

COPY

IN THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT
EDGAR COUNTY, ILLINOIS

FILED

SEP 27 2017

Angela R. Barrett
Circuit Clerk, 5th Judicial Circuit Edgar County

RIDES MASS TRANSIT DISTRICT,

Plaintiff,

vs.

DONALD WISEMAN, EDGAR COUNTY
TREASURER, in his official capacity, and the
EDGAR COUNTY BOARD

Defendants.

No: 2016-L-16

**DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR
MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT**

NOW COME the Defendants, DONALD WISEMAN, in his official capacity as Edgar County Treasurer, and the EDGAR COUNTY BOARD, by Giffin, Winning, Cohen & Bodewes, P.C., through Edgar County State's Attorney Mark Isaf, as Special Prosecutor, and in support of their Section 2-619.1 Motion to Dismiss Plaintiff's Second Amended Complaint respectfully state as follows:

BACKGROUND

On August 8, 2016, Plaintiff Rides Mass Transit District ("Rides") filed a two-count Complaint against Defendant Donald Wiseman, the Edgar County Treasurer, in his official capacity. Count I asserted a breach of contract and alleged that a resolution passed by Edgar County and a separate resolution passed by Rides created a contractual relationship that Defendant Donald Wiseman breached by failing to pay \$152,150.49 to Rides. Count II incorporated all of the above allegations and requested a Writ of Mandamus ordering Defendant Wiseman to pay \$152,150.49 to Rides.

Defendant Wiseman filed his Motion to Dismiss on September 19, 2016. At the hearing on Defendant's Motion to Dismiss on January 11, 2017, this Court dismissed both counts of Plaintiff's Complaint ruling that "both counts of the complaint must be stricken for failing to state a claim for breach of contract or mandamus." Transcript of January 11, 2017 Hearing, p.21-22. A copy of the relevant transcript pages is attached hereto as EXHIBIT A and incorporated by reference. With respect to Count I, this Court held that "the county's resolution was not an offer. The plaintiff's resolution was not an acceptance of an offer, and based on those circumstances, there is an inadequate showing of consideration." EXHIBIT A, p. 21. The Court dismissed Plaintiff's mandamus count "[b]ecause the plaintiff has not established a clear affirmative right under breach of contract or otherwise to the requested relief a writ of mandamus." EXHIBIT A, p.22-23. Plaintiff was given leave to amend its Complaint.

On February 9, 2017, Plaintiff filed its two-count First Amended Complaint alleging promissory estoppel (Count I) and breach of unilateral contract (Count II). Each Count names Wiseman and the County Board as Defendants. Defendants filed their Motion to Dismiss Plaintiff's First Amended Complaint on March 15, 2017 and Plaintiff filed its Response to Defendants' Motion to Dismiss. Before a hearing was held on Defendants' Motion to Dismiss, a Joint Motion was filed and an Order was entered granting Plaintiff leave to file a Second Amended Complaint. Plaintiff filed its four-count Second Amended Complaint on August 3, 2017.

Plaintiff's Second Amended Complaint alleges the following. Prior to July 1, 2013, the East Central Illinois Mass Transit District ("ECIMTD") provided services to Edgar and Clark Counties. On or about April 18, 2013, ECIMTD approved an ordinance or resolution wherein ECIMTD determined that it should terminate its existence and services so that Edgar and Clark

Counties could join a contiguous mass transit district ("Ordinance 0413"). A copy of Ordinance 0413 is attached hereto as EXHIBIT B and incorporated by reference. Ordinance 0413 specified that ECIMTD would be dissolved effective June 30, 2013.

On June 17, 2013, the Edgar County Board of Commissioners adopted a resolution which stated that Edgar County would be annexed into the Rides Mass Transit District on July 1, 2013 ("Edgar Resolution"). A copy of the Edgar Resolution is attached hereto as EXHIBIT C and incorporated by reference. The Edgar Resolution also stated that all assets received by Defendant upon dissolution of the ECIMTD shall be transferred, assigned and conveyed by Defendant to Rides as Edgar County's contribution to the Rides Mass Transit District. The Edgar Resolution was to have an effective date when the resolution was approved by a two-thirds (2/3) vote of the Rides Mass Transit District Board. Subsequently, Rides adopted a distinct and separate resolution on June 20, 2013 approving the annexation of Edgar County into its district ("Resolution 153"). A copy of Resolution 153 is attached hereto as EXHIBIT D and incorporated by reference. Thereafter, on June 30, 2013, ECIMTD ceased providing public transportation services, and Rides began providing public transportation services in Edgar County on July 1, 2013.

On or about July 28, 2014, a cashier's check for \$150,775.97, which represented proceeds from the liquidation of the ECIMTD, was sent to Defendant Wiseman. On October 6, 2014, a cashier's check in the amount of \$1,374.52 was sent to Defendant Wiseman as final payment for the liquidation of the ECIMTD's assets.

Plaintiff further alleges that in reliance on the money to be transferred to the Rides Mass Transit District from the liquidation of ECIMTD, the Rides Mass Transit District purchased property in Paris, Illinois, at the cost of approximately \$635,000 and employed fifteen (15)

individuals at an annual cost of approximately \$730,186 in salary and benefits, to provide mass transit services to Edgar County. Defendant has not remitted the \$152,150.49 from the liquidation of the ECIMTD assets to the Rides Mass Transit District.

ANALYSIS

Defendants bring this Motion pursuant to 735 ILCS 5/2-619.1, which provides that “[m]otions with respect to pleadings under Section 2-615, motions for involuntary dismissal or other relief under Section 2-619, and motions for summary judgment under Section 2-1005 may be filed together as a single motion in any combination.”

A 2-615 motion to dismiss may assert, among other things, “that a pleading or portion thereof be stricken because substantially insufficient in law,” a necessary party was not joined, or an incorrect party was misjoined. 735 ILCS 5/2-615(a). In considering a 2-615 motion to dismiss, “all well-pleaded facts, as well as the reasonable inferences which may be drawn from those facts, are taken as true.” McClellan v. Banc Midwest, N.A., 164 Ill. App. 3d 304, 307 (4th Dist. 1987). “However, a plaintiff cannot rely simply on conclusions of law or fact unsupported by specific factual allegations.” Sherman v. Ryan, 392 Ill. App. 3d 712, 721 (1 Dist. 2009).

A 2-615 motion to dismiss attacks the legal sufficiency, not the factual sufficiency, of a complaint. See Albright v. Seyfarth et al., 176 Ill. App. 3d 921, 926 (1 Dist. 1988). In light of a 2-615 motion to dismiss, “a reviewing court must determine whether the allegations of the complaint, when interpreted in the light most favorable to the plaintiff, are sufficient to establish a cause of action upon which relief may be granted.” Connick v. Suzuki Motor Co., 174 Ill. 2d 482, 490 (1996).

Whereas, a 2-619 motion for involuntary dismissal admits the legal sufficiency of the

plaintiff's claim and asserts an affirmative matter outside the four corners of the pleading that defeats the claim. 735 ILCS 5/2-619(a)(9); Czarobski v. Lata, 227 Ill. 2d 364, 369 (2008). In considering a 2-619 motion, the court "must construe the pleadings and supporting documents in the light most favorable to the nonmoving party." Czarobski, 227 Ill. 2d at 369. In response to a 2-619(a)(9) motion, "[t]he plaintiff must establish that the defense is unfounded or requires the resolution of an essential element of material fact before it is proven." 735 ILCS 5/2-619(c); Kedzie & 103rd Currency Exch. v. Hodge, 156 Ill. 2d 112, 116 (1993).

BASES FOR DISMISSAL COMMON TO ALL COUNTS

A. THE LACK OF A PRIOR APPROPRIATION DEFEATS ANY OBLIGATION OF FUNDS ON BEHALF OF A COUNTY (SECTION 2-619)

The Counties Code mandates that "no contract shall be entered into and no obligation or expense shall be incurred by or on behalf of a county unless an appropriation therefor has been **previously made**." 55 ILCS 5/6-1005. "An appropriation involves the setting apart from public revenue a certain sum of money for a specific object." Illinois Mun. Ret. Fund v. City of Barry, 52 Ill. App. 3d 644, 646 (4th Dist. 1977). Counties are required to adopt an annual budget (55 ILCS 5/6-1001), which "shall contain: * * * (e) A schedule of proposed appropriations itemized as provided for proposed expenditures included in the schedule prepared in accordance with the provisions of paragraph (d) hereof, as approved by the county board or the board of county commissioners. Said schedule, when adopted in the manner set forth herein, shall be known as the annual appropriation ordinance." 55 ILCS 5/6-1002. "After the adoption of the county budget, no further appropriations shall be made" except in very limited circumstances, all of which require action by the county board. 55 ILCS 5/6-1003. Supplemental budgets are not allowed, with the exception of circumstances not present here. 55 ILCS 5/6-1004. Additionally, "[n]either the county board nor any one on its behalf shall have power, either directly or

indirectly, to make any contract or do any act which adds to the county expenditures or liabilities in any year anything above the amount provided for in the annual budget for that fiscal year. Finally, “[a]ny person who violates, or who neglects or fails to comply with, the terms of this Division commits a Class B misdemeanor. 55 ILCS 5/6-1008.

Assuming *arguendo* that there was an enforceable contract or promise to pay pursuant to the Downstate Public Transportation Act as Plaintiff asserts, the contracts would be void due to there being no prior appropriation. As discussed above, counties are required to budget money for contracts and to appropriate said amounts before entering into contracts. “Neither the county board nor any one on its behalf shall have power, either directly or indirectly, to make any contract or do any act which adds to the county expenditures or liabilities in any year anything above the amount provided for in the annual budget for that fiscal year. * * * Except as herein provided, no contract shall be entered into and no obligation or expense shall be incurred by or on behalf of a county unless an appropriation therefor has been previously made.” 55 ILCS 5/6-1005. Where a county board contracts or adds to the county expenditures without the necessary prior appropriation, those acts are void. See 55 ILCS 5/6-24008 (stating that any contract, verbal or written, made in violation of the prior appropriation rule “shall be null and void as to said county, and no moneys belonging to that county shall be paid thereon”). These requirements are similar to the requirements for budgeting and appropriation that are imposed by statute on other public bodies, including municipalities¹, townships², and school boards³. Collectively,

¹ “no contract shall be made by the corporate authorities * * * unless an appropriation has been previously made concerning that contract or expense. Any contract made, or any expense otherwise incurred, in violation of the provisions of this section shall be null and void as to the municipality, and no money belonging thereto shall be paid on account thereof” 65 ILCS 5/8-1-7(a).

² Townships are required to comply with the Illinois Municipal Budget Law. 60 ILCS 1/80-60.

³ “No contract shall be made or expense or liability incurred by the board * * * unless an appropriation therefor has been previously made. Neither the board, nor any member or committee, officer, head of any department or bureau, or employee thereof shall during a fiscal year expend or contract to be expended any money, or incur any liability,

Defendants will refer to these statutes which require an appropriation be made by the appropriate authorities prior to entering a contract as the “Voiding Statutes.”

With the exception of section 8-1-7 of the Illinois Municipal Code (65 ILCS 5/8-1-7), there are not many reported cases involving governments contracting without prior appropriation. “Section 8–1–7 has been consistently construed to render null and void any contract made by a city without a full prior appropriation by the city council.” Nielsen-Massey Vanillas, Inc. v. City of Waukegan, 276 Ill. App. 3d 146, 152–53 (2nd Dist. 1995) (citing cases).

Edgar County made no such appropriation in its annual budget and/or appropriation ordinance for fiscal year 2013, which cover the relevant time period when the resolutions of Edgar County (dated June 17, 2013) and RMTD (dated June 20, 2013) were adopted. See Edgar County Appropriation Ordinance attached and incorporated herein as EXHIBIT E. See 735 ILCS 5/8-1001 (stating “[e]very court of original jurisdiction * * * shall take judicial notice of * * * [a]ll ordinances of every county within the State”). In the absence of a prior appropriation and consistent with the Voiding Statutes identified above, even if the resolutions would have otherwise constituted a valid and enforceable promise or contract, which they do not, the contract or promise would fail for lack of a prior appropriation. For the reasons stated herein, Plaintiff’s Second Amended Complaint must be dismissed with prejudice pursuant to 735 ILCS 5/2-619 because of the lack of a prior appropriation.

B. EDGAR COUNTY RESOLUTION DATED JUNE 17, 2013 IS VOID AB INITIO AND CANNOT FORM THE BASIS FOR RELIEF (SECTION 2-619)

The Edgar Resolution adopted by the Edgar County Board was unsupported by the necessary statutory grant of authority. “[An] ordinance adopted without express statutory

or enter into any contract which by its terms involves the expenditure of money for any of the purposes for which provision is made in the budget, in excess of the amounts appropriated in the budget. Any contract, verbal or written, made in violation of this Section is void as to the board, and no moneys belonging thereto shall be paid thereon.” 105 ILCS 5/34-49.

authority is void.” Vill. of River Forest v. Midwest Bank & Trust Co., 12 Ill. App. 3d 136, 139 (1st Dist. 1973). Edgar County is a non-home-rule unit of local government pursuant to Sections 1 and 7 of the 1970 Constitution of the State of Illinois. Ill. Const. art. VII, § 1, 7. As a non-home-rule unit of local government, Edgar County is governed by **Dillon’s Rule**. Vill. of Sugar Grove v. Rich, 347 Ill. App. 3d 689, 694 (2d Dist. 2004) (“non-home-rule units of local government are governed by Dillon’s Rule”). Further, “...a non-home-rule unit, has only those powers granted to it by law, and certain powers enumerated in article VII, section 7, of the Illinois Constitution.” Pesticide Pub. Policy Found. v. Vill. of Wauconda, 117 Ill. 2d 107, 111 (1987). When examining statutes, “[a] court may not add provisions that are not found in a statute, nor may it depart from a statute’s plain language by reading into the law exceptions, limitations, or conditions that the legislature did not express.” Schultz v. Illinois Farmers Ins. Co., 237 Ill. 2d 391, 408 (2010)

The Local Mass Transit District Act regulates the discontinuance process, *i.e.*, winding down, of a transit district. At the time the resolutions were drafted, Section 9 of the Local Mass Transit District Act provided that:

Whenever the Board of Trustees of any District shall determine that there is no longer a public need for its transportation services or that other adequate services are or can be made available, and that it should terminate its existence and services, it may by resolution so certify to the participating municipalities and counties which created it. If the participating municipalities and counties approve of such discontinuance, they may by ordinance or resolution, as the case may be, authorize the District to discontinue its services and wind up its affairs. A copy of such ordinance or resolution or both, shall be filed with the county or municipal clerk or clerks and the Secretary of State. After payment of all its debts and settlement of all obligations and claims, 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, or if created by 2 or more municipalities or counties, by payment to the several treasurers, first, to repay in whole or pro rata, funds advanced to the authority, and the balance, if any, pro rata according to the length of scheduled transportation route miles operated in the several

municipalities and unincorporated areas of the several counties during the preceding calendar year.

