

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

FEATHERSTUN, GAUMER, STOCKS,)
FLYNN, & ECK, LLP,)
Plaintiffs,)

v.)

No. 2020 MR 22

SHELBY COUNTY and ERICA FIRNHABER,)
Shelby County Treasurer,)
Defendants,)

AND _____)

MARK BENNETT)
Plaintiff,)

v.)

No. 2020 MR 35

SHELBY COUNTY BOARD; EDWARD)
FLYNN; FEATHERSTUN, GAUMER, STOCKS,)
FLYNN, & ECK, LLP)
Defendant,)

AFFIDAVIT OF SHELBY COUNTY, ILLINOIS STATE’S ATTORNEY,
GINA VONDERHEIDE

The undersigned does hereby affirm and certify that, if called as a witness in the cause herein, I could testify to the following based on personal knowledge:

1. The undersigned is the duly elected State’s Attorney for Shelby County, Illinois and has held this position for over six (6) years.
2. That the State’s Attorney’s office in Shelby County, Illinois consists of the undersigned and one assistant.
3. That the undersigned and the sole assistant do not have any experience in negotiating collective bargaining contracts, employment law, and/or personnel matters.

4. That the State's Attorney in her discretion has appointed Edward F. Flynn and the Law firm of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP to act as Special Assistant State's Attorneys to represent Shelby County when the public interest so requires, including but not limited to labor negotiations, employment law matters and personnel issues.

5. That Section 4-2003 of the Illinois County Code authorizes the State's Attorney to appoint qualified attorneys to assist as Special Assistant State's Attorneys when the public interest so requires.

6. That the recent labor negotiations with the FOP regarding the contract for the Shelby County Deputies, Corrections, Dispatch, Secretaries and Bookkeepers resulted in a labor arbitration.

7. That the undersigned and her assistant have never engaged or participated in a labor arbitration.

8. That the undersigned and her assistant routinely work hand in hand with the Sheriff's Department and its staff regarding criminal prosecutions.

9. For the State's Attorney and/or the assistant to negotiate these collective bargaining agreements would create a tenuous relationship and therefore, it is the opinion of the undersigned that it is in the public interest to appoint qualified attorneys to assist as Special Assistant State's Attorneys for employment, labor and personnel matters and to negotiate the above-referenced collective bargaining agreement.

10. The appointment of Edward F. Flynn and the law firm of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP has proven to be a valuable benefit to the Shelby

County State's Attorney's office and in the public's best interest for numerous years while they provided these services for Shelby County.

11. That the Treasurer of Shelby County, despite the County Board's approval of the bill for legal services provided by Edward F. Flynn, has refused to satisfy the outstanding legal expenses for the recent labor arbitration trial in which Edward F. Flynn and Featherstun, Gaumer, Stocks, Flynn & Eck, LLP represented Shelby County.

12. That pursuant to Section 4-2003 of the Illinois County Code, the undersigned states that she appointed Edward F. Flynn and the law firm of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP to act as Special Assistant State's Attorneys for the purpose of this labor arbitration and for all of the work performed by this law firm since 2014 when Edward F. Flynn and the law firm of Featherstun, Gaumer, Stocks, Flynn & Eck, LLP was originally hired to perform the services for Shelby County.

13. Attached hereto is a copy of Section 4-2003 of the Illinois County Code upon which the undersigned relies and formulates the opinion set forth above.

July 7, 2020


Gina Vonderheide

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set-forth herein are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.


Gina Vonderheide

- 3 720 ILCS 5/1-1 et seq.
 4 625 ILCS 5/1-100 et seq.
 5 625 ILCS 5/16-102.
 6 65 ILCS 5/11-40-1, 5/11-40-2, 5/11-40-2a, and 5/11-40-3.
 7 625 ILCS 5/11-100 et seq.

Repeal

Text of section repealed by P.A. 100-987, § 905-43, eff. July 1, 2019.

5/4-2003. Assistants

§ 4-2003. Assistants.

(a) Except as provided in Section 4-2001, where assistant State's Attorneys are required in any county, the number of such assistants shall be determined by the county board, and the salaries of such assistants shall be fixed by the State's Attorney subject to budgetary limitations established by the county board and paid out of the county treasury in quarterly annual installments, on the order of the county board on the treasurer of said county. Such assistant State's Attorneys are to be named by the State's Attorney of the county, and when so appointed shall take the oath of office in the same manner as State's Attorneys and shall be under the supervision of the State's Attorney.

(b) The State's Attorney may appoint qualified attorneys to assist as Special Assistant State's Attorneys when the public interest so requires.

