

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Mari Johnson Rick Montalto David Paluch Thomas Renk</p>
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**Agenda**  
**January 08, 2013**  
**Regular Board Meeting**  
**6:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Hearing:
  - a. None
5. Appointments and Presentations
  - b. None
6. Public Comment on Items Scheduled for Action
7. Consent Agenda
  - a. Approval: Minutes of the December 4 and 18, 2012 Meetings
  - b. Approval: Vouchers
  - c. Resolution: Accepting Easements for Watermain Looping
8. General Business
  - a. Ordinance: Authorizing Video Gaming
  - b. Resolution: Authorizing a Video Gaming Advisory Referendum
9. New Business
10. Reports
  - a. Staff Reports
  - b. Trustee Reports
  - c. Presidents Report
11. Public Comments
12. Airport Report
13. Closed Session: Land Acquisition, Personnel, Litigation
14. Adjournment

*The consent agenda is made up of items that have been previously discussed, non-controversial, or routine in subject manner and are voted on as a 'package'. However, by simple request any member of the Board may remove an item from the consent agenda to have it voted upon separately.*

*Items that are marked as \* STAR – indicate that the item is Subject to Attorney Review*

<p>Village President P. Sean Michels</p> <p>Village Clerk Cynthia Galbreath</p> <p>Village Administrator Brent M. Eichelberger</p>	 <p>10 S. Municipal Drive Sugar Grove, Illinois 60554 Phone: 630-466-4507 Fax: 630-466-4521</p>	<p>Village Trustees</p> <p>Robert Bohler Kevin Geary Mari Johnson Rick Montalto David Paluch Thomas Renk</p>
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**January 08, 2013  
Committee of the Whole Meeting  
6:30 P.M.**

1. Call to Order
2. Public Comment
3. Discussion:                   Towing Ordinance
4. Closed Session:           Land Acquisition, Personnel, Litigation
5. Adjournment

Members of the public wishing to address the Board shall adhere to the following rules and procedures:

1. Complete the public comment sign-in sheet prior to the start of the meeting.
2. The Village President will call members of the public to the podium at the appropriate time.
3. Upon reaching the podium, the speaker should clearly state his or her name and address.
4. Individual comment is limited to three (3) minutes. The Village President will notify the speaker when time has expired.
5. Persons addressing the Board shall refrain from commenting about the private activities, lifestyles, or beliefs of others, including Village employees and elected officials, which are unrelated to the business of the Village Board. Also, speakers should refrain from comments or conduct that is uncivil, rude, vulgar, profane, or otherwise disruptive. Any person engaging in such conduct shall be requested to leave the meeting.
6. The aforementioned rules pertaining to public comment may be waived by the Village President, or by a majority of a quorum of the Village Board.
7. Except during the time allotted for public discussion and comment, no person, other than a member of the Board, shall address that body, except with the consent of two (2) of the members present.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** ACCEPTANCE: EASEMENTS FOR WATER MAIN LOOPING  
**AGENDA:** JANUARY 8, 2012  
**DATE:** JANUARY 3, 2013

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**ISSUE**

Should the Village Board authorize execution of Grant of Easements for the proposed Settlers Ridge Subdivision to Mallard Point Subdivision water main looping improvement.

**DISCUSSION**

The Village of Sugar Grove Water Works System Needs Assessment Plan identified the need for a second water main connection to the Mallard Point Subdivision. The addition of a second water main would provide better water service to the Mallard Point Subdivision and ensure adequate fire flow in case of emergency.

As a part of this proposed improvement, the Village needed to acquire both temporary construction and permanent water main easements in order to construct and maintain the public water main.

**COSTS**

The costs associated with the acquisition for these easements have been budgeted and are part of the village wide capital improvement fund. The total cost for the three easements needed is \$20,000.

**RECOMMENDATION**

That the Board approve Resolution 20130108A authorizing the execution of and acceptance of Grants of Easements for the Settlers Ridge to Mallard Point water main looping improvements, subject to Village Attorney review.



**Resolution 2013-0108A**

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT AGREEMENTS  
FOR THE SETTLERS RIDGE TO MALLARD POINT WATERMAIN LOOP  
IMPROVEMENT  
SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS**

**WHEREAS**, the Village is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution; and

**WHEREAS**, the Village has been presented with easement agreements for a water main which will connect the Settlers Ridge Subdivision to the Mallard Point Subdivision within Sugar Grove Township; and

**WHEREAS**, it is in the Village’s best interest to obtain these easements for the proposed water main connection on public and private property; and

**WHEREAS**, the proposed water main loop from the Settlers Ridge Subdivision to the Mallard Point Subdivision is identified in the Village of Sugar Grove Water Works System Needs Assessment.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees that the Village Board hereby accepts said Grant of Easements, and that the Village President and Village Clerk are hereby authorized to execute said attached Agreements on behalf of the Village.

Passed by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, at a regular meeting thereof held on the 8th day of January 2013.

