



Our Mission: *To foster an environment of economic growth and opportunity through effective partnerships with our citizens, businesses, and visitors while maintaining a high standard for quality of life in a progressive community which embraces its heritage.*

**City of Oregon Council Agenda,  
Tuesday November 28<sup>th</sup>, 2023, 5:30 P.M.  
115 N 3<sup>rd</sup> Street**

**Public Option: Join Meeting via Zoom**

**Meeting ID: 818 7387 6843    Passcode: 666919    One tap mobile +13126266799**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. PRESENTATIONS**
- 5. PUBLIC COMMENT**
- 6. APPROVAL OF MINUTES**
- 7. APPROVAL OF WARRANTS AND PAYROLL**
- 8. BUSINESS ITEMS**
  - a. Approve Ordinance 2023-021 an Ordinance Annexing Certain Property to the City of Oregon, Ogle County, State of Illinois (Daniel Luepkes and USS Ducks Solar, LLC – Solar Farm Project)**
  - b. Approve Variance application submitted by Trestle Holdings LLC regarding storm water detention for the Trestle Ridge Subdivision regarding following state regulations instead of more restrictive city ordinance**
  - c. Approve Ordinance 2023-022 an Ordinance for the Levy and Assessment of Taxes for the Current Fiscal Year**
  - d. Approve Ordinance 2023-023 Abating the Tax Levied for the year 2023 to pay principal and interest on \$3,440,000 General Obligation Bond Series 2021**
  - e. Set date of December 12<sup>th</sup> 2023 for City Council Meeting**

The City of Oregon, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in the meeting(s) or have questions about the accessibility of the meeting(s) or facilities, contact the City Manager Darin DeHaan at 815-732-6321 at least 24 hours before a scheduled meeting to allow the City to make reasonable accommodations for these persons.

**9. PROCLAMATIONS, COMMENDATIONS, ETC**

**10. DISCUSSION ITEMS**

- a. Request for limited liquor license and video gaming for potential new restaurant for the property located at 108 N. 4<sup>th</sup> Street
- b. Ordinance 2023-024 Illinois Paid Leave for All Workers Act

**11. COMMITTEE REPORTS**

- a. PLANNING
- b. ECONOMIC AND COMMUNITY DEVELOPMENT
- c. FINANCE
- d. SUSTAINABILITY
- e. TREE BOARD
- f. PUBLIC ART COMMISSION
- g. OTHER

**12. DEPARTMENT AND OFFICER REPORTS**

- a. POLICE
- b. PUBLIC WORKS
- c. CITY CLERK
- d. CITY ATTORNEY
- e. CITY MANAGER

**13. COUNCIL REPORTS**

- a. MEMBER WILSON
- b. MEMBER SCHUSTER
- c. MEMBER COZZI
- d. MEMBER KRUG
- e. MAYOR WILLIAMS

**14. EXECUTIVE SESSION**

**15. ADJOURNMENT**

A portion of the meeting maybe closed to the Public, immediately as permitted by 5 ILCS 120/2 (c) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the City of Oregon, and as permitted by 5 ILCS 102/2 (c)(11) to discuss litigation against, affecting, or on behalf of the City which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS (c)(21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters. **Possible action after executive session**

COUNCIL MEETING MINUTES  
Tuesday November 14<sup>th</sup>, 2023, 5:30 P.M.  
City Hall Council Chambers  
115 N 3<sup>rd</sup> Street

The Council of the City of Oregon met Tuesday November 14<sup>th</sup>, 2023, at 5:30 P.M.

The meeting was held at the City Hall Council Chambers and on Zoom.

Present: Mayor Ken Williams  
Council Member Melanie Cozzi  
Council Member Tim Krug  
Council Member Terry Schuster  
Council Member Kurt Wilson  
City Manager Darin DeHaan  
Deputy Chief of Police Matt Kalnins  
City Attorney Paul Chadwick  
City Clerk Cheryl Hilton

Also Present: Bill Covell, Christie Cox, George Howe, Mike Rock, and Rebecca Ruter.

Mayor Ken Williams called the meeting to order at 5:30pm.

City Attorney Paul Chadwick started the pledge of allegiance.

Council Members Cozzi, Krug, Schuster, Wilson, and Mayor Williams answered roll call. A quorum was present.

**Public Comment**

Christie Cox and Mike Rock both spoke to the City Council regarding the upcoming election. Rebecca Ruter thanked the City Council for welcoming her and her new business to the community.

**Presentations**

Deputy Chief of Police Matt Kalnins spoke about the impacts the Safety Act is having on the Police Department. He spoke about procedural changes, funding for new regulations, and other concerns to the department.

**Approval of Minutes**

Council Member Terry Schuster moved to approve the October 24<sup>th</sup>, 2023, minutes, Seconded by Council Member Kurt Wilson.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

**Approval of Warrants & Payroll**

Council Member Terry Schuster moved to approve payroll in the amount of \$61,640.47 and the current warrants as listed:

Aaron Montoya	\$120.00
Advanced Automation & Controls	\$460.00
AEP Energy	\$1,158.22

Ashtin Bjorklund	\$30.50
Bev Olson	\$277.00
Blue Cross Blue Shield	\$18,003.69
Bob Gobtop	\$33.00
Christy Sainio	\$29.00
City of Oregon	\$12,731.09
Coliseum Museum Art, Antiques & Americana	\$3,424.07
Comcast	\$248.55
ComEd	\$71.77
ComEd	\$376.59
Core & Main	\$364.56
Corey Fry	\$120.00
Countryman, Inc	\$2,205.00
Dan Dietrich	\$106.00
Dekalb Implement	\$101.98
Dekalb Implement	\$147.84
Dixon Paint Co	\$655.14
Ecolab	\$157.04
Envision Healthcare	\$217.00
Eric Higby	\$200.00
Essence Chemical Co	\$496.73
Fearer, Nye & Chadwick	\$7,026.64
Ferguson Waterworks #2516	\$448.95
Ferguson Waterworks #3325	\$3,473.00
Fidelity Security Life Insurance	\$158.82
Fischer's	\$4,206.70
Frontier	\$117.58
Gregory Spencer	\$240.00
Hagemann Horticulture LLC	\$4,429.83
Hawkins, Inc	\$426.08
Hometown Auto Repair, LLC	\$590.69
Illinois EPA	\$13,033.16
James Taylor	\$320.00
Joshua Ellis	\$120.00
Kate Gross	\$15.00
Ken Williams	\$55.96
Lexipol, LLC	\$7,324.91
Libra Farms	\$6.00
Linda Borneman	\$5.00
Lisa Payne	\$120.00
Liz Hiemstra	\$108.73
Lynn Kaufman	\$24.00



Marcie Poppen	\$122.00
Mark Nehrkorn	\$600.00
Martin and Company	\$1,650.00
Martin and Company	\$5,840.00
Martin and Company	\$6,931.93
Martin and Company	\$131,426.91
Martin and Company	\$370,531.45
McAuley Humphrey	\$12.00
Merlin Hageman	\$5,000.00
Michael Meurer	\$10.00
Morton Salt, Inc	\$4,206.63
Municipal Clerks of Illinois	\$55.00
NAPA	\$821.74
Ogle County Brewery	\$500.00
Ogle County Clerk & Recorder	\$60.00
Old National Bank	\$1,925.60
Oregon Chamber of Commerce	\$500.00
Oregon Chamber of Commerce	\$6,000.00
Oregon SuperValu	\$42.98
P.F. Pettibone	\$495.70
Pines Meadow	\$619.00
Postmaster	\$8.56
Postmaster	\$796.96
Quill	\$355.36
Ray O'Herron Co	\$1,716.67
Republic Services	\$40,713.08
Rogers Ready Mix	\$810.00
Secretary of State	\$173.00
Share Corp	\$819.87
Shaw Media/Sauk Valley Media	\$487.60
Snyders	\$594.13
Sterling Fence	\$1,492.06
Steve Benesh & Sons	\$500.00
Sue Cozzi	\$21.00
The Police & Sheriffs Press	\$17.60
Tonya Hardy	\$600.00
Uline	\$3,204.29
Uniform Den	\$219.30
Visa	\$790.78
Visa	\$906.35
Visa	\$3,666.63
Waste Water Management of Northern Illinois	\$17,460.00

White Pine Mercantile LLC	\$395.00
White Pine Mercantile LLC	\$395.00
William Thomas	\$43.00
Zions Bank	\$298,483.50
Zions Bank	\$124,347.50
Zoro Tools, Inc	\$434.87
	<b>\$1,120,788.87</b>

Seconded by Council Member Melanie Cozzi.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

### **Business Items**

Council Member Kurt Wilson moved to Approve Ordinance 2023-018 an Ordinance Approving and Authorizing a TIF Redevelopment Agreement by and between the City of Oregon and Beam Beauty Bar PLLC and Prompt NP Healthcare PLLC and Justine Beaman, Seconded by Council Member Tim Krug.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Melanie Cozzi moved to Approve Façade Grant for Justine Beaman - Beam Beauty Bar at 125 S. 4<sup>th</sup> Street - New door and light fixtures, newly painted plywood, clean/repair existing brick and windows, Seconded by Council Member Kurt Wilson.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Tim Krug moved to Approve Façade Grant for Robert Massey for 408 W. Washington Street - New windows and door, new stone façade under windows, new trims, and finishes, Seconded by Council Member Kurt Wilson.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Terry Schuster moved to Approve Ordinance 2023-019 an Ordinance Approving and Authorizing a TIF Redevelopment Agreement by and between the City of Oregon and No Stone Unturned Crystals & More LLC and Rebecca Ruter for a Lease Subsidy Grant, Seconded by Council Member Melanie Cozzi.

**Discussion:** City Manager Darin DeHaan said the subcommittee voted unanimously to approve this lease subsidy grant. This grant will help with the lease during the first year of operation.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Terry Schuster moved to Approve Bid for Building Demolition at 401 S 2<sup>nd</sup> Street to Anthem Excavating & Demolition for \$104,000.00, Seconded by Council Member Kurt Wilson.

**Discussion:** City Manager Darin DeHaan said this demolition is for the exterior outbuildings close to the river at the street department. The objective is to clean up the riverfront in hopes of future redevelopment. The first step of the process was to decide which buildings needed to be removed and a budget set. The first building to be removed is the most dilapidated building with the roof collapsing. The bid from Anthem Excavating came in so low that all the buildings and concrete that were part of the initial assessment can be removed. Public Works Director Bill Covell stated the concrete can be repurposed for other projects such as water main breaks. He has also spoken to the City of Dekalb where this company had done work and they spoke highly of the company.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Terry Schuster moved to Approve Ordinance 2023-020 authorizing the City of Oregon to Borrow Funds from the Water Pollution Control Loan Fund, Seconded by Council Member Tim Krug.