70 ILCS 3610/9 (Formerly Ill.Rev.Stat.1991, ch. 111 ²/₃, ¶ 359.Laws 1959, p. 1635, § 9, eff. July 21, 1959.). This statutory provision does not authorize the transfer of proceeds from the discontinuance of a local mass transit district to any other entity; nor does Plaintiff allege that it does. Section 9 was complied with when the money from the sale and disposition of the ECIMTD's property was paid by the ECIMTD to the relevant treasurers, including the Edgar County Treasurer. However, there is no authority in the Local Mass Transit District Act, the Counties Code, or the Illinois Constitution that authorizes those proceeds to be paid to another mass transit district after the discontinuance of a mass transit district. Therefore, when Edgar County passed its resolution dated June 17, 2013 (Exhibit C) authorizing the discontinuance of the district and transferring proceeds from the discontinuance of ECIMTD to RMTD, it "authorized" the transfer without express statutory authority. "[An] ordinance adopted without express statutory authority is void." Vill. of River Forest v. Midwest Bank & Trust Co., 12 Ill. App. 3d 136, 139 (1st Dist. 1973). See also Vill. of Lisle v. Vill. of Woodridge, 192 Ill. App. 3d 568, 576 (2d Dist. 1989) ("a contract entered into by a municipality which lacks the authority to do so is *ultra vires* and void."). Accordingly, the Edgar County Resolution dated June 17, 2013 is void.

Plaintiff's Second Amended Complaint alleges that Section 3.01 of the Local Mass Transit District Act (70 ILCS 3610/3.01) provides authority for a county government and a mass transit district to enter into an annexation agreement and, thus, also authorized the transfer, assignment, and conveyance of all assets received by the Edgar County Treasurer from the dissolution of ECIMTD to Rides. However, that is simply not what the language of Section 3.01 provides for. In relevant part, Section 3.01 provides as follows:

Any municipality or county may be annexed to a District * * * formed pursuant to Section 3 when the District has no tax levy in effect and has no bonded indebtedness if a petition for annexation is adopted by an ordinance or resolution approved by a majority vote of the corporate authorities of such municipality or the county board of such county and such ordinance or resolution is approved by a 2/3 vote of the members of the board of trustees of the District. Upon the approval of such a petition of annexation by the board of trustees of a District, a certified copy of the ordinance of annexation shall be filed by the secretary of the board in the same manner as provided for upon creation of the District.

70 ILCS 3610/3.01. As is immediately apparent, Section 3.01 does not provide authority for (1) the transfer of assets between a county and a district or (2) the entry into an “annexation agreement” by and between a municipality and district. In the absence of these authorities, any ordinance or resolutions that attempts to undertake such transfers or enter into “annexation agreements” is void.

The authority contained in Section 3.01 is limited to the annexation of a county into an existing district. Section 3.01 does not authorize an existing district to transfer its assets or proceeds from the winding down of that district to a county and then subsequently authorize that receiving county to transfer those same assets or proceeds to a new district as part of an annexation.

Moreover, Section 3.01 requires a “petition for annexation” that is separate and apart from the ordinance or resolution by which that petition is to be adopted. It is clear from the plain language of the statute that for any annexation to be valid, the county must have adopted a petition for annexation by an ordinance or resolution. In turn, the district must then adopt the ordinance or resolution adopting the initial petition. Plaintiff’s Second Amended Complaint is devoid of any mention of a petition for annexation adopted by ordinance. There is a clear set of statutory steps that must be followed in order for a county to be annexed to a local mass transit district. Plaintiff fails to allege that all the statutory steps were completed. Specifically, there is

no allegation of a petition for annexation that was adopted by Edgar County. Absent compliance with each of the statutory steps, the statute does not authorize annexation. Therefore, because Plaintiff has not alleged compliance with this statute it must not be permitted to rely on the statute as authority for any of its causes of action.

Notably, Plaintiff cites to Section 3.01 for authority to enter into “annexation agreements” and then constructs its claims around enforcement of such an agreement with caselaw that is exclusive to annexations of territory to municipalities. See paragraphs 45 and 47 of Plaintiff’s Second Amended Complaint (citing respectively Cummings v. City of Waterloo, 683 N.E.2d 1222, 1230 (5th Dist. 1997) and First Bank & Trust Co. Of Illinois v. Village of Orland Hills, 338 Ill.App.3d 35, 40 (2003)⁴. However, “annexation agreements” in the municipal annexation context are specifically authorized by statute at Section 11-15.1-1 of the Illinois Municipal Code (65 ILCS 5/ 11-15.1-1). Moreover, these annexation agreements are separate and apart from any ordinance or resolution. For these reasons, Section 3.01 of the Local Mass Transit District Act can hardly stand as authority for Edgar County to pass an ordinance that discontinued one district, liquidated that district’s assets and transferred the proceeds therefrom to Edgar County, and simultaneously upon Edgar County’s receipt of those proceeds required transfer of the same to Rides.

Consequently, the Edgar Resolution that provides for the transfer of “all assets received by Edgar County Treasurer * * * to Rides Mass Transit District as the County’s contribution to Rides Mass Transit District,” and which forms the basis of Plaintiff’s Second Amended Complaint, is void because it was adopted without express statutory authority and is therefore in violation of Dillon’s Rule.

⁴ The quotation cited in paragraph 47 that is attributed to this case does not appear in the opinion.

In spite of the lack of authority and the mandate of Dillon's Rule that a non-home-rule unit of local government only undertake that which it is expressly authorized to do by the constitution or statute, Plaintiff seeks to have this Court aid its recovery of funds that would have been otherwise illegally obtained. The Illinois Supreme Court has refused this position and held that "[t]he general rule of law is that a contract made in violation of a statute is void, and that, when a plaintiff cannot establish his cause of action without relying upon an illegal contract, he cannot recover." Ellison v. Adams Exp. Co., 245 Ill. 410, 416 (1910).

For the reasons stated herein, Plaintiff's Second Amended Complaint must be dismissed pursuant to 735 ILCS 5/2-619 because it is based upon a void resolution of Edgar County.

C. IN THE ABSENCE OF STATUTORY AUTHORITY, THE TRANSFER FROM EDGAR COUNTY TO RIDES MASS TRANSIT DISTRICT CONSTITUTES AN IMPERMISSIBLE GIFT (SECTION 2-619)

In addition to being void because it would violate Dillon's Rule, the transfer of funds sought by Plaintiff, in the absence of statutory authority, is an impermissible gift. A county "holds property in trust for the benefit of the inhabitants of the county," so "a grant or donation of county funds to an organization...is not authorized by law." See 1974 Ill. Atty. Gen. Op. S-839. See also Vine St. Clinic v. HealthLink, Inc., 222 Ill. 2d 276, 283 (2006) ("Well-reasoned opinions of the Attorney General interpreting or construing an Illinois statute are persuasive authority and are entitled to considerable weight in resolving a question of first impression, although they do not have the force and effect of law.").

As indicated in Plaintiff's Seconded Amended, "[a]ny * * * county may be annexed to a District * * * formed pursuant to Section 3 when the District has no tax levy in effect and has no bonded indebtedness if a petition for annexation is adopted by an ordinance or resolution approved by a majority vote of the * * * county board of such county and such ordinance or

resolution is approved by a 2/3 vote of the members of the board of trustees of the District” (70 ILCS 3610/3.01). The statute does not require any sort of contribution by a county to effectuate such an annexation. Accordingly, annexation into the Rides district does not require a contribution on the part of the party being annexed. Additionally, the statute does not authorize a contribution. Therefore, any such contribution would be gratuitous.

Where a unit of government proposes to donate a portion of its funds that it receives pursuant to statute to another unit of government to assist the latter, the former does so without authority and any agreement to that end is invalid. See 1978 Ill. Atty. Gen. Op. S-1389 (opining “that the [unit of local government] does not have the authority to enter into the proposed agreement [to share sales tax revenue between the city and county] and that, as a result, such an agreement is invalid.”). Further, the Illinois Supreme Court has held that:

[a unit of local government] is bound to administer such property faithfully, honestly and justly, and if it is guilty of a breach of trust by disposing of its valuable property, without any, or for a nominal, consideration, it will be regarded in the same light as if it were the representative of a private individual, or of a private corporation; that the mere fact in such a case, that the forms of legislation are used in committing such breach of trust, will make no difference in the character of the act.

Sherlock v. Village of Winnetka, 59 Ill. 389, 398–99 (1871). Since the contribution of proceeds from the discontinuance and winding down of ECIMTD to Rides is neither required nor authorized by statute, it is nothing more than a gift. Notably, Rides’ June 20, 2013 Resolution 153 fails to even mention a contribution. Therefore, the transfer of funds to Plaintiff contemplated in the Edgar Resolution and sought in Plaintiff’s Second Amended Complaint would be nothing more than an impermissible gift.

Plaintiff has previously argued that because none of the “seed money” for ECIMTD was provided by Edgar County and the funds received by Edgar County would continue to be used

for the same mass transit purpose, that the transfer does not constitute a gift. That the “seed money” allegedly did not come from Edgar County is irrelevant. Section 9 of the Local Mass Transit District Act directs those funds to be paid to the county treasurer making them lawful property of the county. Though units of local government may be authorized to contract with one another by the constitution and statutory provisions related to intergovernmental cooperation, where one unit is not obligated to provide the other unit with anything as consideration for the proposed agreement, that unit is donating to the other unit. Such an agreement is invalid. See 1978 Ill. Atty. Gen. Op. S-1389 (1978) (Illinois Attorney General opined that an agreement between a city and a county was invalid where “neither the [City’s] intergovernmental cooperation powers nor its home rule powers authorize it to donate a portion of its [revenue] to the county as proposed in the agreement.”).

For the reasons stated herein, Plaintiff’s Second Amended Complaint must be dismissed with prejudice pursuant to 735 ILCS 5/2-619 because any alleged agreement to transfer the funds to Rides as requested would constitute an impermissible gift.

BASES OF DISMISSAL SPECIFIC TO COUNT I – PROMISSORY ESTOPPEL

PLAINTIFF HAS FAILED TO ALLEGE FACTS SUFFICIENT TO SUPPORT A CLAIM FOR PROMISSORY ESTOPPEL (SECTION 2-615).

Count I is based upon promissory estoppel. “To establish a claim based on promissory estoppel, the plaintiff must allege and prove that (1) defendant made an unambiguous promise to plaintiff, (2) plaintiff relied on such promise, (3) plaintiff’s reliance was expected and foreseeable by defendant, and (4) plaintiff relied on the promise to its detriment.” Matthews v. Chicago Transit Auth., 2016 IL 117638, ¶ 95. “Plaintiff’s reliance must be reasonable and justifiable.” Quake Const., Inc. v. Am. Airlines, Inc., 141 Ill. 2d 281, 310 (1990). The elements of estoppel “must be supplemented here with the additional restriction that a public body will be estopped

only when that is necessary to prevent fraud or injustice, and that is especially true when public revenues are involved.” Rockford Life Ins. Co. v. Dep’t of Revenue, 112 Ill. 2d 174, 185–86 (1986) (internal citations omitted). Finally, “[un]der Illinois law, a promissory estoppel claim will succeed where the other elements of a contract exist (offer, acceptance, and mutual assent), but consideration is lacking.” Matthews, 2016 IL 117638, ¶ 93.

Plaintiff’s claim of promissory estoppel is deficient in several respects. First, estoppel claims can only succeed where all of the elements of a contract exist other than consideration (see Matthews, 2016 IL 117638, ¶ 93). Here, as the Court previously concluded in its January 11, 2017 ruling, the resolutions do not form the basis of either an offer or acceptance. EXHIBIT A, p. 21. Because these elements of contract do not exist, Plaintiff cannot state a claim for promissory estoppel. See Matthews, 2016 IL 117638, ¶ 93 (stating that a claim for promissory estoppel requires that the elements of offer, acceptance, and mutual assent exist, but consideration is lacking).

Second, Plaintiff has not alleged that Defendants made an unambiguous promise to Plaintiff. Rather, Plaintiff initially recites the portion of the Edgar Resolution that provided “that all assets received by Edgar County Treasurer upon the dissolution of the [ECIMTD] shall be transferred, assigned and conveyed by the County Treasurer to [RIDES] as the County’s contribution to [RIDES],” which is tantamount to a statement of policy. However, “[t]he presumption is that laws do not create private contractual or vested rights, but merely declare a policy to be pursued until the legislature ordains otherwise.” Unterschuetz v. City of Chicago, 346 Ill. App. 3d 65, 71 (1st Dist. 2004).

BASES OF DISMISSAL SPECIFIC TO COUNT II – BREACH OF CONTRACT**PLAINTIFF HAS FAILED TO ALLEGE AN ENFORCEABLE CONTRACT BETWEEN EITHER THE TREASURER OR THE COUNTY AND PLAINTIFF (SECTION 2-615)**

“To recover the breach of a contract, a party must establish the following elements: ‘(1) the existence of a valid and enforceable contract; (2) performance by the plaintiff; (3) breach of contract by the defendant; and (4) resultant injury to the plaintiff.’ *Henderson-Smith & Associates, Inc. v. Nahamani Family Service Center, Inc.*, 323 Ill.App.3d 15, 27, 256 Ill.Dec. 488, 752 N.E.2d 33, 43 (2001). Included in the formation of a valid contract are offer and acceptance, consideration, and definite and certain terms. *Van Der Molen v. Washington Mut. Fin., Inc.*, 359 Ill. App. 3d 813, 823, 835 N.E.2d 61, 69 (2005). Here, the court has already found no offer and acceptance. Therefore, no valid contract can exist.

Moreover, the Edgar Resolution is not an enforceable contract, nor does Plaintiff allege that it is. Instead, Plaintiff alleges that the Edgar Resolution is tantamount to an “annexation agreement” and that annexation agreements should be treated as enforceable contracts. Plaintiff contends that the June 17, 2013 resolution (Exhibit B to *Plaintiff's Complaint*), wherein the Edgar County Board of Commissioners directs that all assets received by the Edgar County Treasurer “upon 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” was an offer to contract. Plaintiff claims it accepted the offer by passing a resolution (Exhibit C to *Plaintiff's Complaint*) authorizing the annexation of Edgar County into its district and that the funds from the winding up of the ECIMTD was the consideration. Finally, Plaintiff alleges that the consideration received by Edgar County is the provision of mass transit services by Rides. Conversely, the consideration received by Rides is “[permission from Edgar County for] Rides to take over all mass transit obligations in Edgar

County.” However, this Court’s ruling at the January 11, 2017 hearing on Defendant’s original Motion to Dismiss held “[t]he county’s resolution was not an offer,” and “[t]he Plaintiff’s resolution was not an acceptance of an offer.” EXHIBIT A, p. 21.

“When determining whether an ordinance or statute creates a contract, it is well settled: [T]he presumption is that a law is not intended to create private contractual or vested rights but merely declares a policy to be pursued until the legislature shall ordain otherwise. A party who asserts that a State law creates contractual rights has the burden of overcoming the presumption that a contract does not arise out of a legislative enactment.” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002) (internal citations and punctuation omitted). “Further, ‘[i]n determining whether a statute was intended to create a contractual relationship between the State and affected party, the court must examine the language of the statute.’” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002) citing Fumarolo v. Chicago Board of Education, 142 Ill.2d 54, 104 (1990). In making its examination, “It is well established that a contract forms when there has been an offer, acceptance of that offer, and consideration.” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002).

The Edgar Resolution passed by Edgar County does provide for a transfer of assets received by Edgar County Treasurer to Rides Mass Transit District as a “contribution” to Rides Mass Transit District. However, Plaintiff also relies upon Resolution 153 (Exhibit C to Plaintiff’s Complaint) as the basis for its claim. Resolution 153 “[authorizes] the annexing of contiguous counties into the Rides Mass Transit District,” but makes no mention of the transfer of assets. Moreover, since RMTD’s resolution fails to mention the contribution, assets received upon dissolution of ECIMTD, or any standard recital such as “for other good and valuable

consideration, the receipt and sufficiency of which are hereby acknowledged,” that resolution can hardly be construed as an acceptance of the alleged offer of Edgar County to make that contribution as part of some bargained-for exchange. When examined together, the Edgar Resolution and Resolution 153 fail to reflect any bargained-for-exchanged involving the transfer of assets. The only corresponding terms in both the Edgar Resolution and Resolution 153 are those that direct Plaintiff to pursue grants and operating assistance.

