board of Appeals could recommend a limit on the maximum number of CBEs that would be allowed in River Forest.

**Use Regulations:** The Village has the authority to determine which types of CBE uses may be located in River Forest's commercially zoned districts. The State has established the following general use categories:

- Cultivation Center: facilities up to 210,000 square feet of canopy space where plants are cultivated, processed, and transported to provide cannabis and cannabis-unfused products to other CBEs;
- Craft Grower: facilities up to 14,000 square feet where adult use cannabis is cultivated, dried, cured, and packaged for sale at a dispensing or processing location;
- Dispensing Organization: facilities where adult use cannabis is acquired from a craft grower, cultivation center, or another dispensary, for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies to purchasers.

The state will also issue licenses for infuser organizations and transporter organizations, however, those licenses will likely be ancillary to the cultivation centers, craft growers and dispensaries and not standalone facilities.

The Village Board of Trustees has petitioned the Zoning Board of Appeals to consider amendments to the Zoning Ordinance that would allow craft growers and dispensing organizations as special uses in the commercial zoning districts. The Village's special use process recognizes that there are certain types of uses which, because of their specific characteristics or the services which they provide, should not be permitted without consideration of the impact of the use upon neighboring land owners. The Special Use process allows the Zoning Board of Appeals to recommend and the Village Board of Trustees to attach conditions to the approval. Conditions may include, but are not limited to restrictions on size, bulk, location, landscaping, signage, outdoor lighting, odor control, security, parking, ingress and egress, hours of operation, restrictions on the visibility of product displays, and other conditions that are deemed necessary to have the proposed use meet the standards set forth in the Zoning Ordinance and prevent or minimize adverse impacts on other properties in the immediate vicinity. The Special Use process also allows all Village Departments, including public safety, to review the application and recommend conditions of approval. For informational purposes, a copy of the Special Use Process flowchart is attached.

Please note that the CRTA establishes certain operating restrictions on dispensaries including the following: they may only operate between the hours of 6:00 a.m. and 10:00 p.m., there must be at least two employees on site at all times, they may not operate when video surveillance, point-of-sale equipment, and the State's electronic verification system are inoperative, they may not have drive-through windows or vending machines, and they may not transport or deliver cannabis to residences or other locations where a purchaser may be located. There are restrictions on what they can sell (alcohol is prohibited except tinctures), how products must be packaged, what steps they must take before cannabis is sold or dispensed, and more. Further, within the proposed text amendments or through the Special Use review process, the Zoning Board of Appeals would have an opportunity to recommend additional restrictions on CBE operations, including, for example, a greater limitation on the hours of operation.

Finally, the Village can determine whether or not it will permit consumption of cannabis in a "smoking lounge" inside a CBE. Industry trends do not require that CBEs include a "smoking lounge" to be successful. The Village Board recommends that the Zoning Ordinance be amended to prohibit smoking lounges and on-site consumption at CBEs.

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there. Although the properties at 800 Harlem Avenue are commercially zoned and more than 1,500 feet away from another CBE, this is the site of The Sheridan senior living building that is under construction. Finally, the distance between Chicago and Oak Avenues is less than 1,500 feet, so two dispensaries could not be located on Harlem Avenue under the CRTA's regulations.

**Financial Analysis:** Regardless of whether or not the Village permits or prohibits CBEs, the Village may see an increase in public safety calls for service. However, based on the initial research conducted, the Village does not anticipate a need to hire additional personnel as a result of the CRTA or amendments to the CUMCPA.

The Village will receive revenue on a per capita basis as a result of recreational cannabis sales through the State of Illinois regardless of whether or not CBEs are allowed to locate in River Forest. These funds must be earmarked for law enforcement purposes. The Illinois Municipal League (IML) typically provides the Village with per capita revenue estimates for all monies that are distributed through the Local Government Distributive Fund (e.g. motor fuel tax revenues). The IML has not yet projected annual per capita cannabis revenue.

In addition to the per capita revenue, the River Forest Village Board of Trustees recently approved an ordinance imposing a 3% excise tax, in addition to sales tax, on potential future cannabis sales in River Forest. No funds will be collected if a CBE is not located in River Forest however, if revenue is generated, these funds need not be restricted only to local law enforcement. For every \$1 million in annual sales at a dispensary, the Village would receive \$50,000 in revenue (\$30,000 from the excise tax, \$10,000 from state sales tax and \$10,000 in non-home rule sales tax). The Village adopted the Ordinance imposing this tax to meet certain Department of Revenue deadlines and this action did not amend the Zoning Ordinance.

The Illinois Economic Policy Institute (IEPI) drafted the attached report in November, 2018, with discussion regarding the potential financial impacts of legalizing recreational cannabis. This report examines revenues generated in Colorado to estimate potential revenue in Illinois. Based on this report, total estimated annual sales in Illinois could reach approximately \$1,616,200,000. Under the State’s current regulatory structure, there are up to 185 potential dispensaries that will be licensed in Illinois, resulting in estimated annual sales of \$8,736,216. As shown in the table below, this could result in \$436,810.80 per dispensary in new revenue to the Village of River Forest.

*Cannabis Sale Revenue Estimates*

Total Annual Sales (State-wide)	\$1,616,200,000
# of Potential Dispensaries	185
Annual Sales Per Dispensary	\$8,736,216
3% Cannabis Excise Tax	\$262,086.48
1% State Sales Tax	\$87,362.16
1% Non-Home Rule Sales Tax	\$87,362.16
Total Revenue Per Dispensary	\$436,810.80

The Village has not yet determined how this additional revenue would be utilized specifically. However, the annual budget process allows the Village Staff and Board of Trustees to make decisions about how to fund operations in a manner that protects public safety, stabilizes property taxes, and strengthen property values.

**ATTACHMENTS:**

- Legal Notice – October 2, 2019
- Special Use Process Flowchart & Ordinance
- August 26, 2019 Village Board of Trustees Regular Meeting materials (available online: [audio recording](#)):
  - Village of River Forest - Frequently Asked Questions (FAQs)
  - Klein Thorpe Jenkins - Frequently Asked Questions (FAQs) and PowerPoint Materials
  - Adult-Use Cannabis Informational Resources, Illinois Municipal League
  - Staff PowerPoint Presentation
- September 9, 2019 6 p.m. Committee of the Whole Meeting materials (available online: [audio recording](#), [video recording](#); [audio recording](#) of the 7 p.m. Board of Trustees Regular Meeting is also available online):
  - Staff PowerPoint Presentation
- The Financial Impact of Legalizing Marijuana in Illinois, Illinois Economic Policy Institute
- Local Impacts of Commercial Cannabis, International City/County Managers Association

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**PUBLIC NOTICES**

**PUBLIC HEARING NOTICE  
ZONING BOARD OF APPEALS  
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals of the Village of River Forest, Cook County, Illinois, on Thursday, October 17, 2019 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois, to consider amendments to the Village's Zoning Ordinance which include, but may not be limited to, the following:

Zoning District: C2 Commercial Zoning District; C3 Central Commercial Zoning District and the OFIC Office/Research/Industrial/Commercial Zoning District.

D. Consumption of cannabis shall not be permitted on the premises of any cannabis business establishment or medical cannabis establishment.

The additions and amendments to the Village of River Forest Zoning Ordinance include, but are not limited to, those described above, along with, defining cannabis business establishments and medical cannabis establishments, establishing additional reasonable time, place and manner restrictions, distance limitations, or other limitations on the operations of cannabis business establishments and medical cannabis establishments as allowed under the CRTA and/or the CUMCPPA, and such other regulations as the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate.

The petitioner for the Text Amendments is the Village President and Board of Trustees.

This public hearing is being held pursuant to direction given by the Village President and Board of Trustees for the Zoning Board of Appeals to consider these amendments. For additional information visit [www.vrf.us](http://www.vrf.us).

All interested persons will be given the opportunity to be heard at the public hearing. For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record at the hearing before the Zoning Board of Appeals.

For further information or for a copy of the proposed text amendments, please contact Assistant Village Administrator Lisa Scheiner at (708) 714-3554 or at [lscheiner@vrf.us](mailto:lscheiner@vrf.us) or visit [www.vrf.us](http://www.vrf.us).

Sincerely,  
Clifford Radatz  
Secretary, Zoning Board of Appeals

Published in Wednesday Journal 10/2/2019

**PUBLIC NOTICES**

Additional amendments to Chapters 10-3 (Definitions), 10-7 (Regulations of General Applicability), 10-12 (C1 Commercial Zoning District), 10-13 (C2 Commercial Zoning District), 10-14 (C3 Central Commercial Zoning District), 10-15 (ORIC Office/Research/Industrial/Commercial Zoning District) and 10-21 (Land Use Chart), to allow the limited operation in the Village of River Forest of certain cannabis business establishments operating under the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., as amended ("CRTA"), and medical cannabis establishments under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, et seq., as amended ("CUMCPPA"), subject to the following limitations, in addition to those limitations which the Zoning Board of Appeals and/or Village President and Board of Trustees may determine are appropriate:

A. Cannabis dispensaries and cannabis craft growers operating under the CRTA may be located in the Village of River Forest as a special use in the C1 Commercial Zoning District, C2 Commercial Zoning District, C3 Central Commercial Zoning District and the OFIC Office/Research/Industrial/Commercial Zoning District.

B. Cannabis cultivation centers, cannabis processing organizations and cannabis transporting organizations are prohibited from operating in the Village of River Forest.

C. Medical cannabis dispensaries and medical cannabis cultivation centers operating under the CUMCPPA may be located in the Village of River Forest as a special use in the C1 Commercial

**PUBLIC NOTICES**

**LEGAL NOTICE  
FOREST PARK PUBLIC LIBRARY ADVERTISEMENT FOR BIDS  
Bid Package #01 - Library Furniture**

Sealed bids will be received by the Board of Library Trustees of the Village of Forest Park from Furniture Contractors for FF&E at the Forest Park Public Library, 7555 Jackson Blvd, Forest Park, IL 60130. Sealed bids will be received on or before, but not after 10:00 AM on Wednesday October 9, 2019 at the Forest Park Public Library, 7555 Jackson Blvd, Forest Park, IL 60130. Bids received after that time will not be considered. All Bids shall be addressed and delivered to the circulation desk inside the building on or before the time set forth above. Sealed envelopes or packages containing the Bid Forms shall be transmitted to the attention of the "Library Director" and shall be marked or endorsed with the title of Sealed Bid for Bid Package #01-Library Furniture and the Bidder's full legal name. The bids will be publicly opened and read aloud in the Teen Service Room at 10:00 AM on Wednesday October 9, 2019. Bids shall be submitted in the form and manner contained in the Bidding Requirements.

Each bid must be accompanied by a bid bond or a cashier's check in the amount of 10% of the total bid, made payable to Forest Park Public Library, as a guarantee that the successful bidder will promptly execute a satisfactory contract, will furnish a satisfactory performance bond and payment bond and proceed with the work. Upon failure to do so, the bidder shall forfeit the amount deposited as liquidated damages and no mistakes, errors, exclusions, or omissions on the part of the bidder shall excuse the bidder or entitle the bidder to a return of the aforementioned amount.

No bid will be considered unless the bidder shall furnish evidence satisfactory to the Board of Trustees that the bidder has the necessary facilities, abilities, experience, equipment, financial and physical resources available to fulfill the conditions of the Contract and execute the work, should the Contract be awarded such bidder.

Bidders will examine the plans and specifications and the location in which said work is to be done and judge for themselves all the circumstances and surrounding known and reasonably foreseen conditions affecting the cost and nature of the work, and all bids will be presumed to be based on such examination, familiarity, and judgment.

The successful bidder shall be required to provide a Performance Bond and a Material and Labor Payment Bond in the amount of 100% of the Contract Amount, as well as liability and property insurance as required by the Bidding Requirements before commencing work. The successful bidder shall enter into a formal contract based on the conditions and requirements in the Bidding Requirements and the Bidding Requirements will be incorporated into the Contract.

Not less than the prevailing wage shall be paid for labor on the work to be done as required by law.

The successful bidder will be required to comply with the provisions of all State of Illinois and federal laws concerning public works projects as well as the State of Illinois Human Rights Act and the regulations of the Illinois Human Rights Commission.

The Board of Trustees reserves the right to reject any and all bids, and to waive any technicalities and irregularities in the bidding and to hold the bid proposals for a period of ninety (90) days from the date of opening set forth above.

Questions about the bid documents should be submitted, in writing, to Carrie Kotera, Williams Architects at [ckotera@williamsarchitects.com](mailto:ckotera@williamsarchitects.com)

By order of the Board of Trustees of the Forest Park Public Library, Cook County, Illinois.  
Dated at Forest Park, Illinois this 25th day of September 2019.

Pilar Shaker, Library Director

Published in Forest Park Review 9/25, 10/2/2019

**LEGAL NOTICE  
ZONING BOARD OF APPEALS  
RIVER FOREST, ILLINOIS**

Public Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals (ZBA) of the Village of River Forest, County of Cook, State of Illinois, on Thursday, October 17, 2019 at 7:30 p.m. in the First Floor Community Room of the River Forest Village Hall, 400 Park Avenue, River Forest, Illinois on the following matter:

The ZBA will consider an application for major zoning variations submitted by Bayard & Michele Elvin, owners of the property at 535 Monroe Avenue, who are constructing an addition onto the existing home.

The applicants are requesting major variations to Sections 10-9-5 and 10-9-6 of the Zoning Ordinance for the purpose of allowing the attic addition to remain which had been inadvertently constructed in violation of the Floor Area and Building Height regulations.

As constructed, the attic includes approximately 474 square feet of area which is defined as Floor Area by the Zoning ordinance, increasing by the floor area ratio to 0.454. Section 10-9-5 (10-8-5) of the Zoning ordinance limits the floor area ratio to a maximum of 0-40.

As constructed, the knee walls at the north and south sides of the attic are approximately 3'-4" high. The definition of "Half Story" from section 10-3-1 of the Zoning ordinance limits the height of perimeter knee walls to 2 feet, and any level which exceeds the limits of the definition is considered to be a full story. Consequently, the attic level is considered to be a third story. Section 10-9-6 (10-8-6) of the Zoning ordinance limits the height of buildings to two and one-half stories.

The legal description of the property at 535 Monroe Avenue is as follows: LOT 15 IN BLOCK 6 IN THE SUBDIVISION OF THE NORTH 600 FEET OF BLOCK 8 AND BLOCK 13 (EXCEPT LOT 1 IN THE COUNTY CLERK'S DIVISION OF SAID BLOCK 13) IN QUICK'S SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF LAKE STREET, IN COOK COUNTY, ILLINOIS.

A copy of the application and meeting agenda will be available to the public at Village Hall and on the Village's website at [www.vrf.us/zoningvariation](http://www.vrf.us/zoningvariation) no less than 15 days prior to the public hearing. The Zoning Board of Appeals meeting packet will also be available at [www.vrf.us/meetings](http://www.vrf.us/meetings) no less than 48 hours prior to the public hearing. All interested persons will be given the opportunity to be heard at the public hearing. For public comments to be considered by the Zoning Board of Appeals and Village Board of Trustees in their decision, they must be included as part of the public hearing record. Interested persons can learn more about how to participate in the hearing by visiting [www.vrf.us/zoningvariation](http://www.vrf.us/zoningvariation).

Sincerely,  
Clifford Radatz  
Secretary, Zoning Board of Appeals

Published in Wednesday Journal 10/2/2019



**Oak Park**

**LEGAL NOTICE**

The Village of Oak Park is soliciting Request for Proposal Solicitation # 19-P787: 2019 PARKING LOT IMPROVEMENTS

For further information or a copy of the Request for Proposal contact:  
Parking and Mobility Services Division  
Village of Oak Park,  
123 Madison Street,  
Oak Park, Illinois, 60302  
Tel.: 708/358-7275, Ext.5752  
E-mail: [parking@oak-park.us](mailto:parking@oak-park.us)

Published in Wednesday Journal 10/2/2019

**PUBLIC NOTICE**

Notice is hereby given, pursuant to "An Act in relation to the use of an Assumed Business Name in the conduct or transaction of Business in the State," as amended, that a certification was registered by the undersigned with the County Clerk of Cook County Registration Number: Y18002194 on September 16, 2019 Under the Assumed Business Name of ALAN FOX CONSULTING with the business located at: 747 S HARVEY AVE, OAK PARK, IL 60304. The true and real full name(s) and residence address of the owner(s)/partner(s) is: ALAN FOX, 747 S HARVEY AVE, OAK PARK, IL 60304.

Published in Wednesday Journal 9/25, 10/2, 10/9/2019

## Certificate of the Publisher

Wednesday Journal, Inc. certifies that it is the publisher of the Wednesday Journal. Wednesday Journal is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City/Village of River Forest, County of Cook, Township of River Forest, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published one time(s) in Wednesday Journal, namely one time per week for one successive weeks. The first publication of the notice was made in the newspaper, dated and published on October 2, 2019, and the last publication of the notice was made in the newspaper dated and published on October 2, 2019. The notice was also placed on a statewide public notice website as required by 715 ILCS 5/2.1.

In witness, the Wednesday Journal, Inc. has signed this certificate by Dawn Ferencak, its publisher, at Oak Park, Illinois, on October 2, 2019.

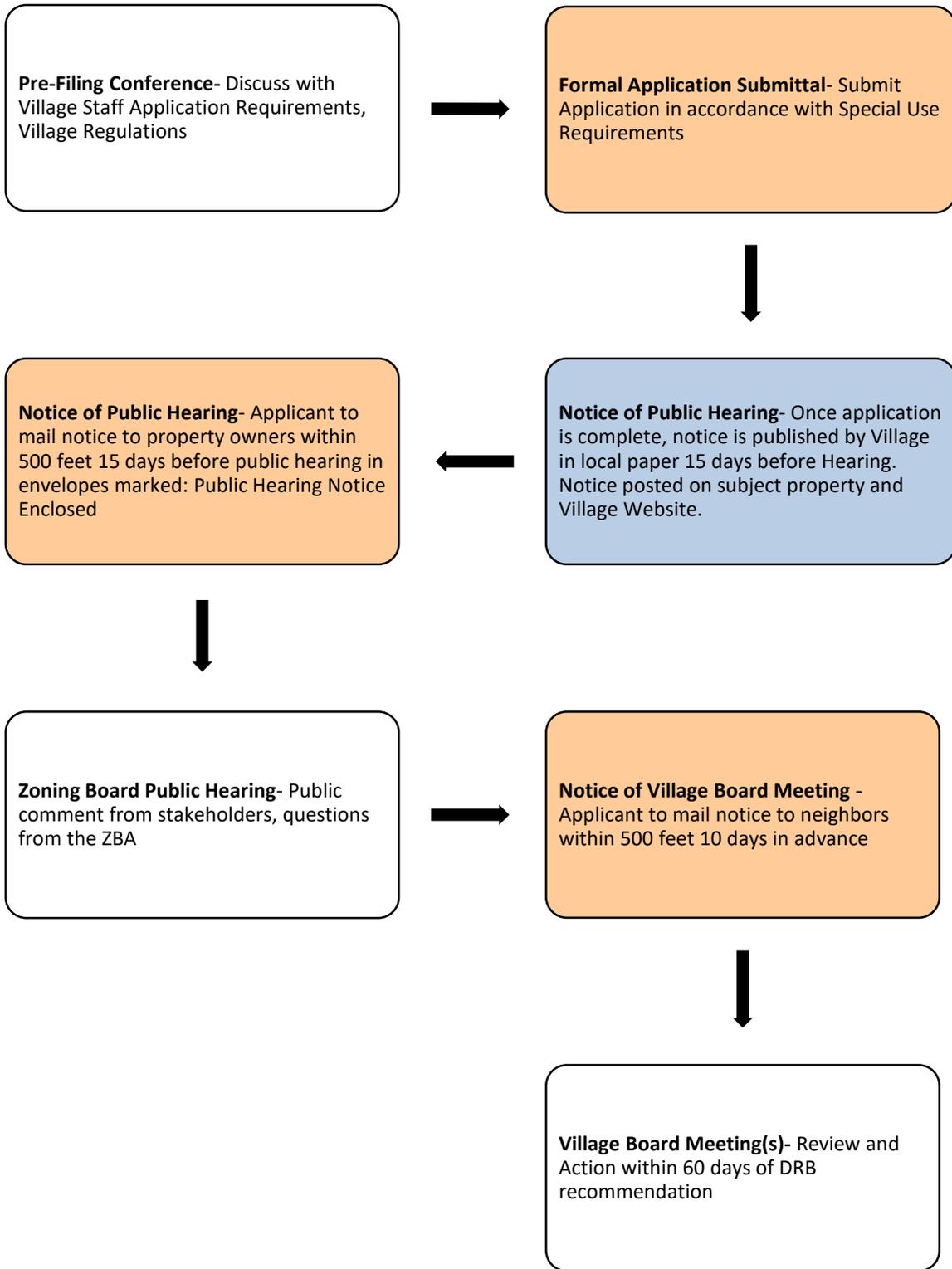
Wednesday Journal, Inc.

By: Dawn Ferencak

Dawn Ferencak

Publisher

# Village of River Forest Special Use Permit Process



<b>Applicant Responsibility</b>	<b>Village Responsibility</b>	<b>Meeting Dates</b>
		ZBA – 2 <sup>nd</sup> Thursdays      VB – 2 <sup>nd</sup> & 4 <sup>th</sup> Mondays

This is intended for use as a visual aid only. If there is any conflict between the flow chart and the Ordinance, the language in the Ordinance controls



**Village of River Forest**  
**Village Administrator's Office**  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: August 23, 2019

To: Eric Palm, Village Administrator

From: Lisa Scheiner, Assistant Village Administrator

Subj: Recreational Cannabis Business Establishments

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Issue: Governor Pritzker recently signed House Bill 1438, known as the Cannabis Regulation and Tax Act (CRTA), which allows cannabis to be sold at licensed facilities, and consumed for recreational purposes for adults age 21 and over. These changes will become effective January 1, 2020. The CRTA includes a number of provisions that impact municipalities. The purpose of the Village Board discussion on August 26<sup>th</sup> will be to discuss the main policy question before the Village Board of Trustees:

- *Should the Village of River Forest ban the sale of recreational cannabis in River Forest and all recreational cannabis business establishments within its corporate boundaries?*

- OR -

- *Should the Village of River Forest explore allowing the sale of cannabis and the location of cannabis business establishments within its corporate boundaries?*

Analysis: Please note the following items, which are addressed in greater depth in the attached documents. State law:

- Does not allow the Village to ban cannabis use or possession within its boundaries (medical or recreational) but does allow the enforcement of applicable state and local laws.
- Limits the amount of cannabis an individual may possess and where they may possess it; recreational cannabis possession is not allowed for individuals under the age of 21 and medical cannabis is only allowed for individuals who qualify.
- Limits where cannabis may be consumed. For example, it may not be consumed in public places, in locations where smoking is prohibited by the Smoke Free Illinois Act, and knowingly in proximity to individuals under the age of 21.
- Imposes certain minimum restrictions on the location and operation of cannabis business establishments. For example, they must be located at least 1,500 feet from each other, they cannot be located on properties zoned for residential use, they may not operate if staffing,

video monitoring, and other conditions are not met, they may not have a drive-through window, etc.

- Allows the Village to enact additional local ordinances to prohibit or limit a recreational cannabis business establishment's location, impose restrictions on the process that must be followed to locate a business in River Forest, and to impose restrictions on a business's operations. Earmarks certain revenue collected from cannabis sales for local law enforcement activities, regardless of whether River Forest permits or prohibits cannabis business establishments within its boundaries. If permitted, the law also allows the Village to impose a local tax on these businesses.
- Allows property owners to prohibit the growth and use of cannabis on their properties.
- Allows individuals who are registered with the State's medical cannabis program to grow up to five cannabis plants. The Village does not have the authority to stop this, but may enforce certain regulations regarding the location and security of home grown plants.
- Allows the Village to require a safe, drug-free workplace to protect employee and public safety.

Should the Board decide to ban the sale of recreational cannabis, an Ordinance will need to be adopted before January 1, 2020 prohibiting cannabis business establishments from locating in River Forest.

Should the Board decide to explore allowing the sale of recreational cannabis, the Board should hold a public meeting on September 9, 2019 prior to its regular meeting, to take public comment on the matter. Following that discussion, if the Board chooses to proceed to continue exploring allowing cannabis sales, the Board will need to:

- Direct the Zoning Board of Appeals to hold a public hearing in October to consider possible text amendments to the Zoning Ordinance that would identify what process would be used to locate a cannabis business establishment in River Forest (e.g. Special Use) as well as any other appropriate zoning restrictions. The Zoning Board's recommendation would be presented to the Village Board of Trustees in late November for a final decision.
- Pass an Ordinance imposing a 3% retailers' occupation tax on cannabis sales in River Forest before October 1, 2019 so that it would be imposed prior to January 1, 2020.

Staff will also provide analysis regarding the potential impacts of the Board's decision and will advise the Village Board of any other actions or Village Code amendments that will be required to permit cannabis business establishments in River Forest.

Attachments:

- Village of River Forest FAQs
- Informational materials prepared by Klein Thorpe Jenkins
- Informational materials prepared by the Illinois Municipal League

Requested Action:

*Opt out:* Direct staff to prepare an Ordinance prohibiting cannabis business establishments from locating in River Forest.

- OR -

*Opt in:* Direct staff to organize a public meeting on September 9, 2019 at 6:00 p.m. (prior to the regular Village Board meeting), to take public comment on the matter. At the subsequent Board Meeting, if the Board wishes to pursue allowing cannabis business establishments in River Forest, it will need to direct the Zoning Board of Appeals to hold a public hearing to consider Zoning Ordinance amendments, and it will need to pass an Ordinance imposing the retailers' occupation tax prior to October 1, 2019.



# RECREATIONAL CANNABIS FAQs

The State of Illinois approved the use and possession of recreational cannabis (with restrictions) for adults 21 years of age and older effective January 1, 2020 when it passed [House Bill 1438](#). This law does not automatically change the provisions of the Village of River Forest Zoning Ordinance or Municipal Code. The Village Board of Trustees is considering how these Ordinances will be amended as a result of the changes in state law and encourages community education and input. Below is a list of FAQs regarding cannabis in the Village of River Forest. Please contact Lisa Scheiner, Assistant Village Administrator, at [lscheiner@vrf.us](mailto:lscheiner@vrf.us) or at (708) 714-3554 if you have any further questions.

**When was cannabis made legal in Illinois?** On June 25, 2019, Governor JB Pritzker signed [Illinois House Bill 1438, better known as the Cannabis Regulation and Tax Act \(CRTA\)](#), legalizing the consumption and possession of cannabis for adults 21 and older in Illinois.

**Can the consumption/possession of cannabis be banned by the Village of River Forest?** No, municipalities cannot ban or override the CRTA.

**Who can legally purchase and consume cannabis?** As of January 1, 2020, the recreational consumption of cannabis will be treated similar to the consumption of alcohol or tobacco with any Illinois resident, or non-resident. Only those individuals age 21 or over, may purchase and consume cannabis. The purchase and consumption of medicinal marijuana is already allowed for qualifying individuals.

**Who can legally grow and sell recreational cannabis?** Only licensed businesses will be able to legally grow and sell recreational cannabis. Medical cannabis patients will be allowed to grow up to five plants within their home but they may not sell it. Owners/lessors of residential properties may prohibit the cultivation of cannabis by a lessee.

**How much cannabis may an individual possess?** Effective January 1, 2020, Illinois residents may possess up to:

- 30 grams, or just over one ounce of “flower”
- 5 grams of cannabis concentrate
- 500 milligrams of THC (the chemical that makes users high) in a cannabis infused product such as candy, other consumable products (referred to as “edibles”), or tinctures, and lotions
- Non-Illinois residents may legally possess up to ½ of these amounts.

**Where is possession of cannabis prohibited?** Cannabis is prohibited on school buses, on the grounds of any preschool, primary or secondary school unless approved as a medical cannabis patient, correctional facilities, in a private residence where licensed child care or other similar social service care is provided on the premises, and in a vehicle unless it is in a sealed, secured, tamper-evident container and reasonably inaccessible while the vehicle is moving.

**Where is cannabis consumption prohibited?** Cannabis consumption is prohibited:

- On a school bus
- On the grounds of any preschool, primary or secondary school unless authorized in the medical cannabis program
- In any correctional facility
- In any motor vehicle
- In any private resident that is used at any time to provide licensed child care or other similar social service care on the premises



# RECREATIONAL CANNABIS FAQs

- In any public place or knowingly in close proximity to anyone under 21 years of age and in any public place where a person could reasonably be expected to be observed by others
- In any building owned in whole or part, or leased by, the State or Village
- In any location where smoking is prohibited by the Smoke Free Illinois Act, including hospitals, restaurants, retail stores, offices, commercial establishments, etc.

Universities, colleges, and other post-secondary education institutions can restrict or prohibit cannabis use on their property.

If the Village allows dispensaries to be located in River Forest, the Village Board will consider whether or not to permit consumption of those products within the dispensary. The Village may also prohibit the consumption of recreational cannabis in other places such as bars and restaurants.

**How will the Village of River Forest work respond to the potential public safety impacts of the State's decision to allow recreational marijuana usage?** Public safety is the Village's top priority. The Police Department will:

- Enforce the laws, including all applicable Village Ordinances, regardless of whether or not it is grown and sold in River Forest
- Rely on the training and technology that has already been provided to officers, and will continue to be advanced and developed, to identify impaired motorists and take them off our roadways.
- Continue to partner with and monitor all businesses in the community to address safety and security concerns. For example, the Police Department conducts regular premise checks of banks and shops in River Forest, both during and outside business hours.

The legalization of cannabis may increase the demand for police services state-wide as well as the number of drug impaired drivers on our roadways, due to the state-wide allowance of marijuana, regardless of whether or not such a facility is located within the limits of River Forest. There are currently medical marijuana dispensaries located in neighboring communities and throughout the state of Illinois. Preliminary data from these communities does not support the need to modify existing public safety strategies as a result of the presence of these dispensaries. Further, the data does not support that these facilities generate greater traffic volumes than any of the uses currently permitted in commercial locations by the Village. The Police Department has not seen any increase of impaired drivers or cannabis related offenses due to Medical Marijuana Dispensaries being in operation in bordering and near-by communities.

All Village Departments, including the Police Department, will continue to address security and public safety concerns with all new business establishments that seek special zoning approval from the Village. Through this process, staff and the Village Board can implement conditions of approval that seek to address a project's impact on the community, particularly those surrounding public safety. If cannabis business establishments are allowed in River Forest, the Chief of Police will keep the Village Board of Trustees and Village Administrator apprised of any trends, patterns, or anomalies that occur with regard to allowing cannabis business establishments in River Forest.

**Will the Village have any regulatory abilities?** Yes. Municipalities have the ability to:

- Ban or permit the cultivation, growth and sale of recreational cannabis within the Village by prohibiting or allowing recreational cannabis use establishments in River Forest.
- If dispensaries are permitted, River Forest can:



# RECREATIONAL CANNABIS FAQs

- Dictate the number of legal dispensaries within the Village
- Determine how cannabis businesses are operated such as hours of operation
- Dictate the location of cannabis businesses as they relate to points of interest such as schools, government buildings, and liquor stores.
- Regulate the zoning of cannabis businesses in specific districts

**If the sale of recreational cannabis was allowed in River Forest, how many licenses would be issued?** If River Forest allows recreational cannabis facilities (dispensaries) to be established, it may choose to limit the number of facilities that may exist, where they may be located within the commercial zoning districts, and how far they may be from other uses. River Forest is part of a larger Bureau of Labor Statistics Region within the state called the [Chicago-Naperville, Elgin region](#). The State is allowing up to 47 licenses within the region, in 2020.

**What regulatory abilities, if any, do business owners and landlords have?** Any person, business, public entity, or landlord may prohibit the use of cannabis on their private property.

**What will the Village's role be in the licensing process?** The licensing process is administered by the Department of Financial and Professional Regulation to select and process those attempting to obtain a license. As a non-home rule community, River Forest cannot require a cannabis business establishment to obtain a local business license. However, the Village may require these establishments to register with the Village.

**Are there any changes to existing medical cannabis laws?** Yes; the list of conditions that are covered under the use of medical cannabis was expanded to now include chronic pain, autism, migraines, irritable bowel syndrome, osteoarthritis, and anorexia.

**Is the sale of medical cannabis currently allowed in River Forest?** Any entity that desires to open a medical dispensary in River Forest would be required to undergo a public hearing and approval process by a zoning advisory body (Zoning Board of Appeals or Development Review Board) and the Village Board of Trustees. The Village cannot ban medical dispensary facilities outright. These requirements will not change regardless of whether or not the Village of River Forest prohibits or permits recreational cannabis business establishments.

**Is River Forest considering allowing recreational cannabis business establishments?** The Village Board of Trustees will discuss this matter on August 26, 2019, and determine whether to proceed with the process of prohibiting or considering permitting cannabis business establishments in River Forest.

**What action is required by the Village Board to allow recreational cannabis to be sold in River Forest?** If the Village Board of Trustees opts to proceed with the consideration of permitting cannabis business establishments the Village Board will host a community meeting on September 9, 2019 at 6:00 p.m. at the Village Hall (400 Park Avenue) to hear resident input and gather more information. If they choose to move forward, the Village Board will direct the Zoning Board of Appeals to conduct a public hearing to consider amendments to the Zoning Ordinance. The Zoning Board of Appeals would then conduct the hearing and make a recommendation to the Village Board of Trustees. The Village Board of Trustees would then consider that recommendation and make a final determination about how to amend the Zoning Ordinance. The Village Board would also consider any other sections of the Village Code that would need to be amended relative to the changes in the law effective January 1, 2020. The Village Board would also need to consider an Ordinance imposing a 3% excise tax on cannabis sales in River Forest.

**What efforts will the Village take in communicating to the public about this topic?** The Village Board will advertise all public meetings and public hearings on its [website](#) (including the [meeting calendar](#)), [Village e-news](#),



# RECREATIONAL CANNABIS FAQs

and by posting meeting notices at the Village Hall. All public hearing notices will be distributed according to the Village Code. The public is encouraged to participate in this process. If any resident cannot attend one of these meetings they are encouraged to contact Village staff ([lscheiner@vrf.us](mailto:lscheiner@vrf.us)) or their elected officials through the [contact us](#) section of the Village's website.

**How is cannabis taxed?** Sales will be taxed at 10% for cannabis with THC levels at or less 35%; 25% for cannabis with THC levels above 35%; and 20% for cannabis infused products such as edibles. This is in addition to standard state and local sales taxes. Additionally, the Village may add a special tax of up to 3% and counties may add a special tax up to 3.75% in unincorporated areas.

**How will the potential tax revenue generated be used?** Within the bill, government proceeds for the sale of recreational cannabis are:

- 20% to State mental health services and substance abuse programs
- 10% to pay unpaid State bills
- 35% to the State General Revenue Fund
- 2% to public education and safety campaigns
- 8% to the Local Government Distributive Fund, for prevention and training for law enforcement (after State administrative costs are accounted for)
- 25% for identified social equity programs

If cannabis business establishments are permitted in River Forest, the Village Board would consider whether to impose a local tax of 3% on sales. If the Board wishes to explore permitting these uses in River Forest additional information will be provided regarding possible annual revenues. Since the Board has not determined whether or not to permit cannabis establishments, no decisions have been made regarding the use of funds generated, however, the Village remains committed to protecting public safety, stabilizing property taxes and improving property values.

**How do federal laws affect Illinois' law?** Although cannabis remains illegal at the federal level, federal law enforcement has rarely interfered with individuals possessing the State regulated legal amount or businesses complying with state enforced programs. Any questions related to Federal or State regulations should be directed to the proper agencies.

**Are Village employees permitted to use cannabis?** No. The Village has an obligation to ensure a safe working environment and that employees who report to work are capable of safely performing their jobs. The Village has a drug-free workplace policy that is strictly enforced and prohibits employees from being under the influence of illicit or illegal drugs, unauthorized prescription drugs, alcohol, or controlled substances while on duty or on Village premises. While permitted by the state, cannabis remains illegal at the federal level. Employees in certain safety sensitive positions (i.e. police officers and firefighters) cannot obtain medical marijuana cards. Depending upon the position, most Village employees are subject to drug and alcohol tests in certain situations. All employees who are prescribed drugs or who are taking over-the-counter medications are required to consider medication-related work restrictions and discuss these matters with their supervisors. Any employee who is reasonably suspected of being under the influence of drugs or alcohol, including prescription medications, may be sent for testing. Supervisory staff are trained to identify when an employee may be under the influence.

**How does recreational cannabis affect criminal records?** The Act includes a schedule of expungement provisions that requires local law enforcement to automatically expunge all criminal history records of an arrest, charge not



# RECREATIONAL CANNABIS FAQs

initiated by arrest, order of supervision or order of qualified probation for a "minor cannabis offense" if: 1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and, 2) no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted. "Minor Cannabis Offense" as defined in the Act means a violation of Section 4 (possession) or Section 5 (delivery) of the [Cannabis Control Act \(available via this link\)](#) concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the [Rights of Crime Victims and Witnesses Act \(available via this link\)](#).



20 N. Wacker Drive, Ste 1660  
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July 16, 2019

**VIA ELECTRONIC MAIL**

Village President Cathy Adduci and Board of Trustees  
Village of River Forest  
400 Park Avenue  
River Forest, Illinois 60305

**Re: Illinois Cannabis Regulation and Tax Act**

Village President Adduci and Board of Trustees:

Public Act 101-0027, which creates the Illinois Cannabis Regulation and Tax Act (“Act”), was signed into law on June 25, 2019. By legalizing the sale of recreational cannabis in Illinois effective January 1, 2020, the Act will have immediate and significant impacts on local governments.

Attached for your reference is a Frequently Asked Questions document (“FAQ Document”) we have created as a resource for local governmental clients of Klein, Thorpe and Jenkins, Ltd. relative to the Act.

We are also creating a “Cannabis Legislation Checklist and Toolbox” that will help you implement the Act consistent with the policy direction you decide is in the best interests of the Village. The policy decisions will guide us in assisting you through the drafting of any or all of the following:

- An “opt-out” ordinance (should you choose not to allow recreational cannabis establishments)
- Zoning and business license code amendments, procedures and forms for allowing and regulating and/or prohibiting cannabis business establishments
- Municipal sales taxation ordinance
- Ordinance amendments for local enforcement of DUIs and other cannabis related violations
- Updates to employment policy manual
- Updates to department general orders
- Assistance in addressing other aspects of the Act subject to local municipal control

We hope you find the FAQ Document helpful. Should you have any questions, please contact me.

If you have any questions, please contact me.

Sincerely,

KLEIN, THORPE and JENKINS, Ltd.

Gregory T. Smith

Enclosure

cc: Eric Palm, Village Administrator (via e-mail; w/ encl.)

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC  
ACT 101-0027**

**UPDATED JULY 10, 2019**

**Provided by:**



**KLEIN, THORPE AND JENKINS, LTD.**

**20 North Wacker Drive, Suite 1660  
Chicago, Illinois 60606  
(312) 984-6400**

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**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**INTRODUCTION**

This Frequently Asked Questions Document is intended as a resource for local governmental clients of Klein, Thorpe and Jenkins, Ltd. relative to Public Act 101-0027: the Cannabis Regulation and Tax Act (referred to throughout this document simply as the “Act”). This document will be updated frequently from now until the Act becomes effective on January 1, 2020, and thereafter as implementation issues arise and can be specifically addressed, so be sure to check with your KTJ attorney from time to time to ensure you are using the most current version (see cover page for date).

The Act is over 600 pages long, and there are a number of additional requirements and details in the Act that are not included here due to space considerations. We have strived, in creating this document, to address the aspects of most interest to our local governmental clients. KTJ is happy to provide additional details and guidance on subjects within the Act not specifically covered here for clients who are interested.

As with any significant new State act awaiting implementation, there are a number of open issues that will only be clarified with time. The exact scope of local business licensing and enforcement authority is one example here. What would happen to existing recreational cannabis establishments should a local government repeal authority for their operation after they are operating is another example. Public health concerns and effects, the impact of the Act on healthcare and liability insurance costs, how workplaces will be impacted, and development of acceptable testing protocols for impairment are other open issues or unknowns at this point.

