

## Jacksonville School District #117

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**Steve Ptacek**  
*Superintendent of Schools*

**Dana Kinley**  
*Assistant Superintendent of Human Resources & Public Relations*

September 30, 2014

Via Email: [stonge@illinoispolicy.org](mailto:stonge@illinoispolicy.org)  
Mr. Shawn Tonge

RE: *FOIA Request of September 24, 2014*

Dear Mr. Tonge:

This letter serves as a response to your request on September 24, 2014 for public records under the Freedom of Information Act (5 ILCS 140/1 et. seq.) specifically in regard to the following:

- The resolution supporting the County School Facility Occupation Tax referendum and any meeting minutes from when the vote was held.
- All district policies governing prohibited political activities.
- All public records created since 1/1/2014 relating to and about the following terms.
  - Sales Tax
  - Referendum
  - Illinois School Facilities Tax
  - Facilities Tax
  - Stifel
  - UNICOM-ARC

Enclosed, please find the documents you have requested. Thank you for your interest in Jacksonville School District #117. If I can be of further assistance to you, please let me know.

Yours truly,

A handwritten signature in black ink, appearing to read "Dana Kinley", is written over a horizontal line.

Dana F. Kinley  
Freedom of Information Act Officer

Enclosures

To whom it may concern,

Under the provisions of the Illinois Freedom of Information Act, Illinois Revised Statutes Ch. 116, Par. 201, I am requesting the following information:

The resolution supporting the County School Facility Occupation Tax referendum and any meeting minutes from when the vote was held. [Link to Board Meeting Agenda RE: Sales Tax Referendum](#) (Exhibit A, 2 Pages attached)

All district policies governing prohibited political activities. [Policy 8:25; Policy 5:120 Ethics](#)

All public records created since 1/1/2014 relating to and about the following terms. [Vision 117.com](#) ; [Sales Tax Facts](#)

- Sales Tax
- Referendum
- Illinois School Facilities Tax [Adoption of Master Plan 6/18/14 Regular Minutes](#)
- Facilities Tax
- Stifel
- UNICOM-ARC [April 23, 2014 - Committee Facilitation; January 8, 2014 Facilitation Committee; January 15, 2014 Regular Minutes; January 22, 2014 Facilitation Committee; quickview 7/16/14 Regular Meeting](#)

I am requesting that you waive any fees for providing this information, in accordance with the law, which allows for waiver of fees when release of the information is in the public interest. The principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit.

I would prefer all documents in the original electronic format as it is maintained and to be emailed to me at the address below.

If you have any questions about the request, you can send an email to [stonge@illinoispolicy.org](mailto:stonge@illinoispolicy.org) or you can reach me by phone at 312-346-5700, extension 238.

I look forward to hearing from you within five working days, as required by law. Thank you for your assistance.

RESOLUTION directing the Regional Superintendent of Schools for The County of Morgan, Illinois, to certify to the Morgan County Clerk the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of Morgan County at the general election to be held on the 4th day of November, 2014.

\* \* \*

WHEREAS, Section 5-1006.7 of the Counties Code of the State of Illinois, as amended (the "*County School Facility Occupation Tax Law*"), authorizes the imposition of a tax upon all persons engaged in the business of selling tangible personal property, other than personal property titled or registered with an agency of the government of the State of Illinois, at retail in The County of Morgan, Illinois (the "*County*"), on the gross receipts from the sales made in the course of business and a service occupation tax upon all persons engaged in the County in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the County as an incident to a sale of service, at a rate of 1% to provide revenue to be used exclusively for school facility purposes (the "*County School Facility Occupation Taxes*") if a proposition for the County School Facility Occupation Taxes (the "*Proposition*") is submitted to the electors of the County at a regular election and approved by a majority of the electors voting on the Proposition;

WHEREAS, for purposes of the County School Facility Occupation Tax Law, "*school facility purposes*" means (i) the acquisition, development, construction, reconstruction, rehabilitation, improvement, financing, architectural planning, and installation of capital facilities consisting of buildings, structures, and durable equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection with the capital facilities and (ii) the payment of bonds or other obligations heretofore or hereafter issued, including bonds or other obligations heretofore or hereafter issued to refund or to continue to refund bonds or other obligations issued, for school facility purposes provided

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF MORGAN    )

**CERTIFICATION OF MINUTES AND RESOLUTION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Board of Education of Jacksonville School District #117, Morgan County, Illinois (the "Board"), and as such official I am the keeper of the records and files of the Board.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Board held on the 16th day of July, 2014, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION directing the Regional Superintendent of Schools for The County of Morgan, Illinois, to certify to the Morgan County Clerk the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes for submission to the electors of Morgan County at the general election to be held on the 4th day of November, 2014;

a true, correct and complete copy of said resolution as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Board on the adoption of said resolution were conducted openly, that the vote on the adoption of said resolution was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Board at least 48 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 48-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the School Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature, this 16th day of July, 2014.