Moreover, according to Plaintiff, the Local Mass Transit District Act, 70 ILCS 3610/3.01, provides the authority for the alleged agreement between Plaintiff and the ECIMTD. Plaintiff has not alleged an enforceable contract because, as discussed above, the alleged “contract” does not comply with the requirements of the Local Mass Transit District Act, in that a separate petition for annexation was never adopted by Edgar County by ordinance or resolution to then be approved by Rides.

For the reasons stated herein, Count II of Plaintiff’s Complaint must be dismissed pursuant to Section 2-615 for failure to state a claim.

BASES OF DISMISSAL SPECIFIC TO COUNT III – UNILATERAL CONTRACT

PLAINTIFF HAS FAILED TO ALLEGE FACTS SUFFICIENT TO SUPPORT A CLAIM FOR AN ENFORCEABLE CONTRACT (SECTION 2-615)

The Edgar Resolution does not form the basis of an enforceable contract, nor does Plaintiff allege that it is. “When determining whether an ordinance or statute creates a contract, it is well settled: [T]he presumption is that a law is not intended to create private contractual or vested rights but merely declares a policy to be pursued until the legislature shall ordain otherwise. A party who asserts that a State law creates contractual rights has the burden of overcoming the presumption that a contract does not arise out of a legislative enactment.” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002)

(internal citations and punctuation omitted). “Further, “[i]n determining whether a statute was intended to create a contractual relationship between the State and affected party, the court must examine the language of the statute.” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002) citing Fumarolo v. Chicago Board of Education, 142 Ill.2d 54, 104 (1990). In making its examination, “It is well established that a contract forms when there has been an offer, acceptance of that offer, and consideration.” Chicago Limousine Serv., Inc. v. City of Chicago, 335 Ill. App. 3d 489, 495 (1st Dist. 2002).

Plaintiff asserts that a unilateral contract was formed between Rides and Edgar County. Specifically, in paragraph 63 of its Second Amended Complaint, Plaintiff alleges that “[t]he June 17, 2013 Edgar Resolution was an offer for a unilateral contract extended to Rides that could only become binding upon a 2/3 acceptance of the Rides District Board.” In paragraph 64, Plaintiff alleges “[o]n June 20, 2013, Rides’ board passed Resolution 153 which accepted the Edgar Resolution and annexed Edgar County into its district effective July 1, 2013. Then in paragraph 65, Plaintiff concludes that “By Rides annexing Edgar County into Rides Mass Transit District with the passage of Rides Resolution 153, the offer extended by the Edgar Resolution became an effective unilateral contract on June 20, 2013.” Based upon these allegations, Plaintiff’s position is clearly that the Edgar Resolution and Resolution 153 form the offer and acceptance, respectively, of the alleged contract. However, this Court has previously held that they do not form the basis of an offer and acceptance.

These allegations fail to establish a claim for the formation of a unilateral contract for several reasons. First, Plaintiff has merely alleged legal conclusions which are insufficient to support a cause of action. Second, this Court has previously held that the resolutions in question do not constitute an offer and acceptance of that offer. Third, even assuming *arguendo* that the

Edgar Resolution was an offer, it was not an offer that invited acceptance by rendering performance. Finally, even if the Edgar Resolution were an offer that invited acceptance by performance, Plaintiff failed to allege that the acceptance was in accordance with the terms of the offer. Each of these defects will be addressed in turn below.

1. Plaintiff impermissibly relies on legal conclusions for the basis of a unilateral contract.

Illinois is a fact-pleading jurisdiction. A plaintiff must allege facts, not mere conclusions, to establish his or her claim as a viable cause of action. Napleton v. Village of Hinsdale, 229 Ill.2d 296, 305 (2008). Plaintiff's allegations contained at paragraphs 63 through 65, are nothing more than legal conclusions that the elements of offer and acceptance of a contract have been satisfied. However, "plaintiff cannot rely simply on conclusions of law or fact unsupported by specific factual allegations." Sherman v. Ryan, 392 Ill. App. 3d 712, 721 (1 Dist. 2009). Additionally, it is worth noting that contrary to the allegation at paragraph 64 of Plaintiff's Second Amended Complaint, the resolution does not accept the Edgar Resolution. In fact, the word(s) "accept" or "accepted" do not appear in the body of the resolution. Furthermore, these legal conclusions are directly contrary to this Court's ruling at the January 11, 2017 hearing on Defendant's original Motion to Dismiss wherein this Court held "[t]he county's resolution was not an offer," and "[t]he Plaintiff's resolution was not an acceptance of an offer." EXHIBIT A, p. 21.

2. The Edgar Resolution did not constitute an offer that invited acceptance by rendering performance.

A unilateral contract is a contract wherein "an **offer invites** an offeree to accept by rendering a performance and does not invite a promissory acceptance," and is "created when the offeree tenders or begins the invited performance or tenders a beginning of it." Restatement

(Second) of Contracts §45 (1981) (emphasis added). “An offer can be accepted by the rendering of a performance **only if the offer invites such an acceptance.**” Restatement (Second) of Contracts §53 (1981) (emphasis added). The Edgar Resolution does not contain an invitation to accept by performance. Moreover, Plaintiff does not allege that the Edgar Resolution contained such an invitation to accept by performance. Instead, Plaintiff alleges that it was the passage and approval of the Edgar Resolution not the resolution itself that was the offer of unilateral contract.

3. Resolution 153 does not constitute acceptance by rendering of performance.

Even assuming *arguendo* that the Edgar Resolution constitutes an offer that invites acceptance by rendering performance, “[t]he offeror’s duty of performance under any option contract so created is conditional on completion or tender of the invited performance **in accordance with the terms of the offer.**” Restatement (Second) of Contracts §60 (1981) (emphasis added). Additionally, “[i]f an offer prescribes the place, time or manner of acceptance its terms in this respect must be complied with in order to create a contract.” Restatement (Second) of Contracts §60 (1981) (emphasis added). If the Edgar Resolution were to be considered an offer, its own terms provide that “[t]he resolution shall be effective when adopted by an official vote of the Edgar County Board and **have an effective date when such resolution and ordinance is approved by 2/3 vote of the Rides Mass Transit District Board.**” In other words, following approval by the Edgar County Board, the only manner of acceptance by the terms of the resolution would be for the Rides Mass Transit District Board to approve or adopt the Edgar Resolution. Instead, Plaintiff adopted a completely different Resolution that contained none of the provisions in the Edgar resolution and made no mention of the Edgar Resolution, the Edgar County Board, the Edgar County Treasurer, or the transfer of funds referenced in the Edgar Resolution. The only corresponding terms in both the Edgar Resolution and Resolution

153 are those that direct Plaintiff to pursue grants and operating assistance. “An acceptance requesting modification or containing terms which vary from those offered constitutes a rejection of the original offer, and becomes a counterproposal which must be accepted by the original offeror before a valid contract is formed.” Zeller v. First Nat. Bank & Trust Co. of Evanston, 79 Ill. App. 3d 170, 172 (1st Dist. 1979) (citing Brook v. Oberlander, 49 Ill.App.2d 312 (1964); Johnson v. Whitney Metal Tool Co. (1950), 342 Ill. App. 258 (1950). Therefore, even if the Edgar Resolution were considered an offer, Plaintiff has failed to allege that it accepted the offer in accordance with the terms of the resolution or in the manner provided. Consequently, no valid contract could have been formed.

For the reasons stated herein, Count III of Plaintiff’s Amended Complaint must be dismissed pursuant to Section 2-615 for failure to state a claim.

BASES OF DISMISSAL SPECIFIC TO COUNT IV – MANDAMUS

PLAINTIFF HAS FAILED TO STATE A CLAIM FOR MANDAMUS (SECTION 2-615)

“Mandamus is an extraordinary remedy traditionally used to compel a public official to perform a ministerial duty.” People ex rel. Madigan v. Snyder, 208 Ill.2d 457, 464 (2004). A petition for mandamus will be granted “only if a plaintiff establishes a clear, affirmative right to relief, a clear duty of the public official to act, and a clear authority in the public official to comply with the writ.” Hadley v. Montes, 379 Ill.App.3d 405, 407 (4th Dist. 2008) (quotation omitted). “A plaintiff must set forth every material fact necessary to show he or she is entitled to a writ of mandamus, and the plaintiff bears the burden to establish a clear, legal right to it.” Lucas v. Taylor, 349 Ill. App. 3d 995, 998 (4th Dist. 2004).

Here, Plaintiff cannot allege or show that it can establish any of the above factors. As discussed above, Plaintiff cannot establish there is a contract between it and Defendant (or Edgar

County for that matter) as this Court has already found there was no offer or acceptance. More damaging to its claim for mandamus, Defendant does not have a duty to act. First, Plaintiff has not even alleged that Defendant has been presented with an order to pay by the County Board and then refused to pay. Moreover, neither Defendant nor Edgar County have authority to transfer or give these funds to Plaintiff. See Redmond v. Novak, 86 Ill. 2d 374, 382–83 (1981) (holding that “counties are likewise under no duty to perform acts not specifically authorized by statute or necessarily arising by implication from a statute.”). As stated, non-home rule counties only have the authority given to them by statute. The statute governing dissolving mass transit districts requires that the money go to Edgar County after the liquidation of the ECIMTD’s assets. 70 ILCS 3610/9 (“The funds remaining after the payment of all debts and settlement of all obligations and claims shall be paid over on a pro rata basis based on area as follows: *** (2) to the Treasurer of each county in which any unincorporated area of the county was within the boundary of the District”). Additionally, the statute governing annexation into mass transit districts does not provide authority to give the money to Plaintiff. 70 ILCS 3610/3.01. Because no statutory authority for Edgar County to give the money from the liquidation of the ECIMTD to Plaintiff, it is illegal to do so. Moreover, as discussed above, it is illegal for a county to gift the money it holds in trust for its inhabitants. The Illinois Supreme Court has long held that “a writ of mandamus will not be ordered, directing the performance of an act which the respondents have no authority or duty to perform and which would be illegal. People ex rel. Yarrow v. Lueders, 287 Ill. 107, 115 (1919); see also Hill v. Butler, 107 Ill. App. 3d 721, 727 (4th Dist. 1982) (stating that mandamus will not issue for the performance of an illegal act).

Further, our Supreme Court has stated that it is clear that mandamus will not lie when the only claim asserted is for a breach of contract. Walter v. Bd. of Educ. of Quincy Sch. Dist. No.

172, 93 Ill. 2d 101, 107 (1982). Here, Plaintiff's other counts, besides the count for mandamus, all sound in contract and are only brought against the County Board rather than Defendant Wiseman. Therefore, Count IV of Plaintiff's Complaint must be dismissed.

For the reasons stated herein, Count IV of Plaintiff's Complaint must be dismissed pursuant to Section 2-615 for failure to state a claim.

COUNTS I AND IV ARE BARRED BY LACHES (SECTION 2-619)

The doctrine of *laches* applies to petitions for promissory estoppel and mandamus. Ashley v. Pierson, 339 Ill. App. 3d 733, 739 (4th Dist. 2003). "The doctrine of *laches* is grounded on the principle that courts are reluctant to come to the aid of a party who knowingly slept on rights to the detriment of the other party." Monson v. Cty. of Grundy, 394 Ill. App. 3d 1091, 1094 (3rd Dist. 2009). To establish the doctrine of *laches* applies, the party seeking its application must generally prove two elements: (1) the petitioner lacked due diligence in bringing his or her claim; and (2) the party asserting laches was thereby prejudiced. Ashley, 339 Ill. App. 3d at 739.

"[T]he plaintiff's lack of due diligence is established by a showing that more than six months elapsed between the accrual of the cause of action and the filing of the petition, unless the plaintiff provides a reasonable excuse for the delay." Ashley, 339 Ill. App. 3d at 739. See also Monson v. Cty. of Grundy, 394 Ill. App. 3d 1091, 1094, (3rd Dist. 2009) (The general rule is that a delay of six months or longer is **per se unreasonable** (emphasis added)). Plaintiff's lack of diligence is easily established in this case. Plaintiff claims that the checks from the liquidation of the ECIMTD were received by Treasurer Wiseman in July and October 2014 and that money was supposed to be turned over to Plaintiff after Treasurer Wiseman's receipt of said money. Yet, Plaintiff failed to file its suit until August 2016, no less than twenty-two (22) months after

Defendant Wiseman is alleged to have received the second check from the liquidation of the ECIMTD.

“As to the prejudice prong, although a party asserting *laches* generally must prove that he was prejudiced by the other party’s delay, in cases where a detriment or inconvenience to the public will result, prejudice is inherent.” Ashley, 339 Ill. App. 3d at 739 (quotation omitted). Here, if Plaintiff were successful on its claim that Edgar County was required to turn over the more than \$150,000 of its money to Plaintiff, Edgar County’s budget would be significantly impacted. As discussed above, almost two full fiscal years (the 2014 and 2015 budget years) have ended since the alleged cause of action accrued and before Plaintiff filed this suit. Therefore, forcing the County to pay this amount of money to Plaintiff now would be highly prejudicial because these funds Plaintiff seeks are part of Edgar County’s budget history. See Monson v. Cty., 394 Ill. App. 3d at 1095 (stating that “[t]o require defendant to pay VACGC’s claims after its budget was exhausted and after fiscal year 2006 came to a close would be ‘highly prejudicial.’”); see also PACE, Suburban Bus Div. of Reg’l Transp. Auth. v. Reg’l Transp. Auth., 346 Ill. App. 3d 125, 144 (2nd Dist. 2003) (stating that “[l]aches does apply, however, to Pace’s request for a monetary award representing subsidies that Pace alleges it should have received in the years 1996 through 2001. When Pace filed its complaint, these budget years had concluded, and, presumably, the funds at issue were no longer available. It would be highly prejudicial to require the RTA to pay these ‘back subsidies’ long after these funds have become a part of the RTA’s budget history. Therefore, we conclude that Pace may not recover ‘back subsidies’ for the years 1996 through 2001.”). Similarly, Edgar County has gone through several budget years since Plaintiff’s alleged claims would have first accrued and, therefore, Plaintiff should not be able to recover any of the funds sought.

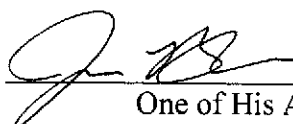
For the reasons stated herein, Counts I and IV of Plaintiff's Second Amended Complaint must be dismissed pursuant to Section 2-619 as it is barred by laches.

WHEREFORE, Defendant prays this Court enter an Order:

- A. Dismissing Plaintiff's Second Amended Complaint with prejudice; and
- B. For any and all such further and equitable relief that the Court deems just.

Respectfully Submitted,

DONALD WISEMAN, in his official capacity as
EDGAR COUNTY TREASURER, Defendant

By: 
One of His Attorneys

Jason Brokaw, Reg. No. 6305541
Christopher Sherer, Reg. No. 6275910
Matthew R. Trapp, Reg. No. 6284154
GIFFIN, WINNING, COHEN & BODEWES, P.C.
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jbrokaw@giffinwinning.com
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mtrapp@giffinwinning.com

COPY

Rides v. Donald Wiseman et al..