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P. Sean Michels, President of the Board of Trustees  
of the Village of Sugar Grove, Kane County, Illinois

ATTEST: \_\_\_\_\_

Cynthia Galbreath, Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Robert E. Bohler	_____	_____	_____	_____
Trustee Kevin M. Geary	_____	_____	_____	_____
Trustee Rick Montalto	_____	_____	_____	_____
Trustee Marie Johnson	_____	_____	_____	_____
Trustee Thomas Renk	_____	_____	_____	_____
Trustee David Paluch	_____	_____	_____	_____



**Resolution 20130108**

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT AGREEMENTS  
FOR THE SETTLERS RIDGE TO MALLARD POINT WATERMAIN LOOP  
IMPROVEMENT  
SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS**

**WHEREAS**, the Village is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution; and

**WHEREAS**, the Village has been presented with easement agreements for a water main which will connect the Settlers Ridge Subdivision to the Mallard Point Subdivision within Sugar Grove Township; and

**WHEREAS**, it is in the Village’s best interest to obtain these easements for the proposed water main connection on public and private property; and

**WHEREAS**, the proposed water main loop from the Settlers Ridge Subdivision to the Mallard Point Subdivision is identified in the Village of Sugar Grove Water Works System Needs Assessment.

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Passed by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, at a regular meeting thereof held on the 8th day of January 2013.

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P. Sean Michels, President of the Board of Trustees  
of the Village of Sugar Grove, Kane County, Illinois

ATTEST: \_\_\_\_\_  
Cynthia Galbreath, Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Robert E. Bohler	_____	_____	_____	_____
Trustee Kevin M. Geary	_____	_____	_____	_____
Trustee Rick Montalto	_____	_____	_____	_____
Trustee Marie Johnson	_____	_____	_____	_____
Trustee Thomas Renk	_____	_____	_____	_____
Trustee David Paluch	_____	_____	_____	_____

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RICHARD YOUNG COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** RESOLUTION: ACCEPTING EASEMENTS FOR WATER MAIN LOOPING  
**AGENDA:** JANUARY 8, 2012  
**DATE:** JANUARY 4, 2013

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**ISSUE**

Should the Village Board authorize execution of Grant of Easements for the proposed Settlers Ridge Subdivision to Mallard Point Subdivision water main looping improvement.

**DISCUSSION**

The Village of Sugar Grove Water Works System Needs Assessment Plan identified the need for a second water main connection to the Mallard Point Subdivision. The addition of a second water main would provide better water service to the Mallard Point Subdivision and ensure adequate fire flow in case of emergency.

As a part of this proposed improvement, the Village needed to acquire both temporary construction and permanent water main easements in order to construct and maintain the public water main.

**COSTS**

The costs associated with the acquisition for these easements have been budgeted and are part of the village wide capital improvement fund.

**RECOMMENDATION**

That the Board approve Resolution 20130108 authorizing the execution of and acceptance of Grants of Easements for the Settlers Ridge to Mallard Point water main looping improvements, subject to Village Attorney review.

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** RONALD A. MOSER, CHIEF OF POLICE  
**SUBJECT:** AMENDMENT OF ORDINANCE REGULATING THE SEIZURE AND  
IMPOUNDMENT OF VEHICLES IN COMPLIANCE WITH 625 ILCS 5/11-  
208.7  
**AGENDA:** JANUARY 8, 2013 BOARD MEETING  
**DATE:** JANUARY 4, 2013

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**ISSUE**

Should the Village/Board consider revising the ordinance regulating the seizure and impoundment of vehicles.

**DISCUSSION**

Section 5-7-11 of the Village of Sugar Grove Code of Ordinances currently allows for seizure and impoundment of vehicles. The Police Administration recommends that the ordinance be revised. To that end, the Village Attorney has prepared the attached ordinance and the police department has prepared the attached policy on administrative tow and impound. These are draft documents at this time.

The revised ordinance, as well as the corresponding policy, provides better direction related to the vehicles subject to administrative tow and impound as well as procedures for providing hearings for owners of towed and impound vehicles. In the past year, the State of Illinois made changes to the State Statutes that govern vehicle impounds. This revised ordinance complies with those changes.

The Village Attorney and Village Staff are currently conferring with representatives from the Aurora Police Dept. as well as the Aurora City Prosecutor. We are in the process of determining whether or not the formal hearing could be held in conjunction with Aurora's impoundment hearings.

**COST**

The Village Attorney and staff are waiting for response from Aurora officials on any costs that would be charged for hearings. With our current procedures very few persons have contested the impoundment of their vehicles. We expect that there will not be a change in this due to the new procedures. There will also be minor costs

related to mailings. More detailed information will be brought forward if the Board is subsequently asked to vote on this ordinance.

**RECOMMENDATION**

That the Board approve further consideration of the Amendment of Ordinance regulating the Seizure and Impoundment of Vehicles in Compliance with 625 ILCS 5/11-208.7.

01042013impoundmentofvehicles



Sugar Grove Police Department  
Policy Manual

## Administrative Tow & Impound

### 513.1 PURPOSE AND SCOPE

To provide direction related to seizure and impoundment of vehicles, pursuant to Section 5-7-11 of the Municipal Code of Sugar Grove.

### 513.2 POLICY

It is the policy of the Sugar Grove Police Department that a motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with violations enumerated in **Sec 5-7-11** of the Municipal Code of Sugar Grove shall be subject to seizure and impoundment and the owner of record of the said vehicle shall be liable to the Village for an administrative penalty, in addition to any towing and storage fees.

### 513.3 DEFINITIONS

**OWNER** - Means a person who holds legal title to a vehicle, or the right to possession of a vehicle as contained in the vehicle and registration of records of the state in which the vehicle is registered.

