

COUNTY OF FAYETTE, ILLINOIS

RESOLUTION NUMBER 2023-02-14-A

A RESOLUTION REQUESTING CONSENT OF THE ILLINOIS DEPARTMENT OF
TRANSPORTATION TO REAPPOINT MICHAEL A. MAXEY AS COUNTY ENGINEER.

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 14TH DAY OF FEBRUARY, 2023

**PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 14TH DAY OF FEBRUARY, 2023**



**Resolution Requesting Consent to the
Reappointment of the Incumbent
as County Engineer**

WHEREAS, a vacancy _____ will exist _____ on 05/01/23 in the office of County Engineer in Fayette
Date County

Illinois due to the expiration of the six-year term of office of the incumbent County Engineer Michael A. Maxey, and
Name of Incumbent

WHEREAS, in accordance with 605 ILCS 5/5-201, the County Board must submit to the Department of Transportation before the reappointment of the incumbent can be made.

THEREFORE, BE IT RESOLVED that the County Board of Fayette County does hereby request the consent of the
County

Department of Transportation to the reappointment of Michael A. Maxey as County Engineer, and
Name of Incumbent

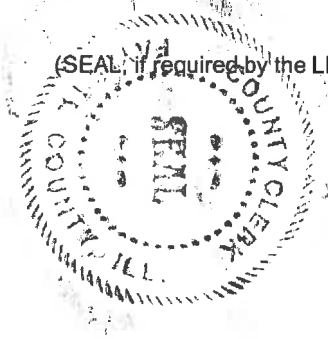
BE IT FURTHER RESOLVED, that the County Clerk is hereby directed to transmit two (2) certified originals of this resolution to the district office of the Department of Transportation.

I Jessica Barker County Clerk in and for said County of Fayette in the State of Illinois, and
Name of Clerk County

keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete original of a resolution adopted by the County Board of Fayette at a meeting held on 02/14/23.
County Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 14th day of February, 2023.
Day Month, Year

(SEAL, if required by the LPA)



Clerk Signature & Date

Jessica Barker

COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2023-02-14-A

AN ORDINANCE TO PROVIDE PUBLIC TRANSPORTATION

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 14TH DAY OF FEBRUARY, 2023

**PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 14TH DAY OF FEBRUARY, 2023**

Ordinance

ORDINANCE NUMBER 2023-02-14-A
AN ORDINANCE TO PROVIDE FOR PUBLIC TRANSPORTATION
IN FAYETTE COUNTY, ILLINOIS for Fiscal year 2024, beginning on July 1, 2023 and ending on June 30, 2024.

Whereby, public transportation is an essential public purpose for which public funds may be expended under Article 13, Section 7 of the Illinois Constitution; and

WHEREAS, FAYETTE County wishes to provide public transportation for its citizens and become eligible for grants from the State of Illinois or any department or agency thereof, from any unit of local government, from the Federal government or any department or agency thereof; and

WHEREAS, Illinois Compiled Statutes 740/2-1 et seq. authorizes a county to provide for public transportation within the FAYETTE County limits:

NOW, THEREFORE, BE IT ORDAINED by the Chairman and the County Board of FAYETTE County that:

Section 1. Shelby County shall hereby provide public transportation within the county limits.

Section 2. The County Clerk of the County of FAYETTE shall file a certified copy of this Ordinance, within sixty days after passage of this ordinance.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval, as required by law.

Section 4. That the County Board Chairman of Shelby County is hereby authorized and directed to execute and file on behalf of FAYETTE County a Grant Application to the Illinois Department of Transportation.

Section 5. That County Board Chairman of Shelby County is hereby authorized and directed to execute and file on behalf of FAYETTE County all required Grant Agreements with the Illinois Department of Transportation.

APPROVED by the Chairman of the FAYETTE County Board, this 14th day of February 2023 and deposited and filed in the office of the FAYETTE County Clerk of said County on that date.

Elected Board Members 14

PRESENT 12
AYE 12
NAY 0

Jessica Barker
Clerk of FAYETTE County, Illinois

[Signature]
Chairman of FAYETTE County, Illinois

Intergovernmental Agreement

This Agreement is entered into by and between the County of Shelby and the counties of Fayette, Clay, Moultrie, Montgomery, and Christian, (hereinafter referred to as the "Participants") for the provision of public transportation in said counties.

