

The City Council of the City of Mattoon held a regular meeting in the City Hall Council Chambers on December 4, 2018.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Daniel C. Jones, Finance Director/Treasurer Beth Wright, Public Works Director Dean Barber, Fire Chief Tony Nichols, Deputy Police Chief Sam Gaines, Arts & Tourism Director Angelia Burgett, and City Clerk Susan O'Brien.

CONSENT AGENDA

Mayor Gover seconded by Commissioner Hall moved to approve the consent agenda consisting of minutes of the regular meeting November 20, 2018; bills and payroll for the last half of November, 2018.

Bills & Payroll
last half of November, 2018

	<u>General Fund</u>		
Payroll		\$	347,673.68
Bills		\$	899,987.31
	Total	\$	1,247,660.99
	<u>Hotel Tax Administration</u>		
Payroll		\$	2,484.82
Bills		\$	492.40
	Total	\$	2,977.22
	<u>Festival Mgmt Fund</u>		
Bills		\$	7,088.59
	Total	\$	7,088.59
	<u>Ins & Tort Jdgmnt</u>		
Bills		\$	62,661.95
	Total	\$	62,661.95
	<u>Capital Project Fund</u>		
Bills		\$	14,732.50
	Total	\$	14,732.50
	<u>Water Fund</u>		
Payroll		\$	41,711.96
Bills		\$	677,576.59
	Total	\$	719,288.55
	<u>Sewer Fund</u>		
Payroll		\$	38,769.21
Bills		\$	636,339.09
	Total	\$	675,108.30

Health Insurance Fund

Bills		\$	166,652.51
	Total	\$	166,652.51

Motor Fuel Tax Fund

Bills		\$	2,235.91
	Total	\$	2,235.91

Mayor Gover declared the motion to approve consent agenda carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

Mayor Gover opened the floor for questions/comments from the Public. Mr. Ed Sawyer, 808 Lafayette, had questions regarding wheel chair ramps in residential areas. Administrator Gill stated staff was looking into the codes and setback requirements with Attorney Jones adding discussions with Code Enforcement Matt Frederick and Administrator Gill. Mayor Gover called for any additional comments or questions with no response.

NEW BUSINESS:

Mayor Gover seconded by Commissioner Graven moved to approve Council Decision Request 2018-1885, ratifying the re-appointments of Terry Brotherton, Bill Standerfer, and Dave Stapleton to the Public Works Advisory Board with terms ending 12/31/2021.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Owen moved to approve Council Decision Request 2018-1886, approving the fee proposal in the amount of \$46,490 from Clark-Dietz to complete a cost study of disinfection options at the Waste Water Treatment Plant.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall inquired as to the purpose of the device. Director Barber explained the end of treatment by the WWTP and options; noted the rules were changing; and explained the analyzation of construction costs, and other plants' processes that are successful.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to adopt Ordinance No. 2018-5411, authorizing the successor application establishing the Coles County Enterprise Zone, Enterprise Designation and Property Tax Abatement; and extending the Zone another ten years on the expiration date of the original Enterprise Zone.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2018-5411

AN ORDINANCE ESTABLISHING THE COLES COUNTY ENTERPRISE ZONE

CITY OF MATTOON

-ENTERPRISE ZONE DESIGNATION-

-PROPERTY TAX ABATEMENT-

WHEREAS, the Illinois General Assembly passed Senate Bill 3616 as amended on May 31, 2012, and, which was signed into law by the Governor on August 7, 2012, thereby amending the Illinois Enterprise Zone Act (20 ILCS 655/1 et. seq.), hereafter referred to as “the Act,” under the provisions of Public Act 97-905; and,

WHEREAS, the Illinois General Assembly also passed Senate Bill 20 as amended on May 31, 2013, and, which was signed into law by the Governor on July 25, 2013, as Public Act 98-109, portions of which clarified Enterprise Zone related legislation contained in Public Act 97-905 and the Act; and,