Although the Act is by far the most sweeping measure ever taken by the State to legalize cannabis, there have been several other pieces of legislation in recent years related to the legalization and decriminalization of cannabis of which you should be aware. The Illinois Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1, *et seq.* (adopted in 2013) (the “Medical Cannabis Pilot Program Act”) was signed by Governor Patrick Quinn on August 1, 2013, as Public Act 098-0122, effective January 1, 2014. Under the Medical Cannabis Pilot Program Act the Illinois Department of Agriculture and Department of Financial and Professional Regulation adopted administrative rules regulating “registered qualified patients,” “medical cannabis cultivation centers” and “medical cannabis dispensing organizations.” In all the Medical Cannabis Pilot Program Act authorized 56 dispensaries and 20 cultivation centers state-wide. Additionally, the Illinois Cannabis Control Act was signed by Governor Bruce Rauner on July 27, 2016, as Public Act 99-0697, effective July 27, 2016. The Cannabis Control Act decriminalized the possession of cannabis. Under the Cannabis Control Act possession of up to 10 grams was now only punishable by a \$100 (minimum) to \$200 (maximum) fine and possession of 10 to 30 grams was classified as a Class B misdemeanor. These pieces of legislations are referred to throughout this document and discussed in conjunction with the Act.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**ADVERTISING**

***What are the restrictions on advertising for a cannabis business establishment?***

- No cannabis business establishment nor any entity or person shall engage in advertising that contains any statement or illustration that is:
  - False or misleading;
  - Promotes the overconsumption of cannabis;
  - Displays cannabis;
  - Shows someone under 21 consuming cannabis;
  - Makes health or medicinal claims about cannabis;
  - Includes the image of the cannabis leaf or bud; or
  - Includes any image that is likely to appeal to minors.
  
- No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:
  - Within 1000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21 ;
  - On or in a public transportation vehicle or on a public transportation shelter: or
  - On or in publicly owned or publicly operated property.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**CRAFT GROWERS**

***What is the definition of “Craft grower?”***

- "Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

***Are craft growers inspected? How, and by whom?***

- Craft growers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, and the Department of State Police.

***To whom may craft growers sell cannabis?***

- Craft growers can sell or distribute cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or as otherwise authorized by rule.

***What are the limitations on the location of craft growers?***

- A craft grower may not be located in an area zoned for residential use.
- A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**CULTIVATION CENTERS**

***What is the definition of “Cultivation center?”***

- "Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by the Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

***Are cultivation centers inspected? How, and by whom?***

- Cultivation centers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, and the Department of State Police.

***To whom may cultivation centers sell cannabis?***

- Cultivation centers can sell or distribute cannabis or cannabis-infused products to dispensing organizations, craft growers, infusing organizations, transporters, or as otherwise authorized by rule.

***What is the maximum space a cultivation center may provide for plants in the flowering stage?***

- A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult use cannabis as provided in this Act.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**DISPENSING ORGANIZATIONS**

***What is the definition of “Dispensing organization?”***

- "Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in the Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

***What methods of sale by dispensing organizations are prohibited?***

- Drive-through windows
- Vending machines
- Transport of cannabis to residences or other locations where purchasers may be for delivery

***When are dispensaries allowed to operate?***

- Operation is allowed between 6 A.M. and 10 P.M.
- Operation is prohibited when video surveillance equipment is inoperative.
- Operation is prohibited when point-of-sale equipment is inoperative.
- Operation is prohibited when the State’s cannabis electronic verification system is inoperative.
- Operation is prohibited when there are fewer than 2 people working.

***What products are dispensing organizations prohibited from selling?***

- Dispensing organizations cannot sell any product containing alcohol except tinctures, which are limited to containers no larger than 100 milliliters.
- They are prohibited from selling clones or other live plant material.
- Selling cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other for one price is prohibited.

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***Can dispensing organizations sell cannabis outside of Illinois or obtain cannabis from outside of Illinois?***

- Dispensing organizations cannot transport cannabis or cannabis products across state lines.
- Dispensing organizations may not obtain cannabis or cannabis-infused products from outside the State of Illinois.

***What type of packaging is required for cannabis sold at dispensing organizations?***

- All cannabis sold by a dispensing organization to purchasers must be in a container or package with a label identifying, at a minimum, the name of the dispensing organization, the contents, and the weight of the raw cannabis in grams or, for cannabis products, the amount of THC in milligrams.

***Are there restrictions in the Act on the location of dispensing organizations?***

- A dispensing organization may not be located within 1500 feet of the property line of a pre-existing dispensing organization.

***What is the process for a dispensing organization to dispense cannabis to a purchaser?***

- Before cannabis is dispensed:
  - The age of the purchaser shall be verified by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan the identification;
  - The validity of the government-issued identification card must be verified;
  - Any appropriate purchaser education or support materials shall be offered; and
  - Information must be entered into the State's cannabis electronic verification system, including the dispensing organization's agent's identification number, the dispensing organization's identification number, the amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed, and the date and time the cannabis was dispensed.
- A dispensing organization shall refuse to sell cannabis to anyone unless the person produces a valid identification showing that the person is 21 years of age or older. However, a medical cannabis dispensing organization may sell cannabis or cannabis-infused products to a person who is under 21 years of age if the sale complies with the provisions of the Compassionate Use of Medical Cannabis Pilot Program Act and rules.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**DUI**

***How will DUI's be addressed under the new law?***

- Driving under the influence of cannabis will continue to be illegal.
- The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 625 ILCS 5/11-501 of the Motor Vehicle Code or a similar local ordinance by drivers suspected of driving under the influence of cannabis.
- The results of validated roadside chemical tests and standardized field sobriety tests are, under the Act, are admissible at a civil or criminal trial or proceeding for an arrest for a cannabis-related offense as defined in Section 11-501 of the Illinois Vehicle Code or a similar local ordinance.
- The Act creates a DUI Cannabis Task Force to examine best practices for driving under the influence of cannabis enforcement and emerging technology in roadside testing.
- The Act creates various statutory presumptions applicable to cannabis DUIs:
  - Tetrahydrocannabinol concentration of 5 nanograms or more in whole blood or 10 nanograms or more in an other bodily substance creates a presumption that a person was under the influence of cannabis; and
  - Tetrahydrocannabinol concentration of less than 5 nanograms in whole blood or less than 10 nanograms in an other bodily substance does not give rise to a presumption that the person was or was not under the influence of cannabis, but may be considered with other competent evidence in determining whether the person was under the influence of cannabis.
- The refusal to submit to a chemical test will result in the imposition of driver's license sanctions under Section 11-501.1 of the Illinois Motor Vehicle Code.
- The refusal to take validated roadside chemical tests or standardized field sobriety tests is admissible in any civil or criminal action or proceeding regarding impairment by use of cannabis.
- An authorized medical cannabis patient who drives is deemed to have given consent to (i) validated roadside chemical tests or (ii) standardized field sobriety tests.
- Law enforcement officers must have an independent, cannabis-related factual basis giving reasonable suspicion that a person is driving or in actual physical control of a motor vehicle while impaired by the use of cannabis to conduct validated roadside chemical tests or standardized field sobriety tests .

**FREQUENTLY ASKED QUESTIONS –  
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**EMPLOYMENT CONCERNS**

***Can an employer maintain a drug-free workplace?***

- The Act specifies that nothing shall prohibit an employer from adopting:
  - reasonable zero-tolerance or drug-free workplace policies;
  - employment policies concerning drug testing; or
  - regulations concerning smoking, consumption, storage, or use of cannabis at the workplace.
  
- These policies must be applied in a nondiscriminatory manner.
  
- Employers' policies may cover use of cannabis in the employer's workplace, while performing the employee's job duties, or while "on call." An employee is deemed "on call" when he or she is scheduled with at least 24 hours' notice by employer to be on standby or otherwise responsible for performing tasks related to his or her employment.
  
- An employer may discipline an employee for violating a workplace drug policy. If the employer elects to discipline the employee, the employer must give the employee reasonable opportunity to contest the determination.
  
- Nothing in the Act shall be construed to interfere with any federal, State, or local restrictions on employment including, but not limited to, the United States Department of Transportation regulation 49 CFR 40.151(e), or impact an employer's ability to comply with federal or State law or cause it to lose a federal or State contract or funding.

***How can an employer determine whether an employee is impaired by the use of cannabis?***

- An employer may consider an employee to be impaired if the employer has a good faith belief that the employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks.

**FREQUENTLY ASKED QUESTIONS –  
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**EXPUNGEMENTS**

***What records will be automatically expunged?***

- The Act mandates that arrest records relating to offenses under the Cannabis Control Act for possession of under 30 grams of any substance containing cannabis that are not associated with an arrest, conviction or other disposition of a violent crime as defined in subsection (c) of Section 3 of the Rights of Crime Victims and Witnesses Act. (“Minor Cannabis Offenses”) will be automatically expunged by all law enforcement agencies, including records of an arrest, charges not initiated by arrest, orders of supervision, or orders of qualified probation for all offenses committed prior to the Act if:
  - One year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and
  - No criminal charges were filed or if filed they were dismissed and/or arrestee was acquitted.

***What is the schedule for automatic expungement?***

- The Act provides that all law enforcement agencies must expunge qualifying records according to the following schedule:
  - Records created prior to the effective date of the Act, but on or after January 1, 2013, shall be automatically expunged prior to January 1, 2021;
  - Records created prior to January 1, 2013, but on or after January 1, 2000, shall be automatically expunged prior to January 1, 2023; and
  - Records created prior to January 1, 2000, shall be automatically expunged prior to January 1, 2025.

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***What is the Process for expungement for offenders actually convicted of Minor Cannabis Offenses or of more serious violations under the Cannabis Control Act?***

- Within 180 days of the effective date of the Act, the Department of State Police must notify the Prisoner Review Board of those convictions for Minor Cannabis Offenses that are eligible for expungement under the Act.
- The Act provides a process for the Prisoner Review Board to make recommendations to the Governor for pardons for certain convictions for Minor Cannabis Offenses.
- Those convicted for more serious violations of the Cannabis Control Act and not qualifying for a pardon have the option of petitioning for expungement through the circuit court.

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**FOIA**

***Are all records and documents created or obtained by a public body pursuant to the provisions of the Act subject to the Illinois Freedom of Information Act (“FOIA”)?***

- The Act adds an exemption to FOIA for confidential information described in Section 55-30 of the Cannabis Regulations and Tax Act (information received by state agencies from cannabis establishment licensees or applicants).
- The name and address of a dispensing organization licensed under the Act shall be subject to disclosure under FOIA. The name and cannabis business establishment address of the person or entity holding each cannabis business establishment license shall be subject to disclosure.
- Complaints from consumers or members of the general public received regarding a specific, named licensee or complaints regarding conduct by unlicensed entities shall be subject to disclosure under FOIA.

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**HOME CULTIVATION**

***What are the limitations and requirements to grow cannabis at home?***

- Only registered medical cannabis patients over 21 years of age may participate in home cultivation.
  
- Additionally, cultivation in private residences by medical cannabis patients is subject to the following limitations:
  - There is a limit of 5 plants that are 5 inches or more per household without a cultivation center or craft grower license;
  - Cannabis plants may not be cultivated in an area subject to public view;
  - Reasonable precautions must ensure that the plants are secure from unauthorized access or access by a person under 21 years of age;
  - Cannabis cultivation must occur in an enclosed locked space;
  - Cannabis cultivation may only occur on residential property lawfully in possession of the medical cannabis patient or with the consent of the person in lawful possession of the property;
  - The medical cannabis patient may allow their authorized agent to tend to the plants for brief periods of time if the resident is temporarily away
  - A medical cannabis patient may only purchase cannabis seed from a dispensary;
  - Purchase of live plant material is prohibited; and
  - If the home grown plants yield more than the allowable possession limit of 30 grams of raw cannabis, then the excess cannabis must remain secured within the residence of residential property in which it was grown.

***Can a landlord prohibit growth of cannabis on their property?***

- An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

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**INFUSER ORGANIZATIONS OR INFUSERS**

***What is the definition of “Infuser organization” or “infuser?”***

- "Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

***Are infusers inspected? How, and by whom?***

- Infusers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, and the Department of State Police.

***To whom may infusers sell cannabis?***

- Infusers may only sell or distribute cannabis to a dispensing organization, or as otherwise authorized by rule.

***What are the limitations on the location of infusers?***

- An infuser may not be located in an area zoned for residential use.
- An infuser may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

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**LICENSING**

***Is a license required to operate a cannabis establishment in Illinois?***

- Yes. The State Office of Cannabis Control shall issue licenses for all dispensing organizations. Dispensing Organizations are defined by the Act as a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under the Act to purchasers or to qualified registered medical cannabis patients and caregivers.

***Can municipalities require licenses to operate a cannabis establishment within their boundaries?***

- While licensing is a function of the State under the Act, local governments can still enforce generally applicable business registration requirements for cannabis establishments and conduct inspections of the premises to ensure compliance with local ordinances.

***What are the different types of Licenses?***

The Act creates the following Adult Use Cannabis Licenses, subject to various fees and subject to administration by the Department of Agriculture (DOA) and the Department of Financial and Professional Regulation (IDFPR):

- Early Approval Adult Use Dispensing Organization - A license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Pilot Program Act as of the effective date of the Act to begin selling cannabis to purchasers as permitted by the Act as of January 1, 2020.
- Early Approval Adult Use Cultivation Center - A license that permits a medical cannabis cultivation center licensed under the Medical Cannabis Pilot Program Act as of the effective date of the Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in the Act), and selling cannabis to cannabis business establishments for resale to purchasers as permitted by the Act as of January 1, 2020. A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products to approved Dispensing Organizations on December 1, 2019.

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- Conditional Adult Use Dispensing Organization License - A license awarded to top-scoring applicants for an Adult Use Dispensing Organization License that reserves to the applicant the right to an adult use dispensing organization license if the applicant meets certain conditions described in the Act. A dispensing organization that is awarded a Conditional Adult Use Dispensing Organization License is not entitled to purchase, possess, sell, or dispense cannabis or cannabis-infused products until the applicant has received an Adult Use Dispensing Organization License.
- Conditional Adult Use Cultivation Center License - A license awarded to top-scoring applicants for an Adult Use Cultivation Center License that reserves to the applicant the right to an Adult Use Cultivation Center License if the applicant meets certain conditions as determined by the Department of Agriculture by rule. A cultivation center applicant that is awarded a Conditional Adult Use Cultivation Center License is not entitled to grow, purchase, possess, or sell cannabis or cannabis-infused products until the applicant has received an Adult Use Cultivation Center License.
- Adult Use Dispensing Organization - A license issued by the Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under the Act and any administrative rule made in furtherance of the Act.
- Adult Use Cultivation Center - A license issued by the Department of Agriculture that permits a person to act as a cultivation center under the Act and any administrative rule made in furtherance of the Act.
- Craft Grower - The Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. A craft grower is a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.
- Infuser - The Department of Agriculture shall issue up to 40 infuser licenses through a process provided for in the Act no later than July 1, 2020. "Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product. An infuser is prohibited from extracting cannabis concentrate from raw cannabis material. Only cultivation centers and craft growers will be allowed to extract cannabis concentrate.
- Transporter - Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis on

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behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

***Do State licenses need to be renewed?***

- Yes. All licenses expire and are subject to the renewal provisions set forth in the Act.
- Adult Use Dispensing Organization Licenses shall expire on March 31 of even-numbered years. Licensees must submit a renewal application as provided by the Department and pay the required renewal fee.

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**LOCAL GOVERNMENT**

***Can municipalities prohibit cannabis establishments within their boundaries?***

- Yes. A unit of local government may enact ordinances to prohibit or significantly limit a recreational cannabis business establishment's location.
- NOTE: While recreational cannabis business establishments may be prohibited, the Medical Cannabis Pilot Program Act specifically provides that medical marijuana disbursement facilities may not be prohibited within municipal borders. For medical cannabis establishments, then, municipalities can only regulate location via “reasonable” zoning regulations (special use permits, etc.).

***Can municipalities and other units of local government regulate cannabis establishments within their boundaries?***

- A unit of local government may enact reasonable zoning ordinances or resolutions not in conflict with the Act or with Office of Cannabis Control, Department of Public Health, Department of Financial and Professional Regulation, and Department of Agriculture rules regulating cannabis establishments.
- A unit of local government may enact ordinances or rules governing the time, place, manner and number of cannabis establishment operations, including a minimum distance limitation between cannabis establishments and locations it deems sensitive through the use of conditional use permits.

***Can municipalities regulate the on-premises consumption of cannabis and/or allow cannabis cafes and lounges?***

- A unit of local government may regulate and/or allow the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with the Act. The Act allows the creation of “cannabis cafes/lounges” in the discretion of the municipality. Cannabis business establishments or other entities authorized or permitted by a municipality to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

***Can municipalities and other units of local government prohibit the use of cannabis within their boundaries?***

- No unit of local government, including a home rule unit, may unreasonably prohibit the use of cannabis authorized by the Act.

***Does the Act contain any location restrictions on dispensaries?***

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- A dispensing organization may not be located within 1,500 feet from another dispensing organization
- NOTE: These distance restrictions are different than those imposed by the Medical Cannabis Pilot Program, Act. Under the Medical Cannabis Pilot Program Act registered cultivation centers could not locate within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use (410 ILCS 130/105(c)) and registered dispensing organizations could not locate within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or be located in a house, apartment, condominium, or an area zoned for residential use (410 ILCS 130/130(d)). Under the Act, a unit of local government may enact rules governing minimum distance limitations between cannabis establishments and locations it deems sensitive.

***Does failure to be in compliance with local zoning regulations have any impact on a cannabis establishment's ability to operate in Illinois?***

- A state-issued cannabis establishment license will be denied if the applicant would not be in compliance with local zoning rules.

***Can municipalities and other units of local government fine or penalize cannabis establishments for violation of local zoning regulations?***

- A unit of local government may establish civil penalties for violation of an ordinance or rules governing the time, place and manner of operation of a cannabis establishment in the jurisdiction of the unit of local government.

***Can municipalities regulate personal possession and consumption of cannabis?***

- The Act provides municipalities with the authority to locally regulate possession and consumption of cannabis by private citizens in a manner consistent with the Act. Therefore, municipalities can adopt the prohibitions and penalties of the Act into their Codes which will give the local governments the ability to enforce and prosecute personal possession and consumption violations through local adjudication or the circuit court.

***Does the Act apply to home-rule units of government?***

- A unit of local government may not regulate cannabis-related activities in a manner more restrictive than their regulation by the State under the Act. [Home rule preemption applies here.](#)

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- “This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.” Section 55-25(4).
- Home Rule Preemption is specifically set forth in Section 55-90. “Except as otherwise provided in this Act, a unit of local government, including a home rule unit, may not regulate or license the activities described in this Act.” [emphasis added]

***Can voters choose to limit or prohibit cannabis establishments within a municipality?***

- They can, but only in Chicago. The Act allows the legal voters of any precinct within a municipality with a population of over 500,000 to petition their local alderman, using a petition form made available online by the city clerk, to introduce an ordinance establishing the precinct as a restricted zone. "Restricted cannabis zone" means a precinct within which home cultivation, one or more types of cannabis business establishments, or both has been prohibited pursuant to an ordinance initiated by a petition under the Act.

***Does the Act contain any operational rules for recreational cannabis dispensaries?***

- The Act in Section 15-70 contains a list of specific business operational rules for recreational cannabis dispensaries that provide a clear base-line of regulatory guidelines for these establishments. Municipalities can include these in any statement on approvals or conditions that are part of any conditional use permit. These rules include:
  - A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.
  - Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than 100 milliliters.
  - A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved under the Act.
  - A dispensing organization shall maintain compliance with State and local building, fire, and zoning requirements or regulations.
  - A dispensing organization shall submit a list to the State of the names of all service professionals that will work at the dispensary.
  - A dispensing organization's license allows for a dispensary to be operated only at a single location.
  - A dispensary may operate between 6 a.m. and 10 p.m. local time.
  - A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.
  - A dispensing organization shall not:
    - Produce or manufacture cannabis;

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- Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing organization, or transporting organization unless it is pre-packaged and labeled in accordance with the Act and any rules that may be adopted pursuant to the Act;
- Obtain cannabis or cannabis-infused products from outside the State of Illinois;
- Sell cannabis or cannabis-infused products to a purchaser unless the dispensary organization is licensed under the Compassionate Use of Medical Cannabis Pilot Program, and the individual is registered under the Compassionate Use of Medical Cannabis Pilot Program or the purchaser has been verified to be over the age of 21;
- Enter into an exclusive agreement with any adult use cultivation center, craft grower, or infuser.
- Refuse to conduct business with an adult use cultivation center, craft grower, transporting organization, or infuser that has the ability to properly deliver the product and is permitted by the Department of Agriculture, on the same terms as other adult use cultivation centers, craft growers, infusers, or transporters with whom it is dealing;
- Operate drive-through windows;
- Allow for the dispensing of cannabis or cannabis-infused products in vending machines;
- Transport cannabis to residences or other locations where purchasers may be for delivery;
- Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers.
- Operate a dispensary if its video surveillance equipment is inoperative;
- Operate a dispensary if the point-of-sale equipment is inoperative;
- Operate a dispensary if the State's cannabis electronic verification system is inoperative;
- Have fewer than 2 people working at the dispensary at any time while the dispensary is open;
- Be located within 1,500 feet of the property line of a pre-existing dispensing organization;
- Sell clones or any other live plant material;
- Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt;
- Violate any other requirements or prohibitions set by State rules.

**SOCIAL JUSTICE**

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***What other Agency oversight does the State have for social issues related to cannabis production, sale and use?***

- The Restoring Our Communities (ROC) program will be created. The ROC program will be a performance incentive funding program for high-need, underserved communities throughout the State.
- The purpose of the ROC program will be to directly address the impact of economic disinvestment and the historical use of criminal justice responses to community and individual needs by supporting local design and control of community-based responses to these impacts that can be accessed outside of the criminal justice system.
- The ROC program will provide planning and implementation grants as well as technical assistance to collaborative groups that include human service providers and community-based organizations, individuals who have experienced the criminal justice system or other systems of State intervention, and individuals who have been consumers of social programs administered by the State or local jurisdictions and local leaders from all sectors.

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**TAXATION, REVENUES AND APPROPRIATIONS**

***How is cannabis cultivation going to be taxed on the state level?***

- Beginning on January 1, 2020, a Cannabis Cultivation Privilege Tax is imposed upon the privilege of cultivating cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a cultivator.
  - This tax rate already exists under current medical cannabis law.
  - As all funds collected under the Cannabis Regulation and Tax Act and under the Compassionate Use of Medical Cannabis Pilot Program Act will be deposited into the Cannabis Regulation Fund, the 7% cultivation tax that previously only applied to the cultivation of medical cannabis is repealed, effective July 1, 2020. (See 410 ILCS 130/200), and replaced by the same tax that applies to both recreational and medical cannabis cultivation.
  - All funds received by the Department of Revenue under the privilege tax shall be paid into the Cannabis Regulation Fund in the State treasury.
- The Cannabis Cultivation Privilege Tax will be collected in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision (whether the cultivation is for medical or recreational purposes).

***How is the sale of cannabis going to be taxed on the state level?***

- Beginning on January 1, 2020, a Cannabis Purchaser Excise Tax is imposed upon purchasers for the privilege of using cannabis at the following rates:
  - Purchases of cannabis flower or products with less than 35% THC – 10% tax.
  - Cannabis-infused products (i.e., edibles) – 20% tax.
  - Products with a THC concentration higher than 35% – 25% tax.
- The purchase price of any product that contains any amount of cannabis or any derivative is subject to the tax on the full purchase price of the product.
- The purchase of cannabis is also subject to state and local sales taxes; it is collected in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the State.
- All funds received by the Department of Revenue under the excise tax will be paid into the Cannabis Regulation Fund in the State treasury.
- 8% of state taxes collected on cannabis sales will be allocated to the Local Government Distributive Fund for the purpose of funding crime prevention programs, law enforcement training and drug interdiction efforts.

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***How is cannabis going to be taxed on the local level?***

- On and after January 1, 2020, the corporate authorities of any county or municipality may, by ordinance, impose a County and Municipal Cannabis Retailers' Occupation Tax.
- For municipalities, the tax is imposed upon purchasers for the privilege of using cannabis purchased in the municipality. The rate of tax shall not exceed 3% of the purchase price. If imposed, the tax shall only be imposed in 0.25% increments.
- Non-home rule counties are authorized to impose a tax of up to 0.75% in incorporated areas and 3.75% on sales emanating from unincorporated areas.
- Cook County, the only home-rule county in the state, is authorized to impose a tax of 3% regardless of whether the sale occurs in an incorporated or unincorporated area.
- The tax shall not be imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Pilot Program Act.
- The State Department of Revenue will collect and enforce this tax.
- Any ordinance imposing the tax must be certified by the municipal clerk of that unit of local government and filed with the Illinois Department of Revenue before June 1st of any year, to be effective and enforced by the Department of Revenue on September 1st of that year.
- This tax will be collected in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision of the State.

***What is the State going to do with the funds collected in the form of state taxes, license fees and any other monies collected with regard to cannabis production and sale?***

- The Cannabis Regulation Fund will be created in the State treasury. Unless otherwise provided, all funds collected under the Cannabis Regulation and Tax Act and under the Compassionate Use of Medical Cannabis Pilot Program Act shall be deposited into the Cannabis Regulation Fund, consisting of taxes, license fees, other fees and any other amounts required to be deposited or transferred into the Fund.
- Monthly, the transfers of revenues received into the Cannabis Regulation Fund shall be certified as follows:
  - First, to pay for the direct and indirect costs associated with the implementation, administration and enforcement of the Compassionate Use of Medical Cannabis Pilot Program Act and the Cannabis Regulation and Tax Act, the Department of Revenue shall certify the transfer of 1/12 of the fiscal year amount appropriated to the numerous agencies involved with the program;

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- Second, after the above-noted transfers have been made, the remainder shall be transferred to the following funds:
  - 35% transferred to the General Revenue Fund
  - 25% transferred to the Criminal Justice Information Projects Fund to support Restoring, Reinvest and Renew Program for community reinvestment
  - 20% transferred to Department of Human Services Community Services Fund to fund mental health and substance abuse services at local health departments
  - 10% transferred to Budget Stabilization Fund to pay the backlog of unpaid bills
  - 8% transferred to Local Government Distributive Fund to create a “grant program” to fund crime prevention programs, training, and interdiction efforts relating to the illegal cannabis market and cannabis-based DUIs
  - 2% transferred to the Drug Treatment Fund for public education and awareness

***How are existing Retailers’ Occupation Taxes affected?***

- Retailers’ Occupation Taxes, assessed on both a local and statewide level, will not be deposited into the Cannabis Regulation Fund. Nothing in the Compassionate Use of Medical Cannabis Pilot Program Act and the Cannabis Regulation and Tax Act affects the collection of these taxes, or their deposit in the State’s general funds and/or distribution to local municipalities under local ordinance.
- Under the State Retailers’ Occupation Tax, the sale of cannabis is classified as a “sale of tangible personal property at retail”.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

**USE AND POSSESSION**

***How much cannabis can a resident of the State of Illinois legally possess under the Act?***

- For an Illinois resident who is 21 years or older, the possession limit is any combination of the following:
  - 30 grams of raw cannabis;
  - Cannabis-infused product or products containing a total of no more than 500 mg of THC;
  - 5 grams of cannabis product in concentrated form;
  
- For individuals who register as qualifying patients under the State’s existing medical cannabis program only:
  - Up to 5 Cannabis plants and the cannabis produced from those 5 plants, secured within the residence or dwelling unit (no matter how many people reside in a residence, only 5 plants are allowed per residence).
  - If the plants produce more than the 30 grams of raw cannabis that one individual is allowed to possess, the excess cannabis product must remain in the residence.
  - Qualifying patients are allowed to possess any combination of the amounts indicated above for Illinois residents. Additionally, if they have plants that yield more than the 30 grams, the excess must remain secured in the residence or residential property it is grown.

***How much cannabis may a non-resident of the State of Illinois legally possess under the Act?***

- For a person who is 21 year of age or older and who is not a resident of Illinois, the possession limit is any combination of the following:
  - 15 grams of raw cannabis, or;
  - 250 mg of THC contained in cannabis-infused products;
  - or 2.5 grams of concentrated cannabis.
  - NOTE: a non-resident may not possess cannabis plants.

***Where is a person restricted from possessing cannabis?***

- The Act will not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for engaging in any of the following conduct:
  - Possessing cannabis on a school bus.
  - Possessing cannabis on the grounds of any preschool or primary or secondary school unless approved as a medical cannabis patient.
  - Possessing cannabis in any correctional facility.

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

- Possessing cannabis in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed, tamper-evident container and reasonably inaccessible while the vehicle is moving.
- Possessing cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.

***Where will the use of cannabis be prohibited?***

- The Act will not permit any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for, the following:
  - Consuming cannabis on a school bus.
  - Consuming cannabis on the grounds of any preschool or primary or secondary school unless authorized in the medical cannabis program.
  - Consuming cannabis in any correctional facility.
  - Consuming cannabis in any motor vehicle.
  - Consuming cannabis in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises.
  - Consuming cannabis in any public place or knowingly in close physical proximity to anyone under 21 years of age.
  - Consuming cannabis in any public place where a person could reasonably be expected to be observed by others.
  - Consuming cannabis in any location where smoking is prohibited by the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), including hospitals, restaurants, retail stores, offices, commercial establishments, etc.
  - Note: Universities, colleges and other post-secondary educational institutions can restrict or prohibit cannabis use on their property.

***How is a “public place” defined under the Act?***

- A “public place” is defined as any place where a person could reasonably be expected to be observed by others.
- A “public place” includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government.
- A “public place” does not include a private residence unless the private residence is used to provide licensed child care, foster care or other similar social service care on the premises.

***Are there certain specific activities that you cannot perform while using cannabis?***

- Operating, navigating or being in actual physical control of any motor vehicle, aircraft or motorboat while using or under the influence of cannabis

**FREQUENTLY ASKED QUESTIONS –  
CANNABIS REGULATION AND TAX ACT – PUBLIC ACT 101-0027**

- Use of cannabis by a law enforcement officer, corrections officer, probation officer or firefighter while on duty.
- Use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.
- Driving under the influence of cannabis - DUI and reckless driving based on THC impairment may continue to be charged.



CANNABIS REGULATION AND TAX ACT:  
MUNICIPAL CONSIDERATIONS

**VILLAGE OF RIVER FOREST**

August 26, 2019

CANNABIS REGULATION AND TAX ACT  
Basics

Illinois is the 11<sup>th</sup> State to Approve Private  
Recreational Use of Cannabis

- ❑ Legally authorizes private use and possession for adults, 21 years and up.
- ❑ Each municipality determines whether or not to allow sales at dispensaries and/or cultivation of cannabis within its boundaries.
- ❑ Currently authorized medical cannabis regulations remain intact.



## CANNABIS REGULATION AND TAX ACT Opt-Out?

- ❑ The Village may opt-out of allowing recreational cannabis establishments, which are dispensaries and cultivation centers, to operate in the Village.
- ❑ If the Village does so, it must take formal action to opt-out on or before December 31, 2019.
- ❑ If the Village opts-out, the possession and use of cannabis by individuals, within the limits of the Act, would remain legal within the Village under the Act.
- ❑ If the Village opts-out, medical cannabis regulations would remain in effect.

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## Cannabis Regulation and Tax Act Village Zoning Authority

- ❑ Village can allow sales by dispensaries and/or cultivation in Village and regulate by zoning.
  - ❑ Can restrict by zoning district.
  - ❑ Can restrict hours of operation.
  - ❑ Can regulate proximity to school, parks, churches, etc.
  - ❑ Can prohibit in residential (except limited medical marijuana solely for use by the resident).
  - ❑ Can limit the number of establishments in Village.
  - ❑ Under the Act, a dispensing organization may not be located within 1,500 feet of the property line of a pre-existing dispensing organization.
- ❑ The Act further allows the creation of “cannabis cafes/lounges” in the discretion of the Village, which lounges are not deemed a public place within the meaning of the Smoke Free Illinois Act.

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## Cannabis Regulation and Tax Act Village Zoning Authority

- ❑ If the Village allows recreational cannabis establishments, where should they be located?
- ❑ Lounges are a retail use – allow in any Zoning District?
- ❑ Dispensaries are a retail use – allow in one or more Zoning Districts?
- ❑ Cultivation centers are an industrial use – allow in one or more Zoning Districts?
- ❑ If allowed in one or more Zoning Districts, then what type of use: permitted, special or planned development?



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## Cannabis Regulation and Tax Act State Application Process and Fees

### Early Approval

- Existing medical cannabis cultivators and dispensers may apply for early approval to convert, in whole or part, to recreational cannabis cultivators or dispensers.
- For cultivators, the non-refundable permit fee is \$100,000, plus there is a development fund fee of the lesser of 5% of their revenue from 7/1/18 to 7/1/19 or \$500,000.
- For dispensers, the non-refundable permit fee is \$30,000, plus a development fund fee of the lesser of 3% of their revenue from 7/1/18 to 7/1/19 or \$100,000, for the first recreational license and a non-refundable fee of \$30,000 plus a development fund fee of \$200,000

### New Entrants

- Processors and craft growers: \$5,000 non-refundable application fee plus \$40,000 licensing fee.
- Dispensers: \$5,000 non-refundable application fee plus \$10,000 licensing fee.

### Background Checks

- Illinois State Police (“ISP”) conducts background checks on everyone involved in the licensed cannabis sector.
- Background checks include criminal history check and finger prints check of all principal officers, board members and agents of licensees.

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## Cannabis Regulation and Tax Act

### State Restrictions on Operations of a Dispensary

#### Operation of a dispensary:

- Operation is only allowed between 6 A.M. and 10 P.M.
- No “delivery” service to any location.
- No drive-thru facilities.
- Operation is prohibited when video surveillance equipment is inoperative.
- Operation is prohibited when point-of-sale equipment is inoperative.
- Operation is prohibited when the State’s cannabis electronic verification system is inoperative.
- Operation is prohibited when there are fewer than 2 people working.
- No alcohol products can be sold.
- Must be packaged and labeled with the dispensing organization, the contents, the weight of the raw cannabis (grams) or, for cannabis products, the amount of THC (mg).
- The age of the purchaser must be verified by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan the identification;
- Specific required sales information on each sale must be entered into the State’s cannabis electronic verification system.

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## Cannabis Regulation and Tax Act

### State Restrictions on Advertising

No cannabis business establishment nor any person or entity shall place or maintain or cause to be placed or maintained an advertisement in any form:

- Within 1,000 feet of school grounds, playgrounds, hospitals, health care facilities, recreation centers, child care centers; public parks, public libraries; or game arcades that admit persons under the age of 21 .
- That promotes the overconsumption of cannabis.
- That displays cannabis.
- That shows someone under 21 consuming cannabis.
- That makes health or medicinal claims about cannabis.
- That includes the image of the cannabis leaf or bud.
- That includes any image that is likely to appeal to minors.
- On or in publicly owned or publicly operated property.
- On or in a public transportation vehicle or on a public transportation shelter.
- That is false or misleading.

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## Cannabis Regulation and Tax Act

### Prohibited Activities Under the Act

- No smoking cannabis in any public place where a person could reasonably be expected to be observed by others, in a healthcare facility or any other place where smoking is prohibited.
  - Note: public place means outdoors and in public buildings. Private residence is not a public place, unless it is used for child care, foster care or social services.
- No use of motor vehicle while using or under the influence of cannabis.
- No sales by the use of vending machines.

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## Taxation / Revenue

### *How is the sale of cannabis going to be taxed on the State level?*

A State tax is imposed upon cannabis purchasers at the following rates:

- Purchases of cannabis flower or products with less than 35% THC - 10% tax.
- Cannabis-infused products (i.e., edibles) - 20% tax.
- Products with a THC concentration higher than 35% - 25% tax.

8% of State taxes will be allocated to municipalities, through the LGDF, for crime prevention programs, law enforcement training and drug interdiction efforts.

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### *How is cannabis going to be taxed on the local level?*

The Village can impose a Village tax on cannabis sales not to exceed 3% of the purchase price.

The State Department of Revenue will collect and enforce this tax. In addition, **State and local sales taxes still apply (10%).**

Municipal sales tax receipts from a single dispensary could be up to \$400,000 (per Village of Burr Ridge), which will vary based on sales volume and local tax rates.

Gross State-wide licensee revenue estimates range from \$1.6 billion - \$2.5 billion (per Sen. Steans study).

## How will DUI's be addressed under the new law?

Driving under the influence of cannabis will continue to be illegal.

The Act allows for use of validated roadside chemical tests or standardized field sobriety tests approved by the National Highway Traffic Safety Administration when conducting investigations of a violation of Section 625 ILCS 5/11-501 of the Motor Vehicle Code or a similar local ordinance by drivers suspected of driving under the influence of cannabis.

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## CURRENT ILLINOIS PRACTICE

### Illinois Compassionate Use of Medical Cannabis Pilot Program Act (eff. January 1, 2014)

- ❑ Medical marijuana dispensaries and cultivation centers may not be prohibited within municipal borders. Municipalities can only regulate medical cannabis establishment location via "reasonable" zoning regulations (special use permits, planned development permits, zoning district limitations, etc.).
- ❑ Medical Cannabis Act authorized total of 56 dispensaries and 20 cultivation centers State-wide.
- ❑ Cultivation is allowed in private residences by medical cannabis patients subject to limitations, including:
  - No more than 5 plants per household without a cultivation center or craft grower license.

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## Illinois Compassionate Use of Medical Cannabis Act Requirements

### Zoning Restrictions under the Medical Cannabis Act:

- **Registered cultivation centers cannot locate within 2,500 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, part day child care facility, or an area zoned for residential use.** 410 ILCS 130/105(c).
  
- **Registered dispensing organizations may not be located within 1,000 feet of the property line of a pre-existing public or private preschool or elementary or secondary school or day care center, day care home, group day care home, or part day child care facility or be located in a house, apartment, condominium, or an area zoned for residential use.** 410 ILCS 130/130(d).

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## Existing Area Medical Dispensaries

**The Dispensaries Are Located In A Mix Of Industrial Parks, High Traffic Retail Corridors And Adjacent To Residential Neighborhoods**

Buffalo Grove	Romeoville	Worth
Mt. Prospect	Addison	Justice
Rolling Meadows	St. Charles	Posen
Schaumburg	Evanston	Naperville
Mokena	Elmwood Park	Oak Park
Joliet	Homewood	North Aurora
Mundelein	Chicago	Highland Park

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### Number of State Dispensing Licenses

First licenses anticipated to be issued to organizations  
already operating existing medical dispensaries

State	# of Licenses	Population
Illinois	Up to 140 (by 1/1/2020 - increasing over time)	12.8 million
California	261	36 million
Nevada	61	3 million
Washington	123	7.5 million
Massachusetts	22	7 million
Colorado	568	5.6 million
Oregon	659	4 million
Alaska	212	740,000
Maine	None yet.	1.3 million
Michigan	None yet.	10 million



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## Questions?

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## Lisa Scheiner

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**From:** Brad Cole <bcole@iml.org>  
**Sent:** Tuesday, July 16, 2019 5:44 PM  
**Subject:** IML: Adult-Use Cannabis Resources

DATE: July 16, 2019

TO: Mayors/Village Presidents/Town Presidents  
Managers/Administrators  
Municipal Attorneys/Corporation Counsels  
Clerks/Deputy Clerks

FROM: Brad Cole, Executive Director  
Illinois Municipal League

RE: Adult-Use Cannabis Resources

As a service to our members, the Illinois Municipal League (IML) has compiled and drafted relevant information and resources to consider when determining the local regulation of adult-use cannabis.

[IML's Adult-Use Cannabis Resources are available via this link.](#)

On June 25, 2019, Governor JB Pritzker signed [Public Act 101-0027 \(available via this link\)](#), the Cannabis Regulation and Tax Act (Act). The Act legalizes private consumption and possession of cannabis for Illinois residents over 21 years of age. Non-residents may legally possess lower amounts of cannabis. The Act also provides for the state licensure and regulation of a variety of adult-use cannabis business establishments, preserves the legalization of medical cannabis and includes a provision allowing “home grow” of cannabis by medical cannabis program participants. Otherwise, “home grow” of cannabis is prohibited.

[Fact Sheet: Adult-Use Cannabis is available via this link.](#)

### **Municipal Cannabis Business Prohibition**

Illinois municipalities may prohibit cannabis business establishments from locating in their jurisdiction by adoption of a local ordinance. IML recommends a public hearing in advance of the adoption of such an ordinance to create a record that supports that determination. While local governments are required to allow medical cannabis dispensaries subject only to local zoning provisions, adult-use cannabis business establishments may be prohibited.

The first state licenses for adult-use cannabis business establishments are anticipated to be issued to organizations operating existing medical dispensaries, authorizing retail sales of adult-use cannabis at those locations starting January 1, 2020. Municipalities with medical dispensaries operating in their jurisdiction may limit or prohibit adult-use cannabis business establishments through local ordinances, but may want to consider adopting those provisions in order to provide those existing dispensaries clear direction in advance of any application.

[Linked here is the model ordinance: Municipal Cannabis Business Prohibition.](#)

## **Municipal Cannabis Business Zoning**

Local regulation of authorized adult-use cannabis business establishments is enabled by the Act, primarily through zoning as conditional uses. It is recommended that a cannabis regulatory ordinance be adopted as an amendment to your municipality's zoning code or zoning ordinance. A model ordinance has been provided for that purpose. If your municipality does not have a zoning code or zoning ordinance, you may want to consider adopting one in order to exercise the regulatory provisions available to your community.

