

WHITE COUNTY BOARD MEETING

MAY 8, 2018

A special meeting of the White County Board begun and holden this 8th day of May, 2018 in the Courtroom of the White County Courthouse in the City of Carmi.

Chairman Doshier called the meeting to order at 7:00 p.m.

Clerk Dozier called the roll with McAnulty, Usery, Puckett, Trout and Doshier.

Mr. Puckett led the Board in the Pledge of Allegiance.

Chairman Doshier asked the Board if they had received copies of the minutes of the previous meeting and were there any additions, changes or deletions. Mr. Trout made a motion to waive the reading of the minutes of the previous meeting and approve the minutes of the previous meeting as proposed in writing. Motion seconded by Usery. Motion passed 5-0 on roll call vote.

Chairman Doshier asked the Board to approve the payment of all current bills. Mr. Usery made a motion to pay all current bills, seconded by McAnulty. Motion carried 5-0 on roll call vote.

Mr. Brian Ray, County Engineer, told the Board that the tractor that was ordered last year is in and he will be picking it up and paying for it. Also hopefully sometime next year he will be able to order a new dump truck.

Mr. Adam Allen, Ambulance Director, stated that the ambulance service was finally in the black. The income for the month of April was \$17,417.75 and that brought the ambulance service into the black by around \$13,000.00. Mr. Doshier stated that Mr. Usery and Mr. McAnulty were throwing a fish fry in celebration of EMS week and the fact that the ambulance service was no longer in the red.

The Sheriff was unable to attend and submitted his report in writing.

Mr. Chris Marsh, Coroner, submitted his report in writing to the Board. Mr. Marsh stated that there have been several horrible accidents in the County in the last month and that he wanted to thank the local officials and especially the White County Ambulance Service for working closely with him and his office.

Chairman Doshier stated that he had received three different communications. The first was a change of address for the Illinois Labor Relations Board. The second was notification that Ameren would be continuing the tree trimming in several different locations in the County this summer. Thirdly, a resident from Enfield had written a letter urging the adoption of the Sanctuary County resolution.

Chairman Doshier asked the Board to approve a resolution of Support and Commitment of Funds for the Greater Wabash Regional Planning Commission. Chairman Doshier stated that the amount of \$4,986.00 is the same as last year's for White County's participation in the Commission. The resolution is as follows:

RESOLUTION OF SUPPORT AND COMMITMENT OF FUNDS

WHEREAS, White County wishes to authorize submission of a Basic Planning Grant to the Economic Development Administration and the commitment of local matching funds, and

WHEREAS, the seven county region of the Greater Wabash Regional Planning Commission, comprised of Crawford, Edwards, Lawrence, Richland, Wabash, Wayne and White Counties, has been designated as an Economic Development District, and

WHEREAS, the Greater Wabash Regional Planning Commission desires financial assistance from the Economic Development Administration for the purpose of planning and implementing programs to stimulate economic development through a multi-county effort of Crawford, Edwards, Lawrence, Richland, Wabash, Wayne and White Counties.

NOW THEREFORE BE IT RESOLVED, that the White County authorizes the submission of the Comprehensive Economic Development Strategy and an application to the Economic Development Administration to continue the economic development planning process in the Greater Wabash Economic Development District. Also be it resolved that White County authorizes and commits matching funds in the amount of Four thousand nine hundred eighty six and 00/100 (\$4986.00).

Dated this 8th day of May, 2018.

David Doshier
Chairman

Paula Dozier
County Clerk

Mr. McAnulty made a motion to adopt the resolution of support and commitment of funds, seconded by Usery. Motion carried 5-0 on roll call vote.

Chairman Doshier stated that the next item on the agenda was to consider an agreement between White County and the University of Illinois Extension Council Service. The agreement is as follows:

AGREEMENT

Between White County Board,
(hereinafter, for brevity, termed "Grantor") and The Board of Trustees of the University of Illinois, a public corporation, acting through University of Illinois Extension, College of Agricultural, Consumer and Environmental Sciences (hereinafter, for brevity, termed "University").

WHEREAS, University, under any by virtue of both state and federal legislation, is in charge of cooperative extension work carried on in the state of Illinois under the Smith-Lever Act and all amendments thereto; and

WHEREAS, Grantor is vitally interested in said work being carried on in the University of Illinois Extension Unit 24 at White County and the expansion thereof so as to meet the needs of citizens interested in said Unit; and

WHEREAS, Grantor, because of its interest, is willing to make a contribution to University to partially meet the cost of carrying on and expanding said work in said Unit:

THEREFORE, it is hereby agreed by and between Grantor and University as follows:

1. For and during the period of twelve months beginning with July 1, 2018, and ending with June 30, 2019, All monies collected for the University will be for the carrying on of cooperative extension work by University in said Unit. All monies collected by the Grantor's Treasurer on the levy request of \$78,225.00 (or .05% of the current equalized assessed valuation not to exceed the sum of \$78,225.00) shall be disbursed by Grantor to the University in an annual payment. All payments to be completed by June 30, 2019.

2. University hereby agrees to accept said disbursement to the cost of conducting and carrying on said work in said Unit during said period of twelve months, and hereby agrees that it will expend in said Unit in carrying on such work during said period an amount at least equivalent to said sum paid it by Grantor.

3. University further agrees that during said period it will meet the cost of said work, which includes, but is not restricted to, salaries of its personnel, office space and facilities, secretarial help and transportation for such personnel needed to carry on the cooperative extension work in said Unit at least up to the extent local funds may be made available to the University through the extension Unit council.

4. It is understood between Grantor and University that the said disbursement to be made to University by Grantor will be used along with public and other funds available to University for carrying on said work in the state of Illinois during said twelve months' period, a portion of which will be allocated by University to carrying on said work in said Unit during said period.

Dated this 8th day of May 2018,

GRANTOR

Address:

By _____

(Authorized Signature)

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS

Through University of Illinois Extension, College of Agricultural, Consumer and Environmental Sciences

Regional Director

University of Illinois Extension

Date

Director or Designee

Date

University of Illinois Extension

Mr. Usery made a motion to approve this agreement, seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Doshier stated that the next item was do adopt a resolution of support for the Harmony Way Bridge. Mr. Doshier stated that each member should have received a copy of an email that Eric Henning has sent stating that Senator Dale Righter has introduced a Senate Bill in support of the effort to reopen the bridge in some way. Mr. Trout made a motion to send Mr. Righter a letter of support and appreciation for his support of the Harmony Way Bridge, seconded by Puckett. Motion passed 5-0 on roll call vote.

Chairman Doshier asked the Board to adopt the resolution appointing Mike Ray to a two year term on the Board of Review. The resolution is as follows:

RESOLUTION FOR APPOINTMENT TO

THE BOARD OF REVIEW

WHEREAS, the County of White, State of Illinois, is a county under township organization having a population of less than one million, and;

WHEREAS, 35 ILCS 200/6-5 of the Illinois Compiled Statutes requires a county under township organization with a population of less than one million to appoint a Board of Review, and;

NOW THEREFORE BE IT RESOLVED, BY THE County Board of White County, State of Illinois that Mike Ray be appointed to the Board of Review for a term beginning June 1, 2018 and ending May 30, 2020.

ADOPTED this 8th day of May, 2018. A.D.

MEMBERS ELECTED: FIVE

MEMBERS PRESENT: FIVE

David Doshier: AYE

Donald Puckett: AYE

Ron McAnulty: AYE

Wes Trout: AYE

Ken Usery: AYE

APPROVED this 8th day of May, 2018 A.D.

David Doshier, Chairman

White County Board

ATTEST:

Paula Dozier, White County Clerk

Mr. Trout made a motion to approve the appointment of Mike Ray to the Board of Review for a two year term. Mr. Usery seconded the motion. Motion passed 5-0 on roll call vote.