**VEHICLE** - Means any "motor vehicle" as defined by State Statute or the Municipal Code of the Village of Sugar Grove.

### 513.4 IMPOUNDING & TOWING OF VEHICLES USED IN CONNECTION WITH ILLEGAL ACTIVITIES SUBJECT TO SEC. 5-7-11 OF THE MUNICIPAL CODE OF SUGAR GROVE

A. Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to ordinance, the police officer shall provide for the towing of the vehicle to a facility authorized by the Village. ***Vehicles shall not be seized under this procedure when held for evidence in conjunction with a felony or when being held, pending forfeiture proceeding.***

B. Before or at the time the vehicle is towed, the police officer shall notify any person identifying themselves as the owner of the vehicle, or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure, and of the vehicle owner's right to request a preliminary vehicle impoundment hearing to be conducted under this section. This person shall be provided with the notice of seizure. [Form 513.4, (Appendix A)]

C. At the time the vehicle is towed, the officer shall inform the tow companies that this is a vehicle to be towed under this ordinance and is eligible for release only after the posting of a cash bond. A tow report, (Appendix B) shall be completed and submitted to the tow company with the fields "Reason for Tow," and "Reason for Holding," will be filled out "Impound" and "Vehicle Eligible for Release" will be marked, "No".

D. The officer impounding the vehicle will ensure that the passengers of the impounded vehicle are provided transportation to the police station for purposes of securing alternative transportation. The passenger(s) of the impounded vehicle may decline transportation to the police station, in which case the officer shall document in the police report that the offer of transportation was offered and declined.

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# Sugar Grove Police Department

## Policy Manual

### Administrative Tow & Impound

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E. The police officer impounding the vehicle shall ensure that all necessary information regarding the impounded vehicle is recorded in the Towed / Impounded vehicle log book. (Appendix C)

F. Except for DUI cases, the police officer impounding the vehicle will complete and sign the Vehicle Impound Synopsis Sheet and have the form notarized. [Form 513 (appendix D)]

G. The police officer impounding the vehicle will complete a Vehicle Seizure Cover Sheet. [Form 513, (Appendix E)].

H. The personnel on duty authorized to make LEADS entry shall enter the towed vehicle into LEADS as "Towed and Impounded Vehicle." In the event that no personnel are on duty who are authorized to make LEADS entry, the arresting officer shall then complete the necessary forms and notify "dispatch" of the impounded vehicle. The officer shall obtain the name of the person to make LEADS entry and obtain a LEADS number documenting this information in the tow / impound log.

I. Police Officer's and or the tow company(s) are required to receive the posting of a cash bond in the amount of the administrative penalty from the owner of the vehicle. Upon receiving the cash bond, personnel will provide a receipt and appropriate paperwork authorizing the release of the vehicle from the appropriate tow company [Form 513, (Appendix F)]. The personnel authorized to make LEADS entry shall then remove the vehicle from LEADS.

J. Police Personnel will update the Towed / Impounded Vehicle Log book when the impounded vehicle is released, to indicate the vehicle has been released.

K. Police Personnel shall forward a copy of all documents pertaining to impounded vehicles to the appropriate assigned Sergeant handling impounded vehicles.

#### **513.5 PRELIMINARY HEARINGS**

A. If the owner or record of a vehicle seized pursuant to this section desires to appeal the seizure, said owner must make a request for said hearing within 24 hours of the seizure.

B. Said request shall be in writing and filed with the on duty supervisor, or the designee of the Chief of Police, who shall conduct such preliminary hearing within 24 hours after receipt of the request. [Form 513, (Appendix G)]

C. It will be the responsibility of the on-duty patrol shift supervisory personnel, or a designee of the Chief of Police, to complete the lower portion of the REQUEST FOR APPEAL OF VEHICLE SEIZURE form [Form 513, (Appendix G)] after conducting the preliminary Hearing.

#### **513.6 HEARINGS**

A. Within ten (10) days after the vehicle is seized and impounded, pursuant to this section, the Village shall notify, by certified mail, return receipt requested, the owner of record of the date, time, and location of a hearing that will be conducted, [Form 513, (Appendix H)].

B. The hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the initial administrative hearing.

C. It is the responsibility of the assigned Sergeant, or his designee, to compile cases on a weekly basis and ensure the certified mailings are sent. A designated person will back up that position.

# Sugar Grove Police Department

## Policy Manual

### *Administrative Tow & Impound*

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D. It will be the responsibility of the assigned Sergeant to prepare and track individual cases for hearings. The assigned Sergeant will work with the Village Prosecutor to ensure that all cases to be heard are taken to the assigned administrative hearing dates.

E. The Village Prosecutor will be responsible for obtaining the necessary information from the owner of record for those individuals requesting a formal hearing. [Form 513, (Appendix I)].

F. The assigned Sergeant will be responsible for taking the formal requests provided to him / her by the Village Prosecutor and preparing them in a case jacket for hearing on the next assigned date.

G. At the conclusion of the hearing, the assigned Sergeant will file necessary papers [Form 513, (Appendix J)] for action for default orders or immediate return of the vehicle or cash bond.

#### **513.7 RELEASE OF IMPOUNDED VEHICLES**

A. Police Personnel, or the designated tow company(s), are required to receive the posting of a cash bond in the amount of the administrative penalty from the owner of the vehicle. Upon receiving this cash bond, personnel will provide a receipt and paperwork authorizing the release of the vehicle from the appropriate tow company with the following restrictions.

**1. Motorists issued citations for Driving While License Suspended / Revoked and a citation related to mandatory insurance requirements, the impounded vehicle may be released to any licensed driver upon;**

- (a) showing proof for the vehicle; and
- (b) Showing notarized written consent for the release by the vehicle owner.
- (c) Payment of applicable fees incurred by the towing agency for towing and storage.