[Linked here is the model ordinance: Municipal Cannabis Business Zoning.](#)

In addition to the conditional use authority for authorized adult-use cannabis business establishments, municipalities have the option of authorizing on-site consumption of cannabis and co-location of craft growers, infusers and dispensaries. These options are included in the model ordinance and may be deleted if those options are not supported by the municipality. Similarly, the model ordinance includes a number of minimum distance limitations that municipalities may want to adopt or adjust. Among the options municipalities may want to include would be minimum distance limitations between other cannabis establishments, liquor establishments, schools, daycare centers, nursing homes or other uses the municipality deems sensitive.

The Illinois Municipal Code requires a public hearing conducted by the local planning commission or committee designated by the corporate authorities before any amendment to a zoning ordinance is permitted. The municipality's zoning board of appeals can serve this function, or where a planning commission has been established, this function is usually delegated to it. Additional public hearings on cannabis regulation may be warranted if extensive community input is desired or would be helpful. As the state legislation allows for "reasonable" local regulation, public hearings will develop a record and provide a basis upon which courts may uphold local ordinances, if challenged.

Notice of the required zoning hearing must be given by publication not more than 30 days or less than 15 days before the hearing. Notice must be published in one or more newspapers in the municipality or, where no newspaper is so published, in one or more newspapers of general circulation in the community. All meetings of planning commissions and zoning boards of appeals are to be open to the public and subject to the Open Meetings Act.

For more information about zoning and land use issues in general, you may wish to consult our newly published [Zoning Handbook for Municipal Officials](#), available for purchase via [this link](#).

## **Municipal Cannabis Retailers' Occupation Tax**

If your municipality has determined it will authorize the retail sale of adult-use cannabis by approved dispensing organizations, the Act allows for the imposition of a municipal tax under the Municipal Cannabis Retailers' Occupation Tax Law. The tax may be up to 3% of the gross receipts of cannabis products, and must be imposed in 0.25 % increments. While the law presently would allow for the tax to be effective not sooner than September 1, 2020, IML recommends that municipalities consider adopting the tax ordinance imposing the tax effective on January 1, 2020, and certify the ordinance to the Illinois Department of Revenue by October 1, 2019, in anticipation of a legislative amendment to the Act that may authorize the local tax as of January 1, 2020.

[Linked here is the model ordinance: Municipal Cannabis Retailers' Occupation Tax.](#)

The state will also derive revenues from state taxes and license fees imposed on cannabis business establishments, with a portion of those proceeds distributed to local governments, including municipalities, to fund crime prevention programs, training and interdiction efforts. These state taxes and license fees will be imposed in addition to the above described Municipal Cannabis Retailers' Occupation Tax, and all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government.

The previously cited model ordinances are provided as reference materials, and will need to be adjusted to reflect the preferences and determinations of each municipality. It is essential that you review this information with your municipality's retained attorney or other qualified counsel to ensure appropriate provisions and procedural steps are included.

### **Employer Provisions Impacting Municipalities**

The Act provides that employers may maintain "reasonable" Drug Free Workplace Policies, but the Act includes amendments to the [Right to Privacy in the Workplace Act, 820 ILCS 55 \(available via this link\)](#), which make it clear that discrimination against employees for using products that are lawful under state law is prohibited.

Employers may prohibit employees from use or possession of cannabis in the workplace and while on-call, but must have a good faith basis for disciplining employees who appear to be under the influence of cannabis while at the workplace. A review of your existing policy with an employment attorney is recommended. Any revisions to policies should be communicated to and acknowledged by all employees, and managers need to be trained on those revised policies.

### **Expungements of Local Law Enforcement Records**

The Act includes a schedule of expungement provisions that require local law enforcement to automatically expunge all criminal history records of an arrest, charge not initiated by arrest, order of supervision or order of qualified probation for a "minor cannabis offense" if: 1) one year or more has elapsed since the date of the arrest or law enforcement interaction documented in the records; and, 2) no criminal charges were filed relating to the arrest or law enforcement interaction or criminal charges were filed and subsequently dismissed or vacated or the arrestee was acquitted. "Minor Cannabis Offense" as defined in the Act means a violation of Section 4 (possession) or Section 5 (delivery) of the [Cannabis Control Act \(available via this link\)](#) concerning not more than 30 grams of any substance containing cannabis, provided the violation did not include a penalty enhancement under Section 7 of the Cannabis Control Act and is not associated with an arrest, conviction or other disposition for a violent crime as defined in subsection (c) of Section 3 of the [Rights of Crime Victims and Witnesses Act \(available via this link\)](#).

The schedule requires records created on or after January 1, 2013, to be expunged by January 1, 2021. Records created prior to January 1, 2013, but on or after January 1, 2000, shall be expunged prior to January 1, 2023. Records created prior to January 1, 2000, shall be expunged prior to January 1, 2025. Additional expungements will be subject to court orders. While there is some considerable time before the first expungement deadline, review of these requirements and development of an expungement process well in advance of those deadlines is recommended.

It is further recommended that local law enforcement officials discuss this matter with your municipality's retained attorney or other qualified counsel, as well as the state's attorney's office in your county to gain a full understanding of the issue and process and to be in compliance with what may be complicated expungement provisions. IML shall not provide direction or counsel on this aspect of the new law, due to the myriad factors that could impact each municipality differently.

Please feel welcome to contact us by phone at (217) 525-1220 or email at [IMLLegal@iml.org](mailto:IMLLegal@iml.org), if you have additional questions or concerns. Thanks.

### **BRAD COLE | Executive Director**

#### **ILLINOIS MUNICIPAL LEAGUE**

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# Adult-Use Cannabis Resources

8/20/19

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# Fact Sheet

## Adult-Use Cannabis

## Adult-Use Cannabis

Public Act 101-0027 creates the Cannabis Regulation and Tax Act and was signed into law by Governor JB Pritzker on June 25, 2019. Effective January 1, 2020, the Act legalizes the possession and private use of cannabis for Illinois residents over 21 years of age.



7/15/19

### LOCAL REGULATION OF CONSUMPTION

Municipalities may not restrict the private consumption of cannabis that is authorized by the Act. However, the Act prohibits the use of cannabis in public places, schools and child care facilities among other locations. Municipalities may adopt and enforce local ordinances to regulate possession and public consumption of cannabis so long as the regulations and penalties are consistent with the Act.

### HOME GROW LIMITED TO MEDICAL PROGRAM PARTICIPANTS

Home grow cannabis will be authorized only for medical cannabis program participants, and is limited to five plants in their residence and subject to specified restrictions. Home grow of recreational cannabis by non-medical participants is prohibited. [More information about the medical cannabis program is available via this link.](#)



### ZONING

The Act preserves local zoning authority and directly authorizes municipalities to prohibit (opt out) or significantly limit the location of cannabis businesses by ordinance. Municipalities will have the authority to enact reasonable zoning regulations that are not in conflict with the act. This would include the authority to opt out of either commercial production or distribution (dispensaries) of adult-use cannabis within their jurisdiction. Municipalities also may enact zoning ordinances and regulations designating the time, place, manner and number of cannabis business operations, including minimum distances between locations through conditional use permits.

### BUSINESS REGULATION

In addition to zoning authority, municipalities will have the authority to allow for on-premise use of cannabis at locations to be determined locally. The Act anticipates that local authorities will engage in inspections of cannabis-related businesses. Municipalities may establish and impose civil penalties for violations of the local ordinances and regulations.



## LOCAL REVENUE

Municipalities, by ordinance, may impose a Municipal Cannabis Retailers' Occupation Tax on adult-use cannabis products of up to 3% of the purchase price, in .25% increments. Counties may impose up to 3.75% in unincorporated areas, in .25% increments. The taxes imposed under this Act shall be in addition to all other occupation, privilege or excise taxes imposed by the State of Illinois or by any unit of local government, such as sales tax.



## SMOKE FREE ILLINOIS ACT

The Act applies the restrictions of the Smoke Free Illinois Act on smoking cannabis, and provides that property owners may prohibit the use of cannabis by any guest, lessee, customer or visitor. In addition, lessors may prohibit cultivation of cannabis by their lessees.

## EMPLOYER PROVISIONS

The Act provides employer protections including that nothing in the enactment prohibits employers from adopting reasonable zero-tolerance or drug-free workplace employment policies concerning drug testing, smoking, consumption, storage or use of cannabis in the workplace or while on-call. These policies must be applied in a nondiscriminatory manner. Employers may prohibit the use of cannabis by employees in the workplace, and engage in discipline, including termination, for violations of those policies and workplace rules.

## STATE LICENSING

The Act authorizes the production and distribution of cannabis and cannabis products through state-licensed cultivators, craft growers, infusers, transporters and dispensaries. Cannabis transporters will be separately licensed by the Act, as well. A market study due in March 2021 will inform future licensing. The state will issue licenses according to a graduated scale. By the end of the first year, there will be up to 295 dispensing organizations. The Act will allow up to 500 dispensing organizations by January 1, 2022. Cultivators will be capped at 50, and 100 craft growers will be allowed. By that same date, 100 infusers will also be authorized to be licensed.

## GRANTS AND INVESTMENT

The Act establishes the Restore, Reinvest and Renew (R3) Program to invest in communities historically impacted by economic disinvestment and violence. The Illinois Criminal Justice Information Authority (ICJIA) will identify R3 areas that qualify for funding, and grants will be awarded by the R3 Board. A 22-member R3 Board will award grants throughout the state, subject to an application process and the Government Accountability and Transparency Act (GATA); the R3 Board shall be chaired by the Lt. Governor.

## SOCIAL EQUITY

The Act provides for a social equity program to establish a legal cannabis industry that is accessible to those most adversely impacted by the enforcement of drug-related laws in this state, including cannabis-related laws. Qualifying social equity applicants may be awarded financial assistance and incentives if they are interested in establishing cannabis related businesses.

## DECRIMINALIZATION AND EXPUNGEMENTS

A significant portion of the Act addresses the decriminalization of cannabis through mandatory and discretionary expungements of criminal convictions relating to non-violent cannabis offenses.

## STATE REVENUE

State revenues derived from the Cannabis Regulation and Tax Act will be deposited into the Cannabis Regulation Fund. The funds will be distributed to multiple state agencies for implementation of the Act. The legalization of adult cannabis also includes a new source of Local Government Distributive Fund (LGDF) dollars. A portion of the Cannabis Regulation Fund revenues (8% of deposits) will go to local governments, through LGDF, which will be used to fund crime prevention programs, training and interdiction efforts. The Cannabis Regulation Fund is derived from moneys collected from state taxes, license fees and other amounts required to be transferred into the Fund.





# Model Ordinance

## Municipal Cannabis Business Prohibition

**MODEL ORDINANCE  
MUNICIPAL CANNABIS BUSINESS PROHIBITION**

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

**AN ORDINANCE AMENDING THE MUNICIPAL CODE  
OF THE CITY/VILLAGE OF \_\_\_\_\_  
BY THE ADDITION OF [ARTICLE/CHAPTER] \_\_\_\_\_  
PROHIBITING CANNABIS BUSINESS ESTABLISHMENTS**

**WHEREAS**, the City/Village has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027, which provides that the City/Village has the authority to prohibit adult-use cannabis business establishments; and

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

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City/Board of Trustees of the Village of \_\_\_\_\_ as follows:

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

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

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

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

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

**ADULT-USE CANNABIS CRAFT GROWER:** A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure

and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A.101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor/Village President

ATTEST:

\_\_\_\_\_  
City/Village Clerk



# **Model Ordinance**

## **Municipal Cannabis Business Zoning**

**MODEL ORDINANCE  
MUNICIPAL CANNABIS BUSINESS ZONING**

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

**AN ORDINANCE AMENDING CHAPTER \_\_ (ZONING TITLE, PURPOSE, DEFINITIONS), CHAPTER \_\_ (GENERAL ZONING PROVISIONS), CHAPTER \_\_ (COMMERCIAL DISTRICTS), AND CHAPTER \_\_ (INDUSTRIAL DISTRICTS) OF TITLE \_\_ (ZONING ORDINANCE) OF THE \_\_\_\_\_ MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS**

**WHEREAS**, the City/Village of \_\_\_\_\_, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

**WHEREAS**, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

**WHEREAS**, pursuant to the Act, the City/Village may enact reasonable zoning ordinances or resolutions not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City/Village deems sensitive; and

**WHEREAS**, on \_\_\_\_\_, the City Council/Village Board initiated an amendment to Title \_\_ (Zoning Ordinance) to review and consider additional amendments to further regulate adult-use cannabis facilities within the City/Village of \_\_\_\_\_; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals conducted public hearings, as required by law, on \_\_\_\_\_ and \_\_\_\_\_, in regards to the proposed amendments to Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code pertaining to adult-use cannabis; and

**WHEREAS**, the Planning and Zoning Commission/Zoning Board of Appeals recommended approval of the proposed amendments to Title \_\_ (Zoning Ordinance) on \_\_\_\_\_.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City/Board of Trustees of the Village of \_\_\_\_\_ as follows:

**SECTION 1:** The recitals set forth above are incorporated herein.

**SECTION 2:** Chapter \_\_ (Zoning Title, Purpose, Definitions) of Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

\* \* \*

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

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

ADULT-USE CANNABIS CULTIVATION CENTER:

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

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

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

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:

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

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

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

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

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

\* \* \*

**SECTION 3:** Chapter \_\_ (General Zoning Provisions) of Title \_\_ (Zoning Ordinance) of the \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

\* \* \*

**: ADULT-USE CANNABIS:**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis occurring within the corporate limits of the City/Village of \_\_\_\_\_ . Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Conditional Use: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section \_\_\_\_\_ (Conditional Uses) of this Title and Section 3 (Adult-Use Cannabis Facility Components) as provided herein.

3. Adult-Use Cannabis Facility Components: In determining compliance with Section \_\_\_\_\_ (Conditional Uses) of this Title, the following components of the Adult-Use Cannabis Facility shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

3.1 Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

3.2 Proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, security installations/security plan and building code compliance.

3.3 Hours of operation and anticipated number of customers/employees.

3.4 Anticipated parking demand based on Section \_\_\_\_\_ and available private parking supply.

3.5 Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.

3.6 Site design, including access points and internal site circulation.

3.7 Proposed signage plan.

3.8 Compliance with all requirements provided in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.

3.8 Other criteria determined to be necessary to assess compliance with Section \_\_\_\_\_ (Conditional Uses) of this Title.

4. Adult-Use Cannabis Craft Grower: In those zoning districts in which an Adult-Use Cannabis Craft Grower may be located, the proposed facility must comply with the following:

4.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

4.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

4.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

4.4 For purposes of determining required parking, Adult-Use Cannabis Craft Grower shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

4.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section \_\_\_\_ as provided herein and all other requirements of the Act.

5. Adult-Use Cannabis Cultivation Center: In those zoning districts in which an Adult-Use Cannabis Cultivation Center may be located, the proposed facility must comply with the following:

5.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

5.2 Facility may not be located within 1,500 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

5.4 For purposes of determining required parking, Adult-Use Cannabis Cultivation Centers shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Industrial Uses), provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

5.5 Petitioner shall file an affidavit with the City/Village affirming compliance with Section \_\_\_\_ as provided herein and all other requirements of the Act.

6. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

6.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

6.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 Facility may be issued a permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and smoke from the facility does not migrate into an enclosed area where smoking is prohibited. The security plan for the facility required by Section 10 (Additional Requirements) shall also reflect adequate provisions to respond to disruptive conduct and over-consumption. The on-site consumption permit shall be reviewed annually and may be suspended or revoked following notice and hearing as provided in Section \_\_\_\_ of the City/Village of Municipal Code.

6.6 For purposes of determining required parking, said facilities shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

6.7 Petitioner shall file an affidavit with the City affirming compliance with Section \_\_\_\_\_ as provided herein and all other requirements of the Act.

7. Adult-Use Cannabis Infuser Organization: In those zoning districts in which an Adult-Use Cannabis Infuser Organization may be located, the proposed facility must comply with the following:

7.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

7.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking, said facilities shall be classified as “\_\_\_\_\_” per Section \_\_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

7.5 Petitioner shall file an affidavit with the City affirming compliance with Section \_\_\_\_\_ as provided herein and all other requirements of the Act.

8. Adult-Use Cannabis Processing Organization: In those zoning districts in which an Adult-Use Cannabis Processing Organization may be located, the proposed facility must comply with the following:

8.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

8.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking, said facilities shall be classified as “\_\_\_\_\_” per Section \_\_\_\_\_ (Schedule of Off-Street Parking Requirements: Commercial Uses) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

8.5 Petitioner shall file an affidavit with the City affirming compliance with Section \_\_\_\_\_ as provided herein and all other requirements of the Act.

9. Adult-Use Cannabis Transporting Organization: In those zoning districts in which an Adult-Use Transporting Organization may be located, the proposed facility must comply with the following:

9.1 Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.

9.2 Facility may not be located in a dwelling unit or within 250 feet of the property line of a pre-existing property zoned or used for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking, said facilities shall be classified as “\_\_\_\_\_” per Section \_\_\_\_\_ (Schedule of Off-Street Parking Requirements: \_\_\_\_\_) of the City/Village of \_\_\_\_\_ Municipal Code, provided, however, that the City/Village may require that additional parking be provided as a result of the analysis completed through Section \_\_\_\_\_ (Adult-Use Cannabis: Conditional Use) herein.

9.5 Petitioner shall file an affidavit with the City affirming compliance with Section \_\_\_\_\_ as provided herein and all other requirements of the Act.

10. Additional Requirements: Petitioner shall install building enhancements, such as security cameras, lighting or other improvements, as set forth in the conditional use permit, to ensure the safety of employees and customers of the adult-use cannabis business establishments, as well as its environs. Said improvements shall be determined based on the specific characteristics of the

floor plan for an Adult-Use Cannabis Business Establishment and the site on which it is located, consistent with the requirements of the Act.

11. Co-Location of Cannabis Business Establishments. The City/Village may approve the co-location of an Adult-Use Cannabis Dispensing Organization with an Adult-Use Cannabis Craft Grower Center or an Adult-Use Cannabis Infuser Organization, or both, subject to the provisions of the Act and the Conditional Use criteria within the City/Village of \_\_\_\_\_ Municipal Code. In a co-location, the floor space requirements of Section 6.3 and 7.3 shall not apply, but the co-located establishments shall be the sole use of the tenant space.

**SECTION 4:** Chapter \_\_ (Commercial Districts) of Title \_\_ (Zoning Ordinance) of the City/Village of \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE A. B-1 GENERAL COMMERCIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Dispensing Organization.

**ARTICLE B. B-2. INTENSE COMMERCIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Dispensing Organization.

Adult-Use Cannabis Infuser Organization.

Adult-Use Cannabis Processing Organization.

Adult-Use Cannabis Transporting Organization.

**SECTION 5:** Chapter \_\_ (Industrial Districts) of Title \_\_ (Zoning Ordinance) of the City/Village of \_\_\_\_\_ Municipal Code is hereby amended by adding the underlined language and deleting the stricken language, as follows:

**ARTICLE A. I-1 GENERAL INDUSTRIAL DISTRICT**

\_\_\_\_\_: **PERMITTED USES:**

\* \* \*

\_\_\_\_\_: **CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Craft Grower Organization.  
Adult-Use Cannabis Dispensing Organization.  
Adult-Use Cannabis Infuser Organization.  
Adult-Use Cannabis Processing Organization.  
Adult-Use Cannabis Transporting Organization.

**ARTICLE B. I-2 HEAVY INDUSTRIAL DISTRICT**

**\_\_\_\_\_ : PERMITTED USES:**

\* \* \*

**\_\_\_\_\_ : CONDITIONAL USES:**

The following conditional uses may be permitted in specific situations in accordance with the procedures outlined in Section \_\_\_\_\_ and Chapter \_\_ of this Title, as appropriate:

\* \* \*

Adult-Use Cannabis Craft Grower Organization.  
Adult-Use Cannabis Cultivation Organization.  
Adult-Use Cannabis Dispensing Organization.  
Adult-Use Cannabis Infuser Organization.  
Adult-Use Cannabis Processing Organization.  
Adult-Use Cannabis Transporting Organization.

**SECTION 6: Severability.** If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION 7: Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval as required by law.

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor/Village President

ATTEST:

\_\_\_\_\_  
City/Village Clerk



# **Model Ordinance**

## **Municipal Cannabis Retailers' Occupation Tax**

**MODEL ORDINANCE  
MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

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

**AN ORDINANCE AMENDING THE MUNICIPAL CODE  
OF THE CITY/VILLAGE OF \_\_\_\_\_  
BY THE ADDITION OF [ARTICLE/CHAPTER] \_\_\_\_\_  
IMPOSING A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX**

**WHEREAS**, the City/Village has the authority to adopt ordinances and to promulgate rules and regulations [that pertain to its government and affairs and] that protect the public health, safety and welfare of its citizens; and

**WHEREAS**, this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/11-8-22 *et seq.* (Act); and

**WHEREAS**, this Ordinance is intended to impose the tax authorized by the Act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City/ Board of Trustees of the Village of \_\_\_\_\_ as follows:

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

**SECTION 2. Adoption of Tax.** Chapter \_\_\_ of the Municipal Code of the City/Village of \_\_\_\_\_ shall be amended by the addition of [Article/Chapter] \_\_\_\_\_ that will read as follows:

**ARTICLE [CHAPTER] \_\_\_\_ Municipal Cannabis Retailers' Occupation Tax.**

**1. Tax imposed; Rate.**

(a) A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Pilot Program Act, at retail in the City/Village at the rate of 3% of the gross receipts from these sales made in the course of that business.

(b) The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

**2. Collection of tax by retailers.**

(a) The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

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

**4. Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January, 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 30, 2019.

[NOTE: Any new ordinance or amendment to an existing ordinance can take effect only on September 1. To be effective September 1, an ordinance must be adopted and filed with the Department of Revenue by June 1.]

ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

\_\_\_\_\_  
Mayor/Village President

ATTEST:

\_\_\_\_\_  
City/Village Clerk



# Disclaimers & Referrals

IML has assembled these resources for your municipality's consideration. It is strongly recommended that you consult with your municipal attorney or other qualified counsel prior to considering or adopting any of the model ordinances. The model ordinances are being provided as a reference for use in drafting an ordinance for your community. The model ordinances may require adaptation and modification to conform to your community's determinations and specific code provisions.

It is further recommended that local law enforcement officials discuss the mandated expungements with your municipality's retained attorney or other qualified counsel, as well as the state's attorney's office in your county to gain a full understanding of the issue and process and to be in compliance with what may be complicated expungement provisions. IML shall not provide direction or counsel on this aspect of the new law, due to the myriad factors that could impact each municipality differently.

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Municipalities who adopt a Municipal Cannabis Retailers' Occupation Tax on the sale of cannabis products, as allowed by [P.A. 101-0027, the Cannabis Regulation and Tax Act](#), must submit their certified ordinance to the Illinois Department of Revenue's Local Tax Allocation Division. Their mailing address is:

Local Tax Allocation Division (3-500)  
Illinois Department of Revenue  
101 West Jefferson Street  
Springfield, Illinois 62702

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### **State Agency Contacts**

#### **Illinois Department of Agriculture**

Website: <https://www2.illinois.gov/sites/agr/Pages/default.aspx>

Phone: (217) 785-4789

#### **Illinois Department of Financial and Professional Regulation**

Website: <https://www.idfpr.com/profs/adultusecan.asp>

Phone: (888) 473-4858

Email: [FPR.AdultUseCannabis@illinois.gov](mailto:FPR.AdultUseCannabis@illinois.gov)

**Illinois Department of Public Health**

Website: [www.dph.illinois.gov](http://www.dph.illinois.gov)

Phone: (217) 782-4977

These contacts are likely to be expanded and updated as additional agency resources are made available.

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500 East Capitol Avenue | P.O. Box 5180 | Springfield, IL 62705-5180  
Phone: 217.525.1220 | Fax: 217.525.7438 | [iml.org](http://iml.org)



## Recreational Cannabis in River Forest: Local Regulatory Authority

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- If permitted, the Village may determine the process by which recreational or medical CBEs are allowed to locate in River Forest (e.g. Special Use permit which allows the Village to impose conditions of approval)
- Medical CBEs cannot be prohibited, but the State's current minimum distance requirements between medical CBEs and "sensitive uses" such as schools and daycares leave no sites in River Forest where an establishment can be located

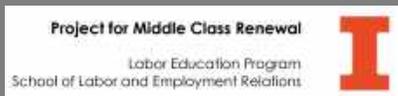
## Public Comment & Next Steps

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- This meeting was scheduled so that the Board could accept public comment regarding the possibility of allowing CBEs in River Forest
- At its next regular meeting, the Village Board will discuss and be asked to direct the Zoning Board of Appeals to hold a public hearing to consider possible text amendments to the Zoning Ordinance regarding CBEs
- At its September 23<sup>rd</sup> meeting, the Village Board has the ability to adopt an Ordinance imposing a 3% tax on recreational cannabis sales

November 9, 2018

# The Financial Impact of Legalizing Marijuana in Illinois



Frank Manzo IV, MPP  
Jill Manzo  
Robert Bruno, PhD



## Executive Summary

There is significant public support for legalizing, regulating, and taxing recreational marijuana in Illinois. Fully 66 percent of registered voters in Illinois support legalizing marijuana, including a bipartisan majority of Democrats and Republicans. Furthermore, 10 states and the District of Columbia have already legalized recreational marijuana.

This report by the Illinois Economic Policy Institute (ILEPI) and the Project for Middle Class Renewal at the University of Illinois at Urbana-Champaign finds that high taxpayer costs for law enforcement and cannabis-related incarceration would be reduced by legalizing recreational marijuana. In total, Illinois taxpayers would save \$18.4 million annually in reduced incarceration costs, law enforcement spending, and legal fees from marijuana legalization. This revenue could be redirected to solve other crimes—such as homicides, robberies, and assaults.

The economy would also grow if Illinois were to legalize recreational marijuana. If marijuana were legalized, regulated, and taxed in Illinois, an estimated \$1.6 billion would be sold in the state, in part due to regional tourism. At a 26.25 percent state excise tax on retail marijuana in addition to the 6.25 percent general sales tax, Illinois would:

- generate \$525 million in new tax revenues, including \$505 million for the state and \$20 million for local governments— a move that credit rating agencies have called “credit positive;”
- create over 23,600 new jobs at more than 2,600 businesses in Illinois;
- boost the Illinois economy by \$1 billion annually; and
- allow the state to make additional pension payments and vital public investments in infrastructure, K-12 public schools, college tuition assistance programs, and drug treatment and prevention programs.

The benefits of legalization outweigh the social costs. While some legislators and constituents are concerned that legalizing recreational marijuana would increase consumption of other illicit drugs, increase motor vehicle crashes, and reduce workplace productivity, there is no evidence to support these claims. In fact, legalized cannabis has been found to reduce opioid use by as much as 33 percent, reduce traffic fatalities by as much as 11 percent, and have no effect on occupational accidents or rates of employee absenteeism. This is because marijuana consumption has not been found to increase after legalization.

Legalizing, regulating, and taxing recreational marijuana would reduce costs to taxpayers, spur economic activity, create jobs, and shrink the black market. While new tax revenues would be modest and would not solve Illinois’ fiscal issues, they would improve the state’s budget situation and credit rating outlook, fund investments in critical infrastructure and public education, and reduce criminal justice costs. Illinois *should* legalize, regulate, and tax recreational marijuana.

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## About the Authors

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## Introduction

In 2012, Colorado and Washington became the first states to legalize marijuana for recreational purposes. The passage of Colorado Amendment 64 led to the state becoming the first to tax and legalize recreational marijuana, with commercial sales beginning in January 2014. Since marijuana is a relatively safe drug with no documented deaths from a marijuana overdose, support for legalization, regulation, and taxation of marijuana has only grown over time. Support for legalizing marijuana among American adults was just 12 percent in 1969, 48 percent by 2012, and 64 percent by 2017 (McCarthy, 2017).

Although marijuana remains illegal under federal law, 10 states and the District of Columbia have legalized recreational marijuana: Alaska, California, Colorado, Maine, Massachusetts, Michigan, Nevada, North Dakota, Oregon, Vermont, and Washington. Each state has their own guidelines, with different rates of taxation, age restrictions, packaging regulations, and possession limits. Additionally, 13 states have decriminalized the drug and 33 states– including Illinois– have legalized medical marijuana (Chappell, 2018). Of the states which have legalized recreational use, all except Vermont allow commercial sales by private for-profit businesses (Lopez, 2017a).

The legalization, regulation, and taxation of recreational marijuana has already generated hundreds of millions of dollars in tax revenues for state and local governments. During the campaign to legalize marijuana in Colorado, proponents claimed that marijuana taxes would increase state revenues by \$70 million per year. Today, tax revenues have exceeded these projections. In 2017, marijuana taxes, licenses, and fees collected in Colorado totaled \$247 million, with \$40 million of these revenues deposited into the Building Excellent Schools Today (BEST) program– which funds public school capital construction projects– every year. The additional \$207 million is allocated to the Marijuana Tax Cash Fund, which is largely used for health care, education, drug treatment, drug prevention, and law enforcement programs (Lopez, 2017b). Colorado has generated more than half a billion dollars in revenues since it legalized recreational marijuana (Pedersen, 2018).

In addition to generating tax revenues that fund public services and programs for social good, marijuana has been a job creator across the United States. In fact, the cannabis industry already employs 165,000 to 230,000 workers across the United States at retailers, wholesalers, testing labs, and related companies (McVey, 2017). In June 2018, Colorado officials approved \$447 million for 35 school construction projects using money that is partially funded by legal marijuana sales, creating thousands of blue-collar construction jobs (Whaley, 2018).<sup>1</sup>

This Illinois Economic Policy Institute (ILEPI) and Project for Middle Class Renewal report does not discuss the moral implications of legalizing marijuana, but does present the effect on criminal justice and incarceration costs. The tax revenue and economic impacts of legalizing, regulating, and taxing recreational marijuana in Illinois are also evaluated. Evidence on the social costs of legalizing marijuana are considered. This report differs from previous studies assessing the impact of legalizing recreational

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<sup>1</sup> In Illinois, every \$500 million in public construction project funding creates about 5,200 total jobs, including 3,000 direct construction jobs (e.g., see Craighead & Manzo, 2017).

marijuana in Illinois because it evaluates the market for legal recreational marijuana in Illinois using actual economic data and evidence from Colorado's experience, updates taxpayer savings estimates from reduced incarceration costs, illustrates potential public investments that could occur using new tax revenues, and forecasts impacts on private sector sales, business openings, and job creation.

## **Consumption of Marijuana and Support for Legalization in Illinois**

Millions of dollars are already spent illegally in Illinois on the purchase of cannabis on the unregulated black market. According to the Marijuana Policy Project, a pro-legalization advocacy organization, an estimated 750,000 adults in Illinois reported consuming marijuana in the past month— representing nearly 6 percent of the total population in the state. Accordingly, proponents contend that the legalization of recreational marijuana would allow the State of Illinois to safely regulate the activity while collecting new tax revenues ([MPP, 2017](#)).

Marijuana is currently decriminalized for recreational use and legally permitted for medical use in Illinois. In 2016, legislators in Illinois decriminalized the possession of up to 10 grams of marijuana for individuals 21 years old or older ([Pedersen, 2018](#)). Illinois' Medical Cannabis Pilot Program, which began accepting applications in September 2014, now has more than 46,000 qualifying patients and 55 licensed medical cannabis dispensaries— about 837 patients per dispensary ([State of Illinois, 2018](#)). On March 22, 2017, state lawmakers proposed bills to legalize marijuana in Illinois ([McCoppin, 2017](#)).

The Illinois General Assembly did not pass legislation to legalize, regulate, and tax recreational marijuana during the 2017-2018 legislative session, despite a clear majority of Illinois voters supporting full legalization. A 2017 survey of 1,000 registered voters conducted by the Paul Simon Public Policy Institute at Southern Illinois University Carbondale found that two-thirds (66 percent) support legalizing, taxing, and regulating marijuana like alcohol in Illinois, including 76 percent of Democrats and 52 percent of Republicans ([Paul Simon Public Policy Institute, 2017](#)). In addition, in March 2018, Cook County residents were asked their opinion on legalizing the cultivation, manufacture, distribution, testing, and sale of recreational marijuana by adults 21 years old or older at the state-level. Fully 68 percent voted "Yes" in support of legalization ([Pedersen, 2018](#); [Ballotpedia, 2018](#)).

## **Savings for Taxpayers: Reduced Law Enforcement and Incarceration Costs**

Historically, the costs of police, law enforcement, and corrections associated with marijuana possession have been very high in Illinois. A 2013 report by the American Civil Liberties Union found 12,406 marijuana possession arrests were made in the state in 2010, with African Americans 7.6 times more likely to be arrested than white residents. As a result, Illinois taxpayers spent \$127 million to police marijuana consumption, \$72 million in judicial and legal fees, and \$20 million to house individuals in local jails and county correctional facilities for possession of marijuana in 2010 ([ACLU, 2013](#)).

After decriminalization, police made fewer arrests and wrote fewer tickets. In 2012, the City of Chicago decriminalized the possession of 15 grams or less of marijuana for anyone 21 years old or older. In the year prior to decriminalization, Chicago police officers made 21,000 arrests. By 2016, there were just 129 arrests and the Chicago Police Department issued fewer than 300 tickets for possession of small amounts of cannabis. In 2016, the State of Illinois decriminalized possession of 10 grams or less of marijuana for anyone 21 years old or older— making possession of small amounts of weed a civil offense rather than a crime, with fines as the penalty instead of jail time (Main, 2018).

Full legalization and taxation of recreational marijuana will further reduce taxpayer costs. In June 2016, Illinois still had 445 people incarcerated in prison due to a cannabis-related possession, manufacturing, or trafficking offense (IDOC, 2016). According to the Illinois State Commission on Criminal Justice and Sentencing Reform in a January 2017 report, it costs Illinois more than \$22,000 per year to incarcerate a prisoner (ICJIA, 2017). Using this cost estimate and adjusting it for inflation to constant 2018 dollars, Illinois could conservatively save \$10.2 million annually in reduced incarceration costs alone due to the legalization of recreational marijuana (Figure 1).

**Figure 1: Estimated Taxpayer Savings from Legalizing Recreational Marijuana in Illinois**

<b>Taxpayer Savings from Recreational Marijuana Legalization</b>	<b>Annual Estimate</b>
Reduced Incarceration Costs	\$10.24 million
Reduced Judicial and Legal Fees*	\$2.95 million
Reduced Policing Costs*	\$5.21 million
<b>Total Savings</b>	<b>\$18.40 million</b>

\* Estimates have been adjusted for inflation using the Consumer Price Index (CPI, 2018).

Source(s): 2013 American Civil Liberties Union (ACLU, 2013); Illinois State Commission on Criminal Justice and Sentencing Reform (ICJIA, 2017).

Figure 1 presents annual taxpayer savings from full legalization of recreational marijuana in Illinois. Estimates are based on findings from the American Civil Liberties Union and the Illinois State Commission on Criminal Justice and Sentencing Reform adjusted for 2017 data on cannabis-related incarceration in Illinois. The estimates are also adjusted for inflation to today's dollars. The analysis reveals that legalizing, taxing, and regulating recreational marijuana would reduce incarceration costs by \$10.2 million per year, decrease judicial and legal fees by about \$3.0 million per year, and lower policing costs by about \$5.2 million per year. In total, legalizing recreational marijuana would save Illinois taxpayers \$18.4 million annually (Figure 1). This is in addition to the hundreds of millions of dollars that were saved from marijuana decriminalization in 2016.

## **Tax Revenue Impacts of Illinois Legalizing Recreational Marijuana**

Illinois is about twice as large as Colorado (Figure 2). There are 4.8 million households in Illinois compared to 2.1 million households in Colorado. Additionally, according to data from the Bureau of Economic Analysis at the U.S. Chamber of Commerce, the Illinois economy produced 2.4 times as much output as Colorado (BEA, 2016). However, Illinois collects more in state and local taxes than Colorado.

Figure 2 multiplies the total number of households by their average household income in both Colorado and Illinois and then adjusts total income for purchasing power after all state, federal, and local taxes. The result is that Illinois has 2.1 times as much purchasing power as Colorado. This means that recreational marijuana sales in Illinois could feasibly be about 2.1 times as much as in Colorado.

**Figure 2: Purchasing Power of Resident Households, Colorado vs. Illinois, 2016 Data**

2016 Economic Data	Colorado	Illinois
Total Households (2016)	2,108,992	4,822,046
Average Household Income (2016)	\$88,246	\$84,561
Total Household Income After All Taxes*	\$129.89 billion	\$275.20 billion
Illinois Purchasing Power as a Multiple of Colorado		2.12 x
*Based on data from 2015 <i>State and Local Government Finances</i> by the U.S. Census Bureau and average federal income tax rates (Census, 2015). Note that this estimate is not the same as total labor income, which would include benefits, and not the same as gross state product (GSP).		

Source(s): 2016 American Community Survey by the U.S. Census Bureau (Census, 2016); 2015 State and Local Government Finances by the U.S. Census Bureau (Census, 2015).

The Colorado Department of Revenue is required by law to report marijuana tax data to the public (Colorado Department of Revenue, 2018a). Colorado currently taxes recreational marijuana at a 32.9 percent effective tax rate. This includes a 2.9 percent state sales tax on both medical and retail marijuana, a 15 percent state retail marijuana excise tax, and a 15 percent state retail marijuana sales tax that was increased from 10 percent on July 1, 2017. Over the fiscal year from July 2017 through June 2018, the state collected \$251.0 million in total marijuana taxes— not including license and application fees paid by retailers and individuals to sell recreational marijuana. Based on the effective tax rate, this means that Colorado residents and visitors spent \$762.8 million legally on recreational marijuana in Colorado over 12 months (Figure 3).

**Figure 3: Estimating the Market for Legalized Recreational Marijuana in Illinois, By 2020**

The Markets for Recreational Marijuana in Colorado and Illinois	Data or Estimate
Total Marijuana Sales in Colorado Annually	\$762.81 million
Total Marijuana Tax Rate in Colorado*	32.9%
Total Marijuana Taxes Collected in Colorado Annually	\$250.97 million
Illinois Purchasing Power as a Multiple of Colorado	2.12 x
Total Estimated Annual Sales in Illinois (After Legalization)	\$1,616.20 million
*Total marijuana revenue in Colorado includes a 2.9 percent state sales tax on medical and retail marijuana, a 15 percent state retail marijuana sales tax, and a 15 percent state retail marijuana excise tax.	

Source(s): Authors' estimates based on Marijuana Tax Data from the Colorado Department of Revenue (Colorado Department of Revenue, 2018), using purchasing power estimates from Figure 2.

It is estimated that about \$1.62 billion of recreational marijuana would be sold in Illinois if the state were to legalize, regulate, and tax the substance at similar levels as Colorado (Figure 3).<sup>2</sup> This is based

<sup>2</sup> The \$1.62 billion recreational marijuana market may be a conservative estimate. For example, there were 46,018 qualifying patients in Illinois' Medical Cannabis Pilot Program who spent \$10.8 million per month at licensed medical cannabis dispensaries from January 2018 through September 2018— or \$235.40 per patient per month (State of Illinois,

on the total sales in Colorado adjusted for the purchasing power of Illinois households. Additionally, Illinois would benefit from being one of the only states in the region to legalize recreational marijuana. Like Colorado, tourism would be expected to increase modestly as consumers from neighboring states travel to Illinois for legalized cannabis, boosting business sales in Illinois.

Illinois taxes tobacco and alcohol at higher rates than clothes, food, and services. In addition to the 6.25 percent general sales tax, Illinois levies excise taxes of \$0.23 per gallon for beer, \$1.39 per gallon for wine, \$8.55 per gallon for liquor, and \$1.98 per pack of 20 cigarettes ([SalesTaxHandbook, 2018](#)). The legalization, regulation, and taxation of marijuana would be no different.

Figure 4 presents estimated tax revenues from the State of Illinois levying a proposed 26.25 percent state excise tax on retail marijuana. Combined with the 6.25 percent general sales tax, this would make the total effective tax rate on recreational marijuana 32.5 percent in Illinois— slightly lower than in Colorado (32.9 percent). In general, consumers tend to buy more of a product if it is taxed at a lower rate, but Figure 4 conservatively uses the total marijuana sales estimate of \$1.62 billion for Illinois, based on Colorado’s total effective tax rate.

If the state were to impose a 26.25 percent excise tax on recreational marijuana in addition to the 6.25 percent general sales tax, Illinois would generate an estimated \$525.3 million in new tax revenues (Figure 4). Fully \$505.1 million would go to the state government while local governments would receive \$20.2 million.<sup>3</sup> This revenue estimate falls in the middle of the \$350 million to \$700 million range projected by some proponents of legalizing recreational marijuana in Illinois ([Driscoll, 2018](#)). It also exceeds the \$354 million in revenue projected by researchers at the conservative-learning Tax Foundation ([Bishop-Henchman & Scarboro, 2016](#)). Note, however, that the revenue estimate from Figure 4 does not include tax revenue from licenses and application fees paid by retailers and individuals to sell recreational marijuana.