  
Secretary, Board of Education

that the taxes levied to pay those bonds are abated by the amount of the taxes imposed under the County School Facility Occupation Tax Law that are used to pay those bonds;

WHEREAS, for purposes of the County School Facility Occupation Tax Law, “*school facility purposes*” also includes fire prevention, safety, energy conservation, disabled accessibility, school security, and specified repair purposes set forth under Section 17-2.11 of the School Code of the State of Illinois, as amended;

WHEREAS, the County School Facility Occupation Tax Law provides that upon receipt of a resolution or resolutions of school district boards that represent more than 50% of the student enrollment within the County, the Regional Superintendent of Schools for the County (the “*Regional Superintendent*”) must certify the Proposition to the proper election authority in accordance with the Election Code of the State of Illinois, as amended (the “*Election Code*”); and

WHEREAS, the Board of Education (the “*Board*”) of Jacksonville School District #117, Morgan County, Illinois (the “*District*”), deems it necessary, advisable and in the best interest of the District that the Regional Superintendent of Schools for The County of Morgan, Illinois, certify the Proposition to the Morgan County Clerk (the “*County Clerk*”) for submission to the electors of Morgan County at the general election to be held on the 4th day of November, 2014 (the “*Election*”):

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Jacksonville School District #117, Morgan County, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The Board hereby finds that all of the recitals contained in the preambles to this Resolution are full, true and correct and does incorporate them into this Resolution by this reference.

*Section 2. Direction to Regional Superintendent.* The Regional Superintendent of Schools for The County of Morgan, Illinois, is hereby directed to certify the Proposition to the Morgan County Clerk in the form set forth in the County School Facility Occupation Tax Law and in accordance with the Election Code, for submission to the electors of Morgan County at the Election, said Proposition being as follows:

<b>Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") be imposed in The County of Morgan, Illinois, at a rate of 1% to be used exclusively for school facility purposes?</b>	<b>Yes</b>	
	<b>No</b>	

*Section 3.* The Regional Superintendent of Schools is further directed to instruct the Morgan County Clerk to give notice of the election ("Notice") in accordance with the general election law by: (a) publishing Notice once not more than thirty (30) nor less than ten (10) days prior to the date for the Election in the *Jacksonville Journal Courier*, being a newspaper having general circulation in Morgan County; and (b) posting a copy of the Notice at least ten (10) days before the date of the Election at the principal office of the County Clerk.

*Section 4.* It is hereby found and determined that the *Jacksonville Journal Courier* is a newspaper of general circulation in Morgan County and suitable for publication of the Notice pursuant to the requirements of Section 12-5 of the Election Code of the State of Illinois, as amended ("Election Code").

*Section 5.* The Notice shall appear over the name or title of the County Clerk and shall be in substantially the following form:

MINUTES of a regular public meeting of the Board of Education of Jacksonville School District #117, Morgan County, Illinois, held at the Jacksonville High School, 1211 North Diamond Street, Jacksonville, Illinois, in said School District at 7:00 o'clock P.M., on the 16th day of July, 2014.

\* \* \*

The meeting was called to order by the President, and upon the roll being called, Ken Heaton, the President, and the following members were physically present at said location:

Albers, Ballard, Cantrell, Beard, Heaton,  
Loneragan, Maul

The following members were allowed by a majority of the members of the Board of Education in accordance with and to the extent allowed by rules adopted by the Board of Education to attend the meeting by video or audio conference: None

No member was not permitted to attend the meeting by video or audio conference.

The following members were absent and did not participate in the meeting in any manner or to any extent whatsoever: None

The President announced that the Board of Education would consider the adoption of a resolution directing the Regional Superintendent of Schools for the County of Morgan, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax at a rate of 1% to provide revenue to be used exclusively for school facility purposes for submission to the electors of said County at the general election to be held on the 4th day of November, 2014.

Whereupon Member Albers presented and the Secretary read by title a resolution as follows, a copy of which was provided to each member of the Board of Education prior to said meeting and to everyone in attendance at said meeting who requested a copy:



**NOTICE IS HEREBY GIVEN** that at the general election to be held on Tuesday, the 4<sup>th</sup> of November, 2014, the following proposition will be submitted to the voters of The County of Morgan, Illinois:

**Shall a retailers' occupation tax and a service occupation tax (commonly referred to as a "sales tax") be imposed in The County of Morgan, Illinois, at a rate of 1% to be used exclusively for school facility purposes?**

The polls at the election will be open at 6:00 o'clock a.m. and will continue to be open until 7:00 o'clock p.m. of that day.

*Section 6. Severability.* If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

*Section 7. Repeal.* All resolutions or parts thereof in conflict herewith be and the same are hereby repealed, and this Resolution shall be in full force and effect forthwith upon its adoption.

Adopted July 16, 2014.

  
\_\_\_\_\_  
President, Board of Education

  
\_\_\_\_\_  
Secretary, Board of Education

Member Albers moved and Member Beard

seconded the motion that said resolution as presented and read by title be adopted.

After a full discussion thereof, the President directed that the roll be called for a vote upon the motion to adopt said resolution.

Upon the roll being called, the following members voted AYE: Albers,  
Beard, Maul, Lonergan, Cantrell, Ballard,  
Heaton

The following members voted NAY: None

Whereupon the President declared the motion carried and said resolution adopted, approved and signed the same in open meeting and directed the Secretary to record the same in the records of the Board of Education of Jacksonville School District #117, Morgan County, Illinois, which was done.

Other business not pertinent to the adoption of said resolution was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.

Noel R Beard  
Secretary, Board of Education