

# Edgar County Treasurer sued by RIDES Mass Transit for \$152,150.49

PARIS, IL. (ECWd) –

We wrote in December 2015 about RIDES threatening a lawsuit ([here](#)) and explained the situation pretty thoroughly.

RIDES-MTD filed the lawsuit a couple weeks ago.

The bottom line is that you must follow the law when dissolving a mass transit district (“MTD”), the county lacks authority to give any funds leftover to the new MTD, resolutions that violate law are invalid, MTDs must be dissolved lawfully and counties can only be annexed into a new district according to law.

The key elements we question are:

- *What does the law say to do with remaining funds from a dissolved Mass Transit District (the former ECIMTD)? ([IDOT even thought they could authorize violating law](#))*
- *Can a County Board pass a Resolution that violates law? ([we wrote about this in June 2013](#))*
- *Is the ECIMTD dissolved?*
- *Were Clark and Edgar Counties properly annexed into RIDES-MTD?*

## **RIDES Mass Transit District sued Edgar County Treasurer for Breach of Contract**

In a two-count complaint filed on August 8, 2016 and naming Edgar County Treasurer, Don Wiseman, as Defendant (in his official capacity), the RIDES-MTD based out of Harrisburg, Illinois, are complaining of “Breach of Contract” and also suing for “Writ of Mandamus”.

This is resulting from the alleged dissolution of East Central Illinois Mass Transit District, and Edgar and Clark County annexing into RIDES Mass Transit District in 2013. It is also another of the “lasting legacies” of former Edgar County board chairman Chris Patrick who obviously thought laws did not apply, thought that he was in charge, and nobody could change decisions made by the board. He resigned shortly after being elected.

So, let’s take a look at the lawsuit (below), shall we?

**COUNT ONE – BREACH OF CONTRACT:**

The suit claims breach of contract because Edgar County passed a Resolution saying they would give all left over funds from ECIMTD to RIDES-MTD upon annexation into the new district. (¶ 5)

The suit acknowledges two check were sent to the Edgar County Treasurer as proceeds from the dissolution and sale of ECIMTD assets. (¶ 7 and 8)

The suit claims it purchased a building in Paris “on reliance” of the money to be transferred to RIDES from liquidation of ECIMTD.

RIDES finally prays for judgment against Edgar County Treasurer in the amount of \$152,150.49 from the June 17, 2013 resolution, plus costs for the suit.

**COUNT TWO – MANDAMUS:**

This COUNT is asking for the Court to order the Edgar County Treasurer to immediately pay the funds to RIDES, based on their assumption of the “validity” of the June 17, 2013 resolution.

**Now we can examine the statutes governing counties and mass transit districts.**

**As a reminder: We are not attorneys and this is not legal advice,**

*it is simply our interpretation as we read the various laws that may or may not apply to this situation.*

### **DILLON'S RULE**

First and foremost, Illinois is a Dillon's Rule state, and as such, local governments have and can yield only those powers granted them by the Legislature and contained in law. *No matter how much it is wanted or needed, it cannot be accomplished without an enabling statute authorizing it.*

### **COUNTIES CANNOT MAKE LAW**

Second, a Resolution or Ordinance cannot be enacted that is contrary to state law. A local government cannot make "law" and any such attempt is automatically invalid on its face and unenforceable – no matter the form it takes.

### **TREASURER AND CONTRACT**

The Treasurer did not make any contract, is not permitted by law to make a contract with a mass transit district, and could never breach a contract he is not a party to and did not make. The County Board passed the Resolution, and they are solely responsible for any breach of the Resolution ("contract"). Failure to comply with an invalid and unenforceable Resolution cannot be considered a "breach of contract", because the contract must first be a valid contract, capable of being breached. This was not such a contract. This was never a contract to begin with.

### **The June 7, 1013 Edgar County Board Resolution**

This Resolution purports to state that *"all assets received by Edgar County Treasurer upon the dissolution of the East Central Illinois Mass Transit District shall be transferred, assigned, and conveyed by the County Treasurer to Rides Mass Transit District as the County's contribution to Rides Mass Transit District."*

So this Resolution says the county will give the funds to RIDES, now we must find out if the county has the authority to give these funds to RIDES (see Dillon's Rule, above), or if any other law stipulates how the remaining funds are to be distributed.

### **The Local Mass Transit District Act – Section 9 – Dissolution**

This Section was changed on June 1, 2015, to eliminate the requirement that a County approve of the dissolution and to eliminate the wording "*or other adequate services are or can be made available*". Where the remaining funds go and to whom they are paid remains essentially unchanged, other than allowing payments to municipalities in whole or part within the district – previously it was only if those municipalities "created" the district.

The only option was to dissolve the current district, and dispose of its assets according to law (Section 9 of the Local Mass Transit District Act). Then, if needed, annex into an existing contingent mass transit district according to other provisions of the Local Mass Transit District Act.

**...any funds remaining after the sale and disposition of its property shall be disposed of by payment to the treasurer of the county or municipality which created it...**

According to our sources, RIDES has been repeatedly asked to provide proof thru any enabling statute that authorizes the county to distribute those funds to RIDES. No answer has ever been provided, other than simply reciting the invalid Resolution from June of 2013.

We are confident this lawsuit will fail on a Motion to Dismiss. The law is clear. The county applied the law properly in relation to this situation. Had the past board chairman taken the time to listen to us prior to approving the Resolution, it would have never been approved in the first place, and we would not be discussing this lawsuit three years after the "dissolution" of ECIMTD.

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*Please consider a donation to the Edgar County Watchdogs.*

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[Download \(PDF, 7.11MB\)](#)

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## Thanks to My God!

ECWd's –

Sitting in my office this morning knowing today is a day of thanks I gave serious thought to what that really means in the grand scheme of things.