**Figure 4: Estimated Tax Revenues from Legalizing Recreational Marijuana in Illinois, By 2020**

<b>Estimated Sales, Proposed Tax Rate, and Expected Tax Revenues</b>	<b>Annual Estimate</b>
Total Estimated Marijuana Sales in Illinois	\$1,616.20 million
Illinois State Marijuana Excise Tax (Proposed)	26.25%
Illinois Sales Tax: State Share	5.00%
Illinois Sales Tax: Local Share	1.25%
Total State Taxes Collected	\$505.06 million
Total Local Taxes Collected	\$20.20 million

*Source(s): Authors’ estimates based on Marijuana Tax Data from the Colorado Department of Revenue ([Colorado Department of Revenue, 2018](#)), using purchasing power estimates from Figure 2.*

2018). If 750,000 adults in Illinois consume marijuana at the same monthly quantities as qualified patients ([MPP, 2017](#)), estimated sales would be \$176.5 million per month, or a market size of \$2.12 billion.

<sup>3</sup> In Illinois, the general sales tax is 6.25 percent. The state keeps 80 percent of the revenue from the sales tax (or 5 percentage points of the tax) in the General Fund and transfers 20 percent (or 1.25 percentage points of the tax) to local governments.

State lawmakers could stipulate how new tax revenues collected from legalized marijuana are spent. Figure 5 outlines potential public investments that could occur using the new tax revenue, assuming that half of the revenue is used to reduce pension debts by about \$250 million per year.

The remaining revenue could be distributed evenly at 10 percent to fund five government functions annually at about \$50 million each.

- Lawmakers could follow Colorado's lead and deposit 10 percent of recreational marijuana tax revenues in the **School Infrastructure Fund**. The additional state funding could potentially be used by local school districts to slightly reduce property tax burdens. Compared to actual revenue of \$72.1 million in fiscal year 2017, \$50 million would represent a *70 percent* increase in school construction funding provided by the state ([Illinois Comptroller, 2017](#)).
- Lawmakers could allocate 10 percent of recreational marijuana tax revenues to the **State Construction Account**. This money is used to fund road, bridge, transportation, and similar infrastructure projects. Compared to actual revenue of \$506.6 million in fiscal year 2017, \$50 million would represent a *10 percent* increase in funding ([Illinois Comptroller, 2017](#)).
- 10 percent of recreational marijuana tax revenues could be appropriated to the **Illinois State Board of Education** to support elementary education at Illinois' public schools. The additional state funding could also be used by local school districts to slightly reduce property tax burdens. Compared to an enacted budget of \$6.8 billion for evidence-based funding of schools, \$50 million would represent about a *1 percent* increase in total funding ([ISBE, 2018](#)).
- 10 percent of recreational marijuana tax revenues could be dedicated to the **Illinois Student Assistance Commission** to help students pay for college education through the Monetary Award Program (MAP) grants. In the 2019 fiscal year, MAP grant funding was \$401.3 million ([ISAC, 2018](#)). \$50 million in new revenue would represent a *12 percent* increase in higher education tuition assistance for students to attend Illinois' public universities and community colleges.
- 10 percent could be appropriated to the **Department of Human Services** to fund drug treatment and drug prevention programs, including to help combat the current opioid crisis. These programs were among the hardest hit by the 736-day budget impasse in Illinois. Compared to the \$230.7 million enacted for the Division of Addiction Treatment, \$50 million in new revenue would represent a *22 percent* increase in funding for substance abuse treatment and prevention programs ([Illinois OMB, 2018](#)).

Though not shown in Figure 5, the approximately \$20 million in recreational marijuana tax revenues that are transferred to local governments could be used either to fund law enforcement and hire additional officers or to pay down local police and fire pension debt obligations. The administration and regulation of legal marijuana could be funded entirely by license fees and application fees paid by retailers and individuals to sell recreational marijuana. These fees generated \$8.8 million for the State of Colorado from July 2017 through June 2018 ([Colorado Department of Revenue, 2018b](#)). Elected

officials and voters in Illinois could expect to double that revenue to pay for administering and regulating the legalized marijuana law.

**Figure 5: Potential Public Investments Using New Tax Revenues from Legalized Marijuana**

Potential Public Investments Based on New Tax Revenues	Annual Estimate
Total State Marijuana Taxes Collected	\$505.06 million
<u>Potential Public Investments for the Public Good</u>	
50 Percent to Pension Payments	\$252.53 million
10 Percent to School Infrastructure Fund	\$50.51 million
10 Percent to State Construction Account	\$50.51 million
10 Percent to K-12 Public Schools	\$50.51 million
10 Percent to Monetary Award Program (MAP)	\$50.51 million
10 Percent to Drug Treatment and Prevention Programs	\$50.51 million

## Economic Effects of Illinois Legalizing Recreational Marijuana

Convenient access to dispensaries, consumption lounges, and licensed marijuana businesses is essential to a successful and safe market for legal marijuana. If consumers cannot easily purchase cannabis from the regulated legal market because local governments prevent dispensaries or retail stores from selling the substance, they will again turn to the unregulated black market. For example, Denver allows one cannabis retail establishment per 3,091 residents, which has caused the illegal market share to fall to 30 percent. Seattle, on the other hand, limited retail licenses to 21 firms, or one dispensary per 30,373 residents. Illegal activity was still estimated at 70 percent of the total cannabis market in Seattle due to the lack of access to the regulated market. Research finds that states need at least one legal cannabis retail storefront per 7,500 residents to limit the illicit black market (Beals, 2018).

This section uses IMPLAN to assess the economic effects of legalizing recreational marijuana in Illinois. IMPLAN is an input-output software that is considered the “gold standard” in economic impact analyses (Vowels, 2012). IMPLAN uses U.S. Census Bureau data to account for the interrelationship between businesses and households in a regional market, following a dollar as it cycles through the economy. The software uses multipliers to estimate how much a policy change— such as legalizing recreational marijuana— would affect the economy.

The results reveal that legalizing marijuana would boost the Illinois economy (Figure 6). If Illinois were to legalize cannabis at an effective tax rate of 32.5 percent, total recreational marijuana sales would be expected to be \$1.62 billion at over 2,600 businesses— approximately one cannabis dispensary, retailer, or manufacturer for every 4,900 residents in the state. This would be a higher density of points of sale per person than Seattle but a lower density than Denver (Beals, 2018).

Legalization would directly create nearly 19,500 jobs at marijuana dispensaries, retailers, and manufacturers. Additionally, the Illinois workers who are newly employed at marijuana-related businesses would earn incomes that they spend back in the economy. This additional consumer

demand would save or create another 4,100 jobs at restaurants, stores, and other local businesses. Overall, the Illinois economy would grow by an estimated \$1 billion annually due to the consumption of recreational marijuana by both residents and tourists (Figure 6).<sup>4</sup>

**Figure 6: Estimated Annual Economic Impacts of Legalizing Marijuana in Illinois, By 2020**

Impact on Sales, Businesses, Employment, and Gross State Product	Annual Estimate
Total Estimated Marijuana Sales in Illinois	\$1,616.20 million
Number of Establishments (Firms Created)	2,633 businesses
Total Employment (Jobs Created)	23,618 jobs
<ul style="list-style-type: none"> <li>• Direct Jobs at Marijuana Dispensaries and Manufacturers</li> <li>• Induced Jobs from Higher Consumer Demand</li> </ul>	<ul style="list-style-type: none"> <li>• 19,486 jobs</li> <li>• 4,132 jobs</li> </ul>
Net Economic Impact (Annual Gross State Product)	\$1,000.17 million

Source(s): Authors' estimates from an economic simulation using IMPLAN (IMPLAN, 2018) based on legal recreational marijuana market estimates from Figure 4.

Finally, information from the 2016 *County Business Patterns* dataset by the U.S. Census Bureau is used to compare the estimated number of marijuana dispensaries and related establishments to the current number of smoke shops and alcoholic drinking places in Illinois (Figure 7). As of 2016, the state had nearly 500 tobacco stores primarily engaged in selling cigarettes, cigars, pipes, and other smokers' supplies that employed nearly 1,300 workers. Similarly, the state had nearly 2,700 drinking places serving alcoholic beverages— such as bars, distilleries, and wineries— where over 21,600 bartenders, cooks, servers, barbacks, and other individuals worked. Note that this does not include restaurants which primarily sell food but may also offer alcoholic beverages. The legalization, regulation, and taxation of recreational marijuana would create about the same number of jobs— at a similar rate of pay (about \$19,600 annually for mostly part-time workers)— in Illinois as there are at bars and other alcoholic drinking places.

**Figure 7: Estimated Marijuana Stores Compared to Similar Establishments in Illinois, 2016 Data**

Sector of the Economy (NAICS code)	Number of Establishments	Paid Employees	Annual Payroll	Payroll Per Employee
Estimated: Marijuana Dispensaries	2,633	19,486	\$383.57 million	\$19,588
NAICS 453991: Tobacco Stores	479	1,265	\$24.63 million	\$19,470
NAICS 7224: Alcoholic Drinking Places	2,668	21,623	\$365.97 million	\$16,925

Source(s): Authors' estimates from Figure 6; 2016 *County Business Patterns* from the U.S. Census Bureau (Census, 2016).

<sup>4</sup> The net effect on the overall economy (\$1.00 billion) is less than total sales (\$1.62 billion) because annual gross state product is the difference between all sales and the production cost of all products. As an example, consider a toy bought by an Illinois consumer at a local store for \$10. Suppose that the toy was manufactured in New Mexico for \$4. The difference between the sales price (\$10) and the cost that the local store paid for the toy (\$4) is \$6. In this case, total sales are \$10 in Illinois, but the Illinois economy only grows by \$6 due to the local business activity. The New Mexico economy grows by the remaining \$4 from manufacturing the product. The same logic applies for recreational marijuana.

## Addressing Concerns on Alcohol Consumption, Health, and Safety

Marijuana consumption rates do not rise following legalization. In Colorado, for example, “marijuana use [among Colorado residents] has not changed since legalization either in terms of the number of people using or the frequency of use among users” and marijuana consumption has remained lower than daily alcohol or tobacco use ([Colorado Department of Public Health & Environment, 2016](#)). While more research is needed, the evidence suggests that cannabis consumption does not change due to legalization.

Nevertheless, some legislators and constituents in Illinois are concerned about the unintended consequences of legalizing and taxing recreational marijuana. One concern is the relationship between marijuana use and the consumption of other drugs, including alcohol. Studies consistently show that marijuana is less addictive and less risky than alcohol. Alcohol is the leading risk factor for death among people aged 15-49 and is linked with violent behavior. Conversely, there have been no documented deaths from cannabis use and there is some evidence that marijuana users may actually be less likely to commit violence against a partner ([Brodwin, 2018](#)). The research is mixed as to whether legalizing recreational marijuana would increase or reduce alcohol consumption ([Kilmer & Smart, 2018](#)). Of 39 academic studies reviewed on the topic, 16 supported the idea that alcohol consumption would decrease (41 percent), 10 supported the claim that alcohol consumption would rise (26 percent), and 13 found no effect (33 percent) ([Subbaraman, 2016](#)).

Studies have found that legalized cannabis mitigates opioid use and abuse. Over the past two decades, an increasing number of fatal drug overdoses have been related to prescription opioid medications. In 2014, 40 percent of all opioid overdose deaths involved a prescription opioid, with 46 people dying every day from an opioid overdose ([CDC, 2018](#)). A recent study published by researchers at the University of Kentucky and Emory University found that opiate-related deaths decreased by about 33 percent in 13 states in the six years after medical marijuana was legalized ([Wen & Hockenberry, 2018](#)). Additionally, a report conducted by the Minnesota Department of Health found that 63 percent of patients taking opioid medication for pain reduced or eliminated their opioid use once treated with medical cannabis ([Singer, 2018](#)).

Would legalizing recreational marijuana increase the number of car accidents due to motorists driving under the influence of cannabis? Studies have failed to find a correlation between car accidents and marijuana usage in Colorado since legalization ([Ingraham, 2017](#)). In fact, traffic fatalities have been found to drop by between 8 percent and 11 percent on average in states that legalized medical marijuana, although the reason for this finding is unknown ([Cohen, 2016](#)). One explanation may be that marijuana consumption rates do not statistically increase following legalization.

Lastly, some groups say that that marijuana legalization would have negative economic impacts from higher workplace injury rates, increased absenteeism, and additional homelessness— costing the state hundreds of millions of dollars per year ([SAM, 2018](#)). However, the National Academies of Sciences, Engineering, and Medicine has concluded that there is no evidence to support the claim that cannabis use increases occupational accidents or injuries and academic studies do not corroborate the claim that employee absenteeism would worsen ([Miller, 2018](#)). Meanwhile, there is no evidence that legal

cannabis contributes to an increase in homelessness (Zhang, 2018). Because marijuana consumption does not rise following legalization, each of these social costs is not expected to be any higher than current levels in Illinois.

## Conclusion

There is significant public support for legalizing, regulating, and taxing recreational marijuana in Illinois—where lawmakers have decriminalized possession of up to 10 grams of cannabis for individuals 21 years old and older. Fully 66 percent of registered voters in Illinois support legalizing marijuana. This includes 76 percent of Democrats and 52 percent of Republicans.

Historically, the costs of police, law enforcement, and corrections associated with marijuana possession have been very high in Illinois. After decriminalization, police made fewer arrests and wrote fewer tickets. However, Illinois still has people incarcerated in prison due to a cannabis-related possession, manufacturing, or trafficking offense. By fully legalizing recreational marijuana, Illinois taxpayers would save \$18.4 million annually in reduced incarceration costs, law enforcement spending, and legal fees.

The State of Illinois is also in dire need of revenue enhancements. Following a 736-day budget impasse from the summer of 2015 to the summer of 2017, Illinois still has a \$8.1 billion backlog of unpaid bills and \$130 billion in unfunded pension liabilities (Illinois Comptroller, 2018; CTBA, 2017). One policy change that has been proposed to raise state tax revenues is to legalize and tax recreational marijuana. Moody's Investors Service, a credit rating agency, calls legalizing recreational marijuana a "credit positive" potential change in tax policy (Moody's, 2018). As of November 2018, eleven states and the District of Columbia have legalized recreational marijuana.

If Illinois were to legalize marijuana, an estimated \$1.6 billion of recreational marijuana would be sold in the state, in part due to regional tourism. At a 26.25 percent state excise tax on retail marijuana in addition to the 6.25 percent general sales tax, Illinois would generate \$525 million in new tax revenues, create over 23,600 new jobs at more than 2,600 businesses, boost the Illinois economy by \$1 billion annually, and reduce law enforcement and incarceration costs. With new tax revenues, Illinois could fund additional pension payments while making vital public investments in new school construction projects, road and transportation construction projects, K-12 public school education, the Monetary Award Program (MAP) grants for tuition assistance for college students, and drug treatment and prevention programs.

Legalizing, regulating, and taxing recreational marijuana would reduce costs to taxpayers, spur economic activity, create jobs, and shrink the black market. While new tax revenues would be modest and would not solve Illinois' fiscal issues, they would improve the state's budget situation and credit rating outlook. Illinois should legalize, regulate, and tax recreational marijuana.

## Sources

- American Civil Liberties Union (ACLU). (2013). *Billions of Dollars Wasted on Racially Biased Arrests: The War on Marijuana in Black and White*. Primary authors: Ezekiel Edwards; Will Bunting; and Lynda Garcia.
- Ballotpedia. (2018). "Cook County, Illinois, Marijuana Legalization Advisory Question (March 2018)."
- Beals, Chris. (2018). "The Best Way to Fight Illegal Pot is With Legal Cannabis." *The Hill*.
- Bishop-Henchman, Joseph and Morgan Scarborough. (2016). *Marijuana Legalization and Taxes: Lessons for Other States from Colorado and Washington*. Tax Foundation.
- Brodwin, Erin. (2018). "We Took a Scientific Look at Whether Weed or Alcohol is Worse for You — and There Appears to be a Winner." *Business Insider*.
- Bureau of Economic Analysis (BEA). (2016). "Regional Data: GDP & Personal Income."
- Census. (2016). 2016 *American Community Survey* and 2016 *County Business Patterns*. U.S. Census Bureau.
- Census. (2015). 2015 *State and Local Government Finances*. U.S. Census Bureau.
- Centers for Disease Control and Prevention (CDC). (2018). "Prescription Opioid Data."
- Center for Tax and Budget Accountability (CTBA). (2017). *New Details Emerge on Illinois' "Tier 3" Pension Plan*.
- Chappell, Bill. (2018). "3 More States OK Easing Their Marijuana Laws: Michigan, Utah, Missouri." *NPR*.
- Cohen, Ronnie. (2016). "After States Legalized Medical Marijuana, Traffic Deaths Fell." *Reuters*.
- Colorado Department of Public Health & Environment. (2018). "Marijuana Use Trends and Health Effects." State of Colorado.
- Colorado Department of Revenue. (2018a). "Marijuana Tax Data." State of Colorado.
- Colorado Department of Revenue. (2018b). "Marijuana Taxes, Licenses, and Fees Transfers and Distribution Tax Revenue from June 2018." State of Colorado.
- Craighead, Mary and Frank Manzo IV. (2017). *IDOT Shutdown: Understanding the Economic and Transportation Consequences*. Illinois Economic Policy Institute.
- Driscoll, Jaclyn. (2018). "Money And The Legal Weed Debate In Illinois." *NPR Illinois*.
- Illinois Comptroller. (2017). *Illinois Comprehensive Annual Financial Report: For Fiscal Year Ended June 30, 2017*. State of Illinois.
- Illinois Comptroller. (2018). "Estimated General Funds Payable Backlog." State of Illinois.

*The Financial Impact of Legalizing Marijuana in Illinois*

- Illinois Commission on Criminal Justice and Sentencing Reform (ICJIA). (2016). *Illinois State Commission on Criminal Justice and Sentencing Reform - Final Report (Parts I & II)*. State of Illinois.
- Illinois Department of Corrections (IDOC). (2016). *Fiscal Year 2016 Annual Report*. State of Illinois
- Illinois Office of Management and Budget (OMB). (2018). *Fiscal Year 2019 Proposed Budget*. State of Illinois.
- Illinois State Board of Education (ISBE). (2018). *"Fiscal Year 2019 Investment to Support Educational Excellence: FY19 Operations Enacted Budget"*. State of Illinois.
- Illinois Student Assistance Commission (ISAC). (2018). "Monetary Award Program (MAP)." State of Illinois.
- IMPLAN Group LLC. (2018). IMPLAN System (data and software).
- Ingraham, Christopher. (2017). "What Marijuana Legalization Did to Car Accident Rates." *The Washington Post*.
- Kilmer, Beau and Rosanna Smart. (2018). "How Will Cannabis Legalization Affect Alcohol Consumption?" *The RAND Blog*. RAND Corporation.
- Lopez, German. (2018a). "The Spread of Marijuana Legalization, Explained." *Vox*.
- Lopez, German. (2018b). "Marijuana Taxes are Giving Colorado a Pot of Money to Rebuild its Crumbling Schools." *Vox*.
- Main, Frank. (2018). "Marijuana Arrests in Chicago Plummet, but Blacks Are 'Vast Majority' of Cases." *Chicago Sun-Times*.
- Marijuana Policy Project (MPP). (2017). *Potential Tax Revenue for a Regulated Cannabis Market: Illinois*.
- McCarthy, Justin. (2017). "Record-High Support for Legalizing Marijuana Use in U.S." *Gallup*.
- McCoppin, Robert. (2017). "Illinois Lawmakers Propose Legalizing Recreational Marijuana." *Chicago Tribune*.
- McVey, Eli. (2017). "Chart: Cannabis Industry Employs 165,000-Plus Workers." *Marijuana Business Daily*.
- Miller, Rich. (2018). "Don't Believe Everything You Read." *Capitol Fax*.
- Moody's. (2018). "Moody's" Legal Marijuana Provides Potential Revenue Opportunities, Challenges for North American Governments and Corporates." Moody's Investors Service.
- Paul Simon Public Policy Institute. (2017). *Illinoisans Keen on Marijuana Decriminalization, Legalization*. Southern Illinois University Carbondale.
- Pedersen, Brendan. (2018). "Cook County Votes Yes on Legalizing Marijuana - What's Next?" *NBC Chicago*.

- SalesTaxHandbook. (2018). "Illinois: Alcohol Excise Taxes."
- Smart Approaches to Marijuana (SAM). (2018). *Working Paper on Projected Costs of Marijuana Legalization in Illinois*.
- Singer, Jeffrey A. (2018). "Yet Another Study Points to The Potential of Cannabis for Reducing Opioid Use." *Cato Institute*.
- State of Illinois. (2018). "Medical Cannabis Pilot Program." Update – October 3, 2018.
- Subbaraman, Meenakshi Sabina. (2016). *Substitution and Complementarity of Alcohol and Cannabis: A Review of the Literature*. Department of Health & Human Services.
- Vowels, Scott Anthony. (2012). *The Economic Impact of NCMSDC Certified Minority Business on Northern California*. Northern California Minority Supplier Development Council.
- Wen, Hefei and Jason Hockenberry. (2018). "Association of Medical and Adult-Use Marijuana Laws with Opioid Prescribing for Medicaid Enrollees," *Health Care Policy and Law*. 178(5): 673-679.
- Whaley, Monte. (2018). "Colorado Schools Get Largest Ever Contribution for Construction." *The Denver Post*.
- Zhang, Mona. (2018). "Legal Marijuana Is A Boon to The Economy, Finds Study." *Forbes*.

## **Cover Photo Credit**

- NORML. (2017). "Illinois Poll Finds Two-Thirds of Voters Support Legalizing Marijuana." *The Daily Chronic*.



# Local Impacts of COMMERCIAL CANNABIS

The last two decades have brought waves of significant change to state laws regarding medical and recreational cannabis. Though cannabis remains illegal at the federal level, these state policy decisions have implications for local governments who must decide how to regulate the cannabis industry in their communities.

With support from the City of Half Moon Bay, California, ICMA provides Local Impacts of Commercial Cannabis to assist the growing number of municipalities and counties faced with these decisions. Based on interviews with leaders from 14 communities across the country, available local and state data sources, and other research, we highlight potential impacts of legal cannabis activities spanning several thematic areas. A series of case studies provide further insight into local processes and lessons learned, and yield summary recommendations for other local governments faced with similar decisions.

This report presents key findings related to:

-  **Economic Development**
-  **Public Health**
-  **Public Safety**
-  **Environment**

*“It’s one of the most complex public policy issues I’ve faced as a local government manager given the political and societal dynamics.”*

## Featured Profiles

- City of Carpinteria, California
- City of Durango, Colorado
- City of Fort Collins, Colorado
- City of Grover Beach, California
- Jackson County and City of Ashland, Oregon
- City and Borough of Juneau, Alaska
- City of Kirkland, Washington
- City of Pacifica, California
- City of Santa Rosa, California

Each unique case study lays out local motivations, decisions and processes, and early industry impacts. We also identify recommended practices for facilitating local decision-making on cannabis policymaking:

1. Assess the federal, state, regional, and local context for your decision(s).
2. Assemble a diverse, coordinated leadership team.
3. Plan for deliberate, transparent community engagement.
4. Regularly monitor indicators and review your regulations.

To access the full Local Impacts of Commercial Cannabis report, visit [icma.org/documents/commercial-cannabis-report](https://www.icma.org/documents/commercial-cannabis-report)

## Economic Development

- Some local governments see potential for the cannabis industry to support **redevelopment or economic growth**, offering opportunities for local entrepreneurship or adaptive reuse of vacant infrastructure.
- State leaders often tout the **revenue from cannabis licensing fees/taxes**, but the local share of state revenue tends to be less impactful. As a result, many local governments impose their own license fees and/or additional taxes on the cannabis industry to offset the substantial costs of administration, regulation, and enforcement.
- Cannabis's federal status limits **industry access to banking** and other auxiliary services. All-cash offers on property may place pressure on its availability to other industries.
- **Tourism** is a significant economic sector in the early states to legalize recreational cannabis. Initial research suggests a neutral to favorable impact of legalization on tourism.

## Public Health

- Debate on legalization tends to be charged with conflicting claims about the relationship between cannabis and **public health indicators**, and in many cases the evidence is insufficient for drawing conclusions. Resources assessing the strengths of these claims are available to local governments and may be helpful in talking through community concerns.
- Perspectives on **adult use of cannabis** and its health implications are often informed by a blend of evidence and personal values and may compare the substance with alcohol, tobacco, or opioids. But even in states where recreational adult use or medical use is legal, all laws and regulations concerning what one cannot do under the influence of cannabis still apply.
- Opponents and proponents of legalization are often united in concerns about potential increases in **youth use of cannabis**, as abuse may be associated with lower graduation rates and increased risk of addiction or mental health issues. Youth surveys conducted in Washington and Colorado did not capture significant changes in use or abuse post-recreational legalization.

## Public Safety

- State and local regulators generally build a range of precautions into cannabis **licensing and land use standards**, such as requirements for security systems, lighting, and employee background checks to protect the businesses themselves as well as local communities.
- Providing a path to compliance may open the door for **relationship building** between local enforcement and industry operators, increasing adoption of best practices.
- While residents may be concerned about potential issues related to legal cannabis businesses, **unauthorized cannabis activities** often pose a bigger public safety and security threat.
- Some communities report higher-than-anticipated **trip generation and parking demand** associated with cannabis businesses, but it is likely too soon to tell in most cases whether or not these impacts are permanent.

## Environment

- State and local requirements will mandate **buffering from sensitive uses** such as schools, child care facilities, parks, and other youth-serving centers. Local governments may choose to enhance and/or relax some of these requirements based on local preferences and conditions.
- **Odor issues** along the cannabis supply chain are legitimate concerns, and local regulations can provide a means for enforcement against nuisance odors by requiring mitigation or preventing public consumption. Local governments recently authorizing commercial cannabis activities conceded that while odor issues may be more common at the onset, they tended to dissipate as businesses “mature” and were given a chance to improve their systems.
- Cannabis cultivation, manufacturing, and processing have potential to strain **utilities and natural resources**. Local governments can mitigate these concerns through code enforcement, pricing structures, and public education about best practices and regulations.
- Local governments can also regulate elements such as signage, fencing, size, or location of businesses to limit cannabis industry influence on **aesthetics** of the natural and built environment.

# Local Impacts of COMMERCIAL CANNABIS

**ICMA**, the International City/County Management Association, advances professional local government management worldwide through leadership, management, innovation, and ethics. Through expansive partnerships with local governments, federal agencies, nonprofits, and philanthropic funders, the organization gathers information on topics such as sustainability, health care, aging communities, economic development, cybersecurity, and performance measurement and management data on a variety of local government services—all of which support related training, education, and technical assistance.

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such as Oklahoma and Michigan have since proceeded with their plans to vote on medical and recreational cannabis, respectively. The Canadian government overwhelmingly passed a national measure to legalize and regulate cannabis, becoming the second nation worldwide to do so. In the United States, public polling on the issue shows a dramatic shift over the past decade in favor of legalization.<sup>4</sup>

In the meantime, increasing numbers of local governments are faced with decisions about whether and how they want to regulate medical and/or recreational cannabis in their communities. These decisions are extremely complicated and have implications across many local government departments and systems. Public debate is emotionally charged and not all questions can be answered given the youth of a legal cannabis industry.

ICMA provides this resource to assist local governments in considering implications of legal commercial cannabis activities in their communities. Findings and recommendations are drawn primarily from interviews with local government administrators and staff and review of available data and reports (emphasizing neutral sources whenever possible) from early adopters of legal cannabis legislation.

A note on terminology: Cannabis is the biological genus or generic name for multiple species of plants also popularly referred to as marijuana, hemp, and no shortage of other slang terms. Although early U.S. legislation on this topic used the spelling “marihuana,” some have argued this term and its variants, specific to use of the plant for smoking, were introduced in an attempt to marginalize migrant populations.<sup>5</sup> Despite cannabis being the scientific term, marijuana prevailed in common vernacular. This report gives preference to the scientific term cannabis but uses marijuana interchangeably in some case studies to be consistent with the relevant state and local legislation.

## IMPACT AREAS

### Economic Development

#### *Redevelopment and Growth Potential*

While not guaranteed, it is certainly possible to capitalize on peak interest in this industry as an opportunity for redevelopment and economic growth. Across the state of California, the declining cut flower industry is causing some producers to consider a shift toward cannabis cultivation.<sup>6</sup> Small-scale food growers on the rural outskirts of Cape Cod, Massachusetts, find themselves in a similar situation.<sup>7</sup> Grover Beach, California realized its underused industrial land would be marketable to cannabis product manufacturers, and imposed additional requirements for public improvements on those sites to such users. The small town of Cotton Plant, Arkansas—a far cry from progressive coastal enclaves—sees potential for a legal medical cannabis industry to resurrect a waning local economy.<sup>8</sup>

#### *Industry Characteristics*

**Cash-based businesses.** Regardless of lenient state and local policy, the illegal status of cannabis at the federal level renders it effectively an all-cash industry, as the federally insured banking system is extremely limited on how, if at all, it can service these businesses. It can also be challenging for businesses to access auxiliary financial (e.g., accounting) or legal services that other types of businesses take for granted. For local governments, this means being prepared to accept massive cash payments for taxes and fees, which could include purchasing cash-counting machines and/or increasing security to protect staff and facilities. And for local economies, all-cash offers on land can place pressures on availability and have pricing consequences for other industries as well.

**Who are operators?** The high cost of licenses, permits, land, security, other startup requirements, as well as a lack of access to financing present significant barriers impacting who can enter the industry. But the industry is attracting a wide range of operators, from those with a history in agriculture to tech-savvy entrepreneurs. Google employees own one of the few cannabis retail stores in Kirkland, Washington, while a large start-up in Grover Beach, California is connected to a well-known Los Angeles rapper and TV personality. In Santa Rosa, California, city staff discovered through

their licensing processes that many cannabis businesses were operated by female heads-of-households.

**Industry employment.** The Washington State Institute for Public Policy, charged with evaluating the state's implementation of its legalization measure, estimated the average of its 700 active cannabis businesses employed approximately nine full-time equivalent (FTE) employees at an average hourly wage of \$16.45 (median of \$13.44) in the final quarter of 2016. The majority of retailers, processors, and producers were classified as small, employing less than nine FTE. Producers and processors tended to be even smaller, employing four or fewer FTE.<sup>9</sup>

### Revenue Generation

State leaders in favor of a regulated legal cannabis industry often tout the associated economic opportunities from license fees and sales and excise taxes. States have earmarked this revenue for specific needs such as schools (including construction, early education, and anti-bullying measures), public health (substance abuse prevention/treatment, mental health), and public safety.

Slices of revenue are also passed through to local governments where cannabis activities are permitted. Revenue distribution formulas may account for population, number of licensed businesses, and other factors, and are regularly subject to challenge or change; cultivation hotspot Jackson County, Oregon is urging its state to weigh total canopy size more heavily in its revenue-sharing calculations. Some states, such as Oregon, also prescribe how locally shared revenue should be spent (on public safety, in the Oregon example). For multiple reasons, the local share tends to be significantly smaller and thus less impactful.

In light of this, and to offset local administration, regulation, and enforcement costs, many communities have elected to impose their own license fees and/or additional local taxes on the cannabis industry. State legislation may set restrictions on the rate and process for doing so, and state municipal leagues are often useful resources in parsing those regulations. Specific guidelines for setting such rates are beyond the scope of this report, but general observations from our research include the following.

- Explore this option as early as possible. Durango, Colorado waited until the industry had been operating locally for multiple years before introducing a dedicated tax proposal, which they were forced to drop in the face of overwhelming opposition.

- It can be tempting to overreach with projections. Early analyses on the potential economic impacts of the cannabis industry are fraught with assumptions that can multiply into gross exaggerations and unrealized expectations (true for any industry, but particularly so for one just emerging from underground).
- Avoid taxing the industry back underground. The city of Grover Beach, California actually adjusted its tax rates downward as the industry came online to maintain a competitive overall effective tax rate.
- Consider your costs, which likely spread far across your organization. The City of Santa Rosa, California provides a detailed breakdown of the estimated steps and costs associated with just the review of business applications, which are substantial.<sup>10</sup> Fort Collins, Colorado is carefully trying to monitor and cover its costs, which also include staff support from a licensing coordinator and dedicated police officer. In contrast, the small city of Hines, Oregon believed it was seizing an economic opportunity as the only city in its county to allow commercial cannabis businesses, but the administrative burden on its limited staff has left them questioning the net benefit.

Of the communities we interviewed for this report, those enlisting the help of external consultants with cannabis industry expertise were typically pleased with the support provided.

### Tourism

Tourism is a significant economic sector in virtually all of the early states to legalize recreational cannabis, so it warrants special attention. While individual opinions vary as to whether cannabis is a deterrent to tourism, research suggests a more neutral-to-favorable impact. In 2016, the Colorado Tourism Office included a new series of marijuana-related questions in its annual research on visitor behavior. A contracted research firm queried individuals as to whether legalization of marijuana influenced their perceptions on living/working, visiting, or purchasing good/services from those states. According to their findings, a majority of visitors' opinions of states where marijuana was legalized did not change. Approximately 30 percent of respondents viewed those states more positively, and approximately 1 in 10 had a more negative view based on legalization of marijuana. Results were also stratified by whether

the respondent resided in Colorado and/or had taken a leisure trip in Colorado over the past year. Among nonresidents visiting Colorado in the year of this study, 47 percent said that legalization of marijuana positively influenced their consideration of states to visit. Another study commissioned by the Colorado Tourism Office estimates that 15 percent of Colorado tourists engaged in a marijuana-related activity during their visit, with a third of those citing that activity as a motivation for their trip.<sup>11</sup> It is worth noting that state and local tourism offices generally do not promote cannabis-related activities due to explicit or ambiguous regulations based on federal legal status and/or limiting advertising to minors.<sup>12</sup>

Laws restricting smoking or consumption can present a complication for local cannabis-related tourism, while at the same time alleviating some concerns of residents. State and local laws vary, but restrictions similar to those targeting the use of tobacco or alcohol use often apply, as do new regulations prohibiting on-premises cannabis consumption. Private property owners and operators can also impose their own restrictions on cannabis consumption. Tourists may be surprised to discover they are prohibited from consuming cannabis products in public spaces, in rental cars (even as passengers), in hotels, and at the point of sale, not to mention that they cannot bring cannabis products in or out of the state. It would be reasonable to anticipate a learning curve while tourists and residents adjust to any changes in local and state laws. Cities and states have developed public education campaigns and materials addressing frequent questions and assumptions.<sup>13</sup>

Local government leaders in communities electing to allow commercial cannabis activities observed entrepreneurial operators tapping into tourism interests. Many of the states out front early on legalized recreational cannabis are home to craft-oriented beer and/or wine production, which some view as complementary to high-quality, locally produced cannabis. Cities and regions have also seen a rise in “green tourism” services such as taxis/limousines and travel/tour agencies.

## Public Safety

### *Property and Personal Crime*

Local governments can anticipate concern that cannabis businesses may attract criminal activity such as burglary, theft, or more serious offenses. The persistence of a cannabis black market—the only market in some states—and

the cash-based nature of the industry do present conditions that could encourage such activity. These risks have not been lost on state and local regulators, who have built a range of precautions into cannabis licensing and land use regulations, such as requirements for security systems, lighting, and employee background checks to protect the businesses themselves as well as local communities.

As the sector generally most accessible to the public, retail businesses (or medical cannabis provisioning centers or dispensaries) are often a primary concern to municipalities. Communities implementing these protective operating and siting requirements reported overall satisfaction with their local legal operators and noted that providing standards for compliance shifts more of the responsibility from law to code enforcement. The City of Fort Collins dedicated a police officer to the industry whose work is characterized mainly as relationship building rather than punitive; police in the City and Borough of Juneau, Alaska also assist businesses with implementing best practices. The police chief in Pacifica, California, notes that previously illegal businesses avoided reporting burglaries and other crimes against their property for fear of exposing themselves. Now, they meet local safety standards and enjoy added protection from the police department—which hasn’t seen any significant increase in the calls for service.

Complementing these anecdotal reports from city administrators, the Washington State Institute for Public Policy provides statistics on several types of crime in the state since the legalization of recreational cannabis.<sup>14</sup> Arrests for drug or narcotic violations decreased by approximately 15 percent since 2012. “Incidents” (or investigations, whether resulting in an arrest or not) identified as marijuana-related decreased by 63 percent from 2012-2015. Drug-only Driving Under the Influence (DUI) arrests, which do not differentiate marijuana from other drugs, decreased by about a third to approximately 1,200 for 2015. Among drivers involved in a traffic fatality who are tested for drugs or alcohol, there have been no significant growth or decline in those testing positive for marijuana alone or in combination with other drugs or alcohol. During that time, incidents identified as amphetamine/methamphetamine- or heroin-related increased by 72 percent and 41 percent, respectively. A follow up report released in 2017 found no evidence linking

Washington counties' retail cannabis sales with drug-related convictions.<sup>15</sup>

### **Safety Hazards**

Cannabis product manufacturing/processing often involves chemical extractions, through which solvents are used to remove resin from plants and convert it into hash oil. The high-concentrate oil can then be infused into edibles, tinctures, and other products, or consumed by smoking or vaporizing. Because of the volatile solvents used, the extraction process should only take place in regulated environments using proper equipment and safety precautions—otherwise, risk of explosion is high. This is enough to dissuade some local governments from wanting to allow such activities in their communities.

Increased opportunities for legal cultivation of cannabis, including at the personal scale, may tempt amateur processors to attempt these extractions in unregulated settings such as residential neighborhoods. Beyond the threats to individuals involved and to first responders, the extraction process poses the additional risk of a fire spreading to other nearby structures. The City and County of Denver experienced nine hash oil explosions between January and September 15, 2014, and the state's primary burn center has seen a spike in extraction burn patients since 2012.<sup>16</sup>

### **An Important Distinction**

To be sure, commercial cannabis-related crimes or safety hazards make the local news, and local government administrators acknowledged examples ranging from mundane to violent. A common theme, however, is their tendency to involve unauthorized cannabis activities, such as illegal grow operations in homes or on other private land.<sup>17</sup> A black market exists, though its presence varies across communities, so even communities electing to ban cannabis to the fullest extent possible are vulnerable to these crimes.

### **Traffic**

A more practical matter, predicting circulation impacts of commercial cannabis activities, is an emergent focus for transportation engineers. The County of Santa Barbara, California, provides an example of a detailed analysis estimating the potential impacts of seven different types of activities along the supply chain.<sup>18</sup> Jackson County, Oregon observed increased traffic in rural neighborhoods since cultivation (both authorized and unauthorized) began to proliferate. The Seattle sub-

urbs of Kirkland and Issaquah also noted slightly more intense circulation and parking demand than anticipated for their early retail businesses. Interim Issaquah City Administrator Emily Moon noted, "In terms of trip generation, retail marijuana is similar to fast food in some ways. It's fairly constant traffic."

### **Public Health**

Most states that have legalized adult use of recreational cannabis are dedicating a portion of their tax and fee revenues to public health initiatives, often with a particular youth focus.

Debate on legalization tends to be charged with conflicting claims about the relationship between cannabis and public health indicators. The Colorado Retail Marijuana Public Health Advisory Committee, a body of experts appointed by the Colorado Department of Public Health and Environment to provide unbiased and transparent evaluation of scientific literature and data on marijuana use and health outcomes, notes the complexity of evaluating these associations for strength (or lack thereof) and causality. Its reports break down the validity of common claims made about youth and adult use of cannabis and may be helpful to local governments in talking through community concerns.<sup>19</sup>

### **Youth Impacts**

Public health experts, including the Colorado committee, do tend to agree that youth abuse of cannabis can be associated with lower graduation rates and increased susceptibility for addiction and mental health issues. Likewise, opponents and proponents of legalization are often united in concerns about potential increases in use/abuse among young people. But evidence that legalization of cannabis significantly changes patterns of youth use/abuse is lacking.

According to the biennial Washington State Healthy Youth Survey, rates of current marijuana use stayed relatively consistent for sixth, eighth, tenth, and twelfth graders from 2012 to 2016 (recreational legislation passed in 2012). Rates do increase across the age groups, from about 1 percent of sixth graders up to about a quarter of twelfth graders. Ease of access also increases by grade, but perception of access remained relatively consistent over time. Four percent of all Washington state students were suspended or expelled during the 2015-2016 school year. Of those, 9 percent (less than half a percent of all students) were suspended or expelled due to marijuana possession.<sup>20</sup>

Colorado's youth surveys yielded similar results.<sup>21</sup> Multiple analyses of the biennial Healthy Kids Colorado Survey agreed that marijuana use among statewide youth remained essentially unchanged from 2013 to 2015, though recreational adult use became legal in 2014. These same types of surveys are conducted across the country, regardless of cannabis' current legal status. Results of each state's youth surveys are used to inform and target education and prevention strategies that can be funded through legal cannabis revenues.

State requirements will also mandate buffering of sensitive uses, such as schools, child care facilities, parks, and other youth-serving centers. Typically, local governments will have the right to modify some of these provisions according to local preferences and conditions, though legal opinions vary about the flexibility to do so. Washington State allows local governments to reduce this buffer for everything except elementary and secondary schools and public playgrounds; the City of Kirkland exercised this option to accommodate businesses around 600-plus feet of licensed child care centers, given the layout of its zoning map. Communities may elect to impose additional restrictions, as was done in Grover Beach, California, which extended its buffers along designated school walking routes.