WHEREAS, the Act provides for a new Illinois Enterprise Zone designation application process administered by the Illinois Department of Commerce and Economic Opportunity (hereafter referred to as “the Department”) subject to the approval and concurrence of the State Enterprise Zone Board, hereafter referred to as “the Board;” and,

WHEREAS, once approved by the Board, the Enterprise Zone designation will be in effect for 15 years beginning on the date as certified by the Department, subject to review by the Board after the 13th year of existence for another ten-year designation beginning on the expiration date of the Zone; and,

WHEREAS, a Public Hearing was held at Coles Together on November 7, 2018 on the subject of new Enterprise Zone designation, hereafter known as “the Zone,” notice of which was duly advertised in Mattoon Journal Gazette-Times Courier on Monday, October 29, 2018; and,

WHEREAS, Enterprise Zones provide state and local incentives used to promote the economic growth of the area, to reduce unemployment, and to encourage expansion, rehabilitation, and new construction of structures within the Enterprise Zone; and,

WHEREAS, the County Board of Coles County, the City Council of the City of Charleston, the City Council of the City of Mattoon, and the City Council of the City of Oakland, also referred to as the Designating Units of Government, have determined and concur that it is desirable and necessary for the region to apply for a new Enterprise Zone designation for the long term benefit and economic viability of the region; and,

WHEREAS, the Designating Units of Government find and concur that the region meets the qualifications established in Section 4 of the Act; and,

WHEREAS, the Designating Units of Government find that the Enterprise Zone as described in Addendum “A” is contiguous as defined in the Act; and,

WHEREAS, the Designating Units of Government find that the Enterprise Zone as described in Addendum “A” shall comprise no more than 15 square miles of land, exclusive of waterways and lakes, as allowed by the Act; and,

WHEREAS, certain parts of the Enterprise Zone lie within the boundaries of the **CITY OF MATTOON**; and,

WHEREAS, the City Council of the **CITY OF MATTOON** desires to designate an area within its jurisdiction as an Enterprise Zone as outlined in the attached Addendum “A,” subject to the certification of the Zone by the Department in accordance with the Act; and,

WHEREAS, the name of the Enterprise Zone shall be the Coles County Enterprise Zone.

NOW, BE IT THEREFORE ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MATTOON, ILLINOIS:

Section 1 – TERM. The term of the Zone will be for 15 years commencing on the date as certified by the Department, or until such time as the Zone has expired, been decertified by the Department or repealed by the General Assembly or by ordinance of the participating governmental entities, whichever is sooner. After the 13th year, the zone is subject to review by the State Enterprise Zone Board for an additional 10-year designation beginning on the expiration date of the Coles County Enterprise Zone. During the review process, the State Enterprise Zone Board shall consider the costs incurred by the State and units of local government as a result of tax benefits received by the enterprise zone before granting the extension. Upon approval of the State Enterprise Zone Board, the Zone may further be in effect for an additional 10 years.

Section 2 – PROPERTY TAX ABATEMENT. That commencing on or after the Zone’s Certification date by the Department, taxes on real property levied by the **CITY OF MATTOON** shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as described below. In no event shall any abatement of taxes on any parcel exceed the amount attributable to the construction of the improvements or the renovation or rehabilitation of existing improvements on such parcel. Land value increases as a result of the development are also included in said abatement.

A) **DEFINITIONS**

1) “Project Application” as defined herein is the written application for Coles County Enterprise Zone benefits for job development and capital investment projects. The application must be completed by the company seeking benefits (or the company’s designated representative) and submitted to the Coles County Enterprise Zone Administrator prior to the initiation of construction for said project. The Application provides information necessary for the Administrator to verify eligibility for Enterprise Zone benefits including, but not limited to, Property Tax Abatement and Sales Tax Exemption for Building Materials in conjunction with the Illinois Department of Revenue processes and procedures in effect at the time of the Application.

2) “Memorandum of Understanding” or “MOU” as defined herein is the written agreement between the Coles County Enterprise Zone Administrator, on behalf of the Taxing Bodies participating in the Coles County Enterprise Zone property tax abatement program, and the Applicant receiving tax abatement. The MOU defines the terms and conditions by which abatement of real estate property tax is authorized.