**Discussion:** This is for the Headworks Project at the wastewater treatment plant. This is the screening process that keeps debris, rags, and other things out of the treatment plant. Staff spend a lot of time clearing this debris from the makeshift system that is currently being used. City Manager Darin DeHaan said this is a significant project and is estimated to cost around six million dollars. Many options have been looked at for funding this project and the first option is with an IEPA loan. Mayor Ken Williams said this paperwork has to be completed for the state. Nothing will be decided until all funding options are looked at. Council Member Melanie Cozzi said this project has been needed for many years. Public Works Director Bill Covell said the makeshift screening will freeze up this winter allowing debris to get into the pumps, causing a lot of damage. Depending on the funding of the project, this project could start in November of next year. City Manager Darin DeHaan said this project keeps increasing in costs.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

#### **Proclamations, Commendations, etc.**

None

#### **Discussion Items**

None

#### **Committee Reports**

**Sustainability:** The meeting scheduled for the 13<sup>th</sup> has been cancelled. A couple that has recently moved to town is interested in joining the committee.

**Tree Board:** They will be meeting on the 25<sup>th</sup> at 5:00pm. Discussion will include the Tree USA designation for Arbor Day and tree planting.

#### **Department Reports**

**Deputy Chief of Police Matt Kalnins:** Thanked the Public Works Department for all their help with Halloween.

**City Manager Darin DeHaan:** Generators at City Hall are now online. City Hall can operate if there is a power outage.



### **Council Reports**

**Council Member Terry Schuster:** The Jeep parade held during Halloween was a nice collaboration between community members.

**Tim Krug:** Asked if the EV Charging stations had been tested. Mayor Ken Williams stated yes. City Manager Darin DeHaan said he has been approached by three other communities and Sauk Valley College asking about this project.

**Mayor Ken Williams:** Enjoyed watching the kids downtown during Halloween. He said the event went well.

Council Member Kurt Wilson moved to go into Executive Session to discuss legal strategy pending litigation at 6:14pm, Seconded by Council Member Tim Krug.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Council Member Tim Krug moved to adjourn the meeting, Seconded by Council Member Melanie Cozzi.

Roll Call: Cozzi, Krug, Schuster, Wilson, Williams. No Nays.

Adjourn: 6:33 P.M.

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Ken Williams, Mayor

Attest: \_\_\_\_\_  
Cheryl Hilton, City Clerk



November 28, 2023

Payroll in amount \$65,880.40

926 Custom Embroidery	\$984.00
Ace Hardware & Outdoor Center	\$25.54
Airgas USA LLC	\$300.35
Ancel Glick, P.C.	\$3,790.00
Bill Covell	\$660.00
Caspers Home Inspection LLC	\$1,600.00
Christopher Chapman	\$500.00
Cintas	\$111.24
City of Oregon	\$5,000.00
City of Oregon	\$581,400.00
Comcast	\$850.76
Comcast	\$780.89
ComEd	\$564.20
ComEd	\$44.48
Constellation	\$4,769.35
Ehmen	\$217.50
Eric Higby	\$448.15
Euclid Managers	\$2,216.61
Frontier	\$77.33
Glenwood Center	\$450.00
Hometown Auto Repair LLC	\$88.36
John Jones Chrysler Dodge Jeep Ram Fiat, Inc	\$47,470.00
John Jones Chrysler Dodge Jeep Ram Fiat, Inc	\$47,470.00
Ken Williams	\$50.00
Locis	\$710.00
Manheim Solutions	\$2,241.00
Melanie Cozzi	\$25.00
Mid-West Truckers Association	\$425.00
Nicor	\$384.67
Oregon Chamber of Commerce	\$70.00
Oregon Rotary Club	\$165.88
Polo Cooperative Association	\$5,041.88
Postmaster	\$828.75
R & R Auto Diesel Repair	\$171.68
Sherwin Industries Inc	\$1,029.00
Snyder's Pharmacy	\$34.54
Stillman BancCrop	\$2,036.03
Sun Life Financial	\$456.58
Sundog IT	\$1,938.90
Sundog IT	\$5,379.00
Terry Schuster	\$25.00
Unline	\$214.73

Verizon	\$466.81
Village of Progress	\$960.00
Visa	\$2,666.92
Visa	\$3,440.16
Ward, Murray, Pace & Johnson P.C.	\$176.00
Water Solutions Unlimited Inc	\$2,490.00
Willett Hofmann & Associates	\$11,065.45
Willett Hofmann & Associates	\$20,349.19
Zoro Tools, Inc	\$467.73
	\$763,128.66

\_\_\_\_\_  
City Manager

ORDINANCE NO. 2023-021

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO  
THE CITY OF OREGON, OGLE COUNTY, STATE OF ILLINOIS  
(DANIEL LUEPKES AND USS DUCKS SOLAR, LLC  
– SOLAR FARM PROJECT)

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WHEREAS, the City of Oregon, County of Ogle, State of Illinois has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, including the use of land within its corporate boundaries, and to protect the public health, safety, and welfare of its citizens; and

WHEREAS, Daniel E. Luepkes (hereinafter “Owner”), is the owner of approximately 70.64 acres of property located contiguous to the City of Oregon in unincorporated Ogle County, Illinois, such property being legally described in the Plat of Annexation, attached hereto and made a part hereof as Exhibit A (hereinafter the “Property”); and

WHEREAS, US Ducks Solar, LLC (hereinafter “US Solar”) holds an option for a long-term lease of the Property and is desirous of using the Property for the construction and operation of a Solar Farm; and

WHEREAS, the Owner and US Solar have duly executed and filed with the City Clerk a petition for annexation requesting that the City of Oregon annex the Property to the City; and

WHEREAS, the Property is not within the corporate limits of any municipality, but is contiguous to the corporate limits of the City of Oregon; and

WHEREAS, legal notices regarding the intention to annex the Property have been sent to all public bodies required to receive such notices by the statutes of the State of Illinois; and

WHEREAS, all petitions, documents and other necessary legal requirements have been performed in full compliance with the statutes of the State of Illinois; and

WHEREAS, the Planning Commission of the City of Oregon has reviewed a proposed Annexation Agreement and has heard the testimony and evidence presented by US Solar and those members of the public wishing to be heard at a public hearing held on October 24, 2022 at 5:30 p.m. and has recommended that said Annexation Agreement should be executed by the City; and

WHEREAS, the Mayor and City Council of the City of Oregon have discussed the recommendation of the Planning Commission, and, after considering additional comments from members of the public, have determined that it is in the best interests of the City to annex the Property to the City.



NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF OREGON, OGLE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION TWO: That the Annexation Agreement reviewed by the Planning Commission of the City of Oregon at the public hearing on October 24, 2022, and the meeting of the Oregon City Council on October 24, 2023, where final changes and amendments were discussed and approved, is hereby approved and shall be executed by the Mayor and attested by the City Clerk.

SECTION THREE: That the Property has been annexed to the City pursuant to the terms of that Annexation Agreement. That Annexation Agreement will govern the zoning category of the Property for twenty (20) years and contains certain restrictions regarding the use of the Property.

SECTION FOUR: That the City Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with the Plat of Annexation attached hereto.

SECTION FIVE: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

APPROVED AND ADOPTED by the City Council of the City of Oregon this 28<sup>th</sup> day of November, 2023, pursuant to roll call vote as follows:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Ken Williams, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Hilton, City Clerk

202202276  
FILED FOR RECORD IN  
OGLE COUNTY, ILLINOIS  
LAURA J COOK, CLERK/RECORDER  
04/19/2022 09:00 AM  
LEASE MEMO 70.00  
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### MEMORANDUM OF LEASE AND SOLAR EASEMENT

**THIS MEMORANDUM OF OPTION TO LEASE, LEASE AND SOLAR EASEMENT** (this "Memorandum"), dated as of Feb. 8, 2022 (the "Effective Date"), is made by and between, Daniel Luepkes, a single individual, whose address is \_\_\_\_\_, ("Lessor") and **US SOLAR DEVELOPMENT LLC**, a Delaware limited liability company, whose address is \_\_\_\_\_, ("Lessee").

A. Lessor is the owner of real property located in Ogle County, Illinois, that is legally described in Exhibit A (the "**Lessor Property**").

B. Lessor and Lessee have entered into that certain Option to Lease, Lease and Solar Easement (the "**Lease**"), having an effective date of Feb. 8, 2022, whereby Lessor leases to Lessee and Lessee leases from Lessor a portion of the Lessor Property (the "**Premises**") described in Exhibit A and whereby Lessor grants to Lessee certain easements described in Exhibit A and Exhibit B, in each case for the purposes of the Facility (as defined below).

C. Lessor and Lessee wish to give record notice of the existence of the Lease.

D. The Lease is exempt from Illinois realty transfer tax under 35 ILCS 200/31-45.

NOW THEREFORE, in consideration sum of One Dollar (\$1.00), the parties agree as follows:

1. PURPOSE OF LEASE. THE LEASE IS SOLELY FOR SOLAR PHOTOVOLTAIC ENERGY GENERATION AND RELATED PURPOSES, AND THROUGHOUT THE TERM OF THE LEASE, LESSEE SHALL HAVE THE SOLE AND EXCLUSIVE RIGHT TO USE THE LESSOR

PROPERTY FOR SUCH PURPOSES. FOR PURPOSES OF THE LEASE, PHOTOVOLTAIC ENERGY GENERATION PURPOSES MEANS: (I) MONITORING, TESTING AND ASSESSING THE LESSOR PROPERTY FOR SOLAR PHOTOVOLTAIC ENERGY GENERATION, AND (II) DEVELOPING, CONSTRUCTING (INCLUDING LAYDOWN AREAS AND STORAGE AREAS), INSTALLING, OPERATING, MAINTAINING, REPAIRING, AND REPLACING PHOTOVOLTAIC ELECTRIC ENERGY GENERATING EQUIPMENT, SUPPORTING STRUCTURES AND BALLASTS, INVERTERS, ELECTRICAL STORAGE AND TRANSFORMERS, FIXTURES, ELECTRIC DISTRIBUTION LINES, COMMUNICATION LINES, METERING EQUIPMENT, PERIMETER FENCING, INTERCONNECTION FACILITIES AND RELATED FACILITIES AND EQUIPMENT (COLLECTIVELY, THE "FACILITY") ON THE LESSOR PROPERTY. ANY IMPROVEMENTS, FIXTURES OR STRUCTURES THAT ARE NOT A PART OF THE FACILITY SHALL NOT BE INSTALLED ON THE LESSOR PROPERTY WITHOUT THE EXPRESS WRITTEN CONSENT OF LESSOR.

