

# Request For Board Action

REFERRED TO BOARD: September 8, 2021

AGENDA ITEM NO: 7

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of a Resolution that waives fees for governmental and not-for-profit organizations.

## SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Pursuant to previous Village Board direction, Staff is bringing a proposed ordinance to the Village Board that would waive governmental and not-for-profit from paying required application and building permit fees. Currently, there is no policy on whether Staff should charge other governmental bodies when they file zoning applications or come in for a new building and a building fee is required. Quite often, another governmental body or a not-for-profit will request fee waivers and these individual requests come to the Village Board for consideration.

Since any fee from a governmental body would be coming from the same taxpayers who pay the taxes. Staff is proposing that Zoning or Building Permit fee be waived. In addition, many not-for-profits are not in the financial position to pay these fees and they frequently request a fee waiver.

Any pass-through fee or anything that is an expense to the Village would not be waived. As an example, tap-on, legal, and engineering fees would not be waived under this proposed ordinance.

One of the benefits of a comprehensive policy as it relates to waiving zoning and building permit fees is that it would streamline the process and what is potentially an administrative matter would not have to be put on crowded Village Board agenda.

Based on Village Board direction, any fee waiver of a governmental body or not-for-profit would be placed on the consent agenda of a Village Board agenda.

Enclosed

- 1) RFBA
- 2) Ordinance

Based on the foregoing analysis, Staff would make the following motion:

**We move that the Village Board approve the herewith attached Ordinance waiving Application and Building Permit Fees for governmental bodies and Not-For-Profits.**

VILLAGE OF ANTIOCH

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ORDINANCE NO.

*AN ORDINANCE WAIVING CERTAIN FEES FOR GOVERNMENTAL BODIES AND  
TAX-EXEMPT NOT-FOR-PROFIT ORGANIZATIONS*

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

SEPTEMBER 8, 2021

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Published in pamphlet form by authority of the Village Board  
of the Village of Antioch, Lake County, Illinois,  
this 9<sup>th</sup> day of September, 2021

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SCOTT J. GARTNER	<b>President</b>	MARY C. DOMINIAK	<b>Trustee</b>
		MARY J. PEDERSEN	<b>Trustee</b>
LORI K. ROMINE	<b>Clerk</b>	ED MACEK	<b>Trustee</b>
		SCOTT A. PIERCE	<b>Trustee</b>
DEL GALDO LAW GROUP, LLC	<b>Attorney</b>	PETRINA A. BURMAN	<b>Trustee</b>
		BRENT C. BLUTHARDT	<b>Trustee</b>

**ORDINANCE NO.**

***AN ORDINANCE WAIVING CERTAIN FEES FOR GOVERNMENTAL BODIES  
AND TAX-EXEMPT NOT-FOR-PROFIT ORGANIZATIONS***

**WHEREAS**, the Village of Antioch (“Village”) is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1, et seq.) (the “Code”); and

**WHEREAS**, Sections 13-1-6, 13-1-8, and 13-1-9 of the Antioch Village Code establish a fee schedule related to the Village’s building and zoning applications; and

**WHEREAS**, the Village requires all applicants to pay for building fees and zoning applications, including private developers, other governmental bodies and not-for-profit organizations alike; and

**WHEREAS**, the President and the Village Board of Trustees (the “Village Board”, and together with the President, the “Corporate Authorities”) have entertained and approved individual fee waiver requests from not-for-profit organizations and other governmental bodies on a case-by-case basis; and

**WHEREAS**, the Corporate Authorities desire to create a comprehensive policy for fee waivers of certain fees, including zoning cases and building permit fees for governmental bodies and not-for-profit organizations, in order to create a more streamlined administrative process; and

**WHEREAS**, the rationale for waiving zoning and building permit fees for governmental bodies is that taxpayers fund other governmental bodies and transferring funds from one governmental body to another is an inefficient management of taxpayer funds; and

**WHEREAS**, the rationale for waiving zoning and building permit fees for not-for-profit organizations is that not-for-profit organizations are generally engaged in activities that benefit the community and their limited resources should be maximized in order to assist the community as a whole; and

**WHEREAS**, any fees that constitute a pass-through fee or cost to the Village, such as tap-on, engineering, legal or consulting fees, shall not be included in any fee waiver, and any governmental body or not-for-profit organization would be fully responsible for reimbursing the Village for these pass-through fees;

***NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:***

**SECTION 1:** That any fees related to Sections 13-1-6, 13-1-8, and 13-1-9 of the Antioch Village Code may be waived by the Village Board for governmental bodies and tax-exempt not-for-profit organizations, with the exception of any fees that constitute a pass-through fee or cost to the Village, such as tap-on, engineering, legal or consulting fees. A request for a fee waiver by a governmental body or tax-exempt not-for-profit organization shall be presented to the Corporate Authorities as a consent agenda item in memorandum form for possible approval.

**SECTION 2:** That the representations, recitations and findings set forth in the foregoing recitals are material to this Ordinance and such recitals are hereby incorporated into and made a part of this Ordinance as though they were fully set forth herein. This Ordinance shall be liberally construed so that the purpose and intent represented by the recitals shall be accomplished to the greatest extent permitted by law.

**SECTION 3:** If any provision, clause, sentence, paragraph, section, or part of this Ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not be included.

**SECTION 4:** That the Village Clerk is hereby directed and ordered to publish this Ordinance in pamphlet form as provided by law.

**SECTION 5:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

**Passed this 8<sup>th</sup> day of September, 2021.**

Voting Aye (list names):

Voting Nay (list names):

Abstaining (list names):

Absent (list names):

**APPROVED:**

By: \_\_\_\_\_  
Scott J. Gartner

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
Lori K. Romine, Village Clerk