From 2015 through April 2018, the state of Washington logged approximately 200 violations for marijuana sale/service to a minor. Approximately one-third of those were issued in unincorporated areas; the rest were scattered across approximately 50 municipalities over the 3-plus year period. Reflecting on the strict requirements of Colorado's state inventory tracking system, Durango city staff noted that minors' access to cannabis was easier to regulate than alcohol.

### **Adult Use**

Perspectives on adult use of cannabis and its health implications are much more divergent. With a majority of states now permitting some degree of medical cannabis use, clearly there is strong support for its therapeutic properties in certain situations. But discussions about cannabis as a recreational substance—informed by a blend of evidence and personal values—often conflate it with alcohol, tobacco, or opioids. Some argue that cannabis is less harmful or habit-forming than these other substances; others believe it to be a gateway to more serious substance abuse. The National Institute on Drug Abuse (NIDA) acknowledges that

habitual cannabis use can lead to “marijuana use disorder” or addiction in its most severe form, but these types of problems afflict a minority of reported cannabis users.<sup>22</sup> NIDA also notes some evidence suggesting links between marijuana and other drug use for a minority of cannabis users, but that there are many complicating factors and further research is needed.<sup>23</sup>

There is less dispute that the mind-altering chemicals in cannabis impair judgement, coordination, and reaction time. Depending on the form of consumption, the effects can be delayed and prolonged for hours; traces of the chemicals—though unfelt—can remain detectable in the bloodstream for weeks.<sup>24</sup> Even in states where recreational adult use or medical use is legal, it is important to remember that all laws and regulations concerning what one cannot do under the influence of cannabis—e.g., operate a vehicle, show up to work—still apply. The police department in Kirkland, Washington, was given explicit instructions not to “de-police” these sorts of behaviors that fall under its purview. Local law enforcement may benefit from additional training in how to identify and confirm potential violations, since assessing the influence of cannabis will typically require a blood test and may not be possible in the field.<sup>25</sup>

Recent studies of states post-legalization have seen some upticks in public health statistics related to cannabis use. For example, annual average calls to the Poison Control Center in Washington increased by 73 percent in the years following legalization.<sup>26</sup> Colorado also saw increases in marijuana exposure calls, as well as in marijuana-related hospitalizations and emergency department visits.<sup>27</sup> These may be indications of legitimate concerns, such as a need to regulate concentration and packaging of edible cannabis products (which was done in Colorado), and they may be influenced by changes in patient honesty or medical billing practices. And as with all statistics on the industry, it is too soon to tell whether trends will continue, level off, or reverse. Fortunately, researchers will have access to more time-series data from more states as the legal landscape expands.

## **Environment**

### **Odor**

It can be a tough call as to which is more pervasive—cannabis odor or the concerns about it. Odor concerns, whether tied to the plants themselves or the smoke from consumption, are legitimate. For some, odor may

trigger allergies or asthma, for others it may simply trigger a reaction based on one's personal views about an historically taboo substance. It is possible for local regulations permitting cannabis uses to be a recourse for those most opposed to its odor, though there are some complicating factors.

In addition to siting activities in appropriate locations relative to other uses, land use regulations permitting activities along the cannabis supply chain will almost certainly include stipulations about odor control, aiming to reduce the likelihood of a nuisance issue. Regulations provide a means for enforcement; a neighbor can complain if aggrieved. Formal litigation of odor nuisance cases has had mixed outcomes, as it can be difficult to determine the nuisance threshold or to pinpoint the precise source. However, local governments recently authorizing commercial cannabis activities conceded that while odor issues may be more common at the onset, they tended to dissipate as businesses became "more professional" and are given a chance to improve their odor mitigation systems.

From a consumption perspective and as mentioned in the earlier discussion on tourism impacts, many local governments already have bans in place regarding smoking indoors and/or in public places. Land use regulations for commercial cannabis retail can and typically do prohibit onsite consumption.

### Resource Impacts

Cannabis cultivation (and to some extent processing) also raises concerns about water, soil, and light/energy use, the specifics of which will vary depending on the local capacity (climate, infrastructure, etc.) for commercial cultivation. Some regulations, whether specific to cannabis or generally applicable to agriculture, will be set at the state level, and state departments of agriculture and natural resources have developed answers to frequently asked questions about regulations governing cannabis as an agricultural activity and water use.<sup>28</sup> Local governments may wish to direct prospective local growers to pertinent recommendations and regulations and clarify where additional local requirements (related to permitting siting, fencing, etc.) may apply, as Jackson County, Oregon has done.<sup>29</sup>

The Department of Environmental Health for the City and County of Denver, Colorado developed a comprehensive guide to best practices on energy, water, and waste management for indoor growing facilities.<sup>30</sup> Though specifically developed in context of Denver's

sustainability goals, climate, and infrastructure, it provides useful overviews and metrics for the resource systems involved in cultivation.

Local governments will likely apply building and fire safety codes to regulate potential environmental nuisances and safety concerns related to lighting and compliance. Light pollution from outdoor cultivation, volatile extraction processes in manufacturing facilities, and the extent of personal cultivation allowed in multifamily facilities are all issues that local governments have dealt with using local codes.

### Aesthetics

Finally, local governments will want to consider cannabis' implications on aesthetics of the natural and built environment. Jackson County, home to a significant share of Oregon's cannabis production, provides an aerial view of the use's significant impact on its landscape.<sup>31</sup> Illegal, and to a lesser extent legal, grow operations there pose challenges to maintaining government survey corners, riparian buffers, and drainage. Municipalities may be more concerned about signage, fencing, and generally ensuring that the cannabis industry not overtake the character of an urban or suburban environment. Fort Collins, Colorado prohibited the use of cannabis-affiliated phrases and images in signs for cannabis businesses. Many municipalities prevent the creation of a cannabis district through clustering by including some method of business-to-business setbacks in their regulations. Alternatively, others intend to cluster all cannabis businesses in one or few districts, in order to prevent siting in the majority of the municipality while ceding only part.

### Summary and Recommendations

Based on our research, ICMA offers the following recommendations to local governments considering whether and/or how to allow commercial cannabis activities.

- 1. Assess the federal, state, regional, and local contexts for your decision(s).** While the letter of federal cannabis law has not changed for some time, interpretation and enforcement priorities continue to shift. But more urgent are conditions at the state level and below. Some sample questions to consider:
  - a. Does current or pending state law prescribe any decision points? *Must you opt in or out of default situations?*
  - b. How did your community vote on past cannabis ballot measures? *Do those results entitle*

you to different powers (such as the ability to tax or the ability to impose a complete ban)? Does your community lean one way or the other in its opinion on cannabis?

- c. What's happening in surrounding communities that may impact you? Are the county and its municipalities talking with each other about this issue? Are your priorities complementary or in conflict?
- d. To what extent can you lean on state regulations and enforcement? Are regulations specific enough? Do you believe resources are adequate to perform state-level responsibilities?

## 2. Assemble a diverse, coordinated leadership team.

Local administrations successfully navigating the early legal cannabis landscape credited clear, steady direction from their elected officials—including rationale or objectives for local regulation—as extremely helpful.<sup>32</sup> In addition to elected officials and chief administrative officers, planning, police, legal, and finance staff tended to serve in critical leadership roles. But cast a wide net across your organization, as the industry has potential to impact many additional systems and functions.

## 3. Plan for deliberate, transparent community engagement.

Even communities voting strongly in favor of cannabis legalization can still struggle with implementation.<sup>33</sup> Provide multiple ways outside of formal meetings and public hearings for community members to review and comment on potential regulations, such as community surveys or other online platforms and in neighborhood/community-wide events.<sup>34</sup> Expect questions, expect fears, and be willing to demonstrate how proposed regulations have accounted for community concerns. Maps showing eligible locations for cannabis businesses as well as sensitive uses are very helpful tools, as are summaries of key steps taken and reference documents posted on your website. While time-consuming, local governments following this model were comfortable reflecting on their processes and were later able to make decisions without significant debate.

## 4. Regularly monitor indicators and review your regulations.

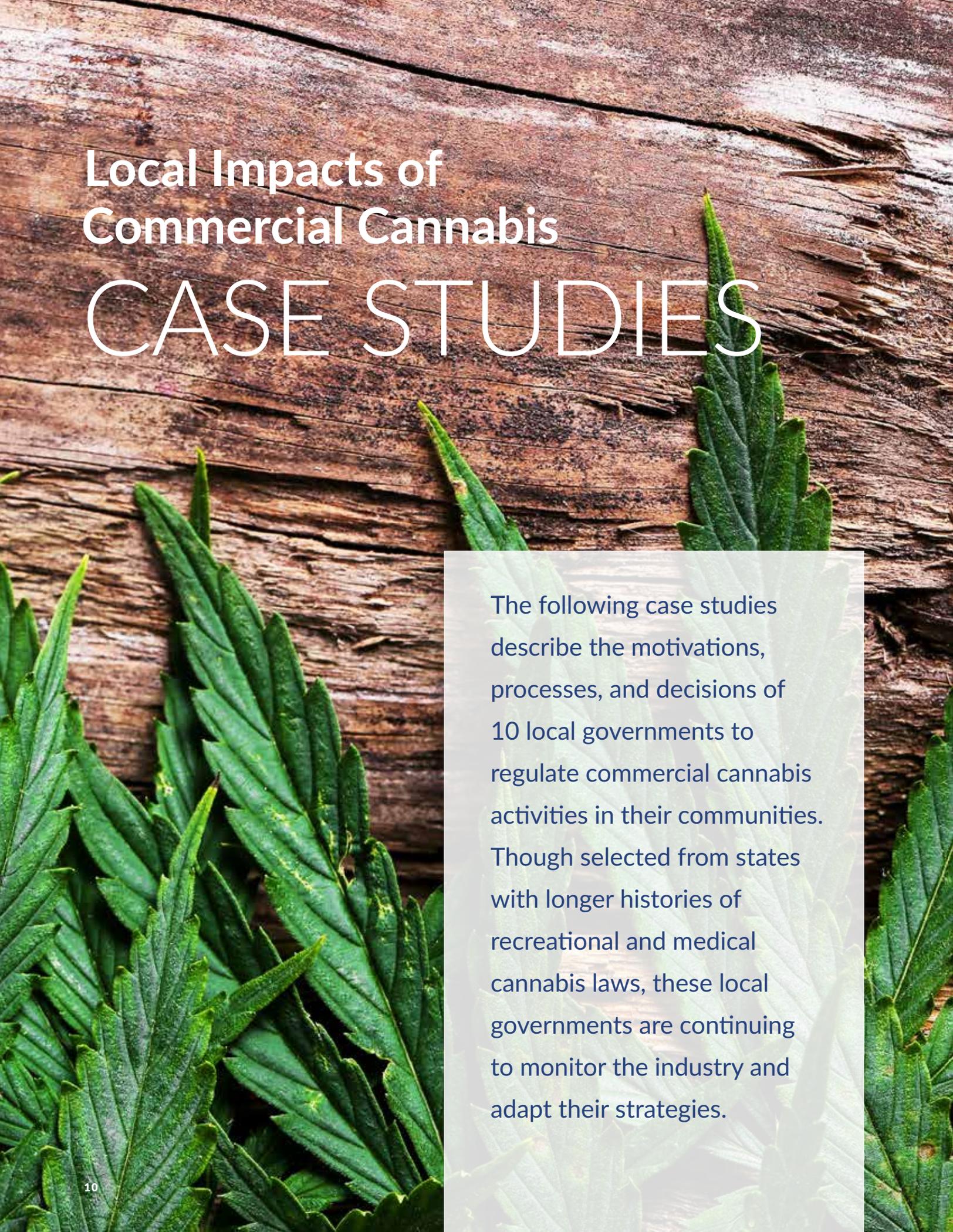
This is a new industry that will continue to experience growing pains, especially as the state and federal context continue to shift.

While states and local governments adopting early legislation are beginning to generate data, figures should still be considered preliminary. Even in states where legalization passed several years earlier, businesses are just starting to open, following long processes to develop regulations and process applications, and local leaders are standing by to watch for indications that the industry needs more (or less) regulation. “Start early and walk a slow path,” suggested one California city manager—a sentiment echoed by many of his peers’ actions. Be wary of doors that are difficult to close once opened; consider sunset provisions or temporary caps as ways to test your local market and assure residents that you will continue to revisit regulations and make adjustments as necessary.

## Endnotes

- 1 National Conference of State Legislatures, “Marijuana Laws.” <http://www.ncsl.org/bookstore/state-legislatures-magazine/marijuana-deep-dive.aspx>
- 2 Drug Enforcement Administration, “Drug Scheduling.” <https://www.dea.gov/druginfo/ds.shtml>
- 3 Office of the Attorney General, “Memorandum for All United States Attorneys, Subject: Marijuana Enforcement,” January 4, 2018. <https://www.justice.gov/opa/press-release/file/1022196/download>
- 4 Abigail Geiger, “About six-in-ten Americans support marijuana legalization,” Pew Research Center. <http://www.pewresearch.org/fact-tank/2018/01/05/americans-support-marijuana-legalization/>
- 5 Daniel Shortt, “Marijuana, Marihuana and Mariguana: What’s in a Name?,” University of Washington Cannabis Law and Policy Blog, January 21, 2016. <https://blogs.uw.edu/clpp/2016/01/21/marijuana-marihuana-and-mariguana-whats-in-a-name/>
- 6 Julie Martens Forney, “Will Marijuana Cultivation Affect Floral Industry?,” Society of American Florists, July 26, 2017. <https://safnow.org/will-marijuana-cultivation-affect-floral-industry/>
- 7 Katy Ward, “Truro farmers want to cultivate cannabis,” Wicked Local - Provincetown, February 24, 2018. <http://provincetown.wickedlocal.com/news/20180224/truro-farmers-want-to-cultivate-cannabis>
- 8 Richard Fausset, “A Dying Southern Town Needed a Miracle. Marijuana Came Calling.” The New York Times, March 24, 2018. <https://www.nytimes.com/2018/03/24/us/arkansas-marijuana-cotton-plant.html>
- 9 Washington State Institute for Public Policy, “Employment and Wage Earnings in Licensed Marijuana Businesses,” June 2017. [http://www.wsipp.wa.gov/ReportFile/1669/Wsipp\\_Employment-and-Wage-Earnings-in-Licensed-Marijuana-Businesses\\_Report.pdf](http://www.wsipp.wa.gov/ReportFile/1669/Wsipp_Employment-and-Wage-Earnings-in-Licensed-Marijuana-Businesses_Report.pdf)
- 10 City of Santa Rosa Planning and Economic Development, “Cannabis Program FAQs” March 15, 2018. [https://srcity.org/DocumentCenter/View/18729/Cannabis-FAQs\\_2018-03-15?bidId=](https://srcity.org/DocumentCenter/View/18729/Cannabis-FAQs_2018-03-15?bidId=)
- 11 Colorado Tourism Office, “Colorado Tourism Sets All-Time Records for Sixth Consecutive Year,” June 28, 2017. <https://www>

- [colorado.com/news/colorado-tourism-sets-all-time-records-sixth-consecutive-year](http://colorado.com/news/colorado-tourism-sets-all-time-records-sixth-consecutive-year)
- 12 Christian M. Wade, "Tourism Officials wrestle with marijuana marketing," The Daily News of Newburyport, January 8, 2018. [http://www.newburyportnews.com/news/tourism-officials-wrestle-with-marijuana-marketing/article\\_cc0100b4-eab5-5efd-b114-b27852107e3c.html](http://www.newburyportnews.com/news/tourism-officials-wrestle-with-marijuana-marketing/article_cc0100b4-eab5-5efd-b114-b27852107e3c.html)
  - 13 Colorado Department of Public Health and Environment, "Responsibility Starts with Knowing the Laws." <http://responsibilitygrowshere.com/laws>
  - 14 Washington State Office of Financial Management, "Monitoring Impacts of Recreational Marijuana Legalization," March 2017. [https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana\\_impacts\\_update\\_2016.pdf](https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana_impacts_update_2016.pdf)
  - 15 Washington State Institute for Public Policy, "I-502 Evaluation and Benefit-Cost Analysis," September 2017. [http://www.wsipp.wa.gov/ReportFile/1670/Wsipp\\_I-502-Evaluation-and-Benefit-Cost-Analysis-Second-Required-Report\\_Report.pdf](http://www.wsipp.wa.gov/ReportFile/1670/Wsipp_I-502-Evaluation-and-Benefit-Cost-Analysis-Second-Required-Report_Report.pdf)
  - 16 Police Foundation and the Colorado Association of Chiefs of Police, "Colorado's Legalization of Marijuana and the Impact on Public Safety," 2015. [https://www.nccpsafety.org/assets/files/library/Legalized\\_Marijuana\\_Practical\\_Guide\\_for\\_Law\\_Enforcement.pdf](https://www.nccpsafety.org/assets/files/library/Legalized_Marijuana_Practical_Guide_for_Law_Enforcement.pdf)
  - 17 There have been multiple instances of people committing violent marijuana-related crime in west coast rural unincorporated areas where marijuana is grown, incentivized by the high street value of marijuana on the east coast. Jackson County, Oregon, and Sonoma County, California, have experienced this phenomenon in recent months, where multiple groups have driven from east coast states in order to rob rural marijuana growers.
  - 18 County of Santa Barbara, "Cannabis Land Use Ordinance and Licensing Program Final Environmental Impact Report," December 2017. [http://longrange.sbcountyplanning.org/programs/cannabis/Environmental/FEIR/Individual%20Sections/3.12\\_Traffic\\_SBC\\_CannabisEIR\\_FEIR.pdf](http://longrange.sbcountyplanning.org/programs/cannabis/Environmental/FEIR/Individual%20Sections/3.12_Traffic_SBC_CannabisEIR_FEIR.pdf)
  - 19 Colorado Department of Public Health and Environment, "Marijuana use trends and health effects." <https://www.colorado.gov/cdphe/marijuana-health-report>
  - 20 Washington State Office of Financial Management, "Monitoring Impacts of Recreational Marijuana Legalization," March 2017. [https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana\\_impacts\\_update\\_2016.pdf](https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana_impacts_update_2016.pdf)
  - 21 Colorado Department of Public Health and Environment, "Marijuana Use Among Youth in Colorado, Healthy Kids Colorado Survey 2015." [https://www.colorado.gov/pacific/sites/default/files/PF\\_Youth\\_HKCS\\_MJ-Infographic-Digital.pdf](https://www.colorado.gov/pacific/sites/default/files/PF_Youth_HKCS_MJ-Infographic-Digital.pdf)
  - 22 National Institute of Drug Abuse, "Is Marijuana Addictive?," June 2018. <https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-addictive>
  - 23 National Institute of Drug Abuse, "Is Marijuana a Gateway Drug?," June 2018. <https://www.drugabuse.gov/publications/research-reports/marijuana/marijuana-gateway-drug>
  - 24 National Institute of Drug Abuse, "What are Marijuana Effects?," June 2018. <https://www.drugabuse.gov/publications/research-reports/marijuana/what-are-marijuana-effects>
  - 25 Police Foundation and the Colorado Association of Chiefs of Police, "Colorado's Legalization of Marijuana and the Impact on Public Safety," 2015. [https://www.nccpsafety.org/assets/files/library/Legalized\\_Marijuana\\_Practical\\_Guide\\_for\\_Law\\_Enforcement.pdf](https://www.nccpsafety.org/assets/files/library/Legalized_Marijuana_Practical_Guide_for_Law_Enforcement.pdf)
  - 26 Washington State Office of Financial Management, "Monitoring Impacts of Recreational Marijuana Legalization," March 2017. [https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana\\_impacts\\_update\\_2016.pdf](https://www.ofm.wa.gov/sites/default/files/public/legacy/reports/marijuana_impacts_update_2016.pdf)
  - 27 Colorado Department of Public Health and Environment, "Marijuana use trends and health effects." <https://www.colorado.gov/cdphe/marijuana-health-report>
  - 28 Oregon Department of Environmental Quality, "Permitting of marijuana businesses." <https://www.oregon.gov/deq/Regulations/Pages/Marijuana-Regulation.aspx>
  - 29 Jackson County Development Services, "Marijuana Production in Jackson County FAQ," July 27, 2018. <http://jacksoncountyor.org/ds/General/Marijuana>
  - 30 City and County of Denver Department of Environmental Health, "Cannabis Environmental Best Management Practices Guide." <https://www.denvergov.org/content/dam/denvergov/Portals/771/documents/EQ/MJ%20Sustainability/Best%20Practices%20Management%20Guide%20web%20-%20final.pdf>
  - 31 Jackson County, "JC Potpourri: Marijuana in Southern Oregon - Growing Pains," May 10, 2017. <http://jacksoncountyor.org/County/Video-TV/County-Close-Up/ArtMID/11580/ArticleID/249662/JC-Potpourri-Marijuana-in-Southern-Oregon-Growing-Pains>
  - 32 See, for example, Santa Rosa, California case study
  - 33 See, for example, Kirkland, Washington case study
  - 34 See, for example, Battle Creek, Michigan (<https://battlecreekmi.gov/637/Medical-Marijuana>) or Carpinteria, California case study

The background of the page is a close-up photograph of several cannabis leaves with serrated edges, laid out on a piece of weathered, textured wood. The leaves are vibrant green, and the wood is a mix of brown and grey tones with visible grain and knots.

# Local Impacts of Commercial Cannabis

# CASE STUDIES

The following case studies describe the motivations, processes, and decisions of 10 local governments to regulate commercial cannabis activities in their communities. Though selected from states with longer histories of recreational and medical cannabis laws, these local governments are continuing to monitor the industry and adapt their strategies.

## CASE STUDY:

# Carpinteria, California

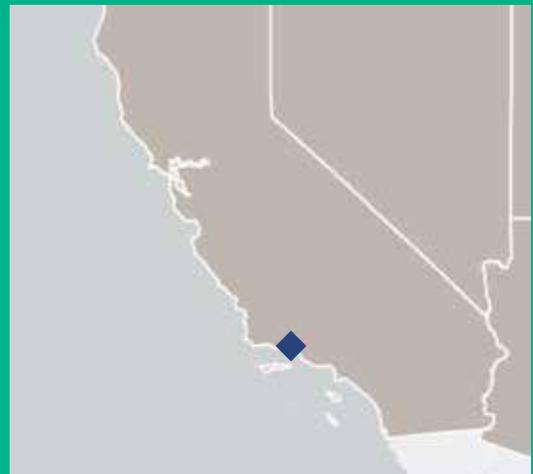


Carpinteria is bordered by the Pacific Ocean to the southwest and rural oceanside hills to the southeast, while the areas north and northwest of the city are agricultural zones dotted with greenhouses primarily for the cut flower industry. That industry was once a thriving sector in California's economy, but many years of competition have decimated it. Greenhouses that once grew flowers are now prime real estate for recreational cannabis cultivation.

The marijuana industry has been moving into Carpinteria Valley greenhouses for years, but the pace of turnover increased once flower growers began to look for more profitable ventures. Some greenhouse tenants and owners turned to growing vegetables or even stayed with flowers, but many others have converted to growing cannabis or sold their stake to someone who does.

### City and County

The City of Carpinteria has instituted a moratorium on legal marijuana businesses through May 2019 while it continues a deliberate process of determining regulations for the city. In contrast, Santa Barbara County



## COMMUNITY PROFILE

Population (2017): 13,622

Land area (in sq. miles): 2.59

Median Household Income: \$72,901

Source: United States Census Bureau

moved quickly to establish regulations for allowing cultivation and other cannabis businesses as soon as California licensing became available. Santa Barbara County is the home of the most cannabis cultivation licenses in California, outpacing the counties of Humboldt, Mendocino, and Trinity, counties known for their marijuana cultivation.<sup>1</sup> All of those licenses in the vicinity of Carpinteria, many of which were originally granted for growing medical marijuana, lie on Santa Barbara County unincorporated land. Carpinteria's incorporated area does not include the agricultural portion of the Carpinteria Valley, and the city does not regulate it.

After the passage of Proposition 64 in November 2016, Santa Barbara County first began the process of deciding how to approach locally regulating the cannabis industry. At that point, Carpinteria city officials were poised to work alongside Santa Barbara County officials and attended multiple meetings with county officials on the subject. However, it soon became clear that the city and the county were guided by different philosophies. Carpinteria's interest in potentially allowing and regulating cannabis businesses stemmed from public support within the community, but city officials and residents were, and still are, in favor of a cautious and deliberate approach to developing regulations. Santa Barbara County was under pressure to quickly establish its regulations in order to limit the impact from a large and growing number of unregulated or black-market cannabis operations, generate revenues, and create a commercially viable cannabis market as an alternative to lost jobs in the cut flower industry.<sup>2</sup>

These differences in approach forced Carpinteria into a reactionary position. As Santa Barbara County proceeded with its big-picture approach through the summer of 2017, tension was high in Carpinteria from a frustrating process of legal proceedings. The city was able to extract some of what it wanted from the county, such as a cap on greenhouse canopy size and a prohibition on outdoor cultivation.

Currently, the area's cannabis cultivation industry is operating in the California Coastal Zone, which includes the Carpinteria Valley, through county-issued interim permits until the formal permitting, regulation, and revenue-collection process passed by Santa Barbara County undergoes a legal review by the California Coastal Commission. Cannabis operations in Santa Barbara County outside the Coastal Zone are operating under the county's land use code and Cannabis Business License Ordinance as of June 2018.<sup>3</sup>

## Preserving the Character of Carpinteria

### Cut Flower Industry

The Carpinteria Valley cut flower industry had been struggling for years due to international competition. Low-wage workforces in South and Central America left California flower growers unable to compete on price, leaving many as the owners and lessees of empty greenhouses. A number of those greenhouse owners and lessees turned to cannabis cultivation due to the high value of the crop. The first to convert were medical cannabis cultivators under the previous regime of California medical cannabis law. Local governments had little to no regulatory or administrative authority over these operations, leaving unfixed problems that were generally foreign to flower growers, such as noxious odors and security issues. As Santa Barbara County registers and regulates these operations under the new commercial cannabis regulatory regime, those issues should subside.



Cannabis greenhouse

### Economic Equilibrium

The City of Carpinteria's interest in strengthening the county's cap on cannabis cultivation is twofold. One concern is ensuring that agriculture in the Carpinteria Valley is not dedicated to a single use. The flower industry decline was especially painful as most greenhouses were entirely dependent on it.

Community character and aesthetics comprise the second motivating factor for a cap. In 2002, Santa Barbara County enacted an ordinance to preserve open field agriculture and limit unsightly piecemeal greenhouse construction, but Carpinteria was concerned that a lack of a regulatory cap on cannabis cultivation could undermine that ordinance. A boom-

ing cannabis cultivation industry could potentially take over the Carpinteria Valley's available greenhouses and increase the demand for the construction of even more greenhouses.

At this point in its lifecycle, the cannabis cultivation industry has different effects on local economic activity than the cut flower industry. Observations from Carpinteria show that cannabis cultivation generates less intensive industrial traffic than cut flowers. However, that may be offset by increased traffic from laborers. Greenhouse cannabis cultivation uses approximately 595 square feet per worker (FTE), compared to (conservatively) 38,314 square feet per worker for cut flower growing.<sup>4</sup> This discrepancy is confirmed anecdotally in Carpinteria, with far more cars parked outside the greenhouses that have moved to cannabis cultivation as opposed to those growing flowers or vegetables.

### Odor

Medical cannabis has been growing and generating odor just outside Carpinteria city limits for the past few years, but the problem worsened when recreational cannabis was authorized. Agriculture is typically not subject to odor complaints under Right to Farm protections, and Santa Barbara County regulated medical cannabis cultivation in this manner as well.<sup>5</sup> This led to an underenforcement of nuisances like odor and the lack of a regulatory infrastructure at the onset of recreational cannabis, with many residents voicing their complaints. Carpinteria High School, across the street from several greenhouses that cultivate cannabis, was forced to air out classrooms and send home students who were negatively impacted by the odor.<sup>6</sup>

The odor situation has improved in Carpinteria over the past year as some of the greenhouse cannabis cultivators have started to take steps to prevent odors, investing significantly in odor mitigation technology. Santa Barbara County cited evidence from San Diego and established Carpinteria cultivators showing this technology, called a Vapor-Phase System, to be effective in mitigating odors from greenhouse cannabis cultivation facilities.<sup>7</sup> There are limited number of greenhouses continuing to emit strong odors and operate without the preventative measures. Those greenhouses will either be required to mitigate odors in order to become compliant or will be shut down once Santa Barbara County begins to regulate cultivators within the Coastal Zone following the review by the California Coastal Commission.

## Key Observations

The City of Carpinteria prohibited all commercial activity in the previous medical cannabis regulatory regime, but the city will potentially allow some commercial cannabis operations once their new regulations are developed and adopted. Those operations will likely be limited to manufacturing and testing to complement the already existing cultivation in the Carpinteria Valley. The Carpinteria City Council is not currently inclined to allow recreational cannabis retail stores and believes they would cause neighborhood problems, an assumption based on observing the previous iteration of medical cannabis stores that existed under the earlier state regulations. The council's preferred approach is to watch the results of recreational cannabis storefronts in other cities before deciding whether to allow them in Carpinteria.

Although Carpinteria's long-term priorities are clear, City Manager David Durflinger notes that it is challenging for a small local government to develop the expertise necessary to both interact in a regulatory process with an adjoining county and to develop its own regulations.

### Interviewee:

*David Durflinger, City Manager*

## Endnotes

- 1 Brooke Staggs, "So far, California has 6,000 licensed cannabis businesses. Here's what that looks like," The Orange County Register. April 27, 2018. <https://www.ocregister.com/2018/04/27/so-far-california-has-6000-licensed-cannabis-businesses-heres-what-that-looks-like/>
- 2 Bozanich, Dennis, email to Will Fricke, July 9, 2018.
- 3 County of Santa Barbara, "Cannabis Amendments to County Ordinance Now in Effect," June 7, 2018. <http://cannabis.countyofsb.org/news-events.sbc>
- 4 William A. Matthews, Daniel A. Sumner, Josué Medellín-Azuara, and Tristan Hanon, "Economics of the California Cut Flower Industry and Potential Impacts of Legal Cannabis," University of California Agricultural Issues Center, August 30, 2017.
- 5 County of Santa Barbara, "Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program," Page 8-13, December 2017
- 6 David Durflinger, interviewed by Laura Goddeeris and Will Fricke, June 26, 2018
- 7 County of Santa Barbara, "Final Environmental Impact Report (EIR) for the Cannabis Land Use Ordinance and Licensing Program," Page 8-7, December 2017

## CASE STUDY:

# Durango, Colorado

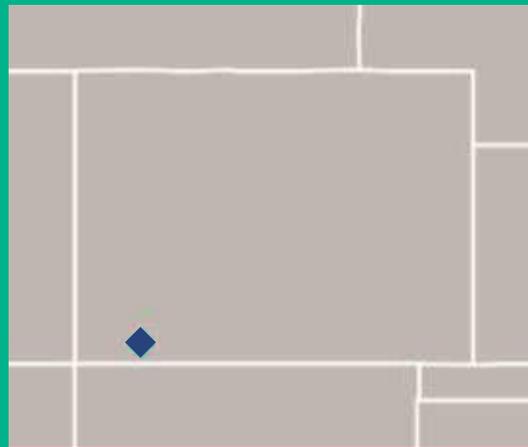


The City of Durango is located along a historic railway and the Animas River at the foot of the San Juan Mountains in southwest Colorado. Home to 18,000 residents and a key destination in the Four Corners region, tourists and commuters nearly double its population daily.

### An Industry Emerges

In 2000, La Plata County and the City of Durango voters strongly supported an amendment to Colorado's state constitution legalizing medical cannabis. However, nearly a decade would pass before any legal commercial activity materialized due to uncertainty surrounding federal preemption. The Obama administration's initial issuance of guidelines for states with legal medical cannabis, which indicated that the Department of Justice would not prioritize prosecutions, provided a long-awaited green light to would-be operators.

Durango's staff was caught off-guard when the first business approached the clerk's office for a cannabis license in 2009. Quick consultations with the city attorney and administration confirmed a lack of any local restrictions at the outset, resulting in the issuance



## COMMUNITY PROFILE

**Population (2017 Census Estimate):**  
18,465

**Land Area (square miles):** 9.92

**Median Household Income:** \$60,334

*Source: United States Census Bureau*

of four early commercial medical licenses at just \$50 apiece (the general business license fee)—including to one cultivation operation.

This triggered an exhaustive process to determine the appropriate zoning, fees, and other local restrictions on such businesses. Multiple moratoria were implemented while the city engaged in research and discussion. While initial discussions were limited to medical marijuana, the legalization of recreational marijuana in 2012 extended the conversation such that the city was actively working on some aspect of local marijuana issues all the way through the end of 2017.

Though Durango residents voted in support of legalization in both 2000 and 2012, the process to develop regulations was contentious. Identifying appropriate setbacks from sensitive uses such as schools, daycare centers, and parks proved especially challenging, as the default state standards did not align well with the city's long and linear orientation and needed to be reduced (either by right or with a variance) in order to provide enough options for businesses. Other major concerns included the location and number of businesses within the Central Business District, potential issues with lights used by cultivators, and security and fire code compliance. Recognizing that land use decisions can be hard to revert once a door is opened, city staff feel this discussion was worthwhile.

The most significant progress was made in 2014, when a series of ordinances were passed establishing comprehensive land use standards and a local licensing process for commercial medical/nonmedical retail and testing businesses. License fees increased to as much as \$10,000 for a new business and \$8,000 for a renewal every year.<sup>1</sup> Commercial cultivation and manufacturing of infused products were prohibited based on a shared understanding with La Plata County about the types of uses best suited to county and city land.

Since then, the city has received annexation requests that would extend water and sewer services to marijuana cultivators located on fringe land. Following discussions with staff, the planning commission, and the city council, the city decided to extend water and sewer services in exchange for long-term control of land use planning. Reasoning that users—including marijuana cultivators—could come and go, city officials believed it would be advantageous to apply the city's more rigorous requirements for elements such as sidewalks, street trees, and signage.



**Cannabis dispensary**

## **A Regulated Industry: Initial Impressions**

Though the city did not place explicit caps on the number of licenses allowed and did loosen some of the setback requirements, prospective businesses still had trouble finding locations because property owners were reluctant to lease for such uses. As a result, businesses were forced to turn to purchasing their own property at premium prices.

For those businesses that were able to secure locations, the initial licensing and enforcement process was challenging as the state provided little guidance and the rules continued to evolve. Durango's liquor licensing authority expanded its oversight to include marijuana licensing and devoted time to screening and rejecting applications from businesses whose employees had histories of criminal activity. Eventually, the city concluded that decision could be left to the operators who could be expected to act in the best interest of their legal businesses.

Code enforcement was also intense at first to ensure businesses were operating in line with the newly established regulations. While he can recall scattered specific incidents of crimes tied to marijuana activities in the early days of statewide legalization, City Manager Ron LeBlanc is not persuaded of a significant negative impact on public safety. From an enforcement perspective, staff feel the industry has actually been easier to regulate than liquor licenses.

Though Durango did not pursue a dedicated local tax on marijuana as a part of its 2014 regulations, the standard 3-percent local sales tax still applied to the industry. Revenues from marijuana businesses exceeded local expectations, suggesting the black mar-

ket had been much larger than the city had anticipated. Total sales and use taxes collected by the city jumped by approximately \$1 million from 2014 to 2015.<sup>2</sup>

The cash-based nature of those taxpayers presented an additional complication for Durango City Hall, which was not a fully secure facility when marijuana businesses first started to pay local taxes. Though security has since changed, finance staff were unnerved when the first businesses showed up to pay monthly tax bills with stacks of cash, and parking staff needed to accompany them when making transfers to the bank.

## The Industry Matures

With no new business applications submitted in the last two years, the industry appears to have reached market saturation in Durango. Prices are coming down, businesses are consolidating, and protests from the vocal minority opposed to the industry have faded.

Durango's administration believes the impact on tourism has been a net positive, noting a steady stream of creative business proposals for transportation and green tourism experiences over the last few years. At the same time, ample restrictions on consumption, including in private social clubs, help to keep use out of public view.

In 2017, with marijuana sales responsible for about \$825,000 in sales tax revenue—just over 3 percent of the city's total sales tax collected—Durango floated the possibility of a dedicated marijuana excise tax.<sup>3</sup> Already burdened with a significant increase in the State of Colorado's tax rate (with no additional pass-through to local governments), the industry responded in force against the proposal and city leaders were forced to abandon those plans.

## Key Observations

Durango's 2017 attempt to further raise revenues from its successful marijuana businesses with a specific excise tax was met with strong industry opposition. Local governments should consider these issues early, before new taxes would burden the industry.

The marijuana black market in and around Durango was much larger and more active than the city realized, evident from the higher-than-predicted sales tax revenue. At the same time, other local governments have seen tax revenues fall short of expectations. Rather than predicting a specific number, a wide range of possible tax revenues should be analyzed.

### Interviewees:

*Ron LeBlanc, City Manager*  
*Amber Blake, Assistant City Manager*  
*Dirk Nelson, City Attorney*  
*Amy Phillips, City Clerk*  
*Chris Harlow, Deputy City Clerk*  
*Ben Florine, Deputy City Clerk*  
*Suzanne Sitter, Legal Coordinator*

## Endnotes

- 1 City of Durango, "Licensing of Marijuana Businesses." <http://www.durangogov.org/index.aspx?NID=181>
- 2 City of Durango, "Sales & Use Tax Combined," June 14, 2018. <http://www.durangogov.org/ArchiveCenter/ViewFile/Item/112>
- 3 City of Durango, "Sales Tax Collections For Twelve Months Ending December 2017." <http://www.durangogov.org/ArchiveCenter/ViewFile/Item/315>

## CASE STUDY:

# Fort Collins, Colorado

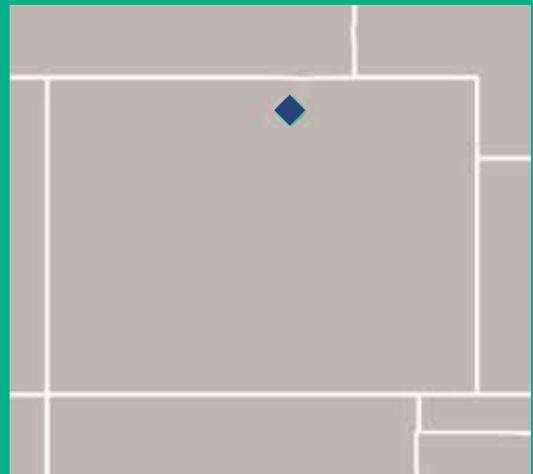


Fort Collins is a city in northern Colorado known for its picturesque landscape, craft breweries, and bicycle culture. Home of Colorado State University and campuses for the technology companies Hewlett-Packard, Intel, and Agilent, the city of 164,000 has made strides in smart city utilities innovations.

In 2000, Colorado voters passed Amendment 20, legalizing small amounts of medical marijuana in the state. A July 2009 language change by the Colorado Board of Health in the state medical marijuana law removed patient limits on medical marijuana caregivers, allowing them to become de facto dispensaries.<sup>1</sup> The change caused a rush in requests for the types of licenses that would allow people to be medical marijuana caregivers, such as home occupation licenses.

In December of 2010, Fort Collins enacted an emergency moratorium in order to end the rush of medical marijuana dispensaries, which had quickly outpaced the city's desire to evaluate and regulate this new business type.

In March of 2011, the Fort Collins City Council took action to proceed with licensing dispensaries, cultivation, and the entire medical marijuana process. By Octo-



## COMMUNITY PROFILE

**Population (2017):** 165,080

**Land Area (square miles):** 54.28

**Median Household Income:** \$57,831

*Source: United States Census Bureau*

ber that year, Fort Collins was home to approximately twenty medical marijuana dispensaries.

The dispensaries were short-lived. In the odd-year election, Fort Collins voters passed a citizen-initiated ballot measure to ban all medical marijuana activities in the city. Enforcement was completed by February 2012.

The ban on medical marijuana lasted just one month longer than the first iteration of allowing dispensaries. In the 2012 election, another citizen-initiated ballot measure brought back the medical marijuana dispensaries. This city-wide ballot measure was separate from and concurrent with Colorado's Amendment 64, which legalized adult recreational use and retail sales throughout the state. However, since Amendment 64 included a local government opt-in provision, Fort Collins staff was able to focus on medical marijuana before taking on retail sales. Following the conclusion of the medical marijuana reinstatement, the City Council adopted regulations for a limited recreational marijuana business license process.

## Regulations

The second citizen-initiated ballot measure for medical marijuana built in a cap for dispensaries tied to the number of cardholders: one medical marijuana dispensary would be allowed for every 500 medical marijuana cardholders in Larimer County. This cap was proposed by marijuana proponents as a way to make the second iteration of medical marijuana more palatable for the electorate. Currently, there are enough medical marijuana cardholders to allow for nine medical dispensaries in Fort Collins. However, due to a provision that grandfathered in any dispensary that had been shut down in February 2012, eleven licenses have been granted to medical marijuana dispensaries, ten of which also have a retail-recreational marijuana license.