2. COMMERCIAL OPERATION DATE; TERM; RENEWAL TERMS. THE TERM OF THE LEASE ("TERM") SHALL COMMENCE UPON THE EFFECTIVE DATE AND CONTINUE UNTIL 11:59 PM ON THE TWENTIETH (20TH) ANNIVERSARY OF THE COMMERCIAL OPERATION DATE. THE "COMMERCIAL OPERATION DATE" SHALL BE THE FIRST DAY OF THE FIRST FULL MONTH AFTER THE FACILITY COMMENCES COMMERCIAL PRODUCTION AND SALE OF ELECTRICITY UNDER ANY CONTRACT OR AGREEMENT OR OTHER ARRANGEMENT PURSUANT TO WHICH LESSEE SELLS THE ELECTRICITY AND RELATED ENVIRONMENTAL ATTRIBUTES (AS DEFINED IN THE LEASE) TO ANY PURCHASER THEREOF. LESSEE HAS OPTIONS TO EXTEND THE INITIAL TERM OF THE LEASE FOR FOUR ADDITIONAL FIVE (5) YEAR TERMS COMMENCING IMMEDIATELY ON THE DAY THAT THE TERM WOULD OTHERWISE EXPIRE.

3. SOLAR EASEMENT. THE LEASE GRANTS TO LESSEE, FOR THE TERM OF THE LEASE, AN EXCLUSIVE SOLAR EASEMENT TO USE ALL SUNLIGHT WHICH NATURALLY ARRIVES AT THE PREMISES, INCLUDING AN EXCLUSIVE EASEMENT PROHIBITING ANY OBSTRUCTION TO THE FREE FLOW OF SUNLIGHT TO THE PREMISES THROUGHOUT THE ENTIRE AREA OF THE LESSOR PROPERTY DESCRIBED IN EXHIBIT B OF THE LEASE (THE "SOLAR PREMISES"), WHICH SHALL CONSIST HORIZONTALLY THREE HUNDRED AND SIXTY DEGREES (360°) FROM ANY POINT WHERE ANY PHOTOVOLTAIC GENERATING FACILITY IS OR MAY BE LOCATED AT ANY TIME FROM TIME TO TIME (EACH SUCH LOCATION REFERRED TO AS A "SOLAR SITE") AND FOR A DISTANCE FROM EACH SOLAR SITE TO THE BOUNDARIES OF THE SOLAR PREMISES, TOGETHER VERTICALLY THROUGH ALL SPACE LOCATED ABOVE THE SURFACE OF THE SOLAR PREMISES, THAT IS, ONE HUNDRED EIGHTY DEGREES (180°) OR SUCH GREATER NUMBER OR NUMBERS OF DEGREES AS MAY BE NECESSARY TO EXTEND FROM EACH POINT ON AND ALONG A LINE DRAWN ALONG THE PLANE FROM EACH POINT ALONG THE EXTERIOR BOUNDARY OF THE SOLAR PREMISES THROUGH EACH SOLAR SITE TO EACH POINT AND ON AND ALONG SUCH LINE TO THE OPPOSITE EXTERIOR BOUNDARY OF THE SOLAR PREMISES.



4. OTHER EASEMENTS. THE LEASE GRANTS TO LESSEE, FOR THE TERM OF THE LEASE, THE FOLLOWING EASEMENTS OVER, ACROSS AND ON THE LESSOR PROPERTY (A) A NON-EXCLUSIVE EASEMENT ("ACCESS EASEMENT") ON AND THROUGH THE LESSOR PROPERTY FOR PURPOSES OF LESSEE'S ACCESS TO THE FACILITY ON THE PREMISES, WITHIN WHICH LESSEE MAY CONSTRUCT, USE AND/OR MAINTAIN A ROAD AT LESSEE'S EXPENSE; (B) A NON-EXCLUSIVE EASEMENT ON AND THROUGH THAT PORTION OF THE LESSOR PROPERTY CONSISTING OF THE DISTRIBUTION EASEMENT (AS DEFINED IN THE LEASE) FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING AN ELECTRIC DISTRIBUTION LINE AND RELATED COMMUNICATION LINES BETWEEN THE FACILITY AND ELECTRICAL FACILITIES OWNED BY CERTAIN PURCHASERS OF ELECTRICITY AND RELATED ENVIRONMENTAL ATTRIBUTES; AND (C) AN EASEMENT AND LICENSE FOR THE FACILITY TO CREATE, CAUSE, INCREASE, ACCENTUATE, OR OTHERWISE CONTRIBUTE TO THE OCCURRENCE OF LIGHT, SHADOWS, SHADOW AND LIGHT FLICKERING, GLARE AND REFLECTION, ON AND ACROSS THE LESSOR PROPERTY. UNDER THE TERMS OF THE LEASE, LESSEE SHALL ALSO BE ENTITLED TO INGRESS AND EGRESS TO AND FROM ITS FACILITY AND APPURTENANT EQUIPMENT AND ELECTRICAL POWER LINES OVER THE PREMISES AND SUCH ADDITIONAL AREAS OF THE LESSOR PROPERTY AS SHALL BE REASONABLY NECESSARY TO ACCESS A PUBLIC ROADWAY OR ALLEY.

5. OWNERSHIP OF LESSEE'S IMPROVEMENTS; DISCLAIMER OF TITLE TO ENVIRONMENTAL ATTRIBUTES. THE FACILITY AND RELATED EQUIPMENT CONSTRUCTED, INSTALLED OR PLACED ON THE PREMISES AND WITHIN THE ACCESS EASEMENT, DISTRIBUTION EASEMENT AND UTILITY EASEMENT BY LESSEE PURSUANT TO THE LEASE SHALL BE THE SOLE PROPERTY OF LESSEE, AND LESSOR AGREES THAT IT SHALL HAVE NO OWNERSHIP OR OTHER INTEREST IN THE FACILITY AND RELATED EQUIPMENT OWNED BY LESSEE ON THE PREMISES OR WITHIN THE ACCESS EASEMENT, DISTRIBUTION EASEMENT AND UTILITY EASEMENT. THE FACILITY IS AND SHALL REMAIN PERSONAL PROPERTY OF THE LESSEE, NOTWITHSTANDING ANY PRESENT OR FUTURE COMMON OWNERSHIP OF THE FACILITY AND THE PREMISES, AND IRRESPECTIVE OF WHETHER ANY OF THE FACILITY IS DEEMED TO BE A FIXTURE OR OTHERWISE PART OF THE LESSOR PROPERTY OR ANY IMPROVEMENTS ON THE LESSOR PROPERTY, AND LESSOR ACKNOWLEDGES THAT THE FACILITY IS AND SHALL REMAIN PERSONAL PROPERTY OF LESSEE IRRESPECTIVE OF THE MANNER OF ITS ATTACHMENT OR CONNECTION TO THE LESSOR PROPERTY. LESSOR ACKNOWLEDGES THAT LESSEE'S LENDERS MAY REQUEST A FIRST PRIORITY SECURITY INTEREST IN THE FACILITY AS COLLATERAL FOR FINANCING OF THE FACILITY, AND LESSOR CONSENTS TO THE GRANT BY LESSEE OF SUCH A SECURITY INTEREST, AND THE FILING OF INSTRUMENTS NECESSARY TO PERFECT SUCH A SECURITY INTEREST UNDER THE UNIFORM COMMERCIAL CODE IN THE FACILITY AS PERSONAL PROPERTY OF THE LESSEE. LESSOR AGREES THAT ALL ENVIRONMENTAL ATTRIBUTES REMAIN THE PROPERTY OF LESSEE IRRESPECTIVE OF WHETHER LESSOR CONSUMES OR USES ANY OF THE ELECTRICITY GENERATED BY THE FACILITY, AND LESSOR HAS NO TITLE OR RIGHT TO ANY SUCH ENVIRONMENTAL ATTRIBUTES RELATED TO, ARISING FROM OR ASSOCIATED WITH THE FACILITY OR ANY ELECTRICAL CAPACITY OR ENERGY CREATED BY THE FACILITY. ANY

GRANT, REBATE, INCENTIVE PAYMENT, TAX CREDIT OR ANY OTHER CREDIT, VALUE, TAX OR OTHER BENEFIT ARISING FROM OR ASSOCIATED WITH THE INSTALLATION OR OWNERSHIP OF THE FACILITY OR THE PRODUCTION OF ENERGY AND CAPACITY BY THE FACILITY SHALL INURE TO THE EXCLUSIVE BENEFIT OF LESSEE.

6. RIGHT TO ENCUMBER; ASSIGNMENT. LESSEE MAY AT ANY TIME MORTGAGE, PLEDGE OR ENCUMBER ALL OR ANY PART OF ITS INTEREST IN THE LEASE AND RIGHTS UNDER THE LEASE AND/OR ENTER INTO A COLLATERAL ASSIGNMENT OF ALL OR ANY PART OF ITS INTEREST IN THE LEASE OR RIGHTS UNDER THE LEASE TO ANY ENTITY WITHOUT THE CONSENT OF LESSOR. LESSEE MAY ASSIGN, SUBLEASE, TRANSFER OR CONVEY ITS INTERESTS IN THE LEASE TO AN AFFILIATE OR SUBSIDIARY OF LESSEE WHICH WILL OWN, LEASE OR OTHERWISE CONTROL THE FACILITY, OR AN ENTITY THROUGH WHICH SUCCEEDS TO ALL OR SUBSTANTIALLY ALL LESSEE'S ASSETS, WITHOUT LESSOR'S CONSENT. LESSEE MAY ALSO ASSIGN, SUBLEASE, TRANSFER OR CONVEY ITS INTERESTS IN THE LEASE TO A THIRD PARTY WITHOUT LESSOR'S CONSENT, SUBJECT TO THE CONDITIONS SET FORTH IN THE LEASE. LESSOR ACKNOWLEDGES THAT IT MAY NOT SELL, TRANSFER, LEASE, ASSIGN, MORTGAGE, OR OTHERWISE ENCUMBER THE FACILITY OR LESSEE'S INTEREST IN THE LEASE AND RELATED EASEMENTS, AND ANY SALE OR CONVEYANCE OF THE LESSOR PROPERTY OR LESSOR IMPROVEMENTS SHALL BE SUBJECT TO THE LEASEHOLD AND EASEMENT INTERESTS OF LESSEE IN THE LEASE.