3) “Industrial/Manufacturing Projects” as defined herein, are enterprises where the manufacturing or assembling of goods takes place.

4) “Logistic(s)/Distribution Center Projects” as defined herein, are warehousing and distribution enterprises that are engaged in the storage and/or packaging of goods and/or information and the transfer or transportation of products from a point of origin to a point of consumption. Data Centers supporting Information Storage and Distribution are included in this category.

5) “Retail/Service/Commercial Projects” as described herein, are enterprises in the business of selling products or services to the general public or wholesale customers as well as restaurants, hotels/motels, assisted living, and related concerns, and enterprises that are research oriented and/or provide professional services such as accounting, engineering, architecture, finance, law and telemarketing companies.

6) Exclusions - Retail/Service/Commercial Companies engaged in the following categories of business below shall be ineligible for any property tax abatement as provided herein:

- a) self-storage (mini warehouse facilities)
- b) cash-advance, pay day loan, and title loan stores

- c) adult entertainment venues including adult bookstores
- d) apartments
- e) solar energy systems, and wind towers and turbines
- f) auto salvage yard
- g) commercial feed lots
- h) hides, skins, and raw furs processing
- i) junk yards
- j) landfills
- k) refuse incinerators
- l) slaughter houses, meat packing, processing plant, stockyards

7) Additional Exclusions – All residential projects shall be ineligible for any benefits herein established in the Coles Enterprise Zone including sales tax exemption on building materials.

B) Project Application Approval – No project shall be granted property tax abatement until or unless a Project Application has been submitted to the Administrator of the Coles County Enterprise Zone, to insure eligibility and qualifying criteria have been met.

Enterprise Zone Property Tax Abatement will not be granted if a project has begun construction prior to receiving approval of an Abatement request from the Administrator.

Applicants requesting Building Materials Exemption Certificates (BMEC) from the Administrator and the Illinois Department of Revenue will not receive benefits for materials purchased prior to the issuance of a BMEC by the Illinois Department of Revenue.

C) That commencing on or after the Zone’s Certification date by the Department, taxes on land and real property levied by the **CITY OF MATTOON** shall be abated on property located within the Zone and upon which qualified new improvements have been constructed according to the following schedule:

1)	For taxes levied in the first year of abatement:	100%
2)	For taxes levied in the second year of abatement:	100%
3)	For taxes levied in the third year of abatement:	100%
4)	For taxes levied in the fourth year of abatement:	100%
5)	For taxes levied in the fifth year of abatement:	100%
6)	For taxes levied in the sixth year of abatement:	100%
7)	For taxes levied in the seventh year of abatement:	100%
8)	For taxes levied in the eighth year of abatement:	100%
9)	For taxes levied in the ninth year of abatement:	100%
10)	For taxes levied in the tenth year of abatement:	100%

Said abatements shall be for ten (10) consecutive years beginning with the real estate taxes payable in the year following the first full year of a facility's commercial operation after which said qualifying improvements have been made.

Abatements shall be made on the new tax increment created by said improvements according to the aforementioned schedule. Abatements for a specific project will cease after the tenth year, or upon expiration, termination or decertification of the Coles County Enterprise Zone, whichever is sooner.

- D) The above property tax abatements shall be applicable for eligible

INDUSTRIAL, MANUFACTURING AND LOGISTICS/DISTRIBUTION CENTER PROJECTS for increases in land values and improvements to real property upon which new construction, improvements, renovation or rehabilitation has been completed after the Zone's Certification date by the Department, and before the expiration, termination or decertification of the Coles County Enterprise Zone, whichever is sooner. Abatement shall only apply to the incremental increase in taxes assessed as a result of the project and its related improvements. Further, if a building permit is required, its issuance is also a condition of abatement approval.

Questions as to the eligibility of a project and resulting improvements will be decided by the Coles County Enterprise Zone Administrator, with advice and consent of the local Enterprise Zone Advisory Board.