WHEREAS, Participants have applied for a grant pursuant to Section 5311 of the Federal Transit Act of 1991 and the Downstate Public Transportation Act (30ILCS 740/2-1 et seq.) in order for financial assistance to be made available for public transportation programs in rural and small urban areas within Shelby, Fayette, Clay, Moultrie, Montgomery, and Christian Counties; and

WHEREAS, it is the mutual desire of the Participants that the County of Shelby be designated as the "Primary Participant" pursuant to Section 601.105(b) of the Illinois Department of Transportation Regulations for Public Transportation Assistance to Programs in Non-Urbanized Areas for the administration and distribution of Federal Section 5311 and Downstate Public Transportation funds.

And WHEREAS, Illinois Compiled Statutes 740/2-1 et seq. authorizes a county to provide for public transportation within the county limits;

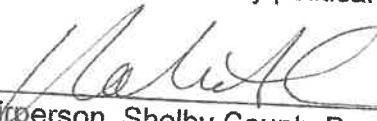
WITNESSETH:

1. The County of Shelby shall be designated as the "Primary Participant" pursuant to Section 601.105(b) of the Illinois Department of Transportation Regulations for Public Transportation Assistance to Programs in Non-Urbanized Areas providing for the administration and distribution of Federal Section 5311 and Downstate Public Transportation Act funds.
2. It shall be the responsibility of the Primary Participant to receive all Section 5311 Funds from the Illinois Department of Transportation pursuant to said Department's agreements with the Participants.
3. The Primary Participant shall disburse said funds to C.E.F.S. Economic Opportunity Corporation a not-for-profit corporation, the service provider under the terms and conditions of said agreements.
4. Delivery of services by service provider shall be made in accordance with agreements entered into by service provider with the Primary Participant.
5. Participants are not responsible to the service provider for any local matching funds, but may provide match as desired.
6. That the terms of this Agreement will be effective for the twelve-month grant period.
7. Any revision of this Agreement must be agreed to by the Participants as evidenced by an addendum signed by the authorized representative of each.
8. This Agreement or any part thereof may be renegotiated where changes are required by State or Federal law, rules, regulations, or court action, or when Participants agree that a new intergovernmental agreement would meet their particular needs.

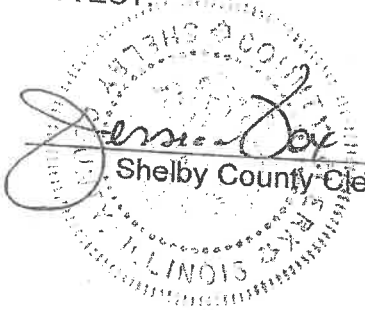
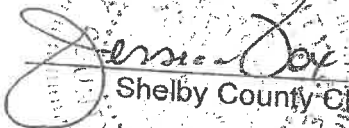
9. This intergovernmental agreement is binding upon the Participants, their successors and assigns.
10. If any section, sentence, clause, phrase or portion of this Intergovernmental Agreement is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Agreement. It is hereby declared the intent of the Participants that this Agreement shall remain valid and enforceable, notwithstanding the invalidity of any part hereof.
11. That only one original copy of this Intergovernmental Agreement shall be signed and executed by Participants and that any photocopies of the executed Intergovernmental Agreement shall be deemed to be duplicate originals.
12. The term of this agreement shall be for the Grant Fiscal year of July 1, 2023 to June 30, 2024 and will be submitted for approval annually.