Clerk Dozier stated that it was mandated by law that a new fee structure be adopted by each County Board and put into effect by January 1, 2019. The Clerk's office has done a fee study and the current amount of \$13.00 per document will not continue to support the upkeep of the Geographical Information System. The following resolution would propose a \$7.00 increase and it is in line with what the other counties around us are now charging. Clerk Dozier stated that this fee is part of the recording fee and only the individual recording in her office will be subject to this fee. The resolution is as follows:

GIS AMENDED RESOLUTION

WHEREAS, the Public Act 91-0791 signed into law on June 12, 2000, authorizes counties to collect a fee on instruments filed with the County Clerk to defray the cost of implementing or maintaining the county's Geographic Information System, and

WHEREAS, White County presently has a Geographic Information System which would benefit from the collection of the funds authorized by this Act, and

WHEREAS, the collection of this fee would be from those entities most likely to benefit from the maintenance of a thorough and current GIS system, and

WHEREAS, such fee shall be paid upon the filing of every instrument, paper or notice for record in the office of the County Clerk.

WHEREAS, the White County Board on March 1, 2007 established a GIS Fund by resolution, whereas the White County Clerk was directed to collect \$ 13.00 on each and every instrument, paper or notice for filing in the office of the White County Clerk.

NOW BE IT THEREFORE RESOLVED that the White County Board elects to increase the Geographical Information System fee to \$ 20.00 effective January 1, 2019 in addition to all other fees and charges collected for the filing of every instrument, paper or notice of recording in the Recorder's Office.

BE IT FURTHER RESOLVED, that \$ 19.00 from said fee shall be deposited in the GIS fund to be solely for the equipment, materials, and necessary expenses incurred in implementing and maintaining a Geographic Information System. The remaining \$1.00 from said fee will deposited .50 cents into the general fund county clerk's recording fee and the other .50 cents will deposited into the County Clerk's document storage.

PASSED, ADOPTED AND APPROVED THIS 8th day of May, 2018.

David Doshier, Chairman
White County Board

ATTEST:

Paula Dozier
White County Clerk

Mr. Trout made a motion to adopt the GIS amended Resolution to increase the GIS fee by \$7.00, seconded by Usery. Motion passed 5-0 on roll call vote.

Chairman Doshier explained that the next resolution is to increase the County Clerk's fees effective January 1, 2019. Chairman Doshier stated that Clerk Dozier has already explained why they need to adopt this resolution.

COUNTY CLERK FEE INCREASE

WHEREAS, 55 ILCS 54-4001 sets forth the fees to be collected by the County Clerk for the services provided by the office.

WHEREAS, 55 ILCS 5/4 4001 also provides for increases of said fees where a cost study has been conducted and it demonstrates that the fees set forth within the foregoing statute are insufficient to cover the costs of providing the services.

WHEREAS, pursuant to 55 ILCS 5/4-4001, a cost study has been completed and said study revealed that the fees set forth in the foregoing statute are insufficient to cover the costs of providing the following services: Recording, Marriages and providing certified copies of Birth Certificates, Death Certificates and Marriage Certificates.

NOW THEREFORE, BE IT RESOLVED, by the County of White pursuant to 55 ILCS 5/4-4001, that the fees of the County Clerk's office will be as follows:

Recording Base Fee - \$29.00

Rental Housing Support - \$10.00 (9.00 paid to the State of Illinois and .50 cents to Clerk Document Storage and .50 cents to General Fund)

Marriage License - \$45.00 (\$5.00 surcharge paid to the State of Illinois and \$40.00 to the General Fund)

Certified Marriage, Births and Deaths- \$15.00 for the first copy and \$10.00 for all copies after the first. (\$4.00 of each death record will be paid to the State of Illinois and the balance turned over to the General Fund) The full amount of the monies collected for Certified Marriages and Births will be turned over to the General Fund)

Posting Notary Certificates and Assumed Names - \$10.00

Clerks Fees for Delinquent Tax will be \$10.00

Certified copies of documents will be \$30.00.

County Clerk and Recorder's Document Storage will be \$6.00 (All funds will be deposited by the Treasurer into the Document Storage Fund).

BE IT FURTHER RESOLVED, by the County of White that the effective date of the provisions of this Resolution shall be January 1, 2019.

PASSED, this 8th day of May 2018.

David Doshier, Chairman
White County Board

Attest:

Paula Dozier
White County Clerk

Mr. McAnulty made a motion to adopt the fee increase for the County Clerk's Office effective January 1, 2019. Usery seconded the motion. Motion passed 5-0 on roll call vote.

Chairman Doshier stated that the next item to consider is the Food Ordinance. The Board has compared the old ordinance to the new and the Egyptian Health Department (Amy Harrison and James Bryd) have been helpful in pointing out the changes. The changes are to clean up the ordinances because of new legislation and changes to the statutes. The resolution is as follows:

WHITE COUNTY FOOD ORDINANCE

Whereas, the County Board is authorized to license and regulate and impose license fees on all food service establishments within both the incorporated and unincorporated areas of the county as described under 55ILCS 5/5-1115(b); and

Whereas, the Egyptian Health Department was established in accordance with Illinois State statute, 55 ILCS 5/5 as amended; and

Whereas, Illinois Administrative Code 77 Part 615 requires local health departments to conduct a food sanitation program in accordance with a local ordinance that incorporates by reference or includes provisions at least as stringent as the Illinois Department of Public Health Food Service Sanitation Codes; and

WHEREAS, the White County Board desires to enact ordinances, in accordance with State Statutes that regulate the activities of its local health department; and,

WHEREAS, it is the desire of the White County Board to protect the citizens of White County from transmitting or contacting foodborne disease;

NOW, THEREFORE, BE IT ORDAINED by the White County Board that the following ordinance defining, permitting, and regulating food establishments, retail food stores, mobile and temporary food establishments within the county, whether or not said establishments are located within the corporate limits of any municipality, be hereby adopted. Said ordinance shall be deemed in full force and effect on April 1, 2018.

SECTION A - General Provisions

A.1 Program Mission

In order to protect the citizens within its jurisdiction from contracting and transmitting foodborne diseases, the Egyptian Health Department shall perform a comprehensive food protection program. The Egyptian Health Department shall undertake activities to identify, reduce, and whenever possible, eliminate factors which may

cause foodborne illnesses in order to reduce the incidence of foodborne illnesses.

A.2 Adoption By Reference

In addition to those provisions set forth herein, this Ordinance hereby adopts by reference the current edition and subsequent revisions of, and shall be interpreted and enforced in accordance with the provisions set forth in the following:

- a) "Illinois Department of Public Health Food Service Sanitation Code," 77 Ill. Adm. Code 750
- b) "Bed and Breakfast Act," 50 ILCS 820/1 et seq.
- c) "Food Handling Regulation Enforcement Act," 410 ILCS 625/3.1

d) "Smoke Free Illinois Act," 410 ILCS 82

A.3 Definitions

In addition to the definitions contained in the above Rules and Regulations, the following definitions shall apply in the interpretation and enforcement of this Ordinance.

Adequate shall mean acceptable or sufficient as determined by the Health Authority.

Adulterated shall mean the condition of any food:

- a) If it bears or contains any poisonous or deleterious substance in a quantity which may render it injurious to health; or
- b) If it bears or contains any added poisonous or deleterious substance for which no safe tolerance has been established by regulation or in excess of such tolerance of one that has been established; or
- c) If it consists in whole or in part of any filthy, putrid, or decomposed substance or it is otherwise unfit for human consumption; or
- d) If it has been processed, prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth or whereby it may have been rendered injurious to health; or
- e) If it is in whole or in part the product of a diseased animal or **animal** which has died otherwise than by slaughter; or
- f) If its containers are composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health (410 ILCS 620/10).

