

MINUTES of a regular public meeting of the Board of Education of Effingham Unit School District #40, held in the Board Office, 2803 S. Banker Street, Effingham, Illinois, in said School District at 6 o'clock P.M., on the 25th day of March, 2024.

* * *

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

Jane Willenborg
Desha Wear
Steve Bone
Chad Thompson
Andrew Altman
Erica Boone

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 Effingham, 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, school resource officers, and mental health professionals, for submission to the electors of said County at the general election to be held on the 5th day of November, 2024.

Whereupon Member Jill Wendling presented and the Secretary Jane Willenborg 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:

RESOLUTION directing the Regional Superintendent of Schools for The County of Effingham, Illinois, to certify to the County Clerk of said County the question of imposing a retailers' occupation tax and a service occupation tax to be used exclusively for school facility purposes, school resource officers, and mental health professionals, for submission to the electors of said County at the general election to be held on the 5th day of November, 2024.

* * *

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 Effingham, Illinois (the "*County*"), on the gross receipts of 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, school resource officers, and mental health professionals (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; and

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 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 that the taxes levied to pay such bonds are abated by the amount of the taxes imposed under the County School Facility

Occupation Tax Law that are used to pay such bonds; and

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; and

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 Effingham Unit School District #40 (the “*District*”), deems it necessary, advisable and in the best interest of the District that the Regional Superintendent certify the Proposition to the County Clerk of the County (the “*County Clerk*”) for submission to the electors of the County at the general election to be held on the 5th day of November, 2024 (the “*Election*”):

NOW, THEREFORE, Be It and It Is Hereby Resolved by the Board of Education of Effingham Unit School District #40, 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 is hereby directed to certify the Proposition to the 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 the County at the Election.

Section 3. 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 4. 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 March 25, 2024.

President, Board of Education

Secretary, Board of Education

Member Chad Thompson moved and Member Erica Boone 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:

Jill Wendling
Jane Willenborg
Desha Wear
Steve Bone
Chad Thompson
Andrew Altman
Erica Boone

The following members voted NAY:

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 Effingham Unit School District #40, 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.

Jane Willenborg, Secretary
Board of Education

STATE OF ILLINOIS)

) SS

COUNTY OF EFFINGHAM)

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 Effingham Unit School District #40 (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 25th day of March, 2024, insofar as same relates to the adoption of a resolution entitled:

RESOLUTION directing the Regional Superintendent of Schools for The County of Effingham, Illinois, to certify to the County Clerk of said County the question of imposing a retailers’ occupation tax and a service occupation tax to be used exclusively for school facility purposes, school resource officers, and mental health professionals, for submission to the electors of said County at the general election to be held on the 5th day of November, 2024.

a true, correct and complete copy of which 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 on a day other than a Saturday, Sunday or legal holiday in the State of Illinois and at least 48 hours in advance of the holding of said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as *Exhibit A*, that at least one copy of said agenda was continuously available for public review from the time of such posting until said meeting, 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 25th day of March, 2024.

_____ Jane Willenborg / Secretary, Board of Education