

AGENDA
REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, ILLINOIS
7:00 P.M.
MONDAY, DECEMBER 16, 2019
FREEDOM HALL, 349 W. BIRCHWOOD, MORTON, ILLINOIS

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. PLEDGE OF ALLEGIANCE TO THE FLAG**
- IV. PUBLIC HEARING**
- V. PRESENTATIONS AND SPECIAL REPORTS**
 - A. Business Development Grant - Presentation for Emerald City/The Forge Steakhouse
- VI. PUBLIC COMMENT**
 - A. Public Comments
 - B. Requests for Removal of Items from the Consent Agenda
- VII. CONSENT AGENDA**
 - A. Approval of Minutes
 - 1. Regular Meeting – December 2, 2019
 - B. Approval of Bills.
- VIII. CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**
- IX. VILLAGE PRESIDENT**
- X. VILLAGE CLERK**
- XI. VILLAGE ADMINISTRATOR**
 - A. Morton Fall Tourism Grant Round Recommendations.
 - B. Resolution 24-20 - A Resolution Adopting Policy for Fixed Asset Capitalization.
 - C. Resolution 25-20 - A Resolution Adopting Policy for Management of General Fund Balance.
- XII. CHIEF OF POLICE**
- XIII. CORPORATION COUNSEL**
 - A. Ordinance 20-22 - An Ordinance Making Amendments Regarding Cannabis to Title 6 and Title 9 of the Morton Municipal Code.
- XIV. DIRECTOR OF FIRE AND EMERGENCY SERVICES**
- XV. DIRECTOR OF PUBLIC WORKS**
 - A. Approval of 2-Year Contract Extension from January 1, 2023 through December 31, 2024 for the Purchase of Electricity from Calpine Corporation.
 - B. Resolution 26-20 - A Resolution Authorizing Intervention in PEPL Rate Case 29-1523.
- XVI. ZONING AND CODE ENFORCEMENT OFFICER**
- XVII. VILLAGE TRUSTEES**
 - A. Trustee Blunier
 - B. Trustee Leitch
 - C. Trustee Leman
 - D. Trustee Menold
 - E. Trustee Newman
 - F. Trustee Parrott
- XVIII. CLOSED SESSIONS**
- XIX. CONSIDERATION OF MATTERS ARISING FROM CLOSED SESSIONS**
- XX. ADJOURNMENT**

**VILLAGE BOARD OF TRUSTEES
REGULAR MEETING
7:00 P.M., DECEMBER 2, 2019**

After calling the meeting to order, President Kaufman led the Pledge of Allegiance. The Clerk (Administrator Smick - Acting Clerk) called the roll, with the following members present: Blunier, Leitch, Leman, Newman, Parrott – 5.

PUBLIC HEARING – None.

PRESENTATIONS – None.

PUBLIC COMMENT – Leigh Ann Brown from the Morton Chamber of Commerce and Economic Development Council announced that despite the bad weather, Hometown Holidays was a success and a lot of people came and enjoyed the activities leading up to and including the tree lighting on Saturday night. She announced that the 2020 Distinguished Service Award nominations are open and the application can be found at the chamber website. She noted a couple businesses that are making progress towards opening soon and also announced that the EDC annual meeting and symposium will be held on Thursday, January 30 at 7:30am at Caterpillar Global Parts Distribution.

CONSENT AGENDA

- A. Approval of Minutes.
 - 1. Regular Meeting – November 18, 2019
- B. Approval of Bills

Trustee Parrott moved to approve the Consent Agenda. Motion was seconded by Trustee Newman and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Newman, Parrott – 5.
No: None.
Absent: Menold – 1.

CHIEF OF POLICE

Chief Hilliard announced that he heard from the Tazewell County ETSB who had submitted a grant for construction on the dispatch consolidation, and appears will be receiving a little over \$67,000 for the work on construction.

ZONING AND CODE ENFORCEMENT OFFICER

ZCO Marks presented Ordinance 20-19 - An Ordinance Making Amendments Regarding Side and Rear Setbacks to Chapter 4 of Title 10 of the Morton Municipal Code. He noted that this will add a map to our code for better clarity. He also noted that this and all other items on the agenda came with favorable recommendations from the Plan Commission. Trustee Blunier moved to approve. Motion was seconded by Trustee Leitch and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Newman, Parrott – 5.
No: None.
Absent: Menold – 1.