Authorized Representative shall mean the legally designated Health Authority of the Egyptian Health Department and shall include those persons designated by the Health Authority to enforce the provisions of this ordinance.

Bake Sale - Sale of homemade cookies, bars, cupcakes or similar items by schools, churches or other non for profit groups for fundraising purposes on an occasional basis.

Bar - Shall mean any establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

Board of Health or Public Health Board - Shall mean the Egyptian Health Department Board of Health

Cottage Food - an operation conducted by a person who produces or packages non-potentially hazardous food in a kitchen located in that person's primary domestic residence or another appropriately designed and equipped residential or commercial-style kitchen on that property for direct sale by the owner or a family member, stored in the residence or appropriately designed and equipped residential or commercial-style kitchen on that property where the food is made. Items may only be available for purchase at a farmers market.

Department - Shall mean the Illinois Department of Public Health.

EHD or Health Department - Shall mean the Egyptian Health Department.

Extensively Remodeled - Shall mean whenever an existing structure is converted for use as a food establishment or any structural additions or alterations are made to existing establishments; such as, changes, modifications and extensions of plumbing systems, excluding routine maintenance.

Farmers Market - a common facility or area where the primary purpose is for farmers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products directly to consumers.

Food - Shall mean any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or sale in whole or in part for human consumption.

Food employee or food handler - an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces. Food employee or food handler does not include unpaid volunteers in a food establishment, whether permanent or temporary.

Food Establishment-shall mean an operation that stores, prepares, packages, serves, vends food directly to the consumer, or otherwise provides human consumption, such as a restaurant, satellite or catered feeding location, catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people, market, vending location, conveyance used to transport people, institution or food pantry; and relinquishes possession of food to a consumer directly, or indirectly, through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers. (77 Ill.Adm. Code 750)

Food establishment includes:

An element of the operation, such as transportation vehicle or a central preparation facility, that supplies a vending location or satellite feeding location, unless the vending or feeding location is permitted by the regulatory authority; and

An operation that is conducted in a mobile, stationary, temporary or permanent facility or location. This inclusion applies regardless of where consumption is on or off the premises and where there is a charge for food. FSE does not include:

An establishment that offers only prepackaged foods that are not time/ temperature controlled for safety;

A produce stand that only offers whole, uncut fresh fruits and vegetables;

A food processing plant, including those that are located on the premises of a food establishment;

A kitchen in a private home, such as a small family daycare provider or a bed and breakfast operation as defined in the Bed and Breakfast Act that prepares and offers food to guest;

A private home that receives catered or home delivered food; a closed family function where food is prepared or served for individual family consumption; or

A cottage food operation. (77 Ill. Adm. Code 750.10)

Hazard Analysis Critical Control Point Program or "HACCP" - a comprehensive food safety control plan that includes a step-by-step description of the food processing, packaging and storage procedure, including identification of critical control points (CCPs); the food-contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

Health Authority/Health Officer - Shall mean that person or persons who have been designated by the White County Board of Health to administer the affairs of the Egyptian Health Department (i.e. the Administrator or their representative).

Imminent Health Hazard - Shall mean any condition or event which poses a particular, immediate hazard to the public health such as fires, floods, total loss of refrigeration, total loss of potable water supply, backup of sewage in to an establishment, or evidence of recent foodborne illness.

Limited Food Establishment - Shall mean an establishment that serves beverages, ice, and prepackaged foods only.

Mobile Food Unit - Shall mean a vehicle-mounted food service establishment designed to be readily movable.

Not-For-Profit Organization - shall mean those organizations recognized as such pursuant to the laws of the State of Illinois. This definition does not include organizations in possession of any annual liquor license (not a special event license) or an Illinois sales tax number for commercial purposes (not tax exempt numbers).

Permit Holder - Shall mean any person or his agent who makes application for a permit to operate a food establishment to this Ordinance.

Person - Shall mean any individual, partnership, corporation, association, or other legal entity.

Pot Luck - Shall mean an event that meets all of the following conditions:

People are gathered to share food at the event;

There is no compensation provided to people for bringing food to the event;

There is no charge for any food or beverage provided at the event;

The event is not conducted for commercial purposes;

It is generally understood by the participants at the event that neither the food nor the facilities have been inspected by the State or a local certified public health department; and

The event is not held on public property.

Retail Food Store - Shall mean any establishment or section of an establishment where food and food products are offered to the consumer and intended for, though not limited to; off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only.

The term does not include establishments which handle only prepackaged spirits; roadside markets

that offer only fresh fruits and fresh vegetables for sale; food service establishments; or food and beverage vending machines.

Temporary Food Service Establishment - Shall mean a food service establishment that operates at a fixed location for a period of time of not more than fourteen (14) consecutive days in conjunction with a single event or celebration.

SECTION B - Permit Requirements

B.01 - Permits Required

It shall be unlawful for any person to open for business or otherwise operate any Food Establishment in White County who does not possess a valid operating permit for that establishment issued by the Health Authority. A fine shall be assessed, as outlined in Section D.7, to any Food Establishment in operation without a valid permit, and the facility shall be closed until a valid permit is obtained. Only a person who complies with the requirements of this ordinance, including payment of permit fees and all fines originating from enforcement of the Food Service Sanitation Code, and Smoke Free Illinois Act, shall be eligible to receive and retain such a permit.

Permits must be conspicuously posted. Permits shall be annual except that the Health Authority may issue Temporary Food Service Establishment permits as may be necessary. All persons complying with this Ordinance shall be entitled to receive such a permit. Permits may not be transferred from one person to another nor from one location to another. A valid permit is one that is not suspended, revoked, or expired. Establishments closed for more than three weeks may be required to procure a new permit from the Health Authority. Mobile Food Units need not obtain a new permit after a three week closure. The Board of Health shall have the authority to establish and determine fees for permits.

B.02 - Permit Issuance

Any person desiring to operate a Food Service Establishment, Retail Food Establishment, or Limited Food Establishment must comply with any existing county or city zoning provisions, where applicable, and shall make written application for a permit on forms provided by the Health Authority a minimum of twenty (20) business days prior to the proposed date of opening.

Any person desiring to operate a Mobile or Temporary Food Service Establishment must comply with any existing county or city zoning provisions, where applicable, and shall make written application for a permit on forms provided by the Health Authority.

Whenever a Food Establishment is to be newly constructed or extensively remodeled, prepared plans for construction or remodeling shall be submitted to the Health Department in accordance with Section IV of this Ordinance. Upon receipt of such an application and permit fee and state plumbing report, the Health Authority shall make any necessary inspections of the food establishment to determine compliance with the provisions of this Ordinance. When inspections determine that the applicable requirements have been met, a permit shall be issued to the applicant by the Health Authority.

B.03 - Permit Renewals

All permits issued by the Health Department to permanent Food Establishments in White County expire on January 31st of the following year. Annual renewal of permits shall be required for continued operation of the food establishment. All existing permitted permanent food establishments desiring to renew a permit shall make written application on forms provided by the Health Department. All registration fees for the annual renewal of permits are due December 16 of each year.

Persons failing to submit the appropriate fee and renewal application by the above stated renewal due date shall be assessed and notified of a late payment penalty fee in addition to the appropriate permit fee. Upon receipt of payment, permits for the coming year will be issued prior to January 31st of each year.

Persons failing to submit the appropriate fee and renewal application by February 1st shall be considered to be operating a Food Establishment without a valid permit. Failure of any Food Establishment in White County to possess a valid permit at any time of operation constitutes a violation of this Ordinance and subjects the Food Establishment to penalties, such as a late fee or fine, as outlined in this Ordinance.

Mobile Food Units, Temporary Food Service Establishments and Seasonally Operated Food Establishments are permitted as necessary and are exempt from the dates in this section.