**2. Motorists issued citations for Driving While License Suspended / Revoked, the impounded vehicle may be released to any licensed driver upon;**

- (a) Payment of applicable fees incurred by the towing agency for towing and storage.

**3. Motorists arrested for an arrest warrant for Failure to Appear in Court for Driving While License Suspended / Revoked, Driving without a Valid Illinois Driver's License or Driving under the influence, the impounded vehicle may be released to any licensed driver upon;**

- (a) Payment of applicable fees incurred by the towing agency for towing and storage.

**4. Motorists charged with the offense of Driving Under the Influence of Alcohol, Other Drug or Drugs, Intoxicating Compound or Compounds or any combination thereof and a citation related to mandatory insurance requirements;**

- (a) Showing proof of insurance for the vehicle; and
- (b) Showing notarized written consent for the release by the vehicle owner.
- (c) Payment of applicable fees incurred by the towing agency for towing and storage.
- (d) After waiting a period of not more than 12 hours after the time of arrest, except if;

1. The vehicle was not owned by the person charged and the lawful owner requesting the vehicle release possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner; [625 ILCS 5/4 - 203(e)(1)] or

# Sugar Grove Police Department

## Policy Manual

### *Administrative Tow & Impound*

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2. The vehicle owner by the person charged and the person gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner [625 ILCS 5/4-203(e)(2)]

5. Motorists charged with the offense of Driving Under the Influence of Alcohol, Other drug or drugs, Intoxicating Compound or Compounds or any combination thereof:

- (a) Payment of applicable fees incurred by the towing agency for towing and storage.
- (b) After waiting a period of not more than 12 hours after the time of arrest, except if;

1. The vehicle was not owned by the person charged and the lawful owner requesting the vehicle release possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner; [625 ILCS 5/4-203(e)(1)] or

2. The vehicle is owned by the person charged and the person gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid driver's license, proof of insurance and would not indicate a lack of ability to operate a vehicle in a safe manner. [625 ILCS 5/4-203(e)(2)]

6. Motorists charged with the offense of Driving Without a Valid Drivers License (expired for a period greater than one year or more).

- (a) The impounded vehicle may be released to any licensed driver upon showing proof of;

1. Notarized written consent for the release by the vehicle owner.

2. Payment of applicable fees incurred by the towing agency.

7. Motorists issued citations for No Valid Driver's License AND Mandatory insurance violations shall have their vehicle towed and impounded pursuant to Illinois Compiled Statute, (625 ILCS 5/6-10 and Article 5-7-11.

- (a) The impounded vehicle may be released to any licensed driver upon showing proof of;

1. Insurance for the vehicle

2. Notarized written consent for the release by the owner.

3. Payment of applicable fees incurred by the towing agency.

b. Vehicles towed and impounded, pursuant to these sections, require visual inspection of submitted documents prior to the authorized release of the vehicle. Visual inspections shall be conducted during normal business hours.

8. Motorists charged with those other offenses listed under Article 5-7-11 not mentioned above;

- (a) The imounded vehicle may be released to any licensed driver upon showing proof of;

1. Notarized written consent for the release by the vehicle owner.

2. Payment of applicable fees incurred by the towing agency.

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# Sugar Grove Police Department

## Policy Manual

### *Administrative Tow & Impound*

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**B.** Once all documents related to the impounded vehicle have been inspected and the release of the vehicle has been authorized, a telephone call shall be placed to the respective towing agency for the vehicles release upon payment of fees to that agency at their facility.

**C.** When the administrative bond is posted at the towing agency(s), a police officer or other person authorized to obtain LEADS information shall run the required information to make sure the person(s) that the vehicle is being released to is in fact a valid licensed driver.

#### **513.8 VEHICLE DISPOSITION PROCEDURE**

**A.** When a vehicle owner fails to claim a vehicle from the tow company, the tow company will notify the police department that they wish to dispose of the vehicle.

**B.** If the tow was at the request of the owner, the tow company will be directed to the Police Department in which the facility is located. The tow company is then responsible for disposing of the vehicle.

**C.** Upon receipt of notice from the tow company requesting disposal of a vehicle authorized for tow by the Police Department, the computer files of the Illinois Secretary of State will be searched to determine all owners and lien holders.

**D.** Written notice will be sent to all owners and lien holders via certified US mail (return receipt requested). The case number shall be written on the return receipt form. A copy of the written notice shall be placed in the case filed. The written notice will include the following:

1. Vehicle Description
2. Time and Place of Autcion
3. Steps to be taken to reclaim the vehicle including the name, address, and telephone number of the tow agency.

**E.** Illinois State Statute establishes the period of time required to permit the owner to reclaim the vehicle and the process to be followed based on the age of the vehicle and in limited circumstances the condition of the vehicle.

**1.** If the vehicle is seven (7) years old or newer:

- a. The vehicle must be sold at "public auction".
- b. No sooner than 30 (thirty) days after notice to owners.
- c. To a licensed auto parts recycler, rebuilder, scrap processor or towing operator who towed the vehicle.

**2.** If the vehicle is older than seven (7) years:

- a. PUBLIC AUCTION is not required.
- b. No sooner than 10 (ten) days after notice to owners.
- c. Junk or Salvage ONLY to owner.

**3.** If the vehicle is Hazardous or Dilapidated.

- a. Public Auction **NOT** required.