ZCO Marks then presented Ordinance 20-20 - An Ordinance Making Amendments Regarding Exceptions to Yard Requirements to Chapter 4 of Title 10 of the Morton Municipal Code. He noted that this will give an exception to the ten-foot setback on a common drive for properties that were previously approved with a site plan review before the ordinance requiring the setbacks came into place. Trustee Newman moved to approve. Motion was seconded by Trustee Leitch and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Newman, Parrott – 5.

No: None.

Absent: Menold – 1.

ZCO Marks then presented Ordinance 20-21 - An Ordinance Making Amendments Regarding Solar Energy Systems to Chapter 4 of Title 10 of the Morton Municipal Code. He noted that this would require plans bearing the seal of a state-licensed structural engineer to be required for all roof-mounted solar energy systems. Trustee Leitch moved to approve. Motion was seconded by Trustee Blunier and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Newman, Parrott – 5.

No: None.

Absent: Menold – 1.

ZCO Marks then presented Preliminary and Final Plats for Subdivision of Lot 12 of Morton Commerce Park IX. He noted that this will split one plat into two plats sharing a common drive. Trustee Newman moved to approve. Motion was seconded by Trustee Leman and approved with the following roll call vote:

Yes: Blunier, Leitch, Leman, Newman, Parrott – 5.

No: None.

Absent: Menold – 1.

VILLAGE TRUSTEES

BLUNIER – Nothing to report.

LEITCH – Nothing to report.

LEMAN – Nothing to report.

NEWMAN – Nothing to report.

PARROTT – Nothing to report.

ADJOURNMENT

With no further business to come before the Board, Trustee Leitch moved to adjourn. Motion was seconded by Trustee Newman and followed by a unanimous voice vote.

ATTEST:

PRESIDENT

VILLAGE CLERK



Memo

To: President & Board of Trustees

From: Julie Smick

Date: December 11, 2019

Re: Morton Fall Tourism Grant Round Recommendations

The Morton Tourism Grant Committee scored the Tourism Grant applications received for the Fall grant round.

There are two types of grants an organization can apply for:

- **Community Grant** is capped at \$3,000 and is for events which bring people into town and gain recognition for the community. These do not generate a lot of overnight hotel stays but do increase restaurant traffic, educational opportunities and improve the quality of life for residents.
- **Overnight Grant** is capped at \$10,000. The Overnight Grant requires at least 50 overnight hotel stays. These events normally provide greater economic benefits to the community and provide a higher level of non-economic benefits for the community and its visitors.

Below are their recommendations to the Board for your approval:

Event	Hosting Organization	Requested Grant Amount	Recommended Grant Amount	Comments
8 th Grade Boys Basketball Tourn.	Blessed Sacrament	\$3,000	\$3,000	None
4 th Friday's	Chamber of Commerce	\$3,000	\$3,000	None
Handel's Messiah	Morton Comm. Chorus	\$3,000	\$2,700	Scored lower on purchase of goods from Morton
Small-Town Pastors' Conference	Rural Home Missionary Assoc.	\$10,000	\$10,000	None
Civil War Days	Tri-Co. Living History Assoc.	\$10,000	\$9,000	Scored lower on overnight stays and restaurant effect
Civil War School Daze	Tri-Co. Living History Assoc.	\$10,000	\$9,000	Scored lower on overnight stays and restaurant effect

If you have any questions, please feel free to contact me.

RESOLUTION NO. 24-20

**RESOLUTION ADOPTING POLICY FOR
FIXED ASSET CAPITALIZATION**

WHEREAS, Hjerpe and Tennison, Certified Public Accountants, who are contracted to perform audit services for the Village of Morton, have recommended the implementation of a Fixed Asset Capitalization Policy; and

WHEREAS, the implementation of this policy is beneficial to the management of the Village's General Fund assets; and

WHEREAS, the Village believes that a General Fund Balance Policy is in the best interest of the Village of Morton;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, as follows:

That the Fixed Asset Capitalization Policy in the form and substance as attached to this resolution is approved.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this ____ day of _____, 2019; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2019.

President

ATTEST:

Village Clerk

ASSET CAPITALIZATION POLICY

Village of Morton, Illinois

Capitalization Policy

Fixed assets should be capitalized when all the following criteria are met:

- The asset is tangible or intangible in nature and is not a component of another capitalized item.
- The asset is used in the operation of the Village's activities.
- The asset has a useful life of one year or more and provides a benefit throughout that period.
- The assets should be capitalized if its cost is \$5,000 or more (see schedule attached).