COUNTY OF SHELBY, a body political and corporate

By:

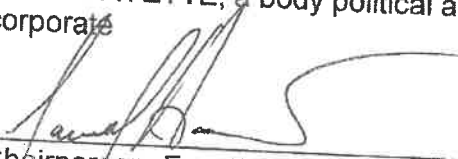

Chairperson, Shelby County Board

ATTEST:

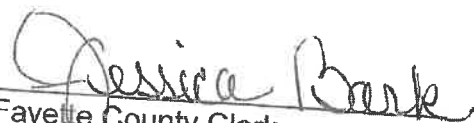


Shelby County Clerk

COUNTY OF FAYETTE, a body political and corporate

By:


Chairperson, Fayette County Board

ATTEST:


Fayette County Clerk

COUNTY OF FAYETTE, ILLINOIS

ORDINANCE NUMBER 2023-02-14-B

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B AND 2022-08-09-A
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

ADOPTED BY THE FAYETTE COUNTY BOARD
OF THE COUNTY OF FAYETTE, ILLINOIS
THIS 14TH DAY OF FEBRUARY, 2023

**PUBLISHED BY THE AUTHORITY OF
THE COUNTY BOARD OF FAYETTE COUNTY
THIS 14TH DAY OF FEBRUARY, 2023**

ORDINANCE NO. 2023-02-14-B

AN ORDINANCE AMENDING ORDINANCE 2018-06-12-B AND 2022-08-09-A
REGULATING DEVELOPMENT OF SOLAR ENERGY SYSTEMS

The purpose of this ordinance is to facilitate the construction, installation, and operation of Solar Energy Systems in Fayette County that promote economic development and ensure the protection of health, safety, and welfare while also avoiding adverse impacts to important areas such as agricultural lands, endangered species habitats, conservation lands, and other sensitive lands. This ordinance is not intended to replace safety, health, or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

1. Definitions.

- A. **Applicant:** Upon the submission of a Petition for a Special Use Permit for the purpose of a Solar Energy System ("SES"), any person, firm or partnership, association, corporation, company, or organization of any kind proposing to obtain site location approval and permits for a solar energy system in unincorporated Fayette County and includes the proposed operator and/or operator of the SES, and any other party with an interest in the SES.
- B. **Dwelling:** a building, or portion thereof, occupied or intended to be occupied exclusively for residential purposes, but not including recreational vehicles, travel trailers or tents, which complied with the use regulations set out in the various districts provided for in the Fayette County Revised Zoning Ordinance.
- C. **Ground-mounted Solar Energy System:** A solar energy system and its related equipment that has its support structure placed directly on the ground and is not attached or affixed to an existing structure.
- D. **Solar Energy System ("SES"):** An alternative energy facility that consists of one or more ground-mounted or free-standing solar collection devices, solar energy related equipment, and other associated infrastructure with the primary intention of generating electricity or otherwise converting solar energy to a different form of energy for primarily commercial or other off-site use; also known as a solar power plant and a solar farm.
- E. **Construction of Solar Energy Systems:** No person shall construct or operate an SES without having fully complied with all the provisions of this ordinance.
- F. **Permits Required:** No person shall construct or operate an SES without first obtaining a special use approval from the County Board.

2. Special Use. An SES may be permitted with the following regulations and design standards.

- A. **Foundations.** The Project's engineer or another qualified engineer shall certify that the foundation is within accepted professional standards, given the design of the solar panels, local soil, and climate conditions.
- B. **Other Standards and Codes.** All solar farms shall be in compliance with any applicable local, state, and federal regulatory standards, and the National Electric Code as amended. The installation of new solar energy generation facilities shall be installed by a qualified person as defined by 20 ILCS 3855, *et seq.* (known as the "Future Energy Jobs Act")
- C. **Power and Communication Lines.** Power and communication lines ("Lines") running between banks of solar panels shall be buried underground except from point of interconnection to existing utility-owned, above-ground electrical wires. The Fayette County Board may grant variances when burying underground lines is not feasible, including but not limited to shallow bedrock, watercourses, or other elements of natural landscape interfere with the ability to bury Lines. JULIE shall be contacted before digging/excavating begins.
- D. **Height.** Systems, equipment, and structures shall not exceed thirty (30) feet in height when ground mounted. Excluded from this height requirement, however, are electric transmission lines, utility poles, and other poles and equipment used in connecting a ground-mounted piece of equipment to an electric transmission line.