7. CONTINUING NATURE OF OBLIGATIONS. THE BURDENS OF THE EASEMENTS AND ALL OTHER RIGHTS GRANTED TO LESSEE IN THE LEASE RUN WITH AND AGAINST THE LEASE PREMISES AND THE LESSOR PROPERTY AND ARE A CHARGE AND BURDEN ON THE LEASE PREMISES AND THE LESSOR PROPERTY AND ARE BINDING UPON AND AGAINST LESSOR AND ITS SUCCESSORS, ASSIGNS, PERMITTEES, LICENSEES, LESSEES, EMPLOYEES AND AGENTS. THE LEASE PREMISES, INCLUDING THE EASEMENTS AND ALL OTHER RIGHTS GRANTED TO LESSEE IN THE LEASE, INURE TO THE BENEFIT OF LESSEE AND ITS SUCCESSORS, ASSIGNS, PERMITTEES, LICENSEES AND LESSEES. ANY SALE OR CONVEYANCE OF THE LESSOR PROPERTY OR LESSOR IMPROVEMENTS IS SUBJECT TO THE LEASEHOLD AND EASEMENT INTERESTS OF LESSEE IN THE LEASE.

8. LANDOWNER ACTIVITIES. LESSOR USES THE LESSOR PROPERTY FOR AGRICULTURAL PURPOSES. LESSEE RESERVES THE RIGHT TO RELOCATE OR RECONFIGURE THE FACILITY UPON THE PREMISES DURING THE TERM OF THIS LEASE. LESSEE AGREES TO COOPERATE WITH LESSOR TO LOCATE THE FACILITY ON THE PREMISES IN A MANNER THAT MINIMIZES INTERFERENCE WITH AGRICULTURAL OR BUSINESS OPERATIONS OF LESSOR OR LESSOR'S TENANTS, TO THE EXTENT CONSISTENT WITH LESSEE'S PLANNED USE OF THE PREMISES.

9. PURPOSE OF THIS MEMORANDUM. THIS MEMORANDUM HAS BEEN EXECUTED, DELIVERED AND RECORDED FOR THE PURPOSE OF GIVING NOTICE OF THE LEASE, EASEMENTS, AND OTHER RIGHTS IN ACCORDANCE WITH THE TERMS, COVENANTS



AND CONDITIONS OF THE LEASE. THE TERMS AND CONDITIONS OF THE LEASE ARE INCORPORATED BY REFERENCE INTO THIS MEMORANDUM AS IF SET FORTH FULLY HEREIN AT LENGTH. IN THE EVENT OF ANY CONFLICT BETWEEN THE TERMS AND PROVISIONS OF THE LEASE AND THIS MEMORANDUM, THE LEASE SHALL CONTROL.

[Signature pages follow]

IN WITNESS WHEREOF, each of the parties hereto has executed and delivered this Memorandum as of the day and year first above written.

LESSEE: US SOLAR DEVELOPMENT LLC,  
a Delaware limited liability company

By: 

Name: Reed Richerson

Title: Vice President

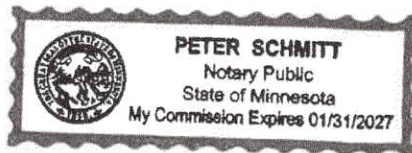
STATE OF MINNESOTA

COUNTY OF Hennepin

This instrument was acknowledged before me on 7 March 2022  
by Reed Richerson, the Vice President of US Solar Development LLC, a Delaware  
limited liability company, on behalf of the company


  
Name Printed: Peter Schmitt

(SEAL)





Lessor: Daniel Luepkes, a single individual

By: 

Name: Daniel Luepkes

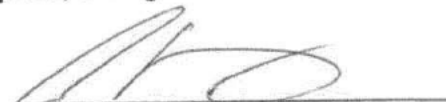
STATE OF ILLINOIS

COUNTY OF OGLE

The foregoing instrument was acknowledged before me on  
FEBRUARY 8<sup>TH</sup>, 2022 by Daniel Luepkes, a single individual.



(SEAL)

  
Name Printed:  
Adam Herwig

THIS INSTRUMENT DRAFTED BY:

Bruce A. Bedwell, Esq.  
United States Solar Corporation

EXHIBIT A TO  
MEMORANDUM OF LEASE AND SOLAR EASEMENT

EXHIBIT A

Lessor Property, Lease Premises, Access Easement, Distribution Easement,  
Utility Easement and Laydown Area

1. Lessor Property: Two tracts in Ogle County, Illinois described as follows:

Property ID: 1604151004

Deeded Acreage: 68.519493

Legal Description: See below

PART OF GOVERNMENT LOTS ONE (1), TWO (2) AND THREE (3) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 10 EAST OF THE FOURTH PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), SAID POINT BEING 1726.26 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT ONE (1); THENCE NORTHERLY AT AN ANGLE OF 87 DEGREES 38 MINUTES 39 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), A DISTANCE OF 3150.58 FEET (3150.54 = DEED), TO THE CENTERLINE OF OREGON TRAIL ROAD; THENCE NORTHWESTERLY ALONG SAID CENTERLINE, AT AN ANGLE OF 101 DEGREES 21 MINUTES 01 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 910.14 FEET TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4); THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), AT AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS, AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 3366.29 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1) OF SAID NORTHWEST FRACTIONAL QUARTER (1/4); THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), AT AN ANGLE OF 87 DEGREES 41 MINUTES 20 SECONDS, AS MEASURED CLOCKWISE FROM THE PREVIOUS COURSE, A DISTANCE OF 890.47 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF OGLE AND THE STATE OF ILLINOIS.

Property ID: 1604151018  
Deeded Acreage: 35.820251  
Legal Description: See below

PART OF GOVERNMENT LOTS ONE (1), TWO (2) AND THREE (3) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 10 EAST OF THE FOURTH PRINCIPAL MERIDIAN, OGLE COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), SAID POINT BEING 902.06 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT ONE (1); THENCE NORTHERLY AT AN ANGLE OF 87 DEGREES 38 MINUTES 39 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), A DISTANCE OF 2949.94 FEET TO THE CENTERLINE OF OREGON TRAIL ROAD (ALSO KNOWN AS MONROE STREET); THENCE NORTHWESTERLY ALONG SAID CENTERLINE, AT AN ANGLE OF 101 DEGREES 26 MINUTES 51 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 840.21 FEET; THENCE SOUTHERLY AT AN ANGLE OF 78 DEGREES 33 MINUTES 09 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 3150.54 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4); THENCE EASTERLY ALONG SAID SOUTH LINE AT AN ANGLE OF 87 DEGREES 38 MINUTES 39 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 824.20 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PART OF GOVERNMENT LOTS ONE (1), TWO (2) AND THREE (3) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 10 EAST OF THE FOURTH PRINCIPAL MERIDIAN, OGLE COUNTY, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), SAID POINT BEING 902.06 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT ONE (1); THENCE NORTHERLY AT AN ANGLE OF 87 DEGREES 38 MINUTES 39 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), A DISTANCE OF 1761.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ON THE LAST DESCRIBED COURSE, A DISTANCE OF 1188.01 FEET TO THE CENTERLINE OF OREGON TRAIL ROAD (ALSO KNOWN AS MONROE STREET); THENCE NORTHWESTERLY, ALONG SAID CENTERLINE, AT AN ANGLE OF 101 DEGREES 26 MINUTES 51 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 840.21 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 78 DEGREES 33 MINUTES 09 SECONDS AS MEASURED SOUTHWEST FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 40.81 FEET; THENCE EASTERLY AT AN ANGLE OF 101 DEGREES 26 MINUTES 51 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 13.27 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 101



DEGREES 29 MINUTES 15 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 96.38 FEET; THENCE SOUTHEASTERLY, ALONG AN ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 183.00 FEET AND WHOSE CHORD FORMS AN ANGLE OF 207 DEGREES 33 MINUTES 14 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 176.01 FEET; THENCE SOUTHERLY AT AN ANGLE OF 152 DEGREES 24 MINUTES 23 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 1074.90 FEET; THENCE EASTERLY AT AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 582.00 FEET; THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AS MEASURED SOUTHWEST FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 10.00 FEET; THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF OGLE AND THE STATE OF ILLINOIS.

2. Lease Premises: Up to 30 acres of either or both tracts comprising the Lessor Property as described above. Approximate depiction of the Lease Premises (orange) is shown below. Precise legal description of the Lease Premises to be added following Effective Date pursuant to Section 2.4 of the Agreement. Lessee will work with lessor in an attempt to define the Lease Premises in a way that considers the Lessor's ability to farm the remainder of the Lessor Property outside of the Lease Premises.

3. Access Easement: Approximate depiction of the Access Easement (green) is shown below. Precise legal description of the Access Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.

4. Distribution Easement: Approximate depiction of the Distribution Easement (red) is shown below. Precise legal description of the Distribution Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.

5. Utility Easement: Approximate depiction of the Utility Easement (blue) is shown below. Precise legal description of the Utility Easement to be added following Effective Date pursuant to Section 2.4 of the Agreement.



EXHIBIT A CONT.



EXHIBIT B TO  
MEMORANDUM OF LEASE AND SOLAR EASEMENT

EXHIBIT B

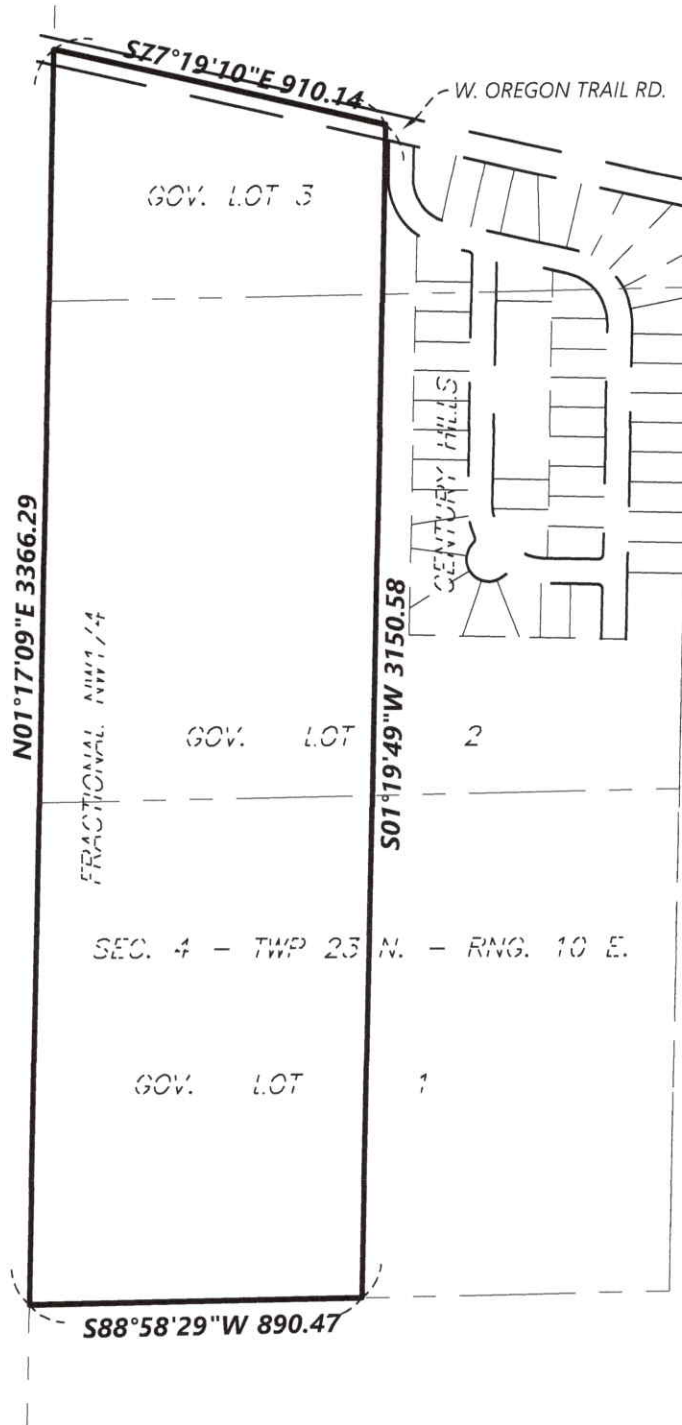
Description of Solar Premises

1. Solar Premises.

Same as Lease Premises as described above in Exhibit A.

