

VILLAGE OF FOREST VIEW

ORDINANCE NO. 19-13

**AN ORDINANCE AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT
AND RELEASE WITH THE CITY OF KANKAKEE**

**PASSED AND APPROVED BY
THE PRESIDENT AND BOARD
OF TRUSTEES OF THE
VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, this
11th day of June, 2019.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 11th
day of June, 2019.**

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AND RELEASE WITH THE CITY OF KANKAKEE**

WHEREAS, the Village of Forest View, along with other units of local government, brought suit against the City of Kankakee; and

WHEREAS, the suit against Kankakee and others is pending in the Circuit Court of Cook County, Illinois, as consolidated cases 2011 CH 29744 and 2011 CH 34266; and

WHEREAS, the consolidated cases allege violations of the Illinois statutory and common law, including violations of 65 ILCS 5/8-11-21, and losses due to the improper sourcing of sales tax;

WHEREAS, the parties to the consolidated cases are now desirous of resolving all contested matters presently existing in regard to Kankakee's Direct EDAs with retailers; and

WHEREAS, the parties previously entered into a settlement agreement for Counts 4-7 of the Complaint; and

WHEREAS, the City of Kankakee and MTS Consulting desire to enter into a settlement agreement for Count III of the Complaint; and

WHEREAS, this settlement agreement will effectively end the litigation against the City of Kankakee; and

WHEREAS, the corporate authorities of the Village of Forest View have determined that it is in the best interests of the Village and its residents to enter into the Settlement Agreement and Release with the City of Kankakee for Count III of the Complaint.

NOW, THEREOFRE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FOREST VIEW, COOK COUNTY, ILLINOIS, IN THE EXERCISE OF THE VILLAGE'S HOME RULE POWERS, as follows:

SECTION 1: The President and Board of Trustees of the Village of Forest View do hereby authorize the Village to enter into the Settlement Agreement and Release with the City of Kankakee, for Count III of Consolidated Case 2011 CH 29744 and 2011 CH 34266, a copy of which is attached hereto as Exhibit 1 and made a part hereof.

SECTION 2: The President is hereby authorized and directed to execute the Settlement Agreement and Release on behalf of the Village.

SECTION 3: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Forest View that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 4: Full Force and Effect. This Ordinance shall be in full force and effect from and after its passage and approval, and shall subsequently be published in pamphlet form as provided by law.

PASSED BY THE FOLLOWING ROLL CALL this 11th day of June, 2019.

AYES: Trustees Sudkamp, Hubacek, Miller, Stimach, Kirchgatterer, Grossi

NAYS: None

ABSENT: None

APPROVED this 11th day of June, 2019.

Lawrence Powell
Village President

ATTEST:

Joy M. Conklin
Village Clerk