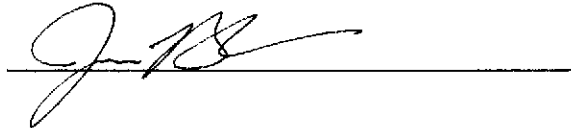
Edgar County Case No. 16-L-16

PROOF OF SERVICE

Service of the foregoing document was made by mailing a copy thereof, in a sealed envelope, postage fully prepaid, addressed to:

Robert C. Wilson
Jackson & Wilson, LLC
PO Box 544
Harrisburg, IL 62946

and by depositing same in the United States Mail from the office of the undersigned on this 26th day of September, 2017.

A handwritten signature in black ink, appearing to read 'J. Brokaw', is written over a horizontal line.

Jason Brokaw, Reg. No. 6305541
GIFFIN, WINNING, COHEN & BODEWES, P.C.
1 W. Old State Capitol Plaza
Myers Building, Suite 600
Springfield, IL 62701
Phone: (217) 525-1571
Fax: (217) 525-1710
jbrokaw@giffinwinning.com

Transcript of 1-11-17 MTD Hearing

9 SUCCESSOR MASS -- MASS TRANSIT DISTRICT. THERE DOES
10 HAVE TO BE A LEGITIMATE PURPOSE FOR EXERCISING THAT
11 AUTHORITY BUT I DO FIND THAT IT IS, AND IT'S BASED ON
12 THE AUTHORITY THAT'S BEEN SUBMITTED, THAT IT IS
13 WITHIN THE COUNTY'S POWERS TO DO SO. THIS COMPLAINT,
14 HOWEVER, DOESN'T DESCRIBE WHAT THE ACTUAL PURPOSE IS,
15 WHY THE COUNTY DID THAT, AND I'LL DISCUSS THE
16 RESOLUTIONS IN A MOMENT, BUT FOR A PROPER PURPOSE,
17 THAT CAN HAPPEN, AND IF IT IS DONE FOR THAT
18 LEGITIMATE PURPOSE, EXERCISING THAT AUTHORITY AS THE
19 COUNTY DID IS NOT TANTAMOUNT TO AN IMPERMISSIBLE
20 GIFT. THE COUNTY SIMPLY TOOK MONEYS INTENDED FOR USE
21 IN PROVIDING MASS TRANSIT SERVICES FOR ITS CITIZENS
22 AND DIRECTED THAT IT CONTINUE FOR SUCH USE.

23 THAT SAID, HOWEVER, IT'S THIS COURT'S
24 DETERMINATION TODAY THAT THE COUNTS -- BOTH COUNTS OF

21

1 THE COMPLAINT MUST BE STRICKEN FOR FAILING TO STATE A
2 CLAIM FOR BREACH OF CONTRACT OR MANDAMUS, SO FOR
3 THOSE REASONS, THE MOTION TO DISMISS PURSUANT TO
4 SECTION 2-615 IS ALLOWED. IN COUNT I, IT'S THIS
5 COURT'S VIEW THAT THE PLAINTIFF HAS -- THE PLAINTIFF
6 FAILS TO SUFFICIENTLY SET FORTH THE OFFER, THE
7 ACCEPTANCE, AND CONSIDERATION. IN THIS COURT'S VIEW,
8 THE COUNTY'S RESOLUTION WAS NOT AN OFFER. THE
9 PLAINTIFF'S RESOLUTION WAS NOT AN ACCEPTANCE OF AN
10 OFFER, AND BASED ON THOSE CIRCUMSTANCES, THERE IS AN
11 INADEQUATE SHOWING OF CONSIDERATION. ALSO THE
12 PLAINTIFF FAILS TO SUFFICIENTLY LINK THE ACTUAL
13 DEFENDANT IN THIS CASE, THE COUNTY TREASURER, TO ANY

Transcript of 1-11-17 MTD Hearing

14 SUCH CONTRACTURAL RELATIONSHIP. IF A CONTRACTURAL
15 RELATIONSHIP WAS IN FACT ESTABLISHED, IT WAS BETWEEN
16 THE PLAINTIFF AND THE COUNTY, NOT THE PLAINTIFF AND
17 THE COUNTY TREASURER. THE -- I WILL NOTE IN RESPONSE
18 TO ONE OF THE ARGUMENTS, HOWEVER, THAT THE COUNTY IN
19 THIS COURT'S VIEW DID AUTHORIZE AND DIRECT THE
20 DEFENDANT COUNTY TREASURER TO TRANSFER THOSE MONEYS.
21 BY VIRTUE OF THOSE RESOLUTION, THOSE MONEYS WERE
22 ACTUALLY RECEIVED. I DON'T FIND WHERE THEY
23 NECESSARILY NEEDED TO BE APPROPRIATED IN A BUDGET.
24 THEY WERE RECEIVED BY -- BY THE COUNTY FROM THE

♀

22

1 DISSOLUTION OF THE EAST CENTRAL ILLINOIS MASS TRANSIT
2 DISTRICT. I REALIZE UNDER THE LAW THE MONEY GOES TO
3 THE COUNTY, BUT AS I INDICATED AND AS IS EVIDENT FROM
4 THE ARGUMENTS THE MONEY WAS RECEIVED FOR THE -- FOR
5 THE USE OF A MASS TRANSIT DISTRICT AND CAN BE TURNED
6 OVER FOR THAT CONTINUED USE, SO THAT THERE ISN'T A
7 STOPPAGE IN THOSE SERVICES, SO THAT WAS AUTHORIZED,
8 BUT THE NAMED DEFENDANT, THE COUNTY TREASURER, DID
9 NOT TRANSFER THOSE MONEYS AS DIRECTED, AND THE REASON
10 COULD BE BECAUSE THE LACK OF -- LACK OF A CONTRACT.
11 THIS COURT FINDS THAT MAYBE THE RESOLUTION DOESN'T
12 CREATE A CONTRACT, AND PERHAPS IF IT HAD BEEN DRAFTED
13 BY COUNSEL FOR THE PLAINTIFF, IT WOULD HAVE
14 ESTABLISHED THE -- THE NECESSARY CONSIDERATION, BUT
15 SOMETIMES THERE'S MEMORANDA OF UNDERSTANDINGS,
16 CERTAIN WRITTEN CONTRACTS OUTSIDE THE RESOLUTIONS
17 WHICH ACTUALLY PRESENT THE OFFER, PRESENT THE
18 ACCEPTANCE OF THE OFFER AND SHOWS THAT IT'S IN
19 CONSIDERATION FOR DOING CERTAIN THINGS, FORFEITING

Transcript of 1-11-17 MTD Hearing

20 CERTAIN THINGS, TURNING OVER CERTAIN THINGS, AND
21 PERFORMING SERVICES. THE COMPLAINT DOES NOT STATE
22 THAT THOSE THINGS WERE DONE.

23 BECAUSE THE PLAINTIFF HAS NOT ESTABLISHED A
24 CLEAR AFFIRMATIVE RIGHT UNDER BREACH OF CONTRACT OR

♀

23

1 OTHERWISE TO THE REQUESTED RELIEF A WRIT OF MANDAMUS
2 WOULD ALSO NOT BE APPROPRIATE, SO FOR THOSE REASONS,
3 THE MOTION -- THE MOTION TO DISMISS IS ALLOWED
4 PURSUANT TO SECTION 2-615. BOTH COUNTS OF THE
5 COMPLAINT ARE STRICKEN AND I NEED TO ASK YOU THEN,
6 MR. HUNN, DO YOU WISH TO STAND ON THAT OR DO YOU WISH
7 TO SEEK LEAVE TO AMEND?

8 MR. HUNN: WE WOULD ASK LEAVE TO AMEND, YOUR
9 HONOR.

10 THE COURT: HOW MUCH TIME WOULD YOU NEED?

11 MR. HUNN: 21 DAYS.

12 THE COURT: ANY OBJECTIONS, MR. BROKAW?

13 MR. BROKAW: NO, YOUR HONOR.

14 THE COURT: HOW MUCH TIME AFTER THAT WOULD
15 YOU WANT TO FILE A RESPONSIVE PLEADING?

16 MR. BROKAW: I'M NOT QUITE AS FAMILIAR WITH
17 IT. I THINK MR. HUNN'S FIRM HAS BEEN INVOLVED FROM
18 THE BEGINNING. IF I COULD HAVE 30 DAYS TO RESPOND TO
19 THAT?

20 THE COURT: ANY OBJECTIONS, MR. HUNN?

21 MR. HUNN: NO OBJECTION, YOUR HONOR.

22 THE COURT: OKAY. WE WILL SHOW THEN THAT
23 THE MOTION TO DISMISS IS ALLOWED. BOTH COUNTS OF THE
24 COMPLAINT ARE STRICKEN. THE PLAINTIFF IS GIVEN

♀

RESOLUTION 0413

ORDINANCE 0413

This Resolution and Ordinance authorizes the dissolution of the East Central Illinois Mass Transit District of Clark County and Edgar County, Illinois.

WHEREAS, Clark County, Illinois and Edgar County, Illinois formed the East Central Illinois Mass Transit District by Resolution and Ordinance of Incorporation herein attached as Exhibit I and II, and

WHEREAS, East Central Illinois Mass Transit District is no longer able to provide mass transit transportation services on a cost efficient basis in Clark County and Edgar County, and

WHEREAS, adequate services are or can be made available to Clark County or Edgar County by joining a larger Mass Transit District, and

WHEREAS, East Central Illinois Mass Transit District has determined that it should terminate its existence and services in order to provide Clark County and Edgar County an opportunity to join a contiguous Mass Transit District.

NOW THEREFORE, be it ordained and resolved by the governing board of East Central Illinois Mass Transit District:

1. That adequate mass transit services are or can be made available to Clark County and Edgar County.
2. That the East Central Illinois Mass Transit District should terminate its existence and services.
3. That East Central Illinois Mass Transit District should certify to Clark County and Edgar County that it shall discontinue services on June 30, 2013 and wind up its affairs.
4. A copy of this Resolution and Ordinance shall be filed with the County Clerk of Clark County and the County Clerk of Edgar County and the Secretary of State of the State of Illinois.
5. Any assets of East Central Illinois Mass Transit District remaining after payment of its bills shall be distributed by assignment to the Treasurer of Clark County and Treasurer of Edgar County.
6. This Resolution and Ordinance is made pursuant to the provisions of 70 ILCS 3610/9.
7. That East Central Illinois Mass Transit District shall be dissolved effective June 30, 2013.

PRESENTED and ADOPTED this 18th day of April, 2013



COPY

On the following vote:

AYES

5

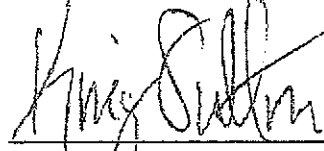
ABSENT

1

NAYES

0

East Central Illinois Mass Transit District



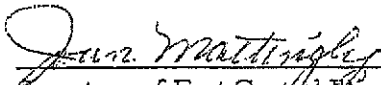
East Central Illinois Mass Transit District
Board Chairman

Date: 04/18/13

ATTEST:

The undersigned Joan Mattingly being the duly elected Secretary of East Central Illinois Mass Transit District does herewith certify that the above Resolution and Ordinance was adopted the 18th day of April, 2013 by the Governing Board of East Central Illinois Mass Transit District.

Dated this 18th day of April, 2013.



Secretary of East Central Illinois Mass Transit District

K:\MASS TRANSIT DISTRICT\EAST CENTRAL ILLINOIS MASS TRANSIT DISTRICT\RESOLUTION and ORDINANCE.docx

Certified Copy

I certify that the original of this Resolution is on file in the records of the office of East Central Illinois Mass Transit District.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 18th Day of June, 2013.


Karen Vinyard

COPY

EXHIBIT I

RESOLUTION AND ORDINANCE INCORPORATING
EAST CENTRAL ILLINOIS MASS TRANSIT DISTRICT

15th DAY
May, 2008
Rebecca R. Kraemer
CLERK

Be it ordained and resolved by the Board of Commissioners of the Counties of Edgar and Clark that East Central Illinois Mass Transit District be and hereby is incorporated as follows:

ARTICLE I. Name.

The name shall be East Central Illinois Mass Transit District.

ARTICLE II. Purpose.

The Mass Transit District shall have any and all authority conferred on Mass Transit Districts by the laws of the State of Illinois.

ARTICLE III. Board of Trustees.

A. The Board of Trustees of the East Central Illinois Mass Transit District shall be composed of:

Four Trustees to be appointed by the Chairperson of the Edgar County Board.

Two Trustees to be appointed by the Chairperson of the Clark County Board.

A Trustee will be appointed by the Chairperson of each County Board annexed into the district based on the county's federal and state funding appropriations for transportation services.

B. The term of appointment shall be four (4) years with the exception of the initial terms which shall be staggered as follows:

<u>Appointment*</u>	<u>Initial Term</u>
Edgar County 1 st trustee	1 years
Clark County 1st trustee	2 years
Edgar County 2 nd trustee	2 years
Clark County 2 nd trustee	4 year
Edgar County 3 rd trustee	3 years
Edgar County 4 th trustee	4 years

C. Voting. Each Trustee shall be entitled to one vote on each matter submitted to the Board of Trustees.

- D. Resignation. Any trustee may resign by filing a written resignation with Secretary of the East Central Illinois Mass Transit District whereupon the appointing authority will make another appointment to fill the unexpired term.
- E. Manner of Acting. - The act of a majority of general members present at a meeting at which a quorum is present shall be the act of the membership.
- F. Quorum. A quorum shall consist of 1 more than half of the appointed trustees.
- G. Powers. The Board of Trustees may adopt such By-Laws and establish such rules and regulations and take such other actions as may be necessary to achieve the purpose for which the East Central Illinois Mass transit District is formed.

ARTICLE IV. Transfer of Title.

All property held by each County acquired by the Section 5311 2006, 2007 & 2008 Consolidated Vehicle Procurement Rolling Stock Capital Assistance Program included in the East Central Illinois Mass Transit District shall be transferred to the District on the date this ordinance is effective or at the end of the current grant period, whichever is later.

ARTICLE V. Effective Date.

This ordinance shall be effective when adopted by an official vote of the Edgar, and Clark County Boards and shall have an effective date which shall be the date the last of said County Boards adopt this ordinance.

* Appointees for Edgar County:

Kevin Trogdon - County Board Rep - 4 years
Joan Mattingly - Senior Center Rep - 2 years
King Sutton - Senior Center Rep - 3 years
Kristen Harden - Transportation Coordinator for HRC Rep - 1 year

COPY

I move for the adoption of the foregoing Resolution AND EDGAR COUNTY APPOINTEES.

Jeff Poynter

I second the motion for the adoption of the foregoing Resolution AND EDGAR COUNTY APPOINTEES.

Kevin Jordan

PASSED this 14th day of May, 2008.

James Velt
CHAIRMAN OF THE BOARD

ATTEST:

Deborah R. Greener (SEAL)
EDGAR COUNTY CLERK

EXHIBIT II

RESOLUTION AND ORDINANCE INCORPORATING EAST CENTRAL ILLINOIS MASS TRANSIT DISTRICT

Be it ordained and resolved by the Board of Commissioners of the Counties of Edgar and Clark that East Central Illinois Mass Transit District be and hereby is incorporated as follows:

ARTICLE I. Name.

The name shall be East Central Illinois Mass Transit District.

ARTICLE II. Purpose.

The Mass Transit District shall have any and all authority conferred on Mass Transit Districts by the laws of the State of Illinois.

ARTICLE III. Board of Trustees.