B.04 - Permit Updates

The permit holder has an affirmative and continuing requirement to update the original and all renewal applications. As a result, the permit holder must inform the Health Authority of any changes in the information listed in these applications within thirty (30) days. Failure to comply with the requirements of this section, or knowingly furnishing false information on the original or renewal applications shall be grounds for immediate suspension or revocation of any permit issued pursuant to this Ordinance.

B.05 - Permit Suspension

The Health Authority may temporarily suspend the permit of a Food Establishment upon notice to the permit holder of the same. Permit suspension shall result in the immediate cessation of all food service operations, including the use or sale of any food, in whole or in part, intended for human consumption.

Reasons for suspending the permit include, but are not limited to, the following:

- a) failure to comply with the provisions of this Ordinance;
- b) failure to comply with the provisions of this Ordinance after notification by the Health Authority;
- c) failure to comply with the provisions of this Ordinance within the time established by the Health Authority;

- d) interference with the Health Authority in the performance of his or her duties, including, but not limited to, failure to allow the Health Authority access to the permit holder's building or records;
- e) failure to update the original and renewal applications, as required by this Ordinance,
- f) knowingly furnishing false information on the original or renewal applications; or,
- g) failure to comply with notices or citations issued for violations of the Smoke Free Illinois Act (410 ILCS 82), including but not limited to, receiving a Smoke Free Illinois Citation and failing to request a hearing to contest the notice or citation within ten (10) calendar days and failing to pay the fine within twenty-eight (28) calendar days, or failing to obey the findings and final order of an Illinois Department of Public Health Administrative Judge.

Upon making a determination that a suspension is appropriate, the Health Authority shall advise the permit holder, in writing, of the intended suspension, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the Health Authority by the permit holder within five (5) business days.

Notwithstanding the other provisions of this Ordinance, permits for Food Establishments may be suspended without warning, notice, or hearing when, in the judgment of the Health Authority, a condition exists that will result in an imminent health hazard to the public.

Upon making a determination that a suspension without notice is appropriate, the Health Authority shall immediately, without warning or notice, advise the permit holder of said condition and all food service operations shall be immediately discontinued.

B.06 - Suspended Permit Reinstatement

Any permit holder whose permit has been suspended may request, in writing, a follow-up inspection by the Health Authority to determine if corrections have been made, for the purpose of reinstatement of the permit. Such request shall include a statement signed by the permit holder that in his or her opinion the conditions causing suspension of said permit have been corrected. Within ten (10) business days following receipt of a written request, the Health Authority shall make a follow-up inspection. Suspended permits shall be reinstated when corrections are made and the applicant is in compliance with the requirements of this Ordinance, including payment of the permit reinstatement fee and all fines originating from enforcement of the Smoke Free Illinois Act, or if the Health Authority grants a variance to the requirements.

B.07 - Permit Revocation

Licenses for food service establishments, retail food stores or temporary food establishments may be revoked by the Health Officer upon notice to the license holder of same. Reasons for suspending the license include, but not limited to, the following:

- a) Serious violation of the provisions of this Ordinance;
- b) Repeatedly failing to comply with the provisions of this Ordinance;

- c) Interference with the Health Officer in the performance of his duties, including, but not limited to, failure to allow the Health Officer access to the license holder's building or records;
- d) Failure to update the original and renewal applications, as required by this Ordinance;
- e) Knowingly furnishing false information on the original or renewal applications;
- f) Failure to apply for re- inspection within thirty (30) days of the end of a suspension period imposed for violations of the provisions of this ordinance; and
- g) When the continuous operation of the business has lapsed for a period of more than ninety (90) days.

Upon making a determination that a revocation is appropriate, the Health Officer shall advise the license holder, or his managing or registered agent, in writing of the intended revocation. The notice shall be delivered in person by the Health Officer or sent via certified mail. The license holder may make a written request for a hearing with the Health Officer before imposition of the revocation according to the procedures set out in the Hearing Procedure section.

B.8 - Risk Classifications

The Egyptian Health Department shall annually conduct a category assessment for every food service establishment and retail food store operating in White County, pursuant to the Local Health Protection Grant rules established by the Illinois Department of Public Health.

The health department may reclassify a facility based upon its experience with the facility (e.g., inspection history, number and frequency of violations and their severity, corrective action, etc.) if, in its opinion, a health hazard will not result from such reclassification or such reclassification will provide better protection for the public. The basis for this decision must be documented and be available for Department inspection.

B.9 - Exemptions

The following entities shall be exempt from the provisions of this Ordinance:

- a) Establishments which have only non-perishable and/or non-potentially hazardous food and whose principle order of business is not to sell food for human consumption.
- b) Facilities licensed and inspected by the Illinois Department of Corrections.
- c) Facilities licensed by the Illinois Department of Public Health as provided for in the "Community Living Facilities Licensing Act" (210 ILCS 35).
- d) Farmers' markets offering raw agricultural products and other non-potentially hazardous foods; however they are required to also comply with Illinois Sanitation Guidelines for Farmers' Markets.
- e) Pot Luck Events.
- f) Fundraisers benefiting churches, charitable organizations or other not-for-profit events.

All exempted facilities or events are required to display an 8.5 inch by 11 inch sign stating that the event is not inspected by the Health Department.

B.10 - Embargo and Condemnation

Food may be examined or sampled by the Health Officer to determine freedom from adulteration or misbranding. The Health Officer may condemn or embargo (detain) equipment or food when he has probable cause to believe that any food or piece of equipment may be unwholesome or unfit for use. Such conditions include but are not limited to:

- a) Food that has been adulterated
- b) Food that has been misbranded
- c) Any TCS food found to be in the optimal temperature range for the growth of pathogenic foodborne bacteria as defined in the Illinois Food Service Sanitation Code
- d) Where equipment used in the preparation of food products is found to be in a state of disrepair, unsafe, unsanitary, or unsuitable for use in the preparation, display or service of food,
- e) In the event that food is contaminated as a result of fire, flood, sewage backup, power outage, or similar events.

Condemned or embargoed food, food containers, or equipment may be suitably stored by the license holder unless said storage would pose a risk to the public health. If a risk exists, immediate destruction shall be ordered by the Health Officer, or voluntary destruction may be accomplished by the license holder. If the license holder refuses to destroy the condemned food, food containers, or equipment, same shall be held under embargo until they have been proved satisfactory for human consumption by a certified laboratory at the expense of the license holder.

No person shall remove or alter a condemnation or embargo order, notice, or tag placed on food, food containers or equipment by the Health Officer. Said food, food containers or equipment shall not be relabeled, replaced, reprocessed, repackaged, altered, disposed of, destroyed, or placed back in service without the permission of the Health Officer, except on order by a court of competent jurisdiction. The license holder may make a written request for a hearing with the Health Officer before imposition of condemnation according to the procedures set out in the Hearing Procedure section.

B.11 - Employee Health

When the Health Department has reasonable cause to suspect the possibility of disease transmission by an employee of any establishment regulated by this Ordinance, the Health Officer shall investigate the suspected employee and take appropriate action pursuant to this Ordinance and State Statutes.

B. 12 - Construction and Remodeling

B.12.1 Plan Review

Whenever a food service store is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Health Authority for review and approval before construction, remodeling

or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The Health Authority shall approve the plans and specifications, if they meet the requirements of this Ordinance. No food service establishment or retail food store shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the Health Authority.

B.12.2 Pre-Operational Inspection

A pre-operational inspection shall be conducted for new and extensively remodeled facilities as necessary to determine compliance with the approved plans and specifications and with the requirements of this ordinance.