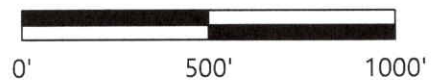
N:\0041281.00\CAD\SURVEY\0041281V-ANNEXATION EXHIBIT.DWG

# ANNEXATION DESCRIPTION



PART OF GOVERNMENT LOTS ONE (1), TWO (2), AND THREE (3) OF THE NORTHWEST FRACTIONAL QUARTER (1/4) OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 10 EAST OF THE FOURTH PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), SAID POINT BEING 1726.26 FEET WEST OF THE SOUTHEAST CORNER OF GOVERNMENT LOT ONE (1); THENCE NORTHERLY AT AN ANGLE OF 87 DEGREES 38 MINUTES 39 SECONDS AS MEASURED COUNTERCLOCKWISE FROM THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), A DISTANCE OF 3150.58 FEET ( $3150.54 = \text{DEED}$ ), TO THE CENTERLINE OF OREGON TRAIL ROAD; THENCE NORTHWESTERLY ALONG SAID CENTERLINE, AT AN ANGLE OF 101 DEGREES 21 MINUTES 01 SECONDS AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 910.14 FEET TO THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4); THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4), AT AN ANGLE OF 78 DEGREES 36 MINUTES 19 SECONDS, AS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 3366.29 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT ONE (1) OF SAID NORTHWEST FRACTIONAL QUARTER (1/4); THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER (1/4) AT AN ANGLE OF 87 DEGREES 41 MINUTES 20 SECONDS, AS MEASURED CLOCKWISE FROM THE PREVIOUS COURSE, A DISTANCE OF 890.47 FEET TO THE POINT OF BEGINNING; SITUATED IN THE COUNTY OF OGLE, AND THE STATE OF ILLINOIS.

TOGETHER WITH THE ADJOINING RIGHT OF WAY OF WEST OREGON TRAIL PER IL MUNICIPAL CODE CHAPTER 5 SECTION 7-1-1.



**USS DUCKS SOLAR LLC**  
OREGON, IL

**Westwood**

Phone (952) 937-5150 12701 Whitewater Drive, Suite #300  
Fax (952) 937-5822 Minnetonka, MN 55343  
Toll Free (888) 937-5150 [westwoodps.com](http://westwoodps.com)  
Westwood Professional Services, Inc.

**ANNEXATION  
EXHIBIT**

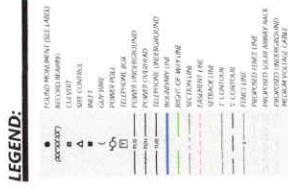
SHEET NUMBER:

1 OF 1

DATE: 7/20/2023

PROJECT NUMBER: 0041281.00





**USS Ducks Solar LLC**  
Oregon-Nashua Township,  
Ogle County, Illinois

ALTA/NSPS  
Land Title and  
Topographic Survey

DATE: 11/15/23  
SHEET: 1 OF 1

Received: 15 May 2016  
Accepted: 15 May 2016  
Published: 15 May 2016

[illegible][illegible]

The following entry (crossed) to the numbering system of Schedule B, Part II - (crossed) of the above mentioned Title Certificate

[illegible]

100

the foregoing terms are deemed to be an assignment of the subject property and are provided to draw an encroachment onto/from the subject property and are provided to draw the users attention, the terms below may not in fact constitute an

- ① Concrete retaining wall crosses subject property.

ProDOS Products, Inc., U.S. Software Development, LLC, and Microsoft Life Community Corporation

This is to certify that this map or plot and the survey on which it is based were made in accordance with the AGU's Minimum Standard (Detail requirements for All AGU's Land Use Surveys, jointly established and adopted by AIA and ANPA, and includes Item 1) (installing section corners only). 2, 3, 4, 4(b), 7(a), 8, 9, 11(a), 12, 13, 14, 15, 17, 18 and 19 of Table A thereof. The field work was completed



Michael Kern, PS  
11, Lawrence Pk. 01940-0875  
Mike.Kern@earthlink.net  
Date: 11/14/2013  
Expiration: 11/14/2014



1. The *Journal of the American Statistical Association*, 100(471), 1000-1001.

diameters shown herein are based on the N4243 Minus Size Plane Convergent System

- [illegible]



City of Oregon  
Application for Variation

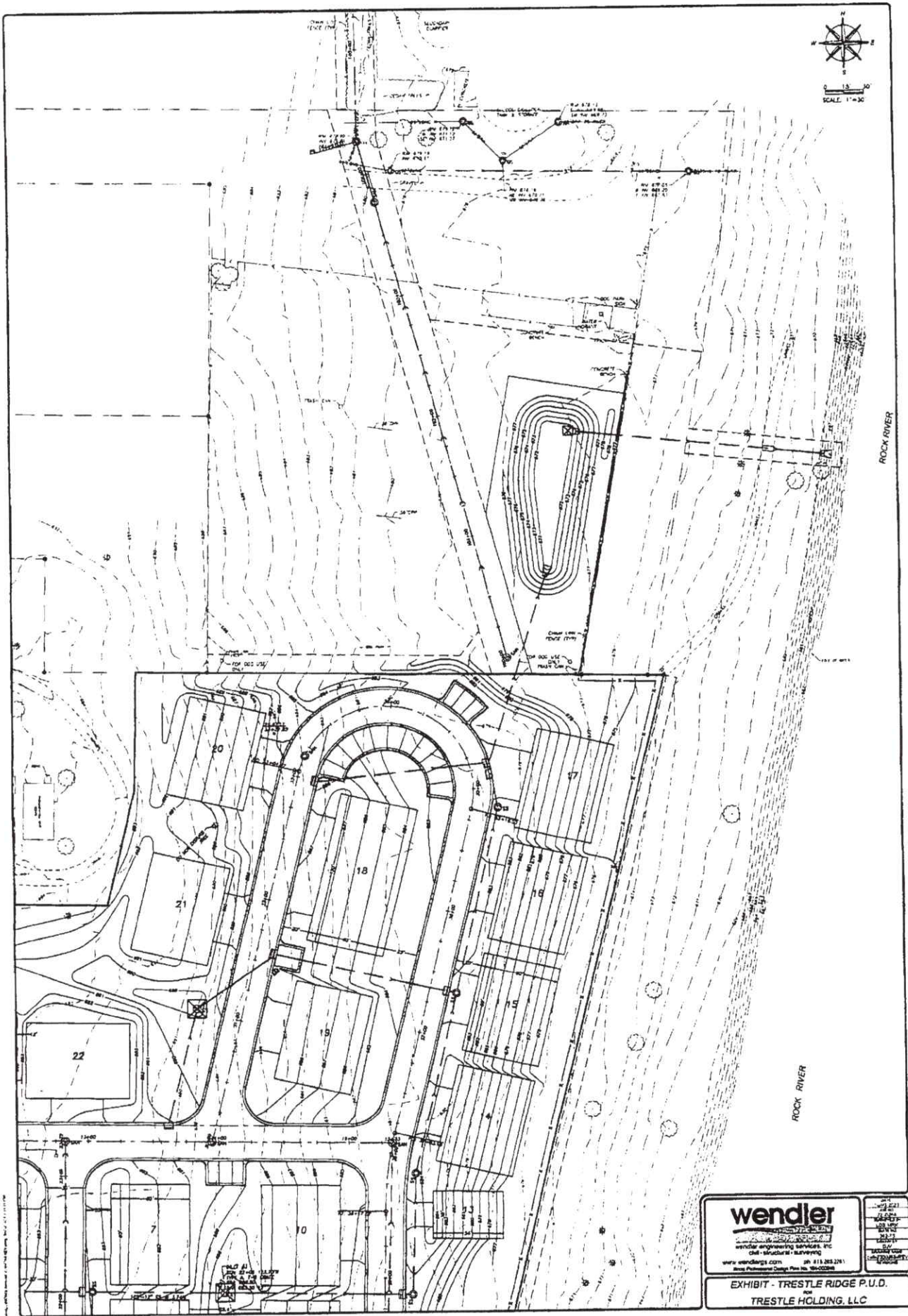


1. Applicant's name Trestle Holdings, LLC
2. Applicant's address: % Ted N. Hvarre,
3. Applicant's phone number: \_\_\_\_\_
4. Applicant's email address: \_\_\_\_\_@\_\_\_\_\_
5. Address of property for which variance is being requested  
City of Oregon Dog Park for storm water detention for  
Trestle Ridge Subdivision
6. Nature of variance:  
For storm water detention for  
Trestle Ridge Subdivision
7. Charges and fees:

Residential:	Non-refundable fee: \$100.00 but not more than \$500.00
Commercial: Commercial Business District Industrial Any other type of zoning	Non-refundable fee: \$500.00 but not more than \$2,500.00

8. Request for fee waiver and reimbursement for public hearing costs: \*The Planning Committee will consider a waiver of fees and public hearing costs if the project is presented as an enhancement to the community as a whole and will benefit the public.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. A drawing to scale – to include lot dimensions, location & size of all building on lot, setbacks, unusual characteristics, and variation as requested. The Planning Commissioner has the right to request a survey at the landowner's or project organization's expense if so needed.