Since Fort Collins requires a medical marijuana dispensary license before granting a retail dispensary license, the cap also acts as a limit on recreational marijuana licenses.

Fort Collins also grants cultivation licenses, but only to holders of another marijuana business license, such as retail or manufacturing. Personal cultivation in homes with shared walls, sheds, or detached garages and in mixed-use buildings is also banned in Fort Collins, due to safety and odor concerns. Greenhouses, while not banned, must follow the requirement that cultivation only be done in a "locked and enclosed" space. They are de facto banned for non-commercial cultivation, due to

the requirement that personal use cultivation not take place in outbuildings.

Despite these regulations, Fort Collins still has to combat illegal and unlicensed cultivation. Fort Collins' marijuana enforcement officer investigated approximately fifty complaints in 2017 and is on track to meet that number in 2018.

Fort Collins took additional steps to manage the divided community by restricting the locations of business through zoning, implementing setback requirements, and regulating the type and level of advertising that dispensaries can utilize.

*Far exceeding the state's restrictions, Fort Collins broadly bans signage and advertising that would clearly associate the location with marijuana, as well as prohibiting portable advertising such as leaflets, flyers, and handheld signs.<sup>2</sup>*

While the regulations are stringent and specific, they are not always easy to enforce, especially when it comes to odor complaints. Lots of industrial warehouse space in Fort Collins has been bought or rented for marijuana-related activity, creating clusters of marijuana businesses. Due to the way in which the spaces are divided and located, it can be difficult to pinpoint the source of odor issues.

## Staffing

Fort Collins convenes an interdepartmental taskforce with representation from the fire department, planning department, clerks, police, and other departments as appropriate. This task force monitors the marijuana environment in Fort Collins and Colorado as a whole and makes recommendations to the council on any changes needed to the marijuana code, stemming from everything from upcoming state legislation to nuisance indicators.

Fort Collins hired an outside attorney through an open bid to serve as the retail marijuana licensing authority. The attorney performs duties such as receiving applications, making decisions on whether to grant licenses, and leading hearings. The cost of the attorney is covered through licensing fees. Fort Collins hired an outside attorney to perform these tasks because the municipal judge, who is also the liquor licensing authority, declined the authority to do so based on her workload.

The city has a single police officer dedicated to marijuana enforcement who performs pre-inspections and spot inspections. Originally, inspections were conducted by police officers who were not able to go out on patrol due to injuries, causing the task to be seen as undesirable. The dedicated marijuana enforcement officer, a well-respected and long-time Fort Collins police officer, emphasizes relationship building with license holders as well as the state marijuana enforcement division.

The Colorado General Assembly creates new types of marijuana licenses annually. Fort Collins has lobbied at the state level to ensure that these new licenses have opt-in provisions at the local level. With local government opt-ins, the Fort Collins task force has the ability to review new license options and weigh community impacts when determining whether to allow them.

Recent examples include the addition of a research license, which was desired by a local start-up company. The task force decided that the impact from the research license was manageable, as this license does not allow for the selling of marijuana and involves only a small number of plants. Alternatively, Fort Collins decided against approving a license for off-premises storage based on a task force recommendation. Additional storage of large quantities of marijuana was seen as undesirable by the task force, and the Fort Collins marijuana businesses did not express the need for this type of license.

## A Community Divided and the Industry Today

Fort Collins residents are often split on issues, and marijuana has been no different. In the heavily values-based debate during the back-and-forth bans of 2011 and 2012, opponents of legal marijuana painted a doom-and-gloom picture while proponents focused on health aspects of medical marijuana and argued that prohibition is ineffective at reducing illegal activity. Years later, with new regulations in place, marijuana remains a lightning rod and a complex issue in Fort Collins. To avoid controversy and regulation fatigue, staff and the task force package issues together for council action, even for issues as simple as ordinance clean-up.

While opposition still exists in the community, the industry has been able to mature. City staff describe businesses as increasingly professional and better able to control for issues like odor and underage purchasing.

Development pressure on industrial land is palpable, but restrictions on licenses keep growth in check.

## Key Observations

Fort Collins goes a long way to ensure that residents opposed to marijuana businesses are not burdened or bothered by them. These efforts are evident in the city's advertising restrictions, cultivation requirements, and method of bringing issues to the Council. Overall, the thinking in Fort Collins is to keep marijuana compliant with an "out of sight, out of mind" philosophy. By tying the number of dispensaries allowed to the number of medical cardholders in the county, Fort Collins was able to balance allowing marijuana businesses, in compliance with the results of the initiative, with managing the number of businesses. When considering additional types of licenses, Fort Collins checks with the existing businesses on what licenses they need and only approves what is needed. Instituting a needs-based cap on businesses and only allowing the licenses that existing businesses need, the city is better able to manage industry growth.

Through appropriate preparation, task-specific staffing, collaboration, and bringing in outside help, Fort Collins was able to properly manage its in-demand marijuana industry without being overwhelmed, as well as cover a significant portion of the costs of regulating the industry.

## Interviewee:

*Ginny Sawyer, Policy & Project Manager*

## Endnotes

- 1 "Auraria crowd stands up for access to medical marijuana," Denver Post, May 6, 2016. <https://www.denverpost.com/2009/07/20/auraria-crowd-stands-up-for-access-to-medical-marijuana/>
- 2 See the Article XIV of the Fort Collins Municipal Code, which implements provisions of the Colorado Medical Marijuana Code ([https://library.municode.com/co/fort\\_collins/codes/municipal\\_code?nodeId=CH15LIBURE\\_ARTXVIMEMA](https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH15LIBURE_ARTXVIMEMA)) and Article XVII, which implements provisions of the Colorado Retail Marijuana Code ([https://library.municode.com/co/fort\\_collins/codes/municipal\\_code?nodeId=CH15LIBURE\\_ARTXVIIREMA\\_DIV3LIFEREPR\\_S15-617SIAD](https://library.municode.com/co/fort_collins/codes/municipal_code?nodeId=CH15LIBURE_ARTXVIIREMA_DIV3LIFEREPR_S15-617SIAD)).

## CASE STUDY:

# Grover Beach, California



Grover Beach is a small bedroom community on California's Central Coast, located along the iconic Pacific Coast Highway 1 and U.S. Highway 101, halfway between San Francisco and Los Angeles. The seaside city, along with the neighboring cities of Pismo Beach and Arroyo Grande and the wineries of San Luis Obispo County, is a popular tourist destination.

The City of Grover Beach's initial efforts to regulate commercial cannabis activities trace back to late 2015, after the state passed a package of bills outlining new medical cannabis regulations. California local governments were under the direction from the state to pass land use regulations that regulated or prohibited commercial medical cannabis activities; if local governments did not do so, the state would become the sole licensing authority in that municipality. The ultimatum caused many local governments, including Grover Beach, to pass indefinite or permanent moratoriums on commercial medical cannabis activities by the state's March 1, 2016 deadline.

While the moratorium was in effect, the Grover Beach City Council directed City Manager Matthew



## COMMUNITY PROFILE

Population (2017 Census Estimate):  
**13,628**

Land Area (square miles): **2.3**

Median Household Income: **\$58,895**

*Source: United States Census Bureau*

Bronson and his staff to draft regulations and a proposed tax structure for the purpose of allowing commercial medical cannabis activities in the future. Such activities were seen by the City Council as an economic opportunity for the city in attracting private investment and providing additional jobs. The tax structure, which covered both medical and recreational cannabis businesses if also allowed by state and local laws, was approved by 70 percent of voters in November 2016—the same election in which the statewide proposition to legalize recreational use passed.

## Regulation Development

Between November 2016 and May 2017, Grover Beach crafted broad regulations that would allow a wide range of commercial medical cannabis businesses in the city. Cannabis was on the agenda of multiple public workshops and approximately ten to fifteen planning commission and council meetings, drawing the largest turnout ever for a council meeting in January 2017. Public engagement has decreased substantially over time, even though the regulations established in May 2017 continue to be modified to reflect changes made at the state level and the needs of Grover Beach. While initial regulations were limited to commercial medical cannabis activities only, in May 2018 they were expanded to the recreational or adult-use market through a series of amendments ultimately approved on the council's consent agenda.

The city allows every type of commercial cannabis license including cultivation, processing/manufacturing, testing, distribution, and retail. All cultivation must be conducted in an enclosed indoor space; both outdoor and greenhouse cultivation are explicitly prohibited in Grover Beach given concerns about security and ensuring architectural compatibility with buildings in an industrial zone. (Other cities ban greenhouse cultivation due to operating hours enforcement and the potential for a dispute over the definition of a greenhouse.)

Like some other built-out or compact cities, Grover Beach chose to reduce certain sensitive-use setbacks—in this case, setbacks related to youth centers. This is because the state's default setbacks would have resulted in a de facto ban on commercial cannabis businesses, given the proximity of Grover Beach youth centers to industrial zones where cannabis businesses would otherwise be allowed. With local regulations still restricting cannabis businesses to industrial areas, the

city felt comfortable in determining reasonable setback requirements to address community needs.

In addition to stringent cannabis-specific safety and security measures that exceed the state's requirements, Grover Beach mandates that commercial cannabis businesses make public improvement to their properties to meet code requirements, such as fixing curbs, sidewalks, and landscaping. This mandate is due to commercial cannabis businesses needing a discretionary use permit to operate in contrast to "allowed" uses that do not trigger the same level of code requirements. City Manager Bronson described these required improvements as an opportunity to "raise the bar" on the development standards and aesthetics of the city's industrial areas. Due to the strength of the retail applicants and stringent regulations, Grover Beach increased its original cap of two retail businesses set in May 2017 to a cap of four in December later that year. As of May 2018, the city has issued four retail permits and four manufacturing permits with several other manufacturing permits expected to be issued by mid-2018.

## An Economic Development Opportunity

Grover Beach expects to be a production, distribution, testing, and retail hub for boutique cannabis products due to the city's available industrial land, proximity to major highways, and array of products already being produced in the area. With the opening of its first cannabis retail facility in May 2018, Grover Beach has the lone commercial cannabis location for well over one hundred miles.<sup>1</sup> It is anticipated to cause a significant increase in business from locals as well as tourists heading to the adjacent Pismo State Beach, many of whom are from the commercial cannabis-free California Central Valley.

*"As a City Manager looking at economic development, I see the opportunity to create a cannabis ecosystem in our community given our unique niche in this field."*

— Matthew Bronson

Grover Beach has made a market-based choice to embrace the commercial cannabis industry in a thoughtful and safe manner. Existing businesses in the city are generally supportive of the move to allow commercial cannabis development, but there have been impacts from this changing market condition. The intention to create a free and open market for commercial cannabis



Courtesy of Grover Beach

### Opening day for Grover Beach's first retail cannabis establishment.

has caused land value in the industrial park area to rise, and the rent for existing business owners has risen with it. Some businesses have had to relocate to other parts of the city, and some have left Grover Beach entirely. Nevertheless, the city expects a significant overall net increase in the number of businesses, jobs, and tax revenues due to the influx of commercial cannabis.

The coastal California city will be looking to multiple metrics for judging the initial success of commercial cannabis, mainly tax revenue and the number of new businesses. Grover Beach's tax structure is a 5 percent tax on gross retail receipts and 3 percent on gross receipts of manufacturers, distributors, and other commercial uses. It also includes a \$5 per square foot tax on cultivation uses.

One of Grover Beach's objectives was to not tax cannabis businesses back into the underground economy. The 5 percent tax on gross retail receipts was originally 10 percent, as approved by the voters. The City Council lowered the rate in order to follow the general rule of thumb to not exceed a 30-percent effective tax rate on an industry. Total revenues from commercial cannabis businesses are forecast to climb from approximately \$700,000 in the first fiscal year toward up to \$1.5 million annually once the industry matures, which would equate to nearly 20 percent of the city's general fund. The city conservatively estimates the recent expansion to the adult-use market may yield a 25-percent increase in revenue.

## Key Observations

Grover Beach moved forward with the intention of treating this industry as a major economic development opportunity. The relative equidistance between Los Angeles and San Francisco, lack of commercial cannabis activity in the area, and available industrial land marked Grover Beach as an ideal location for commercial cannabis businesses to open distribution and manufacturing operations.

While motivated by economic development, the city's approach has been measured. Grover Beach has leveraged its industry assets to gain additional value from these businesses through required property improvements. At the same time, the city has continued to adapt its tax scheme to ensure the businesses aren't driven back underground.

It is also worth noting perhaps the biggest risk of making this industry part of an economic development strategy: it exists in the shadow of the federal government. Manager Bronson notes that any new or more aggressive enforcement has potential for a "chilling effect" on the industry both statewide and in Grover Beach. The inability of cannabis businesses to use the banking system, given federal restrictions, is also a continued challenge given the scale of the multi-billion-dollar cannabis industry.

Thus far, however, Grover Beach has instituted a thorough process to develop and tweak regulations that have helped the public and business community to buy in. The public has since complimented the city on how regulated the industry is, and as a result, has been supportive of its local growth. Evidence from this case and others suggests that starting with stringent regulations on commercial cannabis, and slowly relaxing them until the desired outcome is reached, is a more effective method than attempting to tighten already relaxed regulations.

### Interviewee:

*Matthew Bronson, City Manager*

## Endnotes

- 1 Monica Vaughan, Brad Branan, and Nathaniel Levine, "SLO county is a 'pot desert' now—but not for long. A dispensary will open soon," The Tribune, March 26, 2018. <http://www.sanluisobispo.com/latest-news/article206482199.html>

CASE STUDY:

# Southern Oregon – Jackson County and City of Ashland



Oregon was the first state to decriminalize personal possession of marijuana in 1973, and its voters legalized medical marijuana cultivation and use in 1998 through the ballot with Measure 67. Multiple efforts to amend the state’s medical and recreational marijuana policies were proposed—and generally defeated—in the subsequent two decades, but the dynamic changed in 2014. Citizen-initiated Measure 91, which passed with 56 percent of the vote, authorized the commercial production, sale, purchase, and possession of marijuana for adult recreational use. It delegated recreational marijuana oversight to the Oregon Liquor Control Commission (OLCC) but provided for local governments to establish reasonable restrictions on the time, place, and manner in which the industry could operate in their communities.

As illustrated by the following two cases, the implications for Oregon counties have been distinct from those of municipalities.

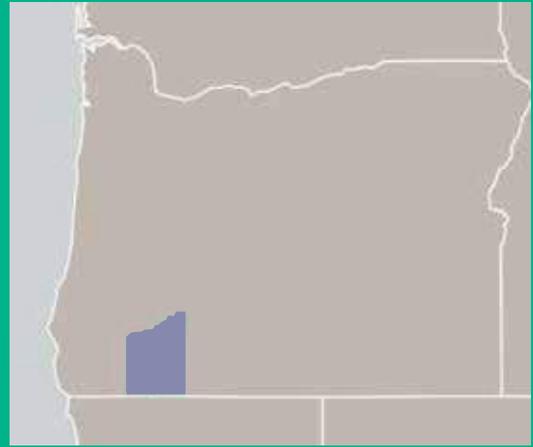
## JACKSON COUNTY

Jackson County is a southwest Oregon county of 217,000 residents, home to numerous vineyards, campgrounds, and loggers. The county is part of the Southern Oregon American Viticultural Area and is an ideal environment for growing grapes.

Oregon has a unique land use system designed to encourage development in incorporated cities and keep unincorporated county land for farm and forest uses. Since 1973, the state has maintained a progressive farmland protection program through which counties inventory, preserve, and appropriately zone their agricultural resource lands.<sup>1</sup> The state's Right to Farm Law affords further protections from nuisance charges or local restrictions to agricultural activity on land zoned for such use.<sup>2</sup> Measure 91 was amended by the state legislature in 2015 in an attempt to resolve uncertainty about whether cannabis cultivation is a protected agricultural activity and what types of regulations/restrictions local governments could implement. However, this created more questions than answers. Every local government now has its own regulations on production of marijuana; these can vary widely, which creates state-level enforcement hardships.

Jackson County's rural residential zoning already prohibited commercial agriculture, but Jackson County was progressive and quick in developing its own regulations for marijuana production, processing, and wholesale and retail sales.<sup>3</sup> The section added to its Land Development Ordinance in 2016 includes specifications on where marijuana activities can be sited, including buffering and fencing requirements; protections against nuisances such as odor or light pollution; and restrictions on hours of operation. Despite allowing most activities with appropriate regulations, the county has faced significant challenges in the face of legalization, largely tied to marijuana production.

Home to a number of vineyards and pear orchards in the area known as Rogue Valley, Jackson County has an ideal environment for agriculture.<sup>4</sup> Medford, the county seat, averages 195 sunny days and 52 days of precipitation per year.<sup>5</sup> The climate in Oregon, especially Jackson and Josephine counties, has attracted a large number of marijuana growers both before and after legalization. Jackson County alone produces over 100 tons of medical marijuana per year as tracked by the Oregon Health Authority; the OLCC does not yet have a complementary system to inventory recreational



## COMMUNITY PROFILE

### JACKSON COUNTY

Population (2017): 217,479

Land area (square miles): 2,783.5

Median Household Income: \$46,343

Source: United States Census Bureau

marijuana production.<sup>6</sup> Though legalization has driven up the value of private resource land, arable land, and current farmland that is usable for marijuana, growers are increasing in number, with over 1,000 licensed producers in the state, 203 of which are located in Jackson County. On the sales front, Jackson County has only 34 of Oregon's 550 licensed retailers and 15 of 124 its licensed wholesalers.<sup>7</sup>

Since marijuana cultivation was authorized in Jackson County, code and planning complaints have spiked dramatically. In the 2016 to 2017 period, the first full fiscal year since authorization, the county received 1,038 planning violation complaints and 425 code enforcement complaints—45 of which went all the way to a hearing, close to triple the normal level for the county. In the first 11 months of the 2017-2018 fiscal year, Jackson County received 649 planning violation complaints and 383 code enforcement complaints, according to Jackson County Development Services.

Three important caveats apply to these statistics on complaints: (1) enforcement is complaint-driven and all complaints are investigated; (2) complaints received related to marijuana cultivation in Jackson County are



Courtesy of Jackson County

### Aerial footage of Jackson County cannabis farms.

largely attributed to unauthorized growing, not to cultivation that attempts to follow the established regulations; and (3) many residents are hesitant to send in complaints about illegal growing for fear of retribution, so it is believed issues may be under-reported.<sup>8</sup>

Common complaints deal with such issues as the following:

- Excessive use of water and light pollution
- Theft and safety concerns in/around grow sites
- Aesthetics, odor, and/or noise
- Traffic and speeding
- Unpermitted grading, structures, uses, and/or equipment.

The industry has left its mark on the landscape since legalization in other ways. Surveyors must reestablish government corners graded over by illegal growing; assessors have seen an uptick in applications for farming-related tax reductions; and the surveyor's and assessor's offices as well as the road department face new land access challenges now that unauthorized marijuana cultivation, previously hidden on public land, has migrated to private land. Time and resources required in following up on all of these issues and complaints are significant. Though the county receives a share of state revenue collected from the industry, that ratio is weighted toward the number of licenses rather than the canopy size.

### Key Observations

Whether Jackson County could have avoided these challenges is impossible to say. Impacts are felt locally

but largely require state-level solutions. Though increased foresight regarding the land use challenges specific to production would have been helpful, Oregonians ultimately advanced legalization, and Jackson County could not opt out of Measure 91 because less than 55 percent of voters opposed the measure. The county's local land use regulations address many of the problematic issues associated with illegal grow sites, providing a path to compliance, but the state's capacity for enforcement of licensed/unlicensed operations has been limited, constrained by the number of officers currently available to serve the region.

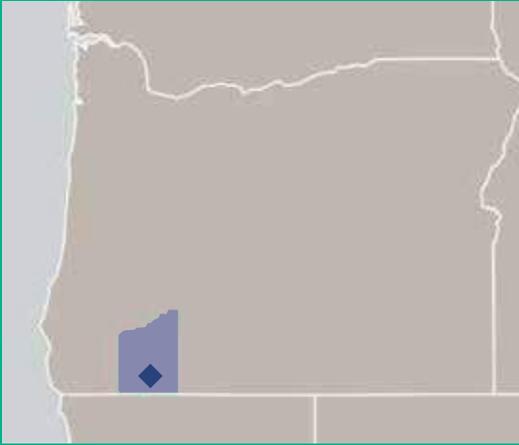
While the state's relatively young legal marijuana industry has yet to see a market correction, that may be about to change. Oregon producers and manufacturers may only sell legally in Oregon as federal law prohibits marijuana being transported or sold over state lines. The state reported that 550 tons of marijuana were produced in 2017, but just 170 tons were consumed.<sup>9</sup> The massive oversupply has led to a dramatic decrease in price, with a number of small-scale businesses folding and the OLCC temporarily halting new license applications while it catches up on those already in the pipeline.<sup>10</sup>

Each of Oregon's thirty-six counties faces a unique set of circumstances in regulating this issue, and Jackson County's experience is clearly influenced by its high desirability for marijuana cultivation. Because the marijuana supply chain is still restricted within legalized states' boundaries, it is useful to understand the challenges faced by supply centers.

## ASHLAND, OREGON

Located sixteen miles north of the California border and at the southern end of the Rogue Valley, the City of Ashland is home to Southern Oregon University and just over 21,000 residents. Tourists regularly visit Ashland to enjoy its cultural and natural amenities, such as the Oregon Shakespeare Festival and Lithia Park.

Located within Jackson County, the City of Ashland also moved quickly in exercising its ability to enact local commercial marijuana regulations. Many of Ashland's regulations were proactively developed in anticipation of Measure 91's passage to ensure the city was poised to handle potential changes that might occur at the state level.



## COMMUNITY PROFILE

### CITY OF ASHLAND

Population (2017): 21,117

Land area (square miles): 6.59

Median Household Income: \$47,314

Source: United States Census Bureau

Notably, Ashland addressed the ability to have a local tax on the marijuana industry. Measure 91 was expected to preempt local taxation of marijuana, limiting this ability to the state, but Ashland and other cities believed that local taxes would be grandfathered in if adopted prior to Measure 91's effective date.<sup>11</sup> The council approved a 10-percent tax on gross receipts from marijuana sales in August 2014.

Even earlier, in April 2014, the Ashland City Council approved a limited, temporary moratorium on the location and operation of medical marijuana dispensaries. State law already prohibited dispensaries from being located in residential zones, and Ashland's additional measure limited them from commercial/mixed use areas and bought the city time—approximately one year—to discuss potential longer-term regulations. In fact, the city lifted the moratorium just a few months later in August and passed permanent zoning requirements as well as time, place, and manner restrictions for dispensaries. Building on the state's buffering provisions, these zoning requirements further restricted dispensaries to strategic commercial/industrial loca-



Outdoor cannabis cultivation

tions in Ashland, required annual local permits, and addressed hours of operation and odor control.

Like many municipalities, determining the appropriate local regulations for marijuana dispensaries was a high priority. Ashland also accounted for concerns regarding cultivation, particularly in residential areas. Medical marijuana had been legally grown in Ashland for more than a decade, but recreational legalization was expected to increase interest and uncertainty around personal cultivation and provided an opportunity to review past and potential nuisance issues. After several months of meetings and gathering feedback from residents, the city established a set of regulations in January 2015 aimed at striking a balance between what the state had by then authorized and concerns raised by residents and staff. In the end, both indoor and outdoor cultivation were allowed in residential zones with limitations.

Commercial cultivation has been more of a wild card, as the city does not allow other forms of agriculture on commercial or industrial land. In its recommendations to the city council, the Ashland Planning Commission indicated concern about excessive use of electricity and water and about the long-term supply of commercial or industrial land versus job projections for this industry.<sup>12</sup> The city elected to test the waters on commercial indoor grow operations with a cap of 5,000 square feet, but thus far it has not approved any local permits.

### Implementation

Voters in this progressive college town supported Measure 91 at a rate of 78 percent.<sup>13</sup>

Though Ashland was not alone in adopting a local tax scheme prior to Measure 91, the legality of these early regulations proved unclear. However, 2015 amendments to state law clearly authorized Oregon cities and counties to refer 3 percent of local taxes on recreational marijuana sales to their voters. Ashland's measure passed, and the council elected to dedicate those proceeds to an affordable housing trust fund. A guiding resolution directs marijuana tax revenue of up to \$100,000 annually to the fund, though with the significantly reduced tax rate the actual contributions thus far have been modest. Ashland also receives a share of the state's marijuana revenue, which is earmarked for public safety expenses per state statute.

Ashland's regulations on residential cultivation limited the number and placement of plants grown outdoors. Recognizing that some would seek to supplement or substitute with indoor cultivation, the land use ordinance requires these activities to comply with building codes, to confine light and glare, and to not overtake residential structures as the primary use. As a further, more readily enforceable layer of protection, the city added a new residential tier to its municipal electric utility rates. The \$0.125 rate applies to residential customer use of more than 5,000 kWh/month, effectively functioning as a penalty tier for extreme usage. (While not part of the original discussion, this measure also proved useful as Bitcoin mining grew in popularity throughout the region.)<sup>14</sup>

Tourism is a significant driver of the local and regional economy, and Interim City Manager Adam Hanks believes anecdotal indications of the marijuana industry's impact have been positive. A local ban on public smoking (tobacco-driven, but applicable to marijuana) in the downtown area curtails potential nuisance issues, and enforcement has been fairly routine. Hanks observed early signs of a niche market emphasizing a "craft" product, similar to the beer and wine industries, with tour operators designing regional experiences showcasing the local value-added food, wine, and marijuana producers.

## Key Observations

Interim Manager Hanks feels Ashland was successful in its proactive approach to authorizing a legal marijuana industry within the city, and credits a collaborative effort by finance, administration, legal, and especially planning staff in navigating its approach.

## Interviewees:

Danny Jordan, County Administrator, Jackson County  
Adam Hanks, Interim City Manager, Ashland

## Endnotes

- 1 Oregon Department of Land Conservation and Development, "DLCD Farmland Protection Program." <https://www.oregon.gov/lcd/pages/farmprotprog.aspx>
- 2 Oregon Department of Agriculture, "Land Use and Right to Farm." <http://www.oregon.gov/ODA/PROGRAMS/NATURALRESOURCES/Pages/LandUse.aspx>
- 3 Neighboring Josephine County did not disallow agriculture in rural residential zoning, creating a problem where marijuana farms started to open in rural neighborhoods. Josephine County attempted to disallow agriculture in rural residential zoning, and push the marijuana farms out, through an ordinance. This attempt was overturned by court, because the county failed to follow a procedure as the marijuana farms were grandfathered in. Josephine County is now attempting to eliminate marijuana farming within its jurisdiction through an injunction.
- 4 SouthernOregon.com, "Climate." <http://www.southernoregon.com/southernoregonclimate/>
- 5 Sperling's Best Places, "Medford, Oregon." <https://www.bestplaces.net/climate/city/oregon/medford>
- 6 Medical marijuana is regulated by the Oregon Health Authority, while recreational marijuana is regulated by the Oregon Liquor Control Commission. This causes the regulations and enforcement for both sectors to be inconsistent, regardless of the similarities of the products.
- 7 Oregon Liquor Control Commission, "Recreational Marijuana." <http://www.oregon.gov/olcc/marijuana/Pages/default.aspx>
- 8 Danny Jordan, Interviewed by Laura Goddeeris and Will Fricke, May 9, 2018
- 9 Marijuana Business Daily, "Oregon marijuana oversupply driving out small farmers, lowering prices," April 18, 2018. <https://mjbizdaily.com/oregon-marijuana-oversupply-driving-out-small-farmers-lowering-prices/>
- 10 Denton Record-Chronicle, "Glut of marijuana in Oregon is cautionary tale, experts say," May 31, 2018. [https://www.dentonrc.com/ap/glut-of-marijuana-in-oregon-is-cautionary-tale-experts-say/article\\_3328b7ac-9e75-55ec-a645-e792fdb6d133.html](https://www.dentonrc.com/ap/glut-of-marijuana-in-oregon-is-cautionary-tale-experts-say/article_3328b7ac-9e75-55ec-a645-e792fdb6d133.html)
- 11 City of Ashland, "Marijuana in Ashland: What's next?" <https://www.ashland.or.us/Page.asp?NavID=16515>
- 12 City of Ashland, Council Communication, "Public Hearing on an Ordinance Amending Title 18 Land Use of the Ashland Municipal Code for Homegrown Marijuana and Marijuana-Related Businesses," December 1, 2015. [https://www.ashland.or.us/SIB/files/120115\\_Homegrown\\_Marijuana\\_and\\_Marijuana\\_Businesses\\_CC.pdf](https://www.ashland.or.us/SIB/files/120115_Homegrown_Marijuana_and_Marijuana_Businesses_CC.pdf)
- 13 Jackson County Clerk, "Official Precinct Rpts 2-29 - Amended," November 24, 2014. <http://jacksoncountyor.org/DesktopModules/EasyDNNNews/DocumentDownload.ashx?portalid=9&moduleid=5094&articleid=202397&documentid=197>
- 14 Shepherd, Katie, "Bitcoin Miners Are Flocking to Oregon for Cheap Electricity. Should We Give Them a Boost?" February 21, 2018. <http://www.wweek.com/news/business/2018/02/21/bitcoin-miners-are-flocking-to-oregon-for-cheap-electricity-should-we-give-them-a-boost/>

## CASE STUDY:

# Juneau, Alaska



Juneau is a rainy and temperate city, with its population largely located along the banks of the Gastineau Channel or in the Mendelhall Valley. Over one million tourists arrive in Juneau annually to visit the Mendenhall Glacier and surrounding landscape.

The Alaskan legal landscape and popular opinion regarding marijuana have fluctuated for over forty years. In 1975, the Alaska Supreme Court ruled that the personal use of a small amount of marijuana was constitutionally protected by the Alaskan Constitution's right to privacy clause.<sup>1</sup> In 1990, a passed ballot initiative recriminalized marijuana in the state, a law that was once again overturned by the courts, this time the Alaska Court of Appeals, in 2003. Just three years later, with Governor Frank Murkowski at the helm and emboldened by a political environment emphasizing "family values," the Alaska state legislature recriminalized marijuana, this time as a misdemeanor punishable by jail time.<sup>2</sup>

This law stood until the most recent marijuana ballot measure passed in November 2014, allowing possession of up to an ounce of marijuana and legalizing the commercial retail sale, manufacturing, testing, and



## COMMUNITY PROFILE

Population (2017): 32,094

Land Area (square miles): 2701.93

Median Household Income: \$87,436

Source: United States Census Bureau

cultivation of marijuana products.<sup>3</sup> This ballot initiative is seen as an attempt to regulate marijuana in a similar manner to alcohol. Juneau taxes retail marijuana at an 8-percent effective rate, with identical language and effective tax rate for alcohol sales. According to an analysis from Juneau’s Marijuana Committee, an 8-percent tax rate would mean anywhere from \$170,000 to \$455,000 in revenue from the marijuana sales tax per year.<sup>4</sup>

Juneau’s motivation for allowing commercial marijuana businesses in the city was twofold. The simplest reason is that voters wanted it. Officials also hold the belief that being overly restrictive would encourage black market sales.

After the 2014 ballot initiative was supported by 63 percent of Juneau voters, the City and Borough of Juneau immediately passed an eleven-month moratorium period on marijuana businesses; this was eventually extended to thirteen months to give time for a marijuana committee made up of assembly and planning commission members to work through the pending issues.<sup>5</sup> In this period, Juneau passed three ordinances: amending its indoor smoking ban to include marijuana, amending the “driving under the influence” definition to include marijuana, and amending the land use code to include regulations for marijuana businesses. Following the moratorium, Juneau passed additional regulations regulating marijuana oil extractions, allowing marijuana commercial business licenses, and requiring ventilation systems that prevent odor from being detected outside the premises.

One of the marijuana committee’s key early decisions was to not cap the total number of licenses, effectively allowing the market to determine how many marijuana businesses Juneau could support. With this approach, it took about one year for the local market to approach equilibrium.

The next decision made was zoning for retail, manufacturing, and testing. Commercial property in Juneau is generally not in conflict with sensitive uses, leaving those categories of commercial marijuana businesses generally unrestrictive within commercial zoning. However, the governing body and community of Juneau struggled with zoning on cultivation. Commercial cultivation is permitted in large-lot rural residential zoning to supplement Juneau’s limited industrial and commercial property. Local leaders cited strong citizen support of the state legalization measure in their decision.<sup>6</sup> Despite fears of unintentionally zoning cultivation



**Cannabis product manufacturing**

out of the market by restricting it to only commercial and industrial zones, all current cultivation businesses are located in nonresidential zones by happenstance, without complaints from residents. Many residents feared an influx of crime surrounding new marijuana businesses, something that did not materialize. Nevertheless, Juneau may ultimately restrict cultivation in the residential zones in the future because of the evidence that it would not be a burden on the industry.

All cultivation in Juneau is indoors. The state of Alaska allows outdoor cultivation, though the climate and terrain are often less than ideal for it. Wide open spaces that are both suitable for large farms and far enough from residential areas are nearly nonexistent in Juneau. Outdoor or “sunlight” cultivators do exist in the Fairbanks area of the state, where the terrain and weather are far friendlier to outdoor crops.<sup>7</sup>

Alaska’s state guidelines do not provide guidance on regulating onsite consumption of marijuana products. Juneau does not allow onsite consumption in an attempt to ensure its public smoking ban is not undermined. However, the city will be watching for state-level changes on the issue. In the future, there may be an opportunity to consider allowing sites with cultivation or manufacturing and onsite tasting, similar to many breweries and distilleries.

## Early Issues

While Juneau does allow testing labs, none exist in Juneau due to the difficulties of traveling to and from the city. There are no roads that connect Juneau to the outside world; all travel takes place through air and sea, and all facets of marijuana in Juneau have some associated transportation issues. The retailers in Juneau all grow their own products, but the most convenient test-

ing facilities are in Anchorage, necessitating a ninety-minute flight.

That flight caused some minor problems. Alaska state troopers are under a directive to facilitate the intrastate transportation of marijuana and to make sure transporters follow the law. Early on and without direction from the state, Juneau local police were advising commercial pilots at the municipally-run airport about marijuana in their cargo as a professional courtesy, believing that it was appropriate to advise the pilots of the breach of federal transportation laws. The practice was ended after police determined that the notification was unnecessary and contradictory to the effort to regulate marijuana similar to alcohol.

Another early, unintended consequence of introducing a legal marijuana market was black-market sellers targeting tourists who passed by the marijuana retail storefronts after hours. Eventually, the problem was dealt with by the retail business owners who witnessed the problem on their security cameras, and the need for local police involvement was and remains minimal. With more urgent concerns related to opioids, methamphetamines, and heroin, enforcement of marijuana violations by the state and local police takes a back seat to the more serious drug use problems in Alaska.<sup>8</sup> Overall, the local police work well with the marijuana businesses and assist with maintaining successful best security practices, treating commercial marijuana like any other business.

## Effects on Other Industries

One of Juneau's biggest economic drivers is tourism, with over one million cruise ship passengers visiting Juneau in 2017 to take in the glaciers and picturesque islands, as well as spend money at local businesses.<sup>9</sup> On any given day, tourists outnumber residents in Juneau's downtown area. An early concern was that some tourists would take the marijuana they buy to the parks, in violation of Juneau's public smoking ban. This concern did not end up materializing, either due to education about the public smoking ban or tourists being too busy with excursions.

Juneau has a medium-sized cadre of indoor vegetable growers, who do not appear to be affected by the marijuana growers. Marijuana growers tend to be more technology reliant and have more stringent security requirements, causing the overlap in desired properties and infrastructure to be minimal.

## Key Observations

While Juneau proceeded with marijuana regulation primarily to implement the will of the people and reduce black market activity, several local economic development opportunities have emerged. Transportation challenges and the accompanying limited market potential have limited interest from nonresidents. As a result, the industry has provided a Juneau-centric business opportunity for local residents.

Juneau's unique situation has also resulted in locally anchored and vertically integrated supply chains. Local retailers and concentrate producers, who also double as cultivators, bring marijuana trim on their testing trips to Anchorage. The trim is then sold to Anchorage edibles manufacturers, of which there are none in Juneau, in return for credit that the visiting business owners put toward manufactured products to sell in Juneau.

## Interviewee:

Rorie Watt, City Manager

## Endnotes

- 1 Christopher Ingraham, "Alaska legalized weed 39 years ago. Wait, what?" The Washington Post, September 24, 2014. [https://www.washingtonpost.com/news/wonk/wp/2014/09/24/alaska-legalized-weed-39-years-ago-wait-what/?noredirect=on&utm\\_term=.722b3ae4078c](https://www.washingtonpost.com/news/wonk/wp/2014/09/24/alaska-legalized-weed-39-years-ago-wait-what/?noredirect=on&utm_term=.722b3ae4078c)
- 2 Megan Edge and Laurel Andrews, "Timeline: notable moments in 40 years of Alaska's history with marijuana," Anchorage Daily News, April 13, 2014 (updated September 28, 2016). <https://www.adn.com/cannabis-north/article/alaska-weed-history/2014/04/14/>
- 3 "Ballot Measure No. 2-13PSUM, An Act to Tax and Regulate the Production, Sale, and Use of Marijuana." <http://www.elections.alaska.gov/doc/bml/BM2-13PSUM-ballot-language.pdf>
- 4 City and Borough of Juneau. "Potential 8% Sales Tax on Marijuana Retail Sales." <https://packet.cbjak.org/AttachmentViewer.ashx?AttachmentID=5315&ItemID=2936>
- 5 Office of the City Clerk, "CBJ Responds to Statewide Marijuana Initiative." [https://www.juneau.org/beta\\_transfer/clerk/ASC/MARIJUANA/Marijuana\\_Committee.php](https://www.juneau.org/beta_transfer/clerk/ASC/MARIJUANA/Marijuana_Committee.php)
- 6 The City and Borough of Juneau Assembly, "Commercial Cultivation of Marijuana in Residential Zones," March 21, 2016. [https://www.juneau.org/beta\\_transfer/clerk/ASC/MARIJUANA/documents/2016-03-22-Commercial\\_Cultivation\\_of\\_Marijuana\\_in\\_Residential\\_Zones.pdf](https://www.juneau.org/beta_transfer/clerk/ASC/MARIJUANA/documents/2016-03-22-Commercial_Cultivation_of_Marijuana_in_Residential_Zones.pdf)
- 7 "Fairbanks famer prepares to grow cannabis," Anchorage Daily News, June 14, 2016. [https://www.youtube.com/watch?v=mjUHWbN\\_a68](https://www.youtube.com/watch?v=mjUHWbN_a68)
- 8 Rorie Watt, interviewed by Laura Goddeeris and Will Fricke, April 16, 2018
- 9 Cruise Lines International Association, "Cruise Visitor Outlook, Is Regional Planning Important?" February 14, 2018. <https://www.dropbox.com/sh/kj55a7e6qdpag5gq/AABhD78QhmCp3ck-7gpTf6WCa/Feb%2014%202018/John%20Binkley?dl=0&preview=Southeast+Conference+Feb+2018+v+2-13-18.pptx#>

## CASE STUDY:

# Kirkland, Washington



Kirkland is a large Seattle suburb on the shores of Lake Washington. It is the home of a Google campus, numerous beachfront activities, and nearly 90,000 residents. In 2010, Kirkland annexed unincorporated areas of King County, increasing its population by approximately 33,000.

In Washington, recreational marijuana was put on the ballot via initiative following an intense signature collection period. Initiative 502, which proposed to legalize adult recreational use of marijuana, was among a slate of hot-button issues and offices that drew 81 percent of the state's registered voters to the polls in November 2012, with 56 percent voting "yes."<sup>1</sup> In King County, where Seattle, Kirkland, and Issaquah are situated, 60 percent of voters supported the initiative.<sup>2</sup>

King County municipalities began to make decisions on whether to allow cannabis businesses within their borders during the thirteen-month statewide moratorium imposed by Initiative 502, which ended on December 1, 2013.<sup>3</sup> The state allowed for municipalities to "opt out" via an extended or permanent moratorium, and many took the opportunity to enact such a ban. This change forced the issue of cannabis sales and produc-



## COMMUNITY PROFILE

**Population (2017 Census Estimate):**  
88,630

**Land Area (square miles):** 17.82

**Median Household Income:** \$95,939

*Source: United States Census Bureau*

tion in Kirkland, and the city council quickly decided against adopting a ban on commercial cannabis.

## Community Concern

In Kirkland, support for the legalization of marijuana was even stronger than in the surrounding area, with Initiative 502 receiving a “yes” vote from 66 percent of voters. It also received bipartisan support from the city council, stemming mostly from a desire to eliminate unregulated black-market cannabis sales. The city council and administration interpreted the wide support from Kirkland voters for Initiative 502 as a sign to begin crafting new local regulations that would allow commercial cannabis in the city. However, they quickly learned that support for commercial cannabis in theory does not always translate to support in practice.