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# Sugar Grove Police Department

## Policy Manual

### *Administrative Tow & Impound*

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b. No sooner than 10 (ten) days after notice to owners.

c. Junk ONLY to tower.

**F.** Written notice of the date of auction will be provided to the tow company with written direction to post the notice as outlined below. The auction will be held no sooner than 30 (thirty) days after notice of sale to the owners and lien holders. The tow company will be directed to post written notice of the pending auction on the premises where the vehicle is impounded for the 10 (ten) days preceding the auction.

**G.** The CERTIFICATE OF PURCHASE form, will then be prepared for public auction. The Certificate of Purchase form should be filled out to include the vehicle information, Name of Police Agency (Sugar Grove Police Department) and the form forwarded to the tow company to conduct the sale. The Certificate of Purchase Shall not be Signed at this time. Additionally, the Certificate of Purchase shall be marked "For Junk or Salvage Only".

**H.** The CERTIFICATE OF PURCHASE FORM, when there is no public auction should be filled out to include the following:

1. The vehicle information.
2. Date of Sale
3. On the line entitled "Total Purchase Price" enter "In lieu of towing and storage fees".
4. The Certificate of Purchase shall be marked "For Junk Only".
5. Signature and Title

**I.** A copy of the Certificate of Purchase, Notice of Sale and Final Notice will be attached to the case file.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance NO. \_\_\_\_\_**

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**An Ordinance Regulating the Seizure and Impoundment of Vehicles in compliance with  
625 ILCS 5/11-208.7  
for the Village of Sugar Grove,  
Kane County, Illinois**

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove, Kane County,  
Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

ORDINANCE NO. \_\_\_\_\_

**An Ordinance Regulating the Seizure and Impoundment of Vehicles in compliance with  
625 ILCS 5/11-208.7  
for the Village of Sugar Grove,  
Kane County, Illinois**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the Village wishes to amend Section 5-7-11 of the Village of Sugar Grove Code of Ordinances to regulate the seizure and impoundment of vehicles in compliance with 625 ILCS 5/11-208.7;

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**SECTION ONE: Amendment to Section 5-7-11**

The Village Code of Ordinances Section 5-7-11 is hereby amended to read as follows:

**5-7-11: SEIZURE AND IMPOUNDMENT OF VEHICLES AND ADMINISTRATIVE PENALTY**

A. *Violations authorizing seizure.* Except as provided in subsection G, a motor vehicle, operated with the permission, express or implied, of the owner of record, that is used in connection with the violations set forth in A (1)-(7) below, shall be subject to seizure and impoundment by the village, and the owner of record of said vehicle shall be liable to the village for an administrative penalty in the amount of five hundred dollars (\$500.00), which shall be in addition to any towing and storage fees charged by the towing firm as provided herein. The administrative penalty shall be assessed to cover costs associated with the investigation, arrest and detention of an offender, or the removal, impoundment, storage, and release of the vehicle. It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one or more of the following violations has/have been committed:

- (1) A violation of:

- a. Driving with suspended or revoked license, 625 ILCS 5/6-303, except that vehicle shall not be subjected to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing.
- b. Driving under the influence of alcohol, 625 ILCS 5/11-501(a).
- c. When a motor vehicle is operated by a person against whom a warrant has been issued by a Circuit Court in Illinois, failing to answer charges that the driver violated (A)(1)(a) or (A)(1)(b) of the above or for a violation of 625 ILCS 5/6-101.
- d. Fleeing or attempting to elude a police officer, third or subsequent offense 625 ILCS 5/11-204(c).
- e. Aggravated fleeing or attempting to elude a police officer, 625 ILCS 5/11-204.1.
- f. Leaving the scene of after involvement in a motor vehicle accident involving death or personal injury, 625 ILCS 5/11-401.
- g. Reckless driving causing bodily harm to a child or school crossing guard, 625 ILCS 5/11-503(b-1)-(c).
- h. Aggravated reckless driving, 625 ILCS 5/11-503(c)
- i. Reckless driving causing great bodily harm or permanent disability or disfigurement to a child or a school crossing guard, 625 ILCS 5/11-503(d)
- j. Street racing, second or subsequent offense; pursuant to 625 ILCS 5/11-506.
- k. Aggravated street racing, 625 ILCS 5/11-506(d)(3)
- l. Illegal transportation of alcohol/driver, 625 ILCS 5/11-502(a).

(2) A violation of:

- a. Unlawful use of weapons, 720 ILCS 5/24-1.
- b. Unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities 720 ILCS 5/24-1.1.
- c. Aggravated discharge of a firearm, 720 ILCS 5/24-1.2.
- d. Aggravated discharge of a machine gun or a firearm equipped with a device designed or used for silencing the report of a firearm 720 ILCS 5/24-1.2-5.
- e. Reckless discharge of a firearm, 720 ILCS 5/24-1.5.
- f. Aggravated unlawful use of a weapon, 720 ILCS 5/24-1.6.
- g. Unlawful Possession of firearms and firearm ammunition, 720 ILCS 5/24-3.1.

h. Unlawful sale or delivery of a firearm

(3) A violation of:

- a. Indecent solicitation of a child, 720 ILCS 5/11-6;
- b. Aggravated assault, 720 ILCS 5/12-2;
- c. Aggravated Battery, 720 ILCS 5/12-3.05;
- d. Theft, 720 ILCS 5/16-1
- e. Theft of lost or mislaid property, 720 ILCS 5/16-2
- f. Theft of labor or services or use of property, 720 ILCS 5/16-3;
- g. Theft from coin operated machine, 720 ILCS 5/16-5;
- h. Tampering with communication services; theft of communication services, 720 ILCS 5/16-18;
- i. Retail Theft, 720 ILCS 5/16-25;
- j. Robbery, 720 ILCS 5/18-1;
- k. Armed Robbery, 720 ILCS 5/18-2;
- l. Burglary, 720 ILCS 5/19-1;
- m. Residential Burglary, 720 ILCS 5/19-3;
- n. Arson, 720 ILCS 5/20-1;
- o. Aggravated Arson, 720 ILCS 5/20-1;
- p. Possession of Explosives or Explosive or Incendiary devices, 20 ILCS 5/20-2;
- q. Criminal damage to property; 720 ILCS 5/21-1;
- r. Mob Action, 720 ILCS 5/25-1.