- E) That, with the adoption of this Ordinance, taxes on land and real property levied by the **CITY OF MATTOON** shall be abated on **RETAIL/SERVICE/COMMERCIAL** property developments located within the Zone with the exception of those projects outlined in SECTION "2.A.6." above, and upon which new improvements have been constructed according to the following schedule:

- | | | |
|----|---|------|
| 1) | For taxes levied in the first year of abatement: | 100% |
| 2) | For taxes levied in the second year of abatement: | 75% |
| 3) | For taxes levied in the third year of abatement: | 50% |

Said abatements shall be for three (3) consecutive years beginning with the real estate taxes payable in the year following the first full year of a facility's commercial operation after which said improvements have been made. Abatements shall be made on the new tax increment created by said improvements according to the aforementioned schedule. Abatement for a specific project will cease after the third year or upon expiration, termination or decertification of the Coles County Enterprise Zone, whichever is sooner.

- F) The above property tax abatements shall be applicable for eligible retail, service, and commercial projects involving real property upon which construction, improvements, renovation or rehabilitation has been completed after the Zone's Certification date by the Department, and prior to the expiration, termination or decertification of the Coles County Enterprise Zone. Further, if a building permit is required then its issuance is also a condition of abatement approval.

Questions as to the eligibility of a project will be decided by the Enterprise Zone Administrator, with advice and consent of the Enterprise Zone Advisory Board.

- G) **Regulatory and Legal Compliance.** The Companies receiving Coles County Enterprise Zone property tax abatement shall comply with all federal, state and local environmental laws and regulations. Failure to comply shall be determined by the Taxing Bodies and shall not require formal action or findings by any governmental agency or court.

- H) Entities meeting abatement qualification criteria outlined above must enter into a Memorandum of Understanding with the Coles County Enterprise Zone through its Enterprise Zone Administrator, outlining

projected job creation and/or job retention numbers and capital investment for the eligible projects as defined in Section 2.A above. Said Administrator is hereby authorized to enter in to such agreements on behalf of the Coles County Enterprise Zone.

- 1) Entities receiving property tax abatement for eligible projects must agree to maintain a minimum of 75% of the employment levels at that location as described in the Memorandum of Understanding for the term of abatement. At the discretion of the Coles County Enterprise Zone Administrator, with the advice and consent of the local Enterprise Zone Advisory Board, failure to maintain a minimum of 75% of the employment levels during the agreement period may result in the immediate termination of remaining abatement and/or the pro-rata repayment of previously abated real property taxes to the applicable taxing districts.
- 2) The Administrator of the Coles County Enterprise Zone will annually monitor the performance of the eligible recipients of property tax abatement in order to ensure that job and investment projections outlined in the Memorandum of Understanding are being met.
- 3) The Coles County Enterprise Zone Administrator will also inform the entity of required State of Illinois reporting requirements. Failure to report Enterprise Zone benefits as required by the Illinois Department of Revenue, and/or other State agencies, as may be dictated by State statute, may result in termination of all locally designated Coles County Enterprise Zone benefits.
- 4) The Administrator of the Coles County Enterprise Zone, with advice and consent of the local Enterprise Zone Advisory Board, may elect to waive enforcement of any performance measures outlined in the Memorandum of Understanding based on a finding that the waiver is necessary to avert an imminent, demonstrable, and material hardship to the entity that may result in such entity's insolvency or discharge of workers.

Section 3 – BUILDING PERMIT FEE WAIVER. The **CITY OF MATTOON** will waive the normal amount charged for any and all fees or building permits necessary for rehabilitation, expansion or new construction associated with **INDUSTRIAL, MANUFACTURING AND LOGISTICS/ DISTRIBUTION CENTER PROJECTS**, as defined herein, within the Coles County Enterprise Zone. The provision of this incentive shall not be construed to provide for the elimination of any permit.

RETAIL/SERVICE/COMMERCIAL PROJECTS, as defined herein, are not eligible for this waiver of building permit fees.