- A. The Board of Trustees of the East Central Illinois Mass Transit District shall be composed of:

Four Trustees to be appointed by the Chairperson of the Edgar County Board,

Two Trustees to be appointed by the Chairperson of the Clark County Board.

A Trustee will be appointed by the Chairperson of each County Board annexed into the district based on the county's federal and state funding appropriations for transportation services.

- B. The term of appointment shall be four (4) years with the exception of the initial terms which shall be staggered as follows:

<u>Appointment</u>	<u>Initial Term</u>
Edgar County 1 st trustee	1 years
Clark County 1st trustee	2 years
Edgar County 2 nd trustee	2 years
Clark County 2 nd trustee	4 year
Edgar County 3 rd trustee	3 years
Edgar County 4 th trustee	4 years

- C. Voting. Each Trustee shall be entitled to one vote on each matter submitted to the Board of Trustees.

- D. Resignation. Any trustee may resign by filing a written resignation with Secretary of the East Central Illinois Mass Transit District whereupon the appointing authority will make another appointment to fill the unexpired term.
- E. Manner of Acting. – The act of a majority of general members present at a meeting at which a quorum is present shall be the act of the membership.
- F. Quorum. A quorum shall consist of 1 more than half of the appointed trustees.
- G. Powers. The Board of Trustees may adopt such By-Laws and establish such rules and regulations and take such other actions as may be necessary to achieve the purpose for which the East Central Illinois Mass transit District is formed.

ARTICLE IV. Transfer of Title.

All property held by each County acquired by the Section 5311 2006, 2007 & 2008 Consolidated Vehicle Procurement Rolling Stock Capital Assistance Program included in the East Central Illinois Mass Transit District shall be transferred to the District on the date this ordinance is effective or at the end of the current grant period, whichever is later.

ARTICLE V. Effective Date.

This ordinance shall be effective when adopted by an official vote of the Edgar, and Clark County Boards and shall have an effective date which shall be the date the last of said County Boards adopt this ordinance.

COPY

PASSED THIS 15th DAY OF May, 2008.

AYES: 7

NAYES: 0

ABSENT: 0

APPROVED THIS 15th DAY OF May, 2008.

ATTEST:

CLARK COUNTY BOARD

Larry Ingram
CHAIRMAN

Wm C. Dwyer
SECRETARY

COPY

RESOLUTION - EAST CENTRAL ILLINOIS MASS TRANSIT DISTRICT - RIDES MASS
TRANSIT DISTRICT

Be it ordained and resolved by the Members of the Edgar County Board that East Central Illinois
Mass Transit District is authorized to discontinue its services and wind up its affairs pursuant to
~~resolution by said District effective June 30th, 2013.~~

Be it ordained and resolved by the Members of the Edgar County Board that the County of Edgar
be annexed into the Rides Mass Transit District on July 1st, 2013.

As a county member of the Rides Mass Transit District, Edgar County will have representation
on the District Board according to the Local Mass Transit District Act (70 ILCS 3610) and the
Rides Mass Transit District By-Laws, one Trustee to be appointed by the Chairperson of the
County Board.

Further be it ordained and resolved 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.

Further be it ordained and resolved that Rides Mass Transit District is herewith given immediate
authority to apply for any and all Grants and Operating Assistance for public transportation
services in the County for periods on and after July 1, 2013 the date of annexation of the County
to Rides Mass Transit District.

The resolution shall be effective when adopted by an official vote of the Edgar County Board
and have an effective date when such resolution and ordinance is approved by 2/3 vote of the
Rides Mass Transit District Board.

On roll call vote this RESOLUTION NO. _____ was passed and approved this 67 day
of June, 2013.



COPY

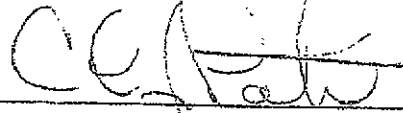
On the following vote:

AYES 4

ABSTAIN 0

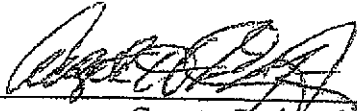
NAYES 0

EDGAR COUNTY BOARD OF COMMISSIONERS



Chairman

ATTEST:



County Clerk and Recorder

K:\MASS TRANSIT DISTRICT\EAST CENTRAL MASS TRANSIT DISTRICT\Resolution Edgar County.docx

COPY

RESOLUTION 153

Resolution authorizing the annexing of contiguous counties into the Rides Mass Transit District.

WHEREAS, the regionalism of public transit service is essential to the transportation of persons in the non-urbanized area; and

WHEREAS, the Downstate Operating Assistance Program makes funds available to help offset expenditures of eligible systems; and

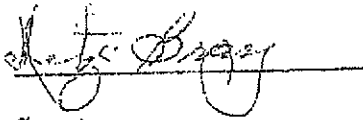
WHEREAS, grants for said funds will impose certain obligations upon the recipient, including the provision to provide local share necessary to cover costs not covered by the Downstate Operating Assistance Program and section 5311 of the Federal Transit Act of 1991.


NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE Rides Mass Transit District:

Section 1. That by a 2/3 vote of the Rides Mass Transit District Board the Edgar County be annexed into the District on July 1, 2013.

Ayes 9
Nays 0
Abstain 0

PRESENTED and ADOPTED this 20th day of JUNE, 2013.


Secretary


RMTD Board Chairman

Date: 6/20/13

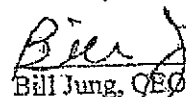
Date: JUN/20/2013

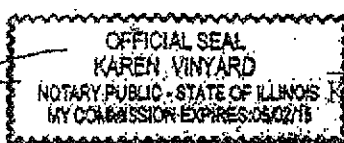
Certified Copy

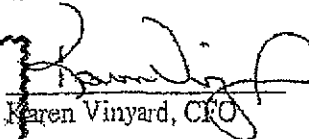
I certify that the original of this Resolution is on file in the records of the office Rides Mass Transit District in my custody.

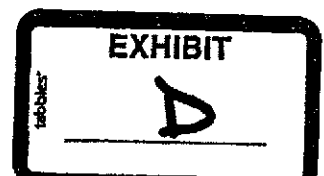
I do further certify that the foregoing Resolution remains in full force and effect and has not been rescinded, as amended or altered in any manner since the date of its adoption.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 20th Day of June 2013.


Bill Jung, CEO




Karen Vinyard, CEO



COPY

Final

EDGAR COUNTY, ILLINOIS
ANNUAL BUDGET & APPROPRIATIONS
And
ANNUAL TAX LEVIES
For The Year Ending November 30, 2013.

FILED

NOV 07 2012

[Signature]
EDGAR COUNTY CLERK

EXHIBIT

E


CERTIFICATE OF BUDGET

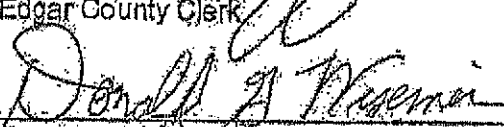
**CERTIFICATION OF BUDGET
AND APPROPRIATION ORDINANCE/RESOLUTION**

The undersigned, being the Clerk and the Chief Fiscal Officer, respectively, of the taxing district hereinafter named, do hereby certify that attached hereto is a true and correct copy of the budget and appropriation of said district for its 2012-2013 fiscal year, adopted on the 21 day of November, 2012.

We further certify that the estimate of revenues, by source, anticipated to be received by said taxing district, either set forth in said ordinance/resolution as "Estimated Receipts" or attached hereto by separate document, is a true statement of said estimate.

This certification is made and filed pursuant to the requirements of Public Act 83-881 (Sec. 643 of the Revenue Act, as amended) and on behalf of The County of Edgar, Edgar County, Illinois.



Edgar County Clerk


Treasurer and/or Chief Fiscal Officer

Date Nov. 21, 2012

EDGAR COUNTY, ILLINOIS
ANNUAL BUDGET AND APPROPRIATIONS
For the Year Ending November 30, 2013

LIST OF FUNDS

COUNTY GENERAL FUND - 100
COUNTY CLERK - 025
COUNTY TREASURER - 026
CIRCUIT CLERK - 027
SUPERVISOR OF ASSESSMENTS - 028
PROBATION OFFICE - 029
STATE'S ATTORNEY - 030
CIRC COURTS/JURY COMM - 031
SHERIFF - 032
PUBLIC DEFENDER - 033
BOARD OF REVIEW - 034
COUNTY BOARD - 035
ANIMAL SHELTER - 036
ESDA - 037
AIRPORT - 038
BLDG/GROUNDS - 039
ADMINISTRATION - 040
COUNTY CORONER - 046
JOSEPH E MEYER - 900

COUNTY HIGHWAY FUND - 200
FAS FUND - 203
CATB FUND - 204
OPERATIONS & EQUIPMENT FUND - 206
PUBLIC BOARD OF HEALTH - 500
SPECIAL SERVICES AMBULANCE FD - 800
COUNTY FARM FUND - 831
IMRF RETIREMENT FUND - 910
FICA FUND - 931
TORT IMMUNITY FUND - 940
EXTENSION EDUCATION FUND - 975
COMMUNITY MENTAL HEALTH FUND - 985

COPY

November 5, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 100 COUNTY GENERAL FUND	
Department 000	
Revenues	
000-4005.000	
PENALTIES FR TAX COLLECTIONS	-40,000.00
000-4100.000	
PROPERTY TAX	-740,000.00
000-4105.000	
TAX ANTICIPATION LOAN FOR CO. GEN.	-575,000.00
000-4110.000	
SALES TAX	-133,000.00
000-4120.000	
SUPPLEMENTAL SALES TAX	-316,000.00
000-4130.000	
STATE INCOME TAX	-629,000.00
000-4140.000	
LOCAL USE TAX	-105,000.00
000-4160.000	
PERSONAL PROP TAX	-160,000.00
000-4180.000	
TRANSFER-REIMB ELECTION EXPENSE	-35,000.00
000-4180.025	
STATE ELECTION EXPNS REIMBURSEMENT	-11,600.00
000-4200.000	
STATE'S ATTY SALARY REIMBURSEMENT	-123,000.00
000-4210.000	
S OF A SALARY REIMBURSEMENT	-10,000.00
000-4220.000	
PROBATION OFFICER SALARY	-28,525.00
000-4225.000	
ADD'L PROB OFFICER S/ REIMB (SUSAN)	-19,725.00
000-4230.000	
ADD'L PROB OFFICER S/ REIMB (JUDY)	-22,825.00
000-4280.000	
ESDA & JEMMA GRANT REIMBURSEMENT	-39,000.00
000-4265.000	
JUV PROB SALARY REIMB (LYNN)	-19,125.00
000-4270.000	
CITY OF PARIS-ANIMAL CONTROL REIMB	-5,000.00
000-4275.000	
CITY OF PARIS - CIVIL Def. 1/8 ESDA	-3,000.00
000-4280.000	
CLARK CO PUBLIC DEFENDER SAL REIMB	-51,000.00
000-4281.000	
ST OF IL SALARY REIMB PUBLIC DEFNDR	-67,300.00
000-4300.000	
COUNTY CLERK FEES COLLECTED	-114,000.00
000-4310.000	
CIRCUIT CLERK FEES COLLECTED	-108,600.00
000-4315.000	
PERCENTAGE DISTIB-CIR CLK	-7,000.00
000-4320.000	
STATE'S ATTORNEY FEES COLLECTED	-5,500.00
000-4330.000	
SHERIFF'S FEES COLLECTED/REIMBRSMNT	-63,000.00
000-4338.200	
FED LEASE PROGRAM REIMB-CO HWY	-37,000.00
000-4350.000	
CORONER'S INQUEST FEES COLLECTED	-250.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
000-4360.000 PUBLIC DEFENDER FEES COLLECTED	-11,000.00
000-4370.000 TAX SALE FEES COLLECTED	-1,000.00
000-4371.000 PUBLICATION/CERTIFIED FEES FR TAX AC	-4,000.00
000-4375.000 DRAINAGE DISTRICT FEES COLLECTED	-3,000.00
000-4375.001 INSURANCE REIMBMT-PROPERTY DAMAGE	-1,000.00
000-4375.026 MISC. REVENUE/REIMBURSEMENTS	-1,000.00
000-4375.028 COPIES & PRINT OUTS/MISC.	-8,000.00
000-4375.032 CLARK CO. FOOD REIMBURSEMENTS	-18,000.00
000-4375.033 CLARK CO. OFFICE SUPPLY REIMB.	-5,000.00
000-4405.000 SHERIFF- 911 DISPATCH REIMBURSEMENT	-32,000.00
000-4500.000 CIRCUIT CLERK FINES COLLECTED	-28,000.00
000-4510.000 STATES ATTY FINES COLLECTED	-75,000.00
000-4530.000 DRUG ENFORCEMENT FINES	-8,500.00
000-4610.000 INT CHECKING-CITIZEN	-3,000.00
000-4620.000 INT CHECKING-EDG CO	-4,000.00
000-4630.000 INTEREST ILLINOIS FUNDS	-50.00
000-4700.000 MISCELLANEOUS	-3,000.00
000-4710.000 WORK RELEASES FEES COLLECTED	-5,000.00
000-4720.000 TRANSPORTING PRISONERS	-1,000.00
000-4740.000 FRANCHISE (LEASES) REVENUES	-11,000.00
000-4750.000 REIMBURSEMENTS OF EXPENDITURES	-2,000.00
000-4800.026 IL PUBLIC RISK FUND SAFETY GRANT	-4,000.00
000-4800.000 TRANSFER FROM RABIES FUND	-25,000.00
000-4830.000 TRANSFER INT FR TAX COLL ADCTS	-300.00
000-4880.000 TRANSFERS IN	-74,300.00
Revenues Total	-3,810,800.00
Expenses	
000-5700.000 MISCELLANEOUS EXPENSE	200.00
000-8280.000 CLARK CO. PUBLIC DEF. STATE REIMB.	25,000.00
000-9500.000 SERVICE CHARGE BY BANK	100.00
000-9805.000 TAX ANTICIPATION LOAN PRINCIPAL PAY	575,000.00

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Fund 100 COUNTY GENERAL FUND

Department

BUDGET & APPROPRIATIONS FOR FY 2013

Edgar County, Illinois

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
000-0810.000 TAX ANTICIPATION LOAN INTEREST PAY	2,000.00
000-0815.000 DEBT REDUCTION	48,000.00
Expenses Total	661,300.00
Dept Total	4,462,100.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 026 COUNTY CLERK

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 026 COUNTY CLERK	
Expenses	
026-5000.000	
CO CLERK SALARY	45,150.00
026-5015.000	
CO CLERK DEPUTIES	89,270.00
026-5070.000	
CO CLERK SALARY OVERTIME	5,000.00
026-5000.000	
OFFICE SUPPLIES	3,000.00
026-5015.000	
CO CLERK POSTAGE	2,000.00
026-5080.000	
CO CLERK BONDS/DUES	450.00
026-5070.000	
ELECTION EXPENSES	33,000.00
026-5015.000	
TELEPHONE	1,000.00
026-5500.000	
CO CLERK EDUCATION-TRAINING	500.00
026-5505.000	
CO CLERK MEETING EXPENSE/DUES	1,500.00
026-5510.000	
CO CLERK TRAVEL/MILEAGE	1,000.00
026-5515.000	
CO CLERK COMPUTER EXP.-ELECTIONS	18,000.00
026-5518.000	
ELECTION PUBLICATIONS	2,500.00
026-5520.000	
MISCELLANEOUS EXPENSE	200.00
Expenses Total	200,570.00
COUNTY CLERK Dept Total	200,570.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 026 COUNTY TREASURER