City staff initially proposed to treat commercial cannabis like any other commercial business. This philosophy was reflected in the first prospective zoning map and regulations developed, which proposed to allow cannabis production, processing, and retail businesses to locate anywhere the existing zoning standards would otherwise allow, save for the minimum buffers required by the Washington State Liquor and Cannabis Board and the state-imposed limit of four retail locations in the city. This map was met with strong opposition to prospective retail locations.

Chief among residents’ concerns was the exposure children and teenagers would have to cannabis through legal storefronts. By treating cannabis retailers like other commercial businesses, initial draft regulations allowed for the prospect of having cannabis retailers located near or interspersed within residential areas. After listening to these concerns from residents, Kirkland opted to create retail cannabis buffers along designated school walk routes as well as near schools, limiting children and teenagers from passing by the businesses with regularity.<sup>4</sup>

The bans on commercial cannabis being imposed in surrounding municipalities created additional fears among some residents. They were afraid of becoming a “destination” for cannabis, with thousands from the surrounding municipalities coming to Kirkland solely to make purchases, a fear that thus far has not materialized. Similarly, many communities have concerns about a transient population arriving to set up shop in the commercial cannabis industry. In this case, those setting up commercial cannabis businesses were already

residents of Kirkland and the surrounding area, including two Google employees who founded a cannabis retail shop as a side business.

*“You cannot overestimate how much energy and concern there will be in the community over legalized marijuana....There is a lot more passion and concern in the community than we thought, so we spent a lot of time listening.”*

— Kurt Triplett

Like other municipalities, Kirkland residents showed the highest interest in attending city council hearings in recent memory during the debate period for legal commercial cannabis. However, most were prevented from speaking because of standard time limitations on public comment during Kirkland City Council hearings.<sup>5</sup> As a complement to the formal deliberation process, the city manager’s office, city council, and the planning director made a dedicated effort to engage with community members and talk through their concerns. A series of incremental changes made to the local regulations confirmed that residents’ input was being taken seriously and helped to dissipate fears following implementation.

## Public Safety

Perhaps the biggest issue as Kirkland debated commercial cannabis was the fear of additional public safety concerns created by these businesses, including their cash-based nature. Kirkland’s police department reached out to colleagues from similar-sized jurisdictions in Colorado, where commercial cannabis had been up and running for over a year, to ask them for advice and evidence regarding adverse public safety effects. Their colleagues found that with common sense safety regulations, the commercial cannabis businesses seemed to add no additional public safety issues to the area.

The general opinion of the Kirkland Police Department (KPD) on commercial cannabis could be characterized as “skeptical” at the beginning of the debate period. Many rank-and-file officers were not supportive of the move to legalize commercial cannabis in Kirkland, but the prospect of an effective mechanism to do away with the local black market was attractive. When commercial cannabis businesses became legal, the KPD was instructed by the Kirkland administration to avoid “de-policing” cannabis as whole and looking the other



**Cannabis products for sale**

way on all activity, rather than appropriately enforcing control of the legal and illegal markets.

## Current Landscape

The Washington State Liquor and Cannabis Control Board's database includes eleven records of administrative violations issued in Kirkland since 2015, most of which are related to product traceability, packaging, or advertising; two instances of sales to minors were cited.<sup>6</sup>

While public safety statistics since legalization have not caused significant concern, the traffic and parking demands associated with retail cannabis businesses have been slightly higher than the city anticipated.

## Key Observations

Kirkland's work to legalize commercial cannabis locally illustrates the challenges of translating theory into practice.

Kirkland's residents, while supportive of legalizing commercial cannabis at the ballot box, were hesitant to embrace actual implementation of this new policy. Other communities would be wise to anticipate time for honest and open conversation with residents about their expectations and what changes they are comfortable with. Kirkland feels that the effort from the planning director, manager's office, and council to engage with and listen to community members outside regular meetings went a long way to unpacking the cognitive dissonance surrounding legal cannabis.

As the process continued, Kirkland continued to modify regulations based on local feedback and conditions. As a strategy to keep commercial retail cannabis businesses "out of sight and out of mind" with respect

to children and teenagers, Kirkland opted to expand the sensitive use buffers required by Washington to include walk routes leading to its schools.

City Manager Kurt Triplett feels that his community benefited from the state-imposed, year-long moratorium. This process allowed Kirkland to have a lengthy research and review process for developing its new ordinances. Other app-era services, like Airbnb, have caused disruption and confusion in some communities without ample time to prepare for them. Washington avoided this problem with commercial cannabis due to the required moratorium following the November 2012 initiative. Industry proponents may argue otherwise, but evidence from Kirkland and other communities suggests there are benefits in taking time to phase in change, either through a self-imposed moratorium, trial periods with sunset provisions, and/or other measures ensuring regular monitoring and revisiting of how this emergent industry functions in a community.

## Interviewee:

*Kurt Triplett, City Manager*

## Endnotes

- 1 Office of the Secretary of State, "Gregoire and Reed certify 2012 election, including marriage and marijuana laws," December 5, 2012. <https://www.sos.wa.gov/office/news-releases.aspx#/news/1065>
- 2 Office of the Secretary of State, "November 06, 2012 General Election Results." November 27, 2012. [https://results.vote.wa.gov/results/20121106/Initiative-Measure-No-502-Concerns-marijuana\\_ByCounty.html](https://results.vote.wa.gov/results/20121106/Initiative-Measure-No-502-Concerns-marijuana_ByCounty.html)
- 3 State of Washington, "Initiative Measure No. 502," filed July 8, 2011. <https://sos.wa.gov/assets/elections/initiatives/i502.pdf>
- 4 Raechel Dawson, "Kirkland imposes new temporary marijuana zoning regulations," Kirkland Reporter, March 19, 2014. <http://www.kirklandreporter.com/news/kirkland-imposes-new-temporary-marijuana-zoning-regulations/>
- 5 Only three speakers are permitted on each side of an issue; that is, three may speak on the pro side of an issue and three may speak on the anti side. To show their support in another way, proponents of legal commercial cannabis distributed supportive t-shirts to their supporters, causing the hearings to be the most colorful in recent memory as well as the most popular.
- 6 Washington State Liquor and Cannabis Board, "Violations Dataset," June 21, 2018. <https://data.lcb.wa.gov/dataset/Violations-Dataset/dx3i-tzh2>

## CASE STUDY:

# Pacifica, California

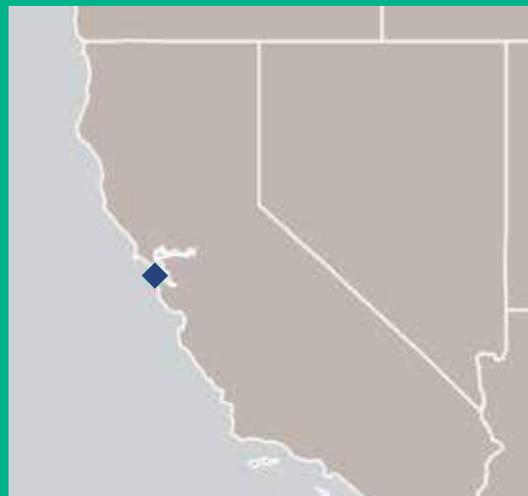


Pacifica is a seaside San Francisco suburb of nearly 40,000 residents. Lying on the Pacific Ocean side of San Mateo County, Pacifica is a popular surfing and hiking destination.

Cannabis legalization had overwhelming support from Pacifica residents as well as from the city council. The council acted swiftly in March 2017 to begin the process of allowing cannabis businesses in the city, holding a joint study session with the Pacifica Planning Commission. This study session was followed by planning commission and council meetings, which provided direction regarding the authoring of the ordinances that would allow commercial cannabis operations in Pacifica.

The ordinances, which were adopted in July 2017, would be triggered by the passing of a local excise tax on the gross receipts of cannabis sales. Seventy-nine percent of voters voted in favor of the tax, enacting the ordinances to allow legal cannabis operations.<sup>1</sup>

Pacifica decided to allow retail, manufacturing, and testing businesses, but decided against allowing commercial cultivation in the city. Unlike its neighbor to the south, Half Moon Bay, Pacifica does not have greenhouses or agricultural business infrastructure. Outdoor cultivation of any significant scale would have been inconsistent with the suburban character of the city.



## COMMUNITY PROFILE

**Population (2017):** 39,087

**Land Area (square miles):** 12.66

**Median Household Income:** \$103,545

*Source: United States Census Bureau*

## The Ordinances

Pacifica has two ordinances regulating cannabis operations. The first is a public safety ordinance, administered by the Pacifica Police Department, which governs the operation and licensing of cannabis businesses, requires background checks of owners and employees, and includes other safety requirements such as technological and physical security systems. It also includes provisions to curb nuisances such as loitering.

Pacifica's ordinances are stringent with respect to nuisance effects, with applicants required to prove that their business will not be a nuisance.

The second ordinance governs the cannabis zoning regulations in Pacifica. The city created five overlay districts for retail cannabis businesses: Fairmont, Linda Mar, Park Pacifica, Rockaway Beach, and Sharp Park. Each overlay district is limited to two retail businesses, and in total no more than six retail businesses are permitted in the city.<sup>2</sup> Pacifica set these limitations due to concerns about overconcentration, particularly in economically depressed areas. Cannabis testing and manufacturing businesses are not restricted to the overlay districts; those businesses are allowed within certain existing commercial zones. Pacifica also reduced one of the state's default sensitive use setbacks, from 600 feet to 200 feet for day care centers, because that setback was perceived as overly restrictive. Finally, the ordinance clarified local regulations for personal cultivation, including a prohibition on the use of artificial light for plants grown outdoors.

Together, these ordinances created a four-phase process for establishing cannabis businesses in Pacifica, involving a license and land use entitlement:

1. Public safety license applications are submitted to the police department for review.
2. Security plans are submitted to the police department for review.
3. Use permit applications are submitted to the planning department for review and public hearing with the planning commission.
4. The police chief issues licenses after confirming compliance with preceding steps.

Pacifica launched this process directly after the enactment of the ordinances following the November 2017 election, when the local excise tax was passed. The local tax, initially set at 6 percent of gross receipts for the first two years, was projected by city staff to generate \$420,000 in the industry's first full year of

operation. Council retained the option to decrease or increase the rate up to 10 percent after two years.<sup>3</sup>

Upon launch of the licensing process, the city received over thirty applications for cannabis businesses.

## Public Safety

While Pacifica has had illegal medical cannabis dispensaries operating since 2010, calls for service regarding illegal cannabis were few. The illegal establishments likewise were not a burden on law enforcement. However, those establishments did not report burglaries and other crime on their property due to the risk of facing charges themselves. With legalization, the now-legal businesses follow common sense safety regulations while falling under the protection umbrella of the Pacifica Police Department.

*"Changes in culture statewide have caused a paradigm shift in the way cities and law enforcement are approaching decisions regarding cannabis businesses. Our community and council have expressed their desire for this program to exist in Pacifica. It is our job to administer the program in a way that promotes safety and fosters a positive and collaborative relationship with cannabis business owners."*

— Dan Steidle

## Key Observations

The city reached out for assistance and examples of how to regulate its cannabis industry. It looked to large cities in the area such as San Francisco, Berkeley, and Oakland, but the beach town nature and lack of a large commercial sector in Pacifica made comparisons difficult. A more beneficial route was working with experienced consultants on the business aspects of regulations.

## Interviewees:

Lorenzo Hines, Assistant City Manager, Tina Wehrmeister, Planning Director, Dan Steidle, Chief of Police

## Endnotes

- 1 County of San Mateo, Assessor-County Clerk-Recorder & Elections, "November 7, 2017 Consolidated Municipal, School, and Special District Election." <https://www.smcacre.org/post/november-7-2017-0>
- 2 Municipal Code, Article 17.5 "MO Marijuana Operation Overlay District." [https://library.municode.com/ca/pacifica/codes/code\\_of\\_ordinances?nodeId=TIT9PLZO\\_CH4ZO\\_ART17.5MOMAPOVDI\\_S9-4.1753OVDICR](https://library.municode.com/ca/pacifica/codes/code_of_ordinances?nodeId=TIT9PLZO_CH4ZO_ART17.5MOMAPOVDI_S9-4.1753OVDICR)
- 3 Municipal Code, Article 17.5, Sec. 9-4.1753, "Overlay districts created." <http://www.cityofpacifica.org/civicax/filebank/blobdload.aspx?BlobID=12901>

## CASE STUDY:

# Santa Rosa, California



Santa Rosa is the largest city in Sonoma County and California's Wine Country. The city is known for its diversity, with a large Mexican-American and LGBT community. In October 2017, severe wildfires destroyed thousands of homes in Santa Rosa.

### History/Background

Medical cannabis dispensaries have been allowed in Santa Rosa since 2005, but other aspects of the cannabis industry were only authorized in early 2016. Prior to the passage of Proposition 64 in California, the Santa Rosa City Council authorized the licensing of medical cannabis cultivation, manufacturing, testing, and distribution.

Santa Rosa was ahead of the curve with respect to California municipalities, making it clear after the passage of Proposition 64 that it wanted to broadly allow commercial cannabis businesses. City officials recognized the cannabis industry was already operating in Santa Rosa, both through black market activity and the "gray market" state-sanctioned medical dispensaries that operated without local input. In legitimizing the industry, the Santa Rosa City Council and administration saw an opportunity to ensure compliance with



## COMMUNITY PROFILE

**Population (2017): 175,269**

**Land Area (square miles): 51.29**

**Median Household Income: \$62,705**

*Source: United States Census Bureau*

*“It was important to have a clear direction from the council on what the approach was going to be.”*

– Sean McGlynn

permitting, planning, and public safety standards and to create a revenue stream for the city. The city also reasoned that any part of the industry not officially permitted would continue to operate in Santa Rosa without regard for negative externalities, hence their decision to allow all elements of the supply chain from cultivation through retail sales.

## Process and Regulations

“Bring certainty to a very uncertain landscape” was a driving philosophy in Santa Rosa’s efforts to carefully and thoughtfully regulate the commercial cannabis industry. The city council—leaning on its background in public safety—prioritized developing a path to compliance and building trust between the community and the industry.

*“The motivation was to get more people to be compliant so that they could be legitimate. We could tax it, and actually make it part of our community.”*

– Clare Hartman

City staff and the City Council’s Cannabis Policy Subcommittee members were tasked with learning all they could about the cannabis industry and its potential effects on infrastructure, health, services, and more. Setting up an interdepartmental work team, staff reached out to their counterparts in other communities in Colorado, Oregon, and Washington with experience in regulating cannabis. But as an early community to opt-in on legal cannabis, Clare Hartman, Santa Rosa’s deputy director – planning, acknowledged that “we were building the program as it was happening to us.”

Over the course of two years, Santa Rosa administrative and planning staff took time to attend community and neighborhood meetings in order to address concerns over specific land use permitting for cannabis businesses. The presence of former Santa Rosa Police Chief Tom Schwedhelm and Cannabis Policy Subcommittee member Ernesto Olivares, a former Santa Rosa police lieutenant, likely helped some residents feel more comfortable that the public safety aspect of cannabis businesses was being considered. Council took



Cannabis oil

up the issue at more than twenty full or subcommittee meetings and implemented a series of interim regulations before finally passing a comprehensive ordinance in early 2018. When it finally came up for public hearing, the pressing issues had been thoroughly discussed between residents and administrators, leading to an undramatic and anti-climactic vote.

Santa Rosa favored a transparent approach and decided against administratively approved permits for most cannabis businesses. Instead, it opted to issue use permits through a process requiring public notices and, in many cases, public hearings and action by the planning commission. It allows cannabis businesses to be located in the same areas as their non-cannabis counterparts. Recognizing additional concerns associated with cannabis, including those gathered from public outreach, the city was proactive in layering additional regulations related to security protections, standards to prevent odor, and sensitive use setbacks. While public interest has been piqued by businesses proposed in close proximity to residential areas, these regulations have generally provided sufficient assurances to neighborhoods’ nuisance concerns.

## Growing a Compliant Industry

Thus far, Santa Rosa has approved over forty land use permits for cannabis cultivation (indoor only, including greenhouses), manufacturing, testing, distribution, and medical retail businesses. Commercial retail applications were accepted in April 2018 and will proceed through the evaluation and conditional use permit process through the rest of the year. There is no explicit limit on the number of cannabis business licenses, though 600-foot setback requirements for cannabis

retail businesses to prevent over-concentration and buffer sensitive uses implicitly cap that sector.<sup>1</sup>

Many manufacturers of cannabis products were already operating in Santa Rosa when the city began creating its cannabis land use regulations and licensing the industry. The pre-existing businesses were often not operating in appropriate areas, such as in residences or in residential zones. Many have since found legitimate and licensed locations, and some existing businesses partnered to share the cost of moving and licensing. Providing a path to compliance has also enabled the city to learn more about the industry's operators, which notably include a share of single, female head-of-households.

Absent an explicit cap, the market for appropriate commercial and industrial land has proved to be a challenge for cannabis businesses in Santa Rosa, which compete against each other as well as with complementary boutique tourism industries such as breweries and wineries. Industrial land vacancy rates have dropped from 12.2 percent in 2014 to 4.6 percent in 2017.<sup>2</sup> But Santa Rosa is wary of letting cannabis businesses dominate its economy, as the region is in the process of rebuilding from the recent wildfires, and the city wants to ensure space for contractors and specialty trades, among many other industries. The city convenes an interdepartmental follow-through program to monitor the cannabis industry's growth and consider potential interventions in response to local effects or modifications to the state law.

Though Santa Rosa regulations intentionally direct commercial cannabis businesses away from residential land, the abundance of cannabis cultivation in the region is causing problems for law enforcement. Between February and May 2018, multiple home invasions took place in Sonoma County, including two in Santa Rosa. These crimes target private residences that legally grow cannabis for personal use, which are not required to follow the strict security regulations that licensed cannabis businesses abide by. Law enforcement believes the illegality of cannabis on the east coast and the resulting high street value is at the root of the problem.<sup>3</sup>

## Key Observations

Santa Rosa believes that its permissive early approach was the correct one. Observations of other jurisdictions showed that a piecemeal approach, prohibiting certain sectors of the cannabis industry while allowing others, was ineffective in quelling the problem of black market businesses. Preferring to allow the industry to operate and regulate it led the city to permit indoor/greenhouse cultivation despite limited presence of any other agricultural activity within city limits.

Staff credit the council for its clear direction regarding a path to compliance, which provided the motivation and resources necessary to coordinate across diverse stakeholders, including an industry not accustomed to working with government. This process opened up opportunities to build trust and navigate ambiguity around public safety and code enforcement.

Other communities in the region have followed suit. Cloverdale, Cotati, and Sebastopol, incorporated cities with populations of 8,618, 7,265, and 7,379, respectively, decided to allow commercial cannabis activities such as cultivation and manufacturing after observing Santa Rosa and having conversations with Santa Rosa planning staff; like Santa Rosa, these communities have the intention of benefiting through regulatory control of commercial cannabis and associated tax revenue.

### Interviewees:

*Sean McGlynn, City Manager*

*Clare Hartman, Deputy Director - Planning*

## Endnotes

- 1 City of Santa Rosa, "Cannabis FAQ's: Distance to School." <https://srcity.org/DocumentCenter/View/18731/Distance-to-school>
- 2 City of Santa Rosa Planning & Economic Development, "Cannabis Permitting Update," January 12, 2018. <https://srcity.org/DocumentCenter/View/18714/2018-01-12-Cannabis-Permit-Activity-Update>
- 3 "Sonoma sees spate of marijuana-related home invasions," The Mercury News, May 4, 2018. <https://www.mercurynews.com/2018/05/04/sonoma-county-sees-spate-of-marijuana-related-home-invasions/>

## About the Authors

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**Laura Goddeeris**, AICP, oversees ICMA's applied research on local government practices, programs, partnerships, and policies as Director of Survey Research. Prior to joining ICMA, she gained over a decade of experience in research, outreach, and program administration around issues of community and economic development, local and regional food systems, and transportation science. While based in Michigan, she also worked closely with municipal staff for years as chair of her local planning commission and community development advisory committee. Laura holds a Master's in Urban Planning and Policy from the University of Illinois at Chicago.

**Will Fricke** is member of ICMA's Research and Policy Team, carrying out research projects and survey research. His work covers a wide array of topics such as service delivery, land use, and form of government. Will is a graduate of the University of Connecticut.

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# ICMA

INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION

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Village of River Forest  
Village Administrator's Office  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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## MEMORANDUM

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Date: December 5, 2019

To: Catherine Adduci, Village President  
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Next Steps – Wildlife Management Program

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**Issue:** At the last Village Board meeting, Staff presented an intergovernmental agreement for consideration that would begin to address concerns about the current deer population in River Forest. The Village Board decided not to vote on that agreement, but rather have further discussion regarding the issue as well as create a task force to conduct further research and deliverable items.

**Analysis:** As you move forward with the creation of task force to discuss deer and potentially other wildlife issues in town, the following questions can be used as a starting point for those discussions:

- How many residents should be on this task force? How should they be chosen? Who will choose them?
- What will be the goals and objectives of the task force?
- What are the benchmarks (other than car accidents) that we will use to measure our success?
- What data do we need to assist the task force? Or, should we let the task force choose what data they need? Will that data be enough? Where will we get the data? Who will assist us on getting the data?
- What Trustee (or two) will lead the task force?
- What other agencies should we work with?
- Should we hire a consultant? If we hire a consultant, what is our budget?
- Should we do a community survey? If yes, what should be the budget? Or, should we let the task force determine that?
- And, last what is the timeline we should give the task force to come back with recommendations? Should we ask for short term recommendations? Long term recommendations?

Further, our Public Works and Police address immediate deer issues on residents' private property as a service, even though there is no obligation to do so. Should we continue to do that? If so, do we begin to charge for that service?

**Recommendation:** Consider the above questions to help formulate the plan for the task force and subsequent recommendations regarding deer/wildlife management.



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River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: December 5, 2019

To: Eric Palm, Village Administrator

From: Lisa Scheiner, Assistant Village Administrator

Subj: Village Code Amendments – Regulation of Cannabis (Non-Land Use Issues)

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**Issue:** The CRTA (Cannabis Regulation and Text Act) will allow the legal consumption of recreational cannabis by adults age 21 and over effective January 1, 2020. In anticipation of this change the Village Attorney and Village Staff have identified various sections of the River Forest Village Code unrelated to zoning and land use issues that should be updated with regard to the regulation of cannabis. The Village has also identified updates that should be made to the Personnel Policy Manual's "Drug Free Workplace Policy."

**Analysis:**

*Amendments to the Village Code are proposed as follows:*

- I. Amend Section 3-1-14. Business Regulations, General Licensing, Regulation Of Hours Of Operation Of Certain Retail Premises – Any business primarily devoted to the sale at retail of grocery food, beverages, ~~drugs~~ pharmaceuticals, or sundries, commonly known as supermarkets or ~~drugstores~~ pharmacies, consisting of fourteen thousand gross square feet or more, shall be permitted to be in operation only between the hours of seven o'clock A.M. and twelve o'clock midnight. Regulations pertaining to any premises with a liquor license shall also be governed by the provisions of title 8, chapter 5 of this code. Regulations pertaining to any premises selling cannabis shall be governed by the provisions of Title 10 of this Code.

*Note: Title 10 is the Village's Zoning Ordinance. Amending the Village code in this manner provides that hours of operation for cannabis business establishments will be regulated by the Zoning Ordinance.*

- II. Amend Section 6-5-3.B.1.b. Health and Sanitation, Foods and Food Establishments, Adulterated and Misbranded Food -
  - B. When Article Deemed Misbranded: For the purpose of this Chapter, an article of food shall be deemed to be misbranded:
    1. In Case of Food:

- b. "If it is so labeled as to make the identity of the manufacturer, packer or dealer who sells or offers the same for sale uncertain or doubtful, or which is so labeled or branded as to indicate on the receptacle, vessel or container the name of any firm or corporation other than the firm or corporation actually manufacturing, packing or dealing in the article or product so sold or offered for sale; or if it is labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and refilled by contents of a different quality or of a different manufacturer, packer or dealer, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, ~~cannabis indica~~, chloral hydrate or acetanilid or any derivatives or preparation of any such substance contained therein."

III. Amend Section 6-9-4.C.1. Health and Sanitation, Homeless Shelters, Requirements, Physical Security -

1. Guests shall be screened upon entering a shelter and shall not be allowed to enter if they
  - a. "Exhibit symptoms of intoxication by alcohol or any illegal drug. Such symptoms might include but are not limited to: incoherent or slurred speech, inability to stand or walk unsupported (in the absence of a permanent disability), inability to stay awake or presence of a strong odor of an alcohol beverage.
  - b. Possess alcohol or any ~~nonprescription illegal~~ drugs.
  - c. Possess a firearm, firearm ammunition or any other weapon.
  - d. Are disorderly or abusive."

IV. Amend Section 8-5-11.D. Police Regulations, River Forest Liquor Control Ordinance, Classification of Local Liquor License -

- D. Class 4 – Package Alcoholic Liquor: A Class 4 local liquor license shall authorize the sale, on the premises specified in the license, of alcoholic liquor for consumption not on the premises ("package sales"). Package sales shall be limited to premises primarily devoted to the sale at retail of grocery food, commonly known as supermarkets, and pharmaceuticals ~~drugs~~ and sundries, commonly known as pharmacies ~~drugstores~~, if the pharmacy ~~drugstore~~ is operated in conjunction, and shares a common entrance with, a supermarket, both totally consisting of not less than fourteen thousand gross above grade square feet, subject to the following conditions and restrictions: [...]"

V. Create Section 8-5-25.I. Police Regulations, River Forest Liquor Control Ordinance, Prohibited Activities on Licensed Premises –

- I. No Sale Or Consumption Of Cannabis: No licensee shall sell cannabis at a licensed premises. The consumption of cannabis at a licensed premises is prohibited. No licensee shall permit the consumption of cannabis at a licensed premises.

VI. Amend Section 8-6-4, Police Regulations, Public Offense, Controlled Substances or Cannabis, Prohibitions –

A. Definitions:

~~CONTROLLED SUBSTANCE OR CANNABIS~~: Any drug or controlled substance ~~or cannabis~~ as defined in 720 Illinois Compiled Statutes 570/102.

DRUG PARAPHERNALIA: Articles or equipment commonly used in the consumption or ingestion of controlled substances or cannabis shall include, but are not limited to, the following enumerated articles: cocaine spoons, pot pipes, water pipes, hypodermic needles, syringes, roach clips and literature devoted wholly or substantially to describing or illustrating explicitly the consumption or ingestion of a controlled substance or cannabis which tends to promote the use of a controlled substance or cannabis.

Words and phrases not defined in this Section shall have the meaning given to them in the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq, as amended, the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq, as amended, the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, et seq, as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq, as amended.

B. Possession Of Cannabis: It shall be unlawful for any person under the age of 21 years knowingly to possess any quantity of cannabis, ~~and it shall be a violation of this section to possess an amount not exceeding thirty grams~~

1. Except if otherwise authorized by law, for a person who is 21 years of age or older and a resident of the State of Illinois, it shall be unlawful for any person to possess cannabis in excess of the following possession limits:

- a. 30 grams of cannabis flower;
- b. no more than 500 milligrams of THC contained in cannabis-infused product;
- c. 5 grams of cannabis concentrate; and
- d. for registered qualifying patients, any cannabis produced by cannabis plants grown under 410 ILCS 705/10-5(b), provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

2. For a person who is 21 years of age or older and who is not a resident of the State of Illinois, the possession limit is:

- a. .15 grams of cannabis flower;
- b. 2.5 grams of cannabis concentrate; and
- c. 250 milligrams of THC contained in a cannabis-infused product.

The possession limits found in subsections B.1. and B.2. of this Section are to be considered cumulative.

C. Displays And Exhibits: It is unlawful for any person publicly to exhibit or display for sale any drug paraphernalia, articles or equipment commonly used in the consumption or ingestion of controlled substances ~~or cannabis~~, except where such articles are prescribed for strictly medical purposes and are used as such.

- D. Sale To Minors: It is unlawful for any person to sell or offer to sell any paraphernalia, articles or equipment commonly used in the consumption or ingestion of controlled substances ~~or cannabis~~ to any person under the age of eighteen years, except where such articles or equipment are prescribed for strictly medical purposes and are used as such. It is unlawful for any person to sell or offer to sell any paraphernalia, articles or equipment commonly used in the consumption or ingestion of cannabis to any person under the age of 21 years, except where such articles or equipment are prescribed for strictly medical purposes and are used as such.
- E. Violation: Whenever a police officer of the village observes a violation of this section, he may issue a violation notice to the person committing the violation. The violation notice shall be signed by the police officer and shall include the following:
1. The name of the person violating this section and his or her address, if known.
  2. The nature of the offense.
  3. Every person found guilty of violating this section shall be guilty of a petty offense and be punished by a fine of not more than seven hundred fifty dollars. ~~In lieu of, or in addition to, a finding of guilt and/or a fine, a judicial officer may order a person to complete up to forty hours of community service, under an order of supervision if appropriate. as follows:~~
    - a. The first violation of this section shall be punishable by a fine of no less than two hundred fifty dollars nor more than seven hundred fifty dollars. Up to forty hours of community service may be substituted for all or part of this fine. A sentence of community service will be accompanied by a minimum fine of fifty dollars.
    - b. A second violation of this section by the same person within a twelve month period shall be punishable by a fine of no less than five hundred dollars nor more than seven hundred fifty dollars.
    - c. A third or subsequent violation of this section by the same person within a twelve month period shall be punishable by a fine of no less than seven hundred fifty dollars."

*Amendments to the Personnel Policy Manual's Drug Free Workplace Policy:*

The attached document provides a red-line copy of Section 7.5 of the Personnel Policy Manual, "Drug Free Workplace Policy," clarifies that employees not covered by a union contract may not consume cannabis while on-duty, on-call, or on-premises. They may consume legal substances, including cannabis, while off-duty and not on-call, however, these employees cannot come to work under the influence of any substance, legal or illegal, that impairs their ability to safely perform the essential functions of their job.

Changes to the Personnel Policy Manual do not supersede provisions of collective bargaining agreements (union contracts). Employees covered by those contracts include Police Officers and Sergeants, Firefighters/Paramedics, Fire Lieutenants, and Public Works (which includes Water Operators and Maintenance Workers). Although the action the Village Board is asked to take on

December 9<sup>th</sup> with regard to the Personnel Policy Manual does not apply to those employees, it is important to note the regulations that do apply to these employees.

- Public Works employees who are covered by the union contract hold CDLs and as a result they may not consume recreational or medical cannabis on or off-duty. In order to comply with state and federal guidelines, these employees are required to submit to suspicion-less and suspicion-based drug and alcohol testing, which includes a test for the presence of cannabis. The union contract also provides guidelines for action in the event an employee tests positive for a controlled substance.
- Public safety employees (including sworn Police Officers and Sergeants, and Firefighters/Paramedics and Fire Lieutenants) may not consume recreational or medical cannabis on-duty and the recent trailer bill to the CRTA clarified that they also may not consume it off-duty. In order to comply with state regulations, these employees are required to submit to suspicion-based drug and alcohol testing, which includes a test for the presence of cannabis. Under state law, Police Officers must also submit to testing in the event they are involved in an officer-involved shooting.

The Village has the authority through its Personnel Policy Manual and all Union Contracts to remove any employee from duty and send him/her for a medical examination if there is a concern that the employee may not be capable of safely performing his/her job duties whether it is as a result of an illness, injury or impairment through the use of legal or illegal substances (including drugs, alcohol, or medication). Any employee who violates the Village's standards may be disciplined, up to and including termination.

**Requested Actions:**

1. Motion to adopt an Ordinance Amending the River Forest Village Code Regarding the Regulation of Cannabis
2. Motion to approve amendments to the Village's Personnel Policy Manual Drug Free Workplace Policy

**Attachments:**

- Ordinance
- Personnel Policy Manual Section 7.5. Drug Free Workplace Policy

NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE RIVER FOREST VILLAGE CODE  
REGARDING THE REGULATION OF CANNABIS**

**WHEREAS**, the Village of River Forest (“Village”), is a non-home rule unit of local government as provided by Article VII, Section 7 of the Illinois Constitution of 1970; and

**WHEREAS**, in order to best serve the public’s health, safety and welfare, the President and Board of Trustees of the Village desire to make certain amendments to the River Forest Village Code (“Village Code”) regarding the regulation of cannabis;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

**SECTION 1: Incorporation.** That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION 2: Amendment.** That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

**Amendment One:**

Section 3-1-14 of the Village Code, entitled “Regulation Of Hours Of Operation Of Certain Retail Premises,” is hereby amended as follows:

“Any business primarily devoted to the sale at retail of grocery food, beverages, ~~drugs~~ pharmaceuticals, or sundries, commonly known as supermarkets or ~~drugstores~~ pharmacies, consisting of fourteen thousand gross square feet or more, shall be permitted to be in operation only between the hours of seven o'clock A.M. and twelve o'clock midnight. Regulations pertaining to any premises with a liquor license shall also be governed by the provisions of title 8, chapter 5 of this code. Regulations pertaining to any premises selling cannabis shall be governed by the provisions of Title 10 of this Code.”

**Amendment Two:**

Section 6-5-3.B.1.b. of the Village Code is hereby amended as follows:

“If it is so labeled as to make the identity of the manufacturer, packer or dealer who sells or offers the same for sale uncertain or doubtful, or which is so labeled or branded as to indicate on the receptacle, vessel or container the name of any firm or corporation other than the firm or corporation actually manufacturing, packing

or dealing in the article or product so sold or offered for sale; or if it is labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and refilled by contents of a different quality or of a different manufacturer, packer or dealer, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, ~~cannabis indica~~, chloral hydrate or acetanilid or any derivatives or preparation of any such substance contained therein.”

**Amendment Three:**

Section 6-9-4.C.1. of the Village Code is hereby amended as follows:

- “a. Exhibit symptoms of intoxication by alcohol or any illegal drug. Such symptoms might include but are not limited to: incoherent or slurred speech, inability to stand or walk unsupported (in the absence of a permanent disability), inability to stay awake or presence of a strong odor of an alcohol beverage.
- b. Possess alcohol or any ~~nonprescription~~ illegal drugs.
- c. Possess a firearm, firearm ammunition or any other weapon.
- d. Are disorderly or abusive.”

**Amendment Four:**

Section 8-5-11.D. of the Village Code, entitled “Class 4 – Package Alcoholic Liquor,” is hereby amended as follows:

“Class 4 - Package Alcoholic Liquor: A Class 4 local liquor license shall authorize the sale, on the premises specified in the license, of alcoholic liquor for consumption not on the premises ("package sales"). Package sales shall be limited to premises primarily devoted to the sale at retail of grocery food, commonly known as supermarkets, and pharmaceuticals ~~drugs~~ and sundries, commonly known as pharmacies ~~drugstores~~, if the pharmacy ~~drugstore~~ is operated in conjunction, and shares a common entrance with, a supermarket, both totally consisting of not less than fourteen thousand gross above grade square feet, subject to the following conditions and restrictions: [...]”

**Amendment Five:**

Section 8-5-25.I. of the Village Code, entitled “No Sale Or Consumption Of Cannabis,” is hereby created and shall read as follows:

“No licensee shall sell cannabis at a licensed premises. The consumption of cannabis at a licensed premises is prohibited. No licensee shall permit the consumption of cannabis at a licensed premises.”

**Amendment Six:**

Section 8-6-4 of the Village Code, entitled “Controlled Substances or Cannabis, Prohibitions,” is hereby amended as follows:

“A. Definitions:

~~CONTROLLED SUBSTANCE OR CANNABIS:~~ Any drug or controlled substance ~~or cannabis~~ as defined in 720 Illinois Compiled Statutes 570/102.

DRUG PARAPHERNALIA: Articles or equipment commonly used in the consumption or ingestion of controlled substances or cannabis shall include, but are not limited to, the following enumerated articles: cocaine spoons, pot pipes, water pipes, hypodermic needles, syringes, roach clips and literature devoted wholly or substantially to describing or illustrating explicitly the consumption or ingestion of a controlled substance or cannabis which tends to promote the use of a controlled substance or cannabis.

Words and phrases not defined in this Section shall have the meaning given to them in the Illinois Cannabis Control Act, 720 ILCS 550/1, et seq, as amended, the Illinois Controlled Substances Act, 720 ILCS 570/100, et seq, as amended, the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1-1, et seq, as amended, and the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq, as amended.

B. Possession Of Cannabis: It shall be unlawful for any person under the age of 21 years ~~knowingly~~ to possess any quantity of cannabis, ~~and it shall be a violation of this section to possess an amount not exceeding thirty grams.~~

1. Except if otherwise authorized by law, for a person who is 21 years of age or older and a resident of the State of

Illinois, it shall be unlawful for any person to possess cannabis in excess of the following possession limits:

a. 30 grams of cannabis flower;

b. no more than 500 milligrams of THC contained in cannabis-infused product;

c. 5 grams of cannabis concentrate; and

d. for registered qualifying patients, any cannabis produced by cannabis plants grown under 410 ILCS 705/10-5(b), provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

2. For a person who is 21 years of age or older and who is not a resident of the State of Illinois, the possession limit is:

a. 15 grams of cannabis flower;

b. 2.5 grams of cannabis concentrate; and

c. 250 milligrams of THC contained in a cannabis-infused product.

The possession limits found in subsections B.1. and B.2. of this Section are to be considered cumulative.

C. Displays And Exhibits: It is unlawful for any person publicly to exhibit or display for sale any drug paraphernalia, articles or equipment commonly used in the consumption or ingestion of controlled substances ~~or cannabis~~, except where such articles are prescribed for strictly medical purposes and are used as such.

D. Sale To Minors: It is unlawful for any person to sell or offer to sell any paraphernalia, articles or equipment commonly used in the consumption or ingestion of controlled substances ~~or cannabis~~ to any person under the age of eighteen years, except where such articles or equipment are prescribed for strictly medical purposes and are used as such. It is unlawful for any person to sell or offer to sell any paraphernalia, articles or equipment commonly used in the consumption or ingestion of cannabis to any person under the age of 21 years, except where such articles or equipment are prescribed for strictly medical purposes and are used as such.

E. Violation: Whenever a police officer of the village observes a violation of this section, he may issue a violation notice to the person committing the violation. The violation notice shall be signed by the police officer and shall include the following:

1. The name of the person violating this section and his or her address, if known.

2. The nature of the offense.

3. Every person found guilty of violating this section shall be guilty of a petty offense and be punished ~~by a fine of not more than seven hundred fifty dollars. In lieu of, or in addition to, a finding of guilt and/or a fine, a judicial officer may order a person to complete up to forty hours of community service, under an order of supervision if appropriate.~~ as follows:

a. The first violation of this section shall be punishable by a fine of no less than two hundred fifty dollars nor more than seven hundred fifty dollars. Up to forty hours of community service may be substituted for all or part of this fine. A sentence of community service will be accompanied by a minimum fine of fifty dollars.

b. A second violation of this section by the same person within a twelve month period shall be punishable by a fine of no less than five hundred dollars nor more than seven hundred fifty dollars.

c. A third or subsequent violation of this section by the same person within a twelve month period shall be punishable by a fine of no less than seven hundred fifty dollars.”

**SECTION 3: Continuing Effect.** That all parts of the Village Code not amended herein shall remain in effect.

**SECTION 4: Severability.** That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 5: Repeal.** That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

**SECTION 6: Effectiveness.** That this Ordinance shall be in full force and effect upon its passage and approval according to law.

**PASSED** this 9th day of December, 2019 by the Village President and Board of Trustees pursuant to a roll call vote as follows:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

**APPROVED** by me this 9th day of December, 2019.

\_\_\_\_\_  
Catherine Adduci, Village President

ATTEST:

\_\_\_\_\_  
Kathleen Brand-White, Village Clerk

## SECTION 7.5. DRUG FREE WORKPLACE POLICY

The Village is committed to maintaining a work place that is free from the effects of drug, cannabis and alcohol use. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. Drug, cannabis and alcohol misuse is inconsistent with the Village's longstanding commitment to the principle that professionalism in the delivery of public service can only be maintained through an alcohol and drug-free work environment. Employees who violate this policy are subject to appropriate discipline up to and including discharge.

In accordance with the Federal Drug-Free Work Place Act of 1988, Village employees shall not manufacture, distribute, dispense, possess or use illicit drugs, unauthorized prescription drugs, cannabis, alcohol or controlled substances on the premises of any Village building or facility (unless authorized), in Village-owned vehicles, or during work hours. Likewise, employees also are prohibited from being under the influence of illegal drugs, controlled substances, cannabis, unauthorized prescription drugs or alcohol on the premises of any Village building or facility (unless authorized), in Village-owned vehicles, or during work hours. Compliance with this policy is a condition of employment. Sanctions for violation of this policy extend to and include dismissal and referral for prosecution consistent with applicable local, state and federal law.