The cost of a fixed asset should include capitalized interest and ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include costs that are directly attributable to asset acquisition—such as freight and transportation charges, site preparation costs, and professional fees. Donated fixed assets should be reported at their estimated fair value at the time of acquisition plus ancillary charges, if any. This estimation should be made on the basis of the best documentary evidence available. Examples of such documentary evidence would include independent appraisals, market quotations, information on actual sales of similar assets within an appropriate time frame, etc.

Assets not capitalized should be tracked for insurance and control purposes. Assets costing \$5,000 or more with a useful life of one year or more should be tracked as well as all IT equipment.

FIXED ASSET CATEGORIES (CLASSES) To disclose fixed asset activity, four asset classes will be used:

1. **Furniture, Fixtures and Equipment** – Equipment includes costs of office equipment, furniture and fixtures, furnishings, and similar items. For trade-ins, the cost of the new equipment item can be calculated as follows: fair value of the asset surrendered (normally the trade-in value) + amount paid – amount received. This category contains property that does not lose its identity when removed from its location.
2. **Machinery, Vehicles, and Large Equipment** – This classification includes items which are mobile in nature. These assets are not attached to land, buildings or improvements.
3. **Infrastructure** – Infrastructure is long-lived capital assets that are stationary in nature and normally preserved to a significantly greater number of years than most capital assets. They include, among other things, roads, bridges, water and sewer systems, drainage systems and gas lines.
4. **Construction-In-Progress** – Construction-In-Progress (CIP) contains amounts expended on an uncompleted building or other capital construction project. Fixed assets that are substantially complete and available for use on April 30 of any year are not CIP. Assets substantially complete should be properly classified as Buildings and Improvements, Infrastructure, or Equipment, based upon the nature of the constructed asset(s).
5. **Building and Building Improvements** – Buildings are permanent structures housing persons or personal property. Building Improvements are long-lived attachments to buildings that significantly increase the building's life, usefulness, or value. One cannot move or separate Building Improvements from the building. Building Improvements include assets such as elevators, central air conditioning, heating, and fire alarm systems. Building and Building Improvements include the

ASSET CAPITALIZATION POLICY

Village of Morton, Illinois

value of all buildings at purchase price or construction cost (including all charges applicable to the building, which includes capitalizable costs at and subsequent to the date of asset acquisition). Donated Buildings and Building Improvements should be reported at fair value at the time of donation.

6. **Land and Land Improvements** – Purchased land should be carried on the books at cost (purchase price) and include costs directly related to preparation of existing land for its intended use. Donated land should be reported at fair value at the time of its donation. Land Improvements are permanent in improvements should not include infrastructure type assets.
7. **Leased assets** – A lease of a fixed asset either qualifies as a capital lease or an operating lease. Operating leases are treated as current operating expenses. Capital lease assets are recognized as assets of the Village. Therefore, the leased asset must be recorded in the Village’s fixed asset records at the present value of the future minimum lease payments, not to exceed the fair value of the asset. Upon entering into a lease, the Village should request that the vendor provide all the information necessary to determine if the lease is capital or operating.
8. **Computers, IT, Media, and Network Equipment** – This includes, but is not limited to servers, telecommunications equipment, media equipment, copiers, printers and multi-functional machines.
9. **Internal Use Software** – Internal use software is software that is acquired, internally developed, or modified solely to meet the entity’s internal needs.

CAPITALIZATION THRESHOLDS AND USEFUL LIFE

Asset Category	Threshold	Useful Life
Furniture & Fixtures	\$5,000	5-10 yrs.
Machinery, Vehicles, & Equipment	\$10,000	5-10 yrs.
Infrastructure	\$25,000	20-75 yrs.
Construction in Progress	\$25,000	Once Completed
Building & Building Improvements	\$25,000	15-50 yrs.
Land	\$25,000	Permanent
Land Improvements	\$25,000	20-30 yrs.
Leased Assets	Based on Category	Based on Category
Computers, IT, Media & Network Equip.	\$5,000	3 yr.
Internal Use Software	\$5,000	3 yr.

Fixed asset components that have a unit cost under stated capitalization levels should be capitalized if they are originally acquired as part of a system and the system cost equals or exceeds capitalization levels. A system is defined as a group of interacting, interrelated, or interdependent components forming a whole. For example, the components of computer hardware would include the computer monitor, the keyboard, the Central Processing Unit, and the modem. These components should be considered part of the computer system and capitalized as a unit.