3. Setbacks.

- A. **Equipment Setbacks.** A ground-mounted SES shall have the following equipment setbacks: Ground mounted solar energy systems as part of a solar farm shall have a setback for all equipment excluding fences a minimum of 100 feet on the front (entrance to the solar energy farm) and 50 feet from all other property lines, with the exception of residential property lines, in which the solar energy system shall be setback 150 feet for residential lots, with the setback distance to be measured from the edge of the solar equipment of the solar farm to the property line of residential lots. The special use committee may grant a variance to such setback requirement if the proposed or existing buffer is sufficient to screen the project from view from adjoining property or public rights-of-way, if the owners of the adjoining properties agree to waiver these setback requirements. The Special Use Committee granting of such a variance will be part of their recommendations to the county board. For clarification, these setbacks do not apply to adjacent parcels included within the project site.
- B. **Screening and Fencing.** The solar energy system shall be fully enclosed and secured by a fence with a minimum height of six feet. Keys shall be provided at locked entrances for access by appropriate emergency personnel. The applicant shall propose a landscaping plan, where necessary, to minimize the visibility of the project from adjacent residential structures. The landscape plan shall take into account the type(s) of vegetation to be planted, along with its approximate location. Earth berms and other topographical features and existing wooded areas may be acceptable forms of screening.

4. Lighting. If lighting is provided at the site, lighting shall be shielded and downcast to minimize light pollution on adjacent parcels.
5. Noise. Noise levels measured at the property line shall not exceed fifty (50) decibels when located adjacent to an existing residence or residential district.
6. Glare/Aviation Protection. For solar energy systems located within five hundred (500) feet of an airport or within approach zones of an airport, the applicant shall complete and provide the results of the Solar Glare Hazard Analysis Tool (SGHAT) for the airport traffic control tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federal Obligated Airports, or most recent version adopted by the FAA.
7. Signage. An appropriate warning sign shall be provided at the entrance to the facility and along the perimeter to the solar farm project. The sign at the entrance to the facility shall include the facilities 911 address and 24-hour emergency contact number.
8. Outdoor Storage. Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the solar farm shall be allowed, except for outdoor storage that is otherwise expressly allowed in the zoning district as specified herein. The Fayette County Board or their designee shall have the discretion to determine whether outdoor storage complies with this provision. In any event all outdoor storage areas shall be paved with a bituminous surface and either fenced or screened to prevent viewing from adjoining properties and uses. For clarification purposes, during construction periods, it is understood that there may be materials, vehicles and equipment on the site(s) that do not support the operation or maintenance of the solar farm; or, do not comply with this ordinance. It will be further understood that any materials, vehicles or equipment on the site during construction that does not directly support the operation and maintenance of the solar farm; or, does not comply with the ordinance will be removed at the completion of construction so as to be in compliance with this section.
9. Fire Protection. A fire protection plan for the construction and the operation of the facility and emergency access to the site.
10. Endangered Species and Wetlands. Solar Farm developers shall be required to initiate a natural resource review consultation with the Illinois Department of Natural Resources (IDNR) through the Department's online EcoCat Program. Areas reviewed through this process will be endangered species and wetlands. The cost of the EcoCat consultation shall be borne by the developer.
11. Application Requirements. Due to the unique nature and special requirements of an SES and the potential impacts of an SES on adjoining properties and government services, the SES shall be required to submit and obtain approval on the following items in addition to any requirements by the Special Use Committee and the County Board. The applicant shall provide twenty (20) copies of all required submittals to the Fayette County Board. However, the applicant shall only be required to submit two (2) copies of all documents proving ownership or interest in the property.

A. A site plan with the existing conditions showing:

1. Existing property lines and property lines extending 100 feet from the exterior boundaries of the solar project, including the names of adjacent property owners and current use of those properties.
2. Existing adjacent public and private roads, showing widths of the roads and any associated easements.
3. Location and size of any abandoned wells, sewage treatment plants within the solar farm or on adjacent parcels.
4. Existing buildings and any impervious surfaces within the solar farm.
5. A contour map showing topography at two-foot intervals. A contour map of surrounding properties may also be required at the discretion of the Fayette County Board.
6. Existing vegetation (list type and percentage of coverage: i.e. cropland, plowed fields, grassland, wooded areas, etc).
7. Waterways, watercourses, lakes, and public water and wetlands.
8. Any delineated wetland boundaries.
9. A copy of the current FEMA FIRM map that shows the subject property. And, the 100-year flood elevation and any regulated flood protection elevation, if available.
10. Floodway, flood fringe and/or general floodplain district boundary, if applicable and not provided on the copy of the current FEMA FIRM map.
11. Mapped soils according to the Fayette County Soil Survey.
12. Surface water drainage patterns.
13. The location of any subsurface drainage tiles.