SECTION C - Foodborne Disease Survey

A surveillance and control system shall be established to monitor, identify, and record instances of foodborne disease; to detect sources of contamination; to establish factors that contribute to outbreaks; and to recommend preventive and control measures and take appropriate action to prevent further spread of disease. Hazardous food shall be identified and its distribution shall be restricted in accordance with procedures that include the following:

- identification of and prohibition against foods that are unsafe and pose a potential threat to health and safety;
- hold or embargo authority, criteria for destruction of adulterated or contaminated foods, and notification of recalls;
- investigation of facilities upon receipt of complaints, following events such as fire, natural disaster, and other occurrences which may compromise food safety;
- establishment of a system to encourage community reporting of foodborne illness to the local health department, which will notify the Department within 24 hours of occurrence, whenever possible;
- information shall be made available to the general public concerning prevention of foodborne illness and describing proper ways for storing, preparing, canning, preserving, and serving food. Information shall be made available to primary and secondary schools to instruct children regarding food sanitation, personal hygiene and related subjects;

SECTION D - Administration and Enforcement

D.01 Inspection Schedule

The Health Department shall conduct routine onsite inspections for each food service establishment, retail food store, mobile food establishment and temporary food establishment operating in White County in accordance with the guidelines established by the Illinois Department of Public Health, 77 Ill,Adm. Code Ch. 1, Sec. 615. as.

Inspections of all facilities shall include Hazard Analysis Critical Control Point (HACCP) concepts in accordance with its definition.

D.2 Inspection Report

Whenever an inspection of an establishment is made, the finding shall be recorded on a standardized inspection report form pursuant to 77 Ill. Adm. Code 750. One copy of the completed inspection report will be furnished to the permit holder or his agent. If violations of this Ordinance exist, the inspection report shall serve as official notice to the license holder that the establishment is in violation of the provisions of this Ordinance. The completed inspection report form shall specify the violations found by the Health Officer, and shall establish a reasonable time period within which said violations must be corrected.

D.3 Follow-up Inspections

The Health Authority shall make follow-up inspections as necessary to determine compliance with this Ordinance. Follow-up inspections, consultation and enforcement actions shall be conducted in accordance with the EHD Food Inspection and Enforcement Procedures as necessary to ensure correction of deficiencies and violations of applicable ordinances, agreements, or rules.

D.4 Right of Entry

The Health Officer, after proper identification, shall have access at any reasonable time to any establishment regulated by this Ordinance. Reasonable time for the purpose of this section shall mean at all times the establishment is open to the public. The Health Officer shall be permitted to examine all areas and records of the establishment, which are reasonably necessary to his inspection or investigation. Denial of access as herein provided shall be deemed as interference with the Health Officer in the performance of his duties, including but not limited to denial of access to the license holder's building or records.

D.5 Hearing Before the Health Authority

Any person affected by any order or notice issued by the Health Authority in connection with the enforcement of any section of this ordinance, may file with the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall designate the time and place of such hearing to take place within thirty **(30)** days of the date in which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held.

If, as a result of the hearing, the Health Authority finds that strict compliance with the order, or notice would cause undue hardship on the petitioner, and that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or make requirements which are additional to those prescribed in this ordinance for the purpose of properly protecting the public health.

The Health Authority shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Egyptian Health Department as a matter of public record Any person aggrieved by the decision of the Health Authority may seek relief there from through a hearing before the White County Board of Health.

D.6 Hearing Before the Board of Health

Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this section may file with the President of the White County Board of Health a written request for a hearing before the Board of Health. The President of the White County Board of Health shall designate the time and place of such hearing to take place within thirty (30) days of the date on which the request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held.

If, as a result of facts elicited as a result of the hearing, the White County Board of Health finds that strict compliance with the decision of the Health Authority would cause undue hardship on the petitioner and that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Health Authority, the White County Board of Health may grant a variance and as a condition for such variance, may, where it deems necessary, make requirements which are additional to those prescribed by this ordinance, all for the purpose of properly protecting the public health.

The White County Board of Health shall render a decision within ten (10) days after the date of the hearing which shall be reduced to writing and placed on file in the office of the Egyptian Health Department and copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

D.7 Penalties

Any person who violates any provision of this ordinance shall, upon conviction, be assessed a fine of not less than \$100.00 nor more than \$500.00. Each and every violation of the provisions of the White County Food Ordinance shall constitute a separate offense. Each day a particular violation exists shall constitute a separate offense. The State's Attorney of White County shall bring such actions in the name of the People of the State of Illinois or may bring action for an injunction to restrain such violation or to enjoin the operation of any such establishment causing such violation.

SECTION VI - Employee Training

All food service establishments will have at least one employee on staff that has acquired their Certified Food Protection Manager certificate. This employee's food certification must be on display. All employees without a Certified Food Protection Manager will have a Food Handler Certificate. These certificates will be kept on file at the facility and be made available to the Health Authority when requested.

SECTION VII - Repeal of Prior Ordinances and Resolutions

All prior ordinances regulating the sale and distribution of food, excepting those regulating alcohol and tobacco, are hereby repealed as of the effective date of this ordinance.

SECTION VIII - Violation of Federal laws or State statutes

No Food Establishment holding a permit issued under this ordinance shall in the conduct of the permitted business or upon the permitted premises violate any Federal law or State statute.

SECTION IX - Delegation of Program Responsibility

The White County Board hereby delegates the responsibility and authority to conduct the activities under this ordinance to the Egyptian Health Department Board of Health.

SECTION X - Effective Date. Partial Invalidity

This Ordinance shall immediately be in full effect upon signature of the Chairperson of the White County Board of Trustees.

If any part or section of this Ordinance should be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance. Approved by:

Passed and adopted this 8th of May by the
White County Board.

David D. Doshier, Chairman

ATTEST:

Paula Dozier, County Clerk

Mr. Puckett made a motion to adopt the Food Ordinance, seconded by Usery. Motion passed 5 – 0 on roll vote.

Chairman Doshier stated that the next item to consider is the Private Sewage Disposal System Ordinance. The Board has compared the old ordinance to the new and the Egyptian Health Department has been helpful in pointing out the changes. The resolution is as follows:

WHITE COUNTY PRIVATE SEWAGE DISPOSAL SYSTEM ORDINANCE

An ordinance regulating private sewage disposal systems, the construction and/or reconstruction of such systems, in White County Illinois.

Pursuant to the powers granted to the White County Board by the Statutes of the State of Illinois in such case made and provided therefore, and WHEREAS, the improper treatment and disposal of sewage is a menace to the public health: THEREFORE, BE IT RESOLVED by the County Board of White County, Illinois that the following rules and regulations are hereby made and adopted.

SECTION I DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Ordinance.

- 1.1 AUTHORIZED REPRESENTATIVE shall mean the legally designated Administrator or The Acting Administrator of the White County Health Department and shall include those persons designated by the Administrator or Acting Administrator to enforce the provision of this Ordinance.
- 1.2 BOARD OF HEALTH shall mean the Egyptian Board of Health or its Authorized Representative(s).
- 1.3 COMMON COLLECTOR means an underground, enclosed conduit designed to carry treated sewage effluent exclusive of storm water from 3 or fewer properties per day and has a surface discharge. An example of a common collector is a solid plastic pipe installed to carry treated sewage effluent from 2 or 3 discharging systems with a combined design flow of less than 1500 gallons per day. Examples of what is not a common collector are road ditches, field ditches, curbs and gutters, grassed waterways, concrete or other lined drainage ways.
- 1.4 DOMESTIC SEWAGE means wastewater derived principally from dwellings, business or office buildings, institutions, food service establishments, and similar facilities.
- 1.5 HEALTH AUTHORITY shall mean the person or persons who have been designated by the Board of Health to administer the affairs of the Health Department.
- 1.6 HEALTH DEPARTMENT shall mean the Egyptian Public Health Department, an agency of the Egyptian Board of Health.
- 1.7 HOME OWNER means a contract-for-deed buyer or a person who holds legal title to a Residential structure which is to be used or is used for his personal single family residence.