Section 4 – BENEFIT ENTITLEMENT. Upon the effective date of this ordinance, all incentives and benefits previously offered and in effect in the Coles County Enterprise Zone granted before the termination of the original Coles County Enterprise Zone, shall continue as originally implemented for the term of the new Coles County Enterprise Zone, subject to approval and certification of said Zone by the Department, for the following groups:

- A) Business enterprises which are receiving benefits or incentives in the Coles County Enterprise Zone on the effective date of this designating resolution;
- B) Business enterprises or expansions which are proposed or under development on the effective date of this designating resolution:
 - 1) If the business enterprise demonstrates that the proposed business enterprise or expansion has committed to locating or expanding in the zone; or

- 2) Substantial or binding financial obligations have been made; and such commitments have been made in reasonable reliance on the benefits and programs which would have previously been available because of the Enterprise Zone.

Section 5 – NO ASSIGNMENT OR TRANSFER. Coles County Enterprise Zone property tax abatement shall be specifically granted to the Applicant and may not be re-assigned or transferred without a Written Notice of Transfer Request being submitted to the Coles County Enterprise Zone Administrator. In the event that the Applicant desires to transfer or assign any or all of its ownership of the subject property where the business located thereon, the transferee shall submit correspondence to the Coles County Enterprise Zone Administrator requesting transfer of the abatement to the new owner for the time remaining on the abatement.

The Coles County Enterprise Zone Administrator, with the advice and consent of the local Enterprise Zone Advisory Board, shall review the taxpayer's request to transfer said abatement, and determine the taxpayer's eligibility for such transfer, subject to the terms and conditions of Section 2 above as well as compliance with the Act. The Coles County Enterprise Zone Administrator shall notify the affected taxing bodies that such a request has been made and the action taken by the Administrator to address the transfer request.

Section 6 – ADMINISTRATION. By agreement of the joint applicants of the County of Coles, the City of Charleston, the City of Mattoon and the City of Oakland, the Administrator of the Coles County Enterprise Zone will be the President of Coles Together or other qualified party as determined from time to time by completing a Request For Qualifications process conducted by the Enterprise Zone Advisory Board in accordance with the Illinois Enterprise Zone Act and Regulations. Administration of the Zone will be carried out as described in the Enterprise Zone Intergovernmental Agreement between the County of Coles, the City of Charleston, the City of Mattoon and the City of Oakland.

Section 7 – ADMINISTRATION FEES. Applicant Fees - As allowed by the Act, the Administrator of the Coles County Enterprise Zone is hereby authorized to collect a Zone Administration Fee from the Applicant for the issuance of Building Material Exemption Certificates in order to offset the management and operational costs associated with the Administration of the Zone. Said fee shall be equal to .5 percent (1/2%) of the documented cost of building materials for each project up to a maximum of \$50,000 per project (20 ILCS 655/8.2c). The Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, may also elect to collect a processing fee for related Enterprise Zone activities such as boundary amendment applications, technical correction applications, and/or other applications resulting in an amendment to the Zone or Zone operating procedures, which may change from time to time. At no time will all fees combined, related to a single project, exceed \$50,000 or such amount as may be stipulated in state statute. The **CITY OF MATTOON** shall have no liability for payment of such fee on behalf of the Applicant.

Section 8 – TAX INCREMENT FINANCING DISTRICT OR REDEVELOPMENT AREA OVERLAY. In the event that a Tax Increment Financing (TIF) District or redevelopment district or project area (20 ILCS 655/5.4.1) is, will be, or has been created by a municipality under Division 74.4 of the Illinois Municipal Code, and said redevelopment project area contains property that is located in an enterprise zone, and the municipality adopts an enterprise zone designating ordinance pursuant to Section 5.4 of the Act specifically concerning the abatement of taxes on property, as in Section 2 above, located within a redevelopment project area created pursuant to Division 74.4 of the Illinois Municipal Code, and the Department certifies the Ordinance, then the property that is located in both the enterprise zone and the redevelopment project area or TIF District shall not be eligible for the abatement of taxes under Section 18-170 of the Illinois Property Tax Code.