B. Plan of proposed conditions:

1. Location and spacing of solar panels.
2. Location of access roads and access points.
3. Planned location of underground or overhead electric lines connecting the SES to a building, substation or other electric load.
4. New electrical equipment other than at the existing building or substation that is to be the connection point for the SES.

5. Sketch elevation of the premises accurately depicting proposed solar energy conversion system and its relationship to structure on adjacent land.
 6. Weed/grass control. Application must present an acceptable weed control plan for property inside and out fenced area for entire property. The operating company during the operation of the SES must maintain the fence and adhere to the weed/grass control plan.
- C. All SES applications shall be accompanied by a preliminary map and plan showing the roads and right-of-ways that will be utilized for both the construction and operation of the SES. Prior to the start of construction, the applicant must submit an executed agreement between the SES owner/operator and all road district authorities with infrastructure affected by the SES to the county. This agreement shall include at a minimum:
1. A final map identifying the routes that will be used.
 2. A plan for maintaining and/or repairing the affected roads.
 3. Other inclusions as specified by the Special Use Committee, Fayette County Board, or affected road authority.
 4. Manufacturer's specifications and recommended installation methods for all major equipment, including typical solar panels, mounting systems and foundations for poles or racks.
- D. A general cost per megawatt.
- E. A description of the method of connecting the array to a building or substation.
- F. At the time of applying for the special use application, a written demonstration shall be provided that the applicant is in the queue to acquire an interconnect agreement. Then pre-operation of the project, a copy of the interconnect agreement with the appropriate electric utility, or a written explanation outlining why an interconnection agreement is not necessary should be provided to the County Board.
12. Decommissioning of the Solar Farm. At a minimum, the Applicant shall adhere to the AIMA decommissioning (deconstruction) requirements.
13. Before a permit can be granted, the Applicant must present a decommission plan to ensure that all SES facilities are removed after their useful life. The decommission plan shall be prepared in accordance with the applicable standards and requirements in the SES's Agricultural Impact Mitigation Agreement ("AIMA"). Decommissioning of solar panels must occur in the event they are not producing power for twelve (12) consecutive months and/or the landowner does not receive payment for six (6) months. The last day of this twelve (12) month period shall be considered the termination date. The operating company shall complete decommissioning of the SES within twelve (12) months of the termination date. The decommission plan shall include provisions and

the estimated costs for removal of all structures and modifications including equipment, fencing, roads, and foundations, including but not limited to the restoration of soil and vegetation necessary to return the land to the condition in which it existed at the time the application for special use permit was first filed. The plan must also describe the financial security the Applicant proposes to offer to guarantee completion of the Applicant's decommissioning obligations on the site. The issuance of a permit for any SES shall be made contingent upon the Applicant's prior filing of proof of its fulfillment of the decommissioning security obligation for the entire site, and in no instance shall the financial security be less than one thousand (\$1000.00) per acre. The form of security financing shall be the following: (1) the Applicant's deposit of the determined monetary amount in the County escrow account, unless the County Board, in its sole discretion, agrees to accept an alternative security, or a portion thereof, in the form of a security bond approved by the County; or (2) an irrevocable letter of credit or bond with the Landowner as the sole beneficiary; however the Landowner must waive any recourse the Landowner may have against the county for the purposes of decommissioning. An updated decommissioning plan shall be submitted to the Fayette County Board at the end of five, ten, twenty, and thirty years, as applicable.

14. Prior to construction, the Applicant of the SES shall submit an engineer's estimate of cost for decommissioning and disposal/recycling of the SES and restoring the site in accordance with the approved decommissioning plan. Upon review and approval by the Fayette County Board of the estimate, the Applicant shall provide security financing as set forth in Section 13. The security finance shall be at a minimum in the amount of one hundred fifty percent (150%) of the new estimate. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.
15. During the operation of the SES, a new engineer's estimate of cost for decommissioning shall be submitted to the Fayette County Board at the end of five, ten, twenty, and thirty years, as applicable. The initial updated cost estimate shall be submitted on or before the fifth (5th) anniversary of the Commercial Operation Date. Upon approval of the estimated costs by the Fayette County Board, a revised surety shall be provided to the Fayette County Board in the amount of one hundred fifty percent (150%) of the new estimate. The value of the surety shall not be reduced based on the salvage value of any materials or equipment.