Internal use only: ☐ Fee waiver granted \_\_\_\_\_ years \_\_\_\_\_ days  
☐ Reimburse Public Notice Costs granted \_\_\_\_\_ years \_\_\_\_\_ days



**wendler**

www.wendler.com ph: 615.285.2251  
www.PlanetSurvey.com fax: 615.285.2252

EXHIBIT - TRESTLE RIDGE P.U.D.  
TRESTLE HOLDING, LLC





#### Overview



#### Legend

-  Municipalities
-  Townships
-  Roads
-  Tax Parcels
-  Tax Parcels with Details

Parcel ID	16-10-128-009	Class	0030	Owner Address Available with Subscription	
Township	Oregon-Nashua	Acreage	4.8		
Property Address					
District	01840T				
Brief Tax Description	COMMON AREA TRESTLE RIDGE PUD PT NW4				
(Note: Not to be used on legal documents)					

#### THIS WEBSITE IS NOT A SUBSTITUTE FOR A SURVEY.

The Geographic Information Systems (GIS) data made available was produced or co-produced by Ogle County. The maps and data are made available to the public solely for informational purposes. There may be errors in the maps or data. The maps or data may be outdated, and/or inaccurate. The maps or data may not be suitable for your particular use. The burden for determining fitness of use rests entirely on the end user. Reproduction, modification, or redistribution of digital datasets or products derived therefrom outside of subscriber's organization or entity is expressly forbidden. By using GIS data, you accept these terms and this limitation on Ogle County's liability.

Date created: 10/13/2023

Last Data Uploaded: 10/13/2023 7:36:25 AM

Developed by  **Schneider**  
GEOSPATIAL

## TAX LEVY ORDINANCE NO. 2023-022

WHEREAS, THE CITY COUNCIL OF THE CITY OF OREGON IN THE COUNTY OF OGLE AND THE STATE OF ILLINOIS DID ON THE 25<sup>th</sup>, DAY OF JULY 2023, HELD A PUBLIC HEARING AND PASSED THE ANNUAL APPROPRIATION ORDINANCE FOR THE CITY FOR THE FISCAL YEAR BEGINNING ON THE 1<sup>st</sup> DAY OF MAY 2023. NOW, THEREFORE,

### AN ORDINANCE FOR THE LEVY AND ASSESSMENT OF TAXES FOR THE CURRENT FISCAL YEAR

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OREGON,  
ILLINOIS

SECTION 1: THAT THERE BE AND IS HEREBY LEVIED UPON ALL THE TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF SAID CITY SUBJECT TO TAXATION FOR THE YEAR 2023, THE TOTAL SUM OF DOLLARS \$767,906.75 FOR THE FOLLOWING SPECIFIC PURPOSES MENTIONED IN SAID APPROPRIATION BILL AND IN THE RESPECTIVE SUMS AS FOLLOWS:

#### ITEMS OF APPROPRIATION AND LEVY

	AMT APPROPRIATED	AMT LEVIED LAST YEAR	CURRENT LEVY
GENERAL CORP:			
PUBLIC AFFAIRS	\$1,552,000.00	-0-	-0-
POLICE ACCOUNT	\$619,000.00	\$55,223.82	\$55,223.82
PUBLIC HEALTH	\$768,000.00	-0-	-0-
GROUP INSURANCE	\$507,000.00	\$55,223.82	\$55,223.82
STREET & ALLEY	\$1,022,500.00	\$55,223.81	\$55,223.81
CITY HALL	\$68,500.00	-0-	-0-
<b>TOTAL GENERAL</b>	<b>\$4,537,000.00</b>	<b>\$165,671.45</b>	<b>\$165,671.45</b>
POLICE PROTECTION	\$1,025,000.00	\$172,720.28	\$201,128.71
STREET LIGHTING	\$75,000.00	\$26,383.82	\$26,383.82
RECREATION	\$50,000.00	\$10,027.13	\$10,027.13
CIVIL DEFENSE	\$155,200.00	-0-	-0-
SCHOOL CROSSING GUARDS	\$45,000.00	\$9,952.54	\$9,952.54
TORT LIABILITY	\$242,000.00	\$141,061.82	\$141,061.82
CITY BAND	\$5,000.00	\$3,164.78	\$3,164.78
CITY AUDIT	\$50,000.00	\$14,587.83	\$14,587.83
CITY'S COST RETIREMENT	\$200,000.00	\$99,600.00	\$99,600.00
CITY'S COST SOCIAL SECURITY	\$100,000.00	\$56,369.32	\$56,369.32
UNEMPLOYMENT INSURANCE	\$ -0-	-0-	-0-
ECONOMIC DEVELOPMENT	\$340,000.00	-0-	-0-



CAPITAL IMPROVEMENTS	\$250,000.00	-0-	-0-
CITY HALL CAPITAL IMPR.	\$235,000.00	-0-	-0-
STREET AND BRIDGE	\$2,590,000.00	-0-	-0-
MOTOR FUEL TAX	\$490,000.00	-0-	-0-
COLISEUM	\$750,500.00	\$38,989.67	\$39,959.35
TAX INCREMENT FINANCING	\$575,000.00	-0-	-0-
W-S EPA LOAN REPAYMENT	\$1,600,000.00	-0-	-0-
W-S OPERATION & MAINT.	\$1,682,500.00	-0-	-0-
W-S CAP IMPR.	\$2,300,000.00	-0-	-0-
FARMERS MARKET	\$5,000.00	-0-	-0-
<b>TOTALS</b>	<b>\$17,052,200.00</b>	<b>\$738,528.64</b>	<b>\$767,906.75</b>

SECTION 2. THE CLERK OF SAID CITY OF OREGON IS HEREBY DIRECTED TO FILE WITH THE COUNTY CLERK OF SAID COUNTY A DULY CERTIFIED COPY OF THIS ORDINANCE.

SECTION 3. THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE FROM AND AFTER ITS PASSAGE.

AYES                      NAYS                      ABSENT      0

APPROVED \_\_\_\_\_  
MAYOR KEN WILLIAMS

ATTEST: \_\_\_\_\_  
CITY CLERK CHERYL HILTON

PASSED AND APPROVED November 28<sup>th</sup>, 2023.

\*Use total extension with Overlaps column

CITY OF OREGON DECEMBER 2023 LEVY

Property Tax

Valuation for 2022	Valuation for 2023
\$52,437,839	\$53,279,128

Account	Levy 12/2022 Certified Rate	Levy 12/2023 NEW RATE	Max Rate	Total Extension2022	Total Extension w overlaps	Percent	2022	2023	Difference
General	0.31095	0.31095	0.3333	\$165,671.45	\$165,671.45	22.4326	\$165,671.45	\$165,671.45	\$0.00
IMRF Retirement*	0.18694	0.18694	0.186944	\$99,600.00	\$99,600.00	13.4863	\$99,600.00	\$99,600.00	\$0.00
Police	0.32418	0.3775	0.6	\$172,720.28	\$172,720.28	23.3871	\$172,720.28	\$201,128.71	\$28,408.43
Audit*	0.02738	0.02738	0.02738	\$14,587.83	\$14,587.83	1.9753	\$14,587.83	\$14,587.83	\$0.00
Tort, Liab, Prop Ins*	0.26476	0.26476	0.26476	\$141,061.82	\$141,061.82	19.1004	\$141,061.82	\$141,061.82	\$0.00
STREET & BRIDGE	0	0	0	\$0.00	\$0.00	0.0000	\$0.00	\$0.00	\$0.00
Street Lighting	0.04952	0.04952	0.04952	\$26,383.82	\$26,383.82	3.5725	\$26,383.82	\$26,383.82	\$0.00
Band	0.00594	0.00594	0.04	\$3,164.78	\$3,164.78	0.4285	\$3,164.78	\$3,164.78	\$0.00
Soc Security*	0.1058	0.1058	0.1058	\$56,369.32	\$56,369.32	7.6327	\$56,369.32	\$56,369.32	\$0.00
School Crossing	0.01868	0.01868	0.02	\$9,952.54	\$9,952.54	1.3476	\$9,952.54	\$9,952.54	\$0.00
Coliseum	0.07318	0.075	0.075	\$38,989.67	\$38,989.67	5.2794	\$38,989.67	\$39,959.35	\$969.68
Recreation	0.01882	0.01882	0.057	\$10,027.13	\$10,027.13	1.3577	\$10,027.13	\$10,027.13	\$0.00
	1.38615	1.44129	1.759704	\$738,528.63	\$738,528.64		\$738,528.64	\$767,906.74	\$29,378.10
							Percent increase >		0.0398

1.05 EQUAL \$775,455.07

CITY OF OREGON

ORDINANCE 2023-023

ABATING TAX FOR GENERAL OBLIGATION BONDS

ORDINANCE ABATING THE TAX HERETO LEVIED FOR THE YEAR 2023 TO PAY PRINCIPAL AND INTEREST ON \$3,440,000 GENERAL OBLIGATION BOND SERIES 2021 OF THE CITY OF OREGON, OGLE COUNTY, ILLINOIS.

**WHEREAS**, the City Council of the City of Oregon, Ogle County, Illinois by Ordinance No. 2021-108, 2021-109 and 2021-110, adopted on the 9<sup>th</sup> day of March, 2021 (the Ordinance), did provide for the issue of \$3,440,000 General Obligation Bonds, Series 2021 (the “Bonds”), and the levy of a direct annual tax sufficient to pay the principal and interest of the Bonds; and

**WHEREAS**, the Council has determined that the Pledged Revenues will provide an amount not less than an amount equal to debt serves on the Bonds up to and including March 9<sup>th</sup>, 2021; and

**WHEREAS**, it is necessary and in the best interest of the city that the tax heretofore levied for the year 2023 to pay the principal of and interest on the Bonds be abated;

**NOW THEREFORE**, be it ordained by the Council of City of Oregon, Ogle County, in the State of Illinois as follows:

*Section 1: Abatement of Tax.* The tax heretofore levied for the year 2023 in the Ordinance is hereby abated in its entirety.

*Section 2: Filing of Ordinance.* Forthwith upon adoption of this ordinance, the City Clerk shall file a certified copy hereto with the County Clerk of Ogle County, Illinois, and it shall be the duty of said tax levied for the year 2023 in accordance with the provisions hereof.

*Section 3: Effective Date.* This ordinance shall be in full force and effect forthwith upon its passage by the City Council and signing and approval by the Mayor.