Section 9 – BUSINESS ENTERPRISE FOR MINORITIES, WOMEN, AND PERSONS WITH DISABILITIES. The Designating Units of Government are committed to the development of businesses owned by minorities, women and disabled persons, as defined in the Business Enterprise for Minorities, Women and persons With Disabilities Act (30 ILCS 575), in the Coles County Enterprise Zone. Further, as described in the Illinois Enterprise Zone Act (20 ILCS 655/4.e.11), the Designating Units of Government are committed to encouraging

employers located within the boundaries of the Coles County Enterprise Zone to hire minorities, women and disabled persons in accordance with the intent of the Act and the regional economic development strategy.

Section 10 – LOCAL SOURCING STATEMENT. The Designating Units of Government encourage companies receiving Coles County Enterprise Zone benefits, as provided herein, to utilize local labor and to purchase building materials locally.

Section 11 – CONFLICTING LANGUAGE. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance shall be and are hereby repealed.

Section 12 – EFFECTIVE DATE. This Ordinance shall be in effect from the date of and after its passage, approval and recording and upon certification of the new Enterprise Zone designation by the Illinois Department of Commerce and Economic Opportunity, according to law. Failure to receive certification of the Zone by the Department will render this Ordinance null and void. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Commissioner Cox, seconded by Commissioner Graven adopted this 4th day of December, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
 Commissioner Hall, Commissioner Owen,
 Mayor Gover
NAYS (Names): None
ABSENT (Names): None

Approved this 4th day of December, 2018.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 4, 2018.

Mayor Gover opened the floor for questions/comments/discussion. Mrs. Angela Griffin, Executive Director of Coles Together, explained the 25-year term, changes from previous years, competition for enterprise zones, applications due December 31st, and State processing of applications. Mayor Gover opened the floor for additional questions or comments with no response.

Commissioner Owen seconded by Commissioner Hall moved to amend the extension of the Zone years to 25 not ten.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Cox seconded by Commissioner Graven moved to approve the amended motion of Ordinance No 2018-5411, authorizing the successor application establishing the Coles County Enterprise Zone, Enterprise Designation and Property Tax Abatement; and extending the Zone another 25 years on the expiration date of the original Enterprise Zone..

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Cox moved to adopt Ordinance No. 2018-5412, amending Chapter 37.04 of the municipal code to update the policy prohibiting sexual harassment by expanding the time to file charges of discrimination with the Illinois Department of Human Rights from 180 days to 300 days, pursuant to Illinois Public Act 100-1066.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2018-5412

AN ORDINANCE ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017; and,

WHEREAS, pursuant to the Act, the City of Mattoon adopted Ordinance No. 2017-5400, establishing a policy to prohibit sexual harassment; and,

WHEREAS, the Illinois General Assembly has enacted Public Act Public Act 100-1066, expanding the time to file charges of discrimination with the Illinois Department of Human Rights from 180 days to 300 days; and,

WHEREAS, the City of Mattoon needs to update the Policy prohibiting sexual harassment accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The above recitals are incorporated into and made part of this Ordinance.

Section 2. Chapter 37.04 Section (C): Procedure for Reporting an Allegation of Sexual Harassment shall be amended as follows:

§37.04 POLICY PROHIBITING SEXUAL HARASSMENT

(C.) PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, a director of human resources, an ethics officer, the city manager or administrator, or the chief executive officer of the municipality.

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within **180 300** days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

Section 3. Chapter 37.04 Section (D): Prohibition on Retaliation for Reporting Sexual Harassment
Allegations shall be amended as follows:

(D) PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with IDHR or EEOC, may file a retaliation charge – either due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Section 4. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect upon its publication and approval as provided by law. The Clerk is hereby directed to publish this Ordinance in pamphlet form.

Upon motion by Mayor Gover, seconded by Commissioner Cox, adopted this 4th day of December, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
Commissioner Hall, Commissioner Owen,
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of December, 2018.

