

# **IL. Atty Gen determines public bodies must release their bank account numbers –**

North Henderson, IL. (ECWd) –

In yet another defeat over the North Henderson Trustees, local citizens have prevailed in a Freedom of Information Act Request for Review in which they asked the Village for all bank statements – and the village redacted all of the account numbers prior to producing the statements.

This issue stems from the inability to adequately track deposits and expenditures of the village without the account numbers.

Last month, the Attorney General's Public Access Counselor's Office determined that the Village of North Henderson violated the Freedom of Information Act by improperly redacting those account numbers. The AG's office cited the FOIA where it states that "personal" account numbers can be redacted – and since account numbers of public bodies are not "personal" account numbers, they must be released.

The AG instructed the Village of North Henderson to provide the unredacted bank statements to the requester.

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Our previous articles on North Henderson, IL. are "[here](#)".



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## [North Henderson Trustee resigns over water bill –](#)

NORTH HENDERSON, IL. ([ECWd](#)) –

We attended the Village Trustee meeting 8-14-2014, in North Henderson, WQAD from the Quad Cities was also there and you can read their report with video here: [from WQAD...](#)

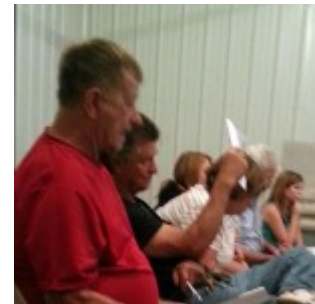
Continuing on...Prior to the meeting, Village Trustee Rich McCutcheon submitted his resignation from the board. He cited “harassment” as the reason, but had he been honest with himself and the village, he would have stated the real reason: ***Failure to remain qualified for office***. Nobody forced him to make late water payments, that was a result of his own actions but he blamed it on those that pointed it out.

We covered how being in arrears of a debt owed a municipality disqualifies you from public office in an earlier article ([HERE](#)).

The village appointed a new village attorney who will “look into” the accusations that three more trustees are disqualified for the same reason – failure to remain qualified for office.

Also at the meeting was a vote to pay the fee imposed by Mercer County Animal Control and to sign an intergovernmental

agreement – I asked them to look at the statute prior to sending payment because I believed a County Board, or animal control, does not have the authority to force any intergovernmental agreements for payment of otherwise in return for providing animal control services. These services are already provided through property taxes, anything else would be paying for it again. I specifically asked them to have the County show in the statute where they could impose any fees or agreements in return for service.



# WQAD-8 News Reports on North Henderson Trustee Ineligibility –

NORTH HENDERSON, IL. ([ECWd](#)) –

Following the article we posted this morning ([click here](#)), WQAD from the Quad Cities area ran a story on the 10:00 p.m. news after interviewing residents of North Henderson.

## **From WQAD:**

Just South of the Quad Cities some people in the village of North Henderson, Illinois are demanding board members get the boot. It all comes down to unpaid or late water payments.

Former North Henderson village president Jim Tucker claims problems started after he left office when new trustees came into the picture. After attending some board meetings he and some other tax payers say they realized something wasn't right.

“Why would we lose 600 dollars in water consumption over the period of one month? That makes absolutely no sense,” said Susan Newberg, who lives in North Henderson.

So they started doing some digging and found out that four of the six trustees... [Continue reading...](#)

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# North Henderson – Four Village Trustees Ineligible for Office –

NORTH HENDERSON, IL. ([ECWd](#)) –

Up in Mercer County Illinois, Northwest of Peoria, there is a small village named [North Henderson](#) (pop. 187). It suffers from all of the same problems that larger cities suffer from, just on a smaller scale.

There have been rumors of illegal trustee appointments, forged village meeting minutes to gain access to bank accounts, “billing mistakes” that give discounts to trustees, and many other items. One of the items I will talk about today is the allegation that 4 of the village trustees are not eligible to hold the office of village trustee according to law.

## **(dis)Qualifications to be Village Trustee**

So, let’s start by looking at the (dis)qualifications for holding office as village trustee in Illinois. This applies whether the trustees are elected or appointed, they all must qualify for, and remain qualified for, the office in which they hold.