(4) The operation or use of a motor vehicle:

- a. In the commission of, or in the attempt to commit, a violation of the Cannabis control Act, 720 ILCS 550/1 *et seq.*;
- b. In the commission of, or in the attempt to commit, a violation of the Illinois Controlled Substance Act, 720 ILCS 570/100, *et seq.*; or
- c. While soliciting, possessing, or attempting to solicit or possess cannabis or a controlled substance, as defined by the Cannabis Control Act 720 ILCS 550/1 *et seq.*, or the Illinois Controlled Substance Act, 720 ILCS 570/100 *et seq.*

(5) A violation of:

- a. Prostitution, 720 ILCS 5/11-14
- b. Solicitation of a sexual act, 720 ILCS 5/11-14.1

- c. Promoting prostitution, 720 ILCS 5/11-14.3
  - d. Promoting juvenile prostitution, 720 ILCS 5/11-14.4
  - e. Patronizing a prostitute, 720 ILCS 5/11-18
  - f. Patronizing a juvenile prostitute 720 ILCS 5/11-18.1
- (6) The motor vehicle is otherwise subject to seizure and impoundment pursuant to 720 ILCS 5/36-1; or
- (7) A violation of 625 ILCS 5/6-10 (Drivers must have licenses or permits), except where the violation is for a license which has been expired for twelve (12) months or less, or for a license which is invalid because of curfew (as in the case of a graduated license).

B. *Imposition of Administrative Penalty.* The following shall apply to the administrative penalty imposed for costs pursuant to subsection A:

- (1) All administrative penalties and towing and storage charges shall be imposed on the registered owner of the motor vehicle or the agent of that owner.
- (2) The fees shall be in addition to
  - a. any other penalties that may be assessed by a court of law for the underlying violation; and
  - b. any towing or storage fees or both, charged by the towing company.
- (3) The administrative penalty shall be collected by the towing firm and paid to the Village within 10 days of payment being received by the towing firm.
- (4) The towing or storage fees, or both, shall be collected by and paid to the towing firm that tows and stores the impounded vehicles.
- (5) The towing firm shall keep detailed records regarding vehicles towed hereunder, rates charged, fees and penalties paid, and amounts received. Said records shall be available for inspection by the police department upon two (2) days request by the police department.

C. *Notice.* Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility authorized by the village. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle and of

owner's right to request an administrative hearing, as provided for in Subsection (D). Said vehicle shall be impounded pending the completion of the administrative hearing, unless the owner of the vehicle posts with the village a cash bond in the amount of \$500.00 and pays the towing and storage charges.

D. Preliminary and Full Hearing. The Police Chief shall designate from time to time a person within the police department as a preliminary hearing officer. Within 24 hours of any vehicle being seized and impounded pursuant to this section, if requested by any owner of record, lessee, or any lienholder of record, the police department shall conduct a preliminary hearing at which time said owner of record, lessee, or any lienholder of record may present any evidence said person desires which would demonstrate a defense to said seizure and impoundment. If the police department determines that said evidence supports such a defense, the police department may release said vehicle without further process. If the police department determines that said evidence does not support such a defense, then the police department shall deny said preliminary hearing and proceed as outlined in the remainder of this section.

Within ten days after a vehicle is seized and impounded pursuant to this section, the village shall notify by certified mail, return receipt requested, the owner of record, lessee, and any lienholder of record at the address which the interested party is registered with the Secretary of State, of the date, time, and location of the administrative hearing that will be conducted pursuant to this section. The initial administrative hearing shall be scheduled for not more than 45 days after the date the above notice is mailed. Notice by certified mail need not be given when the owner of record of the motor vehicle, any lessee and any lien holder of record have been personally served with notice, in written form, of the time, date and location of the hearing. The owner of record, any lessee, and any lienholder of record shall appear at a plea hearing and enter a plea of guilty or not guilty. If a plea of guilty is entered, the case will be disposed of at that time. If the owner of record, any lessee or any lienholder or record pleads not guilty, a final hearing shall be scheduled and held, unless continued by order of the hearing officer, no later than 45 days after the initial administrative hearing. All interested persons shall be given a reasonable opportunity to be heard at the hearing. At any time prior to the hearing date, the hearing officer may, at the request of either party, direct witnesses to appear and give testimony at the hearing. The formal rules of evidence will not apply at the hearing, and hearsay evidence shall be admissible only if it is the type commonly relied upon by reasonably-prudent persons in the conduct of their affairs. After the hearing, the hearing officers shall issue a written decision either sustaining or overruling the vehicle impoundment. If the hearing officer determines by a preponderance of evidence that the vehicle was used in connection with a violation set forth in this section, the hearing officer shall enter an order finding the owner of record of the vehicle civilly liable to the village for an administrative penalty in an amount not to

exceed five hundred dollars (\$500.00) and requiring the vehicle to continue to be impounded until the owner pays the administrative penalty to the village (or to the towing firm) plus fees to the towing firm for the towing and storage of the vehicle. If the owner of record, any lessee and any lienholder of record fails to appear at the hearing, the hearing officer shall enter a default order in favor of the village. If the hearing officer finds that no such violation occurred, the hearing officer shall order the immediate return of the owner's vehicle or cash bond without fees.