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 026 COUNTY TREASURER	
Expenses	
026-5000.000	
TREASURER SALARY	43,130.00
026-5015.000	
TREASURER DEPUTIES	36,160.00
026-5040.000	
TREASURER PART TIME	2,500.00
026-5070.000	
TREASURER SALARY OVERTIME	1,500.00
026-6000.000	
OFFICE SUPPLIES	1,000.00
026-6005.000	
OFFICE EQUIPMENT	500.00
026-6015.000	
TREASURER POSTAGE	6,500.00
026-6060.000	
TREASURER BONDS/DUES	1,000.00
026-6065.000	
TREASURER PUBLICATIONS	1,000.00
026-6500.000	
TREASURER MEETING EXPENSE/DUES	750.00
Expenses Total	94,080.00
COUNTY TREASURER Dept Total	94,080.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 027 CIRCUIT CLERK

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 027 CIRCUIT CLERK	
Expenses	
027-6000.000 CIRCUIT CLK SALARY	45,500.00
027-6015.000 CIRCUIT CLK DEPUTIES	130,750.00
027-6000.000 CIRCUIT CLK OFFICE SUPPLIES	2,300.00
027-6005.000 CIRCUIT CLK EQUIPMENT/FURNITURE	400.00
027-6010.000 CIRCUIT CLK OFFICE FURNITURE	400.00
027-6016.000 CIRCUIT CLK POSTAGE	3,300.00
027-6040.000 CIRCUIT CLK FORM & FILES	5,500.00
027-6065.000 CIRCUIT CLK PUBLICATIONS	200.00
027-6500.000 CIRCUIT CLK EDUCATION-TRAINING	500.00
027-6505.000 CIRCUIT CLK MEETING EXPENSE/DUES	600.00
027-9510.000 CIRCUIT CLK TRAVEL EXPENSE	450.00
027-9515.000 CIRCUIT CLK COMPUTER EXPENSE	300.00
Expenses Total	168,200.00
CIRCUIT CLERK Dept Total	168,200.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND
Department 028 SUPERVISOR OF ASSESSMENTS

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 028 SUPERVISOR OF ASSESSMENTS	
Expenses	
028-5000.000	
ASSESSOR SALARY	47,750.00
028-5015.000	
ASSESSOR DEPUTIES	114,400.00
028-5040.000	
ASSESSOR PART TIME	2,000.00
028-5000.000	
OFFICE SUPPLIES	2,000.00
028-5005.000	
ASSESSOR EQUIPMENT/FURNITURE	3,750.00
028-5015.000	
ASSESSOR POSTAGE	500.00
028-5060.000	
BONDS/DUES/LEG DIG/OIL RP/PLAT BK	1,150.00
028-5065.000	
ASSESSOR PUBLICATIONS	5,500.00
028-5500.000	
ASSESSOR EDUCATION-TRAINING	2,150.00
Expenses Total	179,200.00
SUPERVISOR OF ASSESSMENTS Dept Total	179,200.00

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November 6, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 020 PROBATION OFFICE

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 020 PROBATION OFFICE	
Expenses	
020-5000.000	
PROBATION SALARY	44,824.00
020-5015.000	
PROBATION OFFICER	105,250.00
020-5020.000	
ADMINISTRATIVE ASSISTANT/SECRETARY	20,500.00
020-5070.000	
PROBATION SALARY OVERTIME	3,900.00
020-5000.000	
PROBATION OFFICE SUPPLIES	1,500.00
020-5015.000	
PROBATION POSTAGE	500.00
020-9500.000	
JUVENILE DETENTION EXPENSES	10,500.00
Expenses Total	188,074.00
PROBATION OFFICE Dept Total	188,074.00

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November 5, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 030 STATE'S ATTORNEY

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 030 STATE'S ATTORNEY	
Expenses	
030-6000.000	
ST ATTORNEY SALARY	128,000.00
030-6015.000	
ST ATTORNEY DEPUTIES	27,900.00
030-6025.000	
ASSIST STATE'S ATTORNEY	41,100.00
030-6040.000	
ST ATTORNEY PART TIME	16,000.00
030-6000.000	
ST ATTORNEY OFFICE SUPPLIES	1,000.00
030-6005.000	
ST ATTORNEY EQUIPMENT/FURNITURE	500.00
030-6015.000	
ST ATTORNEY POSTAGE	1,300.00
030-6065.000	
ST ATTORNEY PUBLICATIONS	7,500.00
030-9250.000	
ST ATTORNEY APPELLATE SERVICES	7,000.00
030-8510.000	
ST ATTORNEY TRAVEL EXPENSE	250.00
030-9550.000	
REGISTRATION	1,100.00
030-9700.000	
CONFERENCES	250.00
030-9750.000	
TRIAL EXPENSE - TRANSMITTALS	1,200.00
Expenses Total	233,800.00
STATE'S ATTORNEY Dept Total	233,800.00

COPY

November 5, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 031 CIRCO COURTS-JURY COMM

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 031 CIRCO COURTS-JURY COMM	
Expenses	
031-6090.000	
COURT BALIFF	600.00
031-6095.000	
JURY COMMISSION SALARY	400.00
031-6096.000	
ADMINISTRATIVE ASST TO THE JUDGES	32,900.00
031-6060.000	
CIRCUIT COURT SUPPLIES	2,000.00
031-6055.000	
JURY COMMISSION SUPPLIES	300.00
031-6065.000	
PUBLICATIONS FEES-INDIGENTS	300.00
031-6500.000	
CHIEF CIR JUDGES PROATED SUPPLIES	300.00
031-6600.000	
CIRCUIT JUROR'S	3,500.00
031-6605.000	
FEEDING & HOUSING JURIES	300.00
031-6610.000	
FOREIGN WATNESS FEES	100.00
031-6615.000	
COURT COSTS -INSANITY HEARINGS	100.00
031-6620.000	
COURT ORDERED SERVICES	3,000.00
031-6625.000	
COUNTY SHARE OF JUDGES SALARY	1,000.00
031-6630.000	
LEGAL COUNSEL FOR INDIGENT	3,000.00
Expenses Total	48,400.00
CIRCO COURTS-JURY COMM Dept Total	48,400.00

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November 8, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 032 SHERIFF

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 032 SHERIFF	
Expenses	
032-5000.000	
ADMINISTRATIVE	127,400.00
032-5015.000	
SHERIFF DEPUTIES	268,590.00
032-5020.000	
CORRECTIONAL OFFICERS	132,100.00
032-5025.000	
DISPATCHERS	172,850.00
032-5040.000	
SHERIFF PART TIME	70,800.00
032-5055.000	
SHERIFF OVERTIME	52,850.00
032-5060.000	
SHERIFF OFFICE SUPPLIES	5,200.00
032-5065.000	
SHERIFF EQUIPMENT/FURNITURE	4,200.00
032-5015.000	
SHERIFF POSTAGE	1,200.00
032-5016.000	
SHERIFF MEETING/SUBSCRIPTIONS	1,280.00
032-5020.000	
SHERIFF PRISONER TRANSPORT	1,200.00
032-5028.000	
SHERIFF BIO MEDICAL	1,000.00
032-5038.000	
SHERIFF UNIFORMS/EQUIPMENT	14,500.00
032-7020.000	
SHERIFF AUTO MAINTENANCE	41,500.00
032-7040.000	
SHERIFF GAS	58,500.00
032-7048.000	
SHERIFF AUTO PURCHASING	10,350.00
032-7508.000	
SHERIFF RADIO MAINTENANCE	500.00
032-7521.000	
LEADS CHARGES (WESTERN UNION)	5,500.00
032-7525.000	
SHERIFF RADAR	500.00
032-7500.000	
STAFF FOOD	3,500.00
032-8500.000	
SHERIFF FOOD	79,500.00
032-8505.000	
PRISONER MEDICAL	14,500.00
032-5510.000	
PRISONER SUPPLIES	1,400.00
032-8520.000	
AMMUNITION	2,000.00
032-0525.000	
SHERIFF INVESTIGATION	1,200.00
032-8530.000	
SHERIFF TRAINING	8,500.00
032-8548.000	
MERIT COMMISSION	800.00
032-8000.000	
AUXILIARY FUNCTION	200.00
Expenses Total	1,097,020.00
SHERIFF Dept Total	1,097,020.00

COPY

November 5, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 033 PUBLIC DEFENDER

Period Ending Date: November 30, 2012

Account	2012 Appropriated Budget
Department 033 PUBLIC DEFENDER	
Expenses	
033-5015.000	
PUBLIC DFNR DEPUTIES	107,600.00
033-6000.000	
OFFICE SUPPLIES	12,000.00
Expenses Total	119,600.00
PUBLIC DEFENDER Dept Total	119,600.00

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November 5, 2012

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 034 BOARD OF REVIEW

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 034 BOARD OF REVIEW	
Expenses	
034-8015.000 BD OF REVIEW DEPUTIES	8,000.00
034-8060.000 BD OF REVIEW OFFICE SUPPLIES	100.00
034-8015.000 BD OF REVIEW POSTAGE	300.00
034-8065.000 BD OF REVIEW PUBLICATIONS	1,300.00
034-8500.000 BD OF REVIEW TRAVEL/MTGS/EDUCATION	750.00
034-8510.000 BD OF REVIEW MILEAGE EXPENSE	700.00
Expenses Total	11,850.00
BOARD OF REVIEW Dept Total	11,850.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 035 COUNTY BOARD

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 035 COUNTY BOARD	
Expenses	
035-5000.000	
CO BOARD SALARY	8,550.00
035-5015.000	
CO BOARD DEPUTIES	6,600.00
035-5055.000	
COMMITTEE MEETINGS	13,200.00
035-6000.000	
CO BOARD OFFICE SUPPLIES	300.00
035-8085.000	
CO BOARD PUBLICATIONS	500.00
035-8610.000	
CO BOARD TRAVEL EXPENSE	8,000.00
Expenses Total	36,950.00
COUNTY BOARD Dept Total	36,950.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND
Department 036 ANIMAL SHELTER

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 036 ANIMAL SHELTER	
Expenses	
036-5000.000 ANIMAL SHLTR SALARY	25,000.00
036-5015.000 ANIMAL SHLTR ADMINISTRATOR SALARY	2,620.00
036-5040.000 PART TIME	10,600.00
036-5350.000 ANIMAL SHLTR UNIFORMS	400.00
036-6000.000 ANIMAL SHELTER SUPPLIES	5,590.00
036-6005.000 EQUIPMENT	1,000.00
036-6015.000 ANIMAL SHLTR POSTAGE	1,500.00
036-6045.000 ANIMAL SHLTR BLDG REFUSE SERVICE	250.00
036-8000.000 UTILITIES	3,700.00
036-8015.000 ANIMAL SHLTR PHONE SERVICE	1,200.00
036-8000.000 PROPOSED PROJECTS	1,000.00
036-9200.000 EDG CO VET - EUTH FEE/ROMPUM	500.00
036-9510.000 ANIMAL SHLTR TRAVEL EXPENSE	4,000.00
036-9515.000 ANIMAL SHLTR COMPUTER EXPENSE	500.00
Expenses Total	58,660.00
ANIMAL SHELTER Dept Total	58,660.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND
Department 037 ESDA

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 037 ESDA	
Expenses	
037-8000.000	
SALARY/COORDINATOR	18,000.00
037-8025.000	
OFFICE/ASSIST. COORDINATOR	15,275.00
037-8000.000	
ESDA OFFICE SUPPLIES	250.00
037-8005.000	
ESDA EQUIPMENT PURCHASES	10,800.00
037-8010.000	
OFFICE EQUIPMENT/REPAIR	200.00
037-8016.000	
ESDA POSTAGE	50.00
037-8035.000	
JANITORIAL SUPPLIES/CLEANING	100.00
037-8040.000	
LEASE/MAINTENANCE AGREEMENT	650.00
037-7016.000	
BLDG/GRND'S MAINTENANCE	100.00
037-8000.000	
UTILITIES	2,100.00
037-8015.000	
TELEPHONE	1,800.00
037-8610.000	
ESDA TRAVEL EXPENSE	500.00
Expenses Total	50,025.00
ESDA Dept Total	50,025.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 400 COUNTY GENERAL FUND

Edgar County, Illinois

Department 030 AIRPORT

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 030 AIRPORT	
Expenses	
030-5000.000	
AIRPORT SALARY	13,500.00
030-5015.000	
AIRPORT DEPUTIES	22,300.00
030-5025.000	
AIRPORT OFFICE/CLERICAL	9,555.00
030-5000.000	
AIRPORT OFFICE SUPPLIES	500.00
030-5015.000	
AIRPORT POSTAGE	300.00
030-7015.000	
BUILDING IMPROVEMENTS	2,500.00
030-7020.000	
MAINTENANCE-AIRPORT & EQUIPMENT	9,000.00
030-8000.000	
OTHER UTILITIES	5,000.00
030-8005.000	
AIRPORT ELECTRICAL	6,000.00
030-9100.000	
AUTO. WEATHER OBSERVATION SYSTEM	1,500.00
030-9510.000	
AIRPORT TRAVEL EXPENSE	1,700.00
Expenses Total	72,750.00
AIRPORT Dept Total	72,750.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND
Department 030 BLDG/GROUNDS

Edgar County, Illinois
Period Ending Date: November 30, 2012

Account	2012 Appropriated Budget
Department 030 BLDG/GROUNDS	
Expenses	
030-5076.000 JANITOR	27,600.00
030-6025.000 JANITORIAL SUPPLIES	0.000.00
030-7005.000 BLDG & GROUNDS MAINTENANCE	10,000.00
030-7017.000 REPAIRS TO VET MEMORIAL PARK	50.00
Expenses Total	78,950.00
BLDG/GROUNDS Dept Total	78,950.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND
Department 040 ADMINISTRATION

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 040 ADMINISTRATION	
Revenues	
040-4000.000	
ADMINISTRATIVE REIMBURSEMENTS	-180,200.00
Revenues Total	-180,200.00
Expenses	
040-5000.000	
HEALTH OPT OUT PAYROLL	12,000.00
040-7000.000	
BANK CHARGES FOR WIRE TRANSFER	300.00
040-8000.000	
CIPS-COURTHOUSE/JAIL	63,000.00
040-8010.000	
WATER-JAIL/ANNEX	9,300.00
040-8015.000	
ADMINISTRATION TELEPHONE	18,000.00
040-8020.000	
EMPLOYEE MEDICAL INS ADMIN/COBRA	337,800.00
040-8100.000	
AUDIT	82,000.00
040-8110.000	
REGIONAL SUPERINTENDENT OF SCHOOLS	35,000.00
040-8120.000	
CONTINGENCIES	10,000.00
040-8515.000	
MANATRON EXPENSES-CO CLK,SA,TREAS	60,000.00
040-8620.000	
TECH FUND FOR COMPUTER SERVICE	87,000.00
Expenses Total	625,400.00
ADMINISTRATION Dept Total	-785,600.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 048 COUNTY CORONER

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Department 048 COUNTY CORONER	
Expenses	
048-5000.000	
SALARY	17,275.00
048-5040.000	
PART TIME CORONER DEPUTY	3,500.00
048-6040.000	
OFFICE EXPENSE AND CORONER'S JUROR	5,015.00
048-8200.000	
AUTOPSY AND RELATED EXPENSES	10,000.00
Expenses Total	35,890.00
COUNTY CORONER Dept Total	35,890.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 100 COUNTY GENERAL FUND