DEPRECIATION

Depreciation is the concept of allocating the cost of fixed assets over their estimated useful lives. Improvements, buildings and equipment are depreciated over their estimated useful lives using the straight-line method. Depreciation shall be recorded for annual financial statement purposes.

RESOLUTION NO. 25-20

**RESOLUTION ADOPTING POLICY FOR MANAGEMENT
OF GENERAL FUND BALANCE**

WHEREAS, Hjerpe and Tennison, Certified Public Accountants, who are contracted to perform audit services for the Village of Morton, have recommended the implementation of a General Fund Balance Policy; and

WHEREAS, the implementation of this policy is beneficial to the management of the Village's General Fund assets; and

WHEREAS, the Village believes that a General Fund Balance Policy is in the best interest of the Village of Morton;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, as follows:

That the General Fund Balance Policy in the form and substance as attached to this resolution is approved.

BE IT FURTHER RESOLVED that this resolution shall be in full force and effect upon its passage and approval.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this ____ day of _____, 2019; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2019.

President

ATTEST:

Village Clerk

GENERAL FUND BALANCE POLICY

Village of Morton, Illinois

Policy Purpose

The purpose of this policy is to establish a target level of fund balance for the General Fund and to establish a process and criteria for the continued evaluation of that target level as conditions warrant. This policy shall also establish a process for reaching and or maintaining the targeted level of fund balance and the priority for the use of resources in excess of the target. Finally, this policy shall provide a mechanism for monitoring and reporting the Village's General Fund balance. This policy applies only to the General Fund.

Definitions and Classifications

Fund Balance is a term used to describe the net assets of governmental funds. It is calculated as the difference between the assets and liabilities reported in a governmental fund.

Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the Village is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance applicable to the General Fund are defined as follows:

- Restricted Fund Balance Components:
 - Non-spendable – resources which cannot be spent because they are either a) not in spendable form or b) legally or contractually required to be maintained intact.
 - Restricted – resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.
- Unrestricted Fund Balance Components:
 - Committed – resources which are subject to limitations the government imposes upon itself at its highest level of design making (Village Board) and that remain binding unless removed in the same manner.
 - Assigned – resources neither restricted nor committed for which a government has a stated intended use as established by the Village Board or a body or official (management) to which the Village Board has delegated the authority to assign amounts for specific purposes.
 - Unassigned – resources which cannot be properly classified in one of the other four categories. The General Fund should be the only fund that reports a positive unassigned fund balance amount.

Background and Considerations

Fund balance is intended to serve as a measure of financial resources in a governmental fund. The Village's management, credit rating agencies, and others monitor the levels of fund balance in the General Fund as an important indicator of the Village's economic condition. While credit agencies have always analyzed fund balance as part of their evaluation of credit-worthiness, increased attention has been focused on determining sufficient levels because of recent events in the credit markets.

GENERAL FUND BALANCE POLICY

Village of Morton, Illinois

In establishing an appropriate level of fund balance the Village has considered the following factors:

- Property Tax Base
- Non-property Tax Revenues
- Debt Profile
- Liquidity
- Budget Management
- Future Uses
- Employment Base

Fund Balance Policy

It is the policy of the Village of Morton to maintain a minimum unassigned General Fund balance of 25% of fund annual budgeted expenditures. In the event the unassigned General Fund balance drops below this minimum level, the Village will develop a plan, implemented through the annual budgetary process, to bring the balance back to the target level over a period of no more than three (3) fiscal years. A majority vote will be required for the Village Board to act on an item that temporarily reduces fund balance below this minimum target level. In no instance shall the unassigned fund balance in the General Fund fall below 15% of fund annual expenditures for greater than a continuous two (2) fiscal year period.

Amounts in excess of the targeted maximum of 12% of General Fund expenditures shall be used for capital improvements or other one-time expenditures as identified by the Village Board.

The Administrator shall report fund balance in the appropriate classifications and make the appropriate disclosures in the Village's financial statements. Unless already classified as restricted or committed, the following balances shall be classified as assigned, as per GAAP or as a matter of policy. Additional amounts may be assigned by the Village Board.

Budget Appropriation – Amounts appropriated in the annual budget resolve, or in any supplemental budget resolves, for expenditures in ensuing fiscal year shall be classified as assigned.