Knowing the history of the founders of our land and the Fathers for our great Constitution it makes one wonder how a country with such accomplishments and future potential has become riddled with corruption, lies, deception etc and what I would call out right evil.

Yes, there is plenty of good things still going on in this nation but you cant ignore the times we are in and how different they are from an ethical standpoint looking back a measly 40 years. We have become desensitized in our paradigm of life by everything from political correctness to the ever present demand for instant gratification and sense of entitlement.

With a growing culture of people raised in this entitlement mentality it makes you wonder if those supporting this system have a clue what they are doing. I say they know exactly what they are doing and its part of a larger plan of control as there is no other logical reason.

Case and point: Most state parks have signs not to feed the wild life. Most states have similar laws. When asking the reason why we cant feed the wildlife the response is pretty standard from Park Rangers. "Feeding them creates a dependance that actually hurts them because when you stop feeding them they don't know how to take care of themselves and they end up starving to death." This would be the case with most family pets.

So if we understand the most basic principal of dependance as it relates to animals why on earth would we support a system that is just the opposite of what we do for animals? I know, the argument now is to claim I have no compassion for those in need, blah, blah, blah.

That is nothing but a lie and a perpetuated talking point by those that seek control of everything in our lives. I just believe that the compassion should come from the people, not the government. You see its real easy to sit back and do nothing and make yourself feel good by claiming its the Governments job to take care of those in need because you don't have to get involved other than by running your mouth.

Before the attack begins, ask your self what the definition of "**need**" is. Its pretty basic. "**Need**" – require (something) because it is essential or very important.

For example, a person **NEEDS** power because they **require** it to run a medical device that keeps them alive. I would agree, we **as a people** should be willing to take care of those needs as that is what a civilized society does. Note that I said people, not government.

**I give Thanks to all the people that have stepped up and taken action to ensure those in *Need* receive what they require.**

If we as a society are willing to be intellectually honest with ourselves and apply the definition of **Need** in these cases we all know about, we would end up quickly realizing that the

numbers in **Need** are actually very small compared to the number of those in **Want**!

You see we have allowed ourselves to succome to the application of the word need in cases where the word "WANT" is more applicable. As it relates to our societal dependent people in want, not need, there will come a time when the Government simply runs out of other peoples money to support those who **want** in stead of those who **Need**! It is rapidly getting to a point that those in Need are labeled a burden on society and diminishing what we can provide to those who **Want**! One only need understand Obama Care to see that fact rapidly approaching.

**I thank God for my ability to understand the difference  
between a Want and a Need!**

While reading a Thriller, "The Eye of Moloch", I came across a page that rocked my world to its applicability to what I have been doing for the last 10 years of my life and what I have come to know by the Grace of God!

Page 238-239 of the book you will find these words:

**"If you want things to change, first you've got to commit.**

**Don't look to me or anyone else, look inside. Educate yourself, learn from history, this has all happened before and it'll happen again. And you cant just grab a sign and find a march and think you've made a difference. You've got to wise up before you rise up.**

**Every generation thinks it's all going to be different when they finally get into power. They think a better world is coming just as soon as the old folks die off. Not true.**

**This country only works if good people get involved. That better world you want wont come on its own, and if you think watching from the sidelines and making clever comments and sniping and whining is doing something, you'd better think**

again. Don't go to sleep at night until you've made this a better place than it was that morning. That's my message: You're the key. Without you we'll all be dead and gone before we ever see peace and prosperity again."

We are at war with the most dangerous enemy that has ever faced mankind in his long climb from the swamp to the stars, and it has been said if we lose that war, and in so doing lose this way of freedom of ours, history will record with the greatest astonishment that those who had the most to lose did the least to prevent its happening. Well I think its time w ask ourselves if we still know the freedoms that were intended for us by the founding Fathers.

You and I have a rendezvous with destiny.

We will preserve for our children this, the last best hope of a man on earth, or we will sentence them to take the last step into a thousand years of darkness."

I thank my God for providing me with the ability to see things for what they are. He has opened my eyes to the basic realization that Good and Evil is alive and well in this world. A realization that demands a choice be made. A choice of siding with either Good or Evil and a clear realization that action is required beyond just a selection of sides!

*What side are you on?*

*Are you willing to do your part?*

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# Albion Fire Department Resigns Over Construction Contract

EDWARDS CO. ([ECWd](#)) –

The Albion, IL. City Council met to take action in hiring an attorney to look into the contract for construction of the new fire station.

It appears the issue with the contract is that the City Council never approved to allow the (former) Mayor Ryan Hallam to sign it. The council did approve a bid of a little over \$562,000, but after that the Fire Chief, along with a couple other people, made some changes to the plans without seeking permission from the city council. This increased the cost by over \$60,000. The former mayor signed the contract without approval and then resigned his office at the February meeting.

Fire Chief Kent Nale, thinking he doesn't have to answer to anyone, has repeatedly denied and delayed FOIA requests and has basically refused to answer any questions asked of him by the city council.

So in a final childish move, the former mayor (the one that illegally signed the construction contract) read a resignation letter signed by 20 city fireman. The city council has a meeting this Wed. evening to appoint a new fire chief, hire legal council to review the contract, and to take steps to secure the current fire station.

During the course of events, the current Mayor wanted the list of firemen that resigned, and I told him I would pull it off of my audio recorder as I was recording the meeting. Then some lady from the back of the room shouted that I didn't get her permission to record it, to which I replied that I did not

need her permission to record a public meeting.

[Audio of the reading of the resignation letter here.](#)

Photos courtesy of [disclosurenewsonline.com](http://disclosurenewsonline.com)

## 20 Albion Firemen Resign