- 1.8 HOME OWNER INSTALLED SYSTEM means a private sewage disposal system installed by a home owner for his personal single family residence.
- 1.9 MODIFY shall mean any change in the design or components of a private sewage disposal system requiring a permit herein defined.
- 1.10 PERMIT shall mean a written permit issued by the Board of Health or its authorized representative permitting the construction of an individual sewage disposal system under this Ordinance.
- 1.11 PRIVATE SEWAGE DISPOSAL SYSTEM means any sewage handling or treatment facility receiving domestic sewage from less than 15 people or population equivalent and having a ground surface discharge of any sewage handling or treatment facility receiving domestic sewage and having no ground surface discharge.
- 1.12 PRIVATE SEWAGE DISPOSAL SYSTEM INSTALLATION CONTRACTOR means any person excavating, constructing, repairing, installing, modifying, or maintaining or servicing a private sewage disposal system.
- 1.13 PRIVATE SEWAGE DISPOSAL SYSTEM PUMPER CONTRACTOR means any person who cleans or pumps waste from a private sewage disposal system or hauls or disposes of wastes removed there-from.

SECTION II **ADOPTION BY REFERENCE**

- 2.1 This Ordinance shall adopt by reference and shall be interpreted and enforced in accordance with provisions set forth in the current, unabridged form of the State of Illinois, Department of Public Health, "Private Sewage Disposal Licensing Act and Code" and any subsequent amendments or revisions thereto, three certified copies of which shall be on file in the office of the County Clerk.

SECTION III **REQUIRED AREA**

- 3.1 Minimum lot size for a residential structure shall be one (1) acre in size excluding road easements. Lots platted and on record before the effective date of the Ordinance, will be given special consideration when applying for a permit. A smaller area may be requested if a community sewage collection system is proposed. A variance may be granted if it is impractical or impossible to comply with the code and an approved system can be installed and no potential health hazards will exist. However, the area shall be large enough to provide for a second private sewage disposal system of a size and type equivalent to the minimum system approved for the lot.
- 3.2 Common collectors are prohibited for use in White County

3.3 The final discharge point of the private sewage systems, that produce a surface discharge, must be a minimum distance of 50 feet from property lines.

SECTION IV SUBDIVISIONS

4.1 The White County Private Sewage Ordinance shall require persons/corporations who subdivide property to furnish information concerning lot sizes, soil topography maps, and location of water supplies. Changes in a proposed subdivision plat must also be submitted. This information is needed to ascertain that each lot of said proposed subdivision will be able to support the installation and subsequent use of an approved private sewage disposal system as defined in the Illinois Department of Public Health “Private Sewage Disposal Licensing Act and Code” and any subsequent amendments or revisions thereto, (herein referred to as sewage code).

4.2 Upon receipt of the plat, the health department will review the plat within 15 working days. The developer, White County Plat Officer and the County Highway Engineer will be advised of the results of the review in writing. If the review determines the proposed plat does not adequately address the private sewage disposal system, a detailed explanation of the deficient areas will be provided. To facilitate the review of the plat, the following information must be submitted:

4.2.1 Proposed plat

4.2.2 Subdivision covenants

4.2.3 A statement of the availability of public sewer service (Section 905.20 [e]) of the sewage code, a statement describing the availability of a public water supply, and, if available, the location of the water mains

4.2.4 The location of existing and proposed drainage tiles, natural drainage areas, ponds, lakes, easements, wells, or abandoned wells

4.2.5 A statement on the potential for flooding based on field observations and historical review (Section 905.20 [j] [1]) of the sewage code

4.3 For every private surface discharging sewage system, a detailed description of the proposed effluent disposal method must be submitted verifying disposal in accordance with Section 905.110 of the sewage code. If it is proposed to dispose of the effluent to the ground surface, then the method to be used to prevent the effluent from ponding or creating a nuisance condition must be described.

4.4 Should a developer fail to submit the information necessary for this review, the White County Plat Officer and the County Highway Engineer will be so advised.

Lot Size:

Minimum lot size for a residential structure requiring a private sewage disposal system, shall be one (1) acre in size excluding road easements or as established by the White County Subdivision Ordinance, whichever is greater. A larger area may be required for such lots if, in the opinion of the health department, there are factors of drainage, soil conditions or other conditions, such as surface discharges from private sewage disposal systems which may cause health problems or nuisance conditions. If a subsurface seepage field is proposed, a soil investigation must be performed by a soil classifier or Illinois licensed professional engineer. The soil investigation shall meet the requirements of the Sewage Code Section 905.55, Part A (1&2). Lots platted and on record before the effective date of this Ordinance for which sewage plans were approved, will receive a variance from this section. A smaller lot may be requested if a community sewage collection system is proposed and approved by the Illinois Environmental Protection Agency. A variance may be granted if, in the opinion of the health department, it is impractical or impossible to comply with the sewage code and an approved system can be installed that does not create health hazards or nuisance conditions.

A private sewage disposal system that produces a surface discharge, which may leave the homeowner's property, shall first enter an effluent receiving system of no less than 150 square feet per bedroom or, to the maximum extent practicable to minimize off lot discharges from the private sewage system. The effluent receiving system shall be installed so when full, the effluent discharged will bypass the effluent receiving system and enter the chlorination unit before discharging to the ground surface.

An effluent reduction system will consist of: (1) A trench with a depth of 12-24 inches, (2) a trench width of 24-36 inches, (3) four inch perforated pipe with a gravel size of 3/4 to 4 inches, gravelless pipe, or a chambered system, size installed in accordance with the Sewage Code per section 905.55. Additional technology will be evaluated in order to achieve compliance with the Sewage Code for flow reduction methods on surface discharging private sewage systems.

The final discharge point of the private sewage systems, that produce a surface discharge, must be a minimum distance of 50 feet from property lines.

SECTION V PERMIT REQUIREMENTS

It shall be unlawful for any person to construct, alter or extend individual domestic sewage disposal systems within White County unless he holds a valid permit issued by the Health Department stating the name of such person for which the specific construction, alteration, or extension is proposed. This permit shall be valid for period of 12 months from the date it is issued.

All applications for permit granted under the provisions of this Ordinance shall be made to the Board of Health or it's duly Authorized Representative.

- 5.3 A permit shall only be issued to a homeowner and/or an Illinois licensed private sewage disposal system installation contractor installing a sewage disposal system.
- 5.4 Permit application forms provided by the Health Department shall be completed and signed by each applicant and shall include the following:
 - 5.4.1 Name and address of the applicant and location of the proposed site of construction, alteration, or extension as proposed.
 - 5.4.2 Complete plan of the proposed disposal facility attesting to its compliance with the minimum standards of this Ordinance.
- 5.5 The Board of Health or its Authorized Representative may refuse to grant a permit for the construction of a private sewage disposal system where a sanitary sewage system is available. A sewer shall be deemed available when a sanitary sewer line is in place within any street, alley, right of way, or easement that adjoins or abuts the premises for which the permit is requested, or when the improvement to be served is located within a reasonable distance of a sanitary sewer to which a connection is practical and is permitted by the controlling authority for the sewer. A reasonable distance for the purpose of this provision shall be deemed to be not greater than 300 feet for a single family residence and not greater than 1,000 feet for a commercial establishment, subdivision, or multifamily dwelling.
- 5.6 The Board of Health or its Authorized Representative shall act upon all applications within 15 days of receipt thereof.
- 5.7 Any effluent that may leave the homeowner's property must first obtain a NPDES permit from the Illinois Environmental Protection Agency.
- 5.8 The Health Department shall be notified of any modification, change or repair to any private sewage disposal system by either a home owner or contractor to determine whether that modification, change, or repair requires a permit as set forth in paragraph 5.1 of this Section. The routine cleaning of disposal system components, replacing septic tank cover, or rodding out inlet and outlets, does not require a construction permit as defined under Section 5 of this Ordinance.
- 5.9 There will be a fee charged for the initial construction permit, alteration or extension of an individual sewage system. The fee shall be collected by the Health Department at the time an application for permit is submitted, and shall be deposited into the Health Department Fund. The fee schedule shall be as approved by the Board of Health.