Edgar County, Illinois

Department 900 JOSEPH E MEYER

Period Ending Date: November 30, 2012

Account	2013 Appropriated Budget
Department 900 JOSEPH E MEYER	
Revenues	
900-4000.000	
JOSEPH MEYERS TAX COLLECTIONS	-5,860.00
Revenues Total	-5,860.00
Expenses	
900-8250.000	
JOSEPH MEYERS TAX SALE EXPENSES	5,700.00
Expenses Total	5,700.00
JOSEPH E MEYER Dept Total	-11,560.00
Revenues Total	-3,970,050.00
Expenses Fund Total	3,974,169.00
Net (Rev/Exp)	-7,651,019.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 200 COUNTY HIGHWAY FUND

Edgar County, Illinois

Department 000 DEFAULT

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 200 COUNTY HIGHWAY FUND	
Department 000 DEFAULT	
Revenues	
000-4100,000	
PROPERTY TAX	-265,000.00
000-4400,000	
NON CO HIGHWAY RECEIPTS	-350,000.00
000-4410,000	
SALE OF MATERIALS	-275,000.00
000-4425,000	
TOWNSHIP ENGINEERING/ADMIN	-70,000.00
000-4430,000	
ENG/SUPERVISION REIMB-DO HWY	-150,000.00
000-4610,000	
INT CHECKING-CITIZEN	-1,000.00
000-4700,000	
MISCELLANEOUS	-5,000.00
Revenue Total	-1,116,000.00
Expenses	
000-5015,000	
OFFICE SALARIES	130,000.00
000-5020,000	
TECHNICAL SALARIES	265,000.00
000-5040,000	
PART TIME	15,000.00
000-5065,000	
OVERTIME	20,000.00
000-5075,000	
HOURLY JANITOR	5,000.00
000-6000,000	
OFFICE SUPPLIES	5,000.00
000-6005,000	
COMPUTER SUPPLIES	5,000.00
000-6020,000	
POSTAGE	1,000.00
000-6025,000	
HIGHWAY DEPARTMENT GIS	2,000.00
000-6030,000	
ENGINEERING SUPPLIES	3,000.00
000-6040,000	
MATERIALS & SUPPLIES	175,000.00
000-6045,000	
TRASH	1,000.00
000-6051,000	
OFFICE BLDG. REPAIR & MAINTENANCE	30,000.00
000-6060,000	
BONDS/DUES	1,000.00
000-6065,000	
ELECTRICAL	15,000.00
000-6010,000	
WATER	2,000.00
000-6015,000	
TELEPHONE	9,000.00
000-6025,000	
INSURANCE	65,000.00
000-6120,000	
CONTINGENCIES	2,000.00
000-6500,000	
TRAINING & CONFERENCE	8,000.00

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Fund 200 COUNTY HIGHWAY FUND

Department 000 DEFAULT

BUDGET & APPROPRIATIONS FOR FY 2013

Edgar County, Illinois

Period Ending Date: November 30, 2012

Account	2012 Appropriated Budget
000-8810,000	
MILEAGE & EXPENSES	3,000.00
000-8840,000	
PROFESSIONAL SERVICES	45,000.00
000-8880,000	
EQUIPMENT REPLACEMENT TRANSACTION	80,000.00
000-8870,000	
NON MFT ELIG EXPENSE	225,000.00
Expenses Total	1,116,000.00
DEFAULT Dept Total	2,232,000.00
Revenue Total	-1,116,000.00
Expenses Fund Total	1,116,000.00
Net (Rev/Exp)	-2,232,000.00
Beginning/Adjusted Balance	

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Fund 203 FAS FUND

Department

BUDGET & APPROPRIATIONS FOR FY 2013

Edgar County, Illinois

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 203 FAS FUND	
Department 000	
Revenues	
000-4100,000	
PROPERTY TAX	-183,000.00
000-4400,000	
NON COUNTY FAS FUND	-200,000.00
000-4610,000	
INT CHECKING-CITIZEN	-500.00
Revenues Total	-383,500.00
Expenses	
000-7500,000	
ENGINEERING EXPENSE	100,000.00
000-7505,000	
RIGHT OF WAY EXPENSE	10,000.00
000-7515,000	
HIGHWAY CONSTRUCTION	220,500.00
Expenses Total	330,500.00
Dept Total	-601,000.00
Revenues Total	-383,500.00
Expenses Fund Total	330,500.00
Net (Rev/Exp)	-651,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 204 CATB FUND

Edgar County, Illinois

Department

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 204 CATB FUND	
Department 000	
Revenues	
000-4100,000	
PROPERTY TAX	-130,000.00
000-4400,000	
NON COUNTY CATB RECEIPTS	-350,000.00
000-4610,000	
INT CHECKING-CITIZEN	-2,000.00
Revenues Total	-482,000.00
Expenses	
000-7500,000	
ENGINEERING EXPENSES	72,000.00
000-7505,000	
RIGHT OF WAY EXPENSE	10,000.00
000-7520,000	
BRIDGE CONSTRUCTION	400,000.00
Expenses Total	482,000.00
Dept Total	-484,000.00
Revenues Total	-482,000.00
Expenses Fund Total	482,000.00
Net (Rev/Exp)	-484,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 205 OPERATIONS & EQUIPMENT FUND

Edgar County, Illinois

Department

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 205 OPERATIONS & EQUIPMENT FUND	
Department 000	
Revenues	
000-4180.000	
STATE OF ILLINOIS RECEIPTS	-200,000.00
000-4400.000	
NON CO EQUIP REPLACEMENT RECEIPTS	-200,000.00
000-4500.000	
OTHER EQUIPMENT RENTAL	-400,000.00
000-4815.000	
INT CHECKING-CITIZEN	-1,000.00
000-4900.000	
TRANSFERS IN	-60,000.00
Revenues Total	-1,031,000.00
Expenses	
000-6010.000	
SHOP SALARIES	100,000.00
000-6025.000	
TRUCK PARTS	50,000.00
000-6085.000	
GARAGE SUPPLIES	35,000.00
000-6050.000	
GARAGE BLDG. MAINTENANCE & REPAIR	50,000.00
000-6060.000	
INSURANCE	45,000.00
000-6062.000	
TRAINING & TESTING	2,000.00
000-6065.000	
SAFETY	3,000.00
000-7020.000	
EQUIPMENT RENTAL	400,000.00
000-7025.000	
RADIO	2,000.00
000-7030.000	
REPAIRS	25,000.00
000-7035.000	
TIRES	17,000.00
000-7040.000	
FUEL & OIL	200,000.00
000-7050.000	
SIGNS	2,000.00
000-7625.000	
EQUIPMENT PURCHASES	100,000.00
Expenses Total	1,031,000.00
Dept Total	-2,062,000.00
Revenues Total	-1,031,000.00
Expenses Fund Total	1,031,000.00
Net (Rev/Exp)	-2,062,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 500 PUBLIC BOARD OF HEALTH
Department 000 DEFAULT

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 500 PUBLIC BOARD OF HEALTH	
Department 000 DEFAULT	
Revenues	
000-4100.000	
PROPERTY TAX	-150,000.00
000-4700.000	
MISCELLANEOUS	-2,000.00
000-4700.101	
RENT	-5,400.00
000-4765.001	
LOCAL HEALTH PROTECTION	-63,201.00
000-4765.002	
FAMILY CASE MANAGEMENT	-88,297.00
000-4765.003	
VMD (WOMEN, INFANTS, & CHILDREN)	-64,087.00
000-4765.005	
MEDICAID REIMBURSEMENTS	-10,000.00
000-4765.009	
CHILDHOOD LEAD POISON PREVENTION	-1,272.00
000-4765.018	
WATER WELL INSPECTIONS	-1,000.00
000-4765.017	
CANCER COALITION	-6,301.00
000-4765.018	
DENTAL SEALANT GRANT	-2,600.00
000-4765.108	
BIO-TERRORISM GRANT / PHEP	-42,000.00
000-4765.208	
GENETICS GRANT	-7,500.00
000-4768.605	
TOBACCO FREE GRANT	-24,247.00
000-4768.608	
CAR SEAT GRANT	-8,510.00
000-4770.000	
DONATIONS & FEES	-15,000.00
000-4775.000	
DENTAL FEES	-420,000.00
000-4800.000	
MEDICAID MATCH	-76,000.00
000-4806.000	
FARMER'S MARKET	-1,000.00
000-4810.000	
WNV (WEST NILE VIRUS GRANT)	-3,387.00
Revenue Total	-1,023,082.00
Expenses	
000-5000.000	
SALARY	108,255.00
000-5010.000	
DENTAL	272,821.00
000-5015.000	
SANITARIAN	21,865.00
000-5025.000	
CLERICAL	48,463.00
000-5040.000	
NURSING	182,804.00
000-5040.000	
LEASES	3,600.00
000-8000.000	
OFFICE SUPPLIES	12,000.00

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 300 PUBLIC BOARD OF HEALTH

Edgar County, Illinois

Department 000 DEFAULT

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
000-6005.000 EQUIPMENT	3,000.00
000-6010.000 DENTAL SUPPLIES	50,000.00
000-6014.000 DENTAL EQUIPMENT	2,500.00
000-6012.000 DENTAL SUPPLIES- DENTURES	30,000.00
000-6015.000 POSTAGE	2,000.00
000-6016.000 MEETING/REGISTRATION	2,500.00
000-6020.000 PETTY CASH	200.00
000-6025.000 JANITORIAL SUPPLIES	2,200.00
000-6060.000 SUBSCRIPTION & DUES	1,500.00
000-7000.000 CLEANING/MAINTENANCE	1,500.00
000-7015.000 GARBAGE DISPOSAL	1,500.00
000-7040.000 BUILDING IMPROVEMENTS	5,000.00
000-7050.000 ADVERTISING	5,000.00
000-7510.000 MISCELLANEOUS	17,350.00
000-7515.000 MISCELLANEOUS-DENTAL	10,000.00
000-7525.000 MEDICAL SUPPLIES	16,000.00
000-8015.000 TELEPHONE	13,000.00
000-8025.000 HEALTH DEPT. INSURANCE	24,000.00
000-8050.000 DENTAL DEPT HEALTH INSURANCE	24,000.00
000-8215.000 UTILITIES	30,000.00
000-8240.000 CONTRACTUAL	5,000.00
000-8245.000 CONTRACTUAL/DENTAL	50,000.00
000-8510.000 TRAVEL	5,000.00
000-8800.000 WELL SAMPLES	200.00
000-9950.000 ADMINISTRATION FEES	60,000.00
Expenses Total	1,021,778.00
DEFAULT Dept Total	-2,044,870.00
Revenues Total	-1,023,092.00
Expenses Fund Total	1,021,778.00
Net (Rev/Exp)	-2,044,870.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 000 SPECIAL SERVICES AMBULANCE FD

Edgar County, Illinois

Department:

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 000 SPECIAL SERVICES AMBULANCE FD	
Department 000	
Revenues	
000-4100,000	
PROPERTY TAX	-308,000.00
000-4820,000	
INT CHECKING-EDG CO	-500.00
Revenues Total	-308,500.00
Expenses	
000-6820,000	
PASS THRU FUNDS EXPENSE	308,000.00
Expenses Total	308,000.00
Dept Total	-516,500.00
Revenues Total	-308,500.00
Expenses Fund Total	308,000.00
Net (Rev/Exp)	-516,500.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 831 COUNTY FARM FUND

Edgar County, Illinois

Department 000 SOIL SURVEY FUND

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 831 COUNTY FARM FUND	
Department 000 SOIL SURVEY FUND	
Revenues	
000-4700.000	
FARM RENT	-45,500.00
000-4750.000	
HANGER RENT	-18,000.00
Revenues Total	-63,500.00
Expenses	
000-8250.000	
REAL ESTATE TAXES	5,000.00
000-9999.000	
TRANSFERS OUT	50,000.00
Expenses Total	55,000.00
SOIL SURVEY FUND Dept Total	-128,500.00
Revenues Total	-63,500.00
Expenses Fund Total	55,000.00
Net (Rev/Exp)	-128,500.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund #10 IMRF RETIREMENT FUND

Edgar County, Illinois

Department 000 IMRF RETIREMENT FUND

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund #10 IMRF RETIREMENT FUND	
Department 000 IMRF RETIREMENT FUND	
Revenues	
000-4100.000	
PROPERTY TAXES	-505,000.00
000-4700.000	
REIMBURSEMENTS	-3,000.00
Revenues Total	-508,000.00
Expenses	
000-5210.000	
IMRF CONTRIBUTIONS	350,000.00
000-5211.000	
IMRS CONTRIBUTIONS	185,000.00
000-6600.000	
IMRF SUPPLEMENTAL PAYMENT	80,000.00
Expenses Total	553,000.00
IMRF RETIREMENT FUND Dept Total	-1,061,000.00
Revenues Total	-508,000.00
Expenses Fund Total	553,000.00
Net (Rev/Exp)	-1,061,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 001 FICA FUND

Edgar County, Illinois

Department 000 FICA FUND

Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 001 FICA FUND	
Department 000 FICA FUND	
Revenues	
000-4100.000	
PROPERTY TAXES	-265,000.00
Revenues Total	-265,000.00
Expenses	
000-5200.000	
SOCIAL SECURITY TAX	240,000.00
000-5205.000	
MEDICARE TAXES	57,000.00
Expenses Total	297,000.00
FICA FUND Dept Total	-602,000.00
Revenues Total	-265,000.00
Expenses Fund Total	297,000.00
Net (Rev/Exp)	-602,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 840 TORT IMMUNITY FUND
Department 000 TORT IMMUNITY FUND

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 840 TORT IMMUNITY FUND	
Department 000 TORT IMMUNITY FUND	
Revenues	
000-4100.000	
PROPERTY TAX	-360,000.00
Revenues Total	-360,000.00
Expenses	
000-8000.000	
LIABILITY INSURANCE	82,000.00
000-8008.000	
WORKMEN COMPENSATION	72,000.00
000-8010.000	
UNEMPLOY INSURANCE	34,000.00
000-8020.000	
CO PROPERTY INSURANCE	54,000.00
000-8025.000	
ATTORNEY'S FEES	120,000.00
000-8030.000	
COPAY/DEDUCTIBLE EXPENSE	15,000.00
Expenses Total	377,000.00
TORT IMMUNITY FUND Dept Total	-737,000.00
Revenues Total	-360,000.00
Expenses Fund Total	377,000.00
Net (Rev/Exp)	-737,000.00
Beginning/Adjusted Balance	

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BUDGET & APPROPRIATIONS FOR FY 2013

Fund 015 EXTENSION EDUCATION FUND
Department 000 EXTENSION EDUCATION FUND

Edgar County, Illinois
Period Ending Date: November 30, 2013

Account	2013 Appropriated Budget
Fund 015 EXTENSION EDUCATION FUND	
Department 000 EXTENSION EDUCATION FUND	
Revenues	
000-4100.000	
PROPERTY TAXES RECEIVED	-75,000.00
Revenues Total	-75,000.00
Expenses	
000-0250.000	
EXTENSION ED PROGRAM EXPENSE	75,000.00
Expenses Total	75,000.00
EXTENSION EDUCATION FUND Dept Total	-150,000.00
Revenues Total	-75,000.00
Expenses Fund Total	75,000.00
Net (Rev/Exp)	-150,000.00
Beginning/Adjusted Balance	

COPY

November 6, 2012

12:26 PM

BUDGET & APPROPRIATIONS FOR FY 2013

Fund 006 COMMUNITY MENTAL HEALTH FUND

Edgar County, Illinois

Department 000 COMMUNITY MENTAL HEALTH FUND

Period Ending Date: November 30, 2013

Account	2013 Appropriation Budget
Fund 006 COMMUNITY MENTAL HEALTH FUND	
Department 000 COMMUNITY MENTAL HEALTH FUND	
Revenues	
000-4100.000	
PROPERTY TAXES RECEIVED	-356,000.00
Revenues Total	-356,000.00
Expenses	
000-8250.000	
COMM MENTAL HEALTH EXPENSE	368,000.00
Expenses Total	368,000.00
COMMUNITY MENTAL HEALTH FUND Dept Total	-736,000.00
Revenues Total	-356,000.00
Expenses Fund Total	368,000.00
Net (Rev/Exp)	-736,000.00
Beginning/Adjusted Balance	

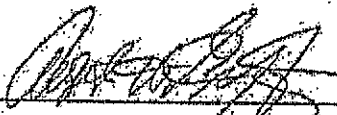
Grand Total for Revenues	-8,887,442.00
Grand Total for Expenses	9,886,447.00
Grand Total Net Rev/Exp	-10,000,000.00

COPY

CERTIFICATE OF TAX LEVY

I, August H. Griffin, do hereby certify that I am the duly elected, qualified and acting Clerk in and for the County of Edgar, and I do further certify that the attached is a full, true and correct copy of the Tax Levy Resolution, as duly passed by the governing board of said district on the data given and that the dates and data referred to in the Tax Levy Resolution for the purposes therein set forth are correct. The contents of said attachments hereto, with this Certificate, are now considered the TAX LEVY.