PASSED AND ADOPTED BY THE CITY OF OREGON COUNCIL on November 28<sup>th</sup>, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Kurt Wilson				
Council Member Terry Schuster				
Council Member Tim Krug				
Council Member Melanie Cozzi				
Mayor Ken Williams				

Presiding Officer:

Attest:

Ken Williams, Mayor, City of Oregon

Cheryl Hilton, City Clerk, City of Oregon



**ORDINANCE NO. 2023 - 024**

**AN ORDINANCE REGARDING THE ILLINOIS PAID LEAVE FOR ALL WORKERS  
ACT FOR THE CITY OF OREGON**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, the City of Oregon (City) is a non-home rule Illinois municipality; and

WHEREAS, on or about March 12, 2023, Governor JB Pritzker signed into law the Paid Leave for All Workers Act (820 ILCS 192/1 *et seq.*) (the “Act”); and

WHEREAS, the State of Illinois did not make the necessary appropriations or include statutory language exempting the Act from the Illinois State Mandates Act (30 ILCS 805/1 *et seq.*); and

WHEREAS, effective January 1, 2024, the Act requires an employer to provide certain paid leave to their employees, unless the employer is subject to an existing municipal or county ordinance that requires the employer to provide any form of paid leave to their employees; and

WHEREAS, the City recognizes the importance of paid leave and currently provides reasonable paid leave benefits to its employees; and

WHEREAS, the City has determined that applying the Act to its own employees will negatively impact the City and place an undue financial and operational burden on the City’s ability to provide uninterrupted services to its residents; and

WHEREAS, the City believes and hereby declares that it is in the best interests of the City to clearly define the paid leave benefits that City employees shall receive.

NOW, THEREFORE, be it ordained, by the Mayor and City Council of the City of Oregon as follows:

Section 1. The foregoing recitals shall be and are hereby incorporated as findings of fact as if said recitals were fully set forth herein.

Section 2. Pursuant to Section 15(p) of the Act, the City hereby adopts its current paid leave policy for all City employees as set forth in the City’s Code of Ordinances, Employee Policy Manual, Annual Salary Ordinances, any collective bargaining agreements to which the



City is a party and all other binding legislative actions governing paid leave adopted by the City Council and Mayor of the City of Oregon, as the same may be amended from time to time. However, in no event shall the City, as an employer, provide less than one (1) day of paid leave per year to any City employee.

Section 3. Repeal of Conflicting Provisions. All ordinances, resolutions, and policies or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 4. Severability. If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 5. The clerk is directed by the corporate authorities to publish this Ordinance in pamphlet form. This Ordinance shall be in full force and effect after its passage and publication in accordance with 65 ILCS 5/1-2-4.

PASSED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSTENTIONS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

APPROVED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Clerk

BEFORE ADOPTING ANY ORDINANCE, MUNICIPAL OFFICIALS SHOULD CONSULT WITH THEIR RETAINED LEGAL COUNSEL OR OTHER QUALIFIED ATTORNEY.

# PAID LEAVE FOR ALL WORKERS ACT

## Effective January 1, 2024



The Paid Leave for All Workers Act, Public Act (P.A.) 102-1143, will require employers, including municipalities, to provide 40 hours of paid leave to employees on an annual basis.

### ESTABLISHING A MINIMUM PAID LEAVE STANDARD

Beginning January 1, 2024, employers must provide employees one hour of paid leave per 40 hours worked and allow them to carry over up to 40 hours of paid leave annually. Employers may set a minimum increment of no more than two hours per day for the use of paid leave. Paid leave accrued may be taken for any reason without documentation, but employers may set leave policies that require employees to provide notice of seven days for foreseeable leave and as soon as possible for unforeseeable leave.

### MUNICIPAL PAID LEAVE ORDINANCES

The Act does not require municipalities to pass paid leave ordinances. The Act does not apply to employers, including municipalities, covered by a current ordinance that requires them to provide any form of paid leave to their employees.

#### NON-HOME RULE MUNICIPALITIES

Non-home rule municipalities currently have authority to adopt leave ordinances for their own municipal employees, but such ordinances do not apply to other employers within the community. Those other employers will be required to provide 40 hours of paid leave annually, as outlined in the Act. If a non-home rule municipality adopts a leave ordinance for their own employees after the Act's effective date, the ordinance must comply with the minimum paid leave standard outlined in the Act.

#### HOME RULE MUNICIPALITIES

Home rule municipalities currently have authority to adopt paid leave ordinances that apply to all employers within their community and may continue to adopt alternative ordinances after this Act's effective date. However, employers will be required to comply with both local and state standards if those ordinances do not meet the state's minimum required benefits. Nothing in this Act preempts a home rule municipality from adopting ordinances providing broader or more expansive paid leave requirements for employers within that specific community.





## EMPLOYER RESPONSIBILITIES UNDER PAID LEAVE FOR ALL WORKERS ACT

Employers will be required to maintain records documenting hours worked, paid leave accrued and taken and the paid leave balance for each employee for at least three years. Employers will also have notification responsibilities including posting a physical notice summarizing the Act, information on filing a complaint and supplying employees with notice of their amount of accrued time. Additionally, employers will be barred from retaliating against employees for using paid leave.

Employers will be subject to penalties for violations of the Act including fines of up to \$1,000 per violation of the Act's posting and notice requirements, up to \$2,500 for all other violations and possible civil penalties and damages to the employee.

## EXCEPTIONS TO PAID LEAVE POLICY

The Act does not preempt or alter leave benefits subject to current collective bargaining agreements. The Act does not apply to federal employees, or school district and park district employees. Other excluded workers include: independent contractors, railroad employees subject to railroad unemployment insurance or the Railway Labor Act, part-time student employees who are employed by a college or university and short-term employees at institutions of higher education.

## ADDITIONAL RESOURCES

The Illinois Department of Labor (IDOL) will monitor employer compliance and enforce the Act ([more information available via this link](#)). IDOL has compiled a list of Frequently Asked Questions about the Act ([available via this link](#)) and those particularly applicable to municipal employers are listed below. Specific questions or comments related to the Act can be submitted by email to IDOL at [DOL.PaidLeave@illinois.gov](mailto:DOL.PaidLeave@illinois.gov).

## FREQUENTLY ASKED QUESTIONS COMPILED BY IDOL

### DOES THE ACT APPLY TO PART-TIME EMPLOYEES OR JUST FULL-TIME EMPLOYEES?

The Act doesn't distinguish between part-time, full-time or seasonal employees. Both full-time and part-time employees are covered by this Act. However, employees who work fewer hours may accrue less leave time compared to full-time employees.

### MY COMPANY (OR MUNICIPALITY) ALREADY OFFERS EMPLOYEES 40+ HOURS OF PAID LEAVE. DOES MY POLICY NEED TO COMPLY WITH THE OTHER REQUIREMENTS OF THE ACT?

If your company has an existing policy that meets or provides the minimum amount of leave required by the Act (40 hours) in a 12-month period and your employees can in fact take that amount of leave for any reason of their choosing, you do not need to modify the terms of your policy.

IDOL expects to further clarify how existing policies meet expectations of the law in rulemaking.

### MUST PAID LEAVE PROVIDED UNDER THE ACT BE PAID OUT UPON AN EMPLOYEE'S TERMINATION, RESIGNATION OR RETIREMENT?

The Paid Leave for All Workers Act (PLAWA) does not require payout of unused leave unless the leave is credited to the employee's paid time off bank or employee vacation account; however, employers should additionally consider their vacation payout obligations under the Illinois Wage Payment and Collection Act.





## COOK COUNTY HAS A PAID LEAVE ORDINANCE, BUT MUNICIPALITIES ARE ALLOWED TO OPT OUT OF THAT COUNTY ORDINANCE. ARE EMPLOYERS LOCATED IN MUNICIPALITIES WHICH OPTED OUT REQUIRED TO COMPLY WITH THE ACT?

Yes, if on the effective date of the Act (1/1/24) a municipality does not have an ordinance in place that requires payment of paid sick or paid leave, then employers in that municipality shall be covered by this Act.

## MAY MUNICIPALITIES OPT OUT OF PLAWA USING THEIR HOME RULE POWERS?

No. Under the Act, the only circumstance in which a municipality may avoid PLAWA coverage is if they have a local ordinance in effect that provides paid sick or paid leave or, after the effective date, if their local ordinance provides benefits, rights and remedies that are greater than or equal to those provided under the Act.

## THIS COULD NEGATIVELY IMPACT LOCAL GOVERNMENTS WITH POLICE AND FIRE PERSONNEL, WHAT ARE THEY SUPPOSED TO DO?

The Act does not prohibit an employer from adopting an evenly applied paid leave policy to allow it to address operational issues and meet safety objectives. Employers of unionized employees can also address these concerns through collective bargaining.

## CAN I DENY AN EMPLOYEE USE OF PAID LEAVE UNDER THIS LAW? PUT DIFFERENTLY, IS AN EMPLOYEE ALLOWED TO TAKE LEAVE UNDER THIS ACT IN ANY CIRCUMSTANCE?

Nothing in the Act prohibits an employer from adopting a policy that establishes some parameters for taking leave and limited reasons the employer may deny leave for operational necessity. Any such policy must be communicated to employees, applied equally to all employees and conform with other applicable state and federal laws.

IDOL will seek to provide further clarity regarding this issue in rulemaking.

## AT WHAT INCREMENT CAN EMPLOYEES TAKE THIS LEAVE UNDER THE LAW?

An employee may take PLAWA leave at a minimum of two-hour increments, although an employer could choose to allow an employee to take leave in smaller increments. An employer whose existing policy meets the minimum requirement of 40 hours of paid time off for any reason of the Act would not have to modify that existing policy in regards to leave increments.

## CAN AN EMPLOYER FRONT LOAD PAID LEAVE TIME AT THE BEGINNING OF THE YEAR?

Yes, an employer may front load paid leave time by giving a full year's worth of leave that meets the minimum requirements of the Act to an employee at the beginning of the year.

An employer may make available the minimum number of hours of paid leave, subject to pro rata requirements, a proportional share of accrued hours, under the law, at the beginning of the year for its employees.

## IF OUR BUSINESS WANTS TO FRONT LOAD PLAWA BENEFITS FOR PART-TIME STAFF, DOES THE BUSINESS HAVE TO FRONT LOAD 40 HOURS OR CAN I FRONT LOAD AN AMOUNT PROPORTIONATE TO THEIR WORK SCHEDULE?

Employers may front load PLAWA benefits for part-time employees at a pro rata amount consistent with the employee's work schedule. However, if the employee in fact works more



hours than the employer anticipates, the employee is entitled to accrue more hours at a rate of 1 hour of paid leave for every 40 hours worked, up to 40 hours for the 12-month period. If a part-time employee works fewer hours than anticipated by their employer, the employer may not diminish or recoup used or unused front-loaded paid leave benefits.

### CAN AN EMPLOYER REQUIRE EMPLOYEES TO ACCRUE PAID LEAVE TIME OVER THE COURSE OF THE YEAR?

Yes, instead of front loading leave benefits, an employer may allow employees to accrue or earn paid leave time at a rate of one hour of paid leave for every 40 hours worked. Notably, a part-time employee might not accrue the full 40 hours of leave provided for in the law by the end of the year, based on the number hours the employee works.

