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EDGAR COUNTY CLERK

Mark Isaf  
Edgar County State's Attorney  
Edgar County Courthouse  
Paris, Illinois 61944

September 4, 2012

Mr. Isaf,

For more than 60 days, during Edgar County board meetings and planning sessions, starting with the July 2012 meeting, I have informed the Edgar County board, verbally and in writing, of the fact that three of the appointed East Central Illinois Mass Transit District Trustees, two from Edgar and one from Clark County, are forbidden by law to hold the position of trustee in this Mass Transit District.

The Illinois Mass Transit District Act, 70 ILCS 3610/4, specifically addresses this issue in the second paragraph of Section 4 of the Act.

Except in a Metro East Mass Transit District, no Trustee of any District may be an elected official of the municipality or municipalities or county or counties creating the District.

Mr. S. Craig Smith and Mr. Kevin Trogden are in fact elected officials in the municipality or county which created this district.

It has already been established by the First District Appellant Court and the Illinois Supreme Court that the taking of an office not compatible with one previously held automatically removes them from the previous office. In reading this, I have come to the conclusion that by taking the Mass Transit District Trustee office, both Smith and Trogden have forfeited their positions as Mayor and County Board member respectively.

I believe it to be your duty to inform the Edgar County Board that they shall immediately appoint new trustees to the Mass Transit District, or you should take action to remove them from their previously held offices of Mayor and County Board member.

Thanks,  
John Kraft