Self-insurance Balances – Accumulated reserves for future unemployment and workers compensation claims.

Compensated Absences – Actual accumulated employees' available benefit time balances at the end of each fiscal year.

Village Board action must be taken to establish the types of assignments prior to the fiscal year end but will delegate to the Administrator the determination of the proper amounts that are required.

Policy Administration

Annually, during the annual audit presentation, the Administrator shall report the Village's fund balance and the classification of the various components in accordance with GAAP and this policy.

Should the Village fall below the minimum target level, the Administrator shall prepare a plan to restore the unassigned fund balance to the target level prior to the ensuing fiscal year's budget adoption.

Should the Village exceed the maximum target level, the Village Administrator shall prepare a recommendation to utilize excess funds for capital improvements or other one-time expenditures.

ORDINANCE NO. 20-22

**AN ORDINANCE MAKING AMENDMENTS REGARDING CANNABIS
TO TITLE 6 AND TITLE 9 OF THE MORTON MUNICIPAL CODE**

WHEREAS, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

WHEREAS, on June 25, 2019, the State of Illinois adopted the Cannabis Regulation and Tax Act as Public Act 101-0027; and

WHEREAS, Section 10-5 of the Cannabis Regulation and Tax Act authorizes personal use and possession of cannabis; and

WHEREAS, the Corporate Authorities of the Village of Morton in exercise of the power reserved to them under the Cannabis Regulation and Tax Act desire to adopt certain regulations that comply with the mandates of the Cannabis Regulation and Tax Act regarding possession and use of cannabis, drug paraphernalia, and controlled substances within the Village of Morton.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Section 6-2-3 of the Morton Municipal Code is deleted in its entirety, and in its place a new Section 6-2-3 is inserted, which shall be as follows::

6-2-3: **CANNABIS DEFINITIONS:** Whenever the following words or terms are used in this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED AGENT: Means a person authorized by a Registered Qualifying Patient to tend his or her cannabis plants, which valid authorization shall be endowed only by a Power of Attorney or similar written instrument which names the Agent, is signed by the Registered Qualifying Patient, and has a duration of no more than two weeks within any six month period.

CANNABIS: Means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the

seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

CANNABIS ACCESSORIES: Means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounded, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body as permitted by the Cannabis Regulation and Tax Act.

CANNABIS CONCENTRATE: Means a product derived from cannabis that is produced by extracting cannabinoids from the plant through the use of propylene glycol, glycerin, butter, olive oil or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO₂, ethanol, or isopropanol. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

CANNABIS FLOWER: Means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

CANNABIS-INFUSED PRODUCT: Means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

FACILITATE THE USE OF CANNABIS: Means to transfer, gift, sell, or to otherwise provide cannabis or cannabis accessories to a person. It shall also include purchasing cannabis for a person and careless or negligent storage of cannabis so that it may be easily accessible to a person.

MOTOR VEHICLE: Means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.

PUBLIC PLACE: Means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "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.

PUBLIC WAY: Means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, drive, circle, or other public right-of-way, including, but not limited to, utility easements, dedicated utility strips, or rights-of-way.

REASONABLY INACCESSIBLE: Means out of reach of the driver and any passenger of a motor vehicle, which includes being in the trunk of the vehicle or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. Areas that are not

reasonably inaccessible include, but are not limited to, the glove compartment, any middle console compartment between the driver's seat and the front passenger seat, and either under or directly behind the driver's seat or the front passenger's seat.

REASONABLY SECURED: Means in a sealed, odor-proof, and child-resistant container.

REGISTERED QUALIFYING PATIENT: shall have the meanings ascribed to it in the Compassionate Use of Medical Cannabis Program Act as if that definition were incorporated herein.

WHILE ON DUTY: Means the time period when a person is working during his normal scheduled hours, during overtime hours when a person is working, and during any period of time in which a person is "on call" where he or she may be called upon to perform work duties at any time during that "on call" time period.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Chapter 2 of Title 6 of the Morton Municipal Code is hereby amended by inserting a new Section 6-2-3.1, which shall be as follows:

6-2-3.1: **CANNABIS - POSSESSION AND USE:**

(A) It shall be unlawful for any person under 21 years of age to use or possess cannabis at any time except as otherwise permitted under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, et seq.

