

From: [John Kraft](#)
To: "[Dan Jones](#)"; [Kirk Allen](#)
Cc: "[Amy K. Gilkey](#)"
Subject: RE: AG-Opinion-Airport-Authroity-COMmissioner-Disqualification-Aug-2018-61083-RM.pdf
Date: Wednesday, January 22, 2020 7:51:00 PM

Further information as to the Legislative intent of that portion of the Airport Authorities Act is found in the Senate Debate.

See the bottom of page 213 - <http://www.ilga.gov/Senate/transcripts/Strans88/ST041593.pdf>

From: John Kraft
Sent: Wednesday, January 22, 2020 6:00 PM
To: Dan Jones <jones@tapellalaw.com>; Kirk Allen <kirk@illinoisleaks.com>
Cc: Amy K. Gilkey <agilkey@tapellalaw.com>
Subject: RE: AG-Opinion-Airport-Authroity-COMmissioner-Disqualification-Aug-2018-61083-RM.pdf

Thanks for the response.

I have one question.

I fully understand that a school district is not a unit of local government.

It appear you did not address the entire paragraph.

The AG's opinion letter did not address "school districts".

I also understand Dillon's Rule and the rules stating that when the legislature specifically provides for something (employee of a school district within a county of less than 40,000 residents can serve as commissioner of Airport Authority) in the statute, that inclusion serves as a prohibition of all others (employees of school districts within a county having a population in excess of 40,000 people).

By including this granting of authority in the statute, wasn't the legislature excluding all other school employees in counties with a population of more than 40,000?

(70 ILCS 5/5) (from Ch. 15 1/2, par. 68.5)

Sec. 5. Qualifications of commissioners and removal from office. **No person shall be appointed to the Board of Commissioners of any Airport Authority who has any financial interest in the establishment or continued existence thereof or who is a member of the governing body or an officer or employee of a municipality, a county, or any other unit of local government, or an elected official of State or federal government, except when the authority is wholly located within a single county with a population of less than 40,000, an individual employed by a local school district may serve as a commissioner.**

Thanks again, and I am asking only that you address the last part of the paragraph in Section 5.

John Kraft
217-808-2527

From: Dan Jones <jones@tapellalaw.com>
Sent: Wednesday, January 22, 2020 2:29 PM

To: John Kraft [REDACTED]
Cc: Amy K. Gilkey <agilkey@tapellalaw.com>
Subject: RE: AG-Opinion-Airport-Authority-Commissioner-Disqualification-Aug-2018-61083-RM.pdf

Mr. Kraft,

I have reviewed the opinion letter from an Assistant Attorney General that you provided to me relating to appointments to local Airport Authority Boards, and thank you for same. I have also reviewed the cases and statutes cited within that opinion letter. This review has lead us to conclude that Mark Nelson is not prohibited from serving on the Airport Authority Board, Mr. Nelson is an employee of the Mattoon School District. As noted in the letter, the Act you have asked us to review is the Qualifications of Commissioners and Removal from Office Act, which provides:

“No person shall be appointed to the Board of Commissioners of any Airport Authority who ... is a member of a governing body or an officer or employee of a municipality, a county, or any other unit of local government...”

Mr. Nelson is not the member of a governing body, nor an officer or employee of a municipality or county. The only way this statute could apply to him is if he qualifies as an “employee of a unit of local government.”

As noted in the opinion letter, the term “unit of local government” is defined in Section 1.28 of the Statute on Statutes, which states that this term has the meaning established in Section 1 of Article VII of the Illinois Constitution of 1970.

Section 1 of Article VII of the Illinois Constitution defines “Units of local government” to mean “counties, municipalities, townships, special districts, and units, designated as units of local government by law... but does not include school districts.”

The Illinois Constitution, applicable state statutes, and this opinion letter all stand for the conclusion that “School districts” do not qualify as “units of local government.” Therefore, Mr. Nelson does not qualify as an “employee of a unit of local government,” and consequently is not prohibited from serving on the Airport Authority Board.

We trust this satisfies your inquiry into the matter. Thank you for your attention and concern.
Dan Jones

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From: John Kraft [REDACTED]
Sent: Thursday, January 9, 2020 1:50 PM
To: Dan Jones <jones@tapellalaw.com>; govert@mattoonillinois.org
Subject: RE: AG-Opinion-Airport-Authroity-COMmissioner-Disqualification-Aug-2018-61083-RM.pdf

Please let me know what you are going to do with this appointment to the Airport Authority.

Thanks,
John Kraft
217-808-2527

From: John Kraft
Sent: Tuesday, January 07, 2020 7:30 PM
To: jones@tapellalaw.com; govert@mattoonillinois.org
Subject: AG-Opinion-Airport-Authroity-COMmissioner-Disqualification-Aug-2018-61083-RM.pdf

Opinion attached, our article on the subject below:

<https://edgarcountywatchdogs.com/2019/12/ag-opinion-validates-every-point-we-made-re-disqualification-of-airport-authority-commissioners/>

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