E. *Administrative penalty.* If an administrative penalty is imposed pursuant to this section, such penalty shall constitute a debt due and owing to the village. If a cash bond has been posted pursuant to this section, the bond shall be applied to the penalty. Unless stayed by a court of competent jurisdiction, any fine, penalty, or administrative fee imposed under this section which remains unpaid in whole or in part after the expiration of the deadline for seeking judicial review under the Administrative Review Law may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Except as provided otherwise in this section, a vehicle shall continue to be impounded until the penalty is paid to the village and any applicable towing and storage fees are paid to the towing firm, in which case possession of the vehicle shall be given to the person who is legally entitled to possess the vehicle or the vehicle is sold or otherwise disposed of to satisfy a judgment to enforce a lien as provided by law. If the vehicle is not retrieved within 35 days after an administrative hearing officer issues a written decision, the vehicle shall be deemed abandoned and shall be disposed of in the manner provided by law for the disposition of abandoned vehicles, as set forth in Article II, Chapter 4 of the Illinois Vehicle Code.

F. *Vehicle possession.*

- (1) Except as otherwise specifically provided by law, no owner, lien holder, or other person shall be legally entitled to take possession of a vehicle impounded under this section until the administrative penalty and fees applicable under this section have been paid. However, whenever a person with a lien of record against an impounded vehicle has commenced foreclosure proceedings, possession of the vehicle shall be given to that person if he or she agrees in writing to refund to the village the amount of the net proceeds of any foreclosure sale, less any amounts required to pay all lien holders of record, not to exceed the administrative penalty, plus the applicable fees.
- (2) For purposes of this section, the "owner of record" of a vehicle is the record title holder as registered with the secretary of state, State of Illinois.

G. *General regulations.*

- (1) This section shall not replace or otherwise abrogate any existing state or federal laws or village ordinance pertaining to vehicle seizure and impoundment, and these penalties shall be in addition to any penalties that may be assessed by a court for any criminal charges.
- (2) This section shall not apply if the vehicle used in the violation was stolen at that time and the theft was reported to the appropriate police authorities within 24 hours after the theft was discovered.
- (3) Fees for towing and storage of a vehicle under this section shall be those approved by the chief of police for all towers authorized to tow for the police department.

**SECTION TWO: GENERAL PROVISIONS**

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane  
County, Illinois

ATTEST: \_\_\_\_\_  
Clerk, Village of Sugar Grove

Aye    Nay    Absent    Abstain

Trustee Mari Johnson    \_\_\_\_\_

Trustee Thomas Renk	---	---	---	---
Trustee Rick Montalto	---	---	---	---
Trustee Robert E. Bohler	---	---	---	---
Trustee David Paluch	---	---	---	---
Trustee Kevin M. Geary	---	---	---	---
President P. Sean Michels	---	---	---	---

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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** CYNTHIA L. GALBREATH, VILLAGE CLERK  
**SUBJECT:** ORDINANCE: PERMITTING VIDEO GAMING  
RESOLUTION: AUTHORIZING THE SUBMISSION OF A PUBLIC QUESTION  
**AGENDA:** JANUARY 08, 2013 REGULAR BOARD MEETING  
**DATE:** JANUARY 4, 2013

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**ISSUE**

Should the Village/Board adopt an ordinance Permitting Video Gaming and consider placing a referendum on the April 9, 2013 Consolidated Election Ballot regarding Video Gaming.

**DISCUSSION**

At the December 18, 2012 meeting the Village Board discussed Video Gaming, placing an advisory referendum on the ballot regarding gaming and the possibility of allowing gaming. The discussion on the possibility of allowing gaming came about as the Sugar Grove American Legion explained why they had applied to the state to be a licensed video gaming establishment. The Board discussed the pro's and con's of video gaming as well as the opinions by the Legion and audience at the meeting of the 18th and at previous meetings at which video gaming was discussed.

The Board directed staff to prepare an Ordinance allowing Video Gaming in the Village of Sugar Grove. The Board also directed staff to prepare a Resolution to place a public question regarding banning video on the April 9, 2013 Consolidated Election Ballot.

Following the discussion at the December 18, 2012 meeting, staff has confirmed that the State of Illinois has been prompt in forwarding the municipal share of Video Gaming taxes. Staff continues to recommend that potential revenues not be considered in the decision making process on this issue.

Staff has also confirmed that State regulations require video surveillance with recording of Gaming areas and that the recordings be made available to the Police. Some communities require that a live video feed be available to the local Police. The Sugar Grove Police Department does not suggest that a live feed be required as we do not have Officers assigned to 24 hour desk duty and the feed would not be monitored.

The Police Department has also requested that establishments not use a key card entry during operational hours. The concern is that this restricts the police entry in the event of an emergency or routine business establishment checks. This is currently being reviewed by staff and legal.

A Resolution initiating a non-binding referendum and an Ordinance Allowing Video Gaming have been prepared and are attached.