P.A. 86-962, Art. 4, § 4-2003, eff. Jan. 1, 1990. Amended by P.A. 86-1303, § 1, eff. Jan. 1, 1991; P.A. 91-273, § 5, eff. Jan. 1, 2000; P.A. 91-357, § 73, eff. July 29, 1999; P.A. 100-669, § 5, eff. Jan. 1, 2019.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 4-2003.

5/4-2004. Collection and disposition of fines and forfeitures

Text of section effective until July 1, 2019. See, also, text of section 55 ILCS 5/4-2004, effective July 1, 2019.

§ 4-2004. Collection and disposition of fines and forfeitures. It shall be the duty of State's attorneys to attend to the collection of all fines and forfeitures in criminal cases, and they shall, without delay, pay over all fines and forfeitures collected by them to the county treasurer to be deposited into the general corporate fund of the county, except as otherwise specifically provided by law and except for such portion as is required by Section 9.1 of "The Illinois Police Training Act"¹ and Section 5-9-1 of the "Unified Code of Corrections"² to be paid into The Traffic and Criminal Conviction Surcharge Fund in the State Treasury, unless the fines and forfeitures are subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act.³

P.A. 86-962, Art. 4, § 4-2004, eff. Jan. 1, 1990. Amended by P.A. 87-670, § 2, eff. Jan. 1, 1992.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 4-2004.

¹ 50 ILCS 705/9.1.

² 730 ILCS 5/5-9-1.

³ 705 ILCS 105/27.5.

5/4-2004. Collection and disposition of fines and forfeitures

Text of section effective July 1, 2019. See, also, text of section 55 ILCS 5/4-2004, effective until July 1, 2019.

§ 4-2004. Collection and disposition of fines and forfeitures. It shall be the duty of State's attorneys to attend to the collection of all fines and forfeitures in criminal cases, and they shall, without delay, pay over all fines and forfeitures collected by them to the county treasurer to be deposited into the general corporate fund of the county, except as otherwise specifically provided by law.

P.A. 86-962, Art. 4, § 4-2004, eff. Jan. 1, 1990. Amended by P.A. 87-670, § 2, eff. Jan. 1, 1992; P.A. 100-987, § 905-40, eff. July 1, 2019.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 4-2004.

5/4-2005. Payment of salaries; disposition of fees

Text of section effective until July 1, 2019. See, also, text of section 55 ILCS 5/4-2005, effective July 1, 2019.

§ 4-2005. Payment of salaries; disposition of fees. The salaries of the State's attorneys, excepting that part which is to be paid out of the State treasury as now provided for by law, and the salaries of all Assistant State's attorneys shall be paid out of the general corporate fund of the county treasury of the county in which the State's attorney resides, on the order of the county board by the treasurer of the county: The fees which are now, or may hereafter, be provided by law to be paid by the defendant or defendants, as State's attorney's fees, shall be taxed as costs and all fees, fines, forfeitures and penalties shall be collected by the State's attorney, except for those amounts required by Section 9.1 of the "Illinois Police Training Act"¹ and Section 5-9-1 of the "Unified Code of Corrections"² to be paid into The Traffic and Criminal Conviction Surcharge Fund and those amounts subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act,³ and shall be paid by him directly into the county treasury to be deposited into the general corporate fund of the county. The county treasurer shall receipt therefor.

P.A. 86-962, Art. 4, § 4-2005, eff. Jan. 1, 1990. Amended by P.A. 87-670, § 2, eff. Jan. 1, 1992.

Formerly Ill.Rev.Stat.1991, ch. 34, ¶ 4-2005.

¹ 50 ILCS 705/9.1.

² 730 ILCS 5/5-9-1.

³ 705 ILCS 105/27.5.

5/4-2005. Payment of salaries; disposition of fees

Text of section effective July 1, 2019. See, also, text of section 55 ILCS 5/4-2005, effective until July 1, 2019.

§ 4-2005. Payment of salaries; disposition of fees. The salaries of the State's attorneys, excepting that part which is to be paid out of the State treasury as now provided for by law, and the salaries of all Assistant State's attorneys shall be paid out of the general corporate fund of the county treasury of the county in which the State's attorney resides, on the order of the county board by the treasurer of the county: The fees which are now, or may hereafter, be provided by law to be paid by the defendant or defendants, as State's attorney's fees, shall be taxed as costs and all fees, fines, forfeitures and penalties shall be collected by the State's attorney, except as otherwise specifically provided by law, and shall be paid by him directly into the county treasury to be deposited into the general corporate fund of the county. The county treasurer shall receipt therefor.

P.A. 86-962, Art. 4, § 4-2005, eff. Jan. 1, 1990. Amended by P.A. 87-670, § 2, eff. Jan. 1, 1992; P.A. 100-987, § 905-40, eff. July 1, 2019.