/s/Timothy D. Gover
 Timothy D. Gover, Mayor
 City of Mattoon, Coles County, Illinois

ATTEST:

/s/Susan J. O'Brien
 Susan J. O'Brien, City Clerk

APPROVED AS TO FORM:

/s/Daniel C. Jones
 Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 4, 2018.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to adopt Resolution No. 2018-3028, approving an update to the City's Equal Employment Opportunity Plan (EEOP).

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2018-3028

A RESOLUTION APPROVING AN UPDATE TO THE CITY'S EQUAL EMPLOYMENT OPPORTUNITY PLAN

WHEREAS, the purpose of an Equal Employment Opportunity Plan is to insure full and equal participation of men and women regardless of race or national origin in the workforce of an agency that receives federal grant funds; and

WHEREAS, it is now necessary for the City Council to update its Equal Employment Opportunity Plan to maintain continued eligibility for federal grants.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS that the Mayor is authorized to sign a document indicating the Council's approval of an update to the City of Mattoon's "Equal Employment Opportunity Plan", a copy of which is attached hereto and incorporated by reference.

Upon motion by Mayor Gover, seconded by Commissioner Hall, adopted this 4th day of December, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,
 Commissioner Hall, Commissioner Owen,
 Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 4th day of December, 2018.

/s/Timothy D. Gover
Timothy D. Gover, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on December 4, 2018.

Mayor Gover opened the floor for questions/comments/discussion with no response.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Commissioner Hall seconded by Commissioner Cox moved to approve Council Decision Request 2018-1887, approving a \$1,000 grant by the Tourism Advisory Committee from FY 18/19 hotel/motel tax funds in support of the CALMafia Regional Californian Rabbit and Specialty Club for hosting the Mattoon Rabbit Show 2018 to be held on December 8, 2018 at the Cross County Mall; and authorizing the mayor to sign the agreement.

Mayor Gover opened the floor for questions/comments/discussion. Commissioner Hall commented on the Rabbit Show and its draw of participants from 10-12 states and the need for winter activities.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

DEPARTMENT REPORTS:

CITY ADMINISTRATOR/COMMUNITY DEVELOPMENT spoke of the WEIU radio program with the Mayor on economic development; and noted preparation of union negotiations with AFSCME. Mayor Gover opened the floor for questions with no response.

CITY ATTORNEY noted very busy; had received the final settlement check from Pierce Fire Equipment; and had reviewed several projects with Department Heads. Mayor Gover opened the floor for questions with no response.

CITY CLERK noted the renewal notices for liquor licenses and fire standby applications were mailed; otherwise business as usual. Mayor Gover opened the floor for questions with no response.

FINANCE remarked on the final payment of the 2005B Bonds which were refunded from 1999 debt for the Police Station; and announced the FY'20 budget worksheets preparation and a monthly projection of FY'19 for each month until the end of the fiscal year. Mayor Gover opened the floor for questions with no response.

PUBLIC WORKS provided an update on the Marshall Avenue Project with the road open to traffic with final grading and seeding to be finished in Spring, and the water and sewer improvements to the dedication to storm sewer were in preparation for future connects. Mayor Gover opened the floor for questions with no response.

FIRE announced the two bids received for the Self-Contained Breathing Apparatus (SCBA) with a CDR for the next meeting. Mayor Gover noted the Fire Department assisted Taylorville. Chief Nichols noted the MAVIS Division called for a light tower to assist Taylorville after the tornado hit their town. Mayor Gover also noted Director Barber contacted Taylorville to offer support from our Public Works Department. Mayor Gover opened the floor for questions with no response.

POLICE noted the Department was busy and doing a great job; and announced Officer Ked Houser was to start next week. Mayor Gover opened the floor for questions with no response. Mayor Gover also added that the Department had about 30,000 calls over the fiscal year.

ARTS AND TOURISM announced the activities around Lightworks including deposits on track from last year and more sponsors this year and the planning for next year, Celebrate Downtown Christmas on Friday with many events, and Santa to arrive at the Depot on Saturday.

Mayor Gover opened the floor for questions with no response.

COMMENTS BY THE COUNCIL

Commissioners Cox, Graven, Hall, and Owen had no further comments.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 6:55 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, NAY Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien
City Clerk