(B) It shall be unlawful for any person knowingly to possess more than 30 grams of cannabis flower, more than 500 milligrams of THC contained in cannabis-infused product, or more than 5 grams of cannabis concentrate.

(C) It shall be unlawful for any person to possess cannabis:

1. in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
2. on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
3. in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed container and reasonably inaccessible while the vehicle is moving;
4. in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
5. in an amount greater than 30 grams for Illinois residents and more than 15 grams for out of state residents;

6. in any part of a building owned in whole or in part, or leased, by the Village of Morton; or
7. in any other manner prohibited by state statutes, as they may be amended from time to time.

(D) It shall be unlawful for any person to use cannabis:

1. in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
2. on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;
3. in any motor vehicle;
4. in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;
5. in any public place; or
6. knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;
7. while on duty by a person who has a school bus permit or a Commercial Driver's License.

(E) It shall be unlawful for any person to smoke cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act.

(F) It shall be unlawful for any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code.

(G) It shall be unlawful for any person to facilitate the use of cannabis by any person who is not allowed to use cannabis under the Cannabis Regulation and Tax Act, 410 ILCS 705/1, et seq., or the Compassionate Use of Medical Cannabis Program Act.

(H) It shall be unlawful for any person to transfer cannabis to any person contrary to the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act.

(I) It shall be unlawful for any person to transport, carry, possess or have upon any public place or public way in the Village any cannabis on or about his person except in the original package and with the seal unbroken.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Chapter 2 of Title 6 of the Morton Municipal Code is hereby amended by inserting a new Section 6-2-3.2, which shall be as follows:

6-2-3.2: CANNABIS – PUBLIC DISPLAY AND INTOXICATION:

- (A) It shall be unlawful for any person in the Village to display, make a gift, make available, sell, or offer for sale any cannabis within any public place or public way in the Village.
- (B) It shall be unlawful for any person under the influence of cannabis or controlled substances to enter or remain within any public place or public way within the Village.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Chapter 2 of Title 6 of the Morton Municipal Code is hereby amended by inserting a new Section 6-2-3.3, which shall be as follows:

6-2-3.3: CANNABIS - CULTIVATION: It shall be unlawful for any person to cultivate cannabis plants within the Village of Morton, except for a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act. It shall be unlawful for any person who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act to cultivate cannabis plants:

- (A) unless the person has been a resident of the State of Illinois for more than 30 days before cultivation;
- (B) in excess of 5 plants that are more than 5 inches tall per household;
- (C) outside of an enclosed, locked space;
- (D) using cannabis seeds purchased from somewhere other than a dispensary for the purpose of home cultivation, and seeds may not be given or sold to any other person;
- (E) in a location where they are subject to ordinary public view (within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property);
- (F) without reasonable precautions to ensure the cannabis plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age;
- (G) on non-residential property and property that is not lawfully in the possession of the cultivator or without the consent of the person in lawful possession of the property;

- (H) in a dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property which has not been divided into multiple dwelling units and contains in excess of 5 plants at any one time; or
- (I) unless residing at the residence where the cannabis plants are located, except that a registered qualifying patient's authorized agent may tend to the cannabis plants if attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Chapter 2 of Title 6 of the Morton Municipal Code is hereby amended by inserting a new Section 6-2-3.4, which shall be as follows:

6-2-3.4: CANNABIS - PENALTY:

- (A) Any person who violates any provision of this Section 6-2-3, inclusive of all subsections thereof, shall, upon conviction, be assessed a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00).
- (B) Where any person has been convicted of any of the provisions of this Section at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Section 6-2-8 of the Morton Municipal Code is hereby amended as follows, with additions shown in underlined font and deletions shown in strike through font:

6-2-8: DRUG PARAPHERNALIA-DEFINITIONS: As used in this Chapter, unless the context otherwise requires:

- (A) The term "cannabis" shall have the meaning ascribed to it in section 3 1-10 of the "Cannabis Regulation and Tax Control Act",⁴ as if that definition were incorporated herein.

.....

- (D) "Drug paraphernalia" means all equipment, products, and materials of any kind which are intended to be used unlawfully in planting, propagating,

cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the “Cannabis Control Act,” or the “Illinois Controlled Substances Act,” the “Cannabis Regulation and Tax Act,” or any provision of the Morton Municipal Code. “Drug Paraphernalia” does not include cannabis accessories if possessed or used by any person 21 years of age or older who is otherwise lawfully permitted to possess or use cannabis under the Cannabis Regulation and Tax Act. It includes, but is not limited to. . . .