This policy does not apply to the lawful use of prescription drugs under the supervision of a licensed healthcare professional and within the limits of a valid prescription. An employee who has been prescribed drugs or who is taking over-the-counter medications that come in containers with warnings about drowsiness or interference with the ability to operate machinery or drive safely, is required, however, to consult with his or her doctor or pharmacist about the medication's effect on the employee's ability to perform his or her job safely, and to immediately disclose to his or her supervisor any medication-related work restrictions. Employees should not, however, disclose the type of drugs they have been prescribed or the underlying medical conditions, impairments or disabilities unless specifically directed to do so by their doctors or asked to do so by the Village.

It is the policy of the Village to conduct drug/alcohol testing where it has reason to believe that an employee may be under the influence of alcohol, cannabis, illegal drugs or other controlled substances. In addition, any employee who is reasonably believed to have caused or contributed to an accident which resulted in personal injury requiring medical treatment away from the scene of the accident, which disabled a piece of equipment or at the discretion of the Supervisor following an accident shall be tested for alcohol, cannabis, illegal drugs or other controlled substances. Further, employees employed in safety sensitive positions are subject to periodic or random testing. Employees subject to D.O.T. testing shall be tested in accordance with D.O.T. regulations in addition to the testing and discipline provisions of this policy. Refusal to submit to testing will result in disciplinary action, up to and including dismissal.

As a condition of initial or continued employment, employees shall abide by the terms of this policy and shall notify the Village Administrator of any criminal drug statute

conviction, guilty or nolo contendere plea for a violation no later than five days after such conviction or plea.

For purposes of this policy, the term "controlled substance" means a controlled substance listed in the Illinois Controlled Substances Act (720 ILCS 570) ~~or Cannabis Control Act (720 ILCS 550)~~ and substances listed in Schedules I through V of the Federal Controlled Substances Act (21 U.S.C. ' 812), as further defined by regulation at 21 CFR ' ' 1308.11 through 1308.15. Among other substances, it includes such illegal drugs as ~~marijuana~~, cocaine, crack, PCP, heroin, morphine and LSD listed in schedules I through V of Section 202 of the Controlled Substances Act (21 USC ' 812-). ). Cannabis shall not be considered a controlled substance for purposes of this policy. For the purpose of determining whether the employee is under the influence of alcohol in violation of this policy, test results showing an alcohol concentration of .02 or more based upon the grams of alcohol per 100 millimeters of blood will be considered positive, and results showing an alcohol concentration of .0199 or less shall be considered negative.

*Cannabis Possession, Use or Impairment While On-Duty or On-Call:* Employees are strictly prohibited from being under the influence of, smoking, consuming, storing or using cannabis on the Village's premises, including any building, real property, and parking area under the control of the Village or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned. Further, employees are strictly prohibited from being under the influence of, smoking, consuming or using cannabis while on-call. An employee is deemed to be on-call when the employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the Village's premises or other previously designated location by the Village to perform a work-related task.

The Village may consider an employee to be impaired or under the influence of cannabis if the Village has a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.

Employees who are required to have a Commercial Driver's License as a condition of employment are strictly prohibited from any use of cannabis, medical or otherwise, either on-duty or off-duty. Further, employees who would cause the Village to lose Federal funding if they used cannabis on or off duty are strictly prohibited from the use of cannabis while on or off duty.

If the Village elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employer must afford the employee a reasonable

opportunity to contest the basis of the determination by providing the Village with a written or verbal statement in support of the employee's basis to contest the determination.

Medical Cannabis: All employees, including "Registered Qualifying Patients" as defined in the Illinois Compassionate Use of Medical Cannabis Program Act, as amended, are strictly prohibited from possession, distribution, transfer, purchase, sale, use or being under the influence of cannabis, or from impairment due to cannabis, while on the Village's property, while on duty or on call, while acting in any capacity in his or her employment with the Village or while operating a vehicle or machine leased or owned by the Village.

Registered Qualifying Patients who test positive for cannabis may not be penalized solely for his or her status as a Registered Qualified Patient unless failing to do so would:

- Put the Village in violation of Federal law;
- Cause the Village to lose a monetary or licensing-related benefit under Federal law or rules;

All employees who are Registered Qualifying Patients must submit to the Village Administrator documentation illustrating that they are a Registered Qualifying Patient, including documentation of the employee's diagnosis of a "debilitating medical condition" and a copy of the employee's register identification card. All Registered Qualifying Patients are expected to consult with their personal physician to determine if the use of medical cannabis will have any potential negative effects on job performance. All Registered Qualifying Patients are required to report to their supervisor if there is any potential risk, limitation or restriction for whatever reason that may require modification of duties or temporary reassignment and provide appropriate medical verification on restrictions in the performance of duties.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with the Village Administrator without fear of reprisal.



Village of River Forest  
Village Administrator's Office  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: December 5, 2019

To: Catherine Adduci, Village President  
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Approval of Bond Ordinance

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**Issue/Analysis:** At your last meeting, a public hearing was held to take comment on the proposed issuance of \$525,000 in general obligation tax bonds as part of the Village's debt service extension base. There were no comments offered from the public. The Village may proceed with approving the ordinance that would allow for the sale of bonds not to exceed \$525,000 which will be paid back over a two-year period. The bond proceeds would be deposited in our infrastructure improvement bond fund and be used for street resurfacing and other applicable public works infrastructure projects.

The Village will issue bid forms to local financial institutions to provide their "bid" or best interest rate over a two-year period. The last issuance was awarded to Forest Park National Bank with an interest rate of 2 to 2.15%. Staff anticipates that the bids and bond closing to take place no later than the end of January 2020.

**Recommendation:** Staff recommends a MOTION to approve an Ordinance Providing for the Issue of Not-to-Exceed \$525,000 General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois, for the Purpose of Paying for Public Infrastructure Projects within the Village, providing for the Levy of a Direct Annual Tax to Pay the Principal of and Interest on said Bonds.

Thank you.

Attachment  
Ordinance

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

AN ORDINANCE providing for the issue of not to exceed \$525,000 General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois, for the purpose of paying for public infrastructure projects within the Village, providing for the levy of a direct annual tax to pay the principal of and interest on said bonds.

WHEREAS, the Village of River Forest, Cook County, Illinois (the "*Village*"), is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto (the "*Municipal Code*"); and

WHEREAS, the President and Board of Trustees of the Village (the "*Board*") has heretofore determined and does hereby determine that it is necessary, essential and in the best interests of the residents of the Village to pay for public infrastructure projects within the Village (the "*Project*"); and

WHEREAS, the Board finds that it does not have sufficient funds on hand for the purpose aforesaid, and that the cost thereof, including legal, financial and other expenses, will not exceed \$525,000, and that it is necessary and for the best interests of the Village that it borrow a sum not to exceed \$525,000 and issue bonds of the Village to evidence the borrowing; and

WHEREAS, the Board does hereby find and determine that upon the borrowing of said sum and the issuance of bonds of the Village in an amount not to exceed \$525,000, all in accordance with the provisions of the Section 8-5-16 of the Municipal Code, as amended, the aggregate outstanding bonds of the Village issued pursuant to said Section, including the bonds herein authorized, will not exceed one-half of one percent of the assessed value of all of the taxable property located within the Village, and accordingly, the Board is authorized to issue such bonds without submitting the question of such issuance to the electors of the Village; and

WHEREAS, pursuant to and in accordance with the provisions of the Bond Issue Notification Act of the State of Illinois, as amended, the President of the Village (the “*President*”), on the 20th day of November, 2019, executed an Order calling a public hearing (the “*Hearing*”) for the 25th day of November, 2019, concerning the intent of the Board to sell said bonds; and

WHEREAS, notice of the Hearing was given (i) by publication at least once not less than seven (7) nor more than thirty (30) days before the date of the Hearing in the *Chicago Sun-Times*, the same being a newspaper of general circulation in the Village, and (ii) by posting at least 48 hours before the Hearing a copy of said notice at the principal office of the Board, which notice was continuously available for public review during the entire 48-hour period preceding the Hearing; and

WHEREAS, the Hearing was held on the 25th day of November, 2019, and at the Hearing the Board explained the reasons for the proposed bond issue and permitted persons desiring to be heard an opportunity to present written or oral testimony within reasonable time limits; and

WHEREAS, the Hearing was finally adjourned on the 25th day of November, 2019; and

WHEREAS, the bonds so authorized shall be issued as limited bonds under the provisions of Section 15.01 of the Local Government Debt Reform Act of the State of Illinois, as amended (the “*Debt Reform Act*”), and as such it is not necessary to submit the proposition of the issuance of the bonds to the voters of the Village for approval:

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

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

*Section 2. Determination to Issue Bonds.* It is necessary and in the best interests of the Village to finance the Project, to pay all related costs and expenses incidental thereto, and to borrow money and issue the Bonds (as hereinafter defined) for such purposes.

*Section 3. Bond Details.* There shall be issued and sold the Bonds in an aggregate principal amount not to exceed \$525,000. The Bonds shall be designated as the "General Obligation Limited Tax Bonds, Series 2020" (the "*Bonds*"), shall be dated the date of closing, and shall also bear the date of authentication thereof. The Bonds shall be in fully registered form, shall be in denominations of \$1,000 each and authorized integral multiples thereof (but no single Bond shall represent installments of principal maturing on more than one date), shall be numbered 1 and upward. Subject to a bond order (the "*Bond Order*") to be signed by a Designated Representatives (as herein defined), the Bonds are hereby authorized to bear interest at a rate not to exceed 5.00% and mature in the principal amount on December 1 of each of the years (without option of prior redemption), ending not later than 2021, as shall be specified in the Bond Order.

The Bonds shall bear interest from their date or from the most recent interest payment date to which interest has been paid or duly provided for, until the principal amount of the Bonds is paid such interest (computed upon the basis of a 360-day year of twelve 30-day months) being payable annually on December 1, commencing on the date set forth in the Bond Order. Interest on each Bond shall be paid by check or draft of the Treasurer of the Village (the "*Treasurer*"), as bond registrar and paying agent (the "*Bond Registrar*"), payable upon presentation in lawful

money of the United States of America, to the person in whose name such Bond is registered at the close of business on the 15th day of the month next preceding the interest payment date. The principal of the Bonds shall be payable in lawful money of the United States of America at the office maintained for such purpose by the Bond Registrar.

The Bonds shall be signed by the President, and shall be attested by the Village Clerk, and the corporate seal of the Village shall be affixed thereto or printed thereon, and in case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

All Bonds shall have thereon a certificate of authentication substantially in the form hereinafter set forth duly executed by the Bond Registrar, as authenticating agent of the Village and showing the date of authentication. No Bond shall be valid or obligatory for any purpose or be entitled to any security or benefit under this Ordinance unless and until such certificate of authentication shall have been duly executed by the Bond Registrar by manual signature, and such certificate of authentication upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered under this Ordinance. The certificate of authentication on any Bond shall be deemed to have been executed by the Bond Registrar if signed by an authorized officer of the Bond Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder.

*Section 4. Registration of Bonds; Persons Treated as Owners.* The Village shall cause books for the registration and for the transfer of the Bonds as provided in this Ordinance to be kept at the office maintained for such purpose by the Bond Registrar, which is hereby constituted and appointed the registrar of the Village for the Bonds. The Village is authorized to

prepare, and the Bond Registrar or such other authorized person as the offices of the Village may designate shall keep custody of, multiple Bond blanks executed by the Village for use in the transfer and exchange of Bonds.

Upon surrender for transfer of any Bond at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument or instruments of transfer in form satisfactory to the Bond Registrar and duly executed by, the registered owner or his or her attorney duly authorized in writing, the Village shall execute and the Bond Registrar shall authenticate, date and deliver in the name of the transferee or transferees a new fully registered Bond or Bonds of the same maturity of authorized denominations, for a like aggregate principal amount. Any fully registered Bond or Bonds may be exchanged at said office of the Bond Registrar for a like aggregate principal amount of Bond or Bonds of the same maturity of other authorized denominations. The execution by the Village of any fully registered Bond shall constitute full and due authorization of such Bond and the Bond Registrar shall thereby be authorized to authenticate, date and deliver such Bond, *provided, however*, the principal amount of outstanding Bonds of each maturity authenticated by the Bond Registrar shall not exceed the authorized principal amount of Bonds for such maturity less previous retirements.

The Bond Registrar shall not be required to transfer or exchange any Bond during the period beginning at the close of business on the 15th day of the month next preceding any interest payment date on such Bond and ending at the opening of business on such interest payment date.

The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of the principal of or interest on any Bond shall be made only to or upon the order of the registered owner thereof or his or her legal

representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

No service charge shall be made for any transfer or exchange of Bonds, but the Village or the Bond Registrar may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Bonds.

*Section 5. Form of Bond.* The Bonds shall be in substantially the following form; *provided, however,* that if the text of the Bond is to be printed in its entirety on the front side of the Bond, then paragraph [2] and the legend, “See Reverse Side for Additional Provisions”, shall be omitted and paragraphs [6] through [9] shall be inserted immediately after paragraph [1]:

[Form of Bond - Front Side]

REGISTERED  
No.

REGISTERED  
\$ \_\_\_\_\_

**UNITED STATES OF AMERICA**

**STATE OF ILLINOIS**

**COUNTY OF COOK**

**VILLAGE OF RIVER FOREST**

**GENERAL OBLIGATION LIMITED TAX BOND, SERIES 2020**

See Reserve Side for Additional Provisions
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Interest  
Rate: \_\_\_\_%

Maturity  
Date: December 1, 20\_\_

Dated  
Date: \_\_\_\_\_, 2020

Registered Owner:

Principal Amount:

[1] KNOW ALL PERSONS BY THESE PRESENTS, that the Village of River Forest, Cook County, Illinois (the “*Village*”), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns as hereinafter provided, on the Maturity Date identified above, the Principal Amount identified above and to pay interest (computed on the basis of a 360-day year of twelve 30-day months) on such Principal Amount from the date of this Bond or from the most recent interest payment date to which interest has been paid at the Interest Rate per annum set forth above on December 1 of each year, commencing December 1, 20\_\_, until said Principal Amount is paid. Principal of this Bond is payable in lawful money of the United States of America at the office maintained for such purpose by the Treasurer of the Village, as bond registrar and paying agent (the “*Bond Registrar*”). Payment of the installments of interest shall be made to the Registered Owner

hereof as shown on the registration books of the Village maintained by the Bond Registrar at the close of business on the 15th day of the month next preceding each interest payment date and shall be paid by check or draft of the Bond Registrar, payable upon presentation in lawful money of the United States of America, mailed to the address of such Registered Owner as it appears on such registration books or at such other address furnished in writing by such Registered Owner to the Bond Registrar, or as otherwise agreed by the Village and the Bond Registrar.

[2] Reference is hereby made to the further provisions of this Bond set forth on the reverse hereof and such further provisions shall for all purposes have the same effect as if set forth at this place.

[3] It is hereby certified and recited that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, have happened, been done and performed in regular and due form and time as required by law; that the indebtedness of the Village, including the issue of bonds of which this is one, does not exceed any limitation imposed by law; and that provision has been made for the collection of a direct annual tax to pay the interest hereon as it falls due and also to pay and discharge the principal hereof at maturity. Although this Bond constitutes a general obligation of the Village and no limit exists on the rate of said direct annual tax, the amount of said tax is limited by the provisions of the Property Tax Extension Limitation Law of the State of Illinois, as amended (the "*Law*"). The Law provides that the annual amount of the taxes to be extended to pay the issue of bonds of which this Bond is one and all other limited bonds (as defined in the Local Government Debt Reform Act of the State of Illinois, as amended) hereafter issued by the Village shall not exceed the debt service extension base (as defined in the Law) of the Village (the "*Base*"), as more fully described in the proceedings of the Village providing for the issue of

this Bond. The Village is authorized to issue from time to time additional limited bonds payable from the Base, as permitted by law, and to determine the lien priority of payments to be made from the Base to pay the Village's limited bonds.

[4] This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been manually signed by the Bond Registrar.

[5] IN WITNESS WHEREOF, said Village of River Forest, Cook County, Illinois, by its President and Board of Trustees, has caused its corporate seal to be hereunto affixed or printed hereon, and this Bond to be signed by the President and be attested to by the Village Clerk, all as of the Dated Date identified above.

\_\_\_\_\_

President

ATTEST:

\_\_\_\_\_

Village Clerk

[SEAL]

Date of Authentication: \_\_\_\_\_, 2020

CERTIFICATE  
OF  
AUTHENTICATION

Bond Registrar and Paying Agent:  
Treasurer, Village of River Forest,  
Cook County, Illinois

This Bond is one of the Bonds described in the within mentioned ordinance and is one of the General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois.

By \_\_\_\_\_

Treasurer, as Bond Registrar

[Form of Bond - Reverse Side]

**VILLAGE OF RIVER FOREST**

**COOK COUNTY, ILLINOIS**

**GENERAL OBLIGATION LIMITED TAX BOND, SERIES 2020**

[6] This Bond is one of a series of Bonds issued by the Village for the purpose of paying for public infrastructure projects within the Village, all as described and defined in the ordinance authorizing the Bonds (the “*Ordinance*”), pursuant to and in full compliance with the applicable provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, including the Local Government Debt Reform Act of the State of Illinois, as amended, and with the Ordinance, which has been duly passed by the President and Board of Trustees of the Village, and approved by the President, in all respects as by law required.

[7] This Bond is transferable by the Registered Owner hereof in person or by his or her attorney duly authorized in writing at the office maintained for such purpose by the Bond Registrar in River Forest, Illinois, but only in the manner, subject to the limitations and upon payment of the charges provided in the Ordinance, and upon surrender and cancellation of this Bond. Upon such transfer a new Bond or Bonds of authorized denominations of the same maturity and for the same aggregate principal amount will be issued to the transferee in exchange therefor.

[8] The Bonds are issued in fully registered form in denomination of \$1,000 each and authorized integral multiples thereof. This Bond may be exchanged at the office maintained for such purpose by the Bond Registrar for a like aggregate principal amount of Bonds of the same maturity of other authorized denominations, upon the terms set forth in the Ordinance. The Bond Registrar shall not be required to transfer or exchange any Bond during the period

beginning at the close of business on the 15th day of the month next preceding any interest payment date on such Bond and ending at the opening of business on such interest payment date.

[9] The Village and the Bond Registrar may deem and treat the Registered Owner hereof as the absolute owner hereof for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the Village nor the Bond Registrar shall be affected by any notice to the contrary.

**(ASSIGNMENT)**

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto \_\_\_\_\_

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

(Name and Address of Assignee)

the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_

\_\_\_\_\_ attorney to transfer the said Bond on the books kept for registration

thereof with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature guaranteed: \_\_\_\_\_

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

*Section 6. Sale of Bonds.* The President, Village Clerk, Treasurer or the Village Administrator (the "Designated Representatives") are hereby authorized to proceed, without any further authorization or direction from the Village Board, to sell and deliver the Bonds to the purchaser thereof, as hereinafter described (the "Purchaser"), upon receipt of the purchase price therefor, the same being not less than 100% of the principal amount of the Bonds plus accrued interest, if any, to date of delivery, it being hereby found and determined that the sale

of the Bonds to the Purchaser is in the best interests of the Village and that no person holding any office of the Village, either by election or appointment, is in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation, in the sale of the Bonds to the Purchaser. The Purchaser shall be a bank or financial institution authorized to do business in the State of Illinois, as set forth in the Bond Order.

The officers of the Village are hereby authorized to take any action as may be required on the part of the Village to consummate the transactions contemplated by the Purchase Contract, this Ordinance.

*Section 7. Tax Levy.* In order to provide for the collection of a direct annual tax to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there be and there is hereby levied upon all the taxable property within the Village a direct annual tax for each of the years while the Bonds or any of them are outstanding, and that there be and there is hereby levied upon all of the taxable property in the Village, in each of the years 2019 (collected in 2020) and 2020 (collected in 2021), a maximum direct annual tax in an amount not to exceed \$264,544.84 (provided that such amount is subject to annual adjustment as authorized under provisions of the Property Tax Extension Limitation Law of the State of Illinois, as amended), such amount to be finalized in the Bond Order.

Principal or interest maturing at any time when there are not sufficient funds on hand from the foregoing tax levy to pay the same shall be paid from the general funds of the Village, and the fund from which such payment was made shall be reimbursed out of the taxes hereby levied when the same shall be collected.

The Village covenants and agrees with the purchaser and the holder of the Bonds that so long as any of the Bonds remain outstanding, the Village will take no action or fail to take any action which in any way would adversely affect the ability of the Village to levy and collect the foregoing tax levy, and the Village and its officers will comply with all present and future applicable laws in order to assure that the foregoing taxes will be levied, extended and collected as provided herein and deposited in the fund established to pay the principal of and interest on the Bonds.

*Section 8. Filing of Ordinance.* Forthwith upon the passage and effective date of this Ordinance, the Village Clerk is hereby directed to file a certified copy of this Ordinance with the County Clerk of The County of Cook, Illinois (the "*County Clerk*"), and it shall be the duty of the County Clerk annually in and for the years 2019 and 2020 to ascertain the rate necessary to produce the tax herein levied, and extend the same for collection on the tax books against all of the taxable property within the Village in connection with other taxes levied in each of said years for Village purposes, in order to raise the respective amounts aforesaid and in each of said years such tax shall be computed, extended and collected in the same manner as now or hereafter provided by law for the computation, extension and collection of taxes for general purposes of the Village, and when collected, the taxes hereby levied shall be placed to the credit of a special fund to be designated "Bond and Interest Fund of 2020" (the "*Bond Fund*"), which taxes are hereby irrevocably pledged to and shall be used only for the purpose of paying the principal of and interest on the Bonds.

*Section 9. Limitation on Extension; General Obligation Pledge; Additional Obligations.* Notwithstanding any other provision of this Ordinance, the annual amount of the taxes to be extended by the County Clerk to pay the Bonds and all other limited bonds (as

defined in the Debt Reform Act) hereafter issued by the Village shall not exceed the debt service extension base (as defined in the Property Tax Extension Limitation Law of the State of Illinois, as amended) of the Village (the “*Base*”).

No limit, however, exists on the rate of the direct annual tax levied herein, and the Bonds shall constitute a general obligation of the Village.

The Village is authorized to issue from time to time additional limited bonds payable from the Base, as permitted by law, and to determine the lien priority of payments to be made from the Base to pay the Village’s limited bonds.

*Section 10. Creation of Funds and Appropriations.* The principal proceeds of the Bonds and any premium received from the sale of the Bonds are hereby appropriated to pay the costs of issuance of the Bonds and for the purpose of paying the cost of the Project, and that portion thereof not needed to pay such costs of issuance is hereby ordered deposited into a special fund designated “Series 2020 Project Fund” (the “*Project Fund*”), hereby created; and disbursements shall be made from the Project Fund only for the payment of the costs of the Project and the costs of issuance of the Bonds and for which the principal proceeds are hereby appropriated.

Any accrued, if any, interest received upon the sale of the Bonds shall be and is hereby appropriated for the purpose of paying first interest due on the Bonds and, to that end, is hereby ordered deposited into the Bond Fund, which fund shall be the fund for the payment of principal of and interest on the Bonds. Taxes received for the payment of the Bonds shall be deposited into the Bond Fund and used solely and only for paying the Bonds. Interest received from deposits in the Bond Fund shall, at the discretion of the Board and to the extent permitted by law, either be transferred to the corporate fund of the Village or be retained in the Bond Fund for

payment of the principal of or interest on the Bonds on the interest payment date next after such interest is received.

*Section 11. Non-Arbitrage and Tax-Exemption.* The Village hereby covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Internal Revenue Code of 1986, as amended (the “Code”), or would otherwise cause the interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The Village acknowledges that, in the event of an examination by the Internal Revenue Service (the “IRS”) of the exemption from federal income taxation for interest paid on the Bonds, under present rules, the Village may be treated as a “taxpayer” in such examination and agrees that it will respond in a commercially reasonable manner to any inquiries from the IRS in connection with such an examination.

The Village also agrees and covenants with the purchasers and holders of the Bonds from time to time outstanding that, to the extent possible under Illinois law, it will comply with whatever federal tax law is adopted in the future which applies to the Bonds and affects the tax-exempt status of the Bonds.

The Board hereby authorizes the officials of the Village responsible for issuing the Bonds, the same being the President, the Village Clerk and the Treasurer, to make such further covenants and certifications regarding the specific use of the proceeds of the Bonds as approved by the Board and as may be necessary to assure that the use thereof will not cause the Bonds to be arbitrage bonds and to assure that the interest on the Bonds will be exempt from federal

income taxation. In connection therewith, the Village and the Board further agree: (a) through their officers, to make such further specific covenants, representations as shall be truthful, and assurances as may be necessary or advisable; (b) to consult with counsel approving the Bonds and to comply with such advice as may be given; (c) to pay to the United States, as necessary, such sums of money representing required rebates of excess arbitrage profits relating to the Bonds; (d) to file such forms, statements, and supporting documents as may be required and in a timely manner; and (e) if deemed necessary or advisable by their officers, to employ and pay fiscal agents, financial advisors, attorneys, and other persons to assist the Village in such compliance.

*Section 12. Designation of Issue.* The Village hereby designates each of the Bonds as a “qualified tax-exempt obligation” for the purposes and within the meaning of Section 265(b)(3) of the Code.

*Section 13. List of Bondholders.* The Bond Registrar shall maintain a list of the names and addresses of the holders of all Bonds and upon any transfer shall add the name and address of the new Bondholder and eliminate the name and address of the transferor Bondholder.

*Section 14. Duties of Bond Registrar.* The obligations and duties of the Bond Registrar hereunder include the following:

- (a) to act as bond registrar, authenticating agent, paying agent and transfer agent as provided herein;
- (b) to maintain a list of Bondholders as set forth herein and to keep such list confidential other than for use by the Village;
- (c) to cancel and/or destroy Bonds which have been paid at maturity or submitted for exchange or transfer;
- (d) to furnish the Village at least annually a certificate with respect to Bonds cancelled and/or destroyed; and

(e) to furnish the Village at least annually an audit confirmation of Bonds paid, Bonds outstanding and payments made with respect to interest on the Bonds.

*Section 15. Severability.* If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

*Section 16. Repeal.* All ordinances, resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Ordinance shall be in full force and effect forthwith upon its adoption and approval as provided by law.

Adopted this 9th day of December, 2019.

AYES: \_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

Approved this 9th day of December, 2019.

\_\_\_\_\_

President

ATTEST:

\_\_\_\_\_  
Village Clerk

Recorded in the Village Records on  
this 9th day of December, 2019.

STATE OF ILLINOIS    )  
  ) SS  
COUNTY OF COOK     )

**CERTIFICATION OF ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of River Forest, Cook County, Illinois (the “*Village*”), and as such official I am the keeper of the records and files of the President and Board of Trustees of the Village (the “*Board*”).

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 9th day of December, 2019, insofar as same relates to the adoption of Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE providing for the issue of not to exceed \$525,000 General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois, for the purpose of paying for public infrastructure projects within the Village, providing for the levy of a direct annual tax to pay the principal of and interest on said bonds.

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

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 48 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 48-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted attached hereto as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Illinois Municipal Code, as amended, and the Local Government Debt Reform Act of the State of Illinois, as amended, and that the Board has complied with all of the applicable provisions of said Acts and said Code and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and seal of the Village, this 9th day of December, 2019.

\_\_\_\_\_  
Village Clerk

[SEAL]

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF COOK    )

**FILING CERTIFICATE**

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Cook, Illinois, and as such official I do further certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, there was filed in my office a duly certified copy of Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE providing for the issue of not to exceed \$525,000 General Obligation Limited Tax Bonds, Series 2020, of the Village of River Forest, Cook County, Illinois, for the purpose of paying for public infrastructure projects within the Village, providing for the levy of a direct annual tax to pay the principal of and interest on said bonds.

duly adopted by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, on the 9th day of December, 2019 and that the same has been deposited in the official files and records of my office.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of said County, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

[SEAL]



Village of River Forest  
Village Administrator's Office  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

**MEMORANDUM**

Date: December 5, 2019

To: Catherine Adduci, Village President  
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Proposed SSA #11 – Backup for Chicago & Harlem Planned Development

**Issue:** As a condition of planned development approval for the Chicago and Harlem Senior Lifestyle project, a condition was put in place to address payment to the Village for emergency medical response calls that exceed a certain threshold – an impact fee. As a best practice, a “backup” special service area (SSA) is created to ensure the Village can recoup this fee in the event payment is not made.

**Analysis:** The approved planned development for the Chicago and Harlem project contains the following condition:

*Because the Application stated that the Project will generate an average of two and a half calls for ambulance service per week, the Petitioner shall pay the Village an ambulance service impact fee if the Village makes more than one hundred thirty (130) paramedic responses to the Property in a calendar year. The ambulance service impact fee shall be calculated as follows:*

- i. No charge per response for paramedic responses one (1) through one hundred thirty (130); and*
- ii. Five Hundred and No/100 Dollars (\$500.00) per response for paramedic responses one hundred thirty-one (131) through one hundred ninety-nine (199); and*
- iii. Seven Hundred Fifty and No/100 Dollars (\$750.00) per response for paramedic responses two hundred (200) through two hundred forty-nine (249); and*
- iv. One Thousand and No/100 Dollars (\$1,000.00) per response for paramedic responses two hundred fifty (250) and up.*

*The Village shall calculate the amount of the ambulance impact fee, if any, on or around January 1 of each calendar year, beginning with the January 1 after the first full calendar year in which the Project is operating. The Petitioner shall pay the Village within thirty (30) days of an invoice from the Village for the ambulance impact fee. **The Petitioner shall consent to the creation of a special service area by the Village to ensure payment of the ambulance service***

**impact fee.**

In the event the impact fee is triggered, the Village does not anticipate there being an issue on collecting the fees; however, as a recommended best practice, a SSA is created as a “backup.” In the event the owner (or future owner) does not pay the fee, the Village can recoup the fee through the SSA which is assessed to the property tax bill of that owner.

A public hearing on this proposed SSA will take place on January 13, 2020 at your regular meeting. A timeline outlining the process is attached for your review.

**Recommendation:** Consider a MOTION to approve the attached Ordinance proposing the establishment of River Forest Special Service Area 11.

Thank you.

**Attachments**

Timeline

Ordinance

**SCHEDULE AND TIMETABLE FOR CREATION OF  
RIVER FOREST SPECIAL SERVICE AREA 11  
(THE SHERIDAN PROJECT)**

- Approve Proposing Ordinance: December 9, 2019
- Publish Public Hearing Notice: December 18, 2019 (following Wednesday in the *Wednesday Journal*, at least 15 days before public hearing per 35 ILCS 200/27-30)
- Mail Public Hearing Notice: December 18, 2020 (at least 10 days before public hearing to taxpayer of record per 35 ILCS 200/27-30)
- Public Hearing: January 13, 2020 (at Village Board meeting and within 60 days of approval of proposing ordinance per 35 ILCS 200/27-40)
- Approve Implementing Ordinance: January 13, 2020 (at Village Board after 60-day objection period expires, per 35 ILCS 200/27-55, or at earlier meeting if waiver obtained)
- File Certified Copy of Approving Ordinance With Cook County Clerk and Record with Recorder Of Deeds Against Title to Property: Week of January 20, 2020 (within 60 days of adoption per 35 ILCS 200/27-40)
- Approve Tax Levy Ordinance And File Ordinance With Cook County Clerk: If needed, as SSA is dormant and only activates if the owner fails to pay the ambulance fees when owed per the planned development approval

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

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 11 (THE SHERIDAN PROJECT) IN THE VILLAGE OF RIVER FOREST AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of River Forest, Cook County, Illinois, as follows:

**SECTION 1: AUTHORITY TO ESTABLISH SPECIAL SERVICE AREAS.**

Special Service Areas within non-home rule municipalities are established pursuant to Article VII, Section 7 of the Constitution of the State of Illinois, and pursuant to the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5, *et seq.*

**SECTION 2: FINDINGS.**

The Village Board finds:

- A. It is in the public interest that the creation of the area hereinafter described as a special service area, for the purposes set forth herein, be considered.
- B. That the area hereinafter described is compact and contiguous, and is within the C2 Commercial Zoning District and R2 Single-Family Residential Zoning District zoning classifications in the Village of River Forest ("Village"), subject to a Planned Development granted by the Village President and Board of Trustees in Ordinance 3714 on October 15, 2018.
- C. That the area hereinafter described will benefit specifically from the municipal services to be provided, and that the proposed municipal services are unique and in addition to municipal services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the expenditure of funds by the Village, and the levy of special taxes against said area, for the services to be provided, be considered.
- D. That the special services to be provided by the Village shall consists of extraordinary paramedic and ambulance services provided by the Village to the property subject to the special service area, as required by the Planned Development granted in Ordinance 3714 ("Special Services").

**SECTION 3: PUBLIC HEARING - TAX RATES.**

- A. That a public hearing shall be held on the 13th day of January, 2020, at 7:00 p.m., in the River Forest Village Hall, Board Room, 400 Park Avenue, River Forest, Illinois, to consider the creation of Special Service Area Number 11 of the Village in the area described in the notice of public hearing set forth in Section 4 hereof (“Public Hearing”).
- B. At said Public Hearing, the levy of a direct annual tax at a rate not to exceed \$ 7.29 per \$100.00 of equalized assessed value of the property in Special Service Area Number 11, for each year during which the conditions for payment of the direct annual tax are met in the Planned Development granted in Ordinance 3714.
- C. As taxes will not be levied until such time, if any, as the Village actually expends funds for said Special Services, it is currently unknown as to the actual amount of the taxes that will be levied for the initial year, if any, for which taxes will be levied within Special Service Area Number 11; however, any such initial tax levy shall not exceed the maximum tax rate as set forth in B. above.
- D. The aforementioned taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code (35 ILCS 200/1-1, *et seq.*), as amended.

**SECTION 4: NOTICE OF PUBLIC HEARING.**

Notice of the Public Hearing shall be published at least once not less than fifteen (15) days prior to the Public Hearing in one (1) or more newspapers of general circulation in the Village, and notice by mailing shall be given by depositing said notice in the U.S. mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Special Service Area Number 11, with said notice by mailing being mailed not less than ten (10) days prior to the time set for the Public Hearing (“Notice”). In the event taxes for the last preceding year were not paid, the Notice shall be sent to

the person last listed on the tax rolls prior to that year as the owner of said property. The Notice shall be in substantially the following form:

**“NOTICE OF PUBLIC HEARING  
VILLAGE OF RIVER FOREST  
SPECIAL SERVICE AREA NUMBER 11**

NOTICE IS HEREBY GIVEN that on January 13, 2020, at 7:00 p.m. in the River Forest Village Hall, Board Room, 400 Park Avenue, River Forest, Illinois, a public hearing will be held by the President and Board of Trustees of the Village of River Forest to consider forming a special service area consisting of the following described property:

SOUTH 1/2 OF LOT 9, ALL OF LOTS 10, 11 AND 12, AND THE VACATED ALLEY WEST OF AND ADJOINING SAID LOTS, IN BLOCK 16 IN SUBDIVISION OF BLOCKS 1, 8, 9, 10, 11, 14, 15 AND 16 IN BOUGE’S ADDITION TO OAK PARK, BEING A SUBDIVISION OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PINs: 15-01-418-015-0000, 15-01-418-016-0000, 15-01-418-017-0000, 15-01-418-018-0000, 15-01-418-019-0000, 15-01-418-020-0000 and 15-01-418-021-0000;

Street Location: the west side of Harlem Avenue north of Chicago Avenue in River Forest, Cook County, Illinois;

Common Addresses: 800 North Harlem Avenue, 806 North Harlem Avenue, 810 North Harlem Avenue, 814 North Harlem Avenue, 818 North Harlem Avenue, 822 North Harlem Avenue and 826 North Harlem Avenue, River Forest, Illinois 60305.

All interested persons affected by the formation of River Forest Special Service Area Number 11 will be given an opportunity to be heard regarding the formation of and the boundaries of Special Service Area Number 11 and may object to the formation of Special Service Area Number 11 and the levy of taxes affecting said Special Service Area Number 11.

The purpose of the formation of River Forest Special Service Area Number 11 is to fund the Village of River Forest’s extraordinary paramedic and ambulance service costs related to the property subject to Special Service Area 11 as required by the Planned Development granted in

Ordinance 3714 (“Special Services”), within said Special Service Area Number 11.

A tax levy at a rate not to exceed \$7.29 per \$100.00 of equalized assessed valuation of property in Special Service Area Number 11, for each year during which the Village of River Forest is required to expend funds relative to the Special Services will be considered at the public hearing. As taxes will not be levied until such time, if any, as the Village actually expends funds for the Special Services, it is currently unknown as to the actual amount of the taxes that will be levied for the initial year, if any, for which taxes will be levied within Special Service Area Number 11; however, any such initial tax levy shall not exceed the maximum tax rate as set forth above. Said tax is to be levied upon all taxable property within the proposed Special Service Area Number 11.

At the public hearing, all persons affected by the formation of the Special Service Area Number 11, including all persons owning taxable real estate therein, will be given an opportunity to be heard. The public hearing may be adjourned by the Village President and Board of Trustees to another date without further notice, other than a motion, to be entered upon the minutes of its meeting, fixing the time and place of its adjournment and/or as otherwise required by law.

If a petition signed by at least fifty-one (51%) of the electors residing within Special Service Area Number 11 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of Special Service Area Number 11 is filed with the Village Clerk, within sixty (60) days following the final adjournment of the public hearing, objecting to the creation of Special Service Area Number 11, the enlargement thereof, the levy or imposition of a tax for the provision of the Special Services to the area, or to a proposed increase in the tax rate, said Special Service Area Number 11 may not be created or enlarged, and no tax may be levied or imposed nor the rate increased.

DATED this 18th day of December, 2019.

Kathleen Brand-White  
Village Clerk  
Village of River Forest”

**SECTION 5: Effectiveness.**

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**ADOPTED** this 9th day of December, 2019, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

**APPROVED** by me this 9th day of December, 2019.

\_\_\_\_\_  
Catherine Adduci, Village President

ATTEST:

\_\_\_\_\_  
Kathleen Brand-White, Village Clerk



Village of River Forest  
Village Administrator's Office  
400 Park Avenue  
River Forest, IL 60305  
Tel: 708-366-8500

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**MEMORANDUM**

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Date: December 3, 2019

To: Catherine Adduci, Village President  
Village Board of Trustees

From: Eric J. Palm, Village Administrator

Subj: Proposed Zoning Text Amendment

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**Issue:** Recently the Village was approached by Dustin Cagnina regarding her desire to open up a business focusing on skin care and micropigmentation. Ms. Cagnina is an aesthetician and micropigmentation specialist. In order for Ms. Cagnina to operate her business, staff is recommending the Village Board consider a text amendment to the Zoning Ordinance to allow for micropigmentation as a permitted accessory use to a beauty shop, which would allow for micropigmentation to be performed as a subset of beauty shop services, but not as a standalone primary use; and, at the same time, create a definition for “beauty shops” which currently does not exist.

**Analysis:** While Ms. Cagnina may currently operate a beauty salon/skin care type facility in the Village as a matter of right, the Village’s Zoning Ordinance does not allow for micropigmentation uses. Combing these two fields is the focus of her proposed business operations. As part of her licensing, she would be required, in part, to seek the appropriate licenses from the State of Illinois including tattoo and body art establishment. Further, this area of business has evolved and expanded over time since the Zoning Ordinance land use chart was first established. As a result, creating a broader definition for “beauty shops” is appropriate. Staff is proposing three components to this text amendment.

1. Create a definition for “beauty shops” as follows:

An establishment where persons receive beauty treatments, and/or purchase beauty products. These treatments primarily include one or more of the following: 1) cutting, trimming, shampooing, weaving, coloring, waving, or styling hair; 2) providing facials; 3) applying makeup (except permanent makeup); and 4) providing nail care services, such as manicures, pedicures, and nail extensions.

2. Create a definition for “permanent cosmetics, microblading, micropigmentation and similar care services” as follows:

The practice of placing ink or other pigment into the skin or mucosa by the aid of needles or any other instrument used to puncture a person’s skin for the purpose of permanent cosmetic restoration or enhancement of the epidermis for re-pigmentation. This category of services does not include other forms of body art such as body piercing or the adornment of the body with letters, images, drawings, or other illustrations. The use is also commonly known as dermal implantation, microstroking, eyebrow embroidery, and long-time/long lasting makeup.

3. Designate Permanent Cosmetics, Microblading, Micropigmentation, and Similar Personal Care Services as a permitted accessory use to beauty shops in the land use chart, in the same districts where beauty shops are permitted uses as follows:

LAND USES	R1 & R2 Low Density Residential	R3 Medium Density Residential	R4 High Density Residential	C1 Comm.	C2 Comm.	C3 Central Com- mercial	ORIC	PRI
Accessory Uses								
Permanent Cosmetics, Microblading, Micropigmentation, and Similar Personal Care Services – accessory to Beauty Shop	N	N	N	P	P	P	P	N

Next Steps: This text amendment will be referred to the ZBA for a public hearing and recommendation back to the Village Board of Trustees.

**Recommendation:** Direct the Village Administrator to propose the aforementioned text amendments to the Zoning Board of Appeals for a public hearing and recommendation.

Thank you.