The county reserves the right to require reasonable additional information or components to the plan as the county deems necessary to ensure that an adequate proposal is in place to decommission the facility in its entirety and that adequate funds are available. Such right shall expire thirty (30) days after submission of the SES application.

16. The decommissioning plan shall provide for the removal of the following within twelve (12) months of the termination of SES operation:

- A. All solar collectors and components, fencing, above-ground improvements, and outside storage.
 - B. Foundations, pads, and underground electrical wires to reclaim all sites to the depth of six (6) feet below the surface of the ground.
 - C. Hazardous materials shall be disposed of in accordance with federal and state law.
 - D. Any earth disturbance resulting from the removal of the ground-mounted solar panels must be graded and reseeded, unless otherwise agreed upon by the property owner.
 - E. Vegetative screening that has been installed by the Applicant.
17. Inspections. The County Board or his/her representative shall have the right, at any reasonable time and in the presence of the Applicant, its agents and/or assigns, to enter the premises on which the SES has been constructed to inspect all parts of said SES installation and require that repairs or alterations be made within thirty (30) days if, in his/her judgment, there exists a deficiency in the SES.
18. Retention of all Topsoil. Topsoil management must comply to AIMA standards. Best Efforts shall be performed to place the topsoil in a manner so that after settling occurs, the topsoil's original depth and contour will be restored as close as reasonably practicable. The same shall apply where excavations are made for road, stream, drainage ditch, or other crossings. In no instance, shall the topsoil materials be used for any other purpose unless agreed to explicitly and in writing by the Landowner.
19. Liability Insurance. The owner/operator of the SES shall maintain a current general liability policy covering bodily injury and property damage and naming Fayette County as an additional insured with limits of at least two million dollars (\$2,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000). The applicant/owner shall provide proof of insurance to the Fayette County Clerk prior to construction and then on an annual basis. Applicants must also provide proof of insurance upon any material changes to the terms and conditions of the policy.
20. Fees and costs. No SES permit application shall be accepted until the filing fee of fifteen thousand dollars (\$15,000.00) is paid. This shall be a flat fee for the review and approval of the application. In the event that any type of public hearing is needed, the County reserves the right to seek reimbursement for the costs of said public hearing.
21. Off-Street parking and loading. In accordance with regulations set forth in the application section of this chapter.
22. Signs. In accordance with the regulations set forth in the application section of this chapter.
23. Administration and Enforcement. The Fayette County Board shall enforce the provisions of this ordinance through a yearly inspection of the SES. The County is hereby granted the power and

authority to enter upon the premises of the solar farm at any time by coordinating a reasonable time with the owner/operator of the facility. Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with, or resists enforcement of any of the provisions of this section may face fines of not more than \$750.00 per offense.

24. Annual Update Requirement. All contact information including name, phone number, and address of the current property owner, lessor, lessee, the interconnecting utility company, and buyer of the power (if applicable and if this information can be disclosed publicly), shall be submitted annually within thirty (30) days of the anniversary date of the Special Use Permit until decommissioning has been completed.
25. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.
26. This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.


PRESENTED, APPROVED and ORDAINED by the Fayette County Board in regular session on February 15th, 2023.

GLEND A BARTELS	Aye
MICHAEL L BUTTS	Aye
CASEY CAMERON	Aye
PATRICK CLICK	Aye
MERRELL COLLINS	Aye
JACOB HARRIS	Aye
DOUG KNEBEL	Aye
MACK PAYNE	Aye
SCOTT L RAY	Aye
RYAN TOMPKINS	Aye
ASHLEY TOWLER	Absent
JAMES WEHRLE	Aye
JOE A WILLS	Absent
Todd Best	Aye



 Jacob Harris
 Fayette County Board Chairperson

ATTEST:



 Jessica Barker
 Fayette County Clerk

{SEAL}