SECTION VI ENFORCEMENT

- 6.1 It shall be unlawful to discharge untreated sewage or the effluent from any septic tank directly or indirectly to any stream, ditch, ground surface, sink hole or abandoned well, or to allow the contents of any privy vault, septic tank or seepage pit to emit offensive odors, to become objectionable, dangerous, or prejudicial to the public health.
- 6.2 Private sewage disposal systems constructed prior to the effective date of this Ordinance shall be updated to comply with the requirements of this Ordinance when they require a permit to repair or replace that system.
- 6.3 It shall be the duty of the owner or occupant of a property to give the Board of Health or its Authorized Representative free access to reasonable times to any property that has a private sewage disposal system on it for the purpose of making such inspections as are necessary to determine compliance with the requirements of this Ordinance.
- 6.4 A private sewage disposal system shall not be covered or placed in operation until the said installation has been inspected and written approval of the said system shall have been issued by the Health Department.
- 6.5 If any person who installs a private sewage disposal system shall backfill any portion of the said system and/or cover the same with earth, cinders, gravel, shale, or any other material which will prevent the same from being readily viewed to determine if the said system meets all requirements of the Ordinance before receipt of written approval by the Health Department, the Health Department may give fifteen (15) days notice in writing to such home owner so violating the provision of the Ordinance, to uncover such backfilled or covered portions of the system.
- 6.6 If, at the end of such fifteen (15) days, the homeowner shall not have uncovered the individual sewage disposal system, the permit is automatically invalidated and penalty active may be taken, the Health Authority may elect to have the system uncovered at the expense of the home owner. Failure of the home owner to pay such costs within thirty (30) days shall result in execution of a lien against the property.

6

SECTION VII ISSUANCE OF NOTICE

- 7.1 Whenever the Health Department determines that a violation of any provision of this Ordinance has occurred, the Health Department shall give notice to the person responsible for such violation. This notice shall:
 - 7.1.1 Be in writing,

- 7.1.2 include a statement of the reasons for issuance of the notice,
 - 7.1.3 allow reasonable time as determined by the Health Department for performance of any act it required,
 - 7.1.4 be served upon the person responsible for the violation(s); provided that such notice shall have been properly served upon the person responsible for the violations when a copy thereof has been sent by registered or certified mail to his last known address as furnished to the Health Department or when he has been served with such notice by any other method authorized by laws of this State, and,
 - 7.1.5 contain an outline of remedial action which is required to effect compliance with this Ordinance.
- 7.2 It shall not be prerequisite to enforcement of the penalty provisions of this Ordinance that the Health Department first resort to the notice procedure set forth in Section 7.1 of this Section.

SECTION VIII **HEARINGS**

8.1 Hearings Before The Health Authority

Any person affected by an order or notice, issued by the Health Department in connection with the enforcement of any Section of this Ordinance, may file in the office of the Health Department a written request for a hearing before the Health Authority. The Health Authority shall hold a hearing at a time and place designated by the Health Department within thirty (30) days from the date on which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If as a result of the hearing, the Health Authority finds that the public health would be adequately protected and substantial justice done by varying or withdrawing the order or notice, the Health Authority may modify or withdraw the order or notice. The Health Authority shall render a decision within ten (10) days after the date of the hearing, which shall be reduced to writing and placed on file in the office of the Health Department as a matter of public record. Any person aggrieved by the decision of the Health Authority may seek relief there-from through a hearing before the Board of Health.

8.2 Hearing Before The Board of Health

Any person aggrieved by the decision of the Health Authority rendered as the result of a hearing held in accordance with this section may file in the office of the Health Department a written request for a hearing at a time and place designated by the Board of Health within thirty (30) days of the date one which the written request was filed. The petitioner for the hearing shall be notified of the time and place of the hearing not less than five (5) days prior to the date on which the hearing is to be held. If, as a result of

facts elicited as a result of the hearing, the Board of Health finds that the public health would be adequately protected and substantial justice done by granting a variance from the decision of the Administrator or Acting Administrator, the Board of Health may grant a variance. The Board of Health will render a decision within ten (10) days after the date of the hearing, which shall be reduced to writing and placed on file in the office of the Health Department and a copy thereof shall be served on the petitioner personally or by delivery to the petitioner by certified mail.

SECTION IX CITATION NOTICE

- 9.1 When anyone fails or refuses to correct any violation(s) of this Ordinance, after due notice and time specified in Section VII, the Health Authority shall issue a citation notice to the person responsible for the violation(s). The citation notice shall state the date, time and place the person responsible for the violation(s) is to appear in the county court. Upon conviction, the person responsible for the violation(s) shall be subject to the penalty specified under Section X of this Ordinance.
- 9.2 When a private sewage disposal system is installed without a valid permit being issued by the Health authority, a citation notice shall be issued to the person responsible for the violation, with no prior notice required.

SECTION X PENALTY

- 10.1 Any violation of this Ordinance shall be a petty offense with a fine of up to \$1000.00 for each offense.
- 10.2 Each day's violation constitutes a separate offense.

***SECTION XI
CONFLICT OF ORDINANCE. EFFECT ON PARTIAL INVALIDITY***

- 11.1 In any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of County existing on the effective date of this Ordinance, the provision which, in the judgment of the Health Authority establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of White County existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, and provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

11.2 If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and, to this end, the provision of this Ordinance are hereby declared to be severable.

SECTION XII EFFECTIVE DATE

This Ordinance shall be in full force and effect from the date of its adoption.

Passed and adopted this 8th day May 2018
by White County Board.

David D. Doshier, Chairman

ATTEST:

Paula Dozier, County Clerk

Mr. Trout made a motion to approve the sewer ordinance, seconded by Puckett. Motion passed 5-0 on roll call vote.

Chairman Doshier stated that the next item on the agenda is to consider an ordinance regulating commercial solar farms. A representative of Ranger Power, Rose Ann, stated that her company had a couple of areas that they would like to address. She asked if a provision could be added that would explain the approval process and how long that process will take. Also a second provision that would state that the approval would last throughout the lifetime of the project. Chairman Doshier asked Mr Aud to work with Ranger Power and Rose Ann to address those concerns and correct the ordinance to reflect those areas of concern. Chairman Doshier asked that the Board table the resolution until the June 2018 meeting. Mr. Usery made a motion to table the solar ordinance until the June meeting, seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Doshier stated that the next item on the agenda is to adopt a resolution in opposition to raising the age of a delinquent minor to 19. The resolution is as follows:

RESOLUTION

***A RESOLUTION CALLING FOR THE GENERAL ASSEMBLY TO OPPOSE INCREASING THE AGE OF
“DELINQUENT MINORS”***

WHEREAS, Illinois Counties are subject to countless unfunded mandates, numerous budget challenges, and legal constraints,

WHEREAS, the Juvenile Court Act of 1987 (the “Act”) currently defines a “delinquent minor” as “any minor who prior to his or her 18th birthday has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance”;

and

WHEREAS, House Bill 4581 of the 100th General Assembly seeks to amend the definition of “delinquent minor” to increase the age from 18 to 19 on January 1, 2019 and from 19 to 21 on January 2021; and

WHEREAS, increasing the age for which an individual can be considered a delinquent minor will substantial increase the burdens on Illinois counties and their respective sheriff, corrections, and probation operations; and

WHEREAS, passage and approval of House Bill 4581 will only further exacerbate the fiscal challenges faced by Illinois Counties who are already subject to countless other unfunded mandates and increasingly difficult budget challenges as well as complicated legal constraints related to the Act.