As of the writing of this report no petition has been received calling for a binding referendum. However, Monday January 7, 2013 is the last date for a member of the general public to submit a petition for a binding referendum. Therefore, by meeting time it will be known if a binding referendum will be sought by the public.

Should a petition be received there will be no need for any Board action regarding a referendum. No Board action is needed as state statute sets the procedures for a public question. The procedure is that upon receipt of a petition containing the signatures of not less than 25% of the legal voters of Sugar Grove, I as clerk **must** certify the proposition to County Clerk John Cunningham.

#### **COST**

The cost for preparation and codification of the ordinance is budgeted in 01 50 6301 GF – Legal Services and 01 57 6309 Other Professional Services, respectfully.

#### **RECOMMENDATION**

That the Board adopt Ordinance 20130108A, An Ordinance permitting Video Gaming pursuant to 230 ILCS 40/27 for the Village of Sugar Grove, Kane County, Illinois, subject to Attorney Review

#### **And should No Public Petition be submitted regarding a referendum on Video Gaming:**

that the Board adopts Resolution 2013-0108A, A Resolution Initiating the Submission of an Advisory Public Question on Video Gaming for the Village of Sugar Grove, Kane County, Illinois.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance No. 20130108A**

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**An Ordinance permitting Video Gaming pursuant to  
230 ILCS 40/27 for the Village of Sugar Grove,  
Kane County, Illinois**

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this 8th day of January, 2013.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove, Kane County,  
Illinois, this 8th day of January, 2013.

**ORDINANCE NO. 20130108A**

**An Ordinance permitting Video Gaming pursuant to  
230 ILCS 40/27 for the Village of Sugar Grove,  
Kane County, Illinois**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the Village wishes to amend Section 5-2-2-10 of the Village of Sugar Grove Code of Ordinances to ban video gaming pursuant to 230 ILCS 40/27 ,

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**SECTION ONE: AMENDMENT**

The Village Code of Ordinances Section 5-2-2-10 is hereby amended to read as follows:

**5-2-2-10: GAMBLING:**

A. Gambling is hereby prohibited and any person who gambles commits a violation of this Section: A person commits gambling when he:

1. Plays a game of chance or skill for money or other thing of value, except for Video Gaming pursuant to 230 ILCS 40/1 *et seq.* which is hereby permitted, unless excepted in 720 Illinois Compiled Statutes 5/20-1; or

2. Makes a wager upon the result of any game, contest or any political nomination, appointment or election; or

3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device in the Village, except that operating, keeping, owning, purchasing, exhibiting, renting, selling, repairing, leasing, distributing or retrieving any video gaming terminal as authorized by 230 ILCS 40/1 *et seq.* shall not be a violation of this Section; or

4. Contracts to have or give himself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any

company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to 815 Illinois Compiled Statutes 5/8 section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said section 8, of a put, call or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under 815 Illinois Compiled Statutes 5/3 section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this subsection A4; or

5. Knowingly owns or possesses any book, instrument or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or

6. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment or election; or

7. Sets up or promotes any lottery or sells, offers to sell or transfers any ticket or share for any lottery; or

8. Sets up or promotes any policy game or sells, offers to sell or knowingly possesses or transfers any policy ticket, slip, record, document or other similar device; or

9. Knowingly drafts, prints or publishes any lottery ticket or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government; or

10. Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games and raffles authorized by and conducted in accordance with the laws of Illinois or any other state.

11. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection 11 prohibits transmission or receipt of such information for use in news reporting events or contents.

## **SECTION TWO: GENERAL PROVISIONS**

**REPEALER:** All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

**SEVERABILITY:** Should any provision of this Ordinance be declared invalid by a court of

competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 8th day of January, 2013.

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P. Sean Michels  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane  
County, Illinois

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath  
Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Thomas Renk	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Robert E. Bohler	___	___	___	___
Trustee David Paluch	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___



**RESOLUTION NO. 2013-0108A**

**A RESOLUTION INITIATING THE SUBMISSION OF AN ADVISORY PUBLIC QUESTION ON VIDEO GAMING FOR THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS**

**WHEREAS**, pursuant to 65 ILCS 5/28-1, an Illinois municipality may initiate and submit advisory public questions; and

**WHEREAS**, pursuant to the requirements of Illinois law, the Board of Trustees of the Village of Sugar Grove hereby desires to place on the April 9th, 2013 ballot an advisory public question to be considered by the voters in the Village regarding video gaming.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS**, as follows:

**Section 1. Advisory Public Question on Video Gaming**

An advisory public question shall be submitted to the voters of the Village of Sugar Grove, County of Kane, State of Illinois, at the April 9<sup>th</sup>, 2013 election as follows:

Shall video gaming be prohibited in Sugar Grove?

YES \_\_\_\_\_

NO \_\_\_\_\_

**Section 3.Filing**

The Village Clerk is hereby authorized and directed file this authorizing Resolution and other related matters with the appropriate election officials in accordance with applicable law.

**Section 4. Effective Date**

This Resolution shall be in full force and effect from and after this Resolution's passage and approval in the manner required by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 8th day of January, 2013.

\_\_\_\_\_  
P. Sean Michels,  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane  
County, Illinois

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath, Village Clerk

	Aye	Nay	Absent	Abstain
Trustee David Paluch	___	___	___	___
Trustee Thomas Renk	___	___	___	___
Trustee Mari Johnson	___	___	___	___
Trustee Robert E. Bohler	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___
President P. Sean Michels	___	___	___	___