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Section 6-2-8.2(A) of the Morton Municipal Code is hereby amended as follows, with additions shown in underlined font and deletions shown in strike through font:

6-2-8.2: **POSSESSION OF DRUG PARAPHERNALIA:**

- (A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it illegally in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in illegally preparing cannabis or a controlled substance for that use, commits an offense.

BE IT FURTHER ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Section 9-4-55 of the Morton Municipal Code is hereby amended as follows, with additions shown in underlined font and deletions shown in strike through font:

9-4-55 **TRANSPORTATION OF ~~CANNABIS~~, CONTROLLED SUBSTANCES, OR AND DRUG PARAPHERNALIA PROHIBITED:**

- (A) No driver may knowingly transport, carry, possess, or have any ~~cannabis (as defined in Title 6, Chapter 2, Section 3 of the Morton Municipal Code, as may be amended from time to time)~~, controlled substances (as defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., as that act may be amended from time to time), or drug paraphernalia (as defined in Title 6, Chapter 2, Section 8 of the Morton Municipal Code, as may be

amended from time to time),-within the passenger area of any motor vehicle upon a public street or public property in the Village of Morton.

BE IT FURTHER ORDAINED that if any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect 10 days after publication thereof as provided by law.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this ____ day of _____, 2019; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this ____ day of _____, 2019.

ATTEST:

President

Village Clerk

RESOLUTION NO. 26-20

A RESOLUTION AUTHORIZING INTERVENTION IN PANHANDLE EASTERN
PIPELINE RATE CASE 19-1523

WHEREAS, the Village of Morton operates a natural gas utility; and

WHEREAS, the Village of Morton obtains transmission of its natural gas supply from the Panhandle Eastern Pipeline operated by Enable Mississippi River Transmission, LLC; and

WHEREAS, Enable Mississippi River Transmission, LLC, is subject to the regulatory authority of the Federal Energy Regulatory Commission; and

WHEREAS, Enable Mississippi River Transmission, LLC, has initiated proceedings to obtain approval of the Federal Energy Regulatory Commission for a rate increase; and

WHEREAS, Enable Mississippi River Transmission, LLC, is seeking a rate increase of approximately 400% in the rates charged to the Small Customer Transportation (SCT) group; and

WHEREAS, the Village of Morton is a member of the Small Customer Transportation (SCT) group; and

WHEREAS, the proposed rate increase would result in additional transportation costs of \$2,041,145.66 to the Village of Morton; and

WHEREAS, intervening in the Federal Energy Regulatory Commission proceeding will afford the Village of Morton the opportunity to participate in the rate setting proceeding, and to interpose objections to the proposed rate increase; and

WHEREAS, the Village of Morton has the opportunity to retain counsel and participate in the rate setting proceeding through a consortium of similar situated municipalities; and

WHEREAS, participation in the consortium affords the Village of Morton a more economical means of participating in the rate setting proceeding; and

WHEREAS, it is anticipated that the Village of Morton's share of legal fees and expenses to intervene in the rate setting proceeding through the consortium will be \$134,238 over the course of the next 18 months; and

WHEREAS, the Superintendent of Public Works recommends the Village of Morton participate in the rate setting proceeding to object to the proposed rate increase.

NOW THEREFORE, be it resolved that the Village of Morton hereby:

1. The Village of Morton hereby approves for the Village to be represented in the intervention in the PEPL rate case RP-19-1523 by the law firms Blue Planet Energy Law, LLC and Day Pitney, LLC.
2. The Village of Morton hereby authorizes the Superintendent of Public Works to execute letters of engagement with Blue Planet Energy Law, LLC and Day Pitney LLC to perform legal services in connection with the Village of Morton's intervention in the PEPL rate case RP-19-1523.
3. The Village of Morton authorizes and approves paying its proportionate share of the costs to intervene in the PEPL rate case RP-19-1523, with costs to be allocated among the consortium in a proportion equal to the ratio which the Village of Morton's 2018 Annual Natural Gas Usage bears to the total 2018 Annual Natural Gas Usage among all participants in the consortium.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton, Tazewell County, Illinois, this _____ day of _____, 2019; and upon roll call the vote was as follows:

AYES:

NAYS:

ABSENT:

ABSTAINING:

APPROVED this _____ day of _____, 2019.

President

ATTEST:

Village Clerk