

From: Trish Joyce [mailto:tjoyce@whiteside.org]
Sent: Tuesday, September 27, 2016 9:00 AM
To: John Kraft >
Subject: RE: Fwd: Whiteside County Airport

Mr. Kraft:

If you are confused about any of my duties, please review 55 ILCS 5/3-9005. I represent Whiteside County and its interests (including the Whiteside County Airport) in the actions set forth therein. Thank you for your inquiry.

Trish Joyce

>>> John Kraft > [9/27/2016 8:41 AM](#) >>>
Mrs. Joyce,

Thanks for the response, but it is still unclear to me exactly who is the Attorney for the airport?

Are you, as the Whiteside County State's Attorney, the attorney for the airport?

Thanks,
John Kraft

From: States Attorney [mailto:statesattorney@whiteside.org]
Sent: Tuesday, September 27, 2016 8:44 AM
To: John Kraft <>
Subject: Re: Fwd: Whiteside County Airport

Mr. Kraft:

Thank you for your response. The statutory section you quoted references architectural, engineering, and land surveying services and is not an exclusive list of the types of professional services a county entity may procure. Specifically, 620 ILCS 45/6, paragraph 9 of the County Airport Law Act contains no limiting language when it describes the "necessary or desirable" professional services an airport board may engage. Consequently, the section you cited is inapplicable to the fact situation you raised in your initial communication. I stand by my original position that the Airport Board may hire legal counsel under the statutory section I quoted for the purposes set forth therein. Therefore, as I am not unclear about my duties to represent county entities, I will not seek an opinion from the Attorney General's Office. I have no reason to disbelieve that Ms. Robinson is the secretary of the Airport Board. If the Board assigns certain tasks to a person who is not a board member, I believe that is allowable as long as those tasks comport with the provisions of Section 9.

Trish Joyce

>>> States Attorney 9/23/2016 9:04 AM >>>

>>> John Kraft < [9/22/2016 10:34 PM](mailto:John.Kraft@whiteside.org) >>>

Mrs Joyce,

"Professional Services" do not include the services of an attorney.

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=726&ChapterID=11>

"architecture, engineering or land surveying and provide architectural, engineering or land surveying services. "

I think we both know he cannot be the attorney for, nor perform any legal services for, the county airport.

If you believe Jerri Robinson is the board secretary, please review the invoices paid to the attorney for this service, and ask yourself if Jerri is actually the secretary or if it is merely a smokescreen to pay the attorney.

Any function of an attorney for the airport rests with your office.

I politely ask you obtain an opinion from the Attorney General on who is the statutory legal representative of the Whiteside County Airport.

Thanks,
John Kraft

From: States Attorney [<mailto:statesattorney@whiteside.org>]

Sent: Thursday, September 22, 2016 8:44 AM

To: John Kraft>

Subject: Re: Fwd: Whiteside County Airport

Mr Kraft:

Thank you for your inquiry.

I believe that 620 ILCS 45/6, Section 9 allows the Airport Board to hire a legal professional to assist it in "the accomplishment of its objects" or "the proper administration, management, protection or control of its property". That is my understanding of the function of the attorney the Board has hired pursuant to this section.

The named secretary of the Airport Board is Jerri Robinson, an actual board member.

I am not aware of any suits by the Airport Board brought in its own name, rather than that of the County. If you are aware of the same, I would appreciate it if you would bring those suits to my attention. Again, thank you for raising these issues.

Trish Joyce

>>> States Attorney 9/19/2016 12:29 PM >>>

>>> John Kraft > [9/19/2016 12:21 PM](mailto:John.Kraft@whiteside.org) >>>

Whiteside County State's Attorney,

It has come to my attention that Whiteside County Airport has been paying for legal services.

As you are well aware, the County State's Attorney is the statutory attorney for all county agencies/departments, and this airport is a county agency/department.

In an article with the Sauk Valley Press from May of 2013, they mentioned you showed them a copy of an AG Opinion that somehow purports to give the Whiteside County Airport the authority to hire its own attorney.

Could you please provide that Opinion to me?

Under the General County Airport and Landing Field Act, 620 ILCS 40, which the Whiteside County Airport argued under in their appeal the Appellate Court against the Illinois Department of Revenue ([Order Here](#)), the Airport is a County Airport. As such, it cannot sue or be sued and any lawsuits dealing with the airport will have the County of Whiteside as defendant or complainant as was the case v. Illinois IRS.

If they now believe they fall under the County Airport Law of 1943, 620 ILCS 45, Whiteside County Airport is county-owned and cannot sue or be sued in their own name. Any lawsuits arising out of the airport are brought or defended in the name of the County of Whiteside.

Under 620 ILCS 45:

- The airport cannot sue or be sued in their own name
- Lawsuits are brought or defended in the name of the County
- The county board established the airport
- The county board appoints the airport directors
- The county board may remove a director
- Vacancies on the board are reported to the county board
- Taxes are collected with the general taxes of the county
- The County Airport Fund is deposited with the County Treasurer
- Airport Directors submit properly authenticated voucher to the Treasurer to draw upon the County Airport Fund
- Any condemnation proceedings (eminent domain) are in the name of the County of Whiteside
- The county board must authorize any condemnations of real estate
- The county board must adopt a Resolution prior to any bonds being issued
- The board secretary must be named from among the directors (not an attorney/employee acting as a "consultant" that he is now calling himself)
- There is nothing authorizing the airport directors to hire their own legal council

Please direct the Whiteside County Airport to refrain from using an attorney other than the State's Attorney of Whiteside County.

Please direct the Whiteside County Airport to appoint a secretary from among themselves (one of the directors)

Please confirm receipt of this email.

Thanks,
John Kraft
Edgar County Watchdogs