The Illinois Municipal Code is the law to apply here, and in particular Section 3.1-10-5 [65 ILCS 5/3.1-10-5] entitled Qualifications; elective office. Paragraph (b) of this Section specifically states that:

*“a person is not eligible to take the oath of office if they are in arrears in the payment of a tax or other indebtedness to the village at the time required for taking the oath.”*

It continues on in (b-5) by stating that: *“a person is not eligible to hold a municipal office if that person is, at any*

*time during the term of office, in arrears in the payment of a tax or other indebtedness due to the village.”*

**To recap this:** A trustee cannot take the oath of office if they are in debt to the village, and a trustee cannot continue holding office if they are arrears in a debt owed to the village during their term of office. What that means is that if the village operates a water utility, and the trustees are arrears in payment of their water bills, they automatically give up their positions as village trustee – whether they are appointed or elected, it does not matter.

### **The FOUR Trustees..**

Mr. Seth Scott, Mr. David Marshall, Mr. Rick McCutcheon, and Mrs. Carol Rogers were never qualified to take the oath of office due to their being in arrears of payment of a debt to the village at the time required for them to take the oath (in particular, they were in arrears in payment of their water bills to the village), Or they became in arrears in the payment of their water bills, and since it happened, and is still happening, during their term of office, they are ineligible to continue to hold the office and are usurping the office of village trustee.

Twenty-two citizens have signed a letter demanding their removal. This letter has been given to the Mercer County State’s Attorney, the attorney for North Henderson, and the Village President (Mayor).

The next Village Trustee meeting should be interesting...

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## AG: “Village of North Henderson Violated Open Records Law” –

NORTH HENDERSON, IL. ([ECWd](#)) –

North Henderson is a small village with less than 200 residents, yet it continuously violates the Freedom Of Information Act, FOIA, by willfully denying access to public records. In this situation, members of the public requested copies of water bills of certain people and that request was denied by the village claiming “privacy concerns”.

This is the same village that thought they didn’t have to tell me who their village attorney was ([HERE](#)).

The village operates its own water service and as such, all records of the receipt and use of funds are public records

subject to public inspection and/or copying. This includes receipt of money paid on water bills and amounts owed but not paid.

As expected, the Illinois Attorney General issued a determination that supports the public's right to public records. You can read this determination below.

[Download \(PDF, 119KB\)](#)



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## [North Henderson and their “Secret Attorney” –](#)

NORTH HENDERSON, IL ([ECWd](#)) –

I think we have said this before but here it comes again. When a public body refuses to provide public records that they know they must provide, you can just about bet there is some type of actions they feel the need to hide from the public (see [Arcola Township](#), [FIPHD](#), or [Edgar County Airport](#) for examples).

A simple request for information, that included a request for the name and contact information of the Village attorney, was denied by the village FOIA officer. The reason given was that it was considered “private information” and they deemed it



exempt from FOIA.

Really, private information? An attorney that the taxpayers are paying and the village refuses to provide his name? Now I am left to guess as to why they feel the need to keep secrets from the public.

I responded to their denial stating that private information was just that – private, but that business information was not private information when the public checkbook is tendering payments.

More emails followed and they finally stated that the attorney told them not to give his name out, so I asked them to clarify whether or not the attorney was advising them to break the law. I also informed the village that it was not the attorneys decision on whether or not to provide that information, that decision is on the village FOIA officer. No response to that question at this time.

The bottom line here is that anyone that is paid, contracted or otherwise, with public funds (excepting for police informants maybe) knows that their information is not private. The Illinois Constitution and Freedom Of Information Act both state that all records pertaining to the use of public funds are public records subject to inspection.

I find it simply amazing at how these people think that just because they don't want to give up the information, they don't have to. In the long run they will end up providing it, the only question left now is how much it will cost them. Of course there is always the quick and painless way: Provide the public records requested!

New Henderson has a population of around 187 people and is in Mercer County in northwestern Illinois.

More to follow as this story unfolds.