DATED this 7th day of November, 2012.



Edgar County Clerk & Recorder

FILED in the office of
EDGAR COUNTY CLERK:

TRUTH IN TAXATION CERTIFICATE OF COMPLIANCE

I, the undersigned, hereby certify that I am the presiding officer of The County of Edgar, and as such presiding officer, certify that the Levy Resolution, a copy of which is attached, was adopted pursuant to, and in all respects in compliance with the provisions of Sections 18-60 through 18-85 of the "Truth in Taxation" Law.

CHECK ONE OF THE CHOICES BELOW

- ☐ 1) The taxing district published a notice in the newspaper and conducted a hearing, meeting the requirements for the Truth in Taxation Law.
- ☒ 2) The taxing district's aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, notice and a hearing were not necessary.
- ☐ 3) The **proposed** aggregate levy did not exceed a 5% increase over the prior year's extension. Therefore, a hearing was not held. The **adopted** aggregate tax levy exceeded 5% of the prior year's extension and a notice was published within 15 days of its adoption in accordance with the Truth in Taxation Law.
- ☐ 4) The **adopted** levy exceeded the amount stated in the published notice. A second notice was published within 15 days of the adoption in accordance with the Truth in Taxation Law.

This certificate applies to the 2013 Levy.

Date

Nov. 21, 2012

Presiding Officer

Joan Kelly

EDGAR COUNTY, ILLINOIS**COUNTY TAX LEVY**

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois, on the 7th day of November, 2012, that there is hereby levied upon all taxable property within the said County of Edgar the sum of seven hundred and fifty thousand dollars (\$750,000) or so much thereof as is not in excess of twenty seven cents (.27) on the one hundred dollars (\$100.00) valuation for the objects and purposes herein below set out:

COUNTY CLERK

Election Expense		\$33,000
------------------	--	----------

STATE'S ATTORNEY

Salary of State's Attorney	\$25,000	
Salary of Assistant State's Attorney	25,000	
Salaries of Staff	20,000	
Office Supplies and Expense	10,000	
		80,000

COURTS AND JUDICIARY

Coroner's Salary	\$10,000	
Circuit Jurors	2,000	
Circuit Court Supplies	2,000	
Legal Counsel for Indigents	5,000	
		19,000

SHERIFF

Salary of Sheriff	\$25,000	
Cost of Food	48,000	
Salary of Sheriff's Personnel	338,000	
		411,000

PUBLIC DEFENDER

Salary and Office Expense		20,000
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COUNTY BOARD

Salaries and Committee Meetings		22,000
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ADMINISTRATION

Superintendent of Schools	35,000	
Utilities-Court House, Jail & Telephone	44,000	
Telephone	25,000	
Computer (Manatron) Expense	60,000	
		165,000

TOTAL

		750,000
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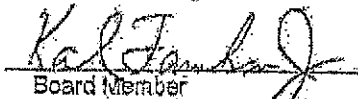
EDGAR COUNTY, ILLINOIS

COUNTY TAX LEVY

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS

COUNTY AID TO TOWNSHIP BRIDGES TAX LEVY

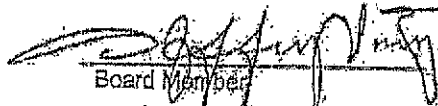
WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of one hundred thirty thousand dollars (\$130,000) or so much thereof as is not in excess of five cents (.05) of the full, fair cash value, as equalized or assessed by the Department of Revenue, for the purpose of providing part of the cost of constructing:

The County's share of the cost to construct or repair any bridge, culvert, drainage structure, or grade separation, including approaches thereto, at various locations throughout Edgar County.

\$130,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

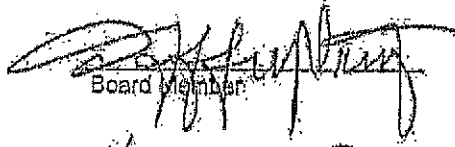
EDGAR COUNTY, ILLINOIS
FEDERAL AID MATCHING TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

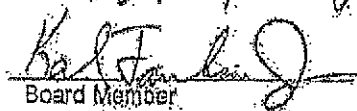
BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of one hundred thirty thousand dollars (\$130,000), or so much thereof as is not in excess of five cents (.05) of the full, fair cash value, as equalized or assessed by the Department of Revenue, for the purpose of providing funds to pay the County's proportionate share of the cost of construction of highway improvements to be constructed in accordance with plans approved by the State under the Secondary Road Plan and/or the Highway Bridge Replacement and Rehabilitation Program of the United States Bureau of Public Roads.

\$130,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS
COUNTY HIGHWAY TAX LEVY

WHEREAS, the County Board of Edgar County, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of two hundred sixty seven thousand dollars (\$267,000) or so much thereof as is not in excess of ten cents (.10) on the one hundred dollars (\$100.00) valuation for a "County Highway Tax", for the following purposes:

Improving, maintaining and repairing highways designated as County Highways.	\$187,000
Acquiring machinery and equipment used for improvement, repair and maintenance of highways, designated as County Highways.	\$40,000
Maintaining machinery and equipment used for the improvement, Repair and maintenance of highways designated as County Highways.	\$40,000
TOTAL:	\$267,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS

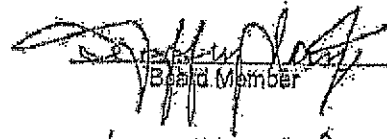
EXTENSION EDUCATION PROGRAM TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of seventy eight thousand dollars (\$78,000), or so much thereof as is not in excess of three cents (.03) of the full, fair cash value, as equalized or assessed by the Department of Revenue, for an "Extension Education Program Tax" for the purpose of providing for the expense of the Extension Education Program

\$78,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

COPY

EDGAR COUNTY, ILLINOIS

SPECIAL SERVICE AREA NO. ONE AMBULANCE
TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of three hundred twenty thousand dollars (\$320,000), or so much thereof as is not in excess of twenty cents (.20) of the full, fair cash value, as equalized or assessed by the Department of Revenue for the ambulance service for the Special Service Area No. One of Edgar County, Illinois

\$320,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS

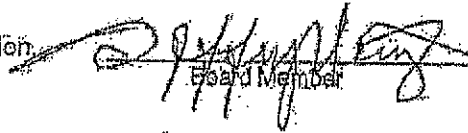
COMMUNITY MENTAL HEALTH TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of three hundred eighty five thousand dollars (\$385,000), or so much thereof as is not in excess of fifteen cents (.15) of the full, fair cash value, as equalized or assessed by the Department of Revenue, for a "Community Mental Health Fund Tax" for the following purposes:

For services for Mental Health, Rehabilitation, and Substance Abuse Programs. \$385,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

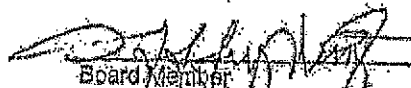
EDGAR COUNTY, ILLINOIS
BOARD OF HEALTH TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

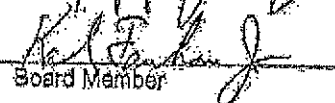
BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of one hundred ninety thousand dollars (\$190,000), or so much thereof as is not in excess of seven and one half cents (.075) on the one hundred dollars (\$100.00) valuation, for an "Edgar County Board of Health Tax", for the establishment of a Board of Health to enforce all state laws pertaining to and the preservation of health and all County ordinances relating thereto.

\$190,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS

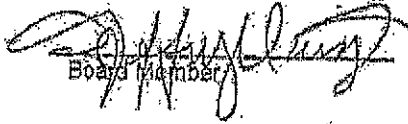
TORT IMMUNITY TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of three hundred sixty thousand dollars (\$360,000) at a percent of the full, fair cash value, as equalized or assessed by the Department of Revenue, which shall not exceed \$360,000 for a "Tort Immunity Fund Tax", for the purpose of purchasing liability, property damage, and worker's compensation coverage for employees.

\$360,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS
COUNTY RETIREMENT TAX LEVY

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law, now therefore

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012, that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of five hundred fifteen thousand dollars (\$515,000), at a percent of the full, fair cash value, as equalized or assessed by the Department of Revenue, which shall not exceed \$515,000 for a "County Retirement Fund Tax", for the purpose of providing the County portion of the contribution for County employees to the Illinois Municipal Retirement Fund.

\$515,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS
SOCIAL SECURITY TAX LEVY

WHEREAS, Chapter 108 ½ Paragraph 21-110 of the Illinois Revised Statutes, as amended provides that the County Board "Is hereby authorized and empowered to increase its annual tax levy above the limitation now or hereafter otherwise authorized by law, in the amount necessary to meet the participation in the Federal Social Insurance Program" and

WHEREAS, the County Board of the County of Edgar, State of Illinois, has previously adopted a budget for the fiscal period beginning December 1, 2012 and ending November 30, 2013, as required by law,

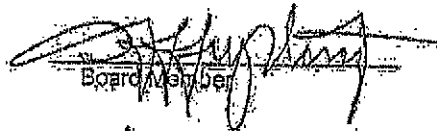
WHEREAS, the amount necessary to meet the cost of participation in the Federal Social Security program by Edgar County for the benefit of its employees is two hundred seventy thousand dollars (\$270,000).

BE IT RESOLVED by the County Board of the County of Edgar, State of Illinois, at this session of the November meeting of the said County Board held at the Court House in Paris, Edgar County, Illinois on the 7th day of November, 2012; that there be and there is hereby levied upon all taxable property within the said County of Edgar the sum of two hundred seventy thousand dollars (\$270,000), at a percent of the full, fair cash value as equalized or assessed by the Department of Revenue for the purpose of meeting the cost of participating in the Federal Social Security Insurance Program by the County of Edgar for its employees and

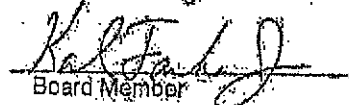
BE IT FURTHER RESOLVED that said levy shall be known as the Social Security Tax Levy.

\$270,000

I move for the adoption of the above tax levy resolution.


Board Member

I second the motion to adopt the above tax levy resolution.


Board Member

EDGAR COUNTY, ILLINOIS
ANNUAL BUDGET AND APPROPRIATIONS
For the Year Ending November 30, 2013

SUMMARY OF TAX LEVIES AND EXTENSIONS
TRUTH IN TAXATION TEST

	<u>2012 Extensions</u>	<u>2013 Levy</u>
General County Tax	\$726,954.41	\$750,000
Tort Immunity Tax	378,818.91	360,000
County Highway Tax	267,737.90	267,000
CATB Tax	130,356.83	130,000
Federal Aid Matching Tax	130,356.83	130,000
County Retirement Tax	516,390.56	515,000
County Board of Health Tax	190,525.71	190,000
Extension Education	78,219.54	78,000
Community Mental Health Tax	386,060.96	385,000
Social Security Tax	<u>278,764.32</u>	<u>270,000</u>
TOTAL	<u>\$3,084,185.97</u>	<u>\$3,075,000</u>

The proposed tax levy does not exceed the allowable 5% of prior year's extension; therefore, no truth in taxation publication is required for the current year.

	<u>2012</u>	<u>2013</u>
Special Service Area No. One Ambulance Service	\$321,708.56	\$320,000

	<u>Levy</u>		<u>Actual</u>	
	<u>2012 (Pay 2013)</u>		<u>2011 (Pay 2012)</u>	
	<u>RATE</u>	<u>AMOUNT</u>	<u>RATE</u>	<u>AMOUNT</u>
General Fund	.27000	750,000	.26701	726,954
Tort Immunity		360,000	.13914	378,819
County Highway	.1000	267,000	.09834	267,738
CATB	.05000	130,000	.04788	130,357
Federal Aid Matching	.05000	130,000	.04788	130,357
IMRF		515,000	.18967	516,391
Board of Health	.07500	190,000	.06998	190,526
Extension Education	.03000	78,000	.02873	78,220
Community Mental Health	.15000	385,000	.14180	386,061
Social Security		270,000	.10239	278,764
TOTAL		3,075,000	1.13282	3,084,187



**GIFFIN WINNING
COHEN & BODEWES, P.C.**
ATTORNEYS AT LAW

HERMAN G. BODEWES
R. MARK MIFFLIN
DAVID A. HERMAN
CREIGHTON R. CASTLE
CHRISTOPHER E. SHERER

MATTHEW R. TRAPP
JASON E. BROKAW
ABBY L. SGRO
JOHN M. GABALA

OF COUNSEL:
ROBERT S. COHEN
JOHN L. SWARTZ
RONALD W. PERIARD

Please reply to:
POST OFFICE BOX 2117
SPRINGFIELD, ILLINOIS 62705-2117

TELEPHONE (217) 525-1571
FACSIMILE (217) 525-1710

ESTABLISHED 1911

D. LOGAN GIFFIN
(1890-1980)

MONTGOMERY S. WINNING
(1892-1966)

C. TERRY LINDNER
(1903-1987)

ALFRED F. NEWKIRK
(1904-1980)

JAMES M. WINNING
(1921-2013)

September 26, 2017

Edgar County Circuit Clerk - ATTN: Angie
Edgar County Courthouse
115 W. Court Street
Paris, IL 61944

RE: ***Rides Mass Transit District v. Donald Wiseman, Edgar County Treasurer,
in his official capacity, Edgar County Case No. 2016-L16***

Dear Angie:

Pursuant to your telephone call with my secretary Theresa today, enclosed for filing are the original and 1 copy of revised Defendants' (i) Motion to Dismiss Plaintiff's Second Amended Complaint, and (ii) Memorandum in Support of Their Motion to Dismiss Plaintiff's Second Amended Complaint in the referenced case. As you discussed with Theresa, you will destroy the pleadings that were mailed to you on September 25th and received in your office on September 26th and file the enclosed in their place. Please return a file-stamped copy of each to me in the enclosed prepaid self-addressed envelope. In order to save on postage, the copy to be returned to me does not include a copy of the Exhibits to the Memorandum.

We appreciate your assistance in this matter. Please contact us should you have any questions.

Sincerely,

GIFFIN, WINNING, COHEN
& BODEWES, P.C.

Jason E. Brokaw

JEB/tem
Enclosures