*Example: Employee A works 15 hours per week, 52 weeks per year. They will accrue 19.5 hours of paid leave annually. (15 times 52 = 780 hours worked per year. 780 divided by 40 = 19.5 hours of paid leave.)*

### WHEN DOES ACCRUAL BEGIN UNDER THE ACT? WHEN CAN EMPLOYEES START TAKING PAID TIME OFF?

The Act takes effect January 1, 2024. Accrual begins upon the start of employment or January 1, 2024, whichever is later. Employees are entitled to begin using the accrued paid leave after 90 days. If an employee begins accruing paid leave on January 1, 2024, the first day they could take that paid time off would be March 31, 2024.

*Example: The Paid Leave for All Workers Act takes effect January 1, 2024. Six months later, Employee B starts a new job on July 1, 2024, and works 40 hours per week. They start accruing paid leave on their first day (July 1) but must wait 90 days (until September 29, 2024) before taking any of their accrued paid leave.*

*Example: Employee C has worked for their employer since 2019 but did not previously get paid time off. Employee C will begin accruing paid time off beginning January 1, 2024 (the effective date of the Act.)*

### HOW DOES ACCRUAL APPLY TO EMPLOYEES WHO WORK MORE THAN 40 HOURS IN A WEEK BUT ARE EXEMPT FROM THE OVERTIME REQUIREMENTS OF THE FEDERAL FAIR LABOR STANDARDS ACT?

Employees who are exempt from the overtime requirements of the federal Fair Labor Standards Act (29 U.S.C. 213(a)(1)) shall be deemed to work 40 hours in each workweek for purposes of paid leave time accrual if they regularly work 40 or more hours in a workweek. If such employee's regular workweek is less than 40 hours, their paid leave time accrues based on the number of hours in their regular workweek.

### IF AN EMPLOYER ALLOWS EMPLOYEES TO BORROW AGAINST FUTURE ACCRUAL, THEREBY MAKING THE EMPLOYEE'S PAID LEAVE BALANCE GO NEGATIVE, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE IF THE EMPLOYEE TERMINATES BEFORE THEY HAVE EARNED THAT LEAVE?

An employer may only make an employee repay borrowed accrued leave if that policy is disclosed in the employer's written paid leave policy and the employee agrees to that policy in writing prior to taking any leave. All payroll deductions must comply with the requirements of the Illinois Wage Payment and Collection Act.





## IF AN EMPLOYER FRONTLOADS AN EMPLOYEE'S PAID LEAVE AT THE BEGINNING OF THE 12-MONTH PERIOD, AND THE EMPLOYEE USES ALL OF THEIR LEAVE AND THEN QUILTS BEFORE THE END OF THE 12-MONTH PERIOD, CAN THE EMPLOYER MAKE THE EMPLOYEE REPAY THE PAID LEAVE?

No, the law does not allow an employer to make an employee repay paid leave time that was frontloaded at the beginning of the 12-month period. Benefits that have already been provided may not be retroactively diminished.

## HOW CAN AN EMPLOYER TRACK THE TIME REQUIRED UNDER THIS ACT VERSUS OTHER BENEFIT TIME GIVEN TO THE EMPLOYEE?

The Act requires employer tracking of paid time off for any reason. If the employer chooses to offer paid sick time or other forms of paid time off in addition to paid leave, they should track that too as a best practice, but it is not covered by this Act.

## IS THERE A DIFFERENCE BETWEEN "VACATION" AND "PTO" (PAID TIME OFF)?

Generally speaking, PTO is leave that can be taken for any reason or no reason at all and may not have to be paid out to an employee upon separation. Leave specified as "vacation" leave is subject to pay out pursuant to Section 4 of the Wage Payment and Collection Act.

## HOW WILL PLAWA INTERACT WITH FMLA?

The Family and Medical Leave Act (FMLA) is unpaid job protected leave that can only be used by covered employees in covered circumstances. Employees going on FMLA may use PLAWA time concurrently during their FMLA leave. [All FMLA questions should be directed to the [United States Department of Labor](#)]

## HOW DOES CARRY OVER, ALSO KNOWN AS "ROLL OVER," WORK UNDER THIS LAW?

Employees are allowed to carry over or roll over unused, accrued leave from one year to the next under this law. However, there is no obligation for the employer to offer more than 40 hours of paid leave off in a year. An employer may offer more than the 40 hours off if they choose.

## HOW DOES THIS LAW INTERACT WITH OTHER UNPAID LEAVE PROTECTIONS?

An employee covered under the Act is entitled to use paid leave under the Act before using unpaid leave under any employer policy or other state law.

## WHEN WILL IDOL HAVE RULES IN PLACE FOR THIS ACT?

The Department anticipates filing a draft of the rules before the effective date of this Act. Under the rulemaking process there will then be a public comment period on those rules and a time period for the Department to make any changes. Finalized rules should be in place before March 31, 2024.

## WHEN WILL THE NOTICE THAT IS REQUIRED IN THE ACT BE AVAILABLE FROM THE DEPARTMENT?

The required notice will be on our website by the end of 2023.







Our Mission: To foster an environment of economic growth and opportunity through effective partnerships with our citizens, businesses, and visitors while maintaining a high standard for quality of life in a progressive community which embraces its heritage.

## **CITY OF OREGON**

**115 N. 3rd Street, Oregon, IL 61061**

**Phn: 815-732-6321/ website: [cityoforegon.org](http://cityoforegon.org)**

To: Mayor Ken Williams & Oregon City Council

From: Darin J. DeHaan, City Manager

Re: Bi-monthly Report

**DATE: Nov 28, 2023**

**I am pleased to provide Mayor Williams and the Oregon City Council with the following synopsis of City Business for – Nov 11, 2023 – Nov 24, 2023**

### Submitted by Darin DeHaan - City Manager:

- I attended a great round table discussion on Tourism for Oregon with the Oregon Area Chamber of Commerce and Visit Northwest Illinois. I'm excited for all of the work going on to promote Oregon tourism with all the exciting things we have to offer. Checkout and share their new travel video blogs: [www.visitnorthwestillinois.com/blog/](http://www.visitnorthwestillinois.com/blog/)
- City Hall was closed in observance of Veteran's day. Thank you to all who have served!
- I attended a webinar on FOIA for public bodies provided by the Office of the Attorney General. We continue to train in this area so we are well equipped to and provide requested information from the City.
- We have begun to work on our annual tax levy as well as our bond abatement ordinance for this year.
- Public Act 103-0510 was adopted and requires certain building codes standards to be adopted or followed effective Jan 1, 2025. I have reached out to find a consulting firm to help us review and adopt the appropriate new building codes to follow the new laws.
- Thank you to our Code Enforcement Officer Randy Cropp for his continued efforts to work with citizens and businesses on health and safety efforts.
- Due to replacement costs we are going to continue to use the snowflakes downtown for our Holiday decorations. I have been asked by a few citizens when we are going to replace the decorations. We will look at this as a potential project in the near future. The Public Works department has been working diligently to update the lights on them as well as painting each snowflake to give them a refreshed look this year.
- I continue to work with the Ogle County Economic Development Corporation board of directors on several initiatives. We have a meeting coming up on the Next Move Group to look at our candidates for our 1st Executive Director. I look forward to getting a professional in place to help lead this organization forward and to look at innovative ways to spur appropriate economic development projects throughout Ogle County.

- I'm still in the process of budget reviews with department heads. I have completed the review with the police department and will be setting up a meeting with Public Works in the near future.
- Thank you to Cheryl, Mary, Lynn and Lisa for decorating City Hall and bringing a great festive atmosphere for the Holiday Season!
- I attended a webinar presented by the Illinois Extension office on the Digital Equity Capacity Kickstarter program which focuses on supporting digital skill building, broadband adoption and use, and device access.

#### **City Hall:**

- The last yard waste pickup for the year is November 29th, 2023
- Water, Sewer, Garbage bills were mailed on November 20th, and are due December 11th.

#### **Economic and Community Development Committee:**

Next meeting 12/5/23 at 5:00 p.m. Oregon City Hall Conference Room

#### **Sustainability Committee:**

Next meeting 12/11/2023 9:00 a.m.

We will be meeting with Region 1 Planning at the December meeting to work on the Sustainability Plan.

#### **City Council Meeting:**

TBD at 5:30 p.m. Oregon City Hall Council Chambers

#### **Planning & Zoning:**

Next meeting 12/19/2023 at 5:30 p.m. Oregon City Hall Council Chambers

#### **Tree Board:**

December 6th 5:00 p.m. Oregon City Hall.

1. Discuss possible TREE USA designation
2. Strategize on tree planting for next year.
3. Arbor Day Event Planning
4. New Business

#### **Public Art Commission:**

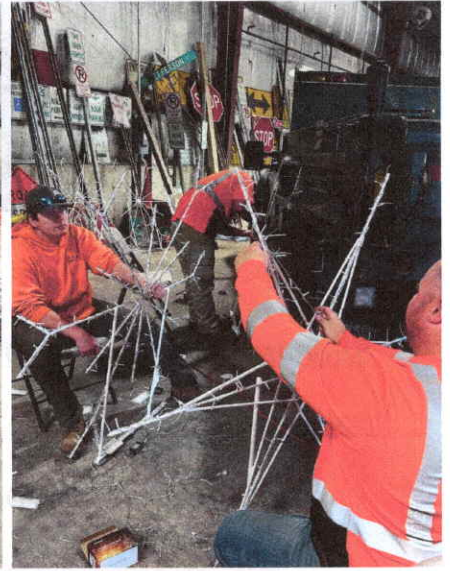
Next Meeting TBD



Submitted by Bill Covell - Director of Public Works:

Street Department:

- Finished rehab of snowflakes for christmas and got them installed on the poles
- Street Sweeping
- Training
- Maintenance on trucks
- Snow plow prep
- Participated in APWA snow plow rodeo in which Jordan Plock took 8th out of 45 drivers
- Helped with City's Christmas Tree
- Worked on lights at flag pole
- Removed and replaced bench downtown



Water / Sewer Departments:

- Julie locates for due to fiber optic installation
- Daily chores and samples
- Pump sludge
- Monthly samples
- Monthly reports
- Mow around the plant



*Director of Public Works:*

- North 3rd Street Project punch list
- Observed and helped with the generator start-up
- APWA winter maintenance operator course
- Pay estimate for striping on mill & overlay projects
- Budgets for capital improvement projects
- Processed monthly bills



*Submitted by Deputy Chief Matthew Kalnins:*

*Police Department:*

- The Oregon Police Department would like to wish everyone a safe and happy Thanksgiving