NOW, THEREFORE, BE IT RESOLVED by the members of the Board White County, Illinois as follows:

That this Board urges the Governor and the General Assembly to oppose House Bill

4581.

That this Board hereby authorizes and directs the Chairman of the County Board to sign this Resolution and

send a copy of the same to members of the General Assembly representing the County and the Governor.

Passed by the Board of White County this 8th day of May, 2018.

AYES: 5

NAYS: 0

PRESENT: 5

ABSTAIN/ABSENT:

David D. Doshier, Chairman

ATTEST:

Paula Dozier, County Clerk

Mr. Usery made a motion to adopt the resolution in opposition of raising the delinquent minor age to 19. Motion seconded by Trout. Motion passed 5-0 on roll call vote.

Chairman Doshier stated that the next item was to consider a resolution for White County to become a Sanctuary county. Mr. Doshier stated that he had read over the resolution that has been adopted by some of the surrounding counties and he can agree with everything in the resolution with the exception of the last paragraph. Mr. Denton Aud, State's Attorney stated that he also has a problem with the last paragraph because it is giving powers to the Board that the statute has already given to law enforcement officers. Chairman Doshier asked the Board to table this resolution until the June meeting to allow Mr. Aud to draft a new resolution that wouldn't usurp other individual's authority. Mr. Usery stated that he was definitely for making this county a sanctuary county and that he was only in favor of tabling because of the changes being made. Mr. Aud stated that he was definitely in favor of the second amendment rights but some of the language needed to be changed. Mr. Trout made a motion to table the resolution to make White County a sanctuary county until the June meeting. Motion seconded by Puckett. Motion carried 5-0 on roll call vote.

Chairman Doshier stated that the Board was wrestling whether to submit a referendum on the November ballot for a public safety tax for the last four or five months. The Board had a brief discussion and decided that this was the only fair way to decide this issue. Adam Allen stated that the monies would be used to replace the Ambulances and also to try and recruit paramedics back to the Ambulance Service. Chairman Doshier stated that he would entertain a motion to adopt a resolution to place this referendum to increase sales tax on the November ballot for .50%. This resolution is as follows:

RESOLUTION FOR PUBLIC SAFETY REFERENDUM

WHEREAS, the White County Board is aware of the need for public safety for all citizens within its jurisdiction, and

WHEREAS, the revenues received by White County to fund the public safety entities of county government have steadily declined in the past several years, and

WHEREAS, State and Federal governmental unfunded mandates make it impossible to maintain the level of protection deserved and expected by the citizens of White County, and

WHEREAS, Chapter 55 of the Illinois Compiled Statutes 5/5-1006.5 Special County Retailers' Occupation Tax for Public Safety gives authority to county boards to order the proposition to be submitted to the voters, and

WHEREAS, this sales tax, commonly known as a "Public Safety Tax", is one imposed upon the sale of tangible personal property, excluding farm machinery, equipment, and chemicals as provided by statute (35 ILCS 120/2-5), personal property titled or registered with an agency of the State of Illinois, food for human consumption that is consumed off the premises where it is sold, prescription and non-prescription drugs, medical appliances, insulin, syringes and needles used by diabetics, and urine testing materials, and

WHEREAS, 55ILCS 5/5-1006.5 of the Illinois Compiled Statutes defines that the County may expend public safety tax monies for the following purposes; crime prevention, detention, fire fighting, police, medical, ambulance, or other emergency services; and

NOW THEREFORE BE IT RESOLVED, that the White County Board hereby orders this proposition be submitted to the voters at the November 6, 2018 General Primary Election. The proposition shall read

"TO PAY FOR PUBLIC SAFETY PURPOSES, SHALL WHITE COUNTY BE AUTHORIZED TO IMPOSE AN INCREASE ON ITS SHARE OF LOCAL SALES TAXES BY 0.5%?"

"THIS WOULD MEAN THAT A CONSUMER WOULD PAY AN ADDITIONAL \$.50 IN SALES TAX FOR EVERY \$100 OF TANGIBLE PERSONAL PROPERTY BOUGHT AT RETAIL."

YES

NO

NOW THEREFORE BE IT FUTHER RESOLVED, that this resolution be certified to the White County Clerk directing that the referendum be placed on the General Primary Ballot, November 6, 2018.

APPROVED this 8th day of May, 2018.

Members Elected: Five

Members Present: Five

Dosher: Aye
Usery : Aye
Trout: Nay

Puckett: Aye
McAnulty: Aye

ADOPTED this 8th day of May, 2018.

David Doshier, Chairman
White County Board

ATTEST:

Paula Dozier
White County Clerk

Mr. Puckett made a motion to adopt the resolution to submit the public question to increase the county's sales tax by .50% for public safety. Motion seconded Utery. Motion passed 4-1 on roll call vote with Trout voting nay.

Mr. Brian Ray, County Engineer, stated that he had advertised for bids for rural reference signs and had received three bids. The bids were as follows:

| | |
|---------------|--------------|
| MD Solutions | \$80,099.15 |
| Hall Signs | \$83,215.39 |
| Decker Supply | \$120,813.05 |

Mr. Brian Ray asked the Board to accept the bid of MD Solution in the amount of \$80,099.15 and authorize Mr. Doshier to sign the documents awarding the contract. Mr. Trout made a motion to accept the bid of MD Solutions and authorize the execution of the documents awarding the contract. Motion seconded by Utery. Motion passed 5-0 on roll call vote.

Mr. McAnulty proceeded to discuss the financial picture of White County. He stated that he had just received a draft copy of the 2017 audit and his figures came from that draft. He stated that most elected officials were under budget with the exception of the jail. He also explained that the revenues for 2017 was down substantially. Mr. McAnulty stated that the Sheriff and City County Jail were using at least 49% of the income which left only 51% for all other offices to operate on and that is going to be impossible for them to do. Mr. McAnulty went through an overview of the expenditures of the revenue and expenditures of the City/County jail in which he told the Board there was currently a \$330,156 dollar loss. Mr. McAnulty explained that he had also spoke with Mr. Keith Botsch the former auditor of the County and Mr. Botsch stated that Mr. McAnulty could look at each City/County Jail bill and the amount billed the City each month would be a loss for the jail. He said then you should double that amount because the County has incurred the other half of that expense. Chairman Doshier stated that we not only have White County suffering this kind of loss so is the City of Carmi. Mr. McAnulty explained that the cost for White County to house a prisoner was \$57.56 per prisoner per day and that the cost to feed those prisoners was \$7.00 a day per prisoner. Mr. McAnulty stated that the neighboring counties were only paying around \$35.00 per day per prisoner. However the federal amount was higher. Chairman Doshier interjected that it was not the intent of this Board to close the jail and he did not want the employees of the jail to go home with butterflies in their stomach and have sleepless nights. Chairman Doshier stated that it is the intent of the Board to try and preserve these jobs. However at the close of business today the General Fund has a negative fund balance of 1 million dollars. He stated that everyone in the County is going to have to do a better job in holding the line on expenditures.

Chairman Doshier stated that the income stream is declining with little assessment increase in residential, commercial and industrial. The minerals will decline because of the loss of the coal mine and the spot market price of oil and farm land will increase minimally. Mr. McNulty stated that the State Income Tax and Sales Tax has also been declining. Mr. McNulty stated that he felt sorry for the employees in Paula's office because every day they were trying to figure out how to pay the bills. Mr. McNulty stated that the Board should send all vendor's a letter asking them to have all their bills submitted to the County by the 5th of each month and they would be paid within two days after each Board meeting. Chairman Doshier also stated that if the revenue continues to decline the current budget will have to be amended.

Chairman Doshier stated that the next meeting would be the day meeting held on Monday June 11, 2018 at 9:00 a.m.

Mr. Puckett made a motion to adjourn, seconded by Uesery. Motion passed 5-0